

**INDIGENOUS WOMEN LEADING THE DEFENCE OF HUMAN
RIGHTS FROM THE ABUSES BY MEGA-PROJECTS IN LATIN
AMERICA, IN THE FACE OF EXTREME VIOLENCE**

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by

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Abstract

In the face of extreme violence, some Indigenous women-led social movement organisations defending human rights from the abuses related to mega-projects have achieved favourable changes in corporate practices. In the predominantly patriarchal, capitalist and racist context of Latin America, what explains the success (or not) of Indigenous women-led mobilisations regarding the most politically and economically powerful actors? Although there is a well-established literature on social movements, some dedicated to the influence on corporate practices, there is a lacuna concerning the agency, leadership and impact of Indigenous women-led movements in the context of mega-projects.

This thesis uses a multi-level qualitative research methodology to develop a theoretical framework to explain their outcomes. It involves three main comparisons of cases of success and non-success: (1) within-country variation comparing Lenca women-led organisations contesting abuses related to hydroelectric dam projects in Honduras; (2) within-case variation over time of a Binni'za women-led mobilisation against violations connected to wind farm projects in Mexico; and (3) a small-N cross-national comparison of mobilisations in Ecuador, Peru and Colombia led by Sarayaku, Asháninka and Wayuu women challenging the abuses related to oil extractives, hydroelectric dam projects, and coal mining respectively. Also, I develop a qualitative comparative analysis of all these cases, which includes a Boolean minimisation process.

The thesis finds that in a minimally favourable context the following four factors operating together in a *braid of action* lead to success (i.e., a favourable change in corporate behaviour): (1) transforming the territory into power; (2) Indigenous women's effective leadership; (3) human rights framing; and, (4) reacting to a grave violation overtly involving corporations. These four *strands* interweaved in a tough *braid of action* are capable of *harnessing* mobilisation power, achieving success over much materially powerful corporate forces. If some of the *strands* are weak or *frayed*, the *braid* cannot achieve this success.

Acknowledgements

After more than a decade working with and for human rights defenders in Latin America, I felt the need to challenge myself to learn new analytical and methodological tools to understand and address better their very worrying situation. I was particularly concerned about the situation of Indigenous women leading the defence of human rights from the violations committed in connection to mega-projects. While these women were becoming more visible and recognised, they were also facing multiple challenges and more attacks. I knew this would require me to go beyond my law background. Thus, I decided to take up an idea I had left on hold for ten years -while I was in the practice of the defence of human rights- and I embarked on pursuing a doctoral degree in sociology.

This thesis is the culmination of a five-year-long journey that had many challenges and difficult situations, as well as many wonderful and exciting moments. I was excited every time Indigenous women expressed interest in this work and found it relevant for their realities. I am honoured and privileged that Indigenous women leaders, their organisations and many others supporting them shared with me their knowledge and experiences. Without their openness and solidarity, this study would not have been possible. I will always be grateful to them and to all those who participated in this study.

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Abbreviations

AACIWASUG	Association of Indigenous Authorities and Cabildos of the South of La Guajira
AI	Amnesty International
AIDA	Inter-American Association for Environmental Defence
AMDEE	Mexican Wind Power Association
ANLA	National Agency for Environmental Licences
APIIDTT	People's Assembly of the Isthmus of Tehuantepec in Defence of Land and Territory
ATCCP	Advisory Technical Committee of the Consultation Process
BHRRC	Business and Human Rights Resource Centre
CAAAP	Amazon Centre for Anthropology and Practical Application
CABEI	Central-America Bank for Economic Integration
CAJAR	Lawyer's Collective José Alvera Restrepo
CAMIF	Central American Mezzanine Infrastructure Fund
CAO	Compliance Advisor Ombudsman for the International Finance Corporation, World Bank
CARE	Asháninka Central of the Ene River
CDES	Centre on Economic and Social Rights
CEHPRODEC	Honduran Centre for the Promotion of Community Development
CEJIL	Centre for Justice and International Law
CGC	Compañía General de Combustibles
CNDDHH	National Coordinator of Human Rights
CNI	National Indigenous Congress
COCEI	Coalition of Workers, Peasants, and Students of the Isthmus
CONAIE	Confederation of Indigenous Nationalities of Ecuador
CONAMI	National Coordination of Indigenous Women
COPINH	Council of Popular and Indigenous Organisations of Honduras
DESA	Honduran company Desarrollo Energéticos S.A.
EZLN	Zapatista Army of National Liberation
FEEPC	Prosecutor's Office on Ethnic Groups and the Cultural Patrimony of the Nation
FINNFUND	Finnish Fund for Industrial Cooperation

FIMI	International Indigenous Women Forum
FLD	Front Line Defenders
FMO	Netherlands Development Finance Institution
FMW	Wayuu Women's Force
FPIC	Free, prior and informed consultation and consent
FREDEMI	Resistance Front of San Miguel Ixtahuacan
GHRF	Global Human Rights Fund
GW	Global Witness
HRDs	Human Rights Defenders
IACHR	Inter-American Commission on Human Rights
IACTHR	Inter-American Court of Human Rights
IASHR	Inter-American System of Human Rights
IDB	Inter-American Development Bank
IDREC	Social Sciences and Humanities Inter-Divisional Research Ethics Committee
IFC	International Finance Corporation
ILO	International Labour Organisation
IWHRDs	Indigenous Women Human Rights Defenders
LASA	Latin American Studies Association
LEISA	Los Encinos Inversiones S.A.
MEM	Ministry of Energy and Mines
MICI	Independent Consultation and Investigation Mechanism of the IDB
MILPAH	Indigenous Lenca Movement of La Paz in Honduras
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OPIP	Organisation of Indigenous Peoples of Pastaza
PBI	Peace Brigades International
PESAC	Pakitzapango Energía S.A.C.
POS	Political opportunity structures
PPP	Panama Puebla Plan
PRODESC	Project on Social, Economic and Cultural Rights
QCA	Qualitative Comparative Analysis
RM	Resource mobilisation
SCJ	Supreme Court of Justice
SENER	Ministry of Energy

SERNA	Ministry of Natural Resources and the Environment
SIEPAC	Electrical Interconnection System of the Central American Countries
SMOs	Social Movement Organisations
TAYJASARUTA	Association of the Kichwa People of Sarayaku
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNODC	United Nations Office on Drugs and Crimes
UNWGBHR	UN Working Group on Business and Human Rights
USD	American dollars
WB	World Bank
WHRDs	Women human rights defenders

Chapter 1 - Introduction

In our *cosmovisions*, we are human beings who emerged from the earth, the water and the corn. We, the Lenca people, are ancestral guardians of the rivers. Which are also protected by the spirits of the young girls, who teach us that giving our lives in various ways for the defence of rivers is also giving our lives for the well-being of humanity and the planet. COPINH, walking alongside people struggling for their emancipation, ratifies its commitment to continue defending our waters, rivers and our commonly shared *natural goods*, as well as our rights as a people. Let us wake up! Let us wake up, humankind! We are out of time. Our consciences will be shaken, by the fact of being alone contemplating our self-destruction, which is based on a capitalist, racist and patriarchal depredation. The Gualcarque River has called upon us, as have other gravely threatened rivers around the world. We must answer their call. Mother earth –militarised, fenced-in, poisoned, a place where human rights are systematically violated- demands that we take action. Let us build societies that are able to coexist in a just and dignified way that protects life. Let us come together and, with hope, let us continue defending and caring for the earth, its blood and spirits. I dedicate this award to all rebellions, to my mother, to the Lenca people, to Rio Blanco, to COPINH, to the martyrs who gave their lives in the struggle to defend our natural goods. Thank you very much! Berta Cáceres¹

Research Puzzle and Research Question

Indigenous Lenca leader Berta Isabel Cáceres Flores (Berta Cáceres) was known to the world as “the activist who twisted the arm of the World Bank and China” (BBC Mundo, 2016). Both the World Bank (WB) and Sinohydro -a Chinese company and the largest hydroelectric dam builder in the world- decided not to continue participating in the development of the Agua Zarca hydroelectric dam project (Agua Zarca) in Honduras.

¹ Acceptance speech of Indigenous Lenca leader and human rights defender Berta Cáceres for the 2015 Goldman Prize.

It was one of the many impacts of the mobilisation led by Berta Cáceres. She co-founded and led for more than two decades the Council of Popular and Indigenous Organisations of Honduras (COPINH). In April 2015, Berta Cáceres received the Goldman Prize (also known as the “green Nobel”) in recognition of her achievements defending the Lenca people from the abuses committed in connection to mega-projects in their territory. A year later, she was killed in reprisal for her human rights actions. Those who murdered her may have thought they would silence her this way, but they never imagined that her impact would lead to something even more durable and profound. In 2017, a year after her killing, the Netherlands Development Finance Institution (FMO) and the Finnish Fund for Industrial Cooperation (FINNFUND), along with the WB and Sinohydro, also ended their participation in the Agua Zarca project. As impressive as those outcomes are, her impact is even more significant. She inspired dozens of “Berta Cáceres” -Indigenous women leaders- willing to face a similar fate to defend their territories from the abuses committed in connection to the development of mega-projects throughout Latin America.

Berta Cáceres’ speech, with which I started this chapter, encapsulates the importance and complexity of the struggles of Indigenous women and their communities, whose human rights have been abused in connection to mega-projects affecting their territories. When Berta Cáceres and the COPINH were struggling against the abuses committed in relation to Agua Zarca project, in her country and many other countries of Latin America, other Indigenous women-led mobilisations were facing very similar situations. Also in Honduras, Lenca leader Ana Mirian Romero and the Indigenous Lenca Movement of La Paz in Honduras (MILPAH) were struggling against the abuses connected to Los Encinos hydroelectric dam project. In Mexico, Binni’za leader Bettina Cruz was at the forefront of the mobilisation of the People’s Assembly of the Isthmus of Tehuantepec in Defence of Land and Territory (APIIDTT). They were struggling against

the abuses committed by corporate and State actors involved in the Mareña Renovables and the Eólicas del Sur wind farm projects.

Similarly, in Colombia, Wayuu leader Jakeline Romero Epiayuu and her organisation, the Wayuu Women's Force (FMW), have been challenging the human rights abuses connected to the Cerrejón coal mine. In Ecuador, Sarayaku leader Patricia Gualinga co-led with her organisation, the Association of the Kichwa People of Sarayaku (TAYJASARUTA), the struggle against the abuses connected to the Block 23 oil exploitation. In Peru, Ruth Buendía Mestoquiari and the organisation she presided over for several years, the Asháninka Central of the Ene River (CARE), challenged the negative impact of the hydroelectric dam projects Pakitzapango and Tambo-40. All these are emblematic cases of the mobilisations led by Indigenous women across Latin America. They are challenging the most politically and economically powerful State and corporate actors in the world, with vested interests in those projects. They are defending their territories and rights as Indigenous peoples from the negative impacts of mega-projects, in the face of extreme violence. Yet, in some cases, Indigenous women-led mobilisations are achieving crucial outcomes, such as favourable changes in corporate practice (i.e., corporate actors cancel their participation in mega-projects where human rights have been abused). What can explain these outcomes? Why do some (and not other) Indigenous women-led mobilisations achieve success?

These are critical questions about emblematic cases of a situation affecting Latin America and other parts of the world. In the last few decades, the region has seen a boom of mega-projects, as “development” incentives have become a priority for governments (Veltmeyer & Petras, 2015). These projects have significantly affected Indigenous and tribal territories (IACHR, 2016). In principle, those projects should bring progress to the affected communities but, although some have made important contributions, they have

more often led to further human rights violations, social conflicts and environmental destruction (IACHR, 2016). The high number of killings and attacks against those defending the human rights of communities affected by mega-projects has further compounded this worrying situation (AI, 2012a, 2014a; BHRRC, 2018; FLD, 2017a, 2018b; UN Special Rapporteur on HRDs, 2016b).

Yet, in the face of extreme violence, some of these human rights defenders (HRDs) have achieved remarkable successes with their mobilisations. In the dominant “capitalist, racist and patriarchal predatory” context of Latin America (Cáceres, 2015), it is even more extraordinary if they are Indigenous women human rights defenders (IWHRDs) standing up against powerful companies. These Indigenous women-led social movement organisations (SMOs) are defending the rights of the most neglected communities, and are impacting the decisions of the most powerful actors in the world. We could easily assume that Indigenous women lack the power and resources to lead organisations, to mobilise neglected communities and to win their human rights demands. Nonetheless, in minimally favourable contexts and without effective protection and support, some Indigenous women-led SMOs have sometimes had a significant impact generating positive changes in corporate practice. These moments of success are remarkable because of who these Indigenous women are and what they do both individually and collectively in defence of their rights, in a context of extreme violence and overlapping asymmetric power relationships that shape their experience within and beyond their families, organisations and communities. Therein lies the puzzle: what explains that in certain situations (and not in others), against all odds, in the face of extreme violence, with few resources or power, transformative actions led by IWHRDs do occur and produce positive change in corporate practices.

Thus, the **central research question** for this thesis is:

In the face of extreme violence, what explains the success (defined as a favourable change in corporate practice) of some Indigenous women-led SMOs defending human rights from the abuses committed in connection with mega-projects in Latin America?

This question, in turn, implies three **sub-questions**. (1) When, or under what conditions, are they most likely to succeed? (2) Why do some IWHRDs-led SMOs succeed and others do not? (3) How do they overcome obstacles to achieve success, and when do they fail to do so?

To answer these questions, this thesis proposes the *braided action* model: the *four-strand braid of action*, lashing to a lever, pulls it from “below”, lifting human rights up, achieving success. It is a new theoretical approach to social movements’ outcomes that integrates the experience of Indigenous women-leaders-defenders of neglected communities, in very challenging circumstances. **In this introduction**, I first briefly present some key concepts used in the thesis. I then discuss how success and non-success are operationalised in the study. Next, I introduce the theoretical argument I develop in the thesis, followed by an overview of the methodology. After subsequently exploring the contribution this work makes to understanding this social phenomenon, I conclude with an outline of the thesis chapters.

Key Concepts

Three concepts are key to the thesis and thus warrant consideration at the very beginning of the study: human rights defenders, Indigenous peoples and mega-projects².

² I explain the concept of extreme violence in Chapter 4 - General Context.

According to international human rights law, a **human rights defender (HRD)** is a person who, individually or collectively, takes action to stop human rights violations or to advance the protection of these rights. HRDs are defined by what they do and what they stand for, their actions should fall within the scope of human rights, whatever form they take, and they count with a specific legal human rights framework of protection (IACHR, 2012; UN, 2004). But, their actions need to be understood within contexts and circumstances (Eguren & Patel, 2015). In this vein, and even without self-identifying as such, these Indigenous women are HRDs. They are concerned about the territory, their communities, about what their ancestors left to them, and about what they will leave to their future generations. As such, they are more than “environmental defenders”. Their struggles embody the universal, interrelated, interdependent, and indivisible nature of human rights in the environment and beyond (UN, 1993)³.

