

## **Disrupted Disclosures: The Politics of Visibility and Surveillance in the Extractive Industries**

Hans Krause Hansen

Copenhagen Business School

Julie Uldam

Copenhagen Business School; VUB; LSE

### **Abstract**

While projects of governance by transparency have become widespread over the past decades, they are usually investigated and theorized in isolation from the wider field of visibility and surveillance in which they are embedded. Building on theories of governance, visibility and surveillance, and on ongoing research in the extractive industries and social movements, this work-in-progress sets out to examine (a) why and how transparency has been constructed and mobilized in recent international attempts to regulate the extractive industries, specifically oil and gas companies; (b) how companies' normal appearances become challenged through disruptive disclosures in media environments characterized by multiple levels of visibility, with companies both observing and being observed by civil society groups that criticize them; (c) why and how the mobilization around transparency and ensuing practices of surveillance produce new forms of governing, potentially widening the space of manoeuvring for corporations.

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## **Introduction**

Governance by transparency has become an increasingly popular means of organizational management and societal steering. While it is expected that transparency can foster accountable and effective governance, including empower ordinary citizens and ensure a more efficient functioning of markets, recent interdisciplinary research on the matter shows a much more complex picture. Transparency initiatives are often swamped by unrealistic expectations of emancipation and efficiency, and met with scepticism, just as they easily contribute to a generalized sense of information overload and mistrust in professionals. When launched in the transnational realm they may help facilitating flexible solutions to complex problems in the absence of global authorities and hard law, but they can also empower non-state including corporate actors in ways at odds with projects of democratic politics and accountability (for critical observations on these and many other aspects of the contemporary obsession with transparency, see for example Power, 1997; Tsoukas, 1997; Strathern, 2000; Comaroff and Comaroff, 2003; Fenster, 2005; Hindess, 2005; Hood and Heald, 2006; Fung et al, 2007; Florini, 2007; Garsten and Lind de Montoya, 2008; Roberts, 2009; Gupta, 2010; Mol, 2010; Garsten and Jacobsson, 2012).

Rather than attempting to evaluate if transparency projects really facilitate accountability and effective governance or not, this paper sets out to address the wider field of visibility and surveillance in which transparency projects operate today. Visibility and surveillance practices have become profoundly embedded in, if not constitutive of, the regulation of market societies, and that there are good reasons why scholarly research on governance by transparency and practitioners in particular should begin to address such practices more carefully. New media and digitalization involves a multiplication of visibility and surveillance operating at the individual and organizational level. Multiple levels of visibility and surveillance are at work in online social networks, such as peer-to-peer visibility (where we demonstrate particular facets of ourselves while keeping track on other people), marketing visibility (where corporations cultivate commercial opportunities by scrutinizing online communication) and regulatory visibility (where governments or corporations monitor communication for security reasons) (Ellerbrok, 2010:201). New media and digitalization in particular also contributes to the proliferation of numerical regimes with easily digestible rating and ranking systems (and other forms of highly abstract visual and verbal representations) that circulate in the global political economy. Their purpose is to make visible the

flows of material objects, as well as individual or organizational performance, and thus provide information to be deployed by decision-makers in public and private organizations, amongst others (Hansen and Porter, 2012). Further, the sophistication of search engines has come to make possible the aggregation and cross-referencing of large sets of such representations, whether quantitative or qualitative, today often referred to as Big Data (business intelligence). The storage of data referring to personal and organizational issues leaves ‘data legacies’ for the future to explore and use in completely unforeseeable ways. Data generated and justified for one purpose find new homes and applications that were not originally part of their mandate, a phenomenon also known as ‘function creep’ (Ellerbrook, 2010; Rouvroy, 2010; Boyd and Crawford, 2012).

In all, these developments raise important questions about who is really transparent to whom, by what means, for which purposes and with what consequences. Our intention here is obviously not to provide detailed answers to any of these questions. Instead, we wish to illustrate their relevance by examining concrete governance by transparency initiatives and their connections to these wider dynamics of visibility and surveillance.<sup>1</sup> Here we will take a look at the Extractive Industries Transparency Initiative (EITI), which was created in the early 2000s and involves states, corporations and civil society organizations. The EITI aims to enhance transparency in the financial flows between governments and oil-, gas- and mining industries, with a view to improving governance and socio-economic conditions in resource rich albeit fragile and conflict-ridden states. As such, the initiative is part and parcel of a transnational political environment in which visions of democratic governance, various forms of public-private-civil society cooperation, market efficiency and corporate responsibility have become increasingly influential (Haufler, 2010; Gillies, 2010). Importantly, our study of the EITI allow us to set the stage for telling a complementary story, one that highlights the need for locating transparency projects such as this one in a wider field of visibility and surveillance. As soon as we begin to look into the activities undertaken by some of the corporate supporters of the initiative and the reactions from the wider society including climate justice activists, it becomes clear that governance by transparency is a much more complex matter than envisioned by policymakers, business leaders and others. Indeed, this is a story in which both companies and activists engage in sophisticated overt and covert actions, trading on the existence of multiple levels of visibility and surveillance techniques of various sorts.

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<sup>1</sup>The documentary research made for section 3 is in the process being complemented with interviews conducted with some of the involved actors. Section 4 draws on insider participant observation (McCurdy and Uldam, forthcoming 2014) in the UK climate justice movement.

