

“Oil Imperialism and Its Discontents”

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On September 3, 2016, Dakota Access, a subsidiary of the Texas based company, Energy Transfer Partners, reenacted act one of the drama of the conquest of the Americas. The company, with the complicity of the governor of North Dakota, Jack Dalrymple, and the division director of Homeland Security, Greg Wilz, used attack dogs against the Standing Rock Sioux, the indigenous people leading the movement in opposition to the 1,172-mile and \$3.78 billion pipeline that will cross four states and the three major rivers of the region, the Big Sioux, the Missouri, and the Mississippi.¹ The ghosts of Christopher Columbus and Hernan Cortes hovered over the scene that day, haunting the plains of North Dakota as the oil company and the state colluded in the latest acts of colonialism and imperialism in native lands. The opposition to the pipeline (the Sioux make a point of saying they are “protectors” of the watershed, rather than “protesters” against the pipeline) consists of landowners’ associations, ecologists, environmental law firms, and more than 100 indigenous groups from the U.S., Canada, and Latin America.²

¹Alexander Sammon, “A History of Native Americans Protesting the Dakota Access Pipeline,” *Mother Jones* (September 2016), www.motherjones.com/environment/2016/09/dakota-access-pipeline-protest-timeline-sioux-standing-rock-jill-stein, Access September 28, 2116; Democracy Now! “Dakota Access Pipeline Company Attacks Native American Protesters with Dogs and Pepper Spray,” September 3, 2016, https://www.democracynow.org/2016/9/4/dakota_access_pipeline_company_attacks_native. Access March 1, 2017/

² Kent Paterson, “New Mexico Mobilizes for Standing Rock,” *Frontera NorteSur*, November 1, 2016, <https://fnsnews.nmsu.edu/new-mexico-mobilizes-for-standing-rock/> . Access March 2, 2017.

That is the contemporary face of discontent against oil extraction. Historically speaking, that is new. The trend started in Latin America.

In the 150-year history of oil extraction, there have been two waves of critique in Latin America, where oil companies began operating in 1900. These waves of discontent are not defined by chronology, but rather by discourse and historical actors. Although American or European oil companies began extracting oil at different times in different countries, Latin Americans followed a similar pattern in their appraisal of the industry. The first concerns were about control over oil development and the use of natural resources. Because the companies involved in petroleum extraction were foreign, the first objections raised involved their business practices, i.e., the extraction of hydrocarbons for export and, depending on the country, the exploitation of labor. The actors in such cases included center or left political parties, labor unions, and sectors of the military. What they shared in common was nationalism, a distrust of foreign domination, and a desire for conservation of a precious resource. In this grouping we can include every country from Mexico and Venezuela to Argentina and Brazil, revolutionary governments and conservative military regimes alike. That phenomenon was continental and lasted for most of the twentieth century.³

The second wave of discontent was different. Emerging at the end of the twentieth century and in the context of a global environmental movement, the critique was more profound, questioning the wisdom of oil extraction altogether. New social actors became involved: ecologists, indigenous peoples, local communities on the front lines of petroleum development, and their allies abroad. These movements were, and still are, smaller in size by country, but transnational in character and, thanks to new technologies, global in their communications reach

³See: George Philip, *Oil and Politics in Latin America: Nationalist Movements and State Companies* (Cambridge: Cambridge University Press, 1982); John D. Wirth, editor, *Latin American Oil Companies and the Politics of Energy* (Lincoln, Nebraska: University of Nebraska Press, 1985).

at specific junctures.⁴ By way of illustration, let's look at the cases of Mexico, Venezuela, Bolivia, and Ecuador, this time in chronological order.

