



“¡Si a la Vida, No a la Mina!”
The Criminalization of
Socio-Environmental Defenders in Latin America

By

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A thesis submitted to McGill University in partial fulfillment of
the requirements for the degree of Master of Arts

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Abstract

Latin American communities affected by mining projects have repeatedly taken the streets to challenge harmful practices for the environment, and demand the respect of the rights to consultation and consent. Far from taking measures to respect or even listen to these claims, states have developed a wide range of strategies to neutralize the resistance and proceed the exploitation of natural resources. Because anti-extractivist movements challenge powerful political and economic powers, states have usually taken the side of the mining companies. Only between 2014 and 2016, 322 socio-environmental activists have been murdered across the continent, making Latin America the most dangerous place to defend nature. As such, strategies to limit dissent include murders, repression, physical abuses, forced displacements, but also less visible and less direct forms of social control. In fact, to avoid the costs of the use of force, states have increasingly answered to anti-extractivist mobilization by criminalizing the protesters. The criminalization of dissent aims at portraying and treating challengers as a social threat, and therefore as legitimate objects of state punitive powers. This disturbing pattern poses a challenge to democracy as it entails the restriction of citizen's basic rights and consider peaceful gatherings to express an opinion as a criminal activity. The goal of this thesis is precisely to capture state strategies of criminalization by going beyond the evidence of direct and visible forms of repression. In that sense, it seeks to analyze how states criminalize socio-environmental movements. By focusing on the conservative regime of Mexico and the so-called progressive regime of Ecuador, I argue that states have sought to make anti-mining mobilization socially and legally unacceptable by discursively and judicially treating challengers as criminals.

Keywords: Criminalization of dissent, Extractivism, Mining conflicts, Socio-environmental defenders, Mexico, Ecuador

Résumé

Les communautés d'Amérique Latine affectées par des projets miniers se sont mobilisées de nombreuses fois pour dénoncer des pratiques nuisibles pour l'environnement et pour demander le respect du droit à la consultation et au consentement. Loin de prendre des dispositions pour respecter ou écouter ces demandes, les États ont cherché à neutraliser les mobilisations sociales pour pouvoir poursuivre l'exploitation des ressources naturelles. En effet, parce que les mouvements anti-extractivistes remettent en cause de puissants pouvoirs politiques et économiques, les régimes Latino-Américains soutiennent généralement les compagnies minières. Entre 2014 et 2016, 322 défenseurs environnementaux ont été assassinés sur le continent, faisant de l'Amérique Latine l'endroit le plus dangereux pour défendre la nature. Ainsi, les stratégies pour limiter les protestations ont été particulièrement violentes : meurtres, répression, abus physiques, déplacements forcés. Mais les États ont aussi utilisé des stratégies de contrôle social moins directes et moins visibles. En effet pour éviter les contrecoups liés à l'utilisation de la force, les gouvernements Latino-Américains ont de plus en plus recours à la criminalisation afin de contenir les mobilisations anti-extractivistes. En limitant les droits fondamentaux des citoyens tel que le droit de protester et d'exprimer son désaccord, ce phénomène, qui considère des manifestations pacifiques comme des actes criminels, représente un véritable défi pour la démocratie. L'objectif de ce mémoire est de saisir ces stratégies de criminalisation en allant au-delà des manifestations directes et violentes de la répression. En ce sens, je cherche à analyser comment l'État criminalise les mouvements socio-environnementaux. En me concentrant sur le régime conservateur du Mexique, et le régime soi-disant progressiste de l'Équateur, je démontre que ces États ont cherché à rendre les mobilisations anti-minières socialement et légalement inacceptables en traitant judiciairement et discursivement les manifestants comme des criminels.

Mots-clés : Criminalisation de la protestation, Extractivisme, Conflits miniers, Défenseurs socio-environnementaux, Mexique, Équateur

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Acknowledgements

First and foremost, I wish to thank my supervisor, Dr. Manuel Bálan, for its support and insightful guidance throughout the writing process. He took the time to provide enriching comments to my drafts and he definitively put me on the right track to finish this work.

Of course, I express my gratitude to my parents because they have always provided me support throughout my studies, and most importantly, they have encouraged me to do what I like.

I would like to address a special thanks to my good friend François for proof-reading initial parts of the thesis and providing precious (and sometimes funny) comments. Merci! Also, I wish to thank Rose Chabot, for her company throughout my tour of Montreal's cafés and libraries, and for sharing with me her insightful points of view on Latin American politics and methodology.

Para terminar, le quiero agradecer a Giorgio quien me dio la oportunidad de conocer este maravilloso país que es México durante un viaje que, de una cierta manera, inspiro esta tesis. También, le agradezco para mostrarme que la mejor maneja de llevar acabo trabajos como este, es hacerlo con presencia y ánimo. “Si se pudo!”

List of Abbreviations

ANAA – Asamblea Nacional de Afectados Ambientales

APPO - Asamblea Popular de los Pueblos de Oaxaca

CASCOMI – Comunidad Amazónica de Acción Social Cordillera del Cóndor

CDHAL – Comité pour les Droits Humains en Amérique Latine

CELS - Centro de Estudios Legales y Sociales

CODEP - Consejo de defense de los derechos del pueblo

CONACAMI - Confederación Nacional de Comunidades del Perú Afectadas por la Minería

CONAIE - The Confederation of Indigenous Nationalities of Ecuador

CONAMAQ – Consejo Nacional de Ayllus y Markas de Qullasuyu

CONFENIAE – Confederación de Nacionalidades Indígenas de la Amazonía

COPINH - Consejo Cívico de Organizaciones Populares e Indígenas de Honduras

CPUVO - Coordinadora de Pueblos Unidos del Valle de Ocotlan

ECSA – Ecuacorient S.A.

ECUARUNARI - Confederación Kichwa del Ecuador

EJ Atlas – Environmental Justice Atlas

FEPNASZCH - Federación interprovincial Shuar de Zamora Chinchipe

FIDH – International Federation for Human Rights

FDI – Foreign Direct Investment

FSM – Fortuna Silver Mines

IACHR – Inter-American Commission on Human Rights

ILO – International Labour Organization

IMF – International Monetary Fund

M4 – Movimiento Mesamericano contra el Modelo extractivo Minero

NGO - Non-governmental organization

OCMAL – Observatorio de Conflictos Mineros en América Latina

PAN – Partido Acción Nacional

PBI – Peace Brigades International

PRI – Partido Revolucionario Institucional

REMA - Red Mexicana de Afectados por la Minería

SEMARNAT – Secretaría de Medio Ambiente y Recursos Naturales

SIPAZ – Service International pour la Paix

UAC - Unión de Asambleas Ciudadana

1. Introduction

In March 2012, Bernardo Vásquez Sánchez, the leader of an anti-mining movement in the Mexican region of Oaxaca, was ambushed by an armed group and assassinated for standing up to the Canadian mining firm Fortuna Silver Mines (MiningWatch 2015). In November 2014, José Isidro Tendetza Antún, a Shuar leader from Ecuador defending indigenous and environmental rights, was found dead for having criticized the activities of Mirador, a state-Chinese mining project (Watts and Collyns 2014). Both died because they stood up to governments and companies that imposed harmful activities to the environment without the consent of the population. Unfortunately, these killings are not unique cases as Latin America became the most dangerous continent to be a defender of nature. Only between 2014 and 2016, 332 socio-environmental activists have been murdered across the region (Global Witness 2015, 2016, 2017).

On top of that, these killings are just the tip of the iceberg as movements defending the environment are also targeted by less direct and less visible forms of violence including arbitrary detention, intimidation and smear campaign (MiningWatch 2015). This last decade, an increasing number of activists and NGOs have denounced the criminalization of social protests. Such reports signal how this phenomenon affects socio-environmental activists, as well as human rights defenders, students, teachers, and members of trade unions. The criminalization of dissent can be understood as a mechanism of social control aimed to intimidate, neutralize and inhibit conducts challenging the state. Scholars have shown that such practices transform individuals exercising a fundamental democratic right – the right to peacefully take the streets to express a political or social viewpoint – into a perceived threat that requires the government to adopt a forceful response. Because it entails the restriction of citizens' basic rights, and transform citizens' peaceful actions into crimes, the criminalization of dissent poses a serious challenge to democracy (Doran 2017).

State practices of criminalization have particularly targeted socio-environmental defenders. Following an unprecedented rise of primary commodity prices, the Latin

American 21st century has witnessed an extractivist boom supported by governments from the left to the right. In particular, states have promoted the exploitation of natural resources as a way to sustain growth, create jobs, and finance redistributive policies. Despite this widespread rhetoric, extractivism triggered a wave of resistance from Mexico to Argentina. The defenders of nature have denounced its destructive effects on the environment, the water resources, and health; but also the threat it represents to ancestral and cultural lands, as well as local social fabrics. Because such resistance directly challenges a model in which governments believe could generate great economic benefits, state answered to anti-extractivist mobilization by labelling and treating activists as enemies of the state, opponents of development, delinquents, criminals, and even terrorists (Mining Watch 2015).

The present research seeks to analyze how states criminalize socio-environmental movements challenging extractivist projects. Specifically, the goal of this study is to capture state strategies of social control by going beyond the evidence of direct and violent forms of repression. Few studies have systematically analyzed states' tactics to control and limit dissent (deMeritt 2016). While a great deal of the literature has analyzed social movements' strategies of mobilization, less scholars have looked at the other side: how states manage dissent. Instead, the literature dedicated to study state answers to contentious challenges has either considered state behavior as a dependent variable, to determine what answer is most likely, or as an independent variable to examine the impacts on social mobilization (Earl 2006). In addition, state repression scholars have mostly focused on visible and violent state practices taking place during the 'moments of protests' (Fernandez 2008; Earl 2006). By bringing the criminalization of dissent into focus, this thesis intends to extend the scope of the analysis on regime responses to contentious challenges. In sum, it is critical to understand tactics of criminalization as they shed light on the submerged part of the iceberg: less visible, more sophisticated and beyond-the-streets forms of social control. At last, by looking at this social phenomenon, this work presents an attempt to gain insight into the normalization of violence and the deterioration of the human rights situation taking place since the democratization processes in Latin America.

The central claim that this study will explore is that state criminalize dissent through discursive processes – within which dissent is socially constructed as a crime –, and through the use and abuse of legal frameworks. In other words, this thesis shows that the criminalization of dissent lies in delegitimizing discourses, and laws making environmental protests socially and legally unacceptable. To elucidate such practices, I rely on a most different approach comparing the cases of Mexico and Ecuador. This selection of cases demonstrates that despite Ecuador having a leftist government in the last ten years, and Mexico having a conservative regime where violence is increasingly prevalent, both countries reveal similar patterns of criminalization of social protest. To analyze my object of study, I conduct a discursive analysis and a legal analysis exploring the political, social, and legal processes defining what is constructed as a crime.

Overview of the Section

This introductory section first provides the context in which the criminalization of social protest is taking place in Latin America. Secondly, I define the criminalization of dissent and precise the main research goal and argument of this work. Then, I briefly lay out the research approach I rely on including my epistemological position, research design and methods. Finally, the last part provides an overview of the following chapters.

1.1. Context: Social Mobilization in Latin America

The criminalization of social protest is taking place within a period of intensifying social conflictivity during which demands for individual and collective rights, and democratic participation have expanded. In what Ortiz (2015) calls the ‘post-authoritarian period’ (1990s-present), social movements have expressed an ambiguous relationship to democratic institutions between claims for recognition and rights, and disillusion and rejection of political institutions (Goirand 2010). The 1980s wave of democratic transitions put an end to a century of instability, violent conflicts and chronic military

coups, and paved the way to a relative democratic climate. This democratic phase also laid the foundation for a capitalist restructuring through the adoption of neoliberal reforms and the growing opening of the economies to the globalized world. This context of political and economic liberalization had a paradoxical effect. On the one hand, people gained more political rights and globalization offered new opportunities and space for mobilization (Almeida and Ulate 2015; Ortiz 2015). On the other hand, neoliberalism triggered the decrease of economic and social rights and the degradation of the environment (Ibid.).

In this way, the massive wave of protests at the turn of the millennium emerged out of a combination of the opening of political opportunities and the opposition to the threats of neoliberalism. Specifically, the neoliberal turn has intensified the pre-democratic concentration of wealth in the hands of social and political elites giving rise to “a system in which a small group actually rules on behalf of capital and, participation in decision making by the majority is confined to choosing among competing elites in tightly controlled electoral processes” (Robinson 2004, 146). Besides, it has eroded social and economic rights gained in the past decades (Almeida and Ulate 2015). Indeed, the privatization of public sectors and the cuts in social spending led to increased inequalities (Ibid.). At the same time, the political and organizational dynamics of the democratization wave made possible the expression of grievances in the public space. In response to neoliberal reforms grew out a new cycle of protests throughout the region. Precisely, social protests shifted from a resistance to authoritarian regimes to the contestation of specific policies of the state (Almeida and Ulate 2015).

To claim a large spectrum of grievance, social movements rely on new tactics of mobilization - including road blocks, *cacerolazos*, pacific march to the capital cities, electoral abstentionism, and cyberactivism (Goirand 2010). Some ‘old’ mobilizations dealing with the defense of human rights were strengthened in the 2000s.¹ On the other

¹ While in Colombia, people increasingly manifested for peace, in Argentina and Chile movements continued to mobilize against the impunity for the military regimes and obtained trials re-opening (Goirand 2010)

hand, claims about labor and agrarian rights lost intensity and new social movements took the stage to affirm cultural, ethnical, gender and sexual identities², and to ask for the protection of the environment (Ibid.). Latin American social resistance is not only about claiming the access to economic and political resources, but it also includes the struggle for the signification and interpretation of social phenomena (Eleonora Rabinovich and Omar Rincón 2007). Then, such claims involve a systemic change and profound social transformations (Ibid.). For instance, the indigenous mobilization in Ecuador at the turn of the millennium was not only about land rights, but it also proposed a new model of development – one based on the *Sumak Kasway* way of life (the good living) - as an alternative to the neoliberal model (Lucero 2008). In Chiapas, the Zapatistas sought to create more direct forms of political participation that broke with the established system by building structures of autonomous governance at the local and regional level (Van der Haar 2005).

In rupture with the authoritarian period, states have increasingly refrained from relying on extreme use of terror and the military to control dissent. In the 1970s-1980s, the use of mass terrorism and permanent purges defeated many popular movements across the continent (Petras 1989). During this period, 70,000 people were killed in El Salvador, 30,000 in Argentina and 3,200 in Chile, and hundreds of thousands were tortured, jailed or exiled (Ibid.). In the context of democratization, massive civil right violations and the use of force significantly decreased. Yet, police abuses have far from disappeared as shootings, beating, tear gas use, and other human right violations are still common (Ortiz 2015). States continue to use repression by relying on “highly specialized and professionalized riot police units that were organized, deployed, trained, and armed specifically to confront and control crowds” (Ortiz 2015, 50). Besides, these last two decades, Latin American states increasingly use criminal processes to socially control protest. For instance, despite being a model of stable democracy, Chile uses terrorist laws inherited from the Pinochet dictatorship to target the Mapuche resistance (Seguel 2014).

² For instance, indigenous mobilization placed the indigenous question back on the national political agenda of Bolivia and Ecuador, and led to the institutionalization of their demands. In Argentina, the feminist movement *Ni Una Menos* born in 2015 to campaign against gender-based violence rapidly spread across the continent.

Such strategy constitutes a way to depoliticize and delegitimize the structural reasons pushing social movements to engage in direct actions (Ibid.).

1.2. Strategies of Criminalization

The First Step: Defining the Criminalization of Dissent

Traditionally, the criminalization of dissent has been defined as the state instrumentalization of the penal law to punish dissent (Saldaña Cuba and Portocarrero Salcedo 2017). This judicial perspective pushed forward by scholars like Bertoni (2010) demonstrates that states have increasingly intended to bring social activism into the judicial arena. Specifically, to limit and discourage dissent, states rely on measures and laws initially formulated to combat crimes but that have nothing to do with social movements (Cerdeña García 2015, 188). In addition, governments use emergency measures such as states of siege in order to legitimize direct and indirect violent practices against challengers (Rojas-Paez 2014). Yet, the criminalization of dissent is not limited to the use and abuse of legal frameworks. The present thesis shows that taken broadly, the criminalization of dissent refers to the intention to make protests legally but also socially unacceptable. Put differently, the construction of dissent as a crime is not only evidenced by the instrumentalization of the penal law, but also through ideological and social practices constructing dissent as contrary to fundamental societal values (Saldaña Cuba and Portocarrero Salcedo 2017; Artese 2011; MiningWatch 2015). In this way, the criminalization of social protest involves strategies that aim at portraying and treating challengers as a social threat, and therefore as legitimate objects of state punitive powers.

How States Criminalize Socio-Environmental Movements?

The present thesis is a comparative analysis assessing the mechanisms through which the criminalization of dissent takes place in Mexico and Ecuador. Precisely, it aims at examining the strategies states employ to criminalize movements opposed to mining projects. The central argument explored is that by constructing dissent as a threat, social

and legal discourses of criminalization provide the justification for disproportionate measures and repressive behavior towards socio-environmental activists. In particular, this social phenomenon unfolds in two processes. While discourses of criminalization participate to frame dissent as a threat that requires punishment, the judicialization of the protest materialize such social constructions.

Discourses of criminalization contribute to delegitimize social movements' actions and their demands. In addition, they are deeply rooted within a specific social and political context. That is, in the case of Mexico, they resonate with the context of security crisis as the mobilization against mining is framed as a threat to the rule of law and social peace. In the case of Ecuador, they resonate with the state commitment to develop extractivist activities. As extractivism has been promoted as the basis of economic and social development, any opposition is framed as a threat to the interests of the common good. In both cases, such discourses provide the grounds to use legal frameworks against the defenders of nature. In that sense, the legal criminalization of dissent applies what is considered by the state as legitimate/illegitimate, and acceptable/inacceptable. Specifically, it sheds light on the asymmetries of judicial processes. On the one hand, the law acts as a protector and guarantor of mining projects. On the other hand, the state uses law to punish challenges to dominant interests.

1.3. Research Approach

Epistemological Roots

When conceiving an appropriate empirical method, researchers depend on the epistemological position they adopt (Rosenberg 2008). That is, by influencing how we know about the world, epistemological roots influence our approach to theory and methods (Marsh and Furlong 2002). The present research is shaped by a constructivist approach which treats the world as socially constructed. Following this view, reality is a consequence of the context in which the action occurs, and it is shaped by the social, political and cultural processes that operate within that context and time (Berger and

Luckmann 1991). With this in mind, “reality has no social role independent of agent’s, group’s, society’s understanding of it” (Marsh and Furlong 2002, 183). As such, the interpretation and meanings of social phenomena, which are deeply embedded within discourses and contexts, are critical to understand the object of this study.

Research Design

The goal of the thesis is to describe and document a social phenomenon, the criminalization of socio-environmental protests – specifically, I intend to explain how it takes place. In that sense, the purpose of the inquiry is mainly descriptive. Determining causal relationships is not the goal here. Of course, as they may be open to interpretation, the findings from descriptive research should not be used as a definitive answer, or to disprove a hypothesis. Moreover, their generalization potential is limited. Yet, description can yield useful insights to explain complex and diverse social phenomena that could not be reduced to numbers, and that could not be grasped by statistical models. Then, such approach can serve as a foundation and ground for further qualitative or quantitative analyses.

Why Mexico and Ecuador?

The cases were selected on the basis that they display the social phenomenon analyzed but present different socio-political contexts. In particular, the study covers the presidency of Felipe Calderón (2006-2012) in the case of Mexico, and the presidency of Rafael Correa (2007-2017) in the case of Ecuador. During both mandates, the extractivist model has been extensively promoted and the mining frontier expanded. However, it has been carried out under different regimes – at least in rhetoric. While Mexico presents a case of a neoliberal regime which greatly opened the sector to foreign investments, Ecuador presents a case of post-neoliberal regime claiming to contest capitalist structures and perceptions. Furthermore, in Mexico, violence has increased significantly in the last two decades, dwarfing the levels of violence in Ecuador (Amnesty International 2015; Human Rights Watch 2013). This comparison shows that, despite different contexts, in

both countries, the criminalization of anti-mining movements took place along the same patterns.

Methods

The thesis employs qualitative analytical tools. In particular, I conduct a framing analysis to examine discourses of criminalization, and a legal analysis to study the judicialization of the protests. The framing method was selected to analyze how the anti-mining movements are depicted because it allows to “identify a problem that is social or political in nature, the parties responsible for causing the problem and a solution” (Johnston and Noakes 2005, 5). I have built a media corpus composed of articles from national newspapers well known for their wide distribution and disclosure, and their ideological diversity – namely, in Mexico: *El Universo*, *Reforma* and *La Jornada* and in Ecuador: *El Comercio* and *El Telégrafo*. Media is the primary source of understanding the world (Talbot 2007), in the sense that it influences the construction of social problem through selecting events to report and who to cite as sources to interpret these events (Greeberg & Hier 2001). With this in mind, by constructing meanings, the media informs how anti-mining dissent is perceived and it sheds light on potential frames of criminalization. Furthermore, to analyze how the state controls dissent through legal frameworks, I use the media corpus and NGOs’ reports. Based on this collection of data, I identify the cases in which leaders or members of social movements were accused of crime because of their opposition to extractivist projects.

1.4. Overview of the Thesis

The first chapter of this work provides the theoretical considerations necessary to understand and conceptualize the phenomenon of criminalisation of dissent. It shows that studying the criminalization as a form of social control helps take into account less direct, less visible and less violent forms of state strategies, and to go beyond the moment of protests. The second chapter lays out my analytical framework, the logic behind the selection of cases and the methods I rely on to study them. Then, based on an extensive

literature review, the chapter 3 outlines the growing conflictivity of the extractivist model in Latin America. By presenting what the extractivist boom entails, it provides insights on the rise of socio-environmental movements, their mobilization, and states reactions. Understanding why states have been increasingly intolerant towards socio-environmental movements is essential to be able to analyse how processes of criminalization take place. Besides, the chapter sheds light on the similarities between the neoliberal model of extractivism and the post-neoliberal model. The absence of significant divergence between both models help to understand why such different regimes as Mexico and Ecuador have criminalized socio-environmental dissent the same way. The chapter 5 and 6 present the empirical core of the thesis, with chapter 5 focusing on Mexico, and chapter 6 on Ecuador. These chapters analyse the strategies state have relied on to criminalize dissent. For each of these chapter, I first lay out the political and social context in which the phenomenon of criminalization is embedded. In the case of Mexico, I demonstrate how the security strategy pushed forward by Calderón contributed to create a hostile climate for social mobilization while providing the state the tools to criminalize dissent. Then, by bringing the case of San José del Progreso into focus, I emphasize how the stigmatization of the protesters and asymmetrical judicial processes have participated to justify the repression of the anti-mining mobilization. In the case of Ecuador, I show that Correa's conflictive relationship with social movements and the extractivist imperative created an unfertile ground for socio-environmental protests. To analyse state strategies of criminalization, I focus on the Mirador conflict. In order to restrain the contestation against the Mirador mining project, the government relied on sophisticated forms of social control including pre-emptive and beyond-the-streets tactics, as well as hard discourses towards socio-environmental defenders. At last, in chapter 7, I discuss my main findings and lay out the implications of this research.

2. Theoretical Considerations: The Criminalization of Dissent

In order to challenge the status quo and ask for political change, social mobilizations rely on various tactics with the objective to reach the public stage and make their demands heard. That is, social activists seek to impose costs on the government in hopes that their strategies will push it to offer concessions. When confronted by challengers, governments also adopt tactical responses, and, like activists, they adjust, adapt and exploit opportunities (Fernandez 2008). As such, state's answers to contentious movements can take different directions. On the one hand, the state could choose the option of accommodation involving entering in negotiation with the opposition and maybe conceding some of their demands (deMeritt 2016). Yet, this option appears to be costly because it requires time and resources to satisfy the challengers (Franklin 2009). On the other hand, if the state's objective is to increase the costs of mobilization to deter dissent, it might rely on repression by deploying its coercive power against the challengers (Della Porta 1995). This alternative is less costly than accommodation but, on the long term, the backlash potential can trigger even more mobilization (Franklin 2009).

Then, to avoid the costs of coercive tactics, states increasingly rely on more sophisticated forms of social control (Fernandez 2008). To that extent, these last two decades, scholars and NGOs are increasingly concerned by another form of response to activists challenging the status quo: the criminalization of social dissent. Indeed, the Inter-American Commission on Human Rights recently published three reports (2006, 2011, 2016) acknowledging the persistence and intensification of this phenomenon towards human rights defenders. Under this trend, new laws and measures aim at transforming peaceful actions of protest into crime subject to punishment (Doran 2017). Yet, as shown in this section, the phenomenon of criminalization is not restricted to the instrumentalization of the penal law but is also accompanied by discourses and statements which aim at delegitimizing the activists and their actions. In other words, the criminalization of dissent is a “multidimensional phenomenon which consists in the

deployment of actions and discourses seeking to suppress and delegitimize political dissent” (Saldaña Cuba and Portocarrero Salcedo 2017, 313).

Overview of the Chapter

This chapter provides the theoretical considerations to understand the phenomenon of criminalization of dissent. First, based on the recent academic literature and NGOs’ reports on the criminalization of protest in Latin America, I intend to conceptualize this phenomenon: What is it? Who are the actors concerned? And, why are Latin American socio-environmental defenders increasingly criminalized? Second, it is shown that studying the processes of criminalization requires to take into consideration less direct, less visible and less violent tactics against challengers, and to go beyond a state-based approach. To this end, rather than studying tactics of criminalization through the lens of repression, it is more relevant to consider it as a form of social control.

2.1. Conceptualizing the Criminalization of Dissent in Latin America

The recent academic literature on the criminalization of protest in Latin America is mainly empirical and focuses on several countries (Seguel 2014; Doran 2017; Bonner 2014; Svampa and Pandolfi 2014; Artese 2009, Cedano 2008; Rovira-Sancho 2013; Saldaña Cuba and Portocarrero Salcedo 2017; Olarte 2013; Betancur 2006). In addition, an increasing number of NGOs report the visible and less visible forms of violence socio-environmental and human rights defenders must face (MiningWatch 2015; CELS 2016; FIDH 2016; OCMAL 2016). Building on these academic and NGOs sources, this section intends to conceptualize the criminalization of dissent. In sum, it is shown that this phenomenon refers to “the punitive powers of the state to forbid, dissuade and/or prosecute legitimate dissent that are portrayed by state or non-state actors as contrary to fundamental societal values” (MiningWatch 2015, 14).

2.1.1 What? – The Criminalization of Dissent as a Multidimensional Phenomenon

The Judicial Perspective

Traditionally, the criminalization of dissent has been understood as the state instrumentalization of the penal law to punish persons using their rights to protest (Saldaña Cuba and Portocarrero Salcedo 2017). Scholars focusing on the judicialization of protest show that state actors have sought to convert repression into juridical processes (Fernandez 2008). That is, the judicialization consists in bringing social activism into the judicial arena. Through these processes, states intend to make protest illegal by using the limit between what is legal - claiming rights - and, what is illegal - violating legal structures and norms of ‘communal living’ (Tiscornia 2004).

Specifically, states have sought to control and limit dissent with “the criminal law on hand” (Bertoni 2010). The Inter-American Commission on Human Rights highlights the main characteristic of such phenomenon:

“crimes defined in a broad or ambiguous manner, contrary to the principle of legality or based on offenses that are contrary to the American Convention and other international commitments assumed by the States for the protection of human rights” (IACHR 2015a, 35).

Put in other words, the diversity and the broadness of penal offences open the door wide to arbitrariness (Bertoni 2010). In the case of individuals resisting extractivist projects, the extensive interpretation of penal offences such as ‘sabotage’, ‘terrorism’, ‘rebellion’, ‘illicit association’, ‘instigation to be delinquent’ has become common across the continent (IACHR 2015a). More precisely, Cerda Garcia (2015) points out that in Argentina, dissenters have been accused of aggravated coercion, illegitimate deprivation of liberty and sedition (Svampa and Pandolfi 2004), while in Mexico they have been charged with attacks on the means of communication and kidnapping (Rábago Dorbecker 2010), and in Chile with threats against authority and public disorder (Cox 2010). All these types of accusation were initially created “to combat delinquent behavior that had nothing to do with social movements” (Cerda García 2015, 188). When used against challengers of dominant regimes they aim at eroding and discouraging social movements

(Ibid.). At the same time, states have also responded to challengers by using states of siege as an emergency criminal law allowing to “counter social mobilization, legitimize massive arrests and paint protesters as a security threat” (Rojas-Paez 2014). For instance, during the water war in Bolivia (2003), the government instrumentalized the declaration of a state of emergency to suspend the constitutional rights of protesters (Ibid.). In Ecuador, when the inhabitants of Dayuna held protests against oil exploitation, the government declared a state of emergency and militarized the area: 23 people were detained and then charged with organized terrorism (González-Espinosa 2012). Lastly, creating new laws to specifically target social movements’ direct actions has been another tactic used by states to criminalize protests. Since the 1990s, social movements have increasingly relied on an innovative repertoire of contention including actions such as roadblocks to make their claims heard (Ortiz 2015). In response, various states such as Colombia under the Civil Security Law of 2011 (Olarte 2013) and Argentina under the article 194 of the criminal code (Svampa and Pandolfi 2004), have decided to treat roadblocks as a criminal offence. As most protests intend to occupy public spaces to gain visibility, this kind of regulations can be invoked very frequently to limit dissent (CELS 2016).