All projects of governance rest on the capacity to make visible that which is supposed to be regulated. Making something visible for the purpose of acting upon it requires the deployment of techniques of monitoring and surveillance (Lyon, 2007; Rose, 1999). We already noted that new media and digitalization have come to facilitate the multiplication of visibility and surveillance practices in ways that complicate our understanding of governance by transparency initiatives. However, in addition to this the contemporary political focus on transparency is linked to the rise of new modes of governance in market societies, specifically the growing role of the private sector in processes of co- and self-regulation. These developments, we will argue, are conducive of a new ‘normality’ in which private actors must present themselves as visible and accountable to society. In part, these actors do this by joining official transparency initiatives, of which we only look at one instantiation (for more examples see Sampson, 2010; Hansen, 2011; 2012; Garsten and Jacobsson, 2012). The construction of this new normality is not uncontested, however. With reference to Goffman’s work on ‘normal appearance’ we propose to examine ‘disruptive disclosures’, i.e. the cracks in the normal appearance of individuals and organizations once the public, or a subset of it, discover apparent deviance from normal appearance. We suggest that the focus on such disruptive disclosures can provide us with insights into the broader socio-political dynamics of transparency.

The paper is organized in four sections. Section 2 provides a brief conceptual analysis of visibility, surveillance and disruptive disclosure, and it locates the concept of governance by transparency within that discussion. This discussion provides the basis for an examination EITI in section 3, and subsequently in section 4 for the study of disruptive disclosures, including the underlying practices of surveillance and counter-surveillance that unfold between corporate participants of the EITI on the one hand and activists on the other hand. Finally, in section 5 we wrap up and theorize observations from the preceding analysis.

## **2. The new politics of visibility: transparency and surveillance at large**

As Brighenti has remarked, it is an important characteristic of modernity that the ‘distant senses of sight and hearing have marginalized the proximity senses of smell, touch and taste’ (Brighenti, 2007:324). Sight, and by implication visibility, is obviously related to the idea of transparency, although the latter also carries the meaning of ‘looking through something’. In its most basic form visibility builds on the concept of inter-visibility, i.e. reciprocity of vision. However, what we see is relative to from where we observe and what we choose to see. This condition of asymmetry

transforms visibility into a ‘site of strategy’.<sup>2</sup> Visibility as strategy is precisely what governing and managing is about: It is by making objects, people and processes visible that management and governance becomes possible (Rose, 1999).

Visibility operates in terms of primary visibility (direct observation) and secondary visibility (through various types of media, which themselves afford different forms of visibility). Secondary visibility has enhanced greatly over the past decades due to the proliferation of media technologies (Brighenti, 2007; Ellerbrok, 2010; Goldsmith, 2011; Thompson, 2005). Importantly, visibility provides the basis for modern forms of surveillance. While surveillance implies that somebody is actively doing the watching with a view to control (Heald 2006; Lyon, 2007), it cannot be reduced to watching only (Doyle, 2011). In *Discipline and Punish* (1977) Foucault argued that Jeremy Bentham’s panoptic model, in which the few (the guards) watched the many (the prisoners), had become paradigmatic in modern institutional life and modern society. Panoptic surveillance had replaced spectacles of sovereign power as the key means to social control. The image of the panopticon as conceptualized in Foucault’s work is a powerful one and remains a standard reference in any contemporary study of surveillance, but the conception of a centralized gaze that it entails is far too simplistic (Haggerty and Ericson, 2000; Lyon, 2007; Brivot and Gendron, 2011). Surveillance today operates through mechanisms of secondary visibility that are multidirectional. Surveillance is used in a plethora of domains and sites, such as the scrutiny of consumption and entertainment patterns for research and commercial purposes. Moreover, the target of surveillance is not limited to the ‘deviant’, as frequently implied by the panoptic metaphor, but nearly everyone by default (Brivot and Gendron, 2011).

Thomas Mathiesen, in a critique of Foucault’s extension of the Panoptic metaphor, argued that ‘synoptic’ processes, where the many observe the few, have come to overlap or even challenge panoptic processes (Mathiesen, 1997). His account mostly addressed modern mass media, but with the proliferation of the internet it is easy to see synopticism at play on social networking sites where games of visibility take place, engendering subtle forms of social control (Brivot and Gendron 2011:137). Synopticism is perhaps most explicit when politicians or corporate leaders are transformed from respected subjects to social pariah through widely exposed public scandals (Thompson, 2005). Closely related to the idea of synopticism are concepts such as ‘counter-surveillance’ and ‘sousveillance’. These can depict the potentially empowering surveillance

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<sup>2</sup> ‘In military strategy, it is well known that when I am on the peaks of a mountain and you are down in the valley, I can easily track your movements for hundreds of meters around, but you can track my movements only in a much more limited way’ (Brighenti, 2007:326)

undertaken by minority or marginalized groups vis a vis public and private authorities (e.g., Monahan et al, 2010).

In all, contemporary surveillance is mediated through various technologies – video cameras, remote sensing, traditional mass media, social media, statistics, performance calculations in the shape of rankings, and, not least, large databases. It is multidirectional and not bound to temporal or geographical enclosures. But the deployment of surveillance technologies does not take place in a socio-political vacuum and is related to the political projects of our time. Since the late 20th century, ideals of transparency have come to serve the vision of the market as the central agent in society, emphasizing open and observable economic transactions to maintain a level playing field in competitive markets, and enhancing organizational and individual self-regulation (e.g., Larmour, 2006). Some researchers recognize the increasing importance of market-based economic and social relationship and the risks associated with transparency projects, but nonetheless tend to hail these for their capacity to help people assess the validity and quality of claims made by organizations, public and private, and thereby to contribute to more informed decision-making, organizational learning, and above all, organizational efficiency and effectiveness (e.g., Florini, 2007; Fung et al. 2007).