By **Indigenous peoples**, I mean those who self-identify as such. Given their broad diversity, a precise definition risks excluding some of them. Therefore, per Article 1(2) of the American Declaration on Indigenous Peoples, the decisive criterion is self-identification (OEA, 2016). Other additional considerations -both objective and subjective- are in Article 1.1 of the International Labour Organisation Convention concerning Indigenous and Tribal Peoples in Independent Countries No. 169 (ILO Convention 169). For this thesis, it is essential to note that the identification as Indigenous people is of particular importance. As Indigenous people, they “have particular rights,

³ Human rights are those rights that are inherent to every person by nature of being human. These rights do not depend on citizenship. Thus, every person is entitled to these fundamental rights, regardless of nationality, sex, age, ethnic origin or any other consideration. They are in the 1948 Universal Declaration of Human Rights and all other instruments and norms that have emanated from this foundational instrument of international human rights law. States have the obligations to protect, respect and guarantee all human rights. Among others, States must regulate and monitor corporations, and provide effective mechanisms of accountability and redress when corporations violated human rights at home or abroad (ISHR, 2015, pp. 15–16; UN Special Rapporteur on HRDs, 2017a, para. 33). Corporate actors also have human rights responsibilities, including some explicitly addressing the situation of HRDs. In 2011, the UN Guiding Principles set essential standards on corporate responsibility (Ruggie, 2011).

whose basic premise is the right to self-determination” (IACHR, 2016, para. 26). These rights imply particular obligations and responsibilities by both State and corporate actors involved in mega-projects, such as those related to the Indigenous peoples’ right to free, prior and informed consultation and consent (FPIC) regarding the construction of mega-projects in their territory.

Mega-projects are also known as large-scale, extractive, development, or investment projects. They usually have a significant impact (e.g., social and environmental) where they are developed, and an economic impact on the countries where they exist. Commonly, these projects involve substantial resources, time, size, and risks; but, their magnitude should be considered within a specific context. There is no absolute threshold to define a mega-project as they include a large variety of activities with varying degrees of impact in the local communities where they operate⁴. The Inter-American Commission on Human Rights (IACHR) established two critical criteria: (1) the project’s magnitude or dimension; and, (2) the human and social impact of its activity. And, they both need to consider the particular circumstances and context of the people affected (IACHR, 2016, para. 186). Identifying a project as a mega-project is of crucial importance. When it affects Indigenous territories, the State must carry out a prior consultation and obtain the Indigenous peoples free, prior, and informed consent (CorteIDH, 2007, para. 134)⁵.

⁴ Analytically, mega-projects’ activities have been divided into four groups, although often they are combined (e.g., the construction of railroads to transport the extracted mineral). (1) Infrastructure, such as highways and canals. (2) Extraction, such as mining, oil, and gas. (3) Production, such as mono-cultures, hydroelectric dams, and wind farm projects. And, (4) consumption, such as tourist resorts (Gellert & Lynch, 2003).

⁵ Mega-projects generally involve both State and non-state actors (i.e., national or transnational corporations). In this thesis, when I refer to human rights abuses by mega-projects, in *stricto sensu*, I mean the human rights abuses or violations committed by the State and corporate actors involved in those mega-projects.

The concept of ‘success’ and ‘non-success’

Some of the mobilisations led by Indigenous women to stop the human rights abuses committed by corporate and State actors in connection with mega-projects affecting their communities and territories, are successful. Others are not.

By **success**, in this thesis, I mean a favourable change in corporate practice. It involves corporate decisions and changes for their processes and institutional practices (Meyer, 2003, p. 35). Success is when a corporate actor engaged in a mega-project makes a change in behaviour that contributes to what IWHRDs-led SMOs want: that the actors involved in mega-projects stop violating Indigenous peoples’ human rights. Thus, a corporation withdraws or cancels its participation in a mega-project in which human rights violations have been committed. For example, in the case of COPINH, in Honduras, the Chinese company Sinohydro withdrew its participation from the Agua Zarca hydroelectric dam project. In the case of the APIIDTT, in Mexico, the Mareña Renovables consortium ended its involvement in the Mareña Renovables wind farm project. In the case of TAYJASARUTA, in Ecuador, the Argentinian oil company Compañía General de Combustibles (CGC) left the oil project Block 23. And in the case of CARE, in Peru, Odebrecht withdraw its participation from the Tambo 40 hydroelectric dam project. As I explain in detail in the empirical chapters, in all these cases, serious human rights violations had been committed against the Indigenous peoples affected by those mega-projects.

By **non-success**, I mean that there is no favourable change in corporate practice. Even if there are some changes (e.g., a temporal suspension or a statement expressing concern for the risk faced by IWHRDs), if there is no substantial change in the corporate

behaviour that contributes to what IWHRDs-led SMOs want, I argue that there is no success. For example, MILPAH set a precedent with the first self-consultation in Honduras, but even then Los Encinos Inversiones S.A. (LEISA) did not change its behaviour. In the second moment of the mobilisation of APIIDTT, despite the numerous human rights claims, the Mexican company Energía Eólica del Sur S.A.P.I. de C.V. built the wind farm. And, in the case of FMW regarding El Cerrejón, in Colombia, as Wayuu leader Jakeline Romero says: “it is a reality that the company has not changed its practice, but they are now much more careful about it”⁶.

Some scholars might contend that discursive changes by corporations, even if they do not immediately translate into changes in behaviour, represent a normative shift and thus a positive outcome for the climate in which IWHRDs operate (Finnemore & Sikkink, 1998). While I do not reject that perspective from a philosophical vantage point, words are not actions and negotiating climate does not always end in positive change even when positive language is used. I have not chosen to use a scale of success, but rather a dichotomous measure since even very small changes in behaviour indicate an important level of success given the power disparities between the actors.

Thus, in this thesis, I study two values of the outcome, one positive and one negative. The cases I just mentioned are part of an original database I created for this thesis (Appendix 2). The following table (Table 1) summarises the cases analysed in this thesis and their outcomes (in Chapter 3, I discuss case selection).

⁶ Fieldwork notes.

Table 1 - Cases of success and non-success studied in this thesis

Country	IWHRD-led SMO	Indigenous People	Mega-project	Corporate actors	Outcome of interest
Colombia	FMW	Wayuu	Coal mine El Cerrejón	Cerrejón Anglo American BHP Billiton Glencore	Non-Success
Ecuador	TAYJASARUTA	Sarayaku	Block 23 - Oil exploitation	CGC	Success
Honduras	COPINH	Lenca	Agua Zarca hydroelectric dam project	DESA Sinohydro WB FMO FINNFUND	Success
Honduras	MILPAH	Lenca	Los Encinos hydroelectric dam	LEISA	Non-Success
Mexico	APIITDTT	Binni'za	Mareña Renovables wind farm project	Mareña Renovables consortium Macquarie Mitsubishi PGGM	Success
	APIITDTT	Binni'za	Eólica del Sur wind farm project	Energía Eólica del Sur S.A.P.I. de C.V.	Non-Success
Peru	CARE	Asháninka	Pakitzapango and Tambo 40 hydroelectric dam projects	Odebrecht Pakitzapango Energía S.A.C.	Success

The definition used for success and non-success in the thesis emerged in dialogue with the communities engaged in the study. During fieldwork, Indigenous women, their families, organisations and networks of support recognised that success could be measured in terms of outcomes and concurred that this could be identified by a favourable change in corporate practice. Nonetheless, they also included other measures of success, as the following quotes represent:

“As an Indigenous woman... you can keep quiet and observe, but celebrate when you speak up. That is success” (Xeni Gwet’in leader Loretta Williams, Montreal, 28 April 2018)⁷.

⁷ Fieldwork Notes. Loretta Williams is also the director of the organisation First Nations Women Advocating for Responsible Mining in British Columbia Province in Canada. This extract is part of the

“There is always the fear of persecution... but, we have managed to organise, to create several organisations and to be part of networks. It is a big achievement” (K’ana leader Elsa Merma Ccahua, Montreal, 28 April 2018)⁸.

“There have been many defenders who have been threatened and killed. It is a success that she is still alive...” (Interview with Nisaguie Flores Cruz, daughter of Binni’za leader Bettina Cruz, Juchitán, 28 March 2017).

“Berta Cáceres’ main success is the visibility of Indigenous peoples as subjects with rights; this was a structural impact. It is why I do not claim her as an environmentalist, but as a defender of Indigenous peoples’ rights. It was even more important than her impact in the withdrawal of the World Bank and Sinohydro, as that was a consequence of her previous structural achievements” (Interview with Garifuna leader Miriam Miranda, Tegucigalpa, 24 May 2017).

From those extracts and many other interviews and conversations during fieldwork, I developed five identifiable and critical moments along **a continuum of success**. These moments are emergence, organisation, sustainability, outcomes and structural transformations⁹. This understanding of success in a continuum coincides with the literature on social movements. It has been established that the production of outcomes takes place in trajectories of changes of the different participants of a social movement (e.g., individuals and SMOs), and those outcomes may influence each other (Bosi, Giugni, & Uba, 2016; Giugni, McAdam, & Tilly, 1999). Those moments of the continuum can be grouped using the typologies developed in the movements’ outcomes literature. Thus, moments of success can be procedural (e.g. emergence, sustainability

response she gave me during the conference: Women Resisting Extractivism (<http://femmesenresistance.cdhal.org/en/>)

⁸ Fieldwork Notes. Elsa Merma is a leading member of the Association Women Defenders of the K’ana territory and Culture, in Peru. She is part of the mobilisation against the abuses connected to Tintaya Copper mine in Espinar. This extract is part of the response she gave me during the conference: Women Resisting Extractivism (<http://femmesenresistance.cdhal.org/en/>)

⁹ Going beyond the impact on mega-projects, some Indigenous women also pointed out the importance of acknowledging other forms of power, leadership and agency of Indigenous women that are yet to be understood, such as those of the communal spaces of Indigenous women in their daily lives. For example, Garifuna leader Miriam Miranda noted the importance of collective cultural or ancestral activities led by women, like those of harvesting together (Interview with Miriam Miranda, Tegucigalpa, 24 May 2017).

and organisation), substantial (e.g. outcomes, such as state policies or favourable changes in corporate practices), and structural (e.g. structural transformation) (Kitschelt, 1986). They can also be: biographical (e.g. emergence, sustainability and organisation), political (e.g. policy outcomes) and cultural (e.g. structural transformations) (Giugni, 2008). In any case, this finding of the study (the continuum of success of IWHRDs-led SMOs) confirms the relevance of understanding success in trajectories of change (Bosi et al., 2016), as I do in the three empirical chapters.

The following figure (Figure 1) summarises this continuum. It also locates the type of success that is the focus of this study. For this thesis, I specifically focus on “outcomes”, concretely on the changes (or not) in corporate practice. Thus, in all the cases included in this thesis, Indigenous women have indeed emerged as human rights defenders, and they are leading organisations challenging the human rights abuses committed in connection to mega-projects affecting their communities and territories. In future research, I would like to develop the continuum of success in detail in one or more of the cases included in the database created for this study, to understand its dynamics better. It is already clear to me that movement along this continuum is not necessarily progressive or linear. There could be setbacks, leaps or coincidental moments of success.

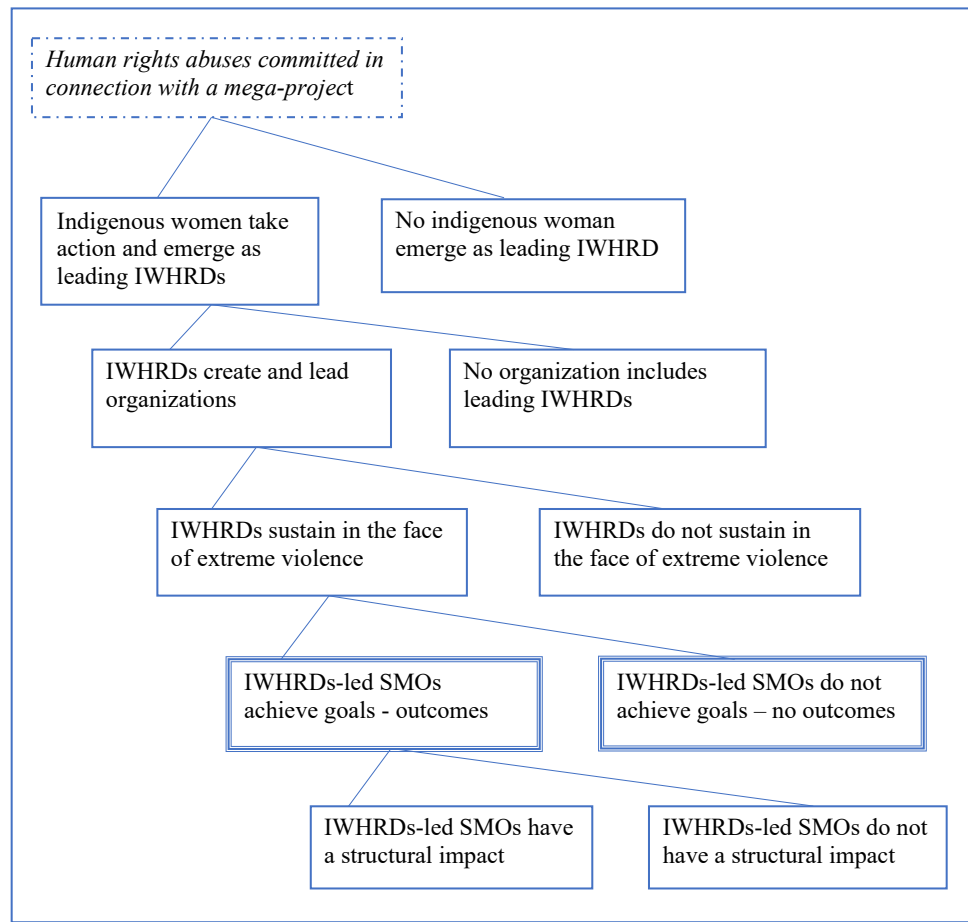


Figure 1 - Continuum of success of IWHRDs

The thesis, while acknowledging the importance of a success continuum, focuses exclusively on changes in corporate behaviour resulting from mobilisations led by IWHRDs. The analysis aims to explain the success and non-success of Indigenous women-led mobilisations challenging the abuses committed in connection with mega-projects in Latin America. By focusing on that outcome -favourable change in corporate practice- I recognise the centrality of the role of corporations in these cases. The decisive power of corporations regarding mega-projects and the relegated role of the State in these types of cases has already been convincingly substantiated in the literature (Harvey, 2003; Ibarra, 2013; King & Pearce, 2010; Monbiot, 2016; Petras & Veltmeyer, 2001; Veltmeyer & Petras, 2015). But when, how and why Indigenous women-led SMOs

manage to obtain a favourable change in corporate practices is something that has not been explained yet. It is thus a major contribution of this thesis.

A brief overview of the methodology

In the last few years, the leadership of Indigenous women in defence of their communities' rights and territories from the abuses connected with mega-projects has been more visible. The fate of Berta Cáceres, and all the national and international campaigning actions to claim justice for her, were a contributing factor to increase their visibility (e.g., in media outlets). Yet, the top leadership of Indigenous women in such contexts is still exceptional and not very known to the public. There is chronic invisibility of the role and diversity of Indigenous women as leaders and agents of change (AI, 2014b; CEPAL, 2013b; FIMI, 2006). This invisibility and marginalisation have further exacerbated their difficult human rights situation (IACHR, 2017). Hence, this study required an adequate methodology to see what usually has not been visible. And, to be able to understand the cases' richness and complexities, and to develop an explanation of the success (or not) of the Indigenous women-led mobilisations. A single method would have been insufficient, given the complexity of the cases; and a quantitative analysis would have been impossible given the lack of relevant data. Thus, I used a combination of qualitative methods. This brief overview of the methodology is supplemented with a methods chapter (Chapter 3).