Mexico was the first country in Latin America where oil in commercial quantities was discovered, 1904, and the first to construct a nationalist critique of petroleum production. That the critique was also anti-capitalist and explicitly anti imperialist, due to a very unusual historical context: the Mexican Revolution (1910-1920). United States and English oil companies began operating in the tropical rainforests of northern Veracruz, on the Mexican Gulf coast just as the country strained under the weight of the modernizing dictatorship of Porfirio Diaz, who had led the country with a heavy hand since 1876. By the time the Mexico erupted in revolutionary violence in late 1910, oil extraction was in its apogee, with thousands of men unloading from cattle cars daily onto the streets of the port of Tampico, recruited by the foreign petroleum companies to fell the forest and drill for black gold.⁵ That teeming mass of workers quickly found out that the promises of high wages were not only spurious, but also that the social regime the companies established made them second class citizens in their own country. The American and English firms organized the labor force according to racialized and racist assumptions based on nineteenth century ideas about the inherent inferiority of tropical peoples. In that system of labor control, Mexican men were relegated to the bottom of the labor hierarchy--and the hard physical labor--without the possibility of upward mobility. Supervisory positions, not to mention executive ones, were reserved for foreign, "white" men only. Intersecting with early twentieth century capitalist exploitation that sought to extract as much productivity as possible from working class bodies, such social organization of work shocked Mexican men. By the late

⁴ See: the Environmental Justice Atlas, <https://ejatlas.org/>.

⁵See: Lief S. Adleson, "Historia Social de los obreros industriales de Tampico, 1906-1919," Ph.D. Dissertation. El Colegio de México, 1982.

1910s, they were balking against what they saw as exploitative and discriminatory treatment on the job.⁶

Circulating anarchist and anarchosindicalist ideas found fertile ground in the refineries under construction in Tampico and the camps of northern Veracruz, leading to the first strikes in the industry in Latin America. At the same time, the nationalist discourse revolutionary leaders forged to attack the ancien régime (which was more Anglophile and Francophile than pro-US, though American capital was also welcome), culminated in the radical Constitution of February 1917. The Constitution reflected the sentiment of the times. Article 27, specifically declared that natural resources such as petroleum belonged to the nation and, moreover, ought to be developed and conserved for the benefit of the nation as a whole.⁷ That is, exporting raw materials, including oil, could not be the primary objective of natural resource extraction; and, rapid and unmeasured extraction could not be the *modus operandi* of the foreign oil companies. The nation and its interests came first.

Mexican workers took the letter and the spirit of the Constitution further, to what they believed was its natural conclusion. That is, they adopted an explicitly anti-imperialist and anti-capitalist discourse and became the most militant labor force in the country. Although they experienced repression at the hands of the companies and the post-revolutionary state, the oil workers led the battle over Mexico's oil resources through the 1920s and the 1930s. As it is well known, the resolution to those conflicts came in March, 1938, when President Lázaro Cárdenas nationalized the foreign oil industry. The rhetoric the president utilized was strictly legalistic,

⁶Myrna Santiago, *The Ecology of Oil: Environment, Labor, and the Mexican Revolution, 1900-1938* (Cambridge: Cambridge University Press, 2006) chapter 4.

⁷Constitución Política de los Estados Unidos Mexicanos, que Reforma la de 5 de Febrero de 1857, *Gaceta Oficial*, Tomo V, Cuarta Epoca, Número 30 (5 de Febrero de 1917), http://constitucion1917.gob.mx/work/models/Constitucion1917/Resource/251/1/images/28_Diario_Oficial.pdf

only mentioning that one of the justifications for the decree was “the defense, conservation, development and obtaining the benefits of the wealth of the oil mantles” for the nation.⁸ Thus it was the momentary intersection of interests between two historical actors, labor and the nascent revolutionary state, that led these two groups of discontented Mexicans to claim ownership over the country’s petroleum resources and infrastructure. In the years following, moreover, the government would tighten the decree to exclude foreigners more explicitly from the hydrocarbon industry (that is what Mexican presidents have been undoing piecemeal since the 1980s).⁹

