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Stopping Firestone and starting a citizen ‘revolution from below’: reflections on the enduring exploitation of Liberian land and labour

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ABSTRACT

Attempting to reduce America’s dependence on foreign-sourced rubber, Firestone established in 1926 the world’s largest industrial plantation in Liberia under a controversial 99-year-lease agreement. Nearly a century later, backlash against the exploitative nature of corporate hegemony and economic globalisation crystallised in a transnational campaign, Stop Firestone, and class action suit to hold the multinational accountable. I argue in this article that Liberia’s unequal incorporation into global capitalism has configured and reconfigured the set of relations between government and citizens through parallel, albeit interrelated, processes—the globalisation of capital (*via* trade and investments) and the globalisation of rights (*via* universalised notions of citizenship as a human right). While the pursuit of foreign direct investment (FDI) in particular placed the interests of investors like Firestone ‘above’ the state thus undermining government–citizen relations, it simultaneously created a politicised workforce and network of Liberian activists thus strengthening citizen–citizen relations. Based on careful review of concession agreements and court proceedings as well as interviews conducted with government officials, activists and legal advocates based in Liberia and the United States, this article is the first to meld historical and contemporary developments, underscoring the twenty-first century implications of Firestone’s enduring exploitation of Liberian land and labour.

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Introduction

Firestone has the world’s largest industrial rubber plantation in Liberia—a sprawling 118,990 acres adjacent to the country’s only international airport—where the stench of ammonia from raw latex smells like ‘rotting cheese’ (Pailey 2007; 2021, 124). Decades ago, the company’s workers would carry on their bare shoulders wooden poles with two colourful buckets attached on each end, filled with raw latex they had manually extracted by making ‘one-millimetre cuts into the outer barks of rubber trees’ (Pailey 2007; Sundiata 2003, 114). These

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twenty-first century tappers resembled forcefully conscripted labour in the 1920s, when Firestone first started operations in Liberia under a severely flawed 99-year-lease agreement which prompted a heavily indebted Liberian government to evict,¹ without compensation, hundreds of indigenous inhabitants in order to establish a one-million-acre rubber plantation (Brown 1941; Kieh 1992, 39; Mitman 2021, 85; Sundiata 2003, 328). Nearly a century later, backlash against the exploitative nature of corporate hegemony and economic globalisation crystallised in a transnational campaign, Stop Firestone, spearheaded in 2005 by Liberians abroad, their counterparts in Liberia, and an international coalition of human, labour and environmental rights organisations, to hold the company accountable (Pailey 2007, 82).

Building on this momentum in November 2005, 35 Liberian plaintiffs filed a class action suit in a US court alleging that Bridgestone Corporation, five subsidiaries (including Firestone Liberia) and two employees of subsidiaries had violated labour laws by using children to tap raw latex, inflicted unusual and cruel labour practices by instituting unrealistic daily quotas for tree tappers and degraded the environment by dumping toxic substances into the plantation's only water source, the Farmington River (Collingsworth, et al. 2005, 78; Pailey 2020). As legal representatives of the plaintiffs, the International Labour Rights Fund invoked the Alien Tort Statute (ATS), which enables foreign parties to sue US corporations and/or individuals for breaching customary international law while operating abroad. Although the plaintiffs lost the case in 2011, their decision to challenge Firestone in a court of law was unprecedented; it marked the first time Liberian citizen rights claims were directed in this manner at a powerful US multinational. Such claims, made legible, would find concrete expression in Liberia's renegotiation of the Firestone concession agreement between 2006 and 2008.

As indicated by the example of Firestone, I argue in this article that Liberia's historical and contemporary incorporation into global capitalism has configured and reconfigured the set of relations between government and citizens through parallel, albeit interrelated, processes—the globalisation of capital (*via* trade and investments) and the globalisation of rights (*via* universalised notions of citizenship as a human right). While the pursuit of foreign direct investment (FDI) in particular placed the interests of investors like Firestone 'above' the state thus undermining government–citizen relations, it simultaneously created a politicised workforce and transnational network of Liberian activists thus strengthening citizen–citizen relations.

First, I examine whether economic globalisation enables or constrains government–citizen solidarity. Second, I assess how Liberia's twentieth-century capitalist integration and twenty-first century re-integration enabled unequal exchange thereby producing varied outcomes for government–citizen relations. And, finally, I recount how the country's enduring struggles to match pro-capitalist economic growth with pro-citizen inclusive development galvanised citizens to challenge Firestone's supremacy. This article is based on careful review of concession agreements and court proceedings as well as interviews conducted with government officials, activists and legal advocates based in Liberia and the United States. Although previous studies have focussed on the rubber giant's twentieth-century operations in Liberia, this article is the first to meld historical and contemporary developments, underscoring the twenty-first century implications of Firestone's long-standing exploitation of Liberian land and labour.

Citizenship, globalisation or more of the same?

This article takes as its entry point the conceptualisation of citizenship generally as a process of claiming rights, fulfilling responsibilities and maintaining/cultivating relationships and of Liberian citizenship specifically as passive (identity-based), active (practice-based) and interactive (relational) (Pailey 2021). The latter—entailing exchanges between governments and citizens (government-citizen relations) and between citizens across diverse spatial landscapes (citizen-citizen relations) (Pailey 2021, 18)—is central to analysis that follows about how citizenship and globalisation are inextricably linked.

Although globalisation could be defined primarily as a form of capitalist accumulation and expansion or late capitalism involving ‘the integration of local and national economies into a global, unregulated market economy’ (Guttal 2007, 523) it was not until the late 1980s—when the collapse of the Berlin Wall in Germany and pro-democracy protests in China’s Tiananmen Square were transported globally through international media—that the term became central to discussions about the struggles for citizenship worldwide (Urry 2000, 62). Globalisation remains contested in theory and practice, with different outcomes for the set of relations between governments and citizens; as such, it has not undermined the institution of citizenship, *per se*, rather it has reconfigured how people think about ‘their sense of belonging and their sense of responsibility’ (Desforges, Jones, and Woods 2005, 442). For example, as evidenced by Stop Firestone, individuals may form bonds of solidarity across transnational spaces in response to the negative consequences of economic globalisation while calling for individual and collective personhood enshrined in labour and citizenship rights (Falk 2000, 7; Pailey 2007).