To respond to the thesis research question, I use **a multi-level qualitative comparative case study research methodology** (Bosi et al., 2016). It includes analyses of (1) a variation within a country, specifically a paired comparison of cases of success

and non-success of Lenca Indigenous women-led SMOs contesting the abuses by hydroelectric dam projects in Honduras; (2) a within-case variation over time through the study of a Binni'za women-led SMO mobilising against the human rights violations connected to wind farm projects in Mexico, with successful and unsuccessful outcomes at different moments; and (3) a small-N cross-national comparison of Indigenous women-led SMOs defending human rights from the abuses by mega-projects in Colombia, Ecuador and Peru. A qualitative comparative analysis that also uses a Boolean minimisation process is carried out with all the cases studied in-depth to test further and refine the findings of the study. The time frame includes cases that were active between 2008 and 2018 (even if they started before or continued after). The geographical scope is Latin America, with seven in-depth case studies in the five mentioned countries. The unit of analysis is the mobilisation led by IWHRDs against the abuses committed in connection with mega-projects.

To develop the multi-level research design, which explores the underlying mechanisms that help to explain success in these cases, I use **a combination of qualitative methods**. The methodological orientation of the study recognises that this investigation comes from my practice of human rights and aims to return to it in a useful manner. For this, I draw on two main complementary approaches: sociological praxis (Fals Borda, 1978), and public sociology (Burawoy, 2010; Rodríguez, 2014). Given the focus and scope of this study, I use two methods in the field: varying intensities of fieldwork in Honduras, Mexico, Colombia and other places, while based in Canada¹⁰, using multi-sited ethnography methodology (Marcus, 1995, 2011); and life-history sociology methodology (Goodson, 2001; Marshall, 1998). Two methods are used for the

¹⁰ I explain the specificities of the methodology of empirical chapters in detail in Chapter 3 - Methods.

analysis: process tracing (George & Bennett, 1997, 2005), and qualitative comparative analyses (Mill, 1843; Ragin, 2014).

By developing this multi-level qualitative comparative analysis, I aim to maximise leverage of the learnings from processes and mechanisms in the specific cases. In this vein, the findings of the first two paired comparisons are falsified by the last comparison, allowing me to develop the emerging theory further. Moreover, with this small-N qualitative comparative analysis of exceptional cases, I do not intend to generalise my findings. Rather, I aim to generate a theoretical framework that helps to understand these types of cases better. It, in turn, contributes to rendering visible the previously invisible nature of mobilisation by marginalised groups that result from dominant approaches to them: victimisation. A combination of qualitative methods helps me do that.

A brief overview of the theory – the main argument

The findings of the comparative analyses allowed me to develop a theoretical framework to respond to the posed research question. This framework is rooted in social movement approaches, but is also informed by other relevant studies. In this section, I only provide a very brief overview of the argument I develop in the thesis. Chapter 2 provides a full discussion.

The main argument addresses when, why and how success is achieved (or not) by IWHRDs-led mobilisations challenging abuses connected to mega-projects in Latin America. Although corporate actors involved in mega-project are almost impossible to influence by mobilisations, some IWHRDs-led SMOs have managed to do it. Their

success is explained by the intense pressure created by a *braid of action* that combines the strong presence of four crucial factors (*strands*). Three emerge from the capacity of the movement: transforming the territory into power, effective leadership of Indigenous women, and human rights framing. The fourth is reacting to an external factor: a grave overt human rights violation -usually severe repression- necessarily involving a corporation. Thus, in a minimally favourable context, success is likely when: (1) the four *strands* are strong and operating together in the *braid of action*; and, (2) the tough *braid of action* is capable of *harnessing* a mobilisation power that achieves success over materially powerful corporate forces. In those cases, the *braid of action* lashes to a lever to lift human rights and produce a change.

However, Indigenous women-led mobilisations are not always successful. They do not always manage to have strong internal *strands* or to overcome their weak presence or the *frays* created by the impacts of veto power. Very often, the force of veto players creates fear, silences IWHRDs, thwarts their efforts or halts their mobilisation actions. Therefore, non-success is explained by the *frayed strands* or their weak presence, and the movement's impossibility to overcome those challenging situations.

Contribution of this thesis

While the theoretical framework that emerged from the empirical analyses is mainly grounded in the literature on social movements, this is the first systematic sociological study on the success of Indigenous women-led mobilisations confronting the

abuses by corporations involved in mega-projects in Latin America¹¹. Its contribution is distinctive in adding an intersectional perspective to the study of social movements' outcomes, in detailing the relevant explanatory factors and mechanisms, and in revealing that even in very unlikely contexts and situations, the success of Indigenous women-led mobilisations is possible. Even the most shielded and powerful actors in the world can be receptive to Indigenous women-led mobilisations' demands. The thesis does not only describe these successes; it attempts to explain them. In so doing, it aims to contribute to building more capable IWHRDs-led movements able to defend the rights of their communities against powerful corporations.

The study thus also contributes to public sociology through its focus and its methodological orientation. The thesis aims to influence the development of standards regarding mega-projects and human rights and has the potential to do so. In recent years, within the Inter-American System of Human Rights (IASHR), substantial attention has been given to the situation of HRDs (CIDH, 2017a; IACHR, 2016, 2017). And, United Nations (UN) experts have also identified this area as a matter of priority and in need of substantial improvement (UN HRC, 2016; UN Special Rapporteur on HRDs, 2016a, 2016b, 2017a). This study could be a welcome addition to fuel discussions on this vital matter¹².

¹¹ On 29 May 2020, my paper for the 2020 International Conference of the Canadian Association of Latin American and Caribbean Studies (CALACS) was awarded the 2020 CALACS Graduate Essay Prize. My paper highlights some few aspects of the analysis included in this thesis; hence I am positive that the thesis can also make a positive contribution. The paper is entitled "The problem of not being heard now and being silenced forever: the criminalisation of Indigenous women leading the defence of human rights in relation to mega-projects in Latin-America. A case in Honduras". A three-person jury reviewed my paper through a double-blind review process. The jury highlighted the paper's "significant contribution to our understanding of the gendered and racialized dynamics of extractive industry operations in Latin America and the Caribbean", and that the "emphasis on Indigenous women's agency in this dynamic is a refreshing correction to much of the literature on this topic". More information in <https://can-latam.org/article/2020/05/calacs-2020-graduate-essay-prize-winner>

¹² In 2017, I was commissioned to draft the first baseline study for the implementation of the *Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas*. It is a mechanism of the UN High Commissioner for Human Rights (UNHCHR) and the Inter-American Commission on Human Rights (IACHR) (IACHR & UN HCHR, 2018; UNHCHR & IACHR, 2017). The

In the cases selected for the study, Indigenous women leaders have been visible and vocal. Yet, this thesis contributes to making them even more noticeable by highlighting their leading role, capacity and impact, and that of their organisations. The study acknowledges the extreme violence and many challenges they face, as well as the impact of veto power. But, it treats these leaders as more than victims of a struggle over rights; it considers them as protagonists. It highlights what they are up against, but also how they have overcome challenges to, at times, achieve success.

Thesis outline

The thesis consists of eight chapters. The Introduction, Theory, Methodology, and Background chapters are followed by three comparative empirical analysis chapters before the Conclusion. Each chapter is briefly described below.

Chapter 1 – Introduction. In this introduction, I have explained the research puzzle, research question and key concepts used in this study, including what I mean by success and non-success. Also, I provided brief overviews of the methodology, the main

analysis that emerged from this job confirmed the centrality of the need to understand and address better the experience of IWHRDs challenging the abuses by mega-projects, in both policy and practical measures. Throughout this consultancy job I carried out conversations on these matters with representatives of all the UNHCHR Offices in the Americas and the Caribbean, as well as relevant officers in the UN Offices in Geneva, and the IACHR in Washington D.C. Furthermore, in 2018, during the 167 Period of Sessions of the IACHR in Bogotá, I participated in a daylong meeting with key UNHCHR representatives from across the region and of the IACHR, including the Special Rapporteur on HRDs. Also, I participated in key international workshops and conferences where these same matters were discussed with key scholars and practitioners in this area of work (e.g., the 2016 and 2017 workshops of the Human Rights Defenders Hub at the York University Centre for Applied Human Rights; the 2017 international conference on Security and Protection of HRDs in the face of Non-State Actors organised by the Fund for Global Human Rights (FGHR) & Just Associates (JASS) in Mexico City; and, the 2019 workshop on the progress and setbacks for HRDs in the Americas that I co-organised within the Congress of the Latin American Studies Association (LASA) in Boston, among others). Thus, by presenting in those scenarios some of the findings, analyses and reflections emerging from this thesis, I believe it has already started to play a role in relevant discussions.

theoretical argument, and the contribution of this work. In this final section, I outline the chapters that follow.

Chapter 2 – Theory. In this chapter, I present in detail *the braid of action*, the theoretical framework that emerged from the empirical analyses and the relevant literature. Thus, I explain in detail (1) when, or under what conditions, Indigenous women-led mobilisations are most likely to succeed (or not); (2) why they are successful or not, hence their explanatory factors; and, (3) how they manage to achieve success (or not), or the underlying mechanism. I conclude with some remarks about the theoretical contributions of this thesis.

Chapter 3 – Methodology. In this chapter, I explain the multi-level qualitative comparative research methodology of this small-N study and the relevance of using it. I start by presenting the research design developed in this thesis. Then I explain (1) the methodological orientation. (2) The methods I used for the analysis, including the case selection process. And, (3) the methods I used in the field. Some reflections on the challenges and difficulties I faced during this doctoral investigation and how I overcome them are included in those last two sections. The particularities of this methodology in the development of the study are discussed in each empirical chapter.

Chapter 4 – General conditions. In this chapter, I explain the conditions in which the cases of Indigenous women-led mobilisations challenging the abuses committed in connection with mega-projects in Latin America take place. There is an extremely imbalanced power relationship between IWHRDs-led SMOs and corporations, but long social struggles have managed to achieve a minimally favourable context. Therefore, building on the theory presented in Chapter 2, (1) I provide a brief explanation of the minimally favourable context. I also discuss: (2) the historical patterns of oppression; (3) the structural problems that further compound the obstacles faced by

IWHRDs-led movements; and, (4) the national historical backgrounds for cases selected for the comparative analysis. (5) I end with a conclusion on the importance of understanding these general conditions.

Chapter 5 – “*Proyectos de Muerte!*”: Lenca women in Honduras. In this chapter, I develop a variation within-country analysis with a paired comparison in Honduras between (a) the case of success of the mobilisation of COPINH led by Lenca leader Berta Cáceres, regarding the hydroelectric dam project Agua Zarca, and (b) the case of non-success regarding Los Encinos hydroelectric dam project and the mobilisation of MILPAH led by Lenca leader Ana Mirian Romero. In this chapter, as well as in the other two empirical chapters, I first discuss the particularities of the methodology in each case before setting out the analysis of success and non-success.

Chapter 6 – “*Fuera las Eólicas!*”: Binni’za women in Mexico. In this chapter, I develop a within-case variation over time comparative analysis in the mobilisation of the APPIITT led by Binni’za IWHRD Bettina Cruz. The first moment is the successful withdrawal in 2013 of the Mareña Renovables wind farm consortium and the project from the Santa Teresa Bar, in San Dionisio del Mar, Oaxaca. The second moment is a case of non-success when the movement attempted to challenge the Eólica del Sur wind farm project in the municipality of Juchitán, Oaxaca. The paired analysis allows for consideration of the factors that prove most relevant for the explanation.

Chapter 7 – Sarayaku, Asháninka and Wayuu women: A Cross-national Comparison. In this last empirical chapter, I test and further develop the analysis that emerged from the first two empirical chapters. Thus, I carry out an in-depth cross-national comparison of three more cases selected from the database I built for this study. The case of Sarayaku women and TAYJASARUTA defending their rights and territory from oil exploitation in Ecuador, and, the case of Asháninka women and CARE

struggling against the abuses connected to hydroelectric dams affecting them, in Peru, are cases of success. The case of the Wayuu women and FMW regarding coal mining is a case of no success. They all present an important variation in the explanatory factors that help to develop the argument further. After I study and compare these three cases, the second part of this chapter develops a qualitative comparative analysis of all the seven cases studied in-depth in this thesis. Thus, I further test the theoretical framework with this last analysis that includes a “truth-table” and a Boolean minimisation process.

Chapter 8 – Conclusion. Drawing on the central lessons from the study, I highlight key findings from the study and some limitations of the academic literature. Also, I suggest possible ways that IWHRDs might use the lessons from this investigation in their mobilisation tactics. Finally, I examine future research directions that will build off this doctoral thesis.

Chapter 2 – Theory

What explains the success of some IWHRDs-led SMOs and the non-success of others? This chapter aims to respond to this question presenting the “*acción trenzada*” - *braided action*- theoretical framework. I argue that there is an extremely imbalanced power relationship between IWHRDs and corporations. Yet, even in a minimally favourable environment, Indigenous women-led movements develop a strong *braid of action* that combines four critical factors (*strands*). The *braid*, lashing to a lever, can pull it down, lifting human rights up, achieving success. Thus, the *braided action* model adapts the Archimedes’ Lever framework to explain success and non-success; and, it explores in detail the dynamics of IWHRDs-led SMOs, paying particular attention to their agency while going beyond their victimisation.

I define success as a favourable change in corporate practice (i.e., the withdrawal or cancellation of the corporate’s participation in a mega-project in which human rights have been abused). Non-success is the absence of a favourable change in corporate practice (i.e., the corporate actors continue to participate in the project in which human rights have been violated, or they only temporarily suspended their participation). Hence, I contend that success is a likely outcome if the movement is able to *braid* the following four *strands* together: (1) transforming the territory into power, (2) effective Indigenous women leadership, (3) human rights framing, and (4) reacting to a grave violation overtly

involving a corporation that is committed against them. The following figure (Figure 2) summarises the theoretical model *braided action* when success is achieved¹³:

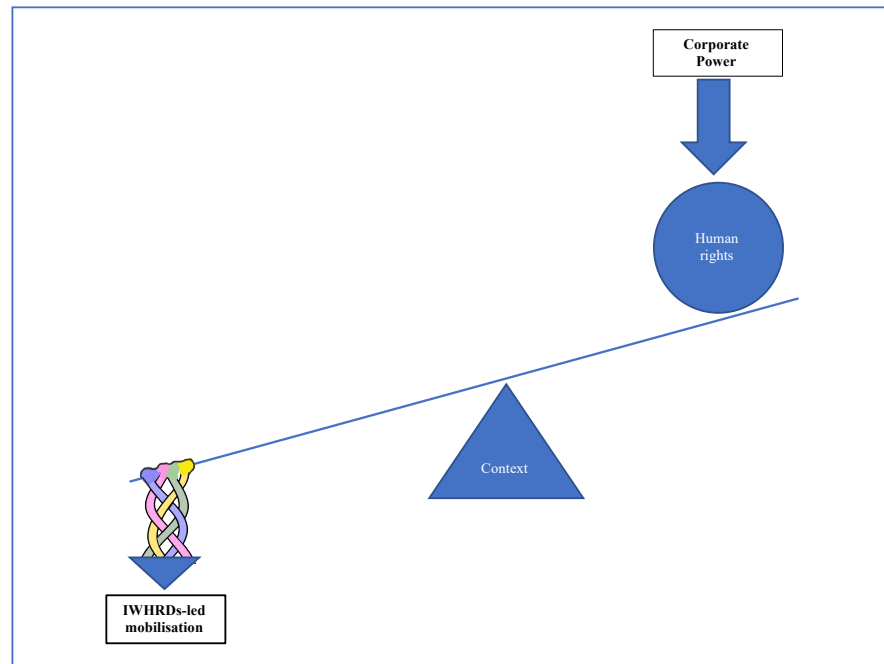


Figure 2 - Theoretical Model: Braided Action - Success

When one or more of the four *strands* is weak or *frayed*, the *braid* is unable to achieve a *harnessing* mobilisation force, and success is unlikely. The following figure (Figure 3) summarises the theoretical model *braided action* when success is not achieved:

¹³ The four strands braid from Pinterest is available at <https://i.pinimg.com/originals/81/65/63/816563f14dc57c4e08f9eb50a4a3c9b9.png> (last visited on 28 September 2020).