Mexico’s example was the most politically radical, but not the only one in the first half of the twentieth century in Latin America. Bolivia also had a set of historical actors discontented with Standard Oil, the company that owned less than a half-dozen wells close to the Paraguayan border. In this case the key social actor suspicious of the US-owned oil company was the conservative mestizo oligarchy who argued, starting in the 1920s, that hydrocarbons should be developed by Bolivian capitalists. Politicians like Abel Iturralde Palacios followed Mexico’s battles against the American companies and became convinced that Standard Oil was a menace for Bolivia. Those fears were confirmed in the worst possible way during the disastrous Chaco War that Bolivia fought against Paraguay (1932-1935) and lost. Standard Oil took a strictly neutral stance during the conflict, refusing to supply the Bolivian military with any fuel, despite the fact that the carnage surrounded its wells. When Paraguay won the war and amputated a chunk of Bolivia’s southern border, the deep distrust the conservative leadership felt toward the

⁸ Decreto de la Expropiación de la Industria Petrolera, Box 335, International Labor Organization, C 41/1938-1941, Bundle C 41/1938, File C 3303, 34.

⁹ Myrna Santiago, “Las Reformas del Petróleo Mexicano y la Ecología del Petróleo: Lecciones de Historia” in *Efectos y Dinámicas Territoriales del Petróleo en México*, edited by Martín Checa Artasu and Regina Hernández Melgar (Mexico City: Instituto de Investigaciones José María Luis Mora, 2017) 49-73.

American multinational grew exponentially. Furthermore the war itself radicalized indigenous conscripts and opened the door for sundry leftist intellectuals and other members of the country's petty bourgeoisie to attack Standard Oil openly, using a nationalist and anti-imperialist discourse. Most importantly for our story, the young military officers who survived the slaughter became similarly politicized. They seized power in a coup in 1936. One of the first actions they took was to seize Standard Oil properties in January 1937. Exemplifying a new "military nationalism" that also took root in Argentina and Brazil in those years, the military government of Bolivia nationalized Standard Oil, a full year before Mexico even though the holdings were miniscule by comparison.¹⁰

While Bolivia and Mexico shared the same nationalist and anti-imperialist motivations in their critique of foreign oil but differed in the set of historical actors involved in expressing their discontent, Venezuela provides a variation on the theme. The Venezuelan oil industry flourished in the 1920s, when companies like Standard Oil, Royal Dutch Shell, and Gulf curtailed operations in Mexico both because they had exhausted some fields and because labor and political problems with the revolutionary government were mounting. The Venezuelan dictator, Juan Vicente Gómez, in contrast, welcomed the companies with open arms. He also made three decisions, two political and one geographical, hoping to avoid similar obstacles to capitalist development in his country. First, he asked the petroleum companies to write the oil laws themselves, which they did in 1922, granting the president sole authority in oil matters.¹¹ Second, he prohibited unionization. Third, he decided not to build refineries in Venezuelan

¹⁰Philip, 193-200, 249, 266; Herbert S. Klein, *Bolivia: The Evolution of a Multi-Ethnic Society*, Second Edition (Oxford: Oxford University Press, 1992) 188-199. See also: Stephen Cote, "A War for Oil in the Chaco, 1932-1935," *Environmental History*, 18:4 (October 2013) 738-758.

¹¹Edwin Lieuwen, "The Politics of Energy in Venezuela," in *Latin American Oil Companies*, 194.

territory.¹² Complicit in the redesign of the architecture of petroleum extraction, the companies kept workers isolated from one another across geographical space in oil fields that were not connected to one another. Without refineries, the dictator and the companies impeded the growth of large conglomerations of men who might question extraction and labor practices. Nevertheless neither the ban on unions nor the manipulation of space as a form of labor control went unchallenged.

Venezuelan oil workers organized their first strike in July 1925. Their demands were typical of the era of unregulated capitalism: the 8-hour day and higher wages. In addition the men decried the social and environmental conditions the companies created: food shortages in the oil fields, racism and discrimination in labor relations, accidents without compensation, high rates of malaria, and lack of health care and housing. Gómez sent troops to break up the strike, blaming the men's activism on "Mexican agitators."¹³ The repression worked. Venezuela became the world's leading exporter of oil in 1928 and Venezuelan workers did not protest against until a decade after their first strike, in 1936, after the dictator's death in 1935. Gómez's successor, another military man and one of his cronies, José Eleazar López Contreras, rescinded the ban on unionization and the men responded with a new organization and a strike that found broad sympathy across the nation. The oil strike of 14 December 1936 became a nation-wide general strike in repudiation of the oil companies, evidence of the resentment the Venezuelan working class had built up against both the foreign oil companies and their partner, the Venezuelan military. In January 1937, the president called out the army against the strikers. The

¹² Fernando Coronil, *The Magical State: Nature, Money, and Modernity in Venezuela* (Chicago: The University of Chicago Press, 1997) 107.