Nevertheless, while globalisation involves ‘the *accelerating pace* of transborder interactions and processes’ and ‘a stretching of social, political and economic activities’ across all spheres of human existence (Held and McGrew 2007, 2–3), the version underpinned by capitalist accumulation has not produced global equity or cohesion (Shafir and Brysk 2006, 275, 277). In fact, some argue that globalisation is constructed and regulated by an elite club of states and international financial agencies, with ‘subjects’ who benefit residing in the so-called ‘Global North’ and ‘objects’ who suffer residing in the so-called ‘Global South’ (Kuisma 2008, 621). The process of international economic integration remains unrestrained, without an accompanying global governance regime to curb abuses and mediate power asymmetries between the so-called ‘North’ and ‘South’, such as lopsided trade rules pressuring low-income countries to open their markets and eliminate subsidies while high-income countries adopt protectionist measures in productive sectors like agriculture (Stiglitz 2003, 54–57).

One of the consequences of globalisation is that it makes some states more accountable to external forces, which erodes government-citizen relations (Overbeek 2002, 84). As a result of economic globalisation, nation-states primarily in the ‘South’, like Liberia, have been browbeaten into adopting neoliberal economic policies that advocate fiscal austerity, deregulation and macro-economic stability at the expense of pro-poor spending (Held and McGrew 2003, 55). For example, Liberia’s US\$4.9 billion debt relief under the Heavily Indebted Poor Countries (HIPC) initiative brokered by the International Monetary Fund (IMF) and World Bank compelled the government of President Ellen Johnson Sirleaf to privatise state-owned parastatals, liberalise trade and adopt a Poverty Reduction Strategy (PRS), dubbed the ‘Poverty Enhancement Strategy’ by many citizens, while

simultaneously cutting essential spending in health and education (Government of Liberia 2011, 4).

Indeed, the 'Washington Consensus' of the 1990s has anchored a twenty-first century neoliberal agenda promoting free market capitalism, free trade and privatisation, which effectively cripples governance, rolls back the regulatory role of states and weakens government-citizen solidarity. This 'race to the bottom' negates the capacity of governments, however limited, to manoeuvre global and domestic demands, and the power of citizens to mediate their authority (Mosley 2007, 110–120). For example, Liberia renegotiated a mineral development agreement in 2006 with Mittal Steel, a subsidiary of ArcelorMittal (the world's largest steel company), and a concession agreement in 2008 with Firestone in attempts to balance demands for FDI with the need to protect the rights of domestic labour (Government of Liberia and Mittal Steel Liberia Limited 2006; Government of Liberia and Firestone Liberia, Inc. 2008). Nevertheless, as will be discussed later in this article, the revised Firestone contract, in particular, neither sufficiently transformed the conditions of Liberian workers nor significantly improved government-citizen relations.

Whereas globalisation has challenged the territorial sovereignty of nation-states, thereby eroding government-citizen relations, some states have responded with mechanisms of their own to maintain autonomy, thus bolstering government-citizen and citizen-citizen relations. Nevertheless, polarised debates about the bounded or unbounded nature of citizenship pit those who advocate for the increased relevance of nation-states against those who argue that nation-states are not the basic unit of analysis or the custodians of citizenship, but one of many institutions whose powers extend transnationally, such as multilateral agencies, multinational corporations and international NGOs (Glick Schiller 2009, 6; Isin 2000, 2). As a result of economic globalisation, corporate citizenship has emerged as a counterpart to cosmopolitan and global citizenship and thus rivals traditional notions of citizenship that position an individual within a nationally bounded territory (Palacios 2004, 389). Corporate citizens, most notably multinational and transnational companies, are governed by the tenets of corporate social responsibility to 'do no harm', abide by state laws, protect the environment and ensure workers' benefits, yet their 'bottom-line' motivations for maximising profit are contrary to these ideals, as the case of Firestone in Liberia illustrates (Pailey 2007; Palacios 2004, 391).

Although examples of nationals challenging corporate hegemony exist, such as the class action suit against Firestone, questions abound about how far citizens can actually go in fundamentally altering the hierarchies of power among nation-states and the multinationals operating within their territories. As Getachew (2019, 32–33) has argued, countries in the so-called 'South' (like Liberia) experience unequal integration into global capitalism precisely because they must contend with the 'outsized power of private corporations' (like Firestone) in processes of globalisation which 'produce unevenly distributed rights, obligations and burdens'.

What follows is an examination of how economic globalisation has configured and reconfigured Liberian government-citizen relations across space and time with uneven results for socio-economic change.

From Firestone to Fernando Po to Open Door

The impact of economic globalisation on government-citizen relations can be traced to Liberia's modern history of capitalist development. Post-settler leaders, primarily free

blacks who migrated from the US and Caribbean thus establishing Africa's first republic in 1847, confronted the asymmetry of international capitalism when they were compelled to undertake high-interest loans from Euro-American financiers-turned-debtors in 1871, 1906 and 1911/1912 as a means of mobilising domestic revenue from commodity exports, funding road construction and servicing debt (Azikiwe 1934; Brown 1941; DuBois 1933, 682–683). In fact, the most egregious example of the young republic's unequal integration into global capitalism was its coupling of debt servicing with foreign direct investment in 1926. Desperate to ward off encroachment by French and British colonisers, Liberia accepted under duress a US\$5 million loan² from the Finance Corporation of America, a private subsidiary of US-based Firestone Tyre and Rubber Company, at an interest rate of 7 per cent, in exchange for signing three concession agreements including a 99-year lease of one million acres of land enabling Firestone, its first major foreign investor, to extract unprocessed rubber at 6 cents per acre (Azikiwe 1934, 123–137; Kieh 2012, 93, 170; Sundiata 2003, 99–100, 112).