Going Beyond the Judicial Perspective

A restrictive definition of the criminalization of dissent only based on the use and abuse of legal frameworks does not allow to take into consideration the multiple manifestations of this phenomenon. In line with the instrumentalization of the penal law, the criminalization of protesters evidences the ideological support given to actions limiting dissent (Saldaña Cuba and Portocarrero Salcedo 2017). As such, taken broadly, the criminalization of social protest is the intention to make protests legally but also socially unacceptable. It is not only about judicially treating protesters as criminals but also through discourses and political declarations (Artese 2011). Put differently, the ideological elements allowing to discursively construct dissent as a crime allow to maintain the manipulation of the penal law to punish dissenters. Stigmatizing the protesters is a key element of this phenomenon (MiningWatch 2015; IACHR 2015a;

Artese 2011). Throughout Latin America protesters are usually portrayed as troublemakers, being manipulated, enemies of the state, and the national interests, and/or as political opponents (MiningWatch 2015). Branding social mobilization as a domestic threat generates a climate of polarization and hostility, and it puts the credibility of activists and their claims into doubt (Ibid.). For instance, parallel or no to the legal accusation of terrorism, the term ‘terrorist’ is often used in official discourses and in the media as a way to justify the violence used against dissenters (Betancur 2006; Seguel 2014). Therefore, physical violence is taking place along with a ‘language of violence’ rooted in the construction of the activist as a dangerous ‘other’ who deserve to be punished (Artese 2011). Besides, along with the stigmatization, the criminalization of protest can also take place through processes of ‘invisibilization’ consisting in deliberately ignoring or denying activists and their demands, delegitimizing their interlocations and what they ask for (Cedano 2008). This process can take two forms: political, through the deny of official channels of dialogue and, in the media, by giving information in accordance to the necessity of the authorities (Ibid.).

2.1.2. Who? – The Agents of Criminalization and the Actors Criminalized

In the context of extractivism, three main actors are involved in the repression and criminalization of socio-environmental defenders (OCMAL 2016; MiningWatch 2015). The first and most obvious agent of criminalization is the state. As Latin American states defend the extractivist model ‘at all costs’, they seek to protect the extractive companies against challengers. First, they do so through the police and the armed forces (which are increasingly used for policing tasks). They also rely on the judicial power to order detention and execute sanctions, and the legislative power to limit the right to protest and fundamental liberties linked to this right. Finally, official political discourses aim at delegitimizing the reasons pushing protesters to engage in direct action (OCMAL 2016). Secondly, NGOs shed light on the increasing role of mining companies as repressive and criminalizing actors (OCMAL 2016; MiningWatch 2015). Indeed, their lawyers play a prominent role in judicially pursuing the activists and organizations opposed to their activities (OCMAL 2016). Besides, it is increasingly common that the companies hire

private security guards or even member of the public forces³ to violently repress challengers (Ibid.). On top of that, the firms can engage in cooptation strategies through collaborating with some inhabitants in order to break the resistance (Ibid.). Finally, the media can participate to delegitimize the resistance against extractivism. That is, they can be agents of criminalization by ‘invisibilizing’ socio-environmental movements and their discourses, or by decontextualizing their struggles (Cedano 2008). By doing so, the media allow the state to deny social movements’ demands. Moreover, they give more room for maneuver to the state by distorting public opinion (Ibid.) Mass media can play a prominent role in fostering stigmatizing discourses against protesters, and in promoting ‘fear politics’ justifying repressive and security policies (OCMAL 2016).

The criminalization of protest often concerns marginalized groups who have turned to non-institutional mechanisms to get their demands heard (Bertoni 2010). Indeed, mobilizing often turned to be the only way for social movements to reach the public debate, ask for more rights and criticize specific policies implemented by governments as no formal channels allow them to do so (Ibid.). Then, the criminalization of dissent usually targets those with the least political capital and strongest motivation to protest – environmental defenders, human rights defenders, rural, indigenous, black or LGBT+ populations – because they turned to direct actions to mobilize and they directly or indirectly challenge the neoliberal model. In that sense, it is an asymmetrical process which primarily targets marginalized groups and less the middle classes (CELS 2016).

2.1.3. Why? – The Causes of Criminalization

Scholars have analyzed the criminalization of dissent as the result of the neoliberal frameworks adopted since the 1990s and the increasing demands for rights from the citizens (Svampa and Pandolfi 2004; Artese 2012; Cedano 2008; Murillo 2004). In that

³ For instance, in Peru, the Law 27238 enables the police to sign agreements with private companies to provide security services. “They can do this in conjunction with or separate from their state duties but are all the while permitted to wear police uniforms and use state-provided weapons”. (Vasquez Chuquilin 2013, 22)

sense, the increasing reliance on violence to control dissent stems from the capture of the state by capitalist economic elites which have acclaimed the market ideology and private interests (Saldaña Cuba and Portocarrero Salcedo 2017). Going further, Correas (2011) explains that the criminalization of social movements is an effect of the modern capitalist state structure. The logic of the capitalist state has been to open channels of expression to citizens but also to strictly define which are the legitimate ones (Ibid.). Then, Correas (2011) points out a ‘structural paradox’ between a democratic logic which aims at fostering the participation of citizens, and a vertical monopolization of the power by a state punishing all challenges which do not follow the official channels. Following his analysis, the criminalization of dissent should be understood as a way to protect and reproduce established economic and political interests by disciplining challengers to such interests. Put differently, as social movements generally represent the most significant challenge to the dominant values of a society, they are criminalized because the dominant groups seek to maintain their interests. Furthermore, if the criminalization of dissent is on the rise in Latin America it is because the civil society has increasingly tried to secure rights since the democratizing wave (Doran 2017). Social movements are targeted by criminal discourses and the manipulation of the penal law because they are “pushing for a broadening of democracy through demands for individual, civil and political rights” (Ibid., 200). Indeed, recent neoliberal policies have

“raised tensions between those who wish to expand democratic participation beyond elections and increase state accountability and those who wish to limit participation and oversight in order to encourage the expansion and growth of profits from mining.” (Taylor and Bonner 2017, 3)

In other words, against a redefinition of democracy ‘from below’ and popular initiatives for social change, states have answered to social dissent criminalizing actions because they seek to maintain the neoliberal structures.

At last, by transforming individuals exercising a fundamental democratic right – protesting – into a perceived threat, regimes are able to justify the adoption of a forceful response and disproportionate mechanisms against protests (Ibid.). By depoliticizing and delegitimizing the structural reasons pushing social movements to mobilize, instruments of criminalization are used to justify forms of state violence within democratic or

democratizing regimes. To that extent, the criminalization of dissent can be understood as a pre-condition for successful hard repression efforts as it allows the state to invoke regulatory measures to outlaw, disperse and assault dissenters (Starr, Fernandez, and Scholl 2011). Bearing this in mind, it matters to look at tactics of criminalization because they facilitate the repression of social movements.

2.2. Analyzing the Criminalization of Dissent as a Form of Social Control

After diving into the conceptualization of the criminalization of dissent and laying out its main elements, I can now turn to the theoretical considerations helping me to answer my research question: how are socio-environmental movements criminalized? While much of the literature has approached the criminalization of dissent through the theoretical lens of repression (Mackinnon 2014), here I show that the ‘social control’ approach is more appropriate to address my object of study. In fact, my research question holds two main implications. It implies a look at the strategies used to control and limit domestic challenges. And, to do so, it requires going beyond evidence of direct repression in order to shed light on less visible and less violent forms of control. Precisely, the approach of social control allows to take into consideration the multidimensional aspects of the criminalization of dissent and to go beyond a narrow focus on repression.

2.2.1. Going Beyond a Repression Approach

Following the literature on state repression, state repressive behavior has been mainly studied as a dependent variable, in order to determine when and to what extent repression is most likely, or as an independent variable to examine its impact on social mobilization (Yuen and Cheng 2017). For instance, to explain when states repress domestic dissent, scholars have focused on different variables influencing the level, timing or form of state response, including regime type (Davenport 2007b; Fein 1995), state capacity (Tilly 2003), the level of threat (Regan and Henderson 2002), the strength of the social movement (weakness-based approach), the forms of dissent in which social movements

engaged, and the role of the media (Tarrow 2011). That being said, few repression studies have analyzed how repression actually takes place, and when they did so they rather focus on one strategy at a time (Davenport 2009). For instance, scholars have studied specific human rights violations such as torture, disappearances, mass killings, and dissent-specific protest policing such as the arrests of activists and the use of force (Ibid.). As such, the analysis is rather limited to overt tactics including harassment, intimidation, assault, detainment and murder, leaving out multiple spheres of contention and domination (Fernandez 2008; deMeritt 2016). Consequently, this approach ignores the larger repertoire of state strategies to limit dissent, and it is mostly focused on visible state-based violent tactics.

2.2.2. Strategies of Social Control

To go beyond a narrow repression approach, Earl (2006) proposes to study the ‘social control of domestic dissent’. While she considers the concept of repression as a ‘theoretical blinder’, the approach of protest control offers to expand research thinking on repressive tactics by going beyond the dualism constructions made by state repression scholars. Defined broadly, mechanisms of social control seek “to prevent or diminish direct and non-institutional challenges to social cultural and/or political power” (Earl 2011, 262). Besides, it refers to the process of labelling and treating dissenters as deviants (Wilson 1977). With this in mind, this theoretical lens seems appropriate to study the strategies of criminalization of dissent.

The Heterogeneity of Protest Control Actions

First of all, the approach of social control helps account for the heterogeneity in repressive actions and actors. Socio-political control strategies can be carried out by different actors at different levels – national, state, and local. In that sense, Earl (2003) proposes to distinguish state repressive agents according to their linkage with national political elites: state agents with strong linkages such as the military and the national police agencies and state agents less connected such as local police agencies. Furthermore, private citizens or groups such vigilantes, counter movements, militias, death squads should also be

considered (Earl 2003; Davenport 2007a). In addition, strategies of social control include more than the physical coercion of challengers as more indirect control forms of contention are increasingly used (Fernandez 2008). To that extent, one can distinguish two modes of social control. On the one hand, ‘coercive tactics’ (Earl 2003) or ‘hard-line social control’ tactics (Fernandez 2008) refer to strategies that directly undermine and abolish movements through the use of violence and mass arrests. On the other hand, because of the growing ineffectiveness of coercive tactics (Tarrow 2011), states tend to use ‘channeling’ (Earl 2003) or ‘soft-line social control’ actions (Fernandez 2008) which are meant to “affect the forms of protest available, the timing of protest and/or the flows of resources to movements” (Ibid., 48). Then, soft-line tactics consist in less visible forms of social control involving legal regulation, negotiation of protests and self-monitoring – for instance: denial of march permits, imposition of administrative hurdles (Ibid.).

A Longitudinal Perspective

At last, while most of the literature on state repression focus on the moments of protest – that is, when state and police abuses actually occur – (Terwindt 2014), studying the criminalization of dissent requires to look at all points across a movement as “social control does not just affect in-progress protest, it affects whether movements form, how they mobilize, the extent to which they mobilize” (Earl 2006, 130). For instance, it is crucial to take into account that the intervention of the police is not limited to the streets but “extends to operation during the preparatory phase of demonstrations (Della Porta, Peterson, and Reiter 2006). Put differently, most of the social control exercised by state authorities actually occurs before the protests through the implementation of pre-emptive legal tactics (Fernandez 2008). Following these considerations, the criminalization of protest is not an isolated event but “it is part of a continuum of repression wherein a variety of actions, ranging from public smear campaigns to physical attacks or threat of attacks, are part of the process” (MiningWatch 2015, 13). This phenomenon should be examined as a combination of actions of persecution occurring during a determined period rather than a single punitive act (Seguel 2014). Put differently, as protest control occurs at all point across resistance, studying mechanisms of criminalization requires to

analyze what happened *before* the protest: in what kind of actions criminalization agents engage before repressing social mobilizations? *During* the protest: what are the strategies used to put an end to the protest? And *After* the protests: what are the effects of social control on social mobilization? Are social movements claims delegitimized? Is the use of violence against protesters justified?

To conclude, while repressive behaviors are limited to the actual or the threatened use of physical coercion against challengers, the criminalization of dissent is a form of ‘soft’ social control that includes less visible and beyond-the-streets strategies. In sum, it consists in constructing challengers as a social threat and legitimate objects of legal pursuits. Criminalization tactics and repressive ones are often intertwined because constructing protesters as ‘anti-social entities’ allow the state to justify the use of violence against them. Finally, analyzing the criminalization of dissent brings into focus the conflictive relationship between the state and protesters from a longitudinal perspective by going beyond specific moments of protests.

3. Research Design

The goal of this thesis is to capture state strategies of social control by going beyond the evidence of direct and violent repression. Specifically, I intend to analyze how states criminalize socio-environmental movements. Since the present research consists in exposing the characteristics of a social phenomenon, the purpose of the inquiry is mainly descriptive. Then, qualitative methods were selected based on their applicability to the goal of this work. I conduct a discursive and a legal analysis from a social constructivist perspective exploring the political, social, and legal processes defining what is constructed as a crime. Precisely, I examine how social and legal discourses are used to construct socio-environmental mobilization as illegitimate, and to justify extreme measures limiting dissent. Such analysis is conducted across a most-different case comparison of Mexico and Ecuador. Mexico provides a case of a neoliberal regime with high levels of violence. Ecuador is a post-neoliberal regime which, at first sight, seems incompatible with practices of criminalization. Yet, this study shows that both countries have sought to limit socio-environmental dissent the same way: through discursive processes – within which dissent is socially constructed as a crime –, and through the use and abuse of legal frameworks.

Overview of the Chapter

In this third chapter, I lay out the methodology used to answer my research question. First, I briefly present my analytical framework. Then, I explain the case selection and provide a justification for mining conflicts as units of analysis. Finally, I present the data collected, and expose the analytical strategy I used to study my cases.

3.1. Analytical Framework

3.1.1. The Discursive Construction of Criminalization

My first point of analysis concerns the discursive processes through which protesters are criminalized. Analyzing discourses is a way to understand how an issue is defined and problematized, and the effects it has on the broader discussion of the issue (Hope 2010). It gives a window into how an actor or a group of actors is perceived. In this respect, looking at discourses helps identify the way in which participants actively construct and employ categories in their talks (Barsky 1994). Here, my goal is to identify what type of discourses are used to criminalize anti-mining movements in Mexico and Ecuador. To this end, I rely on a framing analysis method which is a type of discursive analysis. Frames simplify or condense complex issues to make them comprehensible in the speaker and audience's current or past environment (Snow and Benford 1992). They tell how an audience should grasp an event, object or experience. That is, by highlighting some parts of information about a problem, frames elevate them in salience, and at the same time they omit other aspects of the problem (Entman 1993). With this in mind, it matters to look at frames because they make salient certain views on political dissent which appear as legitimate while marginalizing other views. This legitimization and omission frame the criminalization of social protest.

Furthermore, the way frames are constructed does not emerge from a vacuum as discourses are socially shared and “emanate out of interaction between social groups and the complex societal structures in which the discourse is embedded” (Phillips and Hardy 2002, 4). In fact, frames need to make sense within the framework of reality of recipients (Björnehed and Erikson 2018). Put differently, a frame resonates in society if it makes sense within a particular social context. Then, to grasp the construction of dissent as crime, one must take into account the broader economic, political and social structures in which it takes place. Going further, looking at discourses with a critical lens, implies looking at their implications and effects on the audience but also at how this audience is manipulated by public discourses and thereby subjected to abuses of power (Huckin

2002). As such, a critical discourse analysis “illustrates how public discourse habitually serves the interests of powerful forces over those of the less privileged” (Ibid.). Then, the goal here is to identify the strategies used in the discourses to maintain social control through the abuse of power (Van Dijk 1989). In that sense, Carragee and Roefs (2004) demonstrate the necessity to further integrate framing and hegemony⁴ perspectives. Against the “increasing tendency to explore frames simply as content features that produce media effects” (Ibid., 215), they call for research showing how power shapes the construction and interpretation of frames. For instance, asymmetries of power matter because groups with more social capital are able to better influence an audience and gain public attention while others are marginalized (Ibid.). Bearing this in mind, shedding light on frames of criminalization requires to look at the construction of meanings consistent with the interests of powerful elites. It matters because by coding protesters as deviants, elites are able to establish and maintain the hegemonic political and economic order.

A Securitization Discourse

In particular, the criminalization of socio-environmental movements is embedded in securitization discourses. Indeed, as the literature has demonstrated, activists can be framed by state actors and the media as a threat to democratic stability, internal security, economic development and the modernization of the nation (Artese 2011; Seguel 2014; Doran 2017; Rasch 2017). For instance, the Mapuche in Chile are often depicted by the government and the media as terrorists (Seguel 2014). Constructing dissent as a threat allows state actors to legitimize direct or indirect violent practices against social movements. They are able to strengthen the monopoly of violence in the name of protecting the citizens from an internal threat (Doran 2017). According to the Copenhagen School, by articulating an issue in terms of security and persuading a relevant audience of an immediate danger, the audience will legitimate the use of

⁴ Hegemony is understood here as defined by Gramsci (1971): a process by which ruling elites secure consent to the establish political order through the production and diffusion of meanings and values (Carragee and Roefs 2004).

extraordinary measures. In this situation, collective security is seen as more important than individual rights. In addition, securitization discourses allow to delegitimize, discredit and depoliticize the demands of protesters. Consequently, socio-environmental protesters are not perceived as credible political interlocutors but as criminals disturbing the public order. At last, framing dissent as a threat substitutes the antagonism between social groups and the state to an antagonism between the society and the protesters as such processes of stigmatization create suspicion and distrust among citizens.

3.1.2. The Legal Construction of Criminalization

Along with the discursive construction of dissent as crime, the criminalization of social movements takes place through the use and abuse of legal frameworks. Like frames, law can also be understood as a social practice and a ‘discourse of power’ because it claims what should be considered as legitimate/illegitimate and acceptable/inacceptable, it organizes violence and, it legitimizes repression permitting to maintain social relations (Correas 2005). According to a sociopolitical approach, law cannot be understood outside of its social and political dimensions (Griffiths 2005). In other words, judicial processes are embedded in social relations and political processes. As such, adopting this approach means that law cannot be considered as neutral because “it is not an expression of the people’s will interpreted and applied in a technical and impartial way by politically disinterested legislators or bureaucrats” (García-Villegas 2016, 28). To that extent, the Critical Legal Studies school shows how juridical norms are closely linked to power and the dominant ideology. Then, legal norms should be studied as instruments designed and used for political domination. Put differently, in its concrete application, the law “acts as a protector or guarantor of particular economic or political projects” (Cerdeira García 2015, 190). In the case of the criminalization of dissent, law is an instrument used to socially control activists challenging dominant interests.

3.2. Selection of Cases

3.2.1. Most-Different Cases: Mexico and Ecuador

To shed light on the pattern of criminalization, I propose to conduct a most-different cases comparison. The cases of Mexico and Ecuador were selected for the purpose of this research because of the different political and social context they display. Specifically, the selection of cases aims to compare a neoliberal regime, Mexico, with a post-neoliberal regime, Ecuador, part of the Latin America's left turn since 2007. For the case of Ecuador, I will focus on the Rafael Correa presidency (2007-2017) whose ideological stance contrasts with the conservatism of the former Mexican president Felipe Calderón (2006-2012). This comparison is relevant insofar as left leaning parties are generally associated with more permissive positions toward social protest. Besides, the Correa administration constitutionally recognized the rights of nature in 2008 and pledged to champion alternative human-nature relations, and to protect the *buen vivir* way of life. Based on this rhetoric, one would expect such regime to protect the environment from destructive forms of exploitation of natural resources, and to take into account the opposition of socio-environmental movements. Yet, the present study shows that the post-neoliberal approach pushed forward by Correa is as intolerant as neoliberal regimes such as Mexico.

In addition, one of the most obvious differences between the two countries is the level of violence toward activists, with Mexico being far more repressive than Ecuador. Between 2010 and 2015, 33 socio-environmental defenders have been assassinated in Mexico (Global Witness 2015). Besides, Amnesty International (2015) registered an increase of 600% in complaints filed for torture between 2003 and 2013 and Human Rights Watch (2013) documented 149 cases of disappearances during the administration of Felipe Calderón (2006-2012) in which evidences show the involvement of state agents. In Mexico, the criminalization of dissent is taking place within the context of the 'war on drugs' that triggered state's public security plans in which the loss of civilian lives was simply viewed as a collateral damage (De Rosa and Godeghesi 2013). Ecuador is not affected by such a context of generalized civil violence and human right violations. Still,

the criminalization of protest does take place and, two socio-environmental activists were killed between 2010 and 2015 (Global Witness 2015). Furthermore, NGOs' reports have raised concerns about the numbers of investigations and criminal charges against protesters (Amnesty International 2012; MiningWatch 2015).

Now, what explains that the criminalization of socio-environmental movements takes place in both countries? The causal variable of interest could lie in the increasing support both regimes have provided to the expansion of the mining frontier. During the Calderón mandate, the number of lands given to concession doubled going from 390 to 903 between 2006 and 2011 (Tetreault 2015). Nowadays 30% of the Mexican territory has been granted to concessions or leases involving extractive projects (MiningWatch 2015). While mining was only an emerging industry in Ecuador, it has been highly pushed forward by the Correa administration as a key strategic sector. Both regimes have declared mining as an activity of 'public utility' serving the national interests. The priority is always given to mining projects over local community interests (Art 6 *Ley Minera de Mexico*, Art 15 and 16 *Ley de Minería de Ecuador*). Hence, the intolerance of Mexico and Ecuador towards anti-mining dissent could be explained by the 'extractivist imperative' promoted by regimes from the left to the right. Precisely, the chapter 4 of this thesis develops what the exploitation of natural resources implied in Latin America.

An alternative explanation could be provided by the influence of 'anti-conflict' politics (Doran 2017). In fact, Doran (2017) explains that criminalization practices lie in the belief that social conflicts must be avoided because mobilizations are violent. That is, Latin American regimes tend to oppose popular mobilizations and demand political stability and conciliation (Ibid.). To that extent, "when conflict and demands for rights are seen as threats to political stability or even to democracy itself, collective action can seem responsible for the potential collapse of democracy" (Doran 2017, 197). Then, the propensity of governments from the left and the right to criminalize and repress socio-environmental conflicts could be rooted in regimes intolerance to social conflicts.

3.2.2. The Units of Analysis: The San José and Mirador Mining Conflicts

For both countries, I am selecting positive cases, meaning socio-environmental conflicts that have resulted in the criminalization of dissent. In other words, as the goal of the present research is to explore a pattern of criminalization, I am selecting cases in which the criminalization has taken place, rather than analyzing both cases of criminalization and non-criminalization. Scholars have underlined that focusing on cases based on the presence of the same outcome constitutes one form of ‘selection bias’ (Landman 2002). In this way, such case selection “limits the types of inferences that can be drawn from comparison” (Ibid., 72). Yet, determining cause and effect relationships is not the goal of this thesis. Rather, my research goals are descriptive and intends to provide an accurate and valid representation of a social phenomenon, the criminalization of dissent. In other words, the case selection is relevant insofar as my central interest lies in determining the mechanisms through which the criminalization of dissent occurs, rather than the conditions under which such outcome occurs.

Among resource extraction conflicts, I chose to analyze mining conflicts because they are among the most frequent and conflictive ones in Latin America (Global Witness 2017). Namely, from 2007, the OCMAL (*Observatorio de Conflictos Mineros en America Latina*) has reported more than 200 cases of mining conflicts across the continent. Besides, such conflicts have been the most violent and the number one cause of killings (Global Witness 2016). Taking mining conflicts as my units of analysis provide the research with specific and real-life cases to explain an abstract concept that is the criminalization of dissent. First, focusing on conflicts has the potential to reveal dynamics that would not be visible otherwise. In fact, given that the struggles over the exploitation of natural resources do not only unfolds within rural municipality but also includes national and subnational actors, it allows me to take into consideration the local, state, and national levels. On top of that, such choice provides the possibility to compare how the criminalization of dissent takes place across different context – here, Mexico and Ecuador. Second, by taking mining conflicts as my units of analysis, I am able to conduct a longitudinal analysis. Put differently, this thesis sheds light on state’s strategies of

criminalization by going beyond protest events. In line with this view, I focus on one mining conflict per country in order to build a well-documented analysis. As explained by Terwindt (2014), in-depth analyses allow to locate criminal charges “within a larger trajectory in which other forms of interaction including physical harassment and threats or negotiation and consultation precede, follow or accompany criminal prosecutions” (166).

In particular, for the case of Mexico I focus on the San José conflict triggered by the Canadian company Fortuna Silver Mines in Oaxaca. For the case of Ecuador, I focus on the Mirador project located in the Cordillera del Cóndor. This comparison is relevant insofar as these mining conflicts share some similarities. First, both mining projects are large-scale ones. The San José mine is one of the 15 most productive mine in Latin America (Educa 2015). Mirador is the first mega-mining agreement signed during the Correa presidency, and it has been promoted as a strategic one to develop extractivist activities (Van Teijlingen 2016). Besides, both concessions have been bought by foreign companies – Canadian ones. Secondly, in each case, resistance movements developed as a defense of the environment and livelihoods. In particular, rather than asking for a better way to manage mining projects,⁵ social movements protesting San José and Mirador opposed mining as a viable project of development. Despite the increasing mobilization and the climate of violence, the granted concessions were never suspended or even questioned by the official authorities, contrarily to other cases.⁶ Finally, the cases were selected based on the availability of data and documentation. The San José and Mirador conflicts received public exposure in national media, making it possible to conduct a discourse analysis. This is not the case for all mining conflicts, since news organizations have dedicated scant attention to these themes (Pinto, Prado, and Tirado-Alcaraz 2017). The next section details why and how I use national newspapers as primary sources of data.

⁵ In these cases, protesters are asking for a greater share of the extractive economic resources and they are not necessarily anti-mining (example: Carrizarrillo in Guerrero)

⁶ For instance, in Mexico: Blackfire in Chiapas, Wirikuta in San Luis Potosí. In Ecuador: Río Blanco in Cuenca.

3.3. Research Process

4.3.1. Data Sources

I rely on academic and NGOs sources to grasp the context in which the processes of criminalization are embedded. Additionally, I have collected newspapers articles as primary sources to look at the dominant social and legal discourses criminalizing the anti-mining protests. Such collection of data will be justified and detailed in the present section.

Why Look at Media?

In order to identify the discursive strategies criminalizing anti-mining dissent, I analyze newspapers articles. First, this choice is based on the availability of such content and high circulation rates. Indeed, to build my corpus, I have selected among the most read newspapers in Mexico and Ecuador assuming that people have an easy access to them. Second, newspapers give me an access to the discourses of political actors and the media, two types of actors susceptible to play a prominent role in framing mining conflicts. Political actors have many options to outline dominant frames: legislatives debates, policy documents, judicial decisions (Bonner 2014a). But to transmit these stories to the wide audience, they need the media (Ibid.). Then, I use the newspapers as a way to inform how state actors perceived anti-mining dissent, and to shed light on potential frames of criminalization. Moreover, media is not only a filter reflecting political frames, it is also an agent of frame construction (Ibid.). With this in mind, it should not be taken as a neutral mode of transmission.

For most people, the media is an important source of information to understand the world (Talbot 2007). By selecting and reporting news, media focuses public attention on some issues, people and problems, and not others (McCombs and Shaw 1972). By analyzing newspapers articles, I can establish how people are informed about anti-mining protests but also about the actions of the activists, the police and the government. Moreover, beyond informing, media is socially impactful because it suggests an audience how to

interpret an issue (Gamson 2004). As such, it influences opinions and perceptions of social and political events. As detailed in the next section, since I have selected news articles from widely circulated media displaying diverse ideological orientations, I assume such audience to be broad. In fact, *El Universal*, *La Jornada* and *Reforma* (Mexico), and *El Comercio* and *El Telégrafo* (Ecuador), are national level media outlets. In addition, the audience to which the newspapers are addressed is mostly urban. In Mexico, it is mainly distributed in Mexico City and other metropolitan areas with a population of at least one million (Huerta Wong and Gómez García 2016). In Ecuador, *El Comercio* is the most influential newspaper in Quito (Nieto and Gabriela 2014). In other words, such media coverage resonate with a national audience including urban sectors who may not otherwise turn to such information.

Hence, if media influences the construction of meanings and public opinion, analyzing newspapers is useful for my study because the way they present certain political views, reflect some discourses and omit others participates to frame the criminalization of anti-mining dissent. For instance, by linking the protests with violence, media frames can produce fear in the population inducing a chilling effect on the public and the activists (Fernandez 2008). When protesters are portrayed as a threat, it gives the state legitimacy to rely on extreme measures to keep the citizens secure (Ibid.). With this in mind, media contributes to shaping how the general public understands and reacts to protesters. Besides, a media bias against protesters provides the groundwork for justifying repression and abuses (Bonner 2014a).