On the other hand, critical scholars have argued that while many contemporary transparency initiatives are endorsed by business and politicians, they do not really undermine the prevailing ‘business as usual’, such as corruption, but rather bolster already existent and highly opaque configurations of power and dominance characteristic of neoliberalism, even if this latter as a political project preaches openness and transparency (e.g., Hindess, 2005). Indeed, many governance by transparency initiatives seem to lend themselves well to discussions addressed in recent literatures on ‘responsive regulation’ and ‘regulatory capitalism’ (for a summary see Braithwaite, 2008), ‘privatized regulation’ (Graz and Nölke, 2007) ‘private authority’ (Cutler et al. 1999; Hall and Biersteker 2002; Hansen and Salskov-Iversen, 2008) and ‘post-political regulation’ (Mouffe, 2005; Garsten and Jacobsson, 2012). These concepts all address features of contemporary governance that tend to break with more traditional ways of handling problems through hard regulation, state power and the recognition of deep-seated differences in interest amongst societal forces. This is particularly so in the transnational realm where there has been a rapid growth of international organizations and hybrid organizational forms such as multi-stakeholder partnerships, standards and codes, as well as new reporting, monitoring and performance measurement practices (Hansen, 2012; Hansen and Porter, 2012). Some of these modes of governing, particularly the

multi-stakeholder partnership and standards for reporting, often convey the imagery of consensus and pragmatic agreement on process while back-grounding substantial power relations and differences in interests, something that critics have denounced for de-politicizing, co-opting if not silencing otherwise highly controversial issues (Utting and Zammit, 2008; see also Walters, 2008). The new modes of governing also seem to carve out a particular niche for market actors in politics, positioning them with socio-moral obligations that in some cases were conventionally considered to reside mainly within the political domain of the state and the inter-state system (Shamir, 2008; Scherer and Palazzo, 2011). What is important to note for our purpose here is that these socio-moral obligations have to be demonstrated (Barry, 2004), that is, they must be made visible in public. This means that the management of visibility becomes pivotal in ensuring the moral legitimacy of organizations, which must now appear as ethical and socially responsible (corporate) citizens.

This situation begs the question as to what corporations do when they become exposed to forces that challenge this imagery. While much of the above mentioned literature on (global) governance and regulation can help to capture the assumptions of consensus characterizing a lot of transparency initiatives, it is insufficient when it comes to detailing the measures and counter measures taking by organizations when these have to deal with the management of visibility vis a vis the adversaries of everyday practice. Here there is a need for complementing the top-down approaches to governance focusing on institutional dynamics with careful analysis of bottom-up concerns of individuals and organizations (Hacking, 2002). Borrowing from Goffman (Goffman, 1971; see also Goldsmith, 2011), we claim that visibility, individual or organizational, is always contingent upon building up and maintaining ‘normal appearance’ and ‘proper performance’. The visibility of an organization such as the police, for example, is tightly associated to ‘visibility markers’ like uniforms, but it is also connected to specific expectations of proper police behaviour, articulating the dual role of the police as responsible for upholding the law while taking care of the ‘dirty work’ in the streets. The point here is that normal appearance can easily crack once the public, or a subset of it, discover apparent deviance from normal appearance – improper performance (e.g., by revelation of overt police corruption or violence where these practices are not expected). Such cracks can be conceptualized as ‘disruptive disclosures’ (Goldsmith, 2011). They typically operate at the level of secondary visibility and by implication, by means of a whole raft of surveillance technologies. Except for clandestine businesses and civil society organizations operating under the radar, normal appearance is also crucial to corporations

and NGOs, although expectations to their ‘normality’ and ‘proper performance’ as non-state organizations can be very different.

In the following section 3 we study in more detail the emergence of governance by transparency initiatives in the extractives industries. We look at one example in particular – the Extractive Industries Transparency Initiative (EITI). Thereafter, in section 4, we analyze examples of disruptive disclosure as activists begin to contest the normal appearance of corporations supporting the governance by transparency initiative highlighted in section 3.

### **3. Governance by transparency in the extractives industries**

Recent research estimates that the extractives industries currently generate around 5 per cent of the global gross domestic product (Le Billon, 2011). The oil sector in particular is operated by some of the largest and most influential multinational corporations in the world. Oil companies have the bulk of their activities in natural resource-rich countries where governance structures are often fragile. While the wealth derived from extracting resources would in principle provide substantial financial support for populations living there, this rarely happens. According to Gillies (2010:105) the ‘exploration, production and export of oil involves a long chain of processes which engage multiple actors, global markets, fluctuating price regimes, massive infrastructure, and huge capital investments. Industry payments tend to occur through opaque channels and result from Byzantine contract negotiations, and the information disclosed frequently requires financial expertise to interpret’. Given these complex characteristics, the extractive industries seem to be nothing but a rather hostile terrain for governance by transparency initiatives.