Loan terms authorised the US president to appoint Americans as administrators of Liberia's finances, thus channelling revenue collection into debt servicing, and forbade Liberia from borrowing further without Firestone's written consent (Azikiwe 1934, 123–137; Pailey 2020; Sundiata 2003, 112; Van der Kraaij 1983, 3, 40, 44). Whereas Firestone tied the loan to concessions in order to secure its investment, Liberian political elites reluctantly surmised that the operation in Liberia of a large American multinational, backed by the State Department, would help secure the country's borders despite ceding some financial sovereignty to Firestone and the US government (Azikiwe 1934, 149–150; Brown 1941, 193–196; DuBois 1933, 685–686). Echoing detractors of the loan in the Liberian executive, black intellectual and statesman WEB DuBois (1933, 682), who served as US Special Minister Plenipotentiary and Envoy Extraordinary to Liberia, lamented that the country's acceptance of 'expert advice from white men, accompanied by invested capital' would mean the loss of its political and economic autonomy.

Although 'jealous and proud' of its sovereignty (DuBois 1933, 682), Liberia integrated unequally into global capitalism at the mercy of foreign investors like Firestone while remaining subordinate in international institutions like the League of Nations, despite its stature as the only independent African founding member. For example, in June 1929, Liberian legislator and entrepreneur Thomas JR Faulkner, who had been defeated in an infamously rigged 1927 presidential election, wrote the League's secretary-general alleging the forced export of Liberian labour to the Spanish colony of Fernando Po under slavery-like conditions (Azikiwe 1934, 184–187; Mitman 2021, 121). This prompted a formal League investigation in 1930 which concluded that although a select number of Liberian government officials had colluded with local chiefs to export labour forcibly, the process was neither akin to slavery nor to slave-trading (International Commission of Inquiry into the Existence of Slavery and Forced Labour in the Republic of Liberia 1930).

Backed staunchly by the US government, the investigation surreptitiously averted attention away from Firestone's labour abuses on its Liberian plantation and towards the labour export programme in Fernando Po, which the Liberian Legislature subsequently outlawed (Brown 1941, 153; Sundiata 2003, 123–134, 148, 256). President Charles DB King, who would resign amidst the scandal, accused international actors of racist hypocrisy:

In view of the above facts with respect to the attitude of other administrations in Africa towards slavery and forced labour, it is difficult to understand the reasons for this outburst of general criticism against Liberia, except it is because of her weakness, or to serve as an excuse on the part of the enemies of our race to blot out to the millions of Negroes in Africa, the United States and the West Indies, the brightest hopes for the realisation of their highest political and social aspirations (King 1929, 48–60, quoted in Azikiwe 1934, 199–200).

According to Azikiwe (1934, 180), Liberia was aware of labour abuses related to the use of workers in private enterprises in colonies in Africa, however, it ‘made laws to protect its nationals from exploitation’ by, for example, abandoning in 1917 a treaty which enabled recruiting agents to secure labourers in Fernando Po. Thus, one could argue that the US’ investigation and censure of Liberia’s alleged labour abuse was driven by economic interests and prompted primarily by Firestone’s concerns that a shortage of male workers on its Liberian plantation would derail efforts to reduce America’s dependence on foreign-sourced rubber (Mitman 2021, xiii, 2, 6, 98–100; Sundiata 2003, 98–99).

Moreover, despite Euro-America’s colonial- and slavery-era exploitation of black and brown labour, including the fact that Spain, though complicit, was never condemned in the Commission of Inquiry, the ‘problem’ of alleged slavery in Liberia was framed by the League as a humanitarian crisis borne by the lack of European oversight (Getachew 2019, 52–55). Thus, League recommendations of internal reforms in Liberia, including an embrace of global capitalism, legitimised the country’s unequal integration into international society and produced what Getachew (2019, 62) refers to as ‘burdened and racialised membership’. In response to the League’s Plan of Action for Liberia, black anti-colonial nationalists lodged critiques, prompting former Firestone enthusiast DuBois (1933, 695) to proclaim that Liberia’s ‘chief crime is to be black and poor in a rich, white world; and in precisely that portion of the world where colour is ruthlessly exploited as a foundation for American and European wealth’.

Unequal integration was not without resistance or the reassertion of government-citizen solidarity, however. In the midst of steep Depression-era declines in rubber export revenue from 1928 onwards, Liberia’s inability to compensate civil servants and finance other important elements of the state’s development motivated the Legislature to approve a bill on 23 December 1932 suspending payments on the 1926/1927 loan, including interest, reducing the number of American financial officials and deducting their salaries until the country could accrue US\$650,000 annually for a period of two consecutive years (Azikiwe 1934, 123–137; Brown 1941, 203–211; DuBois 1933, 686, 695; Mitman 2021, 135–136; Sundiata 2003, 152, 159, 166). After three years of negotiations following the Fernando Po debacle, the Liberian Legislature also authorised President Edwin Barclay in January 1934 to accept the League’s Plan of Assistance under 12 conditions that would protect the country’s political and economic independence; this induced the League’s withdraw of its proposal on 18 May 1934 (Mitman 2021, 156; Sundiata 2003, 184). In December 1934, the Liberian Legislature passed Barclay’s three-year development plan of reforms and authorised him to renegotiate the terms of the 1926/1927 loan, thus reducing interest on the original loan from 7 per cent to 5 per cent with an agreement that no interest should be paid in the years government revenue fell below US\$450,000 (Brown 1941, 211; Sundiata 2003, 196).

