

Explorations | Exploraciones

Citizens, Criminalization and Violence in Natural Resource Conflicts in Latin America

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Abstract

In Latin America grassroots organizing against megaprojects such as open pit mining, oil extraction, hydro dams and large plantations goes hand in hand with increased criminalization of social protest and violations of the human rights of activists. This results in numerous communities demanding a clean environment, participation, and justice – all at the same time. They not only face foreign companies, but are also caught in the middle of armed and non-armed actors that contest the same territory and its natural resources. Their resistance is considered as a threat to internal security; citizens are increasingly viewed as criminals. This paper suggests new avenues for research that is located at the nexus of local resistance towards megaprojects and the increase of human rights violations and criminalization in natural resource conflicts. It proposes, first, to approach natural resource conflicts as hybrid spaces where citizenship is constructed in relation to multiple actors that engage in processes of providing, protecting and violating citizenship rights, and second, to study such processes by way of slow ethnography. Such an approach to natural resource conflicts paves the way not only for understanding how citizens engage in acts of resistance and experience violations of human rights, but also how such processes shape new subject-positions. *Keywords:* Latin America, extraction, citizenship, human rights, violence, engaged ethnography.

Resumen: Ciudadanos como criminales: Ciudadanía, criminalización y violencia en conflictos sobre recursos naturales

En América Latina la resistencia a mega proyectos como la minería a cielo abierto, la extracción de petróleo, la construcción de hidroeléctricas y el monocultivo de grandes extensiones va de la mano con la criminalización de la protesta social y violaciones de los derechos humanos de los activistas. Eso resulta en comunidades que demandan un ambiente sano, participación y justicia social al mismo tiempo. Estas comunidades no solamente enfrentan las compañías extranjeras, sino también se encuentran atrapadas entre actores armados y no armados que compiten por el control de sus territorios y los recursos naturales asociados. La resistencia de las comunidades es considerado como una amenaza a la seguridad interna; los ciudadanos son vistos cada vez más como criminales. Este artículo sugiere nuevas vías para investigar el nexo de la resistencia local a los megaproyectos por un lado, y el aumento de las violaciones de los derechos humanos y la criminalización de actores sociales

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en conflictos sobre los recursos naturales por otro. Propone, primero, abordar los conflictos sobre los recursos naturales como espacios híbridos en los cuales se construye la ciudadanía en relación a actores múltiples que proveen, protegen y violan los derechos ciudadanos y, segundo, estudiar estos procesos por medio de una 'etnografía lento'. Este enfoque no solamente permite entender por qué el ciudadano participan en la protesta social y sufren las violaciones de derechos humanos, sino también cómo estos procesos moldean nuevas posiciones de los sujetos. *Palabras claves:* América Latina, extracción, ciudadanía, violencia, etnografía comprometida.

On 19 September 2015, Rigoberto Lima Choc, a local politician, teacher and activist in Sayaxché, a municipality in the north of Guatemala, was murdered in front of the local court. He was responsible for laying down a legal claim against REPSA, a company extracting palm oil and polluting a local river with pesticides, which had resulted in a six-month closure of this company by court order. After his death, the news spread rapidly through social media. The following day the High Commissioner for Human Rights of the United Nations publicly condemned his death. Activist groups as well as the United Nations started to urge the Guatemalan authorities to prosecute the actors responsible under the hashtag #JusticiaYa! (#JusticeNow!).

This occasion does not stand alone and captures two processes that characterize natural resource conflicts in Latin America today. First, there is a growing, well-organized, multi-scaled resistance against megaprojects. People have organized community consultations, prepared lawsuits, gone to human rights courts to resist gold mining, palm oil plantations and power dams (Walter & Urkidi, 2016). In the course of growing social mobilization, the language of resistance has moved slowly from demanding inclusion in the decision-making processes about resource use towards a discourse of territorial autonomy. Second, growing resistance goes hand in hand with an increased use of penal law and anti-terrorism legislation as a way of disqualifying social protest as well as an intensification of the use of violence and the surge of human rights violations in natural resource conflicts (Sibrián & van der Borgh, 2014). Activists have been murdered, illegally detained and/or have faced numerous law suits; political subjects acting as citizens have been caught in the middle between armed actors (private security firms, the police, the military, paramilitaries, among others) and non-armed actors (local and national authorities, prosecutors) contesting community territories and their natural (often mineral) resources. Communities involved in resistance are portrayed as 'against development' and their resistance as a threat to internal security; consequently citizens are branded as criminals. As a consequence, citizens of already polarized societies (due to [neo]colonization, repression of indigenous populations, internal armed conflicts) and the state become even more opposed to each other.