Nonetheless, since the late 1990s governance by transparency in the extractive industries has been promoted as one of the more viable remedies to deal with governance problems in resource-rich countries, beginning with claims from NGOs such as Global Witness, Open Society and a number of religious groups (Aaronson, 2011; Gillies 2010; Haufler 2010; Le Billon, 2011). Global Witness, a group founded in 1995 and based in London, was active in uncovering the Angolan government’s dependency on oil export revenues to finance its war efforts during the 1990s. Several of the reports by Global Witness found way to policymakers, international organizations such the World Bank, the financial sector and other NGOs, including Human Rights Watch. Subsequent revenue transparency demands emerged from a growing number of NGOs and gradually the idea that revenue inflows and outflows in the government-business nexus should be publicly disclosed began to take institutional form. In 2002 Global Witness in cooperation with



billionaire George Soros and his Open Society Institute constructed an NGO alliance to be called Publish What You Pay (PWYP), with the aim of promoting transparency in the extractives industry. The Open Society Institute also established a special project under the heading of Revenue Watch, to monitor the flow of funds from oil firms to governments in the Caspian region, and further cooperation with international foundations provided support to NGOs in developing countries.

As a result the EITI was created in 2002 as a policy initiative, launched by the UK government headed by Tony Blair. On its website it says: ‘3.5 billion people live in resource-rich countries. Still, many are not seeing the results from extraction of their natural resources. And too often poor governance leaves citizens suffering from conflict and corruption. The EITI was formed to change this’ ([eiti.org/eiti](http://eiti.org/eiti)). The idea is that transparency in the financial flows between on the one hand companies, who pay royalties and taxes to governments, and on the other hand the governments receiving these revenues, will curb the opportunities for rulers and officials to pocket the money for their own use, and for companies to engage in related corrupt practices. In practical terms, the EITI aims to set a voluntary *standard* for how the transparency of these flows should be constructed. In this sense, it is therefore different from an international convention where reporting of royalties and revenues would be mandatory and non-compliance subject to legal sanctioning, at least in principle.

Designed as a ‘multi-stakeholder partnership’ organizing governments, business and civil society at both the global and national levels, a formal governance structure was established in 2006, with a Board consisting of members from governments, companies and civil society (all appointed at a biannual EITI conference), and a secretariat based in Oslo. By late October 2012, the EITI had 36 countries implementing the standard, of which 15 are *compliant* countries and 21 *candidate* countries. The vast majority of implementing countries is from the African continent and central Asia. Latin America only counts with two countries, even though many countries of the continent are amongst the worlds’ most resource-rich. Norway is the only country from the Global North that has signed up to the initiative. Absent from the list are thus major resource-rich countries from North America (Canada, USA and Mexico), Asia (e.g., Russia) and the Middle East (e.g., Saudi Arabia).

But the EITI is more than compliant and implementing countries. By late October 2012, EITI had developed a *supporting stakeholder base* consisting of a) 17 governments of Western, industrialized countries supporting the initiative financially and politically, the only formal requirement being that a supporting country makes a clear ‘public endorsement’ of the

initiative. A supporting country need not to sign up and implement the EITI standard as such; b) 69 of the largest oil, gas and mining companies in the world, the requirement being here that the company ‘publicly supports the EITI and helps to promote the standard internationally and in countries where it operates. No additional reporting or disclosure of payments is required for becoming an EITI Supporting Company’; c) 8 large civil society organizations, including Publish What You Pay (PWYP), The Open Institute, Transparency International and the Revenue Watch Institute<sup>3</sup>; d) 11 partner organizations, including international organizations such as the OECD, G20, G8 and business associations like the American Petroleum Institute; and not least e) 83 global investment institutions that together manage ‘over US\$16trillion, and have signed the “Investors’ Statement on Transparency in the Extractives Sector” and support the EITI’ (eiti.org/supporters/investors).

Critics have pointed out that the EITI focuses on only one, albeit important, aspect of the value chain which constitutes the extractive industries, namely transparency in revenue collection. Other important aspects, such as transparency in the awarding of procurement, the monitoring of operations, transparency in the distribution of revenues and the public expenditure stemming from the extractive industry revenues, are not covered by the initiative and only at the most embryonic level in other initiatives (Le Billon, 2011: World Bank Group, 2011). Thus, the benefits described at best refer to a very limited part of the process, leaving out the potential disadvantages of opacity in all other dimensions. Further, and importantly, the ‘increasing amount of information the public domain’ that the initiative is supposed to deliver is highly technical and extremely complex, uneven from country to country due to differentiated access to financial data and standards of communication. The initiative is based on a rather simplistic model of communication that anticipates that the disclosed information makes sense in the receiving end, which so far has not been very much the case. In this respects it resembles the majority of governance by transparency projects launched in recent years (see also Fenster, 2005 and Mol, 2010, for discussions of this important aspect).

More generally, EITI features characteristics of the new forms of governing that were discussed in the previous section. First, there are no effective sanction mechanisms to governments nor to companies for not complying with the standard of disclosure set up, however limited it is, except from being excommunicated from an arrangement which is basically voluntary. As such, the

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<sup>3</sup> ‘The participation of civil society organisations is central to the EITI process. Both international and national civil society organisations provide essential support to the EITI through their advocacy, training, monitoring and facilitation efforts’ (eiti.org/supporters/civilsociety)

EITI is a 'light touch' approach to regulation. With its win-win rhetoric the EITI is also well situated in the broader 'industry of transparency' (Sampson, 2010; Hansen 2011), which has evolved over the past couple of decades, testifying to what some scholars have portrayed as the emergence of transparency as an international norm (Gillies, 2010). Next, it is swamped by a 'win-win' rhetoric in which the potential interest conflicts between the different stakeholders recede into the background. On its website EITI presents some of the benefits derived from it for government and civil society. Implementing EITI provides clear signals of commitment to 'greater transparency' in governance and increases 'the amount of information in the public domain about those revenues that governments manage on behalf of citizens, thereby making governments more accountable'. As to the benefits to companies and investors it is emphasized that EITI mitigates political and reputational risks, just as 'Transparency of payments made to a government can also help to *demonstrate* the contribution that their investment makes to a country' (our emphasis).