Notwithstanding resistance from Liberian political elites on the terms of the loan, a Supplementary Planting Agreement signed in 1935 exempted Firestone and its foreign

workers from all taxes, duties and other fees in exchange for US\$250,000 and a prepaid US\$400,000 for 60 years of rent on 110,000 acres (Mitman 2021, 160; Sundiata 2003, 195–196; Van der Kraaij 1983, 55–60). These provisions severely undermined Liberia's sovereignty and damaged government–citizen relations. As Padmore (1995, 190) has argued, special tax arrangements or exemptions for large tax payers such as foreign multinationals weaken national tax structures in so-called 'developing' countries, creating a 'hodgepodge of mini-tax regimes, each different from the other'. Moreover, no envisaged boon from Firestone's investment and loan materialised for Liberia ten years after agreements were signed: Depression-era exports dwindled, imports increased, indigenous land was cleared of flora and fauna to accommodate the rubber hegemon, interest payments on the 1926/1927 loan accounted for slightly over 20 per cent of the national budget and revenue decreased so drastically that Liberia could not meet its financial obligations to domestic citizens or foreign debtors (Brown 1941, 198). Although the 1935 Agreement would be revised³ periodically from the 1950s to the 1970s thus eventually taxing Firestone and increasing social benefits for Liberian workers,⁴ it effectively paved the way for President William VS Tubman's 1947 Open Door Policy which mortgaged Liberia's rubber, iron ore and forest reserves without value addition to primarily large-scale Euro-American multinationals while transforming the country into 'an export enclave for raw materials' and exploited labour (Kieh 1992, 39, 42).

Unhinging the door of Liberia's economy

Tubman did not merely open the door of Liberia's economy to global capitalism, he unhinged it. Under Open Door, the Liberian government awarded extended tax holidays, prolonged periods of exemption on import and export duties, special tax tariffs and large tax-deductible items in instances where investors were required to pay taxes (Van der Kraaij 1983, xvii). Companies were also granted 'the freedom to repatriate profits' and 'the freedom to suppress workers' while Liberian citizens were denied the right to form labour unions thus undermining the freedom of association enshrined in the Constitution (Kieh 2012, 77, 82). As Euro-American multinationals like Firestone took advantage of the Liberian government's inexperience and lax regulatory controls by evading taxes, illegally exploiting and exporting natural resources, and erecting complicated legal red tape, Liberian citizens protested the state's complicity in their exploitation (Van der Kraaij 1983, xvii).

Contrary to claims made by free market and pro-economic globalisation proponents, Liberia's Open Door Policy did not reap sustained benefits given the magnitude of unequal integration. It facilitated FDI, thus incorporating Liberia into global capitalism, yet economic growth was largely based on resource extraction without value addition (Kieh 2012; Van der Kraaij 1983). Furthermore, Open Door positioned foreign corporate interests 'above' the Liberian state, shifted domestic expenditure from social spending to debt servicing, undermined labour rights, all the while eroding government–citizen relations (Kieh 2012; Pailey 2021; Van der Kraaij 1983). In the next section, I examine how the Sirleaf administration expanded Open Door with reforms that seemingly advanced the aspirations of Liberian citizens while maintaining a neoliberal economic agenda that undercut government–citizen relations (Kieh 2012, 229; Pailey 2021, 7).

Post-war economic development reignites global capital flows

Unlike Tubman, President Sirleaf instituted policies to mitigate the negative impact of economic globalisation on Liberia's citizens by embarking on a 'Look South' policy (Government of Liberia 2014, 24), yet post-war projections of US\$16 billion in FDI remained elusive, with natural resources governance in land administration posing particular impediments to socio-economic transformation (Hettinger and James 2014, 2–3). As a case in point, Sirleaf reduced the purported benefits of 'South-South' cooperation by leasing millions of hectares of communal land to investors such as Golden Veroleum (Indonesia) and Sime Darby (Malaysia) without consulting affected communities, prompting rural dwellers to challenge dubious concession agreements shrouded in secrecy by demanding that government uphold their citizenship rights (Urey 2018).

Citing the initial protectionist measures adopted by countries such as China and India, Held, et al. (2005, 13) contend that inclusive development requires prioritising 'internal economic integration' rather than single-mindedly hurtling towards international capitalist integration. Granted, Liberia's dogged pursuit of global capitalist re-integration could be attributed to the need to bounce back from a devastating, 14-year protracted armed conflict from 1989 to 2003; yet the path it took under Sirleaf was controversial. Effectively, economic globalisation constrained the Sirleaf administration's ability to respond to the needs of Liberia's citizens despite shoring up FDI.

Measured reforms in trade and investment harken back to Open Door

When President Sirleaf assumed office in 2006, she committed to reviewing all concession agreements, including Firestone's, in keeping with mandates from the United Nations and the internationally financed Governance and Economic Management Assistance Programme (GEMAP), instituted in 2005 under the National Transitional Government of Liberia (NTGL) (UN Panel of Experts on Liberia 2003). Yet, regardless of lofty reform directives, what has remained constant in Liberia's 176-year history is the ability of foreign multinationals to extract lopsided business deals from government. For example, although the 1926 Firestone concession agreement would have expired in 2025, presenting Liberia with an opportunity to negotiate better terms and conditions, the NTGL extended by 66 additional years Firestone's original 1926 agreement to 2091, exempted the rubber giant from multiple categories of taxation and shielded it from adhering to changes in Liberian law during the agreement (Government of Liberia, et al. 2005; Mighty Earth 2020, 5). The Sirleaf administration began with renegotiations of the Mittal Steel and Firestone agreements, respectively, largely because the NTGL had been accused of grossly mismanaging public finances (UN Panel of Experts on Liberia 2005).