¹³ Miguel Tinker Salas, *The Enduring Legacy: Oil, Culture, and Society in Venezuela* (Durham: Duke University Press, 2009) 122-123.

government then arrested and exiled the leadership, destroying the oil workers' movement once again.¹⁴

As the oil workers were demobilized, a new coalition of middle class professional men and labor took shape. It called itself Acción Democrática, formed in 1941. Populist by vocation and nationalist by conviction, AD members protested the reforms to the 1922 oil law that López Contreras' successor in the presidential chair, the former Minister of War, General Isaías Medina Argarita, approved in 1943. The General, affirming the military-foreign oil company partnership Gómez had built two decades before, let the petroleum companies write the new oil law as well. Within two years, profound popular dissatisfaction with the regime led to an alliance between AD and young nationalist military men. Together they overthrew Medina Argarita, took over the government and proceeded to use state power to change petroleum policy radically.¹⁵

Under AD president Rómulo Betancourt the Venezuelan government reshaped the landscape of oil politics in Venezuela and the world. The architect of such momentous transformation was the young lawyer at the head of the Oil Ministry, Juan Pablo Pérez Alfonzo. Pérez Alfonzo was responsible for the 1945 decree, turned into law by the Venezuelan Congress in 1948, that gave the Venezuelan state 50% of the net profits of the oil industry. Immediately, AD diplomats mobilized to convince all other oil exporters to do the same. Iran, Saudi Arabia, Kuwait, and Iraq passed similar laws between 1949 and 1952. By the mid-1950s, all oil exporting countries in the world had adopted Venezuela's 50-50 tax policy. Thus Venezuelan discontents recalibrated the balance of power between oil producing countries and the foreign

¹⁴ Wolfgang Hein, "Oil and the Venezuelan State," in *Oil and Class Struggle*, edited by Petter Nore and Terisa Turner (London: Zed Press, 1980) 231, 233; Jesús Prieto Soto, *Luchas proletarias populares y petroleras: ¿Ocaso de PDVSA? Quinta edición (Maracaibo: Imprenta Internacional, 2004)* 31, 37, 45, 61, 72.

¹⁵Lieuwen, 199-200.

companies that extracted nature's wealth, at least in economic terms. It would not be the only time that Venezuelan middle class nationalists would play that role.¹⁶

At the same time, Betancourt's government took a more conciliatory approach to labor. The Oil Minister pressured Standard Oil and Shell to build two refineries in Venezuela, rather than continuing to export their oil to Aruba and Curaçao, greatly increasing the number of workers and union members. When the men went out on strike in 1946, the AD government favored paternalism over repression. The Minister of Labor, Raúl Leoni, brokered the first collective bargaining contracts, in 1946 and 1947, pressuring the oil workers' union to accept the terms offered by the companies. Nevertheless, the men won real concessions in wages and benefits, the trade off they accepted for the labor peace the state required to be able to gain access to their 50% of the oil companies' profits.¹⁷

In 1948 the government also drew plans to create a state oil company, the next step in taking control of oil extraction as Mexico had done a decade earlier, and have a shot at conservation. Those blueprints, however, were shelved as the wheel of Venezuelan national politics turned once more. A military coup in 24 November 1948 got rid of AD and its nationalism. The 50-50 arrangement ceased to be enforced and when the oil workers' contract expired in 1950 and they went out on strike, the new dictator, Marcos Pérez Jiménez, sent out the army to destroy them. Pérez Jiménez banned unions again.¹⁸

The final chapter in Venezuelan discontent with foreign oil came in two stages, the formation of OPEC in 1960 and the nationalization of 1976. Juan Pablo Pérez Alfonzo was, again, a key figure in both. The foundation of OPEC took place after Acción Democrática

¹⁶ Ibid., 201.