These good efforts by business must be made visible and managed as such. Being instances of proper performance such efforts would help construct the normal appearance of businesses as ethical and socially responsible actors. But as we described earlier the construction and disclosure of normal appearance can be disrupted. The next section analyzes the processes of negotiation and practices of visibility management and surveillance that surrounds the corporate EITI supporters BP and Shell when their normal appearance is constructed and eventually cracks.

#### **4. Oil sponsorships as management of visibility**

BP and Shell are both early supporters of the EITI and use its logo on their websites. While discourses of transparency today suture the corporate communication of both companies, and specifically their CSR communication, opaque and largely hidden practices abound. Lubbers (2012) offers a useful distinction between overt (marketing, CSR communication and sponsorships) and covert (lobbying and undisclosed collaboration) practices. Importantly, the former often serves to divert attention from the latter, but as we will see the connection between overt and covert practices is subtle and complex.

'Normal appearance' is constructed and pursued by overt practices, ensuring visibility of acts that convey the image of ethical and responsible behaviour. BP and Shell have a long trajectory of building up normal appearance. Both companies have responded to pressures from a range of external stakeholders by establishing CSR departments, publishing sustainability reports and inviting NGOs to develop partnerships with them. They withdrew from the Global Climate

Coalition, a lobby group against reductions in greenhouse gas emissions, in 1997 and 1998, respectively (Livesey, 2002). In its external communication Shell has adopted a discourse of 'eco-speak' (Livesey, 2001, p. 82). In a similar vein, BP was rebranded as "bp: beyond petroleum" in 2000 (Beder, 2002). This also entailed replacing its logo with a green-and-yellow Helios sunburst, intended to conjure up "commitment to the environment and solar power" and portray BP as an energy company rather than just an oil company (Beder, 2002). BP also approached NGOs such as Save the Children and Oxfam to propose 'partnership'. BP and the Shell Group are listed on the London Stock Exchange, and both are constituents of the FTSE 100. Therefore, much of their effort to communicate with and involve external stakeholders is focused on the UK, also when it relates to issues in countries where the extraction takes place such as Nigeria (Holzer, 2008).

Sponsoring cultural institutions is an increasingly popular strategy for oil companies to construct themselves as socially responsible corporate citizens. Sponsorships are central to BP and Shell's overt visibility practices, particularly in the area of art and culture. In 2011, BP renewed its sponsorship of four of the UK's major cultural institutions, the British Museum, the National Portrait Gallery, the Royal Opera House, and Tate Britain. Between them, the four cultural institutions will receive nearly £10 million from 2011 to 2016 (BP, 2011). In addition to this, BP was a major sponsor – and Sustainability Partner – of the 2012 Olympics and the Cultural Olympiad, which included a Shakespeare Festival. It remains undisclosed exactly how much BP has paid for this role. BP frames the sponsorships as "a meaningful contribution to society...enabling people around the country and the world to connect through the experience of outstanding exhibitions and performances, promoting ideas and encouraging creativity" (BP, 2011). Since 2004, Shell has sponsored the Southbank Centre in London. The Southbank Centre is an arts centre comprising venues such as the Royal Festival Hall and the Queen Elizabeth Hall. Beginning in 2004, Shell provided a three-year sponsorship for the centre's 'Transformation project', which included the reopening of the Royal Festival Hall in 2007. In 2010, Shell renewed its sponsorship of the Southbank Centre's Classics International, an annual series of classical music, for another three years. In addition, Shell has been a 'corporate member' of the National Maritime Museum since 2006, sponsoring the museum with approximately £6,000 a year. Shell frames its sponsorship of cultural institution, and particularly the Southbank Centre, as supporting their local community, in this case their 'neighbours' on the South Bank in London, where Shell has had offices for more than forty years. Shell articulates a shared interest in "the Southbank Centre's strong commitment to the regeneration of the area" as well as the more broad purpose "to publicly demonstrate its belief that

the arts have a vital role to play in society” (Shell, n.d.; Arts & Business, 2009). In both cases, the companies try to respond to emerging norms around corporate social responsibility by constructing an image of themselves as good corporate citizens. This highlights their voluntary contributions to the UK’s cultural scene while their efforts to clean up after their oil spills and operations (e.g. in the Niger Delta and the Mexican Gulf) remain contested (Brunton, 2011).

The next sections focus on attempts by activists to disrupt the normal appearance of oil companies but also on how companies try to eliminate disruptive disclosures and to discursively construct a business-society relationship based on corporate rather than societal interests, through the overt surveillance and censoring of dissident voices in online media. We demonstrate how corporate surveillance and censoring of critics silence attempts to re-politicize the industries and the issue of climate change. The data comprise examples from the UK climate justice movement, including correspondence about activist groups from a risk analysis agency, Shell’s internal files on an employee in a civil society organization obtained under the Freedom of Information Act as well as interviews with activists who have witnessed BP threatening to take down websites. Such practices seem to be extensive, yet they remain remarkably under-researched, with Lubbers’ (2012) study of previous examples of corporate surveillance and undercover infiltration of activists criticising Nestlé, Shell and McDonalds as a notable exception.