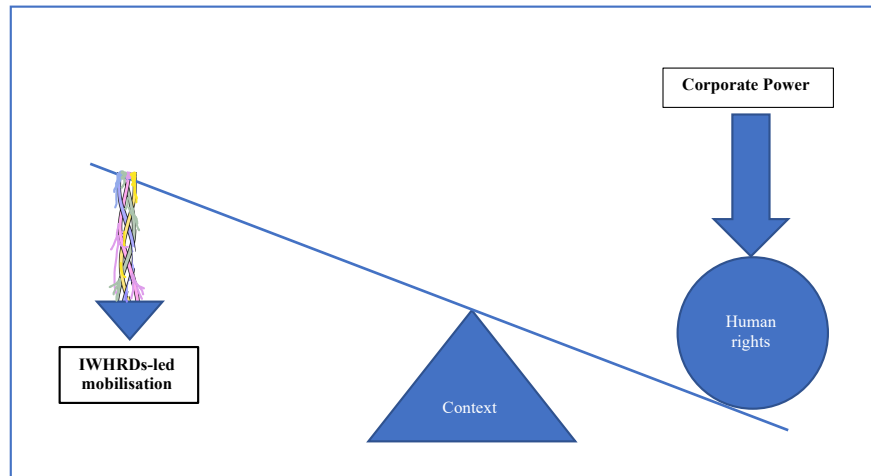


Figure 3 - Theoretical Model: Braided Action - Non-success

From the comparative empirical studies in Chapters 5, 6 and 7, and drawing on relevant theoretical analyses, I propose the *braided action* framework. It is a theoretical explanation about how some of the apparently weakest actors in the world can overcome the power of some of the most politically and economically powerful. The *braid of actions* combines the strong presence of four crucial factors (*strands*). Three emerge from the capacity of the movement: power from the territory, effective leadership of Indigenous women, and human rights framing. The fourth factor has two parts. The first part is external to the movement: a grave human rights violation overtly involving a corporation (usually a severe act of repression); the second is the movement's reaction to it. When the four *strands* are *braided*, they interweave inwards (i.e., from the territory) and outwards (i.e., from outside the territory) actions, *harnessing* a mobilisation power that has the force to pull down the lever and produce success. In contrast, non-success is explained by the lack of strength by IWHRDs-led SMOs. In those cases, the *braid of action* is weakened, as one or more of the four *strands* are unable to gain strength or *fray* over time (e.g., due to internal divisions or the silencing actions of veto players), and the movement is unable to overcome such challenges.

The minimally favourable context and the too imbalanced power relationships do not change in contemporary cases. However, although veto players (i.e., the alliance of some State and corporate actors, and other -legal and illegal- groups supporting them) can exert a force to keep human rights down, Indigenous women-led movements can also *harness* a strong mobilisation power. A strong *braid of action* can make a critical difference in achieving a change in corporate practice. The following table (Table 2) summarises all the possibilities in this argument:

Table 2 - Summary of all possibilities of the argument

Factors		External	
		YES	NO
Internal	YES	1. SUCCESS	2. Mixed
	NO	3. No-success	4. No-success

* The minimally favourable context and the imbalanced power relationship are constant.

This argument is part of one of the main pathways pursued by social movements to instigate change: “challenging corporations directly” (King & Pearce, 2010)¹⁴.

¹⁴ Other two pathways are: creating transnational systems of private regulation and creating market alternatives through institutional entrepreneurship (King & Pearce, 2010). But, I do not consider them plausible alternatives for the cases I study in this thesis. These cases are about human rights violations; thus, they are matters of public interest that require regulations of public law, including international human rights and constitutional law, among others. Only in Mexico, I identified a community that attempted building their own wind farm park. In Ixtepec, the community proposed the Yansa project with the idea of working for their own development, while keeping control of their own “resources” (interview with IWHRD Nashieeli Valencia, Ixtepec, 28 March 2017; Yansa, 2015). The government initially supported the idea, but the Federal Electricity Commission (CFE) did not allow the project to advance (Mayorga, 2019).

However, I only study quadrants one and two as the most plausible alternatives to explain success and non-success in the type of cases I study in this thesis. My focus is only on Indigenous women-led SMOs. Thus, as I explain in Chapter 3, all cases selected for the analyses have an important level of internal capacity and visibility, even the cases where there is no success. Those negative cases are the ones where there could have been an outcome, but they failed to display it. All cases must be relevant to the study, and as such should fall within the scope of the “possibility principle” (i.e., there is an Indigenous women-led mobilisation that could have succeeded but did not) (Mahoney & Goertz, 2004). Therefore, I do not consider quadrants three and four of Table 2, as cases where there is no mobilisation or there are not Indigenous women-led SMOs are not relevant to the study. Markets are dominated by powerful actors that benefit from the *status quo*; thus “markets do not change by themselves” (King & Pearce, 2010). Therefore, some level of internal capacity of IWHRDs-led SMOs is essential.

The following table (Table 3) summarises the path to success (or not) pursued by IWHRDs-led SMOs: challenging the corporations directly to change their behaviour, as they are involved in mega-projects where human rights have been violated.

Table 3 - Path to success (or not) pursued by IWHRDs-led SMOs

Factors		External	
		YES	NO
Internal	YES	1. Success	2. Mixed
	NO		

* The minimally favourable context and the imbalanced power relationship are constant.

Focusing on the path pursued by IWHRDs-led SMOs (quadrants one and two of Table 3), I build the explanation of success and non-success. Thus, in this Chapter, I study when, why and how the mobilisation is successful or not. First, I focus on the “when” or under what conditions success is produced or not. Then, I study the “why” or the factors that explain success and non-success. Lastly, I explore the “how” or the underlying mechanism that catalyses success. I conclude with some remarks about the theoretical contributions of this thesis.

The when – conditions

I contend that the likelihood of success (or not) for IWHRDs-led SMOs is affected by context and power disparity¹⁵. The strength needed by Indigenous women-led movements to produce success is affected by the broader context and the power of veto players to keep the weight down. In this regard, I find that there is a minimally favourable context that impacts on the success (or not) of Indigenous women-led mobilisations challenging the abuses by mega-projects in Latin America. Also, the power relationship between IWHRDs-led SMOs and corporations is exceptionally adverse. And, veto players generally apply force over the weight seeking to maintain the *status quo ante* of abuse, to advance their projects.

¹⁵ This understanding of contextual conditions resembles Step 1 of the “social mechanism formation model” of analytical sociology. This model considers a typology of three steps: Step 1 – macro-level conditions or situational mechanism that observes the macro to micro link; Step 2 – action formation mechanism or micro to micro link that observes action formation; and, Step 3 – the transformational mechanism or the micro to macro transition, when the individuals’ actions and interactions produce the outcome (Hedström & Swedberg, 1998, pp. 21–23). In this vein, the next section on “the why-explanatory factors” includes some aspects that resemble Step 2. And, the section after on “the how – the underlying mechanism that catalyses success” resembles the Step 3. Those similarities build on analytical sociology, and they are also important to note that in this thesis I am concerned with explaining a very important social fact, which is the intended outcome of Indigenous women-led mobilisations (Hedström & Bearman, 2017).

In this section, I focus on the theoretical issues related to context, the underlying power disparity and the possibility of overcoming the challenges posed by those conditions. In Chapter 4, I discuss their particularities, looking into the puzzling conditions affecting IWHRDs-led SMOs. Thus, I further develop the explanation on a minimally favourable context. Also, I study the specificities of historical patterns of oppression, the structural problems hampering IWHRDs-led mobilisations, and the national historical backgrounds impacting the cases studied in-depth in this thesis.

The *braided action* model builds upon the Archimedes' Lever framework. As no previous study has addressed the research question of this thesis, I had to explore different sets of literature. I found the use of the Archimedes' lever analogy proposed by Payne, Pereira, and Bernal-Bermúdez (2020) to be very illuminating. In their book, *Transitional Justice and Corporate Accountability from Below: Deploying Archimedes' Lever* (Payne et al., 2020), they propose a framework to understand when, why and how economic actors are more likely to be held accountable for their role in past atrocities. In this study, I explore what the Archimedes' Lever framework has to say about the impact of IWHRDs-led SMOs on corporate behaviour in a contemporary context, something that has not been explored before. Thus, I look at corporate involvement in current human rights violations in the context of mega-projects and, more specifically, at the impact of IWHRDs-led SMOs on the behaviour of those corporations.

“Dame un punto de apoyo y moveré el mundo” -give me a fulcrum, and I shall move the world¹⁶- is a commonly used expression in Latin America, mainly in adverse situations where the possibility of overcoming them is very unlikely. It comes from the Archimedes' Lever model, which argues that the right tools in the hands of the relatively

¹⁶ My translation.

weak can lift the world. This model has the following essential parts: the weight to be lifted, the force applied to lift the weight and to keep it down, and the placement of the fulcrum (Payne et al., 2020). In the cases I study in this thesis, human rights are to be lifted; thus, the weight is created by the violations that have been committed in connection with the mega-project. Veto players seek to keep the weight down, as the human rights abuses benefit their interests. Indigenous women-led mobilisations aim to lift human rights, to stop the situation of abuse and to defend their territories. The fulcrum gives them an opportunity to do that. Thus, the placement of the fulcrum and the power of veto players affect IWHRDs-led mobilisations' likelihood of success (or not). Furthermore, I adapt this model, as the particular weakness of IWHRDs standing up to corporate power means that they cannot push down the lever at all. They are so "weak" that the only pressure they can apply is from "below". They can pull down the lever. And the *braid of action* -a unique "weapon of the weak" (Scott, 1985) for Indigenous peoples- is an essential tool needed for this effort of using the lever to lift up human rights.

Theoretically, **fulcrum means context**, and it is a conditioning factor. In the adaptation of this model represented in Figure 2 and Figure 3 above, the fulcrum is slightly closer to the weight to be lifted but very near the middle. Hence, **it is a minimally favourable context**. On the one hand, the cases studied in this thesis take place in a dominant racist, patriarchal and capitalist context, where prevalent neoliberal policies have favoured the corporate power, promoting mega-projects even in protected areas inhabited by Indigenous peoples. However, democratic and human rights frameworks (e.g., norms, policies and mechanisms) have advanced globally, regionally and in each of the countries of the cases I study in this thesis, opening an important opportunity to struggle for the defence of human rights. This is coherent with the political opportunity structures (POS) approach to the study of social movements. POS focuses on the

“political opportunities [that] open up for social actors who usually lack them” (Tarrow, 1994, p. 1). Historically, the protection of Indigenous rights did not exist on the norms. A few decades ago, Indigenous people were invisible in the legal, political, economic and social spheres. In some countries, they were not even considered human beings with rights, as reflected for example in the genocide of the Maya Ixil Indigenous people in Guatemala in the 1980s (CEH, 1999), or the practice of “hunting” Indigenous people in the Orinoco region in Colombia in the 1960s (Samper, 2012).

Thus, the protection of Indigenous human rights has been a substantial advancement to recognise their dignity and has opened much better opportunities for defending their dignity, territory and rights. The inclusion of these rights in international frameworks has provided an important platform and common language for advocating towards their respect, protection and fulfilment. Thus, as I explain further in Chapter 4, the contemporary context of the cases I study in this thesis is more favourable than the historical one. The fulcrum is in a more favourable placement compared to a few decades ago. Moreover, in the timeframe that goes from 2008 to 2018, this context is constant. The existence of a human rights language and of international, regional and national systems of human rights, which also recognise Indigenous legal traditions, provide a favourable context. From this perspective, the context is empowering and hopeful, and it has facilitated the defence and protection of Indigenous territories and rights. However, it is only minimally favourable, as adverse capitalist, racists and patriarchal conditions persist. Indigenous women and their communities are affected by mutually reinforcing oppressions, such as racism, colonialism and gender discrimination (De Sousa Santos, 2010; FIMI, 2006, p. 6). Furthermore, they have to face the impacts of mega-projects in broader contexts of violence, inequality, impunity and corruption that affect them.

In this regard, I draw on the Black feminist criticism of Kimberlé Crenshaw about the tendency of privileging a single-axis framework of analysis (e.g., feminism or anti-racism) (Crenshaw, 1989, 1991). In consequence, I adopt an intersectional perspective in this thesis. Thus, I place at the centre of the study the experience of IWHRDs, and recognise that the elements that shape their experience of mobilisation and success (or not) are not mutually exclusive. Their experiences are relational, situational and contextual (Guimont Marceau, Figueroa Romero, Jiménez Estrada, & Rice, 2020; IACHR, 2017; Sieder, Hernández, Terven, Sierra, & Cervone, 2017; Viveros Vigoya, 2016). And, although there is a diversity within the diversity of Indigenous peoples and Indigenous women in the continent (Radcliffe, 2015), there are also common aspects of their experience determined by structural problems and historical patterns of oppression that affect them and their likelihood of success (or not).

In this regard, the **power of veto players** seeks to maintain the *status quo*, as it favours their interests. They operate in an already imbalanced power relationship, and veto players (i.e., the alliances of State and corporate actors, and others supporting them) also use their force to prevent the elevation of human rights, to resist change. In this vein, drawing on the metaphor of David against Goliath used by Ganz to explain the exceptional success of the United Farm Workers in obtaining legal guarantees for farmworkers' rights in California, in 1977 (Ganz, 2009), I argue that Indigenous women-led SMOs are not defying just any "Goliath". They are fighting the most politically and economically powerful actors in the world, who sometimes act with the support of illegal actors (e.g., organised crime or hitmen). Additionally, IWHRDs-led SMOs are not just any apparently powerless groups, like "David". They are Indigenous organisations of neglected communities, led by Indigenous women in "racist, capitalist and patriarchal depredatory" contexts (Cáceres, 2015).

In sum, IWHRDs are not ever expected to be able to stand up against big corporations successfully. The minimally favourable context, however, provides a hopeful possibility to claim respect for their most fundamental rights. Yet, there is an exceptionally imbalanced power relationship with veto players, and they use a force to keep human rights down. Thus, context alone cannot do the work. IWHRDs-led movements' likelihood of success very much depends on their own capacity to produce a change in corporate practice. Their capacity is essential, as they need to have a force much greater than that of corporations to be able to lift human rights. The minimally favourable context gives Indigenous women-led movements a "*punto de apoyo*", but it is not determinative of their success. It is because of the four factors combined in a strong *braid of action*, that they sometimes can achieve success against very powerful counterweights.