Collection of Newspapers Articles

The media corpus comprises 13 newspaper articles for the case of San José (Mexico) and 27 newspaper articles for the case of Mirador (Ecuador) collected from the database InfoLatina and from manual archival search on the newspapers websites. The corpus covering the case of Ecuador is larger because the Mirador conflict was the first large mining contract signed by the country, so it received significant media coverage. As a first step, I gathered all the newspapers articles dealing with the mining conflicts. To

collect the data, I used keywords such as the name of the community affected by the mining project, the name of the mine or the mining company, and the name of the organizations resisting the project. Most of the newspapers coverage is event-driven. I kept the articles which directly refer to the mobilizations: for Mexico most coverage deals with the 2009 repression of the mine sit-in organized by the CPUVO, and for Ecuador most articles treat the *Marcha por la Vida* organized by national and local social movements in 2012.

The data collection intends to take into consideration contrasting newspapers ideological orientation with high circulation rates. For the case of Mexico, I have taken into consideration three different sources of media data: *La Jornada*, *Reforma* and *El Universal*. The three newspapers displayed more diverse coverage than other newspapers and enjoy the largest circulation numbers in Mexico⁷ (Hughes 2006; Press Reference 2007). *La Jornada* rather adopts a left-wing approach, while *Reforma* and *El Universal* have more a centric approach (Arce Barceló 2011).⁸ Turning now to the case of Ecuador, I analyzed 27 newspaper articles from *El Comercio* and *El Telégrafo*. *El Comercio* is considered as the most influence and credible national newspaper (Nieto and Gabriela 2014). It holds a central-right approach and tends to display a critical position vis-à-vis the government (Ibid.). As a counterpoint, *El Telégrafo* is a public media mainly owned by the state.

4.3.4. Framing Analysis: Analytical Strategy

I conduct a framing analysis in order to identify the dominant discourses used to criminalize dissent. Some scholars have shown that using framing as a method of analysis is conceptually unclear. In fact, one problem frequently pointed out in framing research

⁷ *El Universal* is the most influential newspapers with a daily circulation of 170,000. *Reforma* and *La Jornada* are the second and third most influential newspapers with a circulation of 125,000 and 100,924 (Press Reference 2007).

⁸ Originally, local Oaxacan newspapers were to be included in the sample but were excluded because of the difficulty of accessing such archive.

is the lack of consistent measurement (Simon and Jerit 2007). One method could be to focus exclusively on word choice but this technique of analysis does not allow to get a broad picture (Ibid.). Another method, more appropriate to the object of my study, would be splitting up the frame into separate elements and to conduct a cluster analysis of those elements (Matthes and Kohring 2008). When some elements group together systematically in a specific way, they form a pattern that can be identified across a sample of data (Ibid.). Taking this into account, I analyze frame as a “certain pattern in a given text that is composed of several elements” (Ibid, 263). Now, what are the elements to be analyzed? In a widely cited work, Entman (1993) divides a frame as follow:

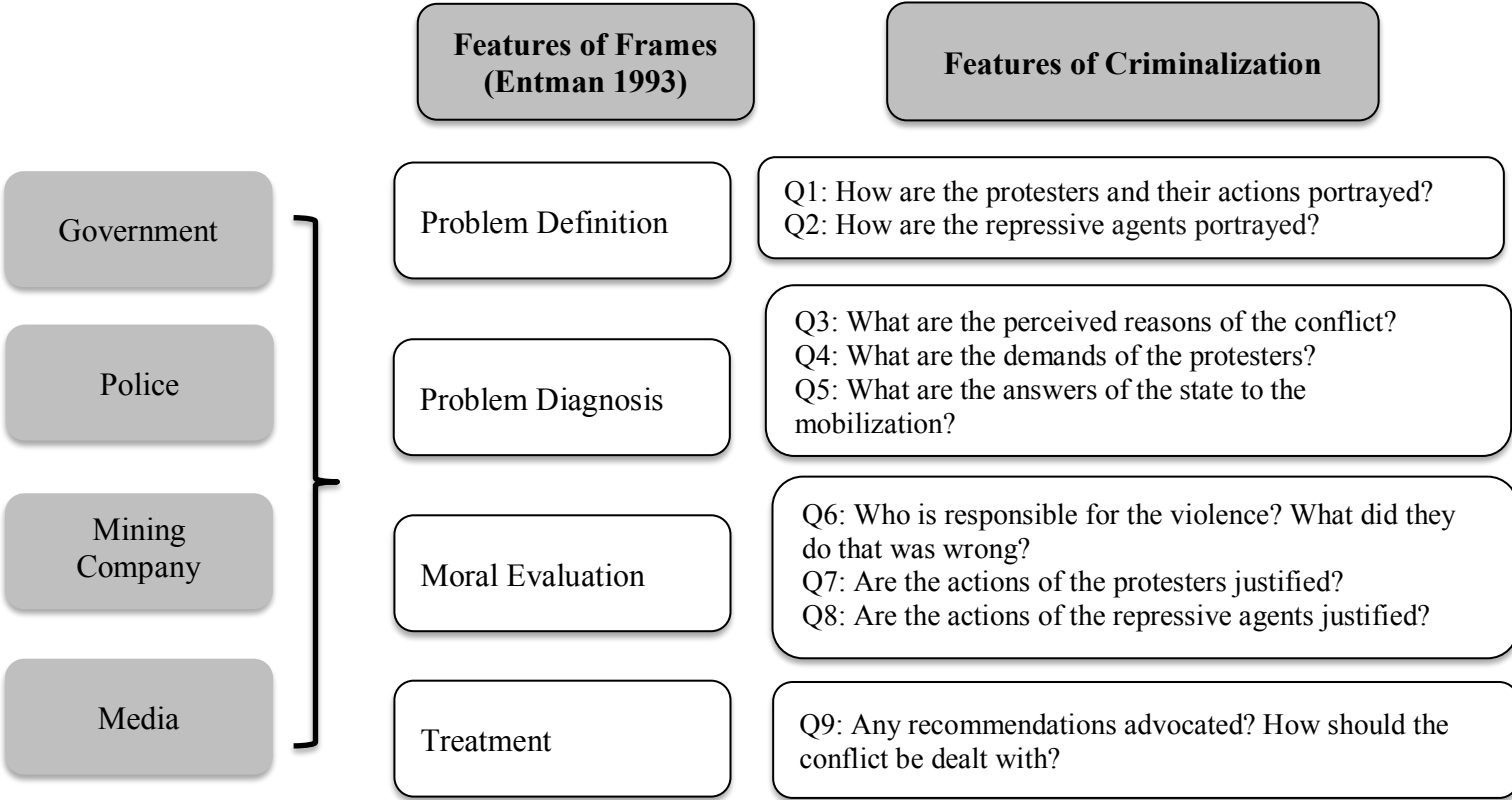
“To frame means to select some aspects of a perceived reality and make them more salient in a communication text, in such a way as to promote (1) a particular problem definition, (2) causal interpretation, (3) moral evaluation, (4) and/or treatment recommendation for the item described” (52).

By adapting these frame’s elements to measure the social phenomenon I am interested in, I can shed light on the pattern of criminalization of dissent. To this end, based on my theoretical considerations, I have adapted Entman’s definition to formulate nine questions guiding my analysis of criminalization’s discourses (Table 1). The approach adopted is a deductive one, as I am looking for frames in the corpus with pre-defined elements to be measured. Starting my investigation with pre-defined features of criminalization forces me to look at what I am interested in among the corpus without getting lost in the abundance of information, and it helps me to code effectively the newspapers articles.

The table 1 presents my analytical strategy to measure frames of criminalization. Based on my theoretical framework, I first identify the potential claim-makers of the frames: the government (at the national, state and local level), the police, the mining company and the media. Since my goal is to identify a pattern of criminalization, I am not considering counter-discourses made by the activists and human rights organizations. Therefore, I do not identify them as claim-makers. Still, I take into consideration the prominence and magnitude in which voices of counter-discourses appear in the media. In fact, underrepresenting such voices and overrepresenting dominant claim-makers is also a feature of criminalization. On top of that, it also matters to look at the sources of media information: the police, government officials, the activists or human rights organizations.

As Gamson (2004) puts it, “by including quotations and paraphrases from various spokespersons, journalists decide which collective actors should be taken seriously as important players” (243).

Table 1: Frames of Criminalization



Turning now to the features of criminalization, the first two questions aim at identifying how frame’s claim-makers portray, on the one side, the protesters, and on the other side, the repressive agents⁹ and their actions. The questions 3,4, and 5 set the diagnosis of the problem. They shed light on the perceived reasons of the conflicts meaning why are the protesters engaging in direct actions and how state authorities have answered to those actions. The question 6, 7 and 8 might be the most important ones to identify a pattern of criminalization. Indeed, looking at dominant discourses regarding who is responsible for

⁹ Here, what I mean by ‘repressive agents’ include all actors engaging in violent actions against activists opposing mining projects: the government authorities, the police, the military, the mining company and private agents of security

the violence and what they did that was wrong can “affect future uses of repression in protest policing by those identified as responsible and establish boundaries for acceptable responses” (Bonner 2014, 11). The way violence is framed in discourses shapes what should be the appropriate punishment. Besides, these features aim at looking if there is a different language used to describe the actions of the protesters vis-à-vis the repressive agents and the actions of the repressive agents vis-à-vis the protesters. At last, question 9 seeks to identify if any remedy is advocated by the claim makers to end the conflict, for instance punishment, further control or negotiation.

3.3.5. Legal Analysis: Analytical Strategy

For the legal analysis, I intend to look at the legal strategies that facilitate state punitive actions and then permit states to criminalize dissent. Based on the media corpus and NGOs’ reports, I examine states’ pre-emptive legal tactic to control protest – meaning the laws restricting the four founding civil rights of public spaces: freedom of association, freedom of assembly, freedom of expression, and the right to protest peacefully. I consider the laws enforced not only during the protests but also during the period of the conflict to elucidate the potential arbitrary use of legal frameworks by the state. In fact, besides the arrests during the protests, it matters to look at states legal tactics as the threat of being criminalized can dissuade social movements to mobilize against mining. Also, it is important to look at what takes place after the arrests as prosecution can delegitimize the protests. Then, using the media corpus and NGOs’ urgent actions, I identify the cases in which leaders or members of social movements were accused of crimes because of their opposition to the extractivist projects I have selected. Once I identify those cases, I deepen the research to determine on which law the accusation was founded and what was the outcome.

4. Socio-Environmental Conflicts over Extractivism

“¿Sabes para qué sacan tu oro? Para guardarlo otra vez en los bancos. El oro no se bebe, el oro no se come. Por el oro se derrama sangre.”¹⁰

La hija de la laguna (2015)

The exploitation and exportation of Latin American abundant natural resources is nothing new. The pillage started long ago, since the conquistadors' set foot on the continent and discovered its massive lodes of silver and gold. The greed of foreign entrepreneurs and the search for accumulation are nothing new neither. Although the Aztec leader Moctezuma offered Hernán Cortés multiple gifts of gold, it was not enough for the conquistadors who wanted it all and declared war to conquer the vast stores of gold of Mexico-Tenochtitlan. While the Spanish and Portuguese left Latin America after 300 years of hegemony, the sacking never ended but rather intensified these two last decades. From 2001 to 2010, extractive industries in Mexico – the majority of them being Canadian – extracted the double amount of gold and half the amount of silver the Spanish crown had accumulated from 1521 to 1821 (La Jornada 2011). Resource-extraction activities are not limited to the extraction of metals such as gold or silver, it also includes the extraction of minerals (copper, zinc, lead, tin, bauxite, coal and iron), fossil fuels (oil and gas), agro-food products, biogas and biofuels (Veltmeyer and Petras 2014). More generally, it refers to the appropriation of non-renewable natural products – of mineral, animal or vegetal origin – with the intention of commercializing them (Svampa 2011).

The Latin American 21st century opened with an unprecedented primary commodities boom triggering multinational investment in extraction activities. Between 1990 to 1997, while investments in this sector increased by 90% at the world level, it increased by 400% in Latin America placing this continent at the core of the extractivist industry. To that extent, in 2012, Latin America has provided 45% of the global copper output, as well as 50% of silver, 26% of molybdenum, 21% of zinc and 20% of gold global output

¹⁰ “Do you know why they take your gold? To keep in the banks. You do not drink gold, you do not eat gold. Blood is spilled for gold.”

(Henriquez 2012). The Latin American ‘Commodities Consensus’¹¹ should be understood as a “national, growth-oriented development pathway based on rent-seeking activities” (Dietz and Engels 2017, 4). From Mexico to Argentina, governments from the left to the right, have developed a positive discourse about extractive activities promoting them as a key sector to fuel economic growth and public investment and sometimes as an imperative to finance redistributive policies and alleviate poverty. Yet, despite this widespread positive rhetoric, the exploitation of natural resources has generated a wave of protests all over the continent because of the damages caused to the environment, the water resources, health, the social fabric and the ancestral lands. Because anti-extractivist movements often directly challenge economic and political powers, the mobilization triggered violent responses from such powers.

Overview of the Chapter

Based on a literature review, the goal of this chapter is to detail what the extractivist boom involved in Latin America. In particular, it addresses the following questions: What factors explain the rise of socio-environmental conflicts in Latin America? Why and how do communities resist extractivist projects? In addition, the chapter sheds light on the similarities between the neoliberal model of extractivism and the post-neoliberal model. The absence of significant divergence between both models help to understand why such different regimes as Mexico and Ecuador have criminalized dissent the same way. Finally, grasping the context in which states choose to criminalize socio-environmental movements is essential to analyze how those processes take place.

This review will first present the extractivist models developed in Latin America since two decades. Then, it will explain the emergence of socio-environmental conflicts and the governments’ response to the growing mobilization against mining projects.

¹¹ The ‘Commodities Consensus’ is “the beginning of a new economic and political order sustained by the boom in international prices for raw materials and consumer goods, which are increasingly demanded by industrialized and emerging countries” (Svampa 2012).

4.1. The Extractivist Model(s) in Latin America

4.1.1. The Extractivist Boom

The expansion of extractivism in Latin America is the result of the free market capitalism discipline and the changing conditions in the global economy at the turn of the new millennium (Veltmeyer and Petras 2014). More precisely, the extractive industry has been encouraged at the global level by the increasing global demand for minerals, oil, and gas between 2000 and 2013 - from Europe, the US, China, India but also other emerging economies – and great technological advances. Besides, the series of neoliberal reforms imposed by the ‘Washington Consensus’ and implemented in the 1980s-1990s have provided a favorable environment for foreign entrepreneurs to invest in this sector.

The increasing demands from the Asian industries and from the growing middle class for energy, raw materials and agro-food products, combined with the financial speculation on commodities markets triggered a boom in primary materials exports prices (Veltmeyer and Petras 2014). This boom took place within the general trend towards the ‘financialization of nature’, a process bringing nature under the control of financial markets and transferring common natural resources to private business interests (Dietz and Engels 2017). In addition, technical innovations have made the exploitation of natural resources easier and cheaper. For instance, in the mining sector, enterprises increasingly rely on open-pit techniques allowing to cover large surface area of the earth (Bebbington et al. 2008; Dougherty 2016). Consequently, since the increase of primary commodity prices has generated huge profits for extractive capital all over the world, governing regimes of the global south – but particularly in Latin America – have shifted their economic growth strategies to the extraction of natural resources (Ibid.).

This ‘reprimarization’ strategy¹² was only made possible because of the 1990s neoliberal structural adjustment programs. After the so-called ‘Lost Decade’ Latin American and

¹² Scholars refers to the ‘reprimarization’ of Latin America economies because of the increasing importance of primary commodities, reminding the mode of accumulation of the 19th Century

Caribbean regimes went through a complex reform process. Fearing that Latin American countries will never end accumulating debts, the IMF and the World Bank, supported by the US Treasury Fund, conditioned the loans to the adoption of a policy package of “macroeconomic prudence, outward orientation and free market capitalism” that would stabilize the economy of the newly democratizing countries (Williamson 1993). The structural transformation of neoliberalism pushed forward highly liberalized foreign direct investment regimes and new legislations to attract foreign capital investment (Dougherty 2016; Dietz and Engels 2017). In that sense, between 1990 and 2016, FDI net inflows to Latin America increased from \$8 billion to \$272 billion (World Bank 2017). Concerning the extractive sector, in 2013, the region attracted a third of global mining investments of the world, more than any other region (EJ Atlas 2018). The wave of privatizations sponsored by Latin American regimes allowed private business to gain control over mineral rights and state-run mining companies (Svampa 2011). Furthermore, the reform of agrarian policies contributed to liberalize land markets, privatize land tenure and capitalize the agricultural sector (Dietz and Engels 2017)

All these factors – the growing global demand for natural resources, the technological changes and the series of neoliberal reforms - contributed to define the ‘new extraction’ era, a period of increasing mineral activity in the global south, the most intensive period being between 2004 and 2009 (Bebbington 2009; Dougherty 2016).

4.1.2. A ‘Progressive’ Neo-Extractivism?

Scholars tend to distinguish the neoliberal extractivist model from the ‘progressive’ extractivist model – also coined ‘developmentalist post-neoliberalist’ or ‘post-neoliberal developmentalism’ (Bebbington et al. 2008). While the traditional left usually challenged development strategies based on extractivism because of the export dependence it creates and the minimization of the role of the state it implies, the ‘new’ left of the 21st century has largely promoted a resource-based growth strategy (Gudynas 2009). In other words, despite the left electoral victories in the region – from Chavez in Venezuela (1999) to Correa in Ecuador (2007) – the extractive sector maintained its predominance as a

strategy of development (Ibid.). The ‘classic’ model of extractivism would be associated with conservative political regimes such as the ones in Mexico, Colombia and Peru that are characterized by neoliberal regulations of natural exploitation and exportation. The ‘new’ extractivist model would be associated with the 2000s’ left turn and seeks to promote a break with capitalist strategies of privatization and the liberalization of resource sectors alongside the expansion of state control and democratic participation of the local communities. Yet, is the ‘progressive’ extractivist model really different from the ‘classic’ neoliberal one?

The post-neoliberal governance is mainly characterized by a “renewed state activism combined with resource-based growth strategy in order to increase social inclusion” (Veltmeyer and Petras 2014, 27). As such, this model includes the rejection of the 1990s neoliberal reforms and promotes the nationalization of corporations exploiting national resources and a stronger control of the extractive sector. For instance, in Bolivia, Evo Morales nationalized the hydrocarbons industry breaking up with the 1996 Hydrocarbon Law (Martín 2017). Furthermore, the *retorno del Estado* (return of the state) seeks to be inclusionary by using the profits raised by the extractive activities to finance social development in education and health and poverty reduction programs such as *Junacito Pinto* in Bolivia and *Bolsa Familia* in Brazil (Martín 2017). Unlike neoliberal regimes that attract FDI through tax exemptions and deregulation, ‘progressive’ governments have imposed greater regulatory controls, taxes and royalties on foreign-owned companies (Tetreault 2015). Then, at the core of this model is the idea that reliance on natural resource extraction will allow to redistribute resource more equitably and finance modernization projects. In that sense, this model of development is presented as an ‘imperative’ (Arsel, Hogenboom, and Pellegrini 2016), that needs to take place at ‘all costs’, because it is essential for progress and development but also to fight poverty (Bebbington 2012). That is how leftist regimes claim to represent a rupture with right-wing neoliberal governments.

Yet, while those regimes promote a different approach to govern extractive projects, they are not so different from neoliberal regimes (Bebbington 2012; Gudynas 2009, 2010;

Veltmeyer and Petras 2014; Bebbington and Humphreys Bebbington 2011). Put differently, the differing ideological positions of explicit neoliberal regimes such as Peru, Colombia and Mexico and post-neoliberal regimes such as Ecuador, Bolivia and Venezuela do not affect significantly “the ways in which relationships between extraction, environment, land and territorial rights are handled” (Bebbington 2012, 28). Furthermore, the regulations of mining activities seem to take place under similar guidelines in both kind of regime (Walter and Urkidi 2017). Indeed, the approval of mining exploration and exploitation is usually centralized in national government and based on an environmental assessment report usually led by the companies themselves (Ibid.). Local communities are generally not consulted about these projects and if they are, they can only present non-binding allegations during public hearings organized by the governments and the mining companies (Ibid.).

Scholars also underline the contradiction between the rhetoric and the practice of Latin American left governments (Bebbington 2012). First, although Morales, Correa and Chavez pretend to promote more participatory forms of democracy, the extractive imperative have undermined processes of democratization by violating democratic rights and violently repressing opposition. Secondly, the extractive imperative appears as a contradiction to the spirit of the progressive constitutions adopted in Bolivia (2009) and particularly in Ecuador (2008), the first country in the world to constitutionally grant inalienable rights to nature¹³. Finally, Escobar (2011) highlights the lack of engagement in transforming development models toward a post-capitalist ones. Veltmeyer and Petras (2014) argue that those regimes shared an anti-imperialist discourse and rhetoric but are not really anti-capitalist as they claim to be. They point out that only Venezuela could be categorized as a post-neoliberal regime as it has the ideological commitment, the political will and the resources to move from capitalist politics (Ibid.).

¹³ “Nature or Pacha Mama [the Andean earth goddess], where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. Every person, people, community or nationality, will be able to demand the recognition of rights for nature before the public bodies.” *Constitucion del Ecuador, Capitulo 7 “Derechos de la naturaleza”, art. 71.*

Thus, the difference between neoliberal and post-neoliberal regimes seems to be more rhetorical than substantive (Bebbington and Humphreys Bebbington 2011). Discursively, the post-neoliberalist refers differently to nationalism, imperialism and capitalism and point out their intent to pursue radical democratic agendas as part of the ‘Socialism of the 21st Century’. However, they do not differ as much as they claim to in terms of macroeconomic policy and in terms of approaches to the environmental and social implications of extraction. Most significantly, both kinds of regimes have adopted an increasingly intolerant attitude and a predisposition to use violence towards movements contesting the extractive imperative, even when those movements supported the election of these governments (Bebbington 2012). In fact, scholars underline the tendency towards authoritarian imposition of the extractive model and the governments’ efforts to delegitimize the movements questioning this development strategy (Ibid.).

4.2. Resisting Extractivism

One of the characteristics of the new economic and politico-ideological order of the ‘Commodities Consensus’ is that it is accompanied by a new cycle of protests linked to the disputes over land and common goods (Svampa 2012). The struggles are linked to diverging interests and values concerning the access and the control of natural resources. Conflicts have grown in size and number as both conservative and progressive governments have largely promoted the extraction of natural resources. Furthermore, as the resistance against extractivist projects implies a struggle against powerful economic and political interests, social activists have been increasingly repressed and criminalized throughout the region.

Socio-environmental defenders¹⁴ resist mining projects because of the severe damages caused to the environment and water resources, the negative impacts on health and the

¹⁴ According to the CIEL (2010), “the term socio-environmental defenders is not limited to persons formally affiliated with “environmental” organizations. Rather, it encompasses many thousands of individuals struggling to protect themselves, their families and their communities from the impacts of a

destruction of ancestral and cultural lands such projects imply. Those impacts coupled with the lack of participation of local communities in decision-making processes explain why numerous extractivist conflicts emerge. In fact, anti-extractivist movements seek more legitimacy and recognition in the dialogue with state actors and the companies. Some groups seek to get access and to participate into institutional spaces where political decisions are made, while other groups rather look for alternative spaces to express their political views and seek to define what political system they want (De Echave et al. 2009).

But beyond that, the resistance against extractivism should be

“understood as a defense of livelihood in which movements emerge to protect assets by challenging the structure, discourses and institutions that drive and permit exploitation and dispossession” (Bebbington et al. 2008, 2890).

In fact, beyond the direct effects of mining, what socio-environment movements contest is the “accumulation by dispossession” (Harvey 2004) facilitated by neoliberal reforms. What is at the core of the resistance is not only the dispossession of natural resources which are transferred to the private sector but also the dispossession of the land and livelihoods (Bebbington et al. 2008). Then, it is not only about the protection of a source of subsistence and income but also the protection of its embedded meanings, values and identities (Ibid.). In fact, the struggles over extractivism call into question who has a legitimate claim to lands and the minerals. States tend to consider that the resources belong to them and that they can sell these minerals in concessions without consulting the communities concerned since extractivism is framed as necessary to the common good. As such, the inherent conflictivity of the extractivist model stems from the fact that it “pits the wellbeing and self-determination of mining-affected communities against an arbitrarily defined national good” (MiningWatch 2015, 16). More precisely, Maristella Svampa shows that extractivist projects bring two opposing conception of nature and development to clash (Svampa 2011). On the one side, the neoliberal model of development replicates the idea from the colonial era that nature is private property (Ibid.). On the other side, the communities who feel affected by this model and who are often comprised of indigenous people “view of nature as a living organism whose

degraded environment on their lives, health, livelihoods, resources, natural and cultural heritage, and fundamental rights”.

existence and integrity must be respected” (Rojas-Paez 2014). In that sense, nature and the land are not a commodity but the main source of cultural identity (Ibid.) and, socio-environmental resistance is a fight for broadened and decolonized concepts of nature, culture and community (Escobar 2011).

The common language across the continent that seeks to reframe natural resources as ‘common goods’ excluded from the market has been defended through activism at the local, national and international level. The CONACAMI (*Confederación Nacional de Comunidades del Perú Afectadas por la Minería*) in Peru, the UAC (*Unión de Asambleas Ciudadanas*) in Argentina and the ANAA (*Asamblea Nacional de Afectados Ambientales*) in Mexico exemplify how communities have managed to build networks of resistance. For instance, the CONACAMI gathers 1,500 urban and rural communities from 18 regions of Peru and has made alliances with extra-national organizations in Bolivia and Ecuador like ECUARUNARI and CONAMAQ (Salazar-Soler 2007). Furthermore, since attempts to use administrative, legal and political channels generally fail to work, resisting movements have engaged in direct actions to reach public attention (MiningWatch 2015). To that extent, affected communities have organized massive citizen marches and international solidarity campaigns – some of the most notable cases are the mobilization against Tipnis in Bolivia (a highway project crossing indigenous lands), Yasuni in Ecuador (the exploitation of oil in indigenous lands) and mega-mining projects in Cajamarca and Tambogrande in Peru (Coryat 2017). The Environmental Justice Atlas identifies 27 strategies of socio-environmental mobilization including for instance blockades, land occupation, diffusion activities, petitions, boycott of official procedures through the non-participation in consultation processes, local consultations and the use of alternative media (EJ Atlas 2018) .

Finally, alongside discourses on rights to land and water, some organizations have also invoked indigenous rights as a strategy to stop a project or obtain something from the company or the state (Conde 2017). In the study of the CONACAMI in Peru, Salazar-Soler (2007), explains how the organization linked socio-environmental arguments to defend peasants and indigenous communities with an indigenization of discourses and

practices to integrate the struggle against mining projects inside a discourse for indigenous rights. Similarly, Urkidi (2011) shows how movements in Guatemala contesting the activities of the Marlin mine have linked their demands to the defense of their Mayans traditions, culture and *cosmovisión*. In that case, the defense of culture “was not connected to a specific local place but to the historical grievances suffered by their culture and communities” (Conde 2017, 84).

At last, it is important to consider that the community affected by extractivist projects are not homogeneous ones. In this research project, I particularly focus on movements contesting mining projects but it is rarely the case that the whole community is involved in the resistance and some groups might be in favor. Then, another problem brought by extractives companies is the tensions and the divisions inside the communities they create.

4.3. State Answers to the Resistance

The social mobilization against the exploitation and extraction of natural resources has triggered violent responses from Latin American states because anti-extractivist movements often directly challenge powerful economic and political interests and, because they question a model which governments believe could generate great economic benefits. Indeed, common with both conservative and leftist governments is the growing intolerance to social resistance (Conde 2017; Bebbington and Humphreys Bebbington 2011). States have sought to limit and control activism through the increasing use of repressive measures and the criminalization of socio-environmental defenders characterized by harsh rhetoric and legislative reforms aiming at reducing the scope for the exercise of citizen voice. Furthermore, the social control of anti-extractivism movements is not only carried out by state actors at the local, state and national level but also by the extractivist companies, private groups such as countermovement, militias, deaths squads and the media which can participate to diffuse delegitimizing discourses against social movements.

NGOs increasingly report threats, beatings, kidnappings, violent attacks and murder against community activists involved in opposition to extractivism. The most recent report from Global Witness shows that only in 2017 197 socio-environmental defenders have been killed in the world – 46 in Brazil, 32 in Colombia and 15 in Mexico (Watts 2018). One of the most notable case is the tragic story of the Honduran indigenous activist Berta Cáceres. The coordinator of the COPINH (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras*) dedicated her life to the defense of the Gualcarque river against the construction of a hydroelectric plan in indigenous Lenca territory. She also engaged in a form of global resistance by linking communities fighting to protect natural resources across Latin America and the world (Carlsen 2016). Berta Cáceres was murdered in March 2016, allegedly by members of the Honduran security forces (Ibid.). Also, the Guardian's investigative report shows that Cáceres and other activists were on the hit list of a death squad whose units were trained and financed from the US (Ibid.).