In Latin America, contemporary local social mobilization and criminalization, violation of human rights, and violence have not yet been sufficiently studied in relation to each other. Research has focused on the organization of

community consultations in which violence and criminalization might briefly be mentioned (e.g. Laplante & Nolin, 2014), and criminalization as such has only been studied by NGOs or from a law perspective (Rojas-Páez, 2014). Violence in relation to democracy and illicit groups (and their activities) has received much scholarly attention (e.g. Cruz, 2011), but not in relation to the human rights of people involved in resistance. Yet contemporary Latin America is the most dangerous region (and Honduras the deadliest country) to take action as an environmental activist, according to studies realized by Global Witness.¹ The academic literature has left untouched how processes of social mobilization on the one hand and criminalization and violence towards activists on the other relate and shape each other.

Resistance and violence in natural resource conflicts

Attracting foreign direct investment from mining companies is advocated by many Latin American states. One of the main arguments in favour of granting concessions to transnational mining companies is ‘development’. This is supported by the World Bank as a strategy for poverty alleviation (Bebbington, 2009). However, all over the world mining as well as other extractive projects have caused conflicts about distribution, recognition and participation. Such resource conflicts are not only rooted political histories of exclusion but also in the material dimensions of resource use and different ideas of resource use. Natural resources can be valued in terms of indigenous territory, part of livelihood, biodiversity, or as a combination hereof. Such meanings often clash with monetary valuation on which (neoliberal) extractive projects are based (Martinez-Alier, 2014).

Opposition to foreign or domestically funded large-scale (neoliberal) development projects has been strong throughout Latin America and has received extensive academic attention. Research shows how indigenous communities have turned to legal instruments to reject extractive projects, mostly by using their right to Free and Prior Informed Consent (FPIC), often through community consultations (e.g. Fulmer et al., 2008). Such forms of resistance are often organized on a local to a global scale and framed along different lines of interest: as indigenous, ecological, anti-capitalist, or anti-neoliberal (Martinez-Alier, 2014). In some cases, such as in Guatemala, mining and other forms of extraction are considered as new forms of colonization and framed as an ‘invasion’. Resistance, then, is rooted in violent pasts of racism and exclusion (Caxaj et al., 2013). Community consultations have often been organized as a way of challenging top-down consultations (Walter & Urkidi, 2016) and Environmental Impact Assessments, which are perceived as a limited way to express concerns or influence development projects (Perrault, 2013). Although this form of resistance has produced processes of engagement and participation on the local level and has resulted in numerous municipalities and regions in Latin America declaring themselves ‘free of mining’, it generally does not in-

fluence national decision-making processes directly; only in very few cases has it actually stopped extractive projects.

Distrust in political institutions is an important accelerator of natural resource conflicts. Companies and governments tend to cut short local decision-making processes, and consultations are often characterized by manipulation and fraud. Trust in political institutions and democracy is further hampered by using penal law and anti-terrorist legislation to obstruct social mobilization, and by declaring a state of emergency to justify the detention of activists. Many activists suffer from multiple forms of intimidation and violations of human rights as well, including threats, injuries, killings, impunity and lack of protection (Iturralde, 2010).