¹⁷ Ibid., 199, 202; Coronil, 183, 630.

¹⁸ Lieuwen, 203.

returned to power in 1959. Appointed Mining Minister by Betancourt's second presidency, Pérez Alfonzo confronted a global oil glut and its destabilizing effect on oil prices and the tax structure Venezuela had established by convincing Middle Eastern exporters to establish an organization that would coordinate taxing policies and ultimately "formulate a system to ensure the stabilization of prices by, among other means, the regulation of production," as OPEC Resolutions 1 and 2 declared.¹⁹ Although OPEC was much more successful at collaboration on tax policy than price and production controls during its first decade of existence, Venezuelan nationalists once again reconfigured the global political economy of oil, wresting control over extraction from the transnationals and toward states.

During the third Acción Democrática government, 1974-1980, Venezuela nationalized its oil industry. Although Pérez Alfonzo was not officially in government by then, as the country's foremost oil expert, he played a significant role in the decision to transfer ownership of the sector to the state in August 1975. In contrast to Mexico, whose industry Pérez Alfonzo had studied extensively, Venezuela did not expel the foreign oil companies from the country. Instead, the Venezuelan model entailed state cooperation the foreign petroleum companies, which would continue running daily operations under new ownership. Venezuela's nationalization, thus, owed less to independent labor activism in comparison to Mexico or Bolivia.²⁰

Through the 1970s, the discontent with oil focused around control over the resource, the distribution of its profits, and concerns over conservation. Nationalists of all stripes, left leaning

¹⁹Quoted in Lieuwen, 208.

²⁰ Lieuwen, 213-214; Gustavo Coronel, *The Nationalization of the Venezuelan Oil Industry: from Technocratic Success to Political Failure* (Lexington, MA: Lexington Books, 1983) 50-54.

like those in Mexico, Bolivia, or Venezuela, but also conservative authoritarian militaries like those of Argentina, Chile, and Brazil, felt aggrieved about foreign capitalists taking the riches of nature out of the country for the benefit of other economies.²¹ They sought access to the wealth the foreign companies exported abroad along with petroleum, just as they tried to form national oil companies to compete with the Americans and Europeans. Even as nationalists achieved some of their goals and wrestled significant control from the petroleum companies, the mood was not always jubilant. The hero of Venezuelan oil, Pérez Alfonzo himself recognized the conundrum when he said in 1976 that oil was “the devil’s excrement.”²² Nowhere has that critique been made more evident than in Ecuador. Yet, Ecuador also demonstrates further changes in the expression of discontent, as new historical actors emerged to question oil extraction.

In Ecuador, petroleum extraction followed the same model of capitalist development used elsewhere, but the resistance took a different shape. Here indigenous peoples and their environmentalist allies, both national and international, came to the forefront to protest. The Texaco-Gulf consortium found oil in 1967 in Amazonia, in territory occupied by the Quijos, Canelos, Quichua, Huaorani, Siona-Secoya, and Cofán peoples. With a 317-mile trans-Andean pipeline from the Lago Agrio rainforest to the Pacific coast completed in 1972, an oil boom ensued, re-enacting the historical script of extractive industries that colonized relatively isolated and forbidding environments: deforestation, labor immigration, marginalization of local communities, and the fragmentation and loss of habitats leading to wildlife reduction. The unique contribution of petroleum to ecological destruction, the oil spill, appeared as well. The

²¹ See: Carl E. Solberg, “YPF: The Formative Years of Latin America’s Pioneer State Oil Company, 1922-39,” 51-102 and John D. Wirth, “Setting the Brazilian Agenda, 1936-1953,” 103-144, in *Latin American Oil Companies*.

²² Tinker Salas, 243.