Physical attacks against defenders and their families is not the only form of violence they endure. The criminalization of dissent is a more subtle and indirect response to resistance which consist in making socio-environmental protests socially and legally unacceptable. In fact, for engaging in direct actions, social movements are characterized as disturbing the peace and putting public security at risk (MiningWatch 2015). In march 2016, Francisca Linconao, a Mapuche elder was jailed for indefinite pre-trial detention because she was deemed to be a potential terrorist and a threat to society (Bernauer, Heller, and Kulchyski 2018). She was finally found not guilty due to lack of evidence. In Peru, on three occasions, the state has declared a state of emergency in Cajamarca, Celendin and Hualgavoc in the name of defending peace and internal order disturbed by movements contesting mega-mining projects (Sullivan 2014). This allowed for a constant military presence in the communities and generated fear among people (Ibid.).

The violence towards socio-environmental defenders is rooted in states' commitment to the extractivist model. As extractivism is framed as an 'imperative' central to the development of these countries, extractivist companies should be protected at all costs (Arsel, Hogenboom, and Pellegrini 2016). Indeed, Mirtha Vasquez, a local human rights

lawyer from Cajamarca, explains that the state assumes the role of protector of neoliberal interests and deliberately seeks to eliminate elements challenging the working of this model (Vasquez Chuquilin 2013). Consequently, resistance to the extraction of natural resources is framed by the state as being backward and going against the interests of the nation. For instance, about the mobilization in the Amazonia, the former president of Peru declared

“Enough is enough. These peoples are not monarchy, they are not first-class citizens. Who are 400,000 natives to tell 28 million Peruvians that you have no right to come here? This is a grave error, and whoever thinks this way wants to lead us to irrationality and a retrograde primitivism.” (Alan García 2009, quoted in Bebbington and Humphreys Bebbington 2011)

In Bolivia, Evo Morales frames the exploitation of natural resources as a necessity because all Bolivians could enjoy the economic benefits it generates.

“Necessity obliges us to exploit this natural resource, the gas, the oil, for all Bolivians. . . . If there’s oil, gas, you know it is for all Bolivians and this money that we collect from oil, from gas, has to go to all Bolivians.” (Evo Morales 2009, Ibid.)

The following chapters analyze how states have criminalized socio-environmental movements by comparing two different regimes. The Calderón presidency in Mexico presents a case of conservative regime who has extended the extractivist frontier under neoliberal deregulations. Inversely, as explained previously, the Correa presidency in Ecuador – part of the ‘new’ extractivist turn - claimed to initiate a rupture with neoliberal practices. This thesis shows that both regimes have restrained anti-extractivist mobilization the same way: through harsh discourses and the use of abuse of penal laws against the defenders of nature.

5. The Criminalization of Anti-Mining Movements in a Conservative Regime: The San José Conflict in Mexico

The 2000 election of the PAN (*Partido Acción Nacional*) put an end to a corporate state system run for 70 years by a single political party – the party of the Mexican revolution, the PRI (*Partido Revolucionario Institucional*). Yet, while the party wielding power had changed, the transition did not really translate into substantive changes. In fact, the PAN won the elections “only to replace the discredited state party without modifying the neoliberal, authoritarian and corrupt spirit that characterized it” (Martínez 2010, 2). During the PRI dominance, social movements and protests were frequently repressed, particularly from the events of 1968 onwards¹⁵. Under the PAN administrations, led by Vicente Fox (2000-2006) and Felipe Calderón (2006-2012), state-sponsored repression far from disappeared¹⁶ (Joly 2010). In addition, to limit the backlash potential of the use of violence, state answer to dissent included criminalization practices to discredit protesters (Ibid.).

What makes the Calderón presidency unique is that repressive and criminalizing practices became increasingly linked to the fight against crime launched few days after his election (Cedano 2008). Specifically, such practices tended to be institutionalized through the increased militarization and the adoption of judicial reforms (Joly 2010). To that extent, local struggles – including environmental ones – were severely contained in the name of maintaining national security and social peace (Ibid.). Taking this into account, the Mexican case is an interesting one insofar as the criminalization of socio-environmental conflicts is not only embedded in a neoliberal framework of governance encouraging the

¹⁵ The 1960s-1980s period is often referred as the ‘dirty war’. This period of state-sponsored repression included the use of forced disappearance (which claimed hundreds and perhaps more than 1,000 victims) and several high-profile massacres.” (Brewer 2009, footnote 23)

¹⁶ During the Fox mandate, the Mexican state violently repressed several social mobilizations - the most notorious cases being the repression of alter-globalists protesters during the EU-Latin America summit (Guadalajara, 2004), the *Frente de Pueblos en Defensa de la Tierra* (San Salvador de Atenco, May 2006) and the *Asamblea Popular de los Pueblos de Oaxaca* (Oaxaca, 2006).

rise of extractivist projects, but also in the priority given to security measures in order to end a climate of generalized violence.

Overview of the Chapter

The first section of this chapter lays out the context in which the criminalization of anti-mining movements is embedded. First, it demonstrates how the security strategy pushed forward by Calderón contributed to create a hostile climate for social mobilization while providing the state the tools to criminalize dissent. Then, it shows how this situation applied to socio-environmental defenders who opposed the expansion of the extractivist frontier. The second section brings the case of San José del Progreso into focus. By analyzing the criminalization of the anti-mining resistance in San José, the chapter emphasizes how the stigmatization of the protesters and the silencing of their demands participated to justify the repression of the mobilization. In addition, the focus on legal criminalization sheds light on the asymmetries of judicial processes. While the full weight of the law has been invoked to punish protesters, the use of violence against the activists and even the killings of social leaders have never been sanctioned. In all, the San José case demonstrates how physical forms of violence, the stigmatization of socio-environmental activists and the abuse of penal laws are deeply intertwined, and how they resonate with the Calderón's security strategy.

5.1. The Calderón Presidency

*“Desde mi primer día como Presidente, la seguridad ha sido la más alta prioridad de mi Gobierno, no hay otro tema al cual estemos prestando más atención y aumentando cada día los recursos humanos y económicos para resolverlo”*¹⁷

Felipe Calderón, August 2008

5.1.1. The Security Agenda

Between 2006 and 2012, the climate of insecurity rose sharply across Mexico. While the Calderón administration made the fight against the organized crime the first priority of the political agenda, situations of violence reached alarming levels including the subsequent loss of more than 100,000 human lives, thousands of disappearances, and the displacement of thousands of people in the country (IACHR 2015b). The drug war aimed at destroying drug cartels’ power structures and to reduce the number of deaths and kidnappings related to drug-trafficking. In sum, to end a climate of generalized violence, Calderón’s strategy was based on heavy military interventions, an increasing cooperation between the military, the police and the local authorities, the strengthening of the police institutions, and the reform of the penal system (Calderón 2010). To conduct such war, the former Mexican president acknowledged that a period of instability, insecurity and hardship were necessary evil to ultimately ensure peace (Calderón 2008)¹⁸. However, by “reducing the concept of public security to a territorial war against criminals”, such strategy had devastating consequences for the security of the civil society, the violation of human rights and social mobilizations (Brewer 2009).

Scholars emphasize how the Mexican war on crime served as a pretext to criminalize social protests and persecute social activists (Brewer 2009; Doran 2017; Béjar 2015). For

¹⁷ “Since my first day as the president, security has been the highest priority of my government, there is no other issue to which we are paying more attention and increasing every day the human and economic resources to resolve it” (own translation)

¹⁸ In 2008, Calderón declared *“It is a tough fight, and the fight will take time, it will cost resources and, by misfortune, it will cost human lives, but be sure it is a fight we will win with the support of the Mexican people”* (Calderón 2008)

instance, many human rights organizations have reported the arrests without evidence of activists in order for the state to fill the quotas in the war on drugs (Doran 2017; Paley 2015). In addition, although official discourses pretend to defend the law and democracy against organized crime, such discourses have also served to discredit social movements asking for more rights and protection - such as human rights defenders and socio-environmental defenders (Brewer 2009). To that extent, Calderón made the exact same declaration when referring to a problem of public security and a social conflict in Oaxaca:

*“Jamás renunciaré a mi deber de cumplir y hacer cumplir la ley, con la fuerza de la democracia y el Estado de derecho.”*¹⁹ (July 2010)

Such kind of declarations participated to portray social activists as delinquents who threatened the rule of law and social peace. Furthermore, even though the enactment of law enforcement measures primarily aimed to fight drug cartels, it also served as a tool to accuse social leaders of criminal activity, and to justify detention (Brewer 2009). In that sense, the new constitutional measures adopted in 2008 to reform the criminal justice system participated to create a hostile climate for social movements. For instance, by raising the *arraigo* procedure at the level of a constitutional provision, the reform has facilitated the detention of social activists. As such, the UN Committee against Torture repeatedly reported (2008, 2009, 2012) that Mexican officials manipulated the discretionary use of this exceptional provision to control protest and social movements (Doran 2017). The *arraigo* is an exceptional custody regime that allow for the sequestering of people suspected of belonging to organized criminal groups for up to 80 days without criminal charges (Shirk 2010). Following this procedure, prisoners may be held in solitary confinement and placed in *casas de arraigo* (special detention centers) before any criminal charges are initiated. This procedure is often used as a mechanism of interrogation under the logic of “detain first and investigate later” (Hine-Ramsberger 2011). The next section shows how such provision was used to detain Father Martín – a social leader engaged in the opposition to the San José project – without any evidence that he was involved in criminal activities. Besides, the 2008 justice reforms have led to the criminalization of certain traditional practices of Mexican social movements. For

¹⁹ I will never surrender my duty to obey and enforce the law, with the strength of democracy and the rule of law (own translation)

instance, the *plantón* (the occupation of politicians' offices) is now considered as a criminal act which can lead to heavy prison sentences (Doran 2017).

In 2007 alone, the National Network of Human Rights Organizations registered 60 cases of criminalization of social protest (Pérez-Rocha 2011). Such escalation fits within the security strategy and the general context of human rights abuses committed during the Calderón mandate. Indeed, rather than just a war against the enemies of the State, Mexico's war on crime also took the form of an assault against social activists who were not only portrayed as delinquents but also arbitrarily detained or even killed (Brewer 2009). Furthermore, among those cases of criminalization, 32 took place in the framework of economic development projects such as roads construction, dams and mining. As explained in the next section, the degradation of the situation for socio-environmental defenders is also deeply linked to the push for greater access to land and natural resources for transnational corporations.

5.1.2. Socio-Environmental Mining Conflicts

During the Calderón mandate, the number of lands given to concession doubled, going from 390 in 2006 to 803 in 2011 (Tetreault 2015). More than three-fourths of these concessions were made to Canadian companies (Gutiérrez Haces 2016). Nowadays, 30% of the Mexican territory has been granted to concessions or leases involving extractive projects (MiningWatch 2015). Such expansion of the mining frontier has been done in a context of increasing conflictivity at the local level. The Mexican government has relied on diverse strategies to favor the exploitation of natural resources by the private sector to the detriment of local communities which are rarely consulted or even informed about the projects. First, the implementation of a mining model under a neoliberal framework of governance has fueled an unfavorable climate to discuss or contest mining projects. Second, the government has increasingly repressed and criminalized anti-mining social mobilization.

A Neoliberal Mining Model

The growth of the mining sector has been fueled by the adoption of neoliberal structural reforms and the gradual transformations of the Mexican mining model²⁰. Indeed, since 1982, neoliberal reforms have allowed the greater private and foreign participation in the exploration and exploitation of Mexican natural resources (Wise and Del Pozo Mendoza 2005; Tetreault 2015). Short time after these reforms, private companies acquired 98% of the mines in operation (Wise and Del Pozo Mendoza 2005). Contrarily to ‘progressive’ governments – such as Ecuador - which have imposed regulatory controls, taxes and royalties on foreign companies, the neoliberal model pushed forward by Mexico has sought to attract foreign direct investment through deregulations and tax exemptions (Tetreault 2015). Under the Calderón presidency and until 2013, no taxes were applicable to the extraction, transformation or sale of minerals. Companies only paid a fee for the number of hectares covered by the concession (Gutiérrez Haces 2016).

In addition, the Mexican mining model gives poor mechanisms to local communities to have a say in mining activities affecting them. First, as the mining concessions are to be granted by the Secretary of Economy, the management of projects is deeply centralized in the federal government and left little leverage to localities (Article 1 Mexican Mining Law). Second, the article 6 of the Mexican Mining Law stipulated that the exploration, exploitation, and beneficiation of the minerals extracted are public utilities and therefore, they “will have preference over any other use or utilization of the land”. On top of that, the Mexican state only gives preference to local communities’ request over a territory solicited by a mining company when they can present a better economic proposal (Article 13 bis Mexican Mining Law)²¹. Finally, although the Mexican state ratified the ILO 169

²⁰ The Mexican mining model is regulated by the 1992 Mining Law – which has been amended several times since then – and the article 27 of the Mexican Constitution on the exploitation of natural resources.

²¹ Article 13 bis, Mexican Mining Law: “When the land is located in an area inhabited or occupied by an indigenous people or community and said indigenous people or community participates in the tender, they will have the right to match the best economic proposal that is presented by another bidder, and in case they do, they shall have preferential right with their bid from said indigenous people or community.”

convention according to which companies must consult indigenous communities before launching mining activities, it has not implemented a mechanism in this regard nor sanctions application in case of non-compliance (Rodríguez del Bosque 2016).

Resisting Mining Projects

Many resistance movements have emerged at the local level to challenge the Mexican mining model perceived as a threat to the environment, health, livelihoods, and cultural landscapes (Tetreault 2015). The situation gave rise to numerous conflicts opposing groups of local inhabitants to transnational companies backed by the federal government (Ibid.). In 2013, at the end of the Calderón mandate, mining projects were affecting at least 53 municipalities across 18 Mexican states (Toledo, Garrido, and Barrera-Basols 2013). 35 environmental activists have been murdered between 2006 to 2013 because of their opposition to such projects, while others have been beaten, kidnapped and arbitrarily jailed (Ibid.). An opponent to the New Gold's San Xavier project summarized the situation faced by socio-environmental defenders in Mexico as follows:

“[...] In the end [...] we are fighting against the Mexican State, who grants permits and who has spent decades changing mining laws so that companies can operate freely, so that the minerals and water are given to these companies, and so that land can be privatized, thus eliminating the ejido lands and the communities, and so that companies can have legal certainty that nothing will happen to them no matter what they do.” (quoted in PBI 2011)

Under the Calderón presidency, the government has usually been on the side of the mining companies (Toledo, Garrido, and Barrera-Basols 2013). Then, for standing up to mining projects such as San José (Oaxaca), San Xavier (San Luis Potosí), Carrizavillo (Guerrero) and Blackfire (Chiapas), social movements have been physically, politically and legally targeted by the state, private armed groups and the media (Peace Brigades International 2011b). To that extent, scholars have emphasized that the strategies implemented by the government to counter anti-mining resistance range from cooptation, media campaigns, the militarization of contested territories, the exacerbation of divisions among affected populations, and the criminalization of protest (Tetreault 2015).

The following section aims to analyze such strategies. Precisely, by focusing on the community of San José where a mining conflict emerged in 2009, it sheds light on state tactics of criminalization, and it shows how they are used to justify the use of violence against socio-environmental defenders. San José was chosen because it displays direct confrontations between the official authorities and anti-mining sectors who launched an organized and visible resistance. Besides, the conflict has been mentioned in academic works (Tetreault 2015; Beaucage 2015; Williams 2010; Lafortune-Lauzon 2015) and followed by NGOs (OCMAL, PBI, Amnesty International, CDHAL, ProDESC, Centro Prodh, Sipaz) to bring the criminalization of Mexican socio-environmental defenders into focus. Particularly, the community received in 2013 a civilian observation mission coordinated by the *Oaxacan Collective in Defense of the Territory*. The report provides crucial insights to understand the dynamics of the conflict. Finally, the San José conflict received national and international attention through public exposure in the media but also because the resistance successfully built alliances beyond the local level.

5.2. The Criminalization of the San José Resistance

The San José del Progreso community has been targeted by one of the most productive mining projects in Latin America (Educa 2015). Since the arrival of the Canadian company Fortuna Silver Mines, the situation turned out to be very conflictive between pro-mine and anti-mine sectors. In 2007, the *Coordinadora de Pueblos Unidos del Valle de Ocotlán* (CPUVO) was created to contest the large-scale mine. It asked the government for its cancellation on the grounds that no consultation was carried out, and because of its negative impacts on the environment and health. In response, the activists suffered repression, threats, arbitrary arrests based on false accusations, and even murders (Oaxacan Collective in Defense of Territory 2013). The present section shows that beyond the use of violence, state officials, in line with the media, have criminalized the anti-mining activists in order to limit the resistance. Specifically, the mobilization has been severely weakened by smear campaigns, discourses justifying the use of force, and asymmetrical judicial processes.

The first two parts of the section briefly present some contextual elements which are critical to understand the situation in San José del Progreso. That is, after exposing the San José project carried out by Fortuna Silver Mines, I lay out the dynamics of the conflict. The last two parts bring the criminalization of the anti-mining resistance into focus. I examine frames of criminalization in media and official discourses, and the judicialization of the protests.

5.2.1. Context: the San José Project

San José is a large-scale project to extract gold and silver located in the community of San José del Progreso, in the Central Valleys region of Oaxaca (Annex 1). The state of Oaxaca is an area rich in natural resources which have attracted an increasing number of mining companies – especially Canadian ones. Indeed, between 2002 and 2011, the Mexican government has granted 344 concessions in the region, representing 8% of the Oaxaca territory (Ascencio 2013). San José del Progreso is a small Zapotec community whose total population is 6822 (INEGI 2017). In 2010, the Secretariat of Social Development reported that 89,9% of the population was living in poverty – including 44,1% in extreme poverty (SEDESOL 2011). On top of that, 88,2% did not have access to public running water (Ibid.). The productive activities are mainly rural as the inhabitants live from pasture, forest and agriculture (Ibid.). In 1927, the community was recognized as an *Ejido* (communal land), and entered the Program for Certification of Ejido Rights and Land Titling in 1999²² (SEDATU 2011).

In 1999, the Canadian company PanAmerican Silver bought the concession of the Ocotlán valley for 50 years. In 2005, the concession was transferred to Fortuna Silver Mines (FSM), a company based in Vancouver which operates in Mexico through the filial Cuzcatlán SA de CV. It holds 26 concessions in the Oaxacan central valleys, covering 71 000 hectares (Chapman and Gutierrez 2016). In order to get the requisite permits allowing exploration activities, the mining company undertook negotiations with the municipal authorities without informing at any point the members of the community

²² Yet, several irregularities have been reported in the submission of land certificates and the Ejido does not have any agrarian authority since April 2009 (Oaxacan Collective in Defense of Territory 2013).

(Educa 2015; Oaxacan Collective in Defense of Territory 2013). In 2006, FSM started exploration works involving drilling and subterranean exploration of the Trinidad and Bonanza veins (Ibid.). Three years later, in October 2009, the SEMARNAT (the Minister of Environment and Natural Resources) granted the authorization to exploit the mine, and the company began commercial production in September 2011²³.

5.2.2. The San José Conflict

Resisting the Mining Project: the CPUVO Movement

Following the beginning of mining exploration, the *Coordinadora de Pueblos Unidos del Valle de Ocotlán* was created in 2007 to denounce the violation of the right to free, prior, and informed consultation, the right to consent, and the right to territory. This organization - which gathers ejido members from San José del Progreso, Manguely Largo, Cuajilote and Magdalena Ocotlán – based its strategy on organizing a legal defense (Oaxacan Collective in Defense of Territory 2013). Yet, because of its unsuccessful attempts to discuss with the municipal, state, and federal authorities, the CPUVO turned to direct actions “in an effort to call attention to the government’s refusal to listen to the communities concerns and requests for information” (Centro Prodh 2011, 33). In addition, the CPUVO received both national and international support from human rights organizations and other movements resisting mining. It has built alliances through being part of the *Red Mexicana de Afectados por la Minería* (REMA) and the *Asamblea Nacional de Afectados Ambientales* (ANAA). It also counts with the support of *Asamblea Popular de los Pueblos de Oaxaca* (APPO) and *Sección 22*, two well-known Oaxacan organizations (Hesketh 2013).

In all, the resistance against Fortuna Silver Mines was centered on three major concerns. First, the CPUVO denounced the fact that the relevant authorities have never provided the community with any information, either before the project started or when the

²³ According to the company technical report, by June 2016, the concessions – which covers 54.000 hectares – managed to produce 16.8 Moz of silver and 132 koz of gold

residents asked for it²⁴ (OCMAL 2009; Centro Prodh 2011). Second, the organization claimed that the project is illegal as it is located on an *ejido*, which would require prior approval from the *ejidal* assembly (Williams 2010). Third, part of the community was concerned about the environmental and health effects of the mine (Centro Prodh 2011). In particular, the inhabitants have repeatedly pointed out the risks of water contamination because of the use of toxic substance by the mining company, and the excessive use of water (Ibid.). Finally, the inhabitants also insisted on the growing climate of social and political divisions within the community and within families (Centro Prodh 2012).

The Conflictivity between the CPUVO, the State, and the Mining Company

To contest the activities of Fortuna Silver mines, on March 16th 2009, 600 inhabitants of San José agreed to peacefully close the accesses to the mine installations (Oaxacan Collective in Defense of Territory 2013). The objective of the *plantón* (sit-in) was to ask federal authorities to revisit the permits and authorizations granted to the mine (Ibid.). The state reacted to the mobilization with repression, denying the concerns of the anti-mining activists. The environmental defenders reported the presence of the military and the police near the spot – particularly, an helicopter flying over the protesters, and the appearance of military and police trucks (ProDESC 2009). Furthermore, on March 24, an armed group sent by the Oaxaca Governor intended to kidnap Agustín Ríos Cruz, an anti-mining activist member who belong to APPO and who was investigating on his own the environmental impacts of the mining project (CDHAL 2009; Centro Prodh 2011). Two months later, on May 6th, around 700 federal and state police agents evicted the protesters through the use of force. NGOs denounced the use of tear gas, police dogs, and the beaten of activists (Centro Prodh 2011). That same day, the police forces also searched arbitrarily the houses of Magdalena Ocotlán and arrested people walking in the streets (OCMAL 2009; Centro Prodh 2011). As detailed in the next section, 25 people were arrested that day (SIPAZ 2009).

²⁴ Despite the demands from the inhabitants, the terms of the mining contract negotiations have never been made public (Williams 2010).

Several times, the discords and tensions triggered by the mining project have led to violent confrontations inside the community. Specifically, the clashes have involved the *Asociación Civil San José Defendiendo Nuestros Derechos*, an organization supported by FSM and created to defend the mining project²⁵ (Oaxacan Collective in Defense of Territory 2013). The CPUVO publicly denounced that members of this organization were involved in acts of armed violence against inhabitants opposed to the San José project (Ibid.). Yet, the mining conflict grew so much that it involved killings. On June 19th 2010, during a violent clash between pro-mine, anti-mine, and official authorities, the municipal president and a councilor were killed. In 2012, two socio-environmental defenders, members of the CPUVO, were murdered. On January 18th 2012, Bernardo Méndez Vasquéz died in a confrontation between the inhabitants and people allegedly linked to the mining company (OCMAL 2012). That day, the municipal police was sent to the spot where the situation degenerated (Ibid.). According to testimonies, the voice of the mayor was heard on the radio ordering the agents to open fire (OCMAL 2012; Oaxacan Collective in Defense of Territory 2013). On March 15th 2012, the leader of the CPUVO, Bernardo Vásquez Sánchez, was ambushed by an armed group. The Civil Observation Mission mentioned that four months before, “graffiti appeared in a drainage canal near the edge of the urban area and he received threatening text messages: ‘*your end is here*’”. Despite being aware of the threats, the state authorities did not take any preventive measures (Ibid.).

5.2.3. Frames of Criminalization

Problem Definition and Diagnosis: Denying the Demands of the Protesters

Manual searches on the Mexican newspapers websites and on databases such as InfoLatina reveal that most of the San José conflict’s coverage was event-driven and focuses on episodes of violence, namely the violent dislodging of the *plantón* in May

²⁵ According to testimony from inhabitants of the community, the organization is mainly constituted of PRI members and aims at requesting and obtaining economic resources through the mining company (Oaxacan Collective in Defense of Territory 2013).

2009, and the killings of two municipal authorities and two activists. With this in mind, the media left few space to discuss the reasons pushing the inhabitants to contest the Cuzcatlán mining project. When the blockade began, only *la Jordana* dedicated room to the voice of mining opponents to present their demands, and shed light on the potential negative impacts brought by the mining company.

*“Pobladores de San José El Progreso y Magdalena Ocotlán agrupados en la Coordinadora en Defensa de los Recursos Naturales y Nuestra Madre Tierra del Valle de Ocotlán, bloquearon la mina Cuzcatlán para demandar a la Secretaría del Medio Ambiente y Recursos Naturales su cancelación inmediata por contaminar el ambiente y dañar los recursos naturales.”*²⁶
(La Jornada 03/21/2009)

On the other hand, the mining company answered that it hold the requisite permits from the government, and it ensured that cyanuric will not be used to extract gold and silver in order to “avoid contamination” (Ibid.). In other words, since the company obtained the official authorizations, the inhabitants of San José should not be worried.

Afterwards, most of the media coverage was dedicated to report the repression of the protesters who blocked the mining access for two months in 2009. In particular, the protesters were described by the newspapers as a group of hostile inhabitants who took control of the mine.

*“Un grupo de pobladores que mantenían bajo su poder los accesos a la mina La Natividad.”*²⁷ (El Universal 05/06/2009)

*“[La mina] tomada desde marzo por comuneros y activistas.”*²⁸ (Reforma 05/07/2012)

Again, when depicting what happened on May 6th 2009, the media gave few space to the demands of the CPUVO. To that extent, it was simply highlighted that the socio-environmental activists “accused the mining company of not holding the requisite permits” (Reforma 05/07/2009). It never mentioned that the mining project had been

²⁶ The inhabitants of San José and Magdalena Ocotlán organized around the *Coordinadora en Defensa de los Recursos Naturales y Nuestra Madre Tierra del Valle de Ocotlán*, blocked the Cuzcatlán mine to ask its immediate cancelation to the Secretary of the Environment and Natural Resources because it contaminates the environmental and damages natural resources. (Own translation)

²⁷ A group of inhabitants hold power over the entrances to the mine La Natividad.

²⁸ The mine was taken since March by villagers and activists.

implemented without informing or consulting the inhabitants (Oaxacan Collective in Defense of Territory 2013).

Official authorities affirmed the conflict had been triggered by a minority group from outside the community. In this way, the general secretary of the Oaxaca Government, Jorge Toledo Luis, declared that a Oaxacan human rights organization, the Codep (*Consejo de defensa de los derechos del pueblo*), was responsible for the organization of the mobilization.

*"Había una organización, el Codep, que estaba metido y que no precisamente son de San José del Progreso. En San José del Progreso había una parte minoritaria que protesta en ese sentido, pero era la organización la que estaba encabezando el cierre de la mina."*²⁹ (Reforma 05/08/2009)

On top of that, state officials sought to demonstrate that there was no valid reason for the San José inhabitants to engage in such mobilization. That is, the state delegate of the Minister of Economy, Gregorio Salinas Zermeno, affirmed the community gave its approval to the company to conduct mining activities in the area. Also, he claimed the group of inhabitants opposing the mine did not hold the appropriate knowledge to assess environmental impacts.

"La comunidad estaba de acuerdo para que la empresa trabajara ahí, el problema es que aparecieron grupos que están en contra de proyectos mineros y a favor de proyectos ecológicos. Estos grupos no tenían el conocimiento adecuado de que efectivamente esta mina no está ejerciendo ningún efecto contaminante." (Reforma 05/14/2009)³⁰

Along the same lines, the state delegate of the Minister of Environmental and Natural Resources, Esteban Ortiz Rodea explained that the inhabitants had no valid motive to contest the mining project since the mine would not contaminate.

"La gente ha denunciado la contaminación de los mantos freáticos, pero no se ha podido demostrar" (Reforma 05/14/2009)³¹

²⁹ An organization, Codep, which is not exactly from San José del Progreso, was involved. In San José del Progreso, a minority was involved in the protests, but it was the organization [codep] who was leading the mine blockade.

³⁰ The community gave its approval to the company to work here, the problem was that groups opposed to mining projects and in favor of ecologic projects appeared. These groups did not have appropriate knowledge to assess that the mine is not causing any contaminating effects.

³¹ People denounced the contamination of the water tables but it could not be proven.

By casting doubt on the motivations of the anti-mining mobilization, the state intended to delegitimize and discredit the CPUVO demands.