#### **4.1 Disruptive disclosures: responses to oil sponsorships**

Today, civil society critique of practices in the extractive industries, and more specifically oil companies, includes a diverse and broad range of interests and actors. The diversity of the actors can be seen as a spectrum ranging from reformist and mainstream NGOs to radical factions and anti-capitalist groups. The reformist end of the spectrum includes established NGOs such as Oxfam, WWF and the ONE campaign who all work within existing structures of governance by lobbying governments and policy-makers. In addition to lobbying, their repertoires for action revolve around petitions, research and aid. Often focusing on voluntary initiatives, organizations at the reformist end of the spectrum work for transparency in the extractive industries to minimize corruption rather than eradicating the industries as such. It was NGOs and non-profit organisations at this end of the spectrum where the Publish What You Pay (PWYP) coalition was set up. The coalition advocates for extractive companies to disclose their payments to governments in countries where they operate. In this way, the agendas of organizations at the reformist end of the spectrum revolve around issues of transparency. The rationale is that a culture of transparency will enable citizens to hold

companies and governments to account for their payments, discouraging bribes and thus rendering extractive companies more responsible.

Towards the radical end of the spectrum of civil society groups campaigning in this area, lobbying strategies are viewed as unjust. Calls for transparency should be placed within a wider systemic critique, and change should not be achieved by supporting logics of profit and economic growth: 'Lobbying our so-called 'leaders' can have no major impact on the biased and undemocratic institutions they run, in which profit is the only real policymaker', as one group puts it (Rising Tide n.d.). Companies rather than policy-makers are therefore the main target for critique. Particularly oil companies' lobbying practices and efforts at managing their visibility are in focus. In terms of lobbying practices, Shell's efforts to lobby against the EU Fuel Quality Directive<sup>4</sup> and their role in the case of the execution of nine Nigerian activists<sup>5</sup> are in the spotlight. In terms of management of visibility, oil companies' sponsorships take the centre stage. In the UK, for more than a decade, a variety of groups and organisations have provided critique specifically of the oil companies' sponsorships. In doing so, sousveillance is employed as a counter-tactic to call for accountability and render transparent oil companies' practices (Cammaerts, forthcoming 2012; Askanius, 2012; Wilson and Seresier, 2010). Online technologies play a central role in activists' sousveillance, both in gathering information and mediating this to wider publics. However, so do hard copy reports and unmediated accounts from communities and visiting NGOs and activists in areas where the companies operate such as Alberta in Canada and Rossport in Ireland. Contesting BP and Shell's framing of their sponsorships as contributions to society and the arts entails articulating the sponsorships as measures to protect the BP and Shell's reputation and distract attention from the environmental and human consequences of their operations such as the BP "Deepwater Horizon" Gulf spill, plans to drill in the Arctic, Shell's complicit role in the execution of nine Nigerian activists in the 1990s, and toxic tar sands extraction in Canada which has been

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<sup>4</sup> The EU Fuel Quality Directive aims to encourage the use of low carbon transport fuels and discourage the use of high-emission crude oil and reduce Europe's greenhouse gas emissions from road transport by 6% by 2020. Shell has been lobbying against the directive which would impede possibilities for using tar sands in the EU, <http://www.guardian.co.uk/business/2012/aug/17/government-officials-schmooze-athon-shell>

<sup>5</sup> In 2009, Shell agreed to pay \$15.5m in settlement of a legal action in which the company was accused of having collaborated with the Nigerian military government in the execution of nine Ogoni activists and other human rights violations (<http://wiwavshell.org/wiwa-v-shell-victory-settlement/>)

linked to exceptionally high rates of cancer and auto-immune diseases.<sup>6</sup> In bringing to the fore and criticizing these practices and their consequences, the groups draw on a range of different tactics.

Despite their diverse organisational and resource-related make-up, these groups collaborate on their common causes as a part of the climate justice movement. In protesting against oil sponsorships of UK's cultural institutions, their repertoires for action are typically creative and innovative. In 2012 these included taking a 1.5 tonnes wind turbine blade to BP-sponsored Tate Modern's Turbine Hall as a gift,<sup>7</sup> pop-up performances of Shakespeare inspired scripts at the BP-sponsored Shakespeare exhibition at the British Museum and before the Royal Shakespeare Company's performances at the World Shakespeare Festival in Stratford,<sup>8</sup> and a scripted dialogue performed just before a Shell-sponsored Classics International concert<sup>9</sup>.

The online mediation of these interventions plays a key role in reaching wider publics. The groups therefore use a range of online platforms to circulate visual and multimodal documentation of the actions. These include both commercial and alternative online media: their websites, YouTube, Vimeo, Facebook, Twitter and IndyMedia. But also BP and Shell are following their activities in these online media. Public exposure of misdeeds such as Shell's lobbying practices has the potential to damage their reputation. However, as we shall see in the following 'normal appearance' can be pursued by ensuring visibility of positive acts as well as by concealing negative instances through various forms of surveillance.