Given Liberia's nearly century-long entanglement with Firestone, I delve into its renegotiation with the rubber giant to underscore the enduring legacy of unequal integration. After extended deliberations, the government of Liberia on 31 March 2008 revised the Firestone agreement of 2005, with Firestone committing a total post-war capital investment of US\$135.3 million through 2041 (Government of Liberia and Firestone Liberia, Inc. 2008). The modified agreement, which included a number of favourable stipulations detailed in Table 1, reduced the 2005 contractual terms by 50 years to 2041, increased the income tax rate of Firestone

Table 1. Favourable and unfavourable terms within Firestone amended agreement of 2008.

| Favourable | Unfavourable |
|--|--|
| Firestone must invest US\$10 million in a rubber wood factory/facility to produce sawn timber and other wood products for export and domestic use | US-based parent company Firestone Tyre and Rubber Company is not a party to the contract and therefore not liable for breaches in the agreement |
| Firestone must pay US\$2.00 per acre per year for leased land (up from US\$.50 per acre), limited import duties on rice and fuel, the ECOWAS trade levy and real property taxes | The agreement was subject to very limited citizen scrutiny, with only two days carved out for public consultations |
| Firestone must maintain a workforce that comprises at least 30 per cent Liberian citizens occupying the ten most senior management positions within five years of the effective date of the amended agreement, and at least 50 per cent Liberian citizens occupying such positions within 10 years | The agreement severely stifles the labour rights of Liberian workers, limiting their ability to form unions; the force majeure clause enables Firestone to withdraw from contractual obligations in the case of industrial strikes or employee-employer disputes |
| Firestone must replant at least 50,000 acres of rubber trees from 12 April 2005 to 31 December 2017 and thereafter at least 65,000 acres | The agreement does not hold Firestone to good practices elsewhere, such as in environmental standards and water cleanliness |
| Firestone must build new housing with basic amenities of running water, electricity and indoor latrines, and continue to provide healthcare and education through Firestone-managed clinics and schools for its over 7,500 employees | Liberian workers cannot challenge Firestone if it reneges on its promise of social benefits such as housing, education and health |

Sources: Government of Liberia, Firestone Liberia and Save My Future Foundation.

from 25 to 30 per cent, limited the concession area to 118,990 acres and entitled each employee to new or refurbished modern housing (Government of Liberia and Firestone Liberia, Inc. 2008). Despite the agreement's seemingly glowing appearance, including terms making Firestone subject to all Liberian laws of general application, citizens and civil society activists alike raised concerns about unfavourable provisions, also indicated in the table, as well as their government's swift passage with minimal to no input from the public⁵ (SAMFU 2008).

A comprehensive assessment of the amended Firestone concession is beyond the scope of this article, however, the government of Liberia, headed by the National Bureau of Concessions (NBC), embarked on a joint monitoring and verification mission in 2019 whose debriefing notes and compliance matrix, subsequently shared with the author in 2022, revealed loopholes in implementation. As a case in point, the Inter-ministerial Monitoring Report relied almost exclusively on uncorroborated data⁶ provided by Firestone, thus raising concerns about the reliability of its compliance claims (Government of Liberia 2019). Suffice it to say that renegotiated clauses within the revised contract had merits and demerits. For instance, while the agreement mandates more value addition, thus facilitating capital accumulation, it undermines the rights of domestic labour, thus leaving citizens in the lurch. Although the amended agreement appears to have reconciled, at least in writing, asymmetries of power between the Liberian government and Firestone, corporate citizenship still surpasses the privileges and protections of Liberian citizens.

It is clear from the analysis thus far that Liberia repeated past mistakes in its single-minded pursuit of global capitalist re-integration during Sirleaf's administration, with mixed results for government–citizen relations. Yet, as the next two sections chronicle, citizen–citizen relations would be strengthened in the 2000s and 2010s by Liberians at home and abroad who challenged their country's unequal economic integration.

Stopping Firestone

On the sidelines of a trip investigating the role of American companies in her country of birth, Liberian activist and foreign policy expert Emira Woods caught a whiff of pungent effluent while on a guided tour of the Firestone plantation in early 2005. Blindsided by the spectacle of children in tattered clothing tapping trees, men weighed down by buckets full of raw latex on their blistered shoulders and women entering hovels with no electricity or indoor toilets, Woods, then co-director at the DC-based Institute for Policy Studies, remembers 'leaving there [the plantation] and crying uncontrollably because I couldn't believe what I had seen.'⁷ Liberian environmental justice lawyer Alfred Brownell, to whom Woods would be introduced by a mutual activist friend, felt similarly devastated after Green Advocates, his advocacy firm, convened communities in 2004 which had been adversely impacted by agriculture and mining concessions:

The locals took us on the [Farmington] River and that changed me forever. I could smell chemicals being dumped into the water source. We could see the stuff just pouring in, untreated waste. I couldn't breathe, I was choking. Here was an American company [Firestone] dumping their waste on poor people, using their children as beasts of burden.⁸

Based on an introduction Woods made to Terry Collingsworth of the DC-based International Labour Rights Fund in April 2005, Brownell would subsequently assume the role of local Liberian counsel in the November 2005 class action suit against Firestone. Collingsworth would make several trips to Liberia and the Firestone plantation for research and to interview plantation workers before agreeing to serve as lead counsel.⁹ In effect, Woods' early 2005 mission to Liberia catalysed the Stop Firestone Campaign, whose direct aim—to halt the multinational's flouting of labour, environmental and human rights norms—coincided with its indirect objective of mending government–citizen and citizen–citizen relations.