Problem Definition and Diagnosis : The Police Operation

While silencing the voices of the protesters, the newspapers articles mostly relied on official authorities sources to depict the mobilization. For instance, the fact that the media referred to the members of the state government and the police agents by their names and status but vaguely mentioned the activists participated to create this asymmetry.

The state police commissioner explained to the media that the police operation was necessary to re-establish the rule of law.

““No hubo ningún problema. Se restableció el Estado de derecho. Teníamos bloqueados los accesos a San José del Progreso, ya se abrió, incluso se abrió el Palacio Municipal y la mina”, afirmó Jorge Quezadas, Comisionado de la Policía Estatal.” (Reforma, 05/07/2012)³²

Such declaration contributed to insinuate that the anti-mining mobilization represented a threat to order and the rule of law. Similarly, the media depicted the police operation as a successful one that allowed to get back control of the community and the mining accesses. That is, the newspapers showed that the police forces managed to evacuate the inhabitants despite their resistance.

“De acuerdo con informes policiales, en el trayecto los elementos encontraron resistencia de algunos pobladores que intentaron realizar un bloqueo carretero, a fin de impedir el paso del convoy. Luego de varios minutos de tensión, los uniformados lograron avanzar con rumbo a la mina, donde los aguardaban ya un centenar de pobladores e integrantes del Comité en Defensa de los Derechos del Pueblo (Codep).”³³ (Reforma 05/07/2009)

³² “There was no problem. The rule of law has been re-established. The entrance to San José del Progreso were blocked and they got opened, even the municipal palace and the mine got opened” affirmed Jorge Quezadas, the State Police’s commissioner.

³³ According to police reports, they encountered resistance on their way from settlers who tried to block the road in order to impede the path of the convoy. After several minutes of tension, the uniformed managed to move forward the mine where one hundred settlers and members of the Committee Defending the Rights of the People were waiting for them. (own translation)

*“Luego de varios minutos de tensión, los uniformados llegaron a la mina, donde los aguardaban un centenar de pobladores. Entre jalones, los agentes tomaron el control del yacimiento del palacio municipal.”*³⁴ (La Jornada 05/07/2009)

Specifically, the media explained that the situation returned to normal despite the violence of the protesters. In fact, the newspapers constantly emphasized that the inhabitants were responsible for the violence. Moreover, the police agents were portrayed as victims of the protesters behavior. In that sense, the newspapers insisted that a police agent got hurt in the confrontations.

*“Uno de los comuneros lanzó una piedra que alcanzó al oficial Armando Jiménez, ocasionándole fractura en el maxilar inferior derecho.”*³⁵ (Reforma 05/07/2012)

*“Un policía preventivo estatal resultó lesionado, al perder tres dientes por una pedrada.”*³⁶ (El Universal 05/06/2012)

However, it was never mentioned that the police used tear gas, shot with firearms, and beat the protesters (Centro Prodh 2011). Only *La Jornada* briefly reported that “various persons were injured” without giving further precisions (La Jornada 05/07/2009).

Moral Evaluation: Justifying the Repression

The media analysis reveals how official authorities have minimized the use of violence by the police agents, and delegitimized the actions of the protesters. On the one hand, official discourses explained that the police operation was not excessive and complied with the rule of law. On the other hand, they discredited protesters actions on the grounds their demands were unfounded and lies.

As such, Jorge Toledo Luis explained that the police action was carried out following the demands of the municipal authorities and the mining company.

“Jorge Toledo Luis, secretario general de Gobierno, dijo que el desalojo fue a petición de las autoridades municipales de San José del Progreso y de los

³⁴ After several minutes of tension, the uniformed arrived to the mine where one hundred settlers were waiting for them. Despite pushing and shoving, the agents took control of the deposit of the municipal palace.

³⁵ One of the inhabitants threw a stone which reached the officer Armando Jiménez and caused a fracture of the right upper jawbone.

³⁶ A preventive police agent was injured as he lost three teeth due to a thrown stone.

concesionarios de la mina.”³⁷ (La Jornada 05/07/2012)

Furthermore, the Oaxacan authorities ensured that the police did not rely on an excessive use of force, and that the agents did not use their fire arms at any point. To support this statement, state authorities affirmed that the operation was carried out under the supervision of the State Commission of Human Rights, and the state and federal public ministries.

*“El secretario general de Gobierno, Jorge Toledo Luis, rechazó ayer que la administración estatal, que encabeza Ulises Ruiz, haya hecho uso excesivo de la fuerza pública en el desalojo de los ejidatarios que desde marzo bloqueaban una mina en el municipio de San José del Progreso.”*³⁸ (Reforma 05/08/2012)

*“Inclusive, el operativo que fue encabezado por el comisionado de la Policía Estatal, Jorge Alberto Quezadas Jiménez, y por el comisario de la PF en Oaxaca, Armando Cabrera Vásquez, se realizó bajo la supervisión de representantes de la Comisión Estatal de Derechos Humanos de Oaxaca (CEDHO) y agentes del Ministerio Público de la Federación y el Estado, así como notarios públicos, quienes certificaron que los elementos de seguridad no portaran armas de fuego, sólo equipo antimotines.”*³⁹ (El Universal 05/06/2012)

In all, they maintained that the operation was undertaken under the strict compliance of the rule of law.

*“[Jorge Toledo Luis] expuso que se actuó con “estricto cumplimiento del estado de derecho” [...]”*⁴⁰ (La Jornada 05/07/2012)

At last, the Oaxaca General Secretary indicated the police action could not be considered as being repressive since the protesters were the ones at fault. That is, he explained that the activists were wrong to deny to the whole community the constitutional right to freely transit.

³⁷ Jorge Toledo Luis, the Government’s general secretary, said the evacuation took place at the request of the municipal authorities of San José del Progreso and the mining licensees.

³⁸ Yesterday, the Government’s general secretary, Jorge Toledo Luis, denied that the state administration, led by Ulises Ruiz, used the public force excessively to evict the holders of the ‘ejido’ who were blocking the mine in the municipality of San José del Progreso since March.

³⁹ Even, the operation led by the State Police’s commissioner, Jorge Alberto Quezadas Jiménez, and by the Federal Police’s commissioner in Oaxaca, Armando Cabrera Vásquez, was achieved under the supervision of the State Commission of Human Rights of Oaxaca’s representatives and the agents of the State and Federal Public Ministry, as well as public notaries, who certified that the security agents did not carry fire arms, only anti-riot gear.

⁴⁰ [Jorge Toledo Luis] explained that it was done under the “strict compliance with the rule of law”

"No puede haber una situación de represión en donde hay una comunidad completa solicitando auxilio para poder otorgarles el derecho constitucional a la libertad de tránsito." (Reforma 05/08/2012)

"Independientemente de la mina, tenían cerrado San José del Progreso; había hasta zanjas en los caminos, no había libertad de tránsito. El estado tiene sus instrumentos para resarcir el Estado de derecho, más cuando se están violando (los derechos) de la manera en que se estaba haciendo en San José del Progreso." (Ibid.)

This kind of discourses sheds light on the clash between the right to protest and the right to transit. In the present case, the Oaxacan officials have favored the right of free circulation and framed direct actions such as sit-ins as a violation of this right.

Treatment: Punishing Dissent

In sum, the newspapers analysis reveals how media and official discourses participated to frame the dissenters as a threat to public order and social peace. Specifically, such discursive constructions contributed to present the anti-mining mobilization as illegitimate and disturbing the local community with unfounded motives. Following this logic of criminalization, the state was able to justify that dissent requires punishment. In this case, the official authorities justified the legitimacy of the police operation on the grounds that the inhabitants were wrong to impede the right to transit, and they were responsible of the violence. Then, the police had to intervene to re-establish the rule of law, but such intervention should not be considered as a repressive one. In line with these discursive constructions, the next section shows how the state used legal frameworks to punish dissent.

5.2.4. The Use and Abuse of Legal Frameworks

The Arrests on May 6th 2009

During the evacuation of the *plantón* 25 protesters were arrested: 18 in the blockade and 7 more when the police got into the community and searched the houses (Reforma 05/07/2012). While 14 were released on bond on May 8th, 14 remained in prison being accused of attacks on public road, resistance to individuals, injury, and dispossession (La

Jornada 05/08/2012). By May 9th, 4 protesters remained detained as they could not afford the bail (La Jornada 05/09/2012).

The Arbitrary Arrest of Father Martín

Following the violent confrontations in San José on June 18th 2010 during which the municipal president and a councilor were killed, the priest of the San Pedro Apostol de Ocotlán parish as well as 10 inhabitants were arbitrarily detained (Amnesty International 2010). Father Martín is not from San José del Progreso, but he was actively engaged in the resistance against mining. He facilitated forums and meetings to inform the community about the environmental risks (Davies 2010). He did not directly participated to sit-ins, but mainly sought the people's right to be inform and that the federal government consult the community, in accordance with the international conventions (Peace Brigades International 2010). The priest case is particularly troubling as, on June 18th, he was detained by a private armed group. Precisely, the Civilian Observation Mission Report (2013) mentioned that Father Martín Octavio García Ortiz was kidnapped by members of the *Asociación Civil San José* before being turned to the state police and being accused to be the mastermind of the murders. Father Martín explained the kidnappers tied him naked to a chair, beat him severely, and threatened to set him on fire (Williams 2010). Then, the priest and ten other inhabitants were taken into custody by the Oaxaca State Attorney General's Office, and accused of instigating the violence against the municipal authorities (Amnesty International 2010). They were all local activists opposing the San José mining project (Ibid.). In addition, Father Martín was also accused of being a member of the Popular Revolutionary Army, a guerilla group that had bombed oil pipelines earlier that year (Williams 2010). The 11 activists were placed in *arraigo* (pre-charge detention) even though no clear evidence showed they were involved in the killings (Amnesty International 2010). Amnesty International immediately wrote an Urgent Action denouncing the violation of the right to be presumed innocent, and the right to have a fair trial (Ibid.). Later, in an interview to PBI, Father Martín denounced that the process was full of irregularities:

“They arrested me without a warrant; they let me have medical care, but held me for thirty days, with the prospect of further house arrest. The accusation brought

against me was that I had instigated the people to kill the mayor. It was all a fabrication.” (Interview of Father Martín in PBI 2010)

Finally, the priest and the other social-environmental defenders were released and the authorities did not pursue the criminal case. Indeed, all the charges were dropped due to the lack of evidence (Centro Prodh 2011). Still, the arrests constituted a strong message sent to the people opposing the mining project. It also pushed Father Martín to move away from the community as he was not safe (Peace Brigades International 2011a).

Asymmetrical Judicial Processes

While activists such as Father Martín were treated like criminals without real evidence, on the other hand, no justice was made to punish the violence committed against the environmental defenders. The CPUVO filed various complaints concerning threats, injuries and illegal possession of weapons (Oaxacan Collective in Defense of Territory 2013). Yet, the state showed a lack of willingness to launch investigations (Ibid.). That is, the CPUVO denounced multiple times that the mining company was financing an armed groups threatening the social leaders (El Universal 03/16/2012). It filed a complaint for the lack of state action in the face of criminal activities putting the responsibility on the government for the growing tensions inside the community (Oaxacan Collective in Defense of Territory 2013). Still, according to the CPUVO, the state authorities “deny the complaints to the point that they affirm that the group of dissent was looking to destabilize the communities, when it was all the contrary” (El Universal 03/16/2012). For the case of Father Martín, no charges were brought against the kidnappers and the police did not look after them, even though the prosecutor recognized that “if they had not intervened in time, they would have killed him”(Reforma 06/22/2010). In fact, the father of the parish declared:

“We have submitted our official complaint about my abduction, the beatings and all that happened, but no justice is being done” (Interview of Father Martín in PBI 2010)

On top of that, no one has been held responsible for the murders of the CPUVO activists (REMA 2018). After Bernado Vásquez Sánchez was killed, the Attorney General of the

state of Oaxaca, opened an investigation and declared there was no clear evidence about the motivation of the murder. That is, he suggested it was not necessarily linked to the engagement of the CPUVO leader in the mobilization against the mining project. Instead, it could be related to family revenges. Precisely, he declared

*“No vamos a descartar ninguna línea, en San José del Progreso está el conflicto de la mina, el conflicto postelectoral, esto no es oficial, pero también se hablan de venganzas familiares, no voy a descartar nada.”*⁴¹ (Reforma 03/17/2012)

Finally, two alleged offenders were arrested seven months after the murder but they were released in 2015 (REMA 2018). Six years after, the crime remained unpunished.

Such processes shed light on the asymmetries of the criminal cases that are pursued to the detriment of socio-environmental defenders. As an inhabitant of San José puts it

“if a complaint is filed against someone from the coordinator, the government immediately arrests them [...] This never happens to the mine’s sympathizers”(quoted in Oaxacan Collective in Defense of Territory 2013, 43).

Bearing this in mind, the government did not consider the mine opponents’ demands for justice. Official authorities denied the threats and violence the activists were subjected to. Inversely, even without clear evidence, they were prone to launch criminal investigations against the protesters on the grounds they were destabilizing the peace of the community. In that sense, while anti-mining defenders, such as Father Martín, were immediately arrested despite the lack of clear evidence, the General Attorney did not want to precipitate the investigations for the killing of the CPUVO leader.

5.3. Conclusion

The case of San José sheds light on a conflictive situation between sectors of the population challenging a mining project affecting their community and the refusal of the state to take such concerns into consideration. Beyond state denial, CPUVO members were targeted by constant attacks and threats from the state police, private armed groups, and the municipal authorities. As such, in this case, the criminalization of dissent is

⁴¹ We are not going to discard any line, in San José del Progreso there is the mining conflict, the post-electoral conflict, this is not official but people also talk about familiar revenges, I am not going to discard anything.

embedded in a broader context of the use of excessive force against protesters. Specifically, by qualifying and treating protesters as criminals and subversives, the state has justified the repression of the CPUVO.

The media played an important role in legitimizing and delegitimizing certain actors. By eliminating the distinction between protest and violence and decontextualizing the struggle, media discourses have fueled a climate favoring a forceful response against the activists. In this way, the underrepresentation of socio-environmental concerns and the overrepresentation of episodes of violence in the news participate to spread negative views on the resistance. When newspapers give information in a way inconvenient to the protesters, it gives room of action to the state (Cedano 2008).

Furthermore, the analysis shows that the protests were dealt with as a matter of public security. In fact, political discourses tended to frame the activists' actions as a threat to security and the rule of law. The anti-mining protesters were depicted as subversives destabilizing the peace of the community with irrelevant concerns. On the other hand, the official discourses justified the police operation on the grounds that it got control back over the situation and re-established the rule of law. In line with these views, the San José conflict sheds light on the state double standard: punishing socio-environmental movements, and protecting the mining company. In fact, while Father Martín and other protesters were arbitrarily detained without judicial order, the Oaxacan government casted doubt on the motive for the killing of the CPUVO leader. Besides, the refusal to open investigations against the people who tortured father Martín shows how the state took the side of the mining company.

As such, the way the state handled the San José conflict reflect the broader political and social context of Mexico. The security strategy pushed forward by Calderón explains why ensuring public order took the upper hand when dealing with the conflict. The state has repressed the resistance on the grounds it represented a threat to local social peace and to the compliance of the rule of law. Then, dissent is portrayed as unacceptable in the name of guaranteeing public security. On top of that, the San José case highlights how the state

protected the interests of the mining company and how it dealt with the mining conflict:
by silencing the protesters demands and repressing their intents to make their voice heard.

6. The Criminalization of Anti-Mining Movements in a ‘Progressive’ Regime: The Mirador Conflict in Ecuador

In rupture with the precedent administrations, Rafael Correa was elected in 2007 by presenting an ambitious post-neoliberal agenda to transform the state, the development model and the economy of Ecuador. In fact, his election was at the forefront of debate about progressive development, the *buen vivir* way of life, and alternative human-nature relations (Van Teijlingen 2016). To that extent, international observers “looked to Ecuador as a radical and exciting model, with the hope that the country will create a new development strategy making environmentalism a core concern” (Chimienti and Matthes 2013, 59). His agenda also contributed to the enthusiasm of socio-environmental defenders who have been criminalized and categorized as a national security threat by the state since the return of democracy in 1984 (Centro de Derechos Económicos y Sociales 2012). The 2008 Constituent Assembly granted amnesties to more than 350 people who were considered to have been wrongfully targeted for protesting against neoliberal policies (Amnesty International 2012). Yet, sentiments of disillusion quickly grew among the defenders of nature as the new administration provided a strong impulse to extractivist activities. Despite widespread opposition, the exploitation of natural resources was supported by the government as an imperative for poverty reduction. The sectors of the society criticizing such model of development suffered a new wave of criminalization only few months after the amnesties of the Constituent Assembly (Amnesty International 2012, Mining Watch 2015, FIDH 2015).

With this in mind, the case of Ecuador is paradoxical as one would not expect an anti-capitalist regime promoting the rights of nature to be intolerant towards socio-environmental defenders. During Correa mandates, the criminalization of dissent was rooted in such ambiguities. In particular, this chapter shows that Correa’s conflictive relationship with social movements and the ‘extractivist imperative’ created an unfertile ground to the anti-mining mobilization. Furthermore, by bringing into focus the Mirador conflict, it sheds light on the government’s strategies to criminalize dissent. Particularly,

the Correa administration relied on sophisticated forms of social control - pre-emptive and beyond-the-streets tactics -, and harsh discourses portraying the defenders of nature as enemies of the nation.

Overview of the Chapter

The first section highlights the ambiguities of the Correa presidency. On the one hand, the government claimed to end the ‘long neoliberal night’ and pledged to protect the environment. On the other hand, it sold large-scale concessions to foreign companies to extract natural resources in a way overriding the interests of local communities. Understanding such context is critical to analyze practices of criminalization because they are rooted in the extractivist strategy pushed forward by the government. The second section proposes to shed light on the criminalization of anti-mining movements by bringing the Mirador project into focus.

6.1. The Correa Presidency

*“Our greatest challenge right now is to demonstrate to Ecuador and the world that mining well done can serve the development of the nation to the benefit of all.”*⁴²

Rafael Correa 2008

6.1.1. The ‘Post-Neoliberal’ Agenda

Rafael Correa took office in January 2007 after an extended period of political, economic and social crisis in Ecuador. He was then re-elected twice: in 2009 and 2013. He won his first election by relying on an anti-establishment message, and by gathering a progressive platform that gained widespread support from social movements (Kennemore and Weeks 2011). Correa got the backing of indigenous movements⁴³ and other sectors of the society by promising to end the ‘long night’ of neoliberal adjustments and the *partidocracia*

⁴² quoted in Moore and Velásquez ((2012, 119)

⁴³ Yet, the support of indigenous movements⁴³ such as Pachakutik and the CONAIE (*Confederación de Nacionalidades Indígenas del Ecuador*) has always been more ambiguous (Becker 2011).

(partyarchy) carried out by his predecessors (Grugel and Riggirozzi 2012; Murillo-Ruiz 2011). In fact, the post-neoliberal ideology he promoted can be seen as a “reaction against excessive marketization at the end of the 20th century and the elitist and technocratic democracies that accompanied market reforms” (Grugel and Riggirozzi 2012, 3). Therefore, in rupture with the political leaders who enacted the democratic transition in the 1980s, one of the main objectives of Correa’s mandate was to re-establish the role of the state as a promoter of development through state spending, increased taxation, and management of exports (Ibid.). Furthermore, to replace what was perceived as an unrepresentative democracy, he promised a “participatory model that will allow citizens to exercise power, take part in public decisions and control the actions of their representatives” (Torre 2014, 458) - in sum, a more radical and deliberative democracy.

A Constituent Assembly was made up in 2008 to include the civil society in the debates and discussions. The new Ecuador Constitution, approved by referendum by 63,93% of voters (López 2013), presented important wins for socio-environmental and indigenous movements, and constituted a step toward ending the neoliberal principles consecrated in the 1998 constitution. In fact, while it codifies multicultural entitlement and introduces new forms of representation, the constitution also promotes the return of the state by identifying state responsibilities in health, housing and social provision (Grugel and Riggirozzi 2012, 7). Besides, the preamble refers to the *Pachamana* (Mother Nature) and the *Sumak Kasway* (right livelihood) as vital for the country existence. The Sumak Kasway, a model of good living, points to an alternative approach to development – a sustainable and non-capitalist one. It values people over profit and pledges for the protection of the environment (Pachamama Alliance 2018). On top of that, Ecuador became the first country in the world to constitutionally grant inalienable rights to nature (*Constitución de la Republica de Ecuador*, Chapter 7, article 71).

At first sight, it could appear as if the Correa post-neoliberal agenda and the 2008 constitution would benefit socio-environmental movements. Yet, the relationship between the government and the defenders of nature became increasingly hostile – in particular since the adoption of the Mining Law in 2009 (Dosh and Kligerman 2009).

Specifically, Correa's government clashed with most civil society organizations – including indigenous movements, teachers, students, and public employees (Becker 2011). Despite promising perspectives, the citizen revolution advocated by Correa to defeat the country's old structures, was to be built on individual rights and not collectively (Ibid.). The conflictivity between the government and social movements stemmed from the fact that the government did not consider them as representatives of the civil society but as privileged groups hindering the strengthening of state power (De la Torre 2013). In that sense, social movements were portrayed as defending their particularistic prerogative against the universalistic project of the government and the wellbeing of all (Ibid.). As de la Torre puts it “Correa sees himself as the only voice that can speak on behalf of ‘the people’ and dissent, especially from the left, is portrayed as treason” (Ibid., 462). In addition, the contention mainly derived from social movements' demands to respect the rights of nature (De la Torre 2013; Becker 2013; D. Vela-Almeida 2018; Coryat 2017; Van Teijlingen 2016). In fact, many sectors of the society strongly opposed the extractivist strategy advocated by the government as an imperative for development. Against the exploitation of natural resources, they called for an alternative relationship between humans, nature and development (Ibid.).

6.1.2. Socio-Environmental Mining Conflicts

The cornerstone of Correa's 'post-neoliberal' agenda lies in the promotion of extractive activities. Only few months after the adoption of the 2008 constitution, the government campaigned to advance extractivism as a strategic sector to achieve a post-neoliberal model of development. In particular, the Ecuadorian extractivist model is based on two approaches: increasing the state influence over the oil-exporting industry, and boosting large-scale mining, an undeveloped sector in Ecuador until the adoption of the mining law in 2009 (Van Teijlingen 2016). The fact that oil reserves were declining pushed the government to see mining as Ecuador's future (D. Vela-Almeida 2018; Davidov 2013).

A Post-neoliberal Mining Model

In January 2009, without much national debate, the Congress approved a controversial Mining Law. It allowed foreign companies to continue the exploitation of natural resources, while expanding state control over such practices. That is, against capitalist strategies of privatization and liberalization, the Ecuadorian mining model was developed through state regulation, higher state shares and better redistribution of the profits by imposing greater taxes and royalties on foreign-owned companies (Van Teijlingen 2016). To that extent, the Mining Law proposed to impose royalties of no less than 5% of sales (Davidov 2013). Under the assumption that Ecuadorians “cannot be beggars sitting in a sack of gold”, this approach aimed at generating economic revenues to finance welfare programs and alleviate poverty (D. Vela-Almeida 2018). To that extent, the new Mining Law declared mining to be an activity of ‘public utility’ that serves national interests (Article 15 and 16 *Ley de Minería*).

The break between the government and socio-environmental movements became definitive with the adoption of the Mining Law (Dosh and Kligerman 2009). In fact, this mining model set up an unfavorable climate to criticize or even discuss mining activities. By centralizing the management of natural resources in the hands of the state, the Mining Law made it difficult for socio-environmental movements to advance their concerns. For instance, the article 2 of the law mandates the participation of both private and public figures in policy discussion without including community members who will be affected by mining (Dosh and Kligerman 2009). Furthermore, the law stipulates that all minerals belong to the state which can delegate concessions to private parties⁴⁴ (article 16 *Ley de Minería*). In all, it assigns eminent domain to the central government in commissioning mining projects, overriding authority from local governments (D. R. Vela-Almeida 2016). Such scheme particularly clashed with indigenous approaches emphasizing collective control over land and natural resources (Becker 2011).

⁴⁴ Since 2015, the Ministry of Mining is in charge of granting, administering and extinguishing mining rights. It can grant concessions for up to 25 years renewable (article 36 *Ley de Minería*).

Resisting Mining Projects

From December 2008 to January 2009, indigenous and ecologist organizations showed their opposition to mining by taking the streets several times (Amnesty International 2012). For instance, on January 20th 2009, the “Day of Mobilization for Life” gathered 12,000 people throughout the country (Zibechi 2009). Social movements declared the Mining Law unconstitutional for violating the human rights to water (*Constitución de la Republica de Ecuador* article 12), the rights of Nature (article 71), the collective rights of indigenous communities, peoples and nations (article 57). and the precedence of environmental protection (article 395) (Davidov 2013). In addition, *Acción Ecológica* points out that the law was

“written in the neoliberal model, favoring foreign investment over social and environmental concerns, putting the extraction of minerals over the rights of communities, as well as allowing open pit mining and the destruction of biodiversity.” (quoted in Burbach 2010)

In an effort to counter the mobilization, the government responded by launching a new phase of criminalization and repression (Amnesty International 2012). Rafael Correa portrayed anti-mining movements as a threat to his political project:

“we always said that the main danger to our political project, after defeating the right in elections, are the infantile left, environmentalists, and indianists.” (Correa 2009)

He framed the mobilization as going against the development of the nation and claimed he will use the law to stop such ‘abuses’. In particular, he accused the mobilization of

"promoting an uprising against the mining companies. ...With the law in hand we will not allow these abuses, we cannot allow uprisings, which block paths, threaten private property, and impede the development of a legal activity, mining." (Correa 2009 quoted in Burbach 2010)

In line with such discourses, some anti-mining protests resulted in the state use of force and disproportionate penal charges. In addition, legal tools were implemented to criminalize protesters as the Decree 16⁴⁵ (June 2013) and the Organic Penal Code (March

⁴⁵ The decree banned ONGs from engaging in “political actions”

2014) (Sacher 2017). For instance, community leaders and students were charged with terrorism for their engagement in the mobilization (Amnesty International 2012).

In all, between 2007 and 2017, human rights organizations have reported 80 cases of criminalization affecting 700 activists – most of them being defenders of the environment (Calapaqui Tapia 2017). According to the Environmental Justice Atlas, 13 mining conflicts have emerged throughout the country – including nine in the southern part of Ecuador (EJ Atlas 2018). Among those conflicts, the case of Mirador displays the highest levels of violence (Ibid.). In response to the widespread resistance, the state supported the mining company Ecuacorriente S.A. through multiple strategies including the use of force, arrests, forced displacements and smear campaigns (Massa-Sánchez, del Cisne Arcos, and Maldonado 2018). Leaning upon a collection of newspapers articles, the next section goes beyond human rights abuses and analyze how the state has criminalized the resistance to Mirador. As the mobilization reached the national level through direct actions, the Mirador conflict received wide coverage in the news, and it became an emblematic case symbolizing the contestation to large-scale mining (M4 2016).

6.2. The Criminalization of the Mirador Resistance

In Ecuador, the Mirador project constituted the first large-scale mine with an exploitation contract (Riofrancos 2015). In 2012, the Correa government signed an agreement with the Ecuacorriente S.A. company, and promoted the mining project as a strategic one to build the future of the country on extractivism. Located in the Cordillera del Condór, an area of rich biodiversity and home to the Shuar indigenous people, the mine received widespread opposition. At the local, regional, and national level, social movements engaged in direct actions to denounce that the inhabitants affected by the project were not consulted at any point in the negotiation. The present section sheds light on the state strategies to restrain anti-Mirador protests. Specifically, it shows how the state has relied on sophisticated forms of social control to discredit the most emblematic action against the mine – la *Marcha por la Vida*. As such, the tactics to limit dissent included pre-emptive administrative measures to restrict the right to protest, the organization of

counter-marches, and delegitimizing discourses. On top of that, by going beyond the moments of protests, the legal analysis demonstrates how anti-mining activists were targeted by unjustified criminal procedures, while human rights violations perpetrated by the state and the mining company remained unpunished.

The subsections 1 and 2 lays out the context in which the criminalization of the Mirador resistance is embedded. Subsection 1 provides contextual elements about the mining project, and subsection 2 briefly presents how and why the conflictivity has grown. Finally, the last two parts constitutes the empirical core of the chapter. Based on a discursive and legal analysis, they highlight how the state have answered to the contestations by criminalizing socio-environmental defenders.

6. 2.1. Context: the Mirador Project

Mirador is a project of open-pit mine to exploit copper and gold. It is located in the canton of El Pangui, in the region of Zamora Chinchipe (Annex 2). Specifically, it has a direct impact on the parish of Tundayme, as well as indigenous and mestizo communities which belong to the jurisdiction of Tundayme (Avcı and Fernández-Salvador 2016). The region, part of the Cordillera del Condor, is home to one of the most biodiverse in the world, and key to the water cycle in the Alta Amazonia (Ortiz-T 2011). Besides, it is considered as one of the most remote in the country, where the inhabitants have been historically set aside by the Ecuadorian governments (Riofrío and Lozano 2011). This area was originally inhabited by the Shuar, the largest indigenous group in the Ecuadorian Amazon⁴⁶, and in the 1960s it has been colonized by mestizos from the highlands (Van Teijlingen 2016).