The why – Explanatory factors of success and non-success

Why are some IWHRDs-led SMOs successful and not others? I contend that in a minimally favourable context where an extremely imbalanced power relationship operates, some Indigenous women-led movements are successful because they manage to develop a tough *braid of action*. It means that the movement is able to *braid* the following four crucial factors (*strands*) that can pull the lever down, lifting human rights up: transforming the territory into power, effective Indigenous women's leadership, human rights framing, and reacting to a grave human rights violation evidently involving corporations. The following graphic (Figure 4) illustrates the combination of factors that create the tough *braid of action* that *harnesses* success:

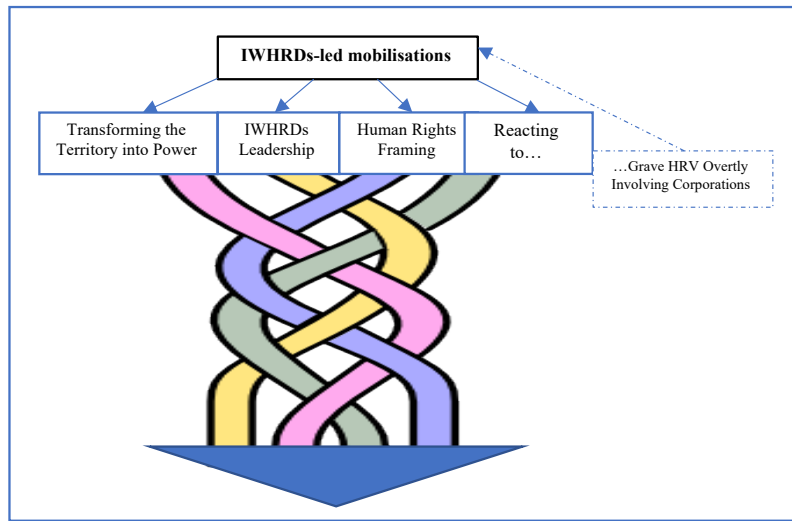


Figure 4 - A four-strand braid of action: combination of factors that lead to success

A transversal view of the *braid of action* reveals that there is some overlapping among the four *strands*. In addition, the internal mechanisms of these factors reinforce each other. The four factors have a relational connection as they intersect with each other, giving further leverage to the mobilisation. The following figure (Figure 5) illustrates this overlapping:

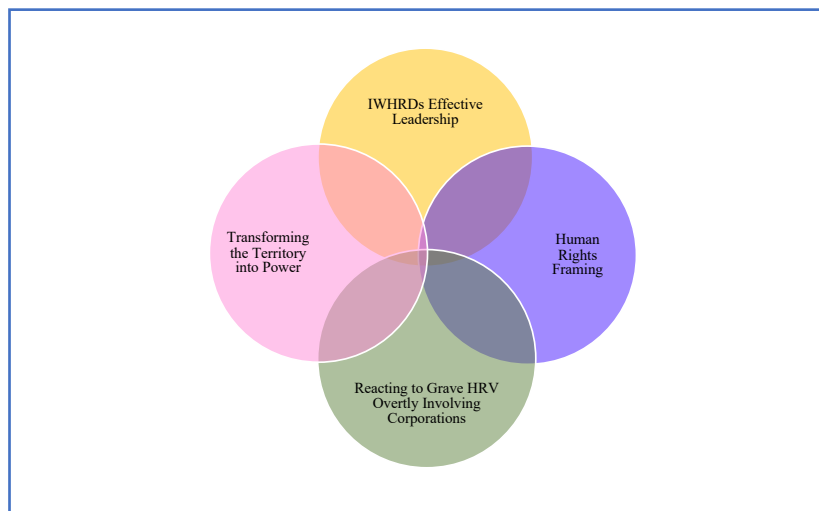


Figure 5 – Transversal view of the braid of action: factors overlapping

In a minimally favourable context, success is explained by the *braid of action*. From the territory, some Indigenous women-led movements are able to lash their *braid of action* to the lever. With a tough *braid*, they can pull the lever down and lift human rights up, leading to a change in corporate practice. The strength of the *braid* is the result of the combined presence of the four *strands*. Thus, each *strand* affects the *braid's* force, and it can change along the mobilisation process. In the cases of success, the movement is able to build a strong *braid of action*, overcoming the challenges and weaknesses that some *strands* may face. In the cases of non-success, the movement is unable to build the strength necessary in one or more of the four *strands*, affecting the *braid's* force, as it cannot overcome the *strands'* weaknesses or they *fray* over time. This section explores the four *strands* and their dynamics in the *braid of action*.

The *braid of action* emerges from the learnings of empirical cases and builds upon the four main sociological approaches to social movements. The first two internal factors that heighten the strength of the movement to lift the lever –transforming the territory into power and effective leadership of IWHRDs– are consistent with resource mobilisation analyses (RM). RM looks at the dynamics of organisations, their management and leadership, and the resources they control even before action is possible (McCarthy & Zald, 1977). The third factor – human rights framing – draws on social movements' framing theories, which are about movements' ideas and meanings and how they address their demands and messages (Benford & Snow, 2000; Cress & Snow, 2000; Tarrow, 2011). The fourth factor, which has two parts, builds on the “cycles of collective action” as an unsettling moment becomes a source of force (Tarrow, 1993). And, as mentioned, the minimally favourable context is from POS. Drawing on them as complementary perspectives, they form a unified approach to the study of social

movements dynamics (Arce, 2014, p. xvi; Benford & Snow, 2000; Cress & Snow, 2000; Giugni et al., 1999; McAdam, McCarthy, & Zald, 1996; Tarrow, 2011, pp. 33–34).

In the type of cases I study, the right to free, prior and informed consultation and consent -FPIC- of Indigenous people is not respected. It is a right protected by international, regional and domestic norms. According to it, States must consult with Indigenous peoples impacted by mega-projects, to ensure their effective participation in decisions about any measures affecting them, and to take into account their special relationship with their territories. In this regard, States must provide the affected Indigenous peoples with relevant, accessible, clear and comprehensible information, translating it into their language. This information is necessary to be able to participate in consultations, decision-making and justice actions. Indigenous people should be able to voice their opinion and concerns, and their questions should be answered. Also, they should be able to actively and effectively participate in the formulation of decisions impacting them (IACHR, 2016, paras. 106–118). But, violating their right to FPIC, communities are too often pressed by veto players to accept the mega-projects in their territories (e.g., with economic incentives, violence or social division). Commonly, from the beginning, Indigenous women and their communities are excluded from decisions about the mega-projects affecting them, and throughout the mobilisation process their demands are generally not listened to or may even be silenced. Given the marginal status of Indigenous communities, and the women within those communities, the assumption is that there is a lack of resources and power in absolute terms but also relative to corporations. It is thus counterintuitive to assume that IWHRDs-led SMOs could succeed when they stand up against powerful mega-projects. Yet, they do, and sometimes they even win their demands because they *braid action*.

The metaphor of the *braid of action* builds upon the Indigenous women's knowledge and experience, and the concept of human rights defenders. For many Indigenous peoples in Latin America, the use of *braids* in their hair, clothes, textiles, and other hand-made objects is a distinctive characteristic of their culture¹⁷. To explain their mobilisation process, the FMW uses ropes, as it is also a fundamental part of their culture¹⁸. Wayuu leader Karmen Ramírez explains: “We use ropes to knit our hammocks, and our *mochilas* [...] One rope represents one individual, it can be easily broken. Three united ropes forming one braid cannot be broken[...] It represents a national process of Indigenous women[...] defending the territory[...]”¹⁹ (FMW, 2013b). Thus, a *braid* of four *strands* is tough and *resistant*. It can pull down the lever to lift human rights and achieve success. But, “to resist is not the same as to endure” (GEF, 2018b). Binni'za IWHRD Bettina Cruz explains: “Our lives are full of resistances[...] such as the fact that we wear our clothes, that we eat our traditional foods, that we are part of our traditional *fiestas* [...] Men from the companies and from the government get visibly upset because there is an Indigenous woman who is speaking to them” (interview with Bettina Cruz, Juchitán, 31 March 2017). IWHRDs effectively and continuously deal with multiple resistances, but their struggles go beyond it. Indigenous women challenge the dominant power inside and outside their communities, voicing and struggling for their communities' demands. They reaffirm their collective and individual subjectivity, their presence and existence, their identity, dignity and rights. They build a strong power to defend human rights, and they do so with their *actions*. As explained in Chapter 1, human

¹⁷ The metaphor of the braid has also been used by other Indigenous cultures in the Americas to talk about their power. For example, it has been used to speak of power and healing, by braiding “science, spirit, and story” (Kimmerer, 2013). It has also been used to talk about the implementation of the UN Declaration on the Rights of Indigenous Peoples, by braiding “international, domestic and Indigenous laws” (Borrows et al., 2019).

¹⁸ FMW is the movement I study in Colombia. These women have long struggled against many human rights violations in the context of the armed conflict and in relation to the largest open-pit coal mine in Latin America, among others.

¹⁹ A *mochila* is a traditional handbag that is distinctive of the Wayuu culture.

rights defenders -HRDs- are defined by their *actions*. *Action* is a defining aspect of HRDs. It is different from labour (activities of biological life) and work (the building of objects), an *action* is an act of the will that transforms a reality originating a new series of events in relation to others (Arendt, 1988). Thus, *action* highlights IWHRDs-led SMOs' power to transform a situation. It resembles the “*milpa*” -corn plant- in the Lenca and Maya Indigenous cultures, for whom it is a sacred plant, which has the ability to rebirth creating new beginnings²⁰. Hence, Indigenous women-led movements have a transformative power as they *braid action* to defend their territory, dignity and rights, and they do it combining the four factors -*strands*- that I will now explain.

Transforming the territory into power

IWHRDs-led movements transform the territory into a mobilisation power. Sociological theories have studied how power can be exerted from below and win. Electoral power and labour-power are two central theories to explain the exercise of such popular power from the lower reaches (Bank Muñoz, 2017; Piven, 2008; Piven & Cloward, 1979). Scholars recognise that there is power in the mobilisation of resources - mainly human resources- and interdependent social relations (Piven, 2008; Piven & Cloward, 2005). Such mobilisations start to occur at a local level, without or before the intervention of international actors, and their local power persists throughout the process (Payne et al., 2020).

²⁰ Conversation with Maya Mam leader IWHRD Maudilia López, former general coordinator of the Front in Resistance of San Miguel Ixtahuacan (FREDEMI) in Guatemala. Fieldwork notes, Montreal, May 2018.

In the social movements' outcomes theory, the use of disruption, strong organisations and leaders, and single-issue demands have been identified as the three most critical movement-controlled factors to produce success (Gamson, 1990; Giugni, 1998). Disruption or other forms of action that challenge corporations directly can come from within the corporations (e.g., trade unions or shareholders) or from outside it (e.g., non-shareholders, affected public). Indeed, disruption is considered one of the most effective mechanisms of social movements to produce a change in corporate behaviour (Biggs & Andrews, 2015; Bosi et al., 2016; Giugni et al., 1999; King & Pearce, 2010; Luders, 2006; Piven & Cloward, 1979), mainly because disruption over corporations produces a cost (King in Bosi et al., 2016; Luders, 2006; Vasi & King, 2012).

However, disruption is not encompassed in the *braid of action*, as IWHRDs-led SMOs are not “simply” challenging corporate practices with disruption or from the lower reaches. Their struggle is defensive of the subsistence and existence of entire Indigenous peoples, and it comes from the territory. Their struggle transforms the territory into a mobilisation power. These particularities of their struggles are of fundamental importance and a missing piece in the RM literature, which this thesis attempts to contribute in this section.

The source of power that I was able to find in my study of IWHRDs-led movements is derived from the territory. However, the social movement's notion of “resource” is different from Indigenous peoples' vision about their territory. For them, the territory itself is a powerful living organism – not separate from the peoples and their origin, other beings, or the spiritual world. There are diverse *cosmovisions*, but for many Indigenous peoples in Latin America and elsewhere, the territory is not an economic resource. It is neither only land, separate from the person or the community. As the Kichwa people of Sarayaku explain, “it is not possible to think of the natural as an

autonomous field to the social and the spiritual” (Chávez, Lara, & Moreno, 2005, p. 109). For them, as well as for many other Indigenous peoples in the region, the territory is alive and deeply connected with them and their spiritual life. The territory breaths together with them (Sarayaku, 2018) and, as such, is an integral part of their collective and individual lives; it is a crucial power “resource” for IWHRDs-led mobilisations.

To some extent, this mobilisation power that comes from the territory resembles “the moral economy of the peasant” by Scott (1976). He explains the “subsistence ethic” which is based on the “safety-first” principle. Thus, peasant cultivators are not concerned about profit maximisation of the lands they work, but about their preservation, as they guarantee a basic level of subsistence security. Therefore, the violation of that basic level can provoke resentment and resistance because it is also a violation of their rights (Scott, 1976). Subsistence security is possible because peasant communities preserve traditional practices and standards of living. Hence, they are very wary of commercial crops and, generally, these type of crops are excluded as they represent a high risk for the livelihoods of entire peasant communities. Similarly, for the Indigenous communities of the cases I study in this thesis, their subsistence and existence depend on their territory. Its preservation is a central matter, and any threat or harm to it is a violation of their rights. No access, damage or limitations to their territory, means no access or restriction to their traditional food and livelihoods, to clean water, to the native plants and traditional medicines, to the sacred places and the practice of their culture and spirituality. Thus, the projects that commodify the *common goods of nature* in their territories are an alarming risk, and a direct attack on them as individuals and as peoples²¹.

²¹ Indigenous HRDs on the ground use the terms “bienes naturales” (*natural goods*) or “bienes comunes de la naturaleza” (*common goods of nature*) instead of *natural resources*. Re-naming them is an act of resistance to a capitalist approach that by calling them “resources” opens the path for the commodification of their territory and all that is part of it. It is also a reaffirmation of the centrality of the territory for their lives and livelihoods, and of the way they relate to the environment and their spiritual world (fieldwork notes).

Generally, State and corporate actors expect Indigenous communities to welcome mega-projects -and all the “benefits” they offer- with open arms. Given the neglect and marginalisation of these communities, the assumption is that the offer of essential services would be irresistible (e.g., potable water, electricity, employment). In the view of veto players, the “rational choice” of affected communities is to accept the mega-project as it will maximise the “utility” of their “lands”, providing them with additional “benefits” (i.e., essential services that the State has not provided, failing its international human rights obligations). But, as explained in analytical sociology, a view that “treats individualistic profit maximisation as an act that individuals universally consider legitimate[...] overlooks the possibility of clashes between the values of economic individualism and other human values” (Timur Kuran in Hedström & Swedberg, 1998, p. 169).

It is true that essential services are indeed very needed, and many of the communities will be tempted to accept the mega-projects to receive those “benefits”. However, too often, not all the promised services are provided, and the jobs locals can access are only temporary, of low rank and with minimal financial rewards. Such “benefits” or “opportunities” are mainly about them “as sources of reserve labour, cultural attractions or, at best, as small community-controlled enterprises that operate on the margins” (Hale, 2011, p. 192). Thus, the situation of local communities does not improve much. On the contrary, previous experiences have shown them that mega-projects can have devastating consequences on all the dimensions of the territory.