339 successful wells that Texaco-Gulf drilled in Oriente province blanketed the rainforest floor and water bodies, as the companies dumped all their toxic oil-tainted wastes into wetlands and waterways, or buried them in pits covered with a layer of dirt.²³ In 1976, Ecuador's nationalist military government, like others before them, formed a national oil company and bought a majority stake in the foreign ones (in effect nationalizing them), but Texaco continued to manage daily operations until 1995, when Petroecuador bought it out altogether.²⁴ By then, a second company, Atlantic Richfield Company (ARCO), was operating south of Lago Agrio, in the province of Pataza, repeating the cycle in Quichua territory.²⁵

In 1992, however, Amazonians sued Texaco in US court. Teaming up with Ecuadorian and foreign environmentalists and American lawyers, affected groups based in Lago Agrio, indigenous and mestizos, brought a class-action suit in New York under the Alien Tort Act, "a toxic tort action, based on common law claims of negligence, public and private nuisance, trespass, civil conspiracy, and medical monitoring."²⁶ Arguing the communities "lived in toxic terror" and "ecological terror,"²⁷ they sought remediation for the pollution the company had caused, in addition to compensation for personal damages stemming from the adverse health effects of contaminated ground water and soil. Ecuador's military government responded to the lawsuit by negotiating an "exit agreement" with the company, which agreed to carry out "limited

²³ Lou Dematteis and Kayana Szymczak, *Crude Reflections/Cruda Realidad: Oil, ruin and Resistance in the Amazon Rainforest/Petróleo, Devastación y Resistencia en la Amazonía* (San Francisco: City Lights, 2008) 18-26, 46-47, 60-61, 84-85.

²⁴ Philip, 289-290.

²⁵ Suzanna Sawyer, *Crude Chronicles: Indigenous Politics, Multinational Oil, and Neoliberalism in Ecuador* (Durham: Duke University Press, 2004) 64.

²⁶ Judith Kimerling, "Transnational Operations, Bi-National Injustice: ChevronTexaco and Indigenous Huaorani and Kichwa in the Amazon Rainforest in Ecuador," *American Indian Law Review*, 31:2 (2006/2007) 464.

²⁷ Sawyer, 104-105.

environmental remediation work” in Oriente. In return, the government absolved Texaco from any further obligations “related to contamination” in the country. In 1995 Texaco and Ecuador’s military government declared the rainforest cleaned up.²⁸

Local indigenous communities, however, disagreed with that conclusion. Different native peoples, in fact, had been protesting oil development since the late 1970s. Their demands, furthermore, veered away from historical nationalist discourse. Instead of seeking a cut of the profits from petroleum extraction, indigenous activists called for the prevention of ecological damage, compensation for pollution when it happened, clean production methods, environmental monitoring, and local control over the development model for their region overall.²⁹ Several groups, in fact, engaged in direct action when their voices were ignored. In 1988, the Cofán of Dureno blocked road construction by Texaco crews, demanding ecological rehabilitation of oil-drenched terrain and waterways, while a group of fifty Huaorani occupied an Esso well, Zapino #1.³⁰ In late 1988 and early 1989, likewise, Quichua activists from Sarayacu in Pastaza held a government-company delegation and a seismic crew, demanding the cessation of exploratory work until the state granted land titles to the community. They also called for compensation for the environmental damage the oil company had already caused, a program for environmental monitoring, a 15-year moratorium on oil leases, and the establishment of specific areas that were to be off-limits to oil extraction altogether.³¹

²⁸Kimerling, Op. cit, 465.

²⁹ Paul Sabin, “Searching for a Middle Ground: Native Communities and Oil Extraction in the Northern and Central Ecuadorian Amazon, 1967-1993,” *Environmental History* 3:2 (1998) 147.

³⁰Sabin, 154.

³¹Sawyer, 64-66.

The class action lawsuit, direct action, and other tactics were the culmination of years of discontent with petroleum extraction. These were innovative mobilization tactics. Just as labor and classical nationalists had done, indigenous communities formed organizations, marched and protested and sought international solidarity. In contrast to the older protest movements, however, Ecuadorians crossed more boundaries. They utilized a different language (Spanish), and the new communication media made available by novel technologies, including websites to represent themselves to the world and tours of the United States to argue their cases to the American people.³² The demands were also different. Nationalization was not the objective; instead activists focused on recovering their health and ecologies. With the support of national and international allies, Amazonians demanded compensation for damages to nature and human health, in addition to effective clean-up and environmental restoration.