#### **4. 2 Managing disruptive disclosures: Silencing online contestation**

The possibilities of the internet to provide civil society with a space to have a voice has spurred hopes that this can help hold business corporations to account for their operations and thus facilitate corporate transparency (Bennett, 2003). However, such possibilities are significantly impeded by state and corporate agencies' attempts to manage their visibility and thus maintain 'normal appearance'. In doing so, they employ practices of surveillance of activists' online activities (Cammaerts, forthcoming 2012; Mansell, 2010; Pickerill, 2003; Doherty, 2002). This includes monitoring and censoring content of emails, websites, social media and alternative media platforms, monitoring who talks to whom, seizing of computers, and cross-referencing databases nationally or internationally to create personal profiles of key activists to undermine the effectiveness of their

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<sup>6</sup> <http://risingtide.org.uk/action/greenwash>, <http://www.no-tar-sands.org/campaigns/get-the-shell-out-of-the-tar-sands/shell-all-over-the-world/>, Platform, 2012; Platform, 2011.

<sup>7</sup> [http://www.vice.com/en\\_uk/vice-news/liberate-tates-the-gift-tate-modern-art-prank-bp](http://www.vice.com/en_uk/vice-news/liberate-tates-the-gift-tate-modern-art-prank-bp)

<sup>8</sup> <http://vimeo.com/46239547>, <http://bp-or-not-bp.org/news/british-museums-shakespeare-late-sees-surprise-anti-bp-performances/>

<sup>9</sup> <http://risingtide.org.uk/content/simon-bolivar-orchestra-venezuela-concert-rfh-reaps-what-shell-sows>

work (Lubbers, 2012; Juris, 2005; Pickerill, 2003). In this way, the internet simultaneously provides experiences of empowerment and disempowerment (Ellerbrook, 2010).

In 2008, an IndyMedia programmer described activists' uses of commercial social media like this: 'It's like holding all your political meetings at McDonalds and ensuring that the police come and film you while you do so' (Yossarian, 2008). The IndyMedia programmer was referring to the planning of protest actions rather than the ensuing documentation and circulation of the actions, and specifically police surveillance. However, online surveillance of activist activities goes beyond this. Corporations monitor activists' post-action publicity. In other words, they do not just monitor their planning activities, they also follow activists' circulation of documentation of subversive protest activities. The circulation of photos and videos of protest activities related to Shell and BP poses a risk to the reputation of these companies by rendering them more transparent, especially if the material goes viral or gets picked up by the traditional mass media (Bennett, 2003).

As part of their broader projects of management of visibility, BP and Shell monitor civil society groups' activities, both 'on the ground' and in online social media. This is often done through risk assessment and PR agencies. One example is the risk assessment agency Exclusive Analysis. In May 2012 the Head of Indicators and Warning from the agency contacted a freelance documentary photographer who has covered political protest in the UK for news media, including the Guardian. In the email, he describes his job as "produc[ing] objective forecasts of civil unrest in the UK" and explains that he has been "analysing the actions of many of the groups that you have encountered over the years" and that he "follow[s] Climate Camp, Rising Tide, UK Tar Sands Network and UK Uncut and others regularly on social media" (email May 2, 2012). This illustrates the importance that companies attach to the role of social media in their assessment of risk, including risks for the disruption of their 'normal appearance', and that attention is paid to specific groups rather than just social movements more broadly.<sup>10</sup> While there is no specific mention of oil companies, Exclusive Analysis specialises in providing risk assessment to the energy sector. Moreover, several of the groups that the agency monitors are concerned with issues of climate change, with a history of criticising BP and Shell.

Monitoring of such civil society groups is also conducted internally by companies' own departments. Email files from Shell illustrate this practise, including how a strategy of monitoring is chosen over dialogue. Social media, in this case Twitter and blogs, constitute the

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<sup>10</sup> Corporate monitoring of civil society groups extends beyond online media. See Lubbers (2011) for examples of corporations employing risk analysis agencies to infiltrate and spy on specific civil society groups.



main arena in which these practices of surveillance take place. In emails obtained under the Data Protection Act a civil society organization's employee (here anonymised as 'David') who has been criticising Shell for violating human rights in Nigeria is discussed.

A central issue in the emails relates to visibility of the criticism and its potential circulation to wider publics through social media. In this way, a series of Shell emails with the subject line "Read when calm" express a concern with containing the criticism rather than with engaging in a dialogue, addressing the criticism. For example, an email from March 2011 warns about articles written by David<sup>11</sup>:

...[David] has written a piece or two recently [links to two articles] I don't think we should respond, but I will ask the web watchers to keep an eye on retweeting etc (Shell email, March 3, 2011, 9:38am)

While the email recommends monitoring of social media, it nonetheless advises against responding. Responding is only considered necessary if the criticism has potential to disrupt Shell's 'normal appearance' among wider publics. This is further captured in a reply to the initial email, discussing the monitoring of the visibility of David's article and the extent to which it has reached beyond the readership of the two platforms on which it was featured:

Agree that responding to this article in particular would raise the profile unnecessarily, especially as it was published in February 2010 and has apparently not generated much reaction: I ran the article through [redacted] to check if any bloggers have linked through to it on their blogs – there were no hits; and the comment section at the end of the article is empty. (Shell email, March 3, 2011, 12:14)

While no attempts to explain why or censor the criticism are suggested, it is also evident that it is not considered worth engaging with it. This is further suggested by Shell's Head of Digital Communications:

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<sup>11</sup> The article is on the Wiva v Shell court case and its implications for human rights and control of resources in the Niger Delta <http://www.anarkismo.net/article/15876>

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We don't go into those individual conversations, because they have a position, they don't want to be moved (Alex Goswell, interview, February 2013).