From 2006 onwards, Woods amassed a groundswell of international support for the Campaign, including from activist organisations such as Solidarity Centre, the US Steelworkers Union—who had travelled to Liberia previously but failed to raise alarm about Firestone's reported abuses—Rainbow Push, TransAfrica Forum, Africa Action, the Coalition of Black Trade Unionists, the Global Fund for Human Rights, the Movement for Labour Rights and Justice in Africa, etc.¹⁰ 'It was just an incredible assortment of activists, including someone in the Liberian government [Minister of Labour Samuel Kofi Woods], pushing for the same goal of holding Firestone accountable', she said.¹¹ A media-savvy policy analyst who appeared as a regular guest on prime-time US and international outlets, Woods also enlisted Liberian CNN reporter Bill Burke who produced an illuminating interview in which then president of Firestone Natural Rubber Company (FNRC), Dan Adomitis, unwittingly admitted to paying Liberian tappers a pittance for meeting astronomical daily quotas. Coverage of the Stop Firestone Campaign and the rubber giant's excesses followed in succession in prominent international media such as *Al Jazeera* and the BBC, putting Firestone on the defensive.

Edwin Cisco, former secretary-general of the Firestone Agricultural Workers Union of Liberia (FAWUL), disclosed that before Stop Firestone, 'a "yellow dog union"...practically in the pockets of the [Firestone] management' existed in which 'management was dictating the pace of the union even to the extent [that]...workers would elect their leaders and

management would just step in and say, 'No way, this person will not be the leader for the workers'... So, there was no way anyone would take a case against Firestone and win it here [in Liberia].¹² The election of Sirleaf in Liberia on 8 November 2005, followed by the 17 November class action suit in the United States, renewed Firestone workers' faith in their own activism thus triggering the formation of an aggrieved workers' committee in February 2006.¹³ According to Rodennick M Bongorlee and Edwin L Ngafuan, FAWUL chairman and secretary, respectively, the committee comprising 22 persons maintained that the mother union for Firestone workers was a puppet for management and lacked independence. Said allegations prodded President Sirleaf to set up a Cabinet committee, under the auspices of the ministry of labour, to investigate workers' grievances after which elections were held in July 2007 for the leadership of an independent FAWUL.¹⁴

When Firestone refused to recognise an autonomous FAWUL, the union initiated industrial action having already filed a case in the Liberian Supreme Court that dragged on for months, said Cisco. In a three-week December 2007 wildcat strike,¹⁵ workers protested wages deducted from their incomes during the administration of former warlord-turned-president Charles Taylor, whose rebel insurgency Firestone funded in the early 1990s through millions in tax revenue in exchange for protecting the company's assets (Miller and Jones 2014; Pailey 2014). This followed a long succession of similar industrial action on the plantation, including when Liberian workers sustained strikes between 1949 and 1950 demanding better wages, housing, healthcare, as well as Firestone's recognition of their independently elected union leadership (Mayson and Sawyer 1979, 148; Mitman 2021, 216–219). Whereas government deployed a special military force to suppress walk-outs, instituted marshal law and suspended civil liberties, the strike reportedly ended in a 40 per cent increase in wages though no other workers' demands were fulfilled (Mitman 2021, 216–219). Years later, during the largest industrial action in Liberia's history from 2 to 14 July 1963, 20,000 Firestone labourers shut down operations in all 45 divisions of the plantation; despite the brutal use of police and military force to squash their demands, workers compelled management to restore palm oil and rice subsidies and adhere to Liberia's minimum wage (Mayson and Sawyer 1979, 148). According to Mitman (2021, 236–238), this was a rather small concession in a year when Firestone boasted US\$60 million in profits and US\$1.4 billion in annual sales.

Decades after Liberia's largest industrial action, a ground-breaking Supreme Court ruling in 2008 recognised union elections as free and fair thus providing FAWUL with sovereign status for the first time and paving the way for the ratification in 2008 of a new Collective Bargaining Agreement (CBA), which prohibited child labour, reduced daily tapping quotas from 650 to 600 trees, increased tappers' wages and removed categories of work from tappers' terms of reference (Jeselskis, et al. 2010, 6; Mighty Earth 2020, 8–9). The 2007 election of an independent FAWUL and the 2008 CBA can be considered landmarks in the struggles for Liberian labour rights initiated by citizens themselves (Mighty Earth 2020, 3). Although challenges related to implementing the 2008 CBA continue to dog activists, FAWUL has managed to negotiate with company management on behalf of all plantation workers thus gaining traction in its ability to wrest rights from Firestone's clutches (Mighty Earth 2020, 8–9).

Analysis of the Stop Firestone Campaign demonstrates how Liberia's concessions-driven economic policies galvanised citizens to challenge government's inability to respond to their material needs. Citizen-citizen solidarity also emerged prominently during the court case against Firestone, as discussed in the next section.

Starting a citizen 'revolution from below'

Flomo v Firestone

According to Edwin Cisco, Firestone's 'unfair labour practices, inhumane working and living conditions' and 'open secret of child labour'¹⁶ inspired the class action suit initially filed in California on 17 November 2005 under more expansive terms. Invoking the Alien Tort Statute (ATS)—a US jurisdictional statute first enacted in 1789—plaintiffs Boimah Flomo, et al. claimed that Firestone had benefitted from a system of labour abuse from the inception of its 1926 establishment in Liberia, and wilfully enabled the use of child labour to harvest and process natural rubber thus meeting profit-driven demands (Collingsworth, et al. 2005; Jeselskis, et al. 2010). Specifically, Firestone was accused of 'encouraging' and 'requiring', through the use of unreasonable daily production quotas, its Liberian employees to 'put their children to work' on the rubber plantation and that children were being forced to engage in 'hazardous, oppressive and injurious' labour (Collingsworth, et al. 2005; Mittelstaedt, Wallach, and Murray 2011, 33, 36). According to the plaintiffs' attorneys, this constituted the 'worst forms of child labour' prohibited under International Labour Organisation Convention 182, which the US and Liberia had ratified in 1999 and 2003, respectively (Bergman 2011, 463; Mittelstaedt, Wallach, and Murray 2011, 33, 36).