Mirador exploration works started in the mid 1990s, and by 2000, they were endorsed by Corriente Resources, a Canadian mining company, through its subsidiary firm Ecuacorriente S.A. (ECSA). Corriente Resources has developed several projects in the Ecuador south-eastern region: the Mirador project and the Condór project in Zamora

⁴⁶ According to a 2010 census, the Shuar population is comprised of 80.000 people. Other reports estimate the population is superior to 110.000 persons (FIDH 2017).

Chinchipe, and the Panantza-San Carlos project in the adjacent province of Morona Santiago (Sacher and Acosta 2012). After years of exploration, ECSA confirmed substantial copper, gold and silver reserves on the concessions of the Mirador project which cover a total of 9,230 hectares (CEDHU and FIDH 2010; Van Teijlingen 2016). The first conflicts emerged in 2006 as Shuar people and colonos organized against the mine because of its environmental impacts, and the lack of prior consultations (Warnaars 2013). The local and national turmoil around mining eventually slowed down the project for some years (Van Teijlingen 2016).

In June 2010, the Chinese conglomerate CRCC-Tongguan Investment Co. Ltd.,⁴⁷ acquired 96,9% of the Corriente Resources firm and its exploitation projects in the region of Zamora Chinchipe (Sacher and Acosta 2012). Following the approval of the Mining Law, the Correa government pushed for negotiation with the new owner and signed a exploitation contract for 25 years on March 5th 2012 (Van Teijlingen 2016). This decision was supported by most key national authorities but contested by various social movements. From 2012 and onwards, tensions grew substantially at the local and national level.

6. 2.2. The Mirador Conflict

Resisting the Mirador Project

The resistance against ECSA was dispersed and fragmented. It has been carried out by various national, regional, and local organizations – some were pre-existent to the conflict while others were created in reaction to the mining project. At the national level, the anti-mining mobilization has been conducted by powerful indigenous organizations including the CONAIE, CONFENIAE and ECUARUNARI, and ecologist movements such as *Acción Ecológica*. At the local level, the resistance has been mainly organized around alliances between small farmers of mestizo origin and the indigenous Shuar population

⁴⁷ The conglomerate is made up of Tongling Nonferrous Metals Group Holdings and China Railway Construction Corporate Limited whose headquarters is located in Vancouver, Canada

(Sánchez Vázquez, Leifsen, and Delgado 2017). Yet, the Shuar population has been divided about the issue since no unified Shuar movement and no coherent discourse has linked them together (Avcı and Fernández-Salvador 2016).

In all, the local opposition to the Mirador project include a wide range of organizations including CASCOMI (*Comunidad Amazónica de Acción Social Cordillera del Cóndor*), the FEPNASZCH (*Federación interprovincial Shuar de Zamora Chinchipe*), and the *Asociación Kaharam*. The CASCOMI is mainly composed of small farmers and ranchers mestizos which engaged in punctual alliances with Shuar people (Latorre Tomás 2012). The organization framed the contestation around the issues of territorial conflicts and claims for collective rights (Ibid.). The FEPNASZCH and *Asociación Kaharam* are Shuar organizations opposed to large-scale mining in general, and they ask for the recovery of their ancestral territory (Avcı and Fernández-Salvador 2016). In addition, *El Comité en Defensa de la Salud, de la Naturaleza y de la Vida del Panguí* took on the objective of coordinating the organizations opposed to mining activities in el Panguí (Latorre Tomás 2012). Its repertoire of actions included informative workshops, participation forums, and national exchanges of experience between community resisting mining (Ibid.)

The Conflictivity between Social Movements, the State, and the Mining Company

The conflict greatly intensified when the government signed a large-scale mining contract with ECSA on March 5th 2012. Social movements denounced that the granting of the concessions and the negotiations were carried out without consultation, excluding the participation of the Tundayme community (FIDH 2017; Defensores del sur del Ecuador 2016). Besides, part of the local population unwelcomed the mining project on the grounds that the concessions were granted on their territories threatening their livelihoods and ability to sustain their autonomy (D. R. Vela-Almeida 2016). Even though socio-environmental activists tried to utilize legal channels a number of times against the mining project, direct actions became the main means of resistance (Özkaynak et al. 2012). In March 5th 2012, women activists went to the Chinese embassy to deliver a petition against the Mirador stockholders (Ibid.). The same month, local and national

movements helmed by the CONAIE organized a national march from El Pangui to Quito - *la Marcha plurinacional por el Agua, la Vida, y la Dignidad de los Pueblo* (Ibid.).

Despite this widespread opposition, the government institutions have brought support to Ecuacorriente in many ways – including smear campaigns and criminal investigation against socio-environmental defenders, and forced displacements of the Tundayme inhabitants. In December 2014, José Isidro Tendezta Atún, a Shuar leader engaged in the anti-mining resistance, was murdered. His killing remains unpunished (FIDH 2015). The mining company's activities have led to numerous episodes of human rights abuses (CEDHU and FIDH 2010). As such, in May 2014, with the complicity of the state, the ECSA company arbitrarily destroyed the school and the church of San Marcos parish (Defensores del sur del Ecuador 2016). In 2015, 35 families were violently displaced by the national police and the private security firm of Ecuacorrientes without any previous notice (Van Teijlingen 2016). The houses were destroyed, including the belongings of the families and, the inhabitants who refused to leave their homes suffered physical attacks from the national police⁴⁸ (FIDH 2017). The CASCAMI went to Quito several times to present preventive measures to avoid forced displacement to happen again, but the propositions were denied by the authorities (Defensores del sur del Ecuador 2016).

6. 2.3. *La Marcha por la Vida*: Frames of Criminalization

Problem Definition and Diagnosis: The Perceived Motivations of the Anti-Mining Mobilization

Following the agreement between the government and Ecuacorrientes, social movements organized a national march from El Pangui to Quito. Among others, the first objective of the march was to oppose large-scale mining and asked for the cancellation of the contract with Ecuacorrientes (M4 2012). While the newspapers clearly presented the motivations of the mobilization, official authorities gave a very negative view, claiming the objective

⁴⁸ Following this traumatic experience, the families claimed the compensation they received for their lands was insufficient to buy land somewhere else (D. R. Vela-Almeida 2016).

was to destabilize the government. In that sense, *El Comercio* reported that the march aimed to contest the government support to mining but also to ask for laws regulating the management of water and land (El Comercio 03/08/2012a). On the other side, the Correa administration portrayed the protests as a threat to the regime. Dorina Soliz, the Secretary of Social Development affirms that the mobilization was purely political, manipulated by the right, and aimed to undermine the government.

*“No hay reivindicaciones pobres, ni populares. Y creo que también hay una utilización de la derecha. Ahí vemos a Carlos Vera y a Blasco Peñaherrera sumándose a la marcha de la Conaie, cuando ellos jamás han apoyado las reivindicaciones indígenas. Entonces eso demuestra que es una agenda política de desestabilización del Gobierno”, advirtió la funcionaria.”*⁴⁹
(El Telégrafo 03/08/2012a)

Members of the government, including the president, went further by accusing the protesters of organizing a *golpe* to knock down the regime.

*“En efecto, hoy, la ministra coordinadora de la Política, Betty Tola [...] dijo que la marcha está impulsada por “intereses golpistas.”*⁵⁰
(El Comercio 03/21/2012)

*“El presidente aseguró que tiene “hasta grabadas las intervenciones donde dicen “fin del Gobierno, fin del correísmo, tumbar el Gobierno”, como propósito a quienes lideran la marcha por el agua.”*⁵¹ (El Comercio 03/17/2012a)

Besides denying the objectives of the march, the government authorities have discredited the demands of the anti-mining mobilization by presenting them as lies. To that extent, the Secretary of Non-Renewable Resources affirmed that the absence of previous consultation in El Panguí was a false accusation.

“El ministro de Recursos No Renovables, Wilson Pástor, dijo que se realizaron varias consultas previas a las comunidades que no tienen carácter vinculante. “Se hicieron en las fases de exploración, ahora tendrán que realizar una nueva

⁴⁹ “There are no revindications for poverty, nor popular revendications. Also, I believe there is an instrumentalization by the right. Here we see Carlos Vera and Blasco Peñaherrera joining the Conaie march, while they have never supported indigenous revindications. Then, this demonstrates that it is a political agenda to destabilize the government” warned the public servant.

⁵⁰ Indeed, today, the coordinator of the Politics Ministry, Betty Tola [...] said the march was driven by ‘golpist’ interests

⁵¹ The president ensured he has “the recording tapes of the interventions where they say “end to the government, end to ‘correísmo’, knock down the government”. These are the intentions of the persons leading the march for water”

*consulta para socializar la fase de explotación. Es absolutamente falso que las comunidades El Pangui y Tundayme no fueron consultadas en las anteriores fases”, indicó el funcionario.”*⁵² (El Telegrafo 03/07/2012)

When the government assumed the mobilization aimed to contest the country's mining model, socio-environmental defenders were portrayed as backward people who did not understand that the future development of the country should be based on mining. As such, at the beginning of the mobilization, the mayor of El Pangui claimed the protesters' position was a "blind one towards development", and he added that "Ecuador cannot be different to other development countries which live off of mining" (El Telegrafo 03/08/2012). To that extent, mining was presented as an imperative for the country development that cannot be challenged (Ibid.). Then, for the government, if social movements were contesting the mining model, it was because they did not take into consideration the interests of the nation. In this way, Rafael Correa affirmed in a public declaration:

*“No paren el futuro del país. No podemos ser mendigos sentados en un saco de oro. Es mentira que la buena minería destruye el agua, que es excluyente, o la minería o el agua.”*⁵³ (El Comercio 03/17/2012a)

Problem Definition and Diagnosis: Government's Tactics to Restrain the Protests

Before the march even arrived to Quito, the government engaged in pre-emptive tactics in order to restrain the mobilization. Specifically, most of these mechanisms aimed at disputing public spaces. *El Comercio* highlighted that the protesters "did not get the corresponding permits" from the government of Zamora Chinchipe to start the mobilization (El Comercio 03/06/2012a). In that sense, the police inspector, Ramiro Cuenca, pointed out that the movement did not asked for the permits, while the "unique permits requested for that day was for the International Women Day" (Ibid.). He added that if the anti-mining protesters "would take the risk" to carry out the mobilization

⁵² "The Minister of Non Renewable Resources, Wilson Pástor, said that several non-binding consultations with the communities have been carried out. "They were done during the exploration stage, now a new consultation should be done to socialize the exploitation stage. It is completely false that the communities of El Pangui and Tundayme have not been consulted in the previous stages", pointed out the civil servant.

⁵³ Do not stop the future of the country. We cannot be beggars sitting in a sack of gold. It is a lie that good mining destroys water, that it is exclusive.

without the requisite authorizations, their actions will be considered as a “penal crime” because “they would break the regulations” (Ibid.). He further specified that going against the government legal and constitutional dispositions was an act of rebellion.

*“Es un acto de rebelión, anunciado públicamente por los protagonistas de la marcha, quienes han dicho que no sacarán los permisos. Entonces no están acatando las disposiciones legales y constitucionales.”*⁵⁴ (El Telégrafo 03/08/2012b)

Along the same lines, on March 7th, passes for buses to circulate freely were denied. In particular, the National Agency of Transit prevented the circulation of public vehicles that were rented by the activists on the grounds that they cannot be used outside their working areas (El Comercio 03/07/2012; El Comercio 03/08/2012b). This order forced the protesters to change the organization and logistic of the march (Ibid.). Gonzalo Morales, one of the coordinator of the mobilization declared

*“Teníamos listos los buses, camionetas, busetas que nos iban acompañar, durante el trayecto hasta Cuenca, pero desde anoche (martes) nos informaron que no podían salir de las zonas donde se les ha emitido el permiso de circulación. Se negaron los salvoconductos.”*⁵⁵ (El Comercio 03/07/2012).

The protesters continued to encounter such impediments all along the trip. When reaching the province of Azuay, the governor, Humberto Cordero, explained the protesters had troubles getting the requisite authorization because “they could not interrupt the work of citizens and cause a chaos of vehicles” (El Comercio 03/12/2012).

Moral Evaluation: Violent Confrontations

The newspapers highlighted that few violent confrontations took place between the police and the marchers in Quito. Yet, before the activists even arrived to Quito, and before any violence was witnessed, the municipality of Quito signaled:

⁵⁴ It is a rebellious act publicly announced by the protagonists of the march, who said they will not get the permits. Then, they are not complying with the legal and constitutional dispositions.

⁵⁵ We had the buses and vans ready to accompany us on the way to Cuenca, but since last night (Tuesday) they informed us we could not leave the zones where they issued the circulation permits. The safe-conducts were denied.

*“los organizadores serán responsables de cualquier acto violento que se presente y que deberán cubrir los gastos ocasionados a terceros y a los bienes muebles e inmuebles públicos y privados.”*⁵⁶ (El Comercio 03/22/2012b)

Such declaration indicated that if any violence would occur, the socio-environmental activists would be held accountable, no matter what or who could be the trigger of violent acts. In line with this view, in order to “maintain order” in the city, the municipality mobilized 3321 police agents (El Comercio 03/22/2012b).

On March 22nd, the day the protesters gathered in Quito, the authorities signaled that four police agents got hurt in confrontations with the protesters (El Comercio 03/22/2012c). The clash occurred when the protesters intended to access the National Assembly, protected by a police cordon (Ibid.). Despite the hostility, a delegation of 35 social leaders was allowed to enter the Assembly to talk to its president, Fernando Cordero, and to expose an agenda of 19 points they wished to discuss with the government (Ibid.). Few days after, the government mentioned this violent episode to justify why it should not try to negotiate or even discuss with the social movements who participated to the anti-mining march. In this way, the Secretary of Political Coordination affirmed that the confrontations were “worrying signals”, and that “it was not possible to discuss with such violent persons” (El Comercio 03/24/2012a). Similarly, Rafael Correa declared

*“Después de estos actos de violencia contra la Policía, contra sencillos ciudadanos uniformados, no dialogaremos.”*⁵⁷ (El Comercio 03/24/2012b)

However, later, the secretary of Political Coordination added she would accept to discuss with indigenous movements, but she would not talk to what she called the “conspirers” (El Telégrafo 03/27/2012). According to *El Telégrafo*, it was not clear in her declaration who she considered to be the legitimate the indigenous movements (Ibid.).

⁵⁶ The organizers will be responsible for any violent acts and they will have to cover the damages caused to other person, personal property and, public and private buildings.

⁵⁷ After these acts of violence against the police, against modest uniformed citizens, we will not discuss.

Moral Evaluation: Binary Discourses

Another tactic the government used to restrain the anti-mining protests was to organize counter-mobilizations across the country and particularly in Quito. Such pro-governmental protests sought to articulate the mass around the ‘revolutionary’ project of Rafael Correa, and to support the government against the so-called ‘golpistas’. For instance, on March 8th, the social organizations in favor of the government gathered during la *Marcha por la Democracia* (the March for Democracy) with the intention to celebrate the International Women Day, but also to “condemn attempts to destabilize the regime” (El Telégrafo 03/08/2012a). *El Comercio* signaled that the objective of the counter-event was for the government “to show its strength in the streets and squares, and to demonstrate that the [anti-mining] protests do not resonate in the society” (El Comercio 03/08/2012b). In addition, few days before the *Marcha por la Vida* reached the capital city, counter movements took position in well-known strategic places for protesting in Quito, to impede the mobilization.

*“Fuerzas afines al Gobierno se han adelantado a la marcha indígena contraria a la minería y se han apostado en dos sitios que normalmente son clave en Quito durante las jornadas de protesta. Estas personas han armado flamantes carpas marca Coleman donde seguramente pernoctarán hasta el día jueves, día en que se espera los indígenas que marchan desde el sur llegarán a Quito.”*⁵⁸ (El Comercio 03/20/2012)

Government discourses brought into opposition the anti-mining mobilization and the counter protests through binary constructions. To that extent, while supporters of the Correa administration were portrayed as the “guardians of the democracy” (03/22/2012a), its opponents were framed as plotters who sought to destabilize the regime. While the counter-mobilization aimed to defend the citizen revolution to the benefits of all, socio-environmental defenders were depicted as betrayers of the left.

“De forma pacífica, democrática, demostraremos que somos millones más y que no permitiremos que los mismos de siempre, la extrema izquierda, la extrema

⁵⁸ Forces related to the Government overtook the indigenous march opposed to mining and got positions in two sites in Quito that are usually key to days of protest. Those persons have put together tent type Coleman where they will surely spend the night until Thursday, the day the marching indigenous are expected to arrive to Quito from South.

derecha y la prensa corrupta, desestabilicen este proceso histórico de cambio.”⁵⁹ (El Comercio 03/10/2012)

In addition, the discourses presented the anti-mining protesters as a minority, in opposition to the majority of people defending the citizen revolution. Indeed, Rafael Correa declared

*“Si ellos quieren marchar a Quito, aquí nos encontrarán. Si ellos son 500, seremos 50 000 porque somos muchísimos más para defender nuestra revolución.”*⁶⁰ (El Comercio 03/10/2012)

*“Es un fracaso clamoroso la marcha y la desestabilización de los opositores. Son poquitos, pero su poder es inversamente proporcional a su tamaño. Son poquitos, pero tienen medios de comunicación.”*⁶¹ (El Comercio 03/10/2012)

Finally, Correa portrayed the media as a powerful protagonist of the anti-mining march.

*“Toda revolución tiene su contrarrevolución” y [el presidente] acusó a la prensa de ser protagonista de aquello.”*⁶² (El Comercio 03/22/2012)

Several times, he referred to the “corrupted press” supporting the protesters (El Comercio 03/10/2012, 03/17/2012, 03/22/2012). During an *Enlace Ciudadano*, he accused the press of lying by putting the manifestation at the foreground and “insinuating that there are thousands persons marching” (El Comercio 03/17/2012).

In all, the different languages used to portray anti-mining activists and pro-government protesters sought to oppose ‘good’ vs ‘bad’ protesters, ‘friends’ vs ‘enemies’ of the nation, ‘defenders of the democracy’ vs ‘threats to the democracy’.

⁵⁹ Pacifically and democratically we will demonstrate that we are millions more and that we will not allow that the usual, the extreme left, the extreme right and the corrupt press, destabilize this historic process of change.

⁶⁰ If they want to march to Quito, we will be here. If they are 500, we will be 5000 because we are much more to defend our revolution.

⁶¹ The march and the opponents’ destabilization are a flagrant failure. They are few, but their power is inversely proportional to their size. They are few, but they have the media.

⁶² Every revolution has its counter-revolution and he [the president] accused the press to be one of its protagonist.

Treatment: Punishing Dissent

Such discourses participated to frame socio-environmental dissent not only as a threat to Correa's political project but also as a threat to democratic stability and the development of the nation. By delegitimizing, discrediting and depoliticizing their demands, the government constructed anti-mining activists as disruptive elements who were not credible interlocutors. These discursive constructions allow the governments to justify forceful responses towards the activists. In other words, because they challenge the interests of the country and disturb the public order, they should be treated as criminals. The legal analysis participates to highlight the concrete applications of this view.

6. 2.4. The Use and Abuse of Legal Frameworks

Peaceful Protests to the Chinese Embassy: The Arrests of Eight Women

On March 5th 2012, 20 women activists (El Comercio 03/05/2012a) gathered in front of the Chinese Embassy to protest against the contract signed between the government and the mining company Ecuacorriente. The protesters intended to deliver a letter to the Chinese ambassador explaining why they rejected the mining project (El Comercio 03/05/2012a). A contingent of 60 police agents was sent to the site and arrested eight women because the personal of the embassy denounced violent acts from “protesters who did not want to left the place” (El Comercio 03/05/2012b). On the other side, the representative of *Ecologistas en Acción*, Alexandra Almeida, ensured the actions took place in a pacific way (Ibid.). The eight women were arrested and taken into custody for invasion of private property (Ibid.). They were released at night time the same day (El Comercio 03/06/2012).

Beyond the Streets: Pre-Emptive Arrests of Students

On March 3rd 2012, few days before the *Marcha por la Vida* began, police agents arrested 10 students⁶³ in the sector of Luluncoto in Quito in the ‘Sol Rojo’ operation. Without any court order or search warrant, the police violently interrupted a meeting during which the student were discussing politics and planning their participation to the *Marcha por la Vida* (Quishpe 2017). Scholars and NGOs have highlighted the irregularities of the arrest procedure. The detainees did not receive any details why they were taken into custody (Ibid.). In fact, it seems that the students were illegally detained for hours while the police and the public prosecutor were making up the arrest warrants (Ávila Santamaría 2013).

Hours after the police operation, the Secretary of the Interior, José Serrano, claimed the students were accused of planning subversive and violent acts for the anti-mining mobilization (El Télegrafo 03/05/2012). Precisely, he justified the arrests on the grounds the ten students were closely linked to the *Grupo de Combatientes Populares*⁶⁴ and was planning to use bombs against government institutions such as the National Secretary of Water and mining companies (Ibid.). To that extent, the Secretary ensured he had enough elements to believe the group was intending to “destabilize our democracy” considering that “the alleged members were not simple operators” but “they were the headers, the leaders of a subversive cell” (Ibid.).

The court accused the students by invoking the whole section II of the Penal Code without specifying any type of crime (Ávila Santamaría 2013). The students were accused for the use of bombs in Quito and Guyaquil in 2011. While no arms nor explosive were found in the house of the students, the prosecutor’s office maintained that the “mobile phones, money, Che Guevara red t-shirts, protest music CDs, a folder of the Group of Popular Combatants, and rubber boots” were enough evidences (Ortega 2014). The judge ordered preventive detention for the ten students (OCMAL 2016). Yet, human rights

⁶³ The persons under arrest were: Abigail Eras, Fadua Tapia (who was pregnant during the arrest), Cristina Campaña, Roys Gómez, Pablo Castro, César Zambrano, Santiago Gallegos, Victor Hugo Vinueza, Hector Javier Estupiñan, Luis Marcelo Merchan. (Quishpe 2017)

⁶⁴ A far-left insurgent movement active in Ecuador

organizations claimed that preventive detention was not justified and, that there was not law nor provision in the constitution stating that it is a requisite in such cases (Ávila Santamaría 2013). Besides, the fact they were accused of an entire section of the Penal Code and not a specific crime made the defense very difficult (Ibid.). Ultimately, in February 2013, the students were condemned to one year of prison for terrorist attempts based on the article 160-A of the Penal Code. The lack of clarity concerning what define terrorist acts in Ecuador facilitated the manipulation of the penal law. In fact, it included vaguely defined crimes such as “crimes against the common security of people or human groups of whatever kind or against their property” by individuals or associations “armed or not” (Human Rights Watch 2014). In June 2016, the sentence was finally suspended based on the adoption of the 2014 new organic Penal Code.

The so-called ‘10 de Luluncoto’ were not the only activists who faced pre-emptive and unjustified arrests. One day before the *Marcha por la Vida* arrived to Quito, on March 21st, the president of Revolutionary Youth of Cotopaxi, Israel Cadena, was arrested while he was joining a meeting of students in Latacunga (El Comercio 03/22/2012d). He was accused of unlawful association. Social movements denounced a government attempt to intimidate the protesters of La Marcha (Ibid.).

Asymmetrical Judicial Processes: The Case of José Tendetza

José Isidro Tendetzta Atún was well known in the region for his active role in defending indigenous rights, ancestral territories, and the right of nature (Colectivo de Investigación y Acción Psicosocial 2017). He was also a fervent opponent to the Mirador project, and large-scale mining in general (Ibid.). On December 2014, his body was found bound and buried after he was missing for a week. The last time he was seen, José was on his way to a meeting of protesters in Morona Santiago, after what he was supposed to participate to an environmental summit in Lima to discuss mining issues (FIDH 2015). His story reveals the double standard applied to socio-environmental defenders in Ecuador.

On the one hand, the denunciations he made to official authorities against ECSA always felt in deaf ears. Since 2012, José took part of the judicial actions launched against the mining company. He presented petitions to the IACHR, he signed the action against ECSA to ask the protection of the right of nature, and he signed the letter send by NGOs to the Chinese banks financing the project (FIDH 2015). None of this legal actions got an impact on ECSA's activities. On the other hand, the authorities did consider the complaints filed by the mining company against José and others social activists. On top of that, they did not show the willingness to investigate his murder.

Before his death, José Tendezta had experienced verbal and physical attacks because of his opposition to ECSA (Riofrancos 2015). In fact, as he used to live from his cultures in the zone of the mining project, this situation triggered direct and legal confrontations with the mining company (Colectivo de Investigación y Acción Psicosocial 2017). On December 11th 2011, the National Police Commissioner of el Panguí authorized a police operation that resulted in the burning of his house and crops (Ibid.). In 2013, the legal representative of Ecuacorrientes filed a complaint against the social leader for invading and taking over the property of the company (Colectivo de Investigación y Acción Psicosocial 2017; FIDH 2015). In addition, the company accused the activist of illicit association and asked the police to take appropriate measure to ensure the protection of the mine site (Ibid.). In 2014, ECSA submitted another complaint to the General Prosecutor accusing José of threatening the ECSA staff (FIDH 2015). Following the judicial procedures, José Tendezta family explained that the police entered its home many times without authorizations. A member of the family pointed out how the General Prosecutor used to treat them as invaders and terrorists (quoted in Colectivo de Investigación y Acción Psicosocial 2017, 208). They also suffered threats and harassment from the ECSA staff (Colectivo de Investigación y Acción Psicosocial 2017).

On the other hand, the authorities did not show much consideration to investigate the killing of the Shuar leader. Following orders from the local prosecutor, the body was promptly buried in an unmarked grave (Riofrancos 2015). The local authorities affirmed the cause of death was natural (Colectivo de Investigación y Acción Psicosocial 2017).

Yet, when the family solicited a second autopsy, signs of torture were evident and doctors determined strangulation as the cause of death (Ibid.). So far, no one has been held accountable for his killing (FIDH 2015).

6.3. Conclusion

The Mirador conflict highlights how the Correa government sought to neutralize anti-mining protests. Overall, the case shows that the Ecuadorian state has closed the dialogue to social movements who asked the government to comply with its intentions to include the civil society in policy decisions and to protect the environment. When few women went to the Chinese embassy to deliver a petition, the government answered by sending 60 police agents to arrest them. When activists symbolically traveled 800 kilometers to raise awareness about an harmful model of development, the government did not only answer by denying their concerns, but by portraying the activists as a threat to the nation.

In that sense, the state strategy to restrain anti-mining dissent consisted in discrediting its opponents and diverting attention from serious concerns. In fact, the Correa administration described the mobilization as a tentative to destabilize the regime, and even to knock it down. In addition, the government disqualified the demands of anti-mining movements by claiming they were unfounded and dangerous to the nation whose development depends on the extraction of natural resources. The pre-emptive arrests of the ‘ten of luluncoto’ represent the concrete application of this view. Such operation participated to show that socio-environmental defenders - including students who were not directly engaged in the mobilization – are dangerous subversives who are capable of using violent means to impose their views.

Then, by depicting and treating the protesters as a minority holding extreme views, the government intended to make clear that they were not legitimate interlocutors of the civil society. Beside, such behaviors have allowed the state to constantly take the side of the mining company in the Mirador conflict. On the one hand, the state ignored the legal denunciations made against ECSA, and did not seriously investigate the murder of José

Tendetza which remain unpunished. On the other hand, activists and inhabitants who refused to leave their home to the benefit of the mine suffered political persecution because of their disapproval with the project.

In all, the criminalization of the anti-mining movements resonated with the broader social and political context of Ecuador. The Correa presidency imposed extractivism as an imperative because it would generate great benefits for the nation and set Ecuador on the right track. In this way, such model cannot be disputed because it would call into question the future economic and social development of Ecuador. At last, the strategies of criminalization fit with the conflictive relationship between Correa and social movements. Despite promising perspectives heading towards the inclusion of the civil society in policy-making, the government has rejected any critics to his project of Citizen Revolution. As such, when social movements have intended to make their concerns heard, the government has treated them as enemies of the state.

7. Conclusion

Communities affected by mining projects have repeatedly taken the streets to challenge harmful practices for the environment and demand the respect of the rights to consultation and consent. Based on the cases of San José and Mirador, this thesis has shown that far from taking measures to respect or even listen to these claims, states have developed a wide range of strategies to neutralize the resistance and proceed the exploitation of natural resources. In fact, because anti-extractivist movements challenge powerful political and economic powers, states have usually taken the side of the mining company. The tactics to control dissent have included highly violent ones: murders, repression, forced displacement, and physical abuses, but also less visible and less direct forms of social control. In particular, states have sought to make anti-mining mobilization socially and legally unacceptable by publicly and judicially treating challengers as criminals. This pattern is observable for both case studied, the conservative regime of Mexico, and the so-called progressive regime of Ecuador.

Overview of the Chapter

This final chapter first presents the main findings of the thesis. Then, it proposes a discussion on the research implications before laying out the main limitations encountered during the research process.