A similar strategy of 'indulge and ignore' can be discerned in Shell's responses to critiques raised against the Southbank Centre's acceptance of Shell's sponsorship of the Classic International concerts. In response to the flashmob choir Shell Out Sounds' first performance during the interval of a Shell Classic International concert, Shell (according to the Guardian) declined to comment on Shell Out Sounds' launch but issued a statement saying:

Shell respects the right of individuals and organisations to engage in a free and frank exchange of views about our operations. Recognising the right of individuals to express their point of view, we only ask that they do so within the law and with their safety and the safety of others in mind. (Quoted in the Guardian, 1 March 2013).

Indeed, despite subverted uses of the Shell logo on Shell Out Sounds' website, Twitter profile and Facebook page, Shell took no action to have any of the activity removed. Not responding in any antagonistic way can also help contain criticism.

If you close it (the ISP) down, you've got a story. (Alex Goswell, interview, February 2013).

By turning a blind eye to criticism that does not seem to garner much visibility, more significant disruptions are avoided (Fleming and Spicer, 2003). In this way, the strategy of 'indulge and ignore' builds on a logic of difference. This enables Shell to construct an appearance of inclusivity without engaging with criticism that questions the ethics of Shell's operations as a political actor, and makes the adversary appear less threatening (Griggs and Howarth, 2004).

In some cases corporate concerns with civil society critique in social media go beyond assessing critique to silencing critics. The ways in which corporate mechanisms of silencing are brought into play is illustrated by BP's response to the f-ingthefuture campaign, which attempted to subvert billboards with BP's 'fuelling the future' advertisements in connection with BP's sponsorship of the 2012 Olympics and the Cultural Olympiad, and particularly their role as 'Sustainability Partner'. BP took action to have the website f-ingthefuture.org removed. In August

2012, the website was taken down following accusation from BP of 'brand infringement'. The accusation of brand infringement highlights BP's concern with protecting the construction of a brand related to the sustainability discourse that sutures CSR communication and thus an image of legitimacy that can support their 'social license to operate' (Banerjee, 2008).

In this way, the corporation assigns itself the task of evaluating the legitimacy of its stakeholder groups. The notion of the stakeholder that underpins discourses of legitimacy and responsibility defines stakeholders as "any group or individual who can affect or is affected by the organization's objectives" (Freeman and Reed, 1983, p. 91). However, when a corporation ignores or militates against stakeholders with opposing agendas to industry and instead constructs an image of a good corporate citizen by sponsoring a series of cultural institutions and events, discourses of corporate citizenship and social responsibility come to represent a corporate ideology that legitimises the power of large corporations (Mitchell, 1989). It is this co-optation of responsibility and sustainability discourses that online media potentially provide possibilities for contesting. But it is attempts to use these possibilities that corporations such as BP and Shell monitor and sometimes even try to silence.

## **5. Conclusion and perspectives**

The objective of this paper has not been to criticize the ideals of transparency and disclosure as such, including the many positive values like democracy, the rule of law, human rights and accountability in governance and management that transparency projects of diverse nature may help to promote. Rather, our purpose has been to critically chart and reflect on the wider field of visibility and surveillance in which transparency projects are operating today, including showing how visibility and surveillance in various guises have become important ingredients in hegemonic struggles. Conceptually, we have done so by complementing critical top-down approaches to the institutional dynamics of transparency projects (section 3), with careful analysis of bottom-up concerns and practices of individuals and organizations enrolled into and affected by these projects (section 4). Empirically we analyzed the mobilization around transparency in recent transnational attempts to govern the extractive industries, specifically oil and gas companies, in the EITI, just as we have provided a few glimpses of how corporations involved in this arrangement seek to manage their visibility in everyday organizational practice vis a vis civil society including radical activists disrupting corporation's normal appearance. Disruptive disclosures take place in highly mediatized

contexts, and they are based on and constituting different modes of visibility which themselves offer various forms of surveillance.

Does the mobilization around transparency in the wider field of visibility and surveillance represent any particular mode of governing? We noted earlier how EITI represents the kind of governing that conveys the imagery of consensus between substantially different interest, and also that the arrangement counts amongst its supporters of corporations that do seem to be highly concerned with building up normal appearance, in this case by demonstrating their ethical and socially responsible behaviours. There is a sense here in which our analysis points to a constraint of the 'political' in the traditional sense of antagonisms, while widening the space of manoeuvring for corporations. In this space politics has almost become a form of technocratic management (Shamir, 2008; Walters, 2008; Garsten and Jacobsson, 2012), deploying itself of devices of de-politicization and silencing.

In this vein Carpentier (2011) has argued that such governance is underpinned by fantasies that isolate 'policy' from 'politics'. In the context of the extractive industries this implies eliminating antagonism and reducing corporate social responsibilities and stakeholder involvement to managerial issues and thus to an image of a good corporate citizen (Chatterton et al., forthcoming 2012; Mouffe, 2005; Garsten and Jacobsson, 2012). But as Carpentier also points out this post-political fantasy of policy assumes that political consensus can be achieved, and that antagonism is somehow absent (Carpentier, 2011, p.121). Our analysis of the surveillance strategies and practices deployed by companies and activities suggests that while political consensus can never be discarded and are often definitely desirable, the presence of conflicts and antagonisms continues to be the order of the day.

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