NGO reports² and pieces from the academic literature depict a myriad of actors involved in criminalization and violence against human rights defenders in natural resource conflicts. Armed actors that are involved in these processes can be linked to the state, the companies involved, and illicit groups. States use legal frameworks in arbitrary ways to criminalize protestors, but also change legal frameworks to criminalize social protest. As such, it becomes easier to charge activists with criminal offenses such as illegal association or public intimidation. In addition, criminalization is often embedded in a broader context of militarization and the use of excessive force towards protestors by the military; protestors often become subject to intimidation and arbitrary arrests. (Foreign) companies are often part of such strategies of criminalization and violence; research points out that firms operating in Latin America sometimes use (former) army and police officers for their security, privatizing what should be public security and declaring war on activists.

Illicit (armed) actors are often present at extraction sites. In some countries such as Colombia, extraction sites such as coal mines are controlled by paramilitary groups. In other countries such as Guatemala, mining operations take place within complex networks of actors: local political authorities, the military, actors that are part of the so-called *poder oculto*, and individuals and groups involved in organized crime (including drug trafficking) that often have roots in paramilitary structures. Analyses cautiously point at possible relations between the presence of these actors and high rates of homicides and violations of environmental activists' human rights.³ The literature on (criminal) violence, illicit networks and democratization shows how violent entrepreneurs remain in place following long, armed internal conflicts and how illicit groups retain intimate ties with the state (or are part of it). In some cases, military personnel transferred to police forces continue employing authoritarian practices. Paramilitary groups, vigilante-like squads, and civil self-defence groups are often not completely dismantled, and armed groups continue to operate covertly and have links with state institutions.⁴ Thus state institutions are also involved in the direct reproduction of violence (cf. Cruz, 2011).

The rich scholarship on natural resource conflicts in Latin America shows that these conflicts are not about technical solutions to problems of water or

royalty rates, but instead raise the question of citizenship (Fulmer et al, 2008). Parallel to this, the literature on democracy and illicit networks discloses the entanglement of state actors and gangs, paramilitaries and *poderes ocultos*. However, these two strands of literature do not interconnect; thus such important issues remain untouched. Most studies on natural resource conflicts provide analyses on an institutional level, paying relatively little attention to the activists themselves who are embedded in these macro processes, and to everyday forms of resistance, violence and criminalization. Closely related to this, (indigenous) communities are often portrayed as homogenous and their valuations of resources are often essentialized, without taking into account localized meanings of resource use. Differences within and among communities can intensify in the course of natural resource conflicts, and companies can play an important role in the articulation of such conflicts, creating new ‘winners’ and ‘losers’ (Dougherty, 2013). Finally, although most articles on resistance in natural resource conflicts mention criminalization of resistance and the violation of the rights of activists, there is no ethnographic work yet on how people actually experience criminalization, violence and the violation of rights in natural resource conflicts.

Reconceptualizing citizenship

Resonating with key points of political ecology, I propose to approach natural resource conflicts as political problems. Moore (1993) emphasizes the importance of micropolitics in understanding how access to resources is negotiated at a local level, and in studying complex and violent political realities of communities while analysing them in their broader context in this case of violence, criminalization and extraction. I would suggest combining this (micro)political perspective with the conceptualization of citizenship as a relational concept. Such an approach would make it possible to capture experiences of violence and exclusion from the political process as well as the new ways political subjects are enacting themselves as citizens in relation to the multiple actors that engage in processes of providing, protecting and violating citizenship rights. It would also allow us to deconstruct essentialized categories of actors in natural resource conflicts and to analyse everyday acts of resistance and citizenship as well as experiences of violence and criminalization. This approach to natural resource conflicts has been inspired by two debates in the field of citizenship studies.

The first one relates to ‘citizenship as negotiation’ as opposed to citizenship as a legal status. In his seminal work on citizenship, Marshall (1964) considers citizenship as the legal achievement of civil, political, and social rights. However, as many authors have shown, the legal achievement of rights neither guarantees access to, nor the equal exercise of, those rights. Rather, access to citizenship rights is shaped through actual struggles, informed by people’s own citizenship aspirations. Such struggles could be studied in three domains of

resistance (Chin & Mittelman, 1997): 1) in the domain of resistance as counter-hegemony, encompassing Gramsci's 'wars of movement' and 'wars of position', with the aim of controlling the state (Gramsci, 1971); 2) in the domain of resistance as counter-movement, which is expressed as openly declared resistance towards industrial capitalism (Polanyi, 1944); and, 3) in the domain of infrapolitics, comprising everyday forms of singular and collective resistance (Scott, 1990). Scott (1990) suggests that using the norms of conduct cultivated through infrapolitics, everyday resistance serves to develop a 'counter-hegemonic consciousness' that acts as a seedbed for overt movements. An analysis of everyday engagement with resistance and micropolitics is, thus, crucial for understanding experiences and practices of citizenship and resistance across different scales.