7.1. Discussion of the Findings

By analyzing how states criminalize environmental dissent in two different socio-political contexts, the present research has highlighted several patterns. In all, it is shown that states have treated anti-mining mobilization as a crime through two processes: through publicly disqualifying social protests, and through a biased application of the law in favor of the extractivist industries.

Because states have closed dialogue channels to communities affected by mining, socio-environmental movements have turned to direct actions to make their claims visible. The study of the San José and Mirador conflicts demonstrate that the governments have sought to delegitimize the reasons pushing the defenders of nature to take the streets. In both cases, governmental actions and statements intended to minimize the environmental impacts of mining projects, even portraying the anti-mining activists as liars who did not have sufficient knowledge to understand the implications of such projects. In addition, in the case of the San José conflict, the media participated to decontextualize the struggle by silencing the voice of the challengers and their demands, and by conflating the protests and violence.

Beside denying their demands, the Mexican and Ecuadorian states have framed the actions of anti-mining activists as a threat to the interests of the nation. In the case of San José, the mobilization was depicted as a threat to the rule of law, and the security and peace of the community. On the other hand, state officials portrayed the actions of repressive agents as a way to get control back of the community and re-establish the rule of law. In that sense, the discourses of criminalization have resonated with the security strategy pushed forward by the Calderón administration, and the San José resistance was dealt with as a matter of security and public order. In the case of Mirador, socio-environmental defenders were described as dangerous ‘others’ because they challenged the future of the country and a model of development based on mining to alleviate poverty. Specifically, the opponents to the Mirador project were depicted as being backward, anti-development, and interfering with the common good. In addition, in the context of Correa’s citizen revolution, such critics to the government were portrayed as a treason and an intent to knock down the leftist regime. Inversely, supporters of Correa’s project were represented as guardians of the democracy. Overall, what is salient in both cases is that government discourses have sought to generate a consensus among the population that protesters are a dangerous minority holding irrelevant views and seeking to destabilize their community and country. Besides, binary constructions placed the protesters on the side of criminals. Discourses of criminalization have contributed to construct environmental defenders as enemies, and thus as legitimate objects of violence

and criminal investigations. In other words, by framing the activists as a threat of imminent danger, the states justified the need of a forceful response.

Precisely, the misuses and asymmetries of judicial processes have been a way to silence dissent. As such, the present research sheds light on the states' selective use of the penal law. On the one hand, states have punished social protests by invoking the full weight of the law without real evidence nor guarantying fair processes to the accused. On the other hand, the 'immunity gap' (Cerdeira García 2015) allowed the repressive agents and the mining companies to act outside of the legal order and to remain unpunished when committing abuses. Put differently, while activists opposing the San José and Mirador projects have been targeted with the penal law in hand, state and non-state actors who have committed human rights abuses (including harassment, threats, forced displacements and killings) have not been subjected to serious criminal investigations. In fact, the lack of systematic monitoring of abuses explain why Bernardo Vásquez Sánchez and José Tendezta never found protection despite the threats they received, and why, so far, no one has been held responsible for their murders. Such level of impunity is feed by the unwillingness of the state to investigate and sanction the perpetrators.

The Mexican and Ecuadorian regimes have relied on legal frameworks in different ways to bring social activism into the judicial arena: they have created laws facilitating the restriction of the right to protest, and they have use their criminal capacities in arbitrary ways. By giving a large definition to terrorist acts, Ecuadorian juridical operators enjoyed great discretion in manipulating such penal conduct against persons opposing government's practices and policies. By raising the *arraigo* procedure at the level of a constitutional provision, the Mexican 2008 penal reform has made possible the manipulation of this exceptional measure to control protest. In fact, it allowed to arbitrarily detained Father Martín despite clear evidence he was not involved in any criminal activity.

In addition, what is unique to the case of Ecuador, is the use of pre-emptive tactics to constrain social mobilization. To silence the *Marcha por la Vida*, instead of controlling

the mass through the use of tear gas, water cannons or police arms, the government tried to thwart the march before it even started. By denying permits of transit to the protesters marching from El Pangui to Quito, the authorities forced the activists to review their strategies. The use of pre-emptive strategies highlights the necessity to go beyond the 'moments of protest' and to favor studies analyzing such processes at all points of the mobilization in order to better grasp forms of social control.

The social and legal construction of dissent as crime does not emerge from a vacuum but it is deeply embedded in social, political and economic structures. The fact that the Mexican and Ecuadorian regimes have criminalized anti-mining movements the same way could stem from the promotion of the extractivist model that cuts across ideological cleavages. Indeed, the increasing competition to secure the use of lands and minerals explain why dominant powers have been increasingly intolerant towards the contestation of mining projects. In both cases, state authorities have given priority to political and economic extractivist interests to the detriment of socio-environmental movements who were not recognized as legitimate interlocutors of the civil society.

In sum, this thesis has shown that discourses of criminalization have provided the grounds to use legal frameworks against the defenders of nature. Precisely, the dual constructions exposed in official discourses have been materialized through asymmetrical judicial processes. By constructing socio-environmental dissent as a threat to national interests, discourses of criminalization have provided the justification to punish the protesters. Inversely, the law has acted as a guarantor of the national interests defined by the state. At last, it demonstrates how violence has been normalized through impunity to the detriment of social movements.

7.2. Research Implications

Violence-Compatible Democracies

When governments hinder the right to protest by criminalizing social activists they contribute to create a context of routinized violence in which peaceful gatherings to express an opinion is considered as a criminal activity. It is even more problematic when this violence is increasingly being made compatible with democratizing regimes (Doran 2017). The cases of Mexico and Ecuador show that states are increasingly violent towards challengers in the name of crime control and development. What is striking is the decrease of basic civil and human rights because of the drive for security and the intention to maintain social order (Goldstein et al. 2007). Consistent with the concept of ‘violence pluralism’ pointed out by Arias and Goldstein (2010), the phenomenon of criminalization of dissent shows that violence is not the result of the failure of state institutions. Rather, it stems from “the structure and activities that support existing social relations and from the way state power is exercised” (Ibid., 13). Violent pluralism is the result of Latin America’s path dependent history of authoritarianism but also the reinforcement of such authoritarianism by neoliberal regimes (Bonner 2014b, 262). Bearing this in mind, the laws and institutions make possible such practices of criminalization which portrayed any demands impeding the stability of neoliberalism as threat to democracy. This implies that rather than studying such form of violence as a failure of Latin American democratic governance and institutions, it should be studied as an element integral to the configuration of those institutions (Ibid.). Following such approach, the criminalization of dissent can be seen as a tool “for keeping in place the very institutions and policies that neoliberal democracies have fashioned over the last decades” (Ibid., 5). Beside, such analysis sheds light on the false assumption that Latin America is on an evolutionary path in which state institutions will lead the way to less violence and greater democracy (Ibid.). If these same institutions such as the judicial power and the police are responsible for human rights abuses, how could they pave the way for non-violent democracies?

If You Are so Progressive, Why Do You Destroy Nature? ⁶⁵

The comparison between a conservative regime and a so-called ‘progressive’ regime reflects their similarities as they have both championed the extractivist imperative. The fact that Latin American leftist regimes maintained their dependence on extractivist activities and even expand the extractive frontier despite the social and environmental impacts it implies shows the ‘pink tide’s’ limits in concretizing the World Social Forum slogan “another world is possible” (Gudynas 2010). For the case of Ecuador, the continuous clashes between social movements and Rafael Correa, and the unwillingness of his government to take anti-mining demands into consideration casted doubt on his claim to provoke a progressive change based on a more democratic, participatory and pluralist regime. In fact, despite the adoption of a constitution recognizing important rights for indigenous and promoting the rights of nature, the Correa leftist administration has triggered a new wave of criminalization against movements fighting for the protection of the environment (Amnesty International 2012). The government’s practices of criminalization sheds light on the contradiction of the left that brought Ecuador to be “at once more equal and more unequal, more democratic and more centralized, radically transformed and still mired in patterns of domination that date to the colonial era” (Riofrancos 2017). To that extent, the present research agrees with scholars who have demonstrated that there is no such thing as a ‘progressive neo-extractivism’ or a ‘post-neoliberal developmentalism’ (Bebbington 2012; Gudynas 2009, 2010; Veltmeyer and Petras 2014; Bebbington and Humphreys Bebbington 2011). That is, the strategy pushed forward by the Correa government is not different from the one advocated by neoliberal regimes such as Mexico. By promoting a model that needs to take place ‘at all costs’ because essential for the social and economic development, the Ecuadorian government has neither consulted or informed communities about extractivist projects, nor respected their rights to contest such activities. As such, despite the left rhetoric challenging capitalistic structures and promoting a radical democratic agenda, Ecuador, just like

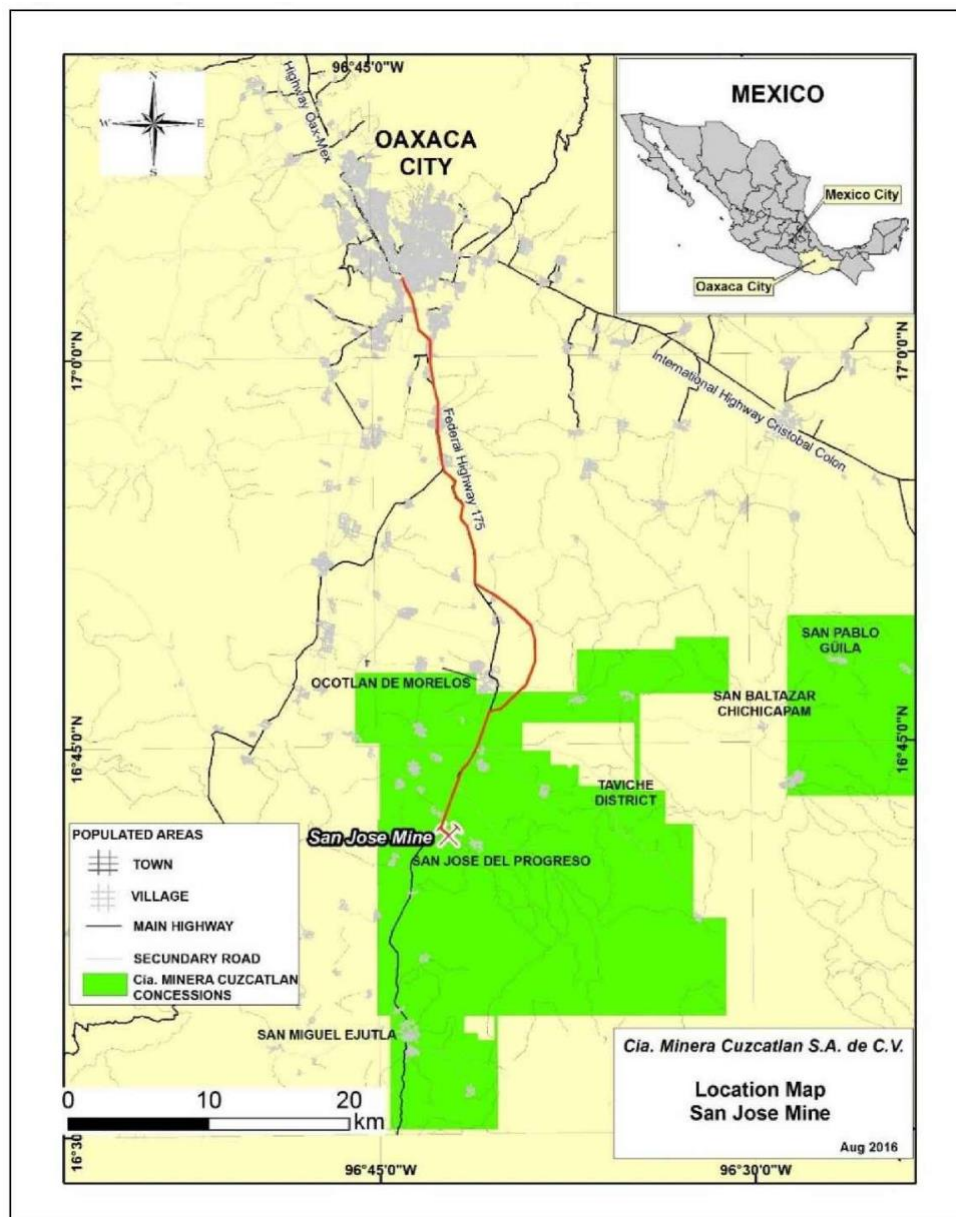
⁶⁵ Gudynas, E. (2010). “Si eres tan progresista por qué destruyes la naturaleza? Neo-extractivismo, izquierda y alternativas”.

Mexico, imposed harmful activities for the environment in an authoritarian way and showed high intolerance towards socio-environmental activists.

7.3. Research Limitations

Of course, these research findings have to be interpreted considering some limitations. One of the main limitation lies in the data collection as the manual searches on newspapers' websites and on the database InfoLatina do not give a complete picture of how anti-mining mobilizations are portrayed in the media. Data accessibility was the main obstacle as most media do not provide online accessibility to their archive. Taking into consideration additional newspapers source and looking at other media of communication, such as the television and the radio, could have definitively enriched the analysis. But, again the lack of data accessibility precluded such media to be taken into consideration. Furthermore, over my research, I increasingly realized the need to further unpack the state when analyzing the criminalization of dissent. In fact, this phenomenon might take different forms at the local, regional and national level. Moreover, the military, the police, civil servants, and political parties might hold different discourses regarding protests. Therefore, future researches would certainly gain value by further taking into account the diverse layers of the state. Finally, this research project focused on discourses of criminalization without considering potential counter-discourses. As I was interested in studying the strategies state employ to socially control anti-mining mobilizations, I did not look at how discourses of criminalization could be deconstructed. Such analysis could be considered for future researches.

Annex 1



Source: Fortuna Silver Mines Inc. (2016). San José Property Technical Report

Annex 2



Source: (Corriente Resources Inc. 2008). *Mirador Copper-Gold Project*

Bibliography

Almeida, Paul, and Allen Cordero Ulate. 2015. "Social Movements Across Latin America." In *Handbook of Social Movements across Latin America*. Handbooks of Sociology and Social Research. Springer, Dordrecht.

Amnesty International. 2010. "Urgent Action: Detainees at Risk of Torture and Unfair Trial." UA: 142/10 Index: AMR 41/046/2010 M.

———. 2012. "So That No One Can Demand Anything' Criminalizing the Right to Protest in Ecuador?". <https://www.amnesty.org/en/documents/document/?indexNumber=amr28%2f002%2f2012&language=en>.

———. 2015. "Paper Promises, Daily Impunity. Mexico's Torture Epidemic Continues". <https://www.amnesty.org/en/documents/document/?indexNumber=amr41%2f2676%2f2015&language=en>.

Arce Barceló, María Esther. 2011. "Análisis Del Periódico Mexicano: La Jornada. Un Modelo de Comunicación Alternativa En La Era de La Globalización." Universidad de Murcia. <https://www.tdx.cat/bitstream/handle/10803/96869/TMEAB.pdf;jsessionid=128364154DEB920EA8798E6CF7967A05?sequence=1>.

Arias, Enrique Desmond, and Daniel M. Goldstein. 2010. "Violent Pluralism: Understanding the New Democracies of Latin America." In *Violent Democracies in Latin America*, edited by Enrique Desmond Arias, Daniel M. Goldstein, Neil L. Whitehead, Jo Ellen Fair, and Leigh A. Payne, 1–34. Duke University Press.

Arsel, Murat, Barbara Hogenboom, and Lorenzo Pellegrini. 2016. "The Extractive Imperative and the Boom in Environmental Conflicts at the End of the Progressive Cycle in Latin America." *The Extractive Industries and Society* 3 (4): 877–79.

Artese, Matías. 2009. "Criminalización de La Protesta En Argentina. Una Construcción de Lo Delictivo Más Allá de La Esfera Jurídica." *América Latina Hoy* 52.

———. 2011. "La Protesta Social y Sus Representaciones En La Prensa Argentina Entre 1996 y 2002." *Perfiles Latinoamericanos* 19 (38): 89–114.

———. 2012. "Violencia Política y Protesta Social En La Argentina de Fin de Siglo: Un Estudio Aplicado a Los Cortes de Ruta." *Espiral (Guadalajara)* 19 (54): 171–193.

Ascencio, Octavio Vélez. 2013. "Oaxaca: Vigentes, 344 Concesiones Mineras." *M4 Movimiento MesoAmericano Contra El Modelo Extractivo Minero*. <http://movimientom4.org/2013/02/oaxaca-vigentes-344-concesiones-mineras/>.

Avci, Duygu, and Consuelo Fernández-Salvador. 2016. "Territorial Dynamics and Local Resistance: Two Mining Conflicts in Ecuador Compared." *The Extractive Industries and*

Society 3 (4): 912–21.

Ávila Santamaría, Ramiro Fernando. 2013. “Los Diez de Luluncoto, ¿Terroristas?”. *Horizonte de los derechos humanos*. Ecuador.

Barsky, Robert F. 1994. *Constructing a Productive Other: Discourse Theory and the Convention Refugee Hearing*. Vol. 29. John Benjamins Publishing.

Beaucage, Pierre. 2015. “D’autres Plans Sud: Les Compagnies Minières Canadiennes Au Mexique et La Résistance Populaire.” *Possibles* 39 (1): 40–56.

Bebbington, Anthony. 2009. “The New Extraction: Rewriting the Political Ecology of the Andes?” *NACLA Report on the Americas* 42 (5): 12–20.

———. 2012. *Social Conflict, Economic Development and Extractive Industry in Latin America*. Routledge.

Bebbington, Anthony, and Denise Humphreys Bebbington. 2011. “An Andean Avatar: Post-Neoliberal and Neoliberal Strategies for Securing the Unobtainable.” *New Political Economy* 16 (1): 131–45.

Bebbington, Anthony, Denise Humphreys Bebbington, Jeffrey Bury, Jeannet Ligan, Juan Pablo Muñoz, and Martin Scurrah. 2008. “Mining and Social Movements: Struggles Over Livelihood and Rural Territorial Development in the Andes.” *World Development* 36 (12): 2888–2905.

Becker, Marc. 2011. “Correa, Indigenous Movements, and the Writing of a New Constitution in Ecuador.” *Latin American Perspectives* 38 (1): 47–62.

———. 2013. “The Stormy Relations between Rafael Correa and Social Movements in Ecuador.” *Latin American Perspectives* 40 (3): 43–62.

Béjar, Alejandro Alvarez. 2015. “Global Economic Crisis and Social Movements in Mexico and North America.” *Social Justice* 42 (3/4 (142): 237–51.

Berger, Peter L, and Thomas Luckmann. 1991. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. Penguin UK.

Bernauer, Warren, Henry Heller, and Peter Kulchyski. 2018. “From Wallmapu to Nunatsiavut: The Criminalization of Indigenous Resistance.” *Monthly Review* 69 (8): 33.

Bertoni, Eduardo. 2010. “Es Legítima La Criminalización de La Protesta Social? Derecho Penal y Libertad de Expresión En América Latina.” Facultad de Derecho, Universidad de Palermo, Buenos Aires.

Betancur, María Soledad Betancur. 2006. “Del Estatuto de Seguridad Al Estado Comunitario: Veinticinco Años de Criminalización de La Protesta Social En Colombia.” *OSAL, Observatorio Social de América Latina*, 179–224.

Björnehed, Emma, and Josefina Erikson. 2018. “Making the Most of the Frame:

- Developing the Analytical Potential of Frame Analysis.” *Policy Studies* 39 (2): 109–26.
- Bonner, Michelle D. 2014a. *Policing Protest in Argentina and Chile*. Lynne Rienner Publishers, Incorporated.
- Bonner, Michelle D. 2014b. “Violence, Policing, and Citizen (In)Security.” *Latin American Research Review* 49 (1): 261–69.
- Brewer, Stephanie Erin. 2009. “Structural Human Rights Violations: The True Face of Mexico’s War on Crime.” *Human Rights Brief* 16 (2): 2.
- Burbach, Roger. 2010. “Ecuador’s President Correa Faces Off With Indigenous and Social Movements.” NACLA. <https://nacla.org/news/ecuadors-president-correa-faces-indigenous-and-social-movements>
- Calapaqui Tapia, Karla. 2017. *Criminalización de La Protesta: 2007-2015, Las Víctimas Del Correísmo*. Dayuma.
- Calderón, Felipe. 2008. “Sé Que México Enfrenta Un Gran Problema de Seguridad.” Presidencia de La República. <http://calderon.presidencia.gob.mx/2008/08/se-que-mexico-enfrenta-un-gran-problema-de-seguridad-este-es-un-cancer-que-se-ha-venido-incubando-durante-anos-y-al-que-no-se-le-dio-la-debida-atencion-pero-es-un-cancer-que-vamos-a-erradicar-presiden/>.
- . 2010. “Mensaje a La Nación Del Presidente Felipe Calderón Hinojosa” Presidencia de La República. <http://calderon.presidencia.gob.mx/2010/06/mensaje-a-la-nacion-del-presidente-felipe-calderon-hinojosa/>.
- Carlsen, Laura. 2016. “Six Months Without Berta, Six Months Without Justice”. Counterpunch. <https://www.counterpunch.org/2016/09/14/six-months-without-berta-six-months-without-justice/>.
- Carragee, Kevin M, and Wim Roefs. 2004. “The Neglect of Power in Recent Framing Research.” *Journal of Communication*, 20.
- CDHAL. 2009. “Accion Urgente: Violacion de los Derechos Humanos en contra del Activista Anti-Minero Agustin Rios Cruz.” <http://www.cdhal.org/accion-urgente-violacion-derechos-humanos-contra-del-activista-anti-minero-agustin-rios/>.
- Cedano, Pablo Romo. 2008. “La Criminalización de La Protesta Social En México.” *Criminalización de La Protesta y de Los Movimientos Sociales. São Paulo: Ed. Fundación Rosa de Luxemburgo Stiftung.* _
- CEDHU, and FIDH. 2010. “Large-Scale Mining in Ecuador and Human Rights Abuses.” <http://protectecuador.org/wp-content/uploads/2013/02/Large-scale-mining-in-Ecuador.pdf>.
- CELS. 2016. “Latin American State Responses to Social Protest.” http://www.cels.org.ar/protestasocial_AL/en.html.

Centro de Derechos Económicos y Sociales. 2012. “Criminalización de La Protesta Social: Un Recuento Desde El Retorno a La Democracia.” *Observatorio de derechos colectivos del Ecuador*. http://observatorio.cdes.org.ec/documentos/doc_download/1107-criminalizacion-de-la-protestasocial-un-recuento-desde-el-retorno-a-la-democracia.

Centro Prodh. 2011. “‘They Have Destroyed the Life of This Place’: Megaproyectos, Human Rights Violations, and Environmental Damage in Mexico.” <http://centroprodh.org.mx/en/?p=646>.

———. 2012. *Vídeo: ¡No Queremos La Mina! – La Gente de San José Del Progreso Explica Por Qué*. <https://vimeo.com/53915132>.

Cerda García, Alejandro. 2015. “The Struggle for the Meaning of Dissent: Toward the Social Deconstruction of Dissent as a Crime.” *Latin American Perspectives* 42 (5): 186–197.

Chapman, Eric N, and Edwin Gutierrez. 2016. “Issued by: Fortuna Silver Mines Inc.” *Technical Report*, 194.

Chimienti, Adam, and Sebastian Matthes. 2013. “Ecuador: Extractivism for the Twenty-First Century?” *NACLA Report on the Americas* 46 (4): 59–61.

Colectivo de Investigación y Acción Psicosocial. 2017. “La Herida Abierta Del Condor.” <https://investigacionpsicosocial.files.wordpress.com/2017/02/herida-abierta-del-cc3b3ndor.pdf>.

Conde, Marta. 2017. “Resistance to Mining. A Review.” *Ecological Economics* 132 (February): 80–90.

Correa, Rafael. 2009. “Intervención Del Presidente de La República, Rafael Correa En La Entrega de Informe a La Nación En El Inicio Del Tercer Año de Revolución Ciudadana.” *Presidencia República Del Ecuador*. <https://www.presidencia.gob.ec/wp-content/uploads/downloads/2013/10/2009-01-09-TERCER-ANIVERSARIO-REVOLUCI%C3%93N-CIUDADANA.pdf>.

Correas, Oscar. 2005. *Crítica de La Ideología Jurídica*. Vol. 12. UNAM.

———. 2011. *La Criminalización de La Protesta Social En México*. Ediciones Coyoacán.

Corriente Resources Inc. 2008. “Mirador Copper-Gold Project.” http://www.corriente.com/media/PDFs/news/technical_reports/MIRADOR_30K_Report_FINAL_SEDAR.pdf.

Coryat, Diana M. 2017. “Extractivism and Resistance: Media, Protest and Power in Ecuador,” 240.

Cox, Francisco. 2010. “Criminalización de La Protesta Social: ‘No Tiene Derecho a Reunirse Donde Le Plazca.’” In *Es Legítima La Criminalización de La Protesta Social?*,

by Eduardo Berton. Facultad de derecho, Universidad de Palermo.

Davenport, Christian. 2007a. "State Repression and Political Order." *Annual Review of Political Science* 10 (1): 1–23.

———. 2007b. *State Repression and the Domestic Democratic Peace*. Cambridge University Press.

———. 2009. "Regimes, Repertoires and State Repression." *Swiss Political Science Review* 15 (2): 377–385.

Davidov, Veronica. 2013. "Mining versus Oil Extraction: Divergent and Differentiated Environmental Subjectivities in 'Post-Neoliberal' Ecuador." *The Journal of Latin American and Caribbean Anthropology* 18 (3): 485–504.

Davies, Nancy. 2010. "Two Dead in Confrontation in Oaxaca, Near Site of Canadian Mine." *Upside Down World*. <http://upsidedownworld.org/archives/mexico/two-dead-in-confrontation-in-oaxaca-near-site-of-canadian-mine/>.

De Echave, José, Alejandro Diez, Bruno Revesz, Ludwig Huber, Martín Tanaka, and Xavier Ricard Lanata. 2009. *Minería y Conflicto Social*. Lima.

De la Torre, Carlos. 2013. "In the Name of the People: Democratization, Popular Organizations, and Populism in Venezuela, Bolivia, and Ecuador." *European Review of Latin American and Caribbean Studies/Revista Europea de Estudios Latinoamericanos y Del Caribe*, 27–48.

De Rosa, F., and C. Godeghesi. 2013. "The Cancer and the Cure: Security, State and Power in Mexico." FLASCO Buenos Aires.

Defensores del sur del Ecuador. 2016. "Cronología de la resistencia." *Defensores del sur del ecuador*. <http://www.defensoresdelsur.org/cronologa/>.

Della Porta, Donatella, Abby Peterson, and Herbert Reiter, eds. 2006. *The Policing of Transnational Protest*. Advances in Criminology. Aldershot, England ; Burlington, VT: Ashgate.

deMeritt, Jacqueline H. R. 2016. "The Strategic Use of State Repression and Political Violence." *Oxford Research Encyclopedia of Politics*, October.

Dietz, Kristina, and Bettina Engels. 2017. "Contested Extractivism, Society and the State: An Introduction." In *Contested Extractivism, Society and the State*, 1–19. Springer.

Doran, Marie-Christine. 2017. "The Hidden Face of Violence in Latin America: Assessing the Criminalization of Protest in Comparative Perspective." *Latin American Perspectives* 44 (5): 183–206.

Dosh, Paul, and Nicole Kligerman. 2009. "Correa vs. Social Movements: Showdown in Ecuador." *NACLA Report on the Americas* 42 (5): 21–24.

Dougherty, Michael L. 2016. "From Global Peripheries to the Earth's Core. The New Extraction in Latin America." *Mining in Latin America. Critical Approaches to the New Extraction*, 1–69.

Earl, Jennifer. 2003. "Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression." *Sociological Theory* 21 (1): 44–68.

———. 2006. "Introduction: Repression and the Social Control of Protest." *Mobilization: An International Quarterly* 11 (2): 129–143.

———. 2011. "Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control." *Annual Review of Sociology* 37: 261–84.

Educa. 2015. "San José – Observatorio de Derechos Territoriales." *El Observatorio de Derechos Territoriales*. 2015. <http://www.educaxaxaca.org/observatorio/san-jose/>.

EJ Atlas. 2018. "Mapping Environmental Justice." <https://ejatlas.org/>.

Eleonora Rabinovich, Ana Lucía Magrini, and Omar Rincón. 2007. "'Vamos a Portarnos Mal', Protesta Social y Libertad de Expresión En América Latina." *Centro de Competencia en Comunicación para América Latina Friedrich Ebert Stiftung*.

Entman, Robert M. 1993. "Framing: Toward Clarification of a Fractured Paradigm." *Journal of Communication* 43 (4): 51–58.

Escobar, Arturo. 2011. *Encountering Development: The Making and Unmaking of the Third World*. Princeton University Press.

Fein, Helen. 1995. "More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987." *Human Rights Quarterly* 17 (1): 170–191.

Fernandez, Luis. 2008. *Policing Dissent: Social Control and the Anti-Globalization Movement*. Rutgers University Press.