Therefore, mega-projects affecting Indigenous territories are understood by the Sarayaku and many other Indigenous peoples in the Americas, as direct aggressions to them as a whole (Chávez et al., 2005, p. 89). Hence, Indigenous women-led mobilisations are not only concerned with the negative impacts of mega-projects on the environment

or their labour practices. Their concerns are much more profound. The preservation of the territory in all its dimensions is a priority for them. The territory defines them as a people, their values, way of living and *cosmovision*. It builds their Indigenous identity, and it guarantees their subsistence. It is a principal source of power and a “resource” for their mobilisation against the abuses committed in connection to mega-projects by the most powerful actors in the world.

In this vein, when IWHRDs-led SMOs mobilise to defend their communities from the abuses connected to mega-projects affecting them, they do it by transforming the power of the territory into a mobilisation power. It means they mobilise together with the social, spiritual, and natural spheres of the territory. And they do it as both a moral responsibility and a mobilisation “resource”.

As a moral responsibility, IWHRDs explain their mobilisation linking it to the present, past and future of their people. Their perspective goes far beyond the immediacy of the “benefits” promised by the corporations involved in the mega-projects. Indigenous women leaders are concerned about their ancestors, their families and communities, and their future generations. Their ancestors left them the territory and the responsibility to defend it. Whatever they do now (or not) will define their communities’ present and future situation. And, it will also define them as the ancestors of future generations. Their concerns are intergenerational. They are defending the territory in light of the much longer timeline and broader worldview of their people, which includes their past, present and future generations. Thus, they have a powerful motivation to defend it, which strengthens their solid conviction about it.

As a “resource” for mobilisation, IWHRDs-led SMOs mobilise in and with the territory. It is a fundamental source of power where the spiritual, social and natural are interconnected. Indigenous communities can rely upon -and, for centuries, have only

relied on- the territory for their survival. The strength of their mobilisation also comes from the strength they find in the territory. As a mobilisation “resource”, power from the territory is like a strong fabric of intertwined natural, social and spiritual *ropes*²². As a fabric, it means protection, security, knowledge, vision, culture and social organisation. This fabric is stronger in some Indigenous peoples than in others. Some have been able to preserve it, while others are struggling to rebuild it. The processes of colonisation, assimilation and other forms of violence and discrimination that have affected the Indigenous peoples of the Americas have weakened this fabric, in some cases more than in others. Also, those destructive processes have made some Indigenous peoples less connected to their ancestral livelihoods, and more dependent on the dominant capitalist system. In the cases I study in this thesis, all the Indigenous communities have taken actions to further strengthen their power in the territory through practices of autonomy, self-government, self-sustainability and food sovereignty, among others.

Regarding the social sphere of the territory, IWHRDs-led SMOs mobilise in diverse forms. Some Indigenous peoples already have strong organisational structures, and their communities are united. These peoples usually have a unified position regarding mega-projects, which is defensive of the territory (e.g., Sarayaku). In those cases, social division, the use of economic pressures to accept the project and other issues about the mega-project are addressed within their ancestral institutions and regulations (e.g., general communal assemblies). Others, on the contrary, have to face the challenge of already divided communities or several autonomous social units as their ancestral form of organisation (e.g., the Wayuu clans).

²² In Colombia, for the IKA or Arhuaco Indigenous people, their territory in the Sierra Nevada de Santa Marta is “the Mother” and the “heart of the world”. To the Sierra is connected life and the universe. Their *telares* or ancestral handwoven fabrics are a representation of this deep connection (Corte Constitucional de Colombia, 1998). They are a representation of all the natural, social and spiritual ropes intertwined in their territory and the universe.

Very often, as a strategy to advance the mega-project, veto players create or exacerbate internal divisions and disputes. They erode the Indigenous community fabric, which in turn exposes them to further abuses. Social division is generally used to force the privatisation of communal lands, further endangering the communities. When this happens, the social sphere of the territory is debilitated. If IWHRDs-led SMOs do not have a strong capacity to address those issues, their mobilisation power is also debilitated, and with it the likelihood of success. However, when the internal capacity of the movement is strong, IWHRDs-led SMOs can help the communities to reinforce their unity and mobilisation power. Drawing on the social sphere of their territorial power, these Indigenous women-led mobilisations use a broad repertoire of actions to press for a change in corporate practice. These actions are, for example, community general assemblies, itinerant educational workshops, strategic community visits, peregrinations, protests, self-consultations, sit-ins, occupation of emblematic places (e.g., historical or political buildings, or spiritual sites), gatherings to share traditional foods or the act of cooking collectively, among others.

These actions are ways to assert the territory, to assert themselves as Indigenous peoples and to assert their rights and dignity. They are explicit ways to show their dissent while reaffirming themselves as Indigenous people in their territory. Thus, assemblies or social gatherings are carried out in strategic places or centres of power in their ancestral *cosmovision*. The Lenca “acts of territorial control” and the Sarayaku “peace and life camps” are mobilisation actions that go beyond the idea of disruption or the formal manifestation of their complaints. They are not only a form of protest, but rather mobilisation actions in strategic sites of power in the territory that may cause disruption, but that also reaffirm their connection and identity as Indigenous people. This understanding of their mobilisation actions is particularly important in the context of

neoliberal States expanding capitalist projects. They have used a neo-colonial approach that portrays the lands they need as underused, misused or empty to justify their occupation with mega-projects that will bring “opportunities” to these “empty” spaces (Hale, 2011). By mobilising with the natural sphere of the territory, IWHRDs-led SMOs directly challenge this idea of “empty spaces” and “development”. Moreover, they challenge the disempowering idea of them being portrayed as people in the lower reaches, “poor people”, people “in need of development”, or “empty lands” (Hale, 2011)²³. It positions them as agents of change with power in and from the territory, and not as merely passive recipients of projects, lacking the capacity to decide about them.

Usually, those strategic places or centres of power in the territory have a strong spiritual connection with the Indigenous people. Spirituality forges a stronger connection to the territory, through material and non-material actions by IWHRDs-led mobilisations. Some mobilisation actions reaffirm such a connection with spiritual ceremonies and ancestral cultural practices. They are a fundamental part of their gatherings, assemblies, acts of territorial control or any other mobilisation action. This spirituality involves both ancestral and religious beliefs, as many of these cultures are syncretic due to the process of colonisation and resistance that they have endured for centuries. In any case, the spiritual connection with the territory reinforces, their sense of identity and connection, and the conviction to insist and persist in defence of their rights.

In this vein, a solid conviction is a pivotal mechanism to start, sustain and reinforce the defence of Indigenous rights²⁴. Solid conviction *lashes* the *braid* to the lever. It is intrinsic to the power from the territory and provides a strong motivation force woven into the mobilisation actions and the four *strands* or explanatory factors. This solid

²³ Fieldwork notes.

²⁴ This is a mechanism at a micro-level, where resources and action formation add leverage to the mobilisation and the likelihood to succeed (Hedström & Bearman, 2017).

conviction reaffirms their connection and identity with the territory. It is integral to their routines, protests and all other mobilisation actions. Their solid conviction helps them to decide when and how to take action. It also helps them to resist the economic pressures, the social division, and the violence that seeks to advance the mega-project by imposing fear. As the constituent elements of their territory are threatened, IWHRDs-led organisations act out of their deep physical and spiritual connection with the territory, of their solid conviction to defend it. There is a correspondence between a deep connection among the social, natural and spiritual spheres of the territory, and the solid conviction to defend it. This solid conviction helps to explain why despite many odds, IWHRDs-led SMOs persevere and insist in their struggles, thereby metaphorically pulling the lever down. Conviction inputs a strong power to the mobilisation that Indigenous women leaders and their organisations build from the territory. Connecting to the spiritual sphere of the territory, some IWHRDs even proclaim a “self-fulfilling prophecy” (Merton) in their gatherings, assemblies and mobilisation actions. Some of them have announced the certainty that they will win. For example, Berta Cáceres explained that the spirits of the girls, who are the guardians of the Gualcarque River, summoned her to take action. She repeatedly said, “the river told me, we will win”²⁵. Also, Ruth Buendía proclaimed the certainty that: “neither I nor my people, the Asháninka, will surrender” (GEP, 2014c). Thus, a solid conviction derived from the very territory being defended is an internal mechanism that *lashes the braid* to the lever, giving strength to the power from the territory.

To summarize, in some cases, the power from the territory not only persists throughout the mobilisation, but it also gains strength throughout the process, overcoming the many challenges IWHRDs face. In other cases, on the contrary, the

²⁵ Fieldwork notes.

strength is not sufficient to resist the pressures of veto players, failing to gain sufficient leverage. The already divided communities and the fragmented movements are more vulnerable to the pressures of veto players. Where the connections with the social, natural and spiritual spheres of the territory are disrupted, the dissonance of veto players has a greater negative impact. In those cases, it is more difficult to overcome those pressures and success is less likely. Thus, transforming the territory into mobilisation power is a crucial factor for explaining success. However, it is not a sufficient “mobilisation resource” on its own as a counterweight to powerful corporations. Leadership is a critical “resource” for transforming the territorial base of power into action.

Effective leadership of IWHRDs

IWHRDs’ effective leadership plays a central role in shaping success. It takes effective leadership to transform the territorial power “resource” into action and to gain leverage for the mobilisation. IWHRDs’ effective leadership is a “*liderazgo articulador*”²⁶ -articulator leadership. It effectively articulates the territorial power with the external support and the movement’s demands while overcoming many challenges, further strengthening the *braid of action*. The effective leadership I study in this section is visible and at the top level (i.e., the top leader or top leadership team), it is also connected to other forms of leadership of other women in their communities. The top leadership of Indigenous women is rooted in the activism of other Indigenous women in their communities. IWHRDs’ legitimacy and voice have gained wide respect, visibility

²⁶ Fieldwork notes.

and support both domestically and internationally. All that has provided further leverage to the movement that they lead.

In the sociological studies of social movements, leadership has been indeed identified as a critical human and organisational resource for mobilisation and success (Aminzade, 2001; Morris & Staggenborg, 2004; D. Snow, Soule, & Kriesi, 2004, p. 143). However, the social movements literature has not developed sufficient frameworks for analysing the leadership of IWHRDs-led SMOs challenging corporations involved in mega-projects where human rights have been abused.

The social movements' literature provides positive contributions to the study of leadership and how it affects movement's outcomes. Within the social movements' theories, leaders have mainly been defined as "strategic decision-makers who inspire and organise others to participate in social movements" (Morris & Staggenborg, 2004, p. 171). They have also been described as persons from an intellectual or powerful elite (Engels and Lenin), as charismatic persons in important roles (Weber), or as part of a "top-down" pattern characterised by leader-follower relations appropriated by the movement to serve its goals (McAdam, 1999, pp. 132–133). In those analyses, most of the top leaders are visible male figures (e.g., Gandhi, Martin Luther King). But, other studies have highlighted the critical role of women and their alternative forms of leadership (e.g., bridge leaders, organisers or informal leaders) (Herda-Rapp, 1998; McAdam, 1988, 1992; Robnett, 1996, 1997). Also, feminist movements studies have highlighted pathbreaking women leaders (Banaszak, 2001; Chin, Lott, & Sanchez-Hucles, 2007; Whittier, 2002). Furthermore, Indigenous social movements in Latin America have been extensively studied²⁷; and, recently, Indigenous women's

²⁷ Studies on Indigenous social movements in Latin America have addressed several issues, such as their emergence, citizenship, identity and interaction with the State (Canessa, 2005; Yashar, 2005), the transformation of movements into political parties (Van Cott, 2005), their outcomes and impact on the

organisations, leadership and activism have been the focus of studies. In those analyses, the invisibility, exclusion and multiple struggles of Indigenous women have been discussed (Espinosa, Gómez, & Ochoa, 2014; Gargallo, 2014; R. Hernández, 2016; Rousseau & Morales Hudon, 2017; Sieder et al., 2017; Suzack, Huhndorf, Perreault, & Barman, 2010).

However, the extant literature has not yet focused on the impact of Indigenous women-led mixed organisations that are defending rights from the abuses by corporate actors involved in mega-projects in Latin America. Only a couple of single case studies have considered their impacts on corporations. One studied the mobilisation of COPINH and recognised the relevance of Berta Cáceres' leadership. It attributes COPINH's success to the power of spirituality (Macleod in Sieder et al., 2017). The other explores the resistance of Maya-Mam Indigenous women to the Goldcorp mine in Guatemala, and attributes a change in corporate practice (i.e., the removal of an electric pole and the return of a land plot), to the expert economic and technical support the women received (Maher in Mouly et al., 2019, pp. 236–237).

In my analysis, IWHRDs' leadership is indeed an important factor to explain success. Indigenous women's leadership is a strong *strand* in the *braid of action* that is able to produce success. These women are agents of change in the territory and beyond it. Generally, Indigenous women are the first who move into action, and who provide continuity, sustainability and cohesion to longer-term actions in strategic sites. There, Indigenous women often lead cultural and daily life activities (e.g., food and story-

State (Krausova, 2018), their resistance to neoliberal projects and policies (Goodale & Postero, 2013; Hale, 2011; Postero, 2005; Speed, 2008), the autonomy as a practice of Indigenous women activists to challenge neoliberal States and the rights discourse (Blackwell, 2012), and Indigenous movements as gendered actors (Rousseau & Morales Hudon, 2015, 2017). Only a few recent studies have focused on the mobilisation of Indigenous peoples against the abuses by mega-projects in Latin America (Arce, 2014; Rodríguez, 2011; Rodríguez et al., 2015).

telling). These roles resemble the organising, middle and bridge leadership roles studied by Robnett (1996,1997). These forms of women's leadership are critical to sustaining the mobilisation process to keep it alive. Despite the importance of their role, women's middle-leadership roles generally lack visibility and are often excluded from decision-making. Yet it is they who have opened the path to the top leadership for other women; for example: supporting their actions, leading spiritual and cultural actions, backing and promoting their election in top leading roles, and helping them to sustain as IWHRDs in the face of high risk and attacks.

The top leadership of Indigenous women is not common to all Indigenous movements challenging the abuses by mega-projects; it is exceptional²⁸. However, effective leadership is a particularly important factor in explaining success. Despite their exceptionality and importance, an understanding of their role and impact is absent from the literature on social movements. This study starts to fill this gap.

In this vein, notwithstanding the prolific participation of Indigenous women at a grass-roots level, only very few manage to get to the top leadership. In the predominant patriarchal context of Latin America, it is uncommon that Indigenous women lead mixed organisations. Generally, Indigenous women are expected to be in a place of subordination and are treated as synonyms of domestic servants (Radcliffe, 2015; Sieder et al., 2017). The life-stories of the IWHRDs whose cases I study in this thesis reveal that some occupied roles as domestic servants during challenging moments of their lives. But they also show how they managed to overcome those situations and obtain a leadership role.

²⁸ The database and the case selection process in Chapter 3 gives a clear picture of their exceptionality.