The second debate is about the changing (or absent) role of the state in providing and protecting citizenship rights. The idea that the state is key in providing and protecting citizenship rights has been questioned. In cases where undemocratic institutions 'survived' transitions to democracy after authoritarian regimes or civil wars, and the state is not capable or willing to provide for and protect citizenship, state institutions have no sovereignty over territory, or over violence (Cruz, 2011). As a result, other (violent) actors can assume the role of the state (these can be 'violent entrepreneurs', indigenous authorities, foreign companies or NGOs), or (non)state actors can violate the rights of citizens. This may take the form of defining behaviour as illegal and as such to define political opponents as criminal. Encompassing a wide variety of practices, it can range from demonization in press and police violence, to criminal prosecutions and disproportionate sentences (Rojas-Páez, 2014), but also to direct violations of human rights, such as extrajudicial killings. Some authors have questioned the utility of citizenship as a concept in such cases (e.g. Arias & Goldstein, 2010). However, political subjects still do enact themselves as citizens by demanding the right to justice at the level of state institutions. Violent specialists or entrepreneurs, as well as other actors involved in criminalization and violating activists' human rights, shape these new subject positions.

Spaces where other actors assume functions of the state have been theorised as 'hybrid states' (Jaffe, 2013) and 'gray zones' (Auyero, 2007). Environmental citizenship and governance have also been conceptualized as hybrid spaces, in which governance is considered a process of institutional bricolage where different (non-state and state) actors shape institutions that combine modern and traditional components and formal and informal practices in a multi-scalar dynamic (Cleaver, 2002). Other authors have used 'fragmented sovereignty' (Davis, 2010) and 'contested sovereignties' (Sieder, 2011) to capture the phenomenon, focussing more on the fragmented monopoly on violence. Based on the above considerations, I propose to view natural resource conflicts as 'hybrid spaces' in which different actors contest the same territory. Within such hybrid spaces we can analyse how political subjects enact themselves as citizens in a context of violence and criminalization. The novelty of such an ap-

proach is that it theorises, first, how political subjects enact themselves as citizens along different scales of resistance and how these scales interact and reinforce each other; second, how natural resource conflicts act as hybrid spaces where actors compete for the same territory, setting the criteria for in- and exclusion; third, how citizenship from below responds in relation to violent actors; and, finally, how the role of the state as an actor is expected to protect its citizens and at the same time is expected to grant autonomy.

The contribution of slow ethnography

Inspired by discussions about engaged anthropology (e.g. Low & Merry, 2010) and the call for a more engaged or activist anthropology in the domain of extraction research (Kirsch, 2010), I propose that the above mentioned avenues for research can best be researched by way of an engaged ethnographic research design. Viewing large-scale resource extraction through an ethnographic lens illuminates the human experience of resource extraction within its social, cultural and political context. Following Grandia's (2015) call for a slow ethnography as a way of engaging in more reciprocal and engaged relations in the field, I contend that slow ethnography enhances processes of trust and rapport and thus paves the way for studying and understanding sensible topics in violent, hybrid spaces.

At the same time, while doing ethnographic research in such spaces, it is almost necessary to become part of the social change that the involved communities aspire to. This is because natural resource conflicts in the domain of large scale extraction always imply structural differences in power between companies and the involved communities. Becoming part of such change implies an engaged, or activist, research design, which 'entails a commitment to generating the kinds of knowledge they [involved organized groups or communities] ask and need us to produce' (Hale, 2006, p. 113). It involves being part of social change and political alignment through the relationship with an (organized) group of people in their struggle and not just disclosing such inequalities through the content of the knowledge produced. Anthropological writing, then, becomes a site of resistance (Low & Merry, 2010), and the research process itself a site where researchers cooperate with social actors that are not necessarily linked to the academy.