The use of court systems across international borders was a new and an unpredictable gamble. In 2001, for instance, Chevron bought Texaco and acquired the *Aguinda vs. Texaco, Inc.* class-action lawsuit as well. Thinking that Ecuadorian courts would be friendlier to foreign corporations than a United States judge, Chevron argued for a dismissal of the New York case in favor of a transfer to Ecuador in 2003.³³ The dismissal opened the door for more lawsuits in Ecuador by Huaorani and Quichua communities, in addition to cases brought to the Inter American Court of Human Rights and the World Court at The Hague.³⁴ However, the political landscape in Ecuador changed in 2006 with the election of the center-left presidential candidate, Rafael Correa. Encouraged by that election, Ecuadorian environmentalists went one step further

³²See: <https://conaie.org/> Access on March 18, 2017; Kimerling, "Oil," 112; Sawyer, 108.

³³"*Aguinda vs. Texaco Inc.: Oil, Ecuador and its People*," *Los Angeles Times*, August 28, 2009, <http://latimes.com/news/opinion/la-ed-chevron28-2009aug28,0,6949161.story>

³⁴Kimerling, "Transnational Operations," 478, 489.

and in 2007 launched a campaign to eliminate oil extraction from Yasuní National Park permanently. The following year, moreover, the new Ecuadorian constitution recognized the rights of nature and the government drafted a national development plan that included the notion of *el buen vivir* (living well) which meant including indigenous cosmologies and ecological principles. That was followed by the Yasuní Ishpingo Tambococha Tiputini Initiative that accepted the idea of making the park off-limits to petroleum extraction, creating an international fund—administered by the UN Development Program—in 2010 that was supposed to support Ecuadorean efforts to cut back on fossil fuel production.³⁵

It was in this context of strong opposition to oil extraction itself that the Ecuadorean court ruled in the Chevron case. On February 14, 2011, Judge Nicolás Zambrano held Chevron “responsible for widespread pollution that has harmed, and continues to threaten, the environment, public health, and indigenous cultures,” instructing the company to pay \$19 billion dollars in environmental remediation and damages.³⁶ But the victory was short-lived. Chevron, now convinced that an American judge would be friendlier to an American corporation, challenged the ruling in New York in 2013. The company was right. In March 2014, Judge Lewis A. Kaplan dismissed Ecuador’s jurisdiction in the case and the award as well—held under appeal in 2016—freeing Chevron of all responsibilities for the half-century of ecological disaster Texaco caused in Oriente in just two decades of oil extraction.³⁷

³⁵Matthew Le Quang, “The Yasuní-ITT Initiative: Toward New Imaginaries,” *Latin American Perspectives*, Issue 206, 43:1 (January 2016) 187-199.

³⁶Judith Kimerling, “Oil, Contact, and Conservation in the Amazon: Indigenous Huaorani, Chevron, and Yasuni,” *Colorado Journal of International Environmental Law and Policy*, 24:1 (2013) 74-75.

³⁷“U.S. Court Rules for Chevron in Ecuador Rainforest Damage Case,” *Los Angeles Times*, August 8, 2016, <http://www.latimes.com/business/la-fi-chevron-ecuador-20160808-snap-story.html> Access March 18, 2017

Nevertheless, the lawsuit points to important transformations in the shape the discontent over oil extraction took at the turn of the twenty-first century. New actors emerged to question the practices of the oil companies, using new tools, forging international alliances, and making explicit environmental demands. The most radical among these activists went as far as to challenge the notion of oil extraction altogether. Like the defenders of clean water and a clean environment at Standing Rock in North Dakota, they wondered out loud why society needs more oil. As climate change due to fossil fuel extraction puts more and more people in harm's way across the globe, isn't it time to phase out this energy regime?

Or, to modify Freud, wouldn't we be better off without oil?³⁸

³⁸Sigmund Freud, *Civilization and its Discontents*, Translated and Edited by James Strachey (New York: W.W. Norton & Company, 2010).