Firestone's lawyers initially attempted to dismiss the case, claiming that punitive damages could not be demanded under ATS and that Firestone Natural Rubber Company (FNRC) could not be held liable for systemic child labour violations because its subsidiary, Firestone Liberia, was solely culpable for the 'system of [allegedly] exploiting children to harvest Firestone's latex' for export (Mittelstaedt, Wallach, and Murray 2011, 4). Rejecting the multinational's claims as baseless, the plaintiffs' attorneys countered that punitive damages were indeed warranted under ATS and that FNRC—as parent company, signatory to the revised concession agreement of 2005 and operator of the plantation—was responsible for the policies and conditions that enabled child labour (Jeselskis, et al. 2010, 2, 33, 39–40). Though Firestone issued in June 2000 a written statement discouraging tappers from using minors to assist them, with a reissued statement in July 2005 listing specific penalties, the company only instituted a largely unenforced 'zero tolerance' policy on child labour on 23 November 2005, a week after the class action suit was filed (Jeselskis, et al. 2010; Mittelstaedt, Wallach, and Murray 2011, 12–13). As such, the multinational was compelled to address child labour, 'a practice that was central to Firestone's profitable business plan', by the very children it allegedly exploited who 'rose up to stop the practice themselves' (Jeselskis, et al. 2010, 43). In essence, Liberia's youngest citizens confronted a modern-day, corporate Goliath in a battle showcasing citizen-citizen solidarity.

In contrast, *Flomo v Firestone* exposed the Liberian government's failure to protect citizens' basic rights. When judgement favouring Firestone indicated that the case fell under Liberian legal jurisdiction since remedies which existed to address alleged labour violations had not been fully exhausted (Mittelstaedt, Wallach, and Murray 2011, 37–38, 42–43), the plaintiffs' attorneys insisted that they were pursuing the case in a US court primarily because legal recourse in Liberia remained 'dysfunctional...inadequate and unavailable' (Collingsworth, Levesque, and Jeselskis 2011a, 72; 2011b, 37). Lead counsel Collingsworth disclosed to the author that:

...at the time we filed the case, Firestone wielded great and corrupt power in Liberia. We were very fearful of violent retaliation against the plaintiffs and the lawyers...because of this danger. The US, where Firestone is headquartered, was really the only option.¹⁷

Although the US District Court in Southern Indiana initially ruled in FNRC's favour on 5 October 2010 that the 'worst forms of child labour' charges be dropped, it enabled the plaintiffs' attorneys to provide material evidence that could justify a trial (Magnus-Stinson 2010a, 12). In the district court's final judgement, however, Judge Magnus-Stinson (2010b) declared that the plaintiffs' attorneys could not establish beyond doubt that Firestone had deliberately set up a tapping quota system that would produce the 'worst forms of child labour' as spelled out in ILO Convention 182 (Mittelstaedt, Wallach, and Murray 2011, 41).

Undeterred, the plaintiffs' lawyers appealed the district court's judgement in April 2011 and while their petition for compensatory and punitive damages was denied based on an inability to prove Firestone engaged in the 'worst forms of child labour' under customary international law, the US Court of Appeals, Seventh Circuit, did concede on 11 July 2011 that ATS could be applied extraterritorially in *Flomo v Firestone* and that plaintiffs filing ATS suits need not exhaust legal remedies in the national jurisdiction where the alleged violation of customary international law had occurred (Bauer 2011; Bergman 2011, 478–479; Collingsworth, Levesque, and Jeselskis 2011b). Having pled other cases analogous to *Flomo v Firestone* against Coca Cola in Colombia, DynCorp in Ecuador and Total in Burma/Myanmar, all of which garnered favourable outcomes for the plaintiffs including multi-million-dollar settlements, Collingsworth concludes that:

The main difference was just the luck of the draw – getting a more sympathetic judge and, in some cases, a defendant that was more concerned about public relations and wanted to resolve the case...Firestone hired one of the largest and most aggressive law firms in the country, Jones Day, and they had an unlimited budget. We were always struggling to obtain the resources we needed.

Although plaintiffs in *Flomo v Firestone* were unsuccessful, Collingsworth credits the class action suit, and the massive publicity it garnered, with catalysing improvements in health, education and housing for plantation workers in Liberia and creating 'the political space for an independent [Firestone workers'] union to form' in 2007. Similarly, Brownell maintains that while they refrained from pursuing an appeal in the US Supreme Court, primarily based on concerns that an unfavourable ruling would foreclose ATS, '*Flomo [v Firestone]* resurrected ATS thus opening the door for more lawsuits to be filed under the statute. We may have lost the case, but in the court of public opinion we won. This was the first time [national and international] attention' assumed laser focus on Firestone, once an untouchable 'state within a state.'¹⁸

Echoing the unprecedented nature of the case, Bergman (2011, 458) argues further that *Flomo v Firestone* signifies globalisation from the 'bottom-up' as 'the first case in which a plaintiff's claims have survived the ATS jurisdictional bar and the pleading stage'. As such, the suit provides 'many useful procedural and substantive lessons' for filing child labour claims in future thereby regulating 'practices through the judicial process' (Bergman 2011, 458). Most importantly, *Flomo v Firestone* underscores how private citizen action originating in the 'South' has the propensity to 'influence global markets and institutions', thus prompting corporations and nation-states alike to revise their labour regulations and modify their practices in compliance with international norms (Bergman 2011, 458–459).