FIDH. 2015. "Criminalización de La Protesta Social Frente a Proyectos Extractivos En Ecuador." https://www.fidh.org/IMG/pdf/equateur666espagn2015hd_1_.pdf.

———. 2016. "Criminalización de defensores de derechos humanos: un preocupante fenómeno en América Latina." <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/criminalizacion-de-defensores-de-derechos-humanos-un-preocupante>.

———. 2017. "Vulneración de Derechos Humanos y de La Naturaleza En La Cordillera Del Cóndor- Ecuador." <https://www.fidh.org/IMG/pdf/cordilleracondorversionfinal13dic2017-1.pdf>.

Franklin, James C. 2009. "Contentious Challenges and Government Responses in Latin America." *Political Research Quarterly* 62 (4): 700–714.

Gamson, William A. 2004. "Bystanders, Public Opinion, and the Media." In *The Blackwell Companion to Social Movements*, by David A. Snow, Sarah A. Soule, and

Hanspeter Kriesi. John Wiley & Sons.

García-Villegas, Mauricio. 2016. "A Comparison of Sociopolitical Legal Studies." *Annual Review of Law and Social Science* 12 (1): 25–44.

Global Witness. 2015. "How Many More?" 1–27. <https://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/>

———. 2016. "On Dangerous Ground" 26. <https://www.globalwitness.org/en/campaigns/environmental-activists/dangerous-ground/>.

———. 2017. "Defender La Tierra. Asesinatos Globales de Defensores/as de La Tierra y El Medio Ambiente En 2016." <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>.

Goirand, Camille, ed. 2010. "Mobilisations et répertoire d'actions collectives en Amérique latine" *Revue internationale de politique comparée*. 17(2), 7–27.

Goldstein, Daniel M., With Gloria Achá, Eric Hinojosa, and Theo Roncken. 2007. "La Mano Dura and the Violence of Civil Society in Bolivia." *Social Analysis* 51 (2).

González-Espinosa, Ana Carolina. 2012. "La Gauche et La Continuité Du Projet Extractiviste. Bolivie, Équateur, Venezuela." In *La Gauche En Amérique Latine*, by Olivier Dabène, 335–65. Presses de Sciences Po.

Griffiths, John. 2005. "The Idea of Sociology of Law and Its Relation to Law and to Sociology." In *Law and Sociology*. Oxford University Press.

Grugel, Jean, and Pia Riggirozzi. 2012. "Post-Neoliberalism in Latin America: Rebuilding and Reclaiming the State after Crisis." *Development and Change* 43 (1): 1–21.

Gudynas, Eduardo. 2009. "Diez tesis urgentes sobre el nuevo extractivismo." *Extractivismo, política y sociedad*, 187.

———. 2010. "Si Eres Tan Progresista? Por Qué Destruyes La Naturaleza?. Neextractivismo, Izquierda y Alternativas." *Revista Ecuador Debate* No. 079.

Gutiérrez Haces, María Teresa. 2016. "The Growing Presence of Canadian Mining Companies in Mexico and the Dominance of Mexican Business Groups." *Latin American Policy* 7 (2): 241–66.

Harvey, David. 2004. "The 'New Imperialism': Accumulation by Dispossession." *Actuel Marx*, no. 1: 71–90.

Henriquez. 2012. "Latin America to Receive Half of Global Mining Investment until 2020." *BN Americas*. <http://www.bnamericas.com/news/mining/latin-america-to-receive-half-of-global-mining-investment-until-2020-codelco>

Hesketh, Chris. 2013. "Defending Place, Remaking Space: Social Movements in Oaxaca and Chiapas." *Marxism and Social Movements*, 209–31.

Hine-Ramsberger, William. 2011. "Drug Violence and Constitutional Revisions: Mexico's 2008 Criminal Justice Reform and the Formation of Rule of Law." *Brook. J. Int'l L.* 37: 291.

Hope, Mat. 2010. "Frame Analysis as a Discourse-Method: Framing 'climate Change Politics.'" *Proceedings of Post-Graduate Conference on Discourse Analysis, Bristol*.

Huckin, Thomas. 2002. "Critical Discourse Analysis and the Discourse of Condescension." *Discourse Studies in Composition*, 155–76.

Huerta Wong, Juan Enrique, and Rodrigo Gómez García. 2016. "Media Ownership and Concentration in Mexico." In *Who Owns the World's Media?: Media Concentration and Ownership around the World*, by Eli M Noam. Oxford University Press.

Hughes, Sallie. 2006. *Newsrooms in Conflict: Journalism and the Democratization of Mexico*. University of Pittsburgh Pre.

Human Rights Watch. 2013. "Mexico: Crisis of Enforced Disappearances." <https://www.hrw.org/news/2013/02/20/mexico-crisis-enforced-disappearances>.

———. 2014. "World Report 2014." http://akgul.bilkent.edu.tr/hrw/wr2014_web_0.pdf.

IACHR. 2015a. "Criminalization of Human Rights Defenders." <http://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf>.

———. 2015b. "The Human Rights Situation in Mexico." Inter-American Commission on Human Rights. <http://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.docx>.

INEGI. 2017. "Anuario Estadístico y Geográfico de Oaxaca 2017." http://internet.contenidos.inegi.org.mx/contenidos/Productos/prod_serv/contenidos/espanol/bvinegi/productos/nueva_estruc/anuarios_2017/702825094843.pdf.

Johnston, Hank, and John A Noakes. 2005. *Frames of Protest: Social Movements and the Framing Perspective*. Rowman & Littlefield Publishers.

Joly, Emilie E. 2010. "Criminalización de Los Defensores de Derechos Humanos y de La Protesta Social En México." *Washington: La Fundación Para El Debido Proceso Legal (DPLF)*. <http://www.dplf.org/es/resources/criminalizacion-de-los-defensores-de-los-derechos-humanos-y-de-la-protesta-social-en>.

Kennemore, Amy, and Gregory Weeks. 2011. "Twenty-First Century Socialism? The Elusive Search for a Post-Neoliberal Development Model in Bolivia and Ecuador." *Bulletin of Latin American Research* 30 (3): 267–81.

La Jornada. 2011. "Minera 500 Años de Saqueo." <http://www.jornada.unam.mx/2011/11/14/min-oro.html>.

Lafortune-Lauzon, Amélie. 2015. "Participation et" Nouveaux" Modes de Régulation-Légitimation Des Projets Miniers Au Mexique: Une Réponse Utile à La Gestion Des Conflits?" UQAM, Montréal.

Landman, Todd. 2002. *Issues and Methods in Comparative Politics: An Introduction*. Routledge.

Latorre Tomás, Sara. 2012. "El Movimiento Ecologista Popular Anti-Minero En El Ecuador." *Ecuador Debate* 87: 123–46.

López, Adrián. 2013. "Análisis del Referéndum Constitucional 2008 en Ecuador." *Íconos - Revista de Ciencias Sociales* 0 (33): 13.

Lucero, Jose Antonio. 2008. *Struggles of Voice: The Politics of Indigenous Representation in the Andes*. University of Pittsburgh Pre.

M4. 2012. "La Minería En La Revolución Ciudadana." *Movimiento Mesoamericano Contra El Modelo Extractivo Minero*. <http://movimientom4.org/2012/06/mineria-revolucion/>.

———. 2016. "Conflictos Mineros En América Del Sur: Una Mirada a Cuatro Casos Emblemáticos." *Movimiento Mesoamericano Contra El Modelo Extractivo Minero*. <http://movimientom4.org/2016/11/conflictos-mineros-en-america-del-sur-una-mirada-a-cuatro-casos-emblematicos/>.

Mackinnon, Debra. 2014. "The Criminalization of Political Dissent: A Critical Discourse Analysis of Occupy Vancouver and Bill C-309." Simon Fraser University.

Marsh, David, and Paul Furlong. 2002. "A Skin Not a Sweater: Ontology and Epistemology in Political Science." *Theory and Methods in Political Science* 2: 17–41.

Martín, Facundo. 2017. "Reimagining Extractivism: Insights from Spatial Theory." In *Contested Extractivism, Society and the State*, 21–44. Springer.

Martínez, Jorege Ceja. 2010. "Control social, legitimidad y seguridad ciudadana en México." *Revista Segurança Urbana e Juventude* 3 (1). <https://periodicos.fclar.unesp.br/seguranca/article/view/2889>.

Massa-Sánchez, Priscilla, Rosa del Cisne Arcos, and Daniel Maldonado. 2018. "Minería a Gran Escala y Conflictos Sociales: Un Análisis Para El Sur de Ecuador." *Revista Problemas Del Desarrollo* 194: 49.

Matthes, Jrg, and Matthias Kohring. 2008. "The Content Analysis of Media Frames: Toward Improving Reliability and Validity." *Journal of Communication* 58 (2): 258–79.

McCombs, Maxwell E, and Donald L Shaw. 1972. "The Agenda-Setting Function of Mass Media." *Public Opinion Quarterly* 36 (2): 176–87.

MiningWatch. 2015. "In the National Interest? Criminalization of Land and Environment Defenders in the Americas." MiningWatch Canada and the International Civil Liberties

Monitoring Group (ICLMG). <https://miningwatch.ca/publications/2015/9/21/national-interest-criminalization-land-and-environment-defenders-americas>.

Moore, Jennifer, and Teresa Velásquez. 2012. "Sovereignty Negotiated: Anti-Mining Movements, the State and Multinational Mining Companies under Correa's 21st Century Socialism." In *Social Conflict, Economic Development and the Extractive Industry: Evidence from South America*, edited by Anthony Bebbington, 112–34.

Murillo, Susana. 2004. "El Nuevo Pacto Social, La Criminalización de Los Movimientos Sociales y La Ideología de La Seguridad." *Revista Osal* 14: 261–273.

Murillo-Ruiz, Carol. 2011. "El Vía Crucis Político y Mediático de La Protesta Social En Ecuador." *Vamos a Portarnos Mal. Protesta Social y Libertad de Expresión En América Latina*. Bogotá: Friedrich Ebert Stiftung.

Nieto, Buenaño, and Elsie Gabriela. 2014. "Análisis Del Discurso Periodístico Emitido Por Dos Medios Impresos Del Ecuador (El Comercio, El Universo), Durante Mayo 2007, En Relación a La No Renovación de Licencia a Radio Caracas Televisión (RCTV), Por Parte Del Gobierno de Hugo Chávez Frías." Universidad Central del Ecuador.

Oaxacan Collective in Defense of Territory. 2013. "Justice for San José Del Progreso." Civilian Observation Mission Report. Oaxaca, Mexico.

OCMAL. 2009. "Violento Desalojo a Plantón Antiminero de Pobladores de San José Del Progreso." https://mapa.conflictosmineros.net/ocmal_db-v2/reports/view/56

———. 2012. "Asesinan a Bernardo Mendez Por Oponerse a Minería En San José Del Progreso." https://mapa.conflictosmineros.net/ocmal_db-v2/reports/view/52

———. 2016. "Minería, Violencia y Criminalización En América Latina. Dinámicas y Tendencias." <https://www.ocmal.org/wp-content/uploads/2017/11/Mineria-violencia-y-Criminalizacion-OCMAL.pdf>

Olarte, Carolina. 2013. "Depoliticization and Criminalization of Social Protest through Economic Decisionism: The Colombian Case." *Oñati Socio-Legal Series*. Vol 4. No 1.

Ortiz, David G. 2015. "State Repression and Mobilization in Latin America." In *Handbook of Social Movements across Latin America*, 43–59. Handbooks of Sociology and Social Research. Springer, Dordrecht.

Ortiz-T, Pablo. 2011. "Capitalismo extractivo, minería y derechos: ¿Pueden cohabitar?". *Revista Iconos*. No 39.

Özkaynak, Begüm, Beatriz Rodríguez-Labajos, Murat Arsel, Duygu Avci, María Helena Carbonell, Bruno Chareyron, G Chicaiza, Marta Conde, Federico Demaria, and Renan Finamore. 2012. "Mining Conflicts around the World: Common Grounds from an Environmental Justice Perspective." EJ Atlas. <http://www.ejolt.org/2012/11/mining-conflicts-around-the-world-common-grounds-from-an-environmental-justice-perspective/>

Pachamama Alliance. 2018. "Sumak Kawsay: Ancient Teachings of Indigenous Peoples." 2018. <http://www.pachamama.org/sumak-kawsay>.

Paley, Dawn. 2015. "Drug War as Neoliberal Trojan Horse." *Latin American Perspectives* 42 (5): 109–132.

Peace Brigades International. 2010. "Father Martín Octavio García Ortiz." *Human Rights Defenders: In Their Own Words*. <https://peacebrigades.org.uk/who-we-protect/their-own-words/father-mart%C3%ADn-octavio-garc%C3%ADa-ortiz>.

———. 2011a. "Mexico: Undermining the Land - Community Rights, the Environment and Mining." https://pbi-mexico.org/fileadmin/user_files/projects/mexico/files/Bulletin_31_-_Undermining_the_Land.pdf.

———. 2011b. "Undermining the Land. The Defense of Community Rights and the Environment in Mexico." https://pbi-mexico.org/fileadmin/user_files/projects/mexico/files/Bulletin_31_-_Undermining_the_Land.pdf.

Pérez-Rocha, Manuel. 2011. "The Failed War on Drugs in Mexico." *Transnational Institute*.

Petras, James. 1989. "State Terror and Social Movements in Latin America." *International Journal of Politics, Culture, and Society* 3 (2): 179–212.

Phillips, Nelson, and Cynthia Hardy. 2002. *Discourse Analysis: Investigating Processes of Social Construction*. SAGE Publications.

Pinto, Juliet, Paola Prado, and J Alejandro Tirado-Alcaraz. 2017. *Environmental News in South America: Conflict, Crisis and Contestation*. Springer.

Press Reference. 2007. "Mexico Press, Media, TV, Radio, Newspapers." 2007. <http://www.pressreference.com/Ma-No/Mexico.html>.

ProDESC. 2009. "Acción Urgente: Riesgo Inminente de Represión Al Movimiento de Resistencia Contra Empresa Minera Cuzcatlán." Proyecto de Derechos Económicos, Sociales y Culturales AC, Ciudad de México. <http://sipaz.files.wordpress.com/2009/05/au-mina-san-jose-del-progreso-oaxaca-marzo-2009.doc>.

Quishpe, Andres. 2017. "La Criminalización de La Lucha Social En El Ecuador." *REVISTA INTERCAMBIO*, no. 10: 24.

Rábago Dorbecker, Miguel. 2010. "La Criminalización de La Protesta Social Como Forma de Restricción de La Libertad de Expresión En México: Movimientos Sociales En El Centro de La Llamada 'Lucha Contra La Delincuencia Organizada.'" In *Es Legítima La Criminalización de La Protesta Social?*, by Eduardo Bertoni. Facultad de derecho, Universidad de Palermo.

- Rasch, Elisabet Dueholm. 2017. "Citizens, Criminalization and Violence in Natural Resource Conflicts in Latin America." *ERLACS* 0 (103): 131.
- Regan, Patrick M, and Errol A Henderson. 2002. "Democracy, Threats and Political Repression in Developing Countries: Are Democracies Internally Less Violent?" *Third World Quarterly* 23 (1): 119–36.
- REMA. 2018. "Asesinato Del Defensor Bernardo Vásquez, Seis Años de Impunidad, y Las Emboscadas Se Repiten". <http://www.remamx.org/2018/03/asesinato-del-defensor-bernardo-vasquez-seis-anos-de-impunidad-y-las-emboscadas-se-repiten/>.
- Riofrancos, Thea. 2015. "Beyond the Petrostate: Ecuador's Left Dilemma." *Dissent* 62 (3): 102–11.
- . 2017. "Ecuador After Correa." *N+1*. <https://nplusonemag.com/issue-29/politics/ecuador-after-correa-2/>.
- Riofrío, María Beatriz Eguiguren, and Arturo Jiménez Lozano. 2011. "Los Conflictos Socioambientales En El Ecuador: Analisis Del Caso 'Mirador.'" *Cognitio Juris* 1 (1): 15.
- Robinson, William I. 2004. "Global Crisis and Latin America." *Bulletin of Latin American Research* 23 (2): 135–53.
- Rodríguez del Bosque, Enrique. 2016. "The International Comparative Legal Guide to Mining Law 2017: Mexico." Global Legal Group. <http://www.rbmexicolaw.com/wp-content/uploads/2017/01/The-International-Comparative-Legal-Guide-to-ICLG-Mining-2017.pdf>.
- Rojas-Paez, Gustavo. 2014. "Whose Nature? Whose Rights? Criminalization of Social Protest in a Globalizing World." *Oñati Socio-Legal Series*. Vol 4. No 1.
- Rosenberg, Shawn W. 2008. *The Not so Common Sense: Differences in How People Judge Social and Political Life*. Yale University Press.
- Rovira-Sancho, Guiomar. 2013. "Activismo Mediático y Criminalización de La Protesta: Medios y Movimientos Sociales En México." *Convergencia* 20 (61): 35–60.
- Sacher, William. 2017. *Ofensiva Megaminera China En Los Andes: Acumulación Por Desposesión En El Ecuador de La" Revolución Ciudadana"*. Abya Yala.
- Sacher, William, and Alberto Acosta. 2012. "La Minería a Gran Escala En Ecuador." *Michelle Báez (1a Ed)*. Quito: Abya-Yala, 13–38.
- Salazar-Soler, Carmen. 2007. "De l'environnement à l'autochtonie et à l'autodétermination: Les Luttes Des Communautés Paysannes Contre Les Compagnies Minières Au Pérou."
- Saldaña Cuba, José, and Jorge Portocarrero Salcedo. 2017. "La violencia de las leyes: el uso de la fuerza y la criminalización de protestas socioambientales en el Perú." *Derecho PUCP*, no. 79: 311–52.

- Sánchez Vázquez, Luis Sánchez, Esben Leifsen, and Ana Dolores Verdú Delgado. 2017. "Minería a gran escala en Ecuador: Conflicto, resistencia y etnicidad," 25.
- SEDATU. 2011. "Archivo General Agrario (AGA)." gob.mx. 2011. <http://www.gob.mx/ran/acciones-y-programas/archivo-general-agrario-aga>.
- SEDESOL. 2011. "San José del Progreso, Oaxaca". Informe sobre la situación de pobreza y rezago social.
- Seguel, Eduardo Mella. 2014. "La Aplicación Del Derecho Penal Común y Antiterrorista Como Respuesta a La Protesta Social de Indígenas Mapuche Durante El Periodo 2000-2010." *Oñati Socio-Legal Series* 4 (1): 122–138.
- Shirk, David A. 2010. "Justice Reform in Mexico: Change & Challenges in the Judicial Sector." *Shared Responsibility*, 205.
- Simon, Adam F., and Jennifer Jerit. 2007. "Toward a Theory Relating Political Discourse, Media, and Public Opinion." *Journal of Communication* 57 (2): 254–71.
- SIPAZ. 2009. "Oaxaca: plantón en San José del Progreso desalojado por policía estatal y federal." *Blog SIPAZ*. <https://sipaz.wordpress.com/2009/05/06/oaxaca-planton-en-san-jose-del-progreso-desalojado-por-policia-estatal-y-federal/>.
- Snow, David A, and Robert D Benford. 1992. "Master Frames and Cycles of Protest." In *Frontiers in Social Movement Theory*, by Aldon D. Morris and Carol McClurg Mueller, 133:155. Yale University Press.
- Starr, Amory, Luis A. Fernandez, and Christian Scholl. 2011. *Shutting down the Streets: Political Violence and Social Control in the Global Era*. NYU Press.
- Sullivan, Lynda. 2014. "Getting to the Bottom of Extractive Capitalism: A Case Study of Open Pit Mining in Cajamarca, Peru." *Policy & Practice-A Development Education Review*, no. 19.
- Svampa, Maristella. 2011. "Néo-« développementisme » extractiviste, gouvernements et mouvements sociaux en Amérique latine." *Problèmes d'Amérique latine* 81 (3): 101.
- . 2012. "Resource Extractivism and Alternatives: Latin American Perspectives on Development." *Beyond Development: Alternative Visions from Latin America*, 117–143.
- Svampa, Maristella, and Claudio Pandolfi. 2004. "Las Vías de La Criminalización de La Protesta En Argentina." *Observatorio Social de América Latina* 5 (14): 285–296.
- Talbot, Mary. 2007. *Media Discourse: Representation and Interaction: Representation and Interaction*. Edinburgh University Press.
- Tarrow, Sidney G. 2011. *Power in Movement: Social Movements and Contentious Politics*. Cambridge University Press.
- Taylor, Ariel, and Michelle D. Bonner. 2017. "Policing Economic Growth: Mining,

Protest, and State Discourse in Peru and Argentina.” *Latin American Research Review* 52 (1): 3–17.

Terwindt, Carolijn. 2014. “Criminalization of Social Protest: Future Research.” Oñati Socio-Legal Series. Vol 4. No 1.

Tetreault, Darcy. 2015. “Social Environmental Mining Conflicts in Mexico.” *Latin American Perspectives* 42 (5): 48–66.

Tilly, Charles. 2003. *The Politics of Collective Violence*. Cambridge University Press.

Tiscornia, Sofia. 2004. “La Protesta Social y Su Criminalización : Cuidado, Protestante a La Vista!” *Universidad de Buenos Aires Encrucijadas* (27).

Toledo, Víctor M., David Garrido, and Narciso Barrera-Basols. 2013. “Conflictos Socioambientales, Resistencias Ciudadanas y Violencia Neoliberal En México.” *Ecología Política*, no. 46: 115–24.

Torre, Carlos de la. 2014. “The People, Democracy, and Authoritarianism in Rafael Correa’s Ecuador.” *Constellations* 21 (4): 457–66.

Urkidi, Leire. 2011. “The Defence of Community in the Anti-mining Movement of Guatemala.” *Journal of Agrarian Change* 11 (4): 556–80.

Van der Haar, Gemma. 2005. “El Movimiento Zapatista de Chiapas: Dimensiones de Su Lucha.” *International Institute of Social History*.

Van Dijk, Teun A. 1989. “Structures of Discourse and Structures of Power.” *Annals of the International Communication Association* 12 (1): 18–59.

Van Teijlingen, Karolien. 2016. “The ‘Will to Improve’ at the Mining Frontier: Neo-Extractivism, Development and Governmentality in the Ecuadorian Amazon.” *The Extractive Industries and Society* 3 (4): 902–11.

Vasquez Chuquilin, Mirtha. 2013. *La Criminalizacion de La Protesta Social En El Perú: Un Análisis a La Luz Del Caso Conga En Cajamarca*. Cajamarca: GRUFIDES.

Vela-Almeida, Diana. 2018. “Territorial Partitions, the Production of Mining Territory and the Building of a Post-Neoliberal and Plurinational State in Ecuador.” *Political Geography* 62 (January): 126–36. .

Vela-Almeida, Diana Raquel. 2016. “Mining, Environments and People: Depicting Environmental, Socio- Economic and Political Understandings of Mining Conflicts in Cajamarca, Peru and Cordillera Del Condor, Ecuador.” McGill University, Montreal.

Veltmeyer, Henry, and James F Petras. 2014. *The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?* Zed Books.

Walter, Mariana, and Leire Urkidi. 2017. “Community Mining Consultations in Latin America (2002–2012): The Contested Emergence of a Hybrid Institution for

Participation.” *Geoforum* 84 (August): 265–79.

Warnaars, Ximena S. 2013. “Territorial Transformations in El Panguí, Ecuador: Understanding How Mining Conflict Affects Territorial Dynamics, Social Mobilization, and Daily Life.” In *Subterranean Struggles: New Dynamics of Mining, Oil, and Gas in Latin America*, Bebbington, A. and Bury, J., 25. University of Texas Press.

Watts, Jonathan. 2018. “Almost Four Environmental Defenders a Week Killed in 2017.” *The Guardian*, February 2, 2018, sec. Environment. <http://www.theguardian.com/environment/2018/feb/02/almost-four-environmental-defenders-a-week-killed-in-2017>.

Watts, Jonathan, and Dan Collyns. 2014. “Ecuador Indigenous Leader Found Dead Days before Planned Lima Protest.” *The Guardian*. December 6, 2014. <http://www.theguardian.com/world/2014/dec/06/ecuador-indigenous-leader-found-dead-lima-climate-talks>.

Williams, Edward Sansom. 2010. “The San José Project: Mining, Repression and Resistance in Oaxaca.” University of Texas.

Williamson, John. 1993. “Democracy and the ‘Washington Consensus.’” *World Development* 21 (8): 1329–36.

Wilson, John. 1977. “Social Protest and Social Control.” *Social Problems* 24 (4): 469–81.

Wise, Raúl Delgado, and Rubén Del Pozo Mendoza. 2005. “Mexicanization, Privatization, and Large Mining Capital in Mexico.” *Latin American Perspectives* 32 (4): 65–86.

World Bank. 2017. *World Development Indicators*. International Economics Dept. Development Data Group.

Yuen, Samson, and Edmund W. Cheng. 2017. “Neither Repression nor Concession? A Regime’s Attrition against Mass Protests.” *Political Studies* 65 (3): 611–630.

Zibechi, Raúl. 2009. “Ecuador: The Logic of Development Clashes with Movements.” *Upside Down World*. <http://upsidedownworld.org/archives/ecuador/ecuador-the-logic-of-development-clashes-with-movements/>.

Newspaper Articles

Mexico

El Universal, 05/06/2009. “Desajolo en mina y carretera de Oaxaca deja 18 detenidos”

El Universal, 03/16/2012. “Asesinan a opositor de minera canadiense en Oaxaca”

La Jornada, 03/21/2009. “La Jornada: Pobladores de Ocotlán, Oaxaca, bloquean mina; exigen su cierre”

La Jornada, 05/07/2009. “Desalojan policías bloqueo en mina de Oaxaca; 18 detenidos”

La Jornada, 05/08/2009. “Liberan bajo fianza a 14 manifestantes en Oaxaca”.

La Jornada, 05/09/2009. “Liberan a otros 5 detenidos por bloquear mina en Oaxaca”

Reforma, 05/07/2009a. “Deja 25 detenidos desalojo de mina”

Reforma, 05/07/2009b. “Saltan maestros y cierran vías”

Reforma, 05/08/2009a. “Niegan abusos en Oaxaca”

Reforma, 05/08/2009b. “Repudian violaciones a derecho”

Reforma, 05/11/2009. “Propone minera reducir conflicto”

Reforma, 06/22/2010. “Detienen en Oaxaca a 10 por zafarrancho”

Reforma, 03/17/2012. “Matan a activista social en Oaxaca”

Ecuador

El Comercio, 03/05/2012a “Organizaciones sociales protestan afuera de la Embajada de China en Quito”

El Comercio, 03/05/2012b. “Ocho mujeres fueron arrestadas por irrumpir en la Embajada de China y protestar contra la minería”

El Comercio, 03/06/2012a. “Marcha del 8 de marzo no tiene permisos e la Intendencia”.

El Comercio, 03/06/2012b. “Etapla minera arranca con 8 detenidas”

El Comercio, 03/07/2012. “Cambios en la marcha en Zamora por las prohibiciones”

El Comercio, 03/08/2012a. “La jornada de protesta se extiende hasta la noche”

El Comercio, 03/08/2012b. “Grupos sociales y Correa, en un nuevo pulseo”

El Comercio, 03/09/2012. “La marcha anti minera llegó a Loja”.

El Comercio, 03/10/2012. “Correa dice que oficialismo se tomará ante protesta indígena”.

El Comercio, 03/12/2012. “Marcha indígena llega a Tarqui, mientras simpatizantes de AP leen artículo sobre presunta conspiración”

El Comercio, 03/14/2012. “Infiltrado armada es descubierto con un arma cargada en marcha”

El Comercio, 03/17/2012a. “Resumen del enlace ciudadano número 263 del Presidente Rafael Correa desde España”

El Comercio, 03/20/2012. “Gobiernistas se toman puntos clave de Quito ante la llegada de la marcha”

El Comercio, 03/21/2012. “El golpismo está tras la marcha, dice el Gobierno”.

El Comercio, 03/22/2012a. “La dirigencia indígena hizo una demostración de fuerza”

El Comercio, 03/22/2012b. “3221 uniformados controlarán el orden en marcha”

El Comercio, 03/22/2012c. “Cuatro policías heridos en enfrentamientos”

El Comercio, 03/22/2012d. “Los juicios contra dirigentes sociales en suspenso”.

El Comercio, 03/24/2012a. “La Conaie marca su compás político”

El Comercio, 03/24/2012b. “El discurso de Correa en tres conceptos”

El Telégrafo, 03/05/2012. “Grupo planificaba actos subversivos a partir del 8 de marzo”

El Telégrafo, 03/06/2012. “Marcha ‘Indígena’ sin una reivindicación para pobres”.

El Telégrafo, 03/07/2012. “El Panguí y Tundayme fueron consultados”.

El Telégrafo, 03/08/2012a. “Gobierno espera 30 mil voces de apoyo y oposición sale de Zamora”.

El Telégrafo, 03/08/2012b. “Intendente de Zamora no autoriza marcha por inconsistencias”.

El Telégrafo, 03/27/2012. “¿Con quién del movimiento indígena dialoga el Gobierno?”