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Since 1990 natural resource extraction has intensified globally and in Latin America.



Large-scale mining has been one of the sectors most responsible for socio-environmental conflicts and human rights violations.



Mining operations are usually established without due consultation or with pseudo-consultations that do not offer clear or complete information to local populations.



In Central America and Mexico, multiple forms of violence, corruption and grey zones between the legal and illegal are at the root of flagrant violations of the human rights of local people opposed to mining.



The affected populations along with social organizations, NGOs and human rights lawyers justify their struggles in different legal and political spaces.

JURIDIFICATION

Political-legal mobilization in social-environmental conflicts in Latin America

WHAT IS IT?

It is political-legal mobilization which uses the language, forms and mechanisms of formal law to advance the defence of rights.

For example, by turning to different types of courts or human rights bodies to file a complaint, or invoking municipal laws to organize consultations or declare mining-free territories.

It also refers to political-legal mobilization that adopts legal arguments and claims without necessarily channelling these through state or international institutions. For example, a citizens' tribunal addressing violations of the right to health or water.

Juridification is an inter-scalar and inter-legal phenomenon that is characterized by movement between different types of law and politics, implying a constant circulation of actions and concepts.

HOW AND WHERE DOES IT OCCUR?

Juridification processes question the sovereignty or governance that States exercise over water and mineral resources, as well as extractive development models.

In dispute is the right of local populations and peoples to continue with their ways of life and enjoy the natural resources in their territories or lands. Also, in dispute are understandings of human rights, including other ontologies or world views, other forms of knowledge and other moral values.

We encounter examples of juridification when people challenge extractivism in the official courts or through their own customary law, and incorporate legal vocabularies and arguments that give shape to their political struggles.

Networks and alliances between local populations, local, national and international NGOs, lawyers and other legal actors are a central element of juridification.

WHAT ARE ITS EFFECTS?

Juridification affects state laws and policies, for example, producing innovative judicial decisions, procedural reforms or new laws.

Internationally, it may result in innovative rulings or agreements seeking to regulate extractive activities.

However, formal law is of limited effect: states often fail to respect laws, decisions of courts and other legal mechanisms, and continue promoting extractive forms of development.

Juridification is, above all, a political phenomenon in which new alliances, actions, and worldviews are woven together.