Effective leadership has been defined in the literature from several perspectives, including the following: the trait approach that attributes the effectiveness to personal characteristics (e.g., charismatic leaders); the skills approach that highlights personal attributes such as knowledge, organisation and judgement; the process approach that focuses on the leaders' actions and transformational capacity; the contextual approach that considers the positionality of leaders and the power relationships affecting them; and, the collaborative approach which is collective and compassionate (Chin et al., 2007, pp. 5–10). Aminzade has identified effective leaders as shapers of the course and outcomes of mobilisations, based on two dimensions. First, a task-oriented dimension that is concerned with “assembling the resources and executing the actions needed to accomplish a particular goal”; and, second, a people-oriented dimension that is concerned with emotions, motivation, commitment and “identification, with the leader or with a movement or goal” (Aminzade, 2001, pp. 129–130). Often leaders have both dimensions. Ganz, for example, explains how achieving successful outcomes depends on the “organisation’s strategic capacity [which] is a function of who its leaders are—their identities, networks, and tactical experiences—and how they structure their interactions with each other and their environment with respect to resource flows, accountability, and deliberation” (Ganz, 2009, p.9). In the cases I study, IWHRDs leaders have managed to develop both dimensions, and are indeed charismatic, skilled, collaborative and their actions are transforming realities affecting their communities.

However, I define their effective leadership as “*liderazgos articuladores*” or articulator leaderships. They make success more probable by leading transformative struggles that effectively articulate the movement’s demands and territorial power while dealing with multiple pressures from the everyday struggles and the attacks targeted at them. Gusfield uses the concept of “articulator” to discuss the multiple functions that

leaders play outside the movement, in addition to the mobilisation of “resources” (Gusfield, 1966). Furthermore, Lucero explains that “articulation” has a double meaning in regards to Indigenous social movements in Latin America. It means their “horizontal voice” (“coordinating among the relatively weak”) and their “vertical voice” (discursive expressions that harmonise identity and concerns to “protesting against the relatively powerful”) (Lucero, 2008, pp. 3–4).

Drawing on those contributions, by “*liderazgos articuladores*”, I refer to both “voices” in the following way: IWHRDs-leaders have the ability to effectively articulate Indigenous demands in the territory (horizontal voice) and outside it (vertical voice). Their effective leadership is able to *braid* these voices into *action*. Thus, they articulate the territorial power in all its dimensions (social, natural and spiritual) contributing to transform it into *action*, and they are able to deal with and overcome the multiple pressures that they face. In other words, IWHRDs’ effective leadership *braids* power - unifying and mobilising the power from the territory connecting external support and overcoming the multiple challenges of repression and daily life. These several aspects of the effective leadership of IWHRDs correspond to the imbalanced power relationships in which they mobilise to defend rights.

However, the process to get to the top leadership has not been the same for all Indigenous women. It has been more challenging for some than for others, depending on existing organisational structures, cultural beliefs and contexts. In addition, the combined impacts of colonialism and ancestral patriarchy (Cabnal, 2010) provide further challenges. In any case, the process to reach the top leadership has been important to gain knowledge, motivation, vision and mobilisation skills. It has also been important to add leverage to the mobilisation that they lead. IWHRDs often refer to memories of their childhood to explain their leading role. Those are the moments when they accompanied

their mothers and grandmothers in their mobilisations for similar struggles to defend their territory and rights, and then to the first actions they led in their youth following their ancestors' steps. There is a connection with the power from the territory and the critical role of women in it, which also provides IWHRDs-leaders with an internal network of support. They have learnt from the struggles of other Indigenous women, from their strategies and strengths, and have built on their connection with the territory (in all its dimensions).

In this vein, IWHRDs develop a “raising voices-making visible” internal mechanism to develop effective leadership, connecting human rights framing and territorial power. Raising voices-making visible is a mechanism that they use to *braid* power with their communities and with others outside the territory. It is crucial to gain attention, solidarity and support. Vested with the legitimacy gained in their communities, top Indigenous women leaders have raised their voices in important legal, political and social, national and international arenas, denouncing the situation of abuse. And, with a human rights framing, they have also been able to expand their networks and support. Raising voices-making visible is a mechanism that builds upon conviction and beliefs, and requires a lot of courage, vision, motivation and knowledge by IWHRDs-leaders. In a way, it works like the *cognitive reduction of dissonance* (Gambetta in Hedström & Swedberg, 1998, p. 109). Thus, in contrast to the promised “benefits” by the actors promoting mega-projects, IWHRDs leaders are able to raise awareness about their abuses and negative impacts; and, the higher the awareness, the higher the likelihood of gaining more attention, visibility and support, as more people speak against such injustice.

In practice, for unifying and mobilising power from the territory, IWHRDs-leaders are prominent participants of general communal assemblies, social and spiritual gatherings, itinerant workshops and strategic visits to communities, where identity,

conviction and human rights knowledge have been reinforced. Furthermore, IWHRDs have actively unified the power from the territory through numerous educational, cultural and spiritual gatherings, where they have led discussions and strategies to address the impacts of mega-projects. Those are moments where the power from the territory grows in strength, while IWHRDs leaders also gain trust, visibility and support from their communities and others, solidifying the legitimacy of their leading role. In those moments, human rights framing has been instrumental in unifying common demands, adding leverage to their mobilisation. Similarly, for effectively connecting external support, IWHRDs use human rights framing. Given its importance, I study human rights framing separately in the next section. For now, it is sufficient to say that human rights framing is a vital function of effective leadership.

As part of overcoming multiple challenges, Indigenous women top leaders have taken numerous actions. In addition to juggling their daily life struggles (e.g., childcare, food, clean water, transportation) they also have to deal with the attacks targeted at them. These are veto players' silencing actions intended to create fear, halt their mobilisation process and maintain the *status quo* in which projects can advance according to plans. In this vein, like the *cognitive reduction of dissonance* predicts, for those who do not speak up against the abuses (in the cases I study, this consists of veto players), the effect is “a more intense activity to justify the existing arrangements” (Gambetta in Hedström & Swedberg, 1998, p. 109). In other words, attacks against IWHRDs and their groups are (usually) a manifestation of veto power²⁹, which can be exerted through legal resources, media actions, social division, undue pressures or attacks against IWHRDs-led SMOs.

²⁹ Veto power can be exerted by State and non-state actors, including the companies interested in the development of the mega-projects. Veto players can take action to stop changes and to maintain the *status quo* that favours their interests (Payne et al., 2020). For example, veto players may work only with the communities that are open to their “benefits”, exacerbating or promoting dangerous divisions and confrontations. In other cases, State and corporate actors are direct aggressors (even sometimes involving illegal actors - e.g., hitmen).

However, Indigenous women leaders have never kept quiet about the attacks they have faced in reprisal for their action³⁰. Thus, for example, IWHRDs-led SMOs have issued dozens of press releases and communications, have filed dozens of judicial complaints, and have campaigned and advocated, delivered educational activities and radio programmes. These actions have also been used as critical moments to voice the movements' demands regarding corporate practice. Furthermore, within the territory, IWHRDs have made clear to their communities that their leading role does not change their culture. On the contrary, it reaffirms it. By explicitly addressing any concerns about their role, IWHRDs have been able to address attacks, which sometimes even come from within their own families and communities. This has also been a way to reaffirm their legitimacy as leaders and to gain further support. IWHRDs leaders reaffirm their voice as a critical tool to raise issues that concern their communities. This resembles Indigenous communitarian feminism, as IWHRDs-leaders are articulating their leading role with the collective, as a fundamental part of it, not against it (Cabnal, 2010; Paredes, 2010). Thus, IWHRDs' effective leadership involves everyday forms of resistance and constant resilience that allows them to sustain in the face of "longer-term challenges" (Jenkins & Rondón, 2015, p. 419), and to "bounce back" after attacks are targeted at them (Barry & Dordevic, 2007; Manyena, 2006). IWHRDs' effective leadership articulates a multidimensional resistance to the multiple oppressions that they face (Lugones, 2005, 2010). The effective leadership of IWHRDs is able to successfully overcome multiple challenges and attacks within the adverse capitalist, racists and patriarchal contexts that affect them.

³⁰ Attacks against IWHRDs and their organisations include killings, attempted killings, death threats, criminalisation, intimidation and defamation, among others. Women human rights defenders have made significant efforts to make visible the attacks of gender nature they have suffered (e.g., rape threats, or threats against their daughters). They have also made explicit those attacks that are not so visible to the public (e.g., domestic violence) and those that are naturalised in many societies (e.g., sexual harassment and sexual-baiting) (APWLD, 2007; Tapias Torrado, 2019).

In the cases of success, Indigenous women's effective leadership is able to *braid action* raising voices-making visible the situation of abuse in the territory and outside it, and overcoming the multiple challenges they face in the mobilisation process. This way, they add substantial leverage to the movement. However, not all IWHRDs manage to develop an effective top leadership; and, when they do, some are not able to sustain their leadership in the face of silencing actions. In those cases, if there are internal weaknesses in the movement that do not allow IWHRDs to overcome such challenges, success is unlikely. The internal dynamics of the movement may expose IWHRDs' leaders to the impacts of silencing actions or may be insufficient to help them recover from attacks. This, in turn, may affect the collective cohesion that their leadership builds and further dilute any chances of success. When the dynamics of raising voices-making visible are weakened, there is a stronger likelihood that the silencing practices will prevail, and the *braid of action* will lose strength.

In sum, when Indigenous women leaders are able to articulate the movement's power internally and externally, weaving the individual into the collective and the collective with other collectives, overcoming obstacles and silencing practices by further raising their voice and bringing more attention to the situation, the leverage of the *braid of action* is enhanced and with that the chance to succeed. The effective leadership of IWHRDs unifies and strengthens the mobilisation power that comes from the territory, and has the ability to frame the struggle in a mobilising way. Thus, a human rights framing of the grave injustice that threatens Indigenous subsistence and existence is also an intrinsic factor in the capacity to successfully overweight corporate power.

Human rights framing

In contemporary struggles that challenge the most powerful actors in the world, a human rights framing is particularly effective in articulating the power from the territory as well as external support. It is a critical mobilisation tool for IWHRDs' leadership, their organisations and networks of support. It adds further leverage to the *braid of action*. Thus, human rights framing overlaps with the effective leadership of IWHRDs, the mobilisation of the power from the territory, and the capacity to react. Moreover, it builds upon the opportunity offered by a minimally favourable context. As explained above, such context provides a better opportunity, but it does not do the job of lifting the lever alone. The *braid of action* does the work, and because human rights framing functions are vital to adding leverage to it, this *strand* deserves a discussion on its own.

The 2006 ground-breaking report of the International Indigenous Women Forum (FIMI), which critically extends the understanding of human rights to the individual and collective rights of Indigenous women, states the importance of human rights framing. It says: "Like many other groups who have endured discrimination and exclusion, Indigenous Peoples have found in the human rights paradigm a cohesive global language, a moral framework, and a legal structure through which to pursue their claims" (FIMI, 2006, p. 8). Drawing on this understanding, on the social movements' theory and the findings from empirical cases, I argue that human rights framing is a fundamental factor to add leverage to *the braid of action*³¹. It is crucial for the aggregation of "resources" that enhances IWHRDs-led SMOs' mobilisation power, for gaining more attention in

³¹ Human rights are considered a western foreign language to some Indigenous peoples, and they have been critical about it, as there have been some clashes with some peoples' traditional practices. But, they have also recognised its strategic use, as in the cases I study in this thesis.

strategic social, legal and political scenarios, and for reaffirming and strengthening their legitimacy, further increasing the intense pressure that leads to success.

In the social movements' theory, framing processes have already been identified as crucial factors for the attainment of movements' outcomes (Benford & Snow, 2000, p. 632; Cress & Snow, 2000). Framing, as explained by Benford and Snow, "seeks to understand and illuminate, namely the generation, diffusion, and functionality of mobilising and countermobilising ideas and meanings" (2000, p. 612). Framing processes are about how movements address their demands and messages to press veto players to change and to expand their allies, support and impact (Giugni, 1998; Tarrow, 2011). Part of the explanation of the movements' success that challenge corporations directly is the framing of their struggles using existing regulatory frameworks (King & Pearce, 2010). Such analysis has been made in the context of dissatisfaction with the market, where the market has been used as a platform for social change. In contrast, in the cases under analysis, where the IWHRDs-led movements are also challenging corporations directly, the platform for social change is the territory, and their concerns are the subsistence and existence of entire Indigenous communities. Thus, similar to the case of peasant communities in Asia facing the commercialisation of traditional paddy crops (Scott, 1976, p. 187), IWHRDs-led movements are not seeking rewards comparing to another group in a relatively better situation from a capitalist perspective. They are defending their territory and rights. They are denouncing the irrationality of western development and its incompatibility with their *cosmovision* in a "pluriverse" where coexist multiple interconnected worlds (Escobar, 2012). Therefore, the defensive efforts of IWHRDs-led SMOs are to protect ancestral ways of living and to protect the territory and all that it means. Hence, in a minimally favourable context, where IWHRDs-led SMOs are defending the territory from violent processes of commodification and extractivism that

can have devastating consequences for them, human rights framing is of particular importance.

Human rights framing helps to show the magnitude of the injustice, its link to the resource extraction activity in its different phases, and the many violations and impacts involved. In this vein, human rights are a master frame, as it serves as an “interpretative medium” for many individual and collective actors who are challenging similar abuses by similar actors, in Latin America and other parts of the world (D. Snow & Benford, 1992). As a master frame, it is particularly important to gain leverage for the *braid of action*, as it has a high potency of resonance and relevance, helps to empower IWHRDs and the struggles that they lead, and to braid others’ support. Thus, human rights framing is a *strand* encompassing many other *ropes* that make it strong. As a common language, it braids several different *ropes* of laws: international human rights law, Indigenous laws, constitutional law and other relevant domestic legislations (e.g., criminal law and agrarian legislations) (Borrows et al., 2019). In the cases I study, human rights framing draws on the ILO Convention 169, as it is a fundamental legally binding treaty that explicitly protects the right to FPIC, among others³². Human rights norms have built a supranational or “universally” accepted frame of fundamental standards. This frame encompasses widely accepted vocabulary and institutional structures that have facilitated Indigenous peoples’ mobilisations (Brysk, 2000; Lucero, 2008). Although many of these human rights norms are yet to be developed into legally-binding norms and effective policies, they provide a solid and widely accepted frame for the struggles that emerge from the territories.

³² It is common to see IWHRDs reading or quoting excerpts of such treaty in general assemblies, gatherings, conferences or advocacy meetings.

As a critical tool for the aggregation of “resources” that enhances the power of the mobilisations, human rights framing overlaps with leadership function and the social sphere of the power from the territory. As such, it has a double function: it further unifies the communities in the territory, and it expands the networks of support outside it. The human rights framing helps to understand the magnitude of the injustice, to unify claims, and to capture the unfairness in a common language that has legal weight. In this way, it helps to channel the anger and frustration that the abusive situation generates. Furthermore, the human rights framing helps to understand the gravity of a community’s exclusion from decisions that should have been taken by them, and the extremely imbalanced power relationship involved in the development of mega-projects. It helps to understand the seriousness of the risks, vulnerabilities and impacts faced by the affected communities. It also opens legal options to address these injustices. Therefore, using the human rights framing strategically, IWHRDs-leaders and their organisations have integrated the human rights language into their actions. They invest significant amounts of time and energy, sharing this language and legal tools with the communities. They go door-to-door, and lead discussions on these matters during general assemblies, gatherings and sit-ins. For a very long time, Indigenous peoples have struggled against oppressions that have tried to rob their dignity and identity; IWHRDs-leaders have also used the human rights framing as a way to talk about it. Initially, some of these leaders were even ashamed to recognise themselves as Indigenous. However, workshops and discussions that use the human rights framing, as well as spiritual and cultural tools, empowered them in their struggles. In this sense, it is a mobilisation device that further develops the power from the territory.