My first experiences with ethnographic research on this topic (see Rasch, 2016) show how such an approach can produce knowledge to fill the gaps on the literature on resistance and violence in Latin America today. In this research I engage with activists at the frontlines of anti-extractive activism in Guatemala who have suffered different forms of violence and criminalization in doing so. Some of the research participants I work with form part of a large network that I have been building since starting fieldwork in Guatemala in the late 1990s, and as such are part of long (personal) histories of engagement and reciprocity. In some cases I have also collaborated through Peace Brigades In-

ternational in organizing talks and meetings with students at Dutch universities. In the course of my research I have worked closely with local NGOs and grassroots organizations that are organizing ‘in defence of the territory’; they feed the research in terms of co-defining the direction of the research and how these findings can best be disseminated (e.g., through workshops, community radio, digital narratives, graphics).

This work has gradually started to depict an image of activists who are active on different levels of resistance. They travel abroad and return home again to their rural communities where they are heralded by many community members, but also threatened and assaulted by a variety of actors that have other interests in the natural resources that these activists and communities are trying to defend. In addition, women activists also tell stories of how they have been criticized when they left their families behind to participate in activities in the capital or abroad. Criminalization and violence thus shape the daily life and work of activists and their families. There are many stories, for example, of a woman activist’s husband being threatened with having to watch his wife being raped; of the tears in the eyes of Omar, when he remembers the murder of Berta Caceres. There are stories of how much time it takes to be threatened and criminalized, how much time to go to court and handle the paperwork. This can take up so much time that activists have no time left to engage in activism. All these many stories are embedded in memories of Guatemala’s internal armed conflict (concluded in 1996), memories that are very much alive today in the communities where the activists come from. In their narratives of the violence and criminalization they experience, they often refer to their past in order to make sense of what is going on in the present.

Following the lives of activists in the frontlines shows how activists are rooted in the local histories of their communities, and how they actively engage in national and international networks at the same time. From the everyday experiences and practices of activists, collected mainly through participant observation and life history narratives, I have moved towards describing the impacts of criminalization and violence on the lives of the activists and community and family life rather than describing these phenomena in terms of statistics and macro processes. As such, this ethnographic approach indicates the limits and possibilities of activists and citizens in enacting themselves as political subjects, but also how this takes place in relation to the state, violent entrepreneurs and other community members.

In conclusion, I propose a theoretization of natural resource conflicts as hybrid spaces where citizenship is constructed from below in relation to multiple actors that engage in processes of providing, protecting and violating citizens’ rights. Such an approach facilitates the deconstruction of essentialized categories of supporters and opponents of large-scale resource extraction by bringing experiences of resistance, criminalization and violence to the forefront. It paves the way not only in our understanding of how communities engage in acts of citizenship and resistance, and how citizens and activists expe-

rience violence and criminalization, but also broadens our understanding of how such processes inform new political subjectivities and experiences of democracy. As such, it offers new insights in how to breach seemingly incompatible positions of people for and against large-scale ‘development’ projects in highly conflictive and at times violent resource conflicts.

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Notes

1. See for example, <https://www.scientificamerican.com/article/latin-america-is-the-world-s-deadliest-region-for-environmental-activists/>, and, <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/>.
2. See for example, CIDSE (2011) Criminalisation of social protest related to extractive industries in Latin America, http://www.cidse.org/publications/business-and-human-rights/download/34_43aa9a7ce5a51c5c97bd2028a72c4524.html.
3. http://www.huffingtonpost.com/the-conversation-global/fracking-mining-murder-th_b_13168292.html, https://mx.boell.org/sites/default/files/redes_poder_y_violencia_mayo_2014.pdf
4. <https://www.wola.org/wp-content/uploads/2008/02/WOLA-rpt-OrganizedCrimeFinal.pdf>.

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