Conclusion

At the time of finalising this article in July 2023, some Liberian workers at the Firestone plantation still carried on their bare shoulders wooden poles filled with raw latex; the only difference is that Firestone had erected weighing stations closer in proximity to tapping sites.¹⁹ Although a far cry from the tectonic shifts required to hold Firestone accountable in Liberia, the Stop Firestone Campaign and subsequent lawsuit in the US galvanised a Liberian workforce that is more attuned to its rights and savvy about securing entitlements than ever before. As a testament of how the globalisation of rights can supersede the globalisation of capital, in 2011, the same year Liberian plaintiffs lost their class action suit, FAWUL won the US Department of Labour's Iqbal Masih Child Labour Elimination Award for championing domestic labour rights.²⁰

Nevertheless, while most Stop Firestone demands have been addressed with varying degrees of success—such as management's recognition of an independent workers' union and improvements in employees' working²¹ and living conditions—others—such as the use of motorised bikes to transport latex, the elimination of third-party contracting and the full payment of workers' pensions—have yet to be realised.²² Brownell remains clear-eyed about the past, present and future of Liberia's relationship with Firestone:

There are still legacy issues that we have not dealt with: slavery, pollution, the egregious genocide of ethnic communities which were evicted when Firestone was set up to support the military industrial complex of the United States... There has to be accountability.²³

As Liberia's first major investor, Firestone is emblematic of how the globalisation of capital has entrenched poverty and reproduced inequalities, thereby eroding government–citizen relations. It set a precedent for flouting the labour rights of workers as well as the socio-economic rights of communities living in rubber concession areas, hence the weak application of human rights in other sector-wide agreements (UNMIL 2006). Brownell thus asserts that since 'they [Firestone] control the policies, the legislation, the decision-making processes on rubber... if we don't get Firestone right, we will never get any other concession right in terms of foreign direct investment'.

In this article, I have demonstrated that Liberia's twentieth-century integration and twenty-first century re-integration into the global capitalist system has had diametrically opposed outcomes for government–citizen and citizen–citizen relations. The country's concessions-driven, FDI model of development was primarily catalysed by indebtedness that eroded government–citizen relations (Urey 2018: 201), prompting the Liberian Legislature to endorse in 1952 the construction of a statue 'dedicated to the great relief brought to the country by the Tubman administration' for paying off the 1926/1927 loan 'with its humiliating and strangulating effects on the economy of the nation' (Government of Liberia 1952, quoted in Chalk 1967, 32). Whereas Firestone marked the first major example of corporate citizenship trumping the rights of Liberian citizens and a turning point in the country's unequal integration into global capitalism, internal and external pressure by Liberian citizens—including the Stop Firestone Campaign and 2005 class action suit—has ushered in a raft of legal and policy changes cementing the importance of protecting Liberian land and labour.

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The author reports that there are no competing interests to declare.

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Notes

1. Dispossession and desecration of land were hallmarks of the 1926 Firestone agreement, with ethnic Bassa populations uprooted and forcefully conscripted to work as rubber tappers. In his analysis of indigenous political economy, Brown (1941, 106) asserts that land was not owned individually but shared collectively in Liberia's pre-settler "tribal communalism".
2. The loan was eventually approved by Liberia's Legislature on 8 December 1926 and went into effect on 1 July 1927 (Brown 1941, 196).
3. Since its initial ratification in 1926, the Firestone concession has been reviewed and amended multiple times, with the most noteworthy amendments occurring in 1976, 1987, 2005, 2008 and 2019 (Government of Liberia 2019).
4. In 1976, a completely overhauled agreement forced Firestone to pay all taxes of general application and provide basic services such as housing, healthcare and education facilities to Liberian workers and their families; it also limited Firestone's production area to a maximum of 289,000 acres and mandated the rubber giant to use Liberian-made goods and services 'competitive in price and quality' to those procured abroad (Government of Liberia and Firestone Tyre and Rubber Company 1976). Gerald Padmore, Liberia's former deputy minister of finance who led the government's negotiating team, elaborated in a 12 March 2023 email exchange with the author that 'we considered it [the revised concession] a landmark achievement to be later applied to all long-term Liberian concession agreements'.
5. Author interview in Liberia with Edwin Cisco and Firestone Agricultural Workers Union of Liberia (FAWUL) leadership (Rodennick M Bongorlee and Edwin L Ngafuan), April 8, 2022.
6. Although the NBC requested additional data from Firestone on its tax payments, replanting records, waste management processes, employment and training programmes, water and sanitation for employees, this information was not forthcoming up to the time of finalising the 2019 monitoring report. NBC officials disclosed in December 2022 to the author that compliance monitoring on the Firestone concession was suspended after 2019 due to insufficient budgetary support from the Liberian Ministry of Finance and Development Planning.
7. Author interview in the United States with Emira Woods, January 16, 2023.
8. Author interview in the United States with Alfred Brownell, January 20, 2023.
9. Author interview in the United States with Terry Collingsworth, January 6, 2023.
10. Author interview in the United States with Emira Woods, January 16, 2023; Author interview in Liberia with Edwin Cisco and FAWUL leadership, April 8, 2022.
11. Author interview in the United States with Emira Woods, January 16, 2023.
12. Author interview in Liberia with Edwin Cisco, April 8, 2022.
13. Author interview in Liberia with Edwin Cisco and FAWUL leadership, April 8, 2022.

14. Author interview in Liberia with Edwin Cisco, April 8, 2022.
15. A wildcat strike is strike action undertaken by unionised workers without the authorisation, approval or support of union leadership. Disgruntled Firestone employees condemned union leaders for clandestinely entering into negotiations with Liberia's interim government of 2003-2005 and waiving their rights to unpaid wages. Author interview in Liberia with Edwin Cisco and FAWUL leadership, April 8, 2022.
16. Author interview in Liberia with Edwin Cisco, April 8, 2022.
17. Author interview in the United States with Terry Collingsworth, January 6, 2023.
18. Author interview in the United States with Alfred Brownell, January 20, 2023.
19. Author interview in Liberia with Edwin Cisco and FAWUL leadership, April 8, 2022.
20. FAWUL was also awarded the George Meany-Lane Kirkland Human Rights Award from the AFL-CIO in 2008.
21. Firestone employees reported a statutory increase in their daily wages from US\$2.00 to US\$6.25, with workers paid an additional 40 per cent of daily wages for overtime work.
22. Author interview in Liberia with Edwin Cisco and FAWUL leadership, April 8, 2022.
23. Author interview in the United States with Alfred Brownell, January 20, 2023.

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