Moreover, the unification of claims and concerns in a common legitimating language has also helped IWHRDs-led SMOs connect with supporters outside the

territory, further enhancing the leverage of the *braid of action*. Human rights framing facilitates the work and expansion of networks of support that are external to the territory. It helps to gain support within and beyond their country, as it helps to explain their grave situation and to amplify the reach of their calls to broader networks of support (Keck & Sikkink, 1999, p. 91). These networks include a variety of actors; such as non-governmental organisations (NGOs), foundations, churches, scholars, regional and international institutions, and even, occasionally, some parts of the government (Keck & Sikkink, 1999, pp. 91–92). Raising their voices and making visible the situation of abuse using a human rights framing facilitates the connection of IWHRDs with others concerned about similar issues. It is a tool for enhancing a network of support that shows that an apparently local matter is, in fact, a matter of international concern. Thus, others outside the territory also join their calls through various actions such as campaigning actions (e.g., urgent actions, social media actions, media communications, and international visits to the territory) and measures of protection (e.g., relocation). In those actions, human rights organisations have a prominent role.

A possible interpretation of this aspect of the *braid of action* is that the message that IWHRDs-leaders send “from the tribal village to the global village” is “to transform their own lives and to pioneer new forms of politics” (Brysk, 2000, p. 2). However, in the cases I study, IWHRDs-led SMOs are defending their territory and dignity as they are; thus, the messages go, but they must come back to strengthen their defensive struggle. In this sense, the “boomerang pattern” -which is the basis for the “spiral model” of human rights change- could be useful in understanding how transnational advocacy networks influence outcomes and change the nature of debates. Specifically, by impacting on the communication between local groups and the State, as well as other powerful actors (Keck & Sikkink, 1999; Risse, Ropp, & Sikkink, 1999; Sikkink, Risse,

& Ropp, 2013). Similarly, the “cascade” model explains how the legitimacy of human rights norms have an impact on many cases. It starts as a stream that becomes a cascade of cases (Sikkink, 2013).

However, the specific dynamics of the mobilisations led by IWHRDs that aim to impact the practice of corporations have some distinct aspects. Thus, the grounding of the movement in the territory means that they are not above, but “below”; and from there, they pull with the *braid of action*. Therefore, the *braid of action* must weave into it international and local actors’ actions to help bring down that side of the lever and achieve success. Therefore, there is no “boomerang”. Instead, the international, national and local actors and communities are woven together in this *braid*. Hence, the sole human rights framework in place does not translate into a “cascade” of cases. Several parallel domestic and international legal and campaigning actions need to take place to support the struggle and to enhance the power of the *braid of action*. IWHRDs use a common human rights language in their *actions* and by doing so, they increase the *braid of action* power. This way, networks of support may also substantially amplify the visibility and voice addressing the situation in different relevant scenarios.

Gaining attention in strategic social, legal and political scenarios is a fundamental part of the *braiding* dynamic. Given the very powerful veto players that IWHRDs are challenging with their claims, this is a crucial function of human rights framing to reaffirm the legitimacy of their actions and claims and to amplify the visibility of the situation of abuse. By framing their actions in human rights terms, Indigenous women-led movements underscore the importance of their cause as a matter of universal concern, their legitimacy and the vulnerability of those affected. In this sense, there is an overlapping with the *strand* I will explain next -reacting to a grave human rights violation openly involving the corporation- as human rights framing is used to draw greater

attention to that situation. With expanded visibility and reach IWHRDs reaffirm their legitimacy. This way, they also “elevate” the “cost” of actions and omissions by corporations regarding the human rights abuses³³, as they become further evidence of their involvement in the violations, bringing more attention to the situation.

In social scenarios, the media is an important channel to garner support. Both “old and new media” can make a difference in terms of visibility and support to apparently powerless groups (Luthfa, 2019). IWHRDs-led organisations use different means such as community radio stations, social media, statements and the organisations’ website. These are fundamental tools to share information, analyses and calls for actions, to build and sustain their power from the territory, and to connect with external supporters. The use of these alternative means of communication has contributed to empowering them and their struggle. They have been able to denounce the violations on the spot and to gather evidence that they use in legal and political scenarios. Furthermore, these accessible tools have been critical to counter the veto players’ silencing messages. Those with vested interests in mega-projects also invest in their own media strategy, and the dominant media often replicates them. In these tense situations, networks of support make a difference amplifying IWHRDs-led SMOs’ messages. Networks can provide access to their own communication means, and to national and international media outlets that otherwise will be out of IWHRDs’ reach. Those are crucial means to overcoming the silencing messages that aim to portray IWHRDs and their groups as “criminals” or “antidevelopment”³⁴. Those means also help to put a face to the situation, and to give a larger platform to their voice (e.g., through feature articles, blogs, interviews, documentaries). Having gained some attention, in moments of intense repression the

³³ Fieldwork notes.

³⁴ Fieldwork notes.

media can be more easily drawn to the situation of abuse. This enhanced visibility and voice by the use of framing as a legitimating mechanism help to tighten the *braid of action*. Thus, this is only a *rope* that, together with legal and political *ropes*, give strength to the human rights framing *strand* of the *braid of action*.

In political scenarios, the human rights framing through advocacy and campaigning actions further increase the pressure over veto players. Campaigning actions can be critical to garner broader support to specific calls of action on the authorities (e.g., urgent actions, on-line petitions). Advocacy meetings, both national and international, are generally facilitated by networks who can help IWHRDs get the necessary “resources” and connections to bring their message personally to strategic actors. These include, for example, meetings with decision-makers or with those with influence power within corporations (e.g., an executive of the parent company or investors) or States (e.g., extraterritorial responsibilities of home States of the relevant corporations). These meetings and actions are additional *ropes* that enhance the human rights framing *strand*. Although each of them is important, a sole *rope* lacks sufficient power; their strength lies in them as a set of *ropes* pulling on the same direction.

In this vein, in legal scenarios, human rights framing further increases the power of the *braid of action*. Legal activism strategies are used to channel human rights framing (Gloppen, 2013) and, I argue, they further provide visibility, support and, very importantly, legitimacy and credibility to IWHRDs’ claims. This idea builds upon “a constructivist conception of the relationship between law and society”³⁵ (Rodríguez, 2011a, p. 1678), which acknowledges the impact of legal actions on the broader society (e.g., changing the perception towards the issue), and its legitimating power over those

³⁵ This conception criticises a neorealists approach that focuses only “on judgments’ direct, material effects” (Rodríguez, 2011a, p. 1678).

taking the legal actions. Thus, I contend that through judicial and protection actions, more attention is gained and -with it- the pressure over corporations is increased. These actions and their results are often the basis for political and social actions, as they provide additional credibility to their claims (i.e., legal petitions calling to stop the abuse). Protection actions are those aiming to mitigate or prevent the damaging impacts of attacks against IWHRDs and their groups. There is an extensive repertoire of protection actions that vary depending on the type of attack and level of risk. They can go from letters of solidarity, media articles or legal complaints to a temporary relocation or even asylum. In these actions, networks of support can provide crucial timely resources and technical advice; “they can save lives”³⁶. Also, judicial actions have been vital to pave the path for IWHRDs-led struggles. IWHRDs have complained about the abuses before different relevant authorities, and in some cases have achieved successful decisions, but in many others, impunity has prevailed. Regardless of their result (or the lack of them), they all have been useful to strengthen their cases. IWHRDs may not be lawyers, but the situation has pushed them to learn the legal systems well. They have found power in formalising their claims. There are numerous complaints, about different issues affecting specific communities and HRDs that are all linked to the mega-project (e.g., irregularities in its development, human rights violations, attacks targeted at IWHRDs). They are against both corporate and State actors, and also individuals implicated in the violations. And, they involve diverse jurisdictions (e.g., agrarian, criminal, constitutional). In this sense, they are “strategic litigations” of “structural cases” involving several grave violations affecting specific groups (Rodríguez, 2011a). The many judicial complaints about the multiple problems related to the mega-project in domestic jurisdictions have made IWHRDs-led SMOs’ “cases” stronger, as they have helped them to show the gravity of

³⁶ Fieldwork notes.

the injustice. Also, they have opened the possibility of filing complaints before the international system of human rights and corporate complaint mechanisms (e.g., MICI)³⁷. For this, strategic alliances within their network of support with some national or international organisations are essential to get specialised support (e.g., technical studies, legal advice, *amicus curie* briefs, or other legal instruments). Each of these legal actions is like a *rope* that adds strength to the human rights framing *strand*. Success cannot be attributed to the result of a sole legal action in any of the cases I study in this thesis. However, all legal actions -although in different moments and before different jurisdictions- have helped to increase the force that leads to success.

Hence, many social, legal and political *ropes* compose the human rights framing *strand*. They are varied and with different strengths, but they all form one *strand* that has a legitimating power. Human rights framing is fundamental to reaffirm and strengthen legitimacy. It opens the path in legal structures and facilitates gaining support. It also deflects accusations that aim at discrediting IWHRDs-led SMOs. Veto players often undermine them by portraying them as “antidevelopment” or “criminals”³⁸; but IWHRDs’ legitimacy is reaffirmed using human rights framing, which has a legitimating mechanism.

Legitimacy as the mechanism of human rights framing helps to reaffirm that IWHRDs are acting according to their legal rights. It is a vital mechanism, as human rights framing defines the terms of the struggle in a way that confirms the legality, legitimacy, credibility and centrality of IWHRDs-led SMOs’ actions and claims. The labelling of IWHRDs-leaders and their groups as “antidevelopment” or “criminals” can seriously undermine their credibility, their mobilisation processes and security, it can

³⁷ The MICI is the Independent Consultation and Investigation Mechanism of the Inter-American Development Bank (IDB).

³⁸ Fieldwork notes.

even cost their lives. Therefore, the dynamics of human rights framing in legal, political and social scenarios can be critical to dismantling dangerous silencing actions.

In essence, the stronger the human rights framing, the bigger the resonance of IWHRDs' claims, and the stronger the impact of their actions. However, even when human rights framing has gained substantial power, veto players can also gain strength. Too often, economic interests prevail, and human rights responsibilities become secondary to States and corporations, which also learn how to use the human rights language to respond to claims. There is a danger in making it only a formal empty language, as it diminishes the power of human rights framing for mobilisations. When it is reduced to a mere formality to advance the project and not to protect Indigenous rights effectively, the situation can gravely deteriorate. In some cases, the State considers the mega-project a "project of public interest", as a way to prioritise (impose) it over all other competing interests or rights. In other cases, State consultation processes give the appearance of being coherent with movements' demands requesting participation in decision-making. Yet they become formalities to legalise mega-projects as agreements with corporations have already been made. In such cases, the mobilisation processes are restricted to proceedings that limit IWHRDs-led SMOs' leadership and power from the territory. Their capacity is limited, while veto players are able to apply more force to the *lever*. Only a movement with strong internal capacity can counter such a dynamic. Weak or fragmented movements will be unable to garner the needed unity³⁹, and as a formal process restricts the mobilisation process, alternative mobilisation strategies will have trouble gaining support. This, in turn, can make IWHRDs-led SMOs more vulnerable to

³⁹ Networks provide vital support. However, there are some situations when differences in agendas or approaches on mobilisation tactics and strategies can create tension among social actors from the territory and other actors that are external to it. Such tensions can even generate a fragmentation in the movement.

silencing actions. This situation is like a *frayed strand* that weakens the power of the *braid of action*.

In sum, human rights framing is a *multi-rope strand* and a crucial device for the mobilisation and impact of Indigenous women-led SMOs. Among others, they mobilise to defend the *Milpa* (territory in Lenca language), the *Gudxa* (fertile territory in Didxaza, the Binni'za language), the *Kawsak Sacha* (the living forest of the Sarayaku), *Pakitzapango* (the Asháninka hill from where all Indigenous peoples of the Amazon originated), and *Wounmainkat* (our mother earth in Wayuunaiki, the Wayuu language). In addition, human rights framing has been a critical common language for communicating in strategic legal, political and social scenarios the grave injustices that are jeopardising the existence and subsistence of entire Indigenous communities. *Braiding* human rights framing with territorial power and IWHRDs' effective leadership, Indigenous women-led movements are able to react to severe human rights violations evidently involving a corporation (external factor) adding power to the mobilisation force that lifts human rights and produce success.

Reacting to grave violations overtly involving corporations

The strong capacity of the *braid of action*, resulting from the three intertwined *internal strands* of the mobilisation power, allows the movement to react to the increased force of veto players becoming a source of additional mobilisation force. Thus, the fourth *strand* of the braid has two parts, one is external to the movement, and the other is internal to it. The external part is a grave human rights violation overtly involving a corporation,

usually a severe act of repression, such as the killing or torture of leaders. The internal is the reaction to that increased force of veto players.

The harrowing histories of oppression against Indigenous peoples and the severe repression of those who have dared to raise their voice could have led to a recognition of the futility or suicidal nature of social mobilisations. Thus, collective action and the reaction to increased repression would be very unlikely in the type of cases I study, because of the perceptions of cost inherent in those outcomes. However, these histories of oppression and repression are far from deterring Indigenous women leaders and their communities from mobilising in defence of their territory, dignity and rights. They have fuelled their solid conviction, their capacity to bring attention to the situation and their mobilisation power. In fact, in the cases of success, Indigenous women-led movements react with a strong mobilisation force to the most critical moments of human rights violations, including those overtly involving corporations.

In the already imbalanced power relationship between corporations and Indigenous women-led movements, veto players also exert pressure over the *weight* to resist change. The *status quo* favours their interest, and they seek to maintain it as it is, with the lever down, preventing the elevation of change. Thus, even in a minimally favourable context, they use their veto power to resist the mobilisations that may alter their advantageous situation. The alliance of State and corporate actors, sometimes, is even supported by illegal groups. They use veto power to halt change. This power can be exerted in diverse forms; such as the influence of legislation and policies, creating the perception that they provide domestic economic stability, and using their relations, the media, and also campaigns, lawsuits, social division and violence (Payne et al., 2020). However, corporate actors are rarely overtly involved in grave human rights violations,

such as severe acts of repression. In those cases, generally, State actors and unidentified individuals are the aggressors.

In the social movements' theory, the main focus of the study of mobilisation and repression has been State coercion to social movements that challenge the *status quo* with their dissent (Davenport, Johnston, & Mueller, 2005). Repressive actions by some non-state actors have also been considered (e.g., ridicule or stigma used by the media or religious groups) (Ferree, 2005). But generally, the State is regarded as the main repressor, and the mobilisation against corporations is associated with a lower chance of being repressed (Soule, 2009; Walker, Martin, & McCarthy, 2008). A corporation may directly use some forms of repression (e.g., the firing of unionised workers) (Walker et al., 2008). However, they are rarely overtly involved in “hard” repression or grave human rights violations. Only scant literature has mentioned the influence of the direct involvement of corporations in acts of repression and has pointed out that it can have a backlash effect (Middeldorp & Le Billon, 2019).

This backlash effect resembles the cycle of contention (Tarrow, 1993). It means a phase of heightened conflict when the movement responds rapidly (e.g., rapidly diffusing collective action, transforming collective frames, intensifying the interaction with veto players). And, very importantly, these moments “give challengers at least a temporary advantage and allow them to overcome weaknesses[...] And it produces general outcomes that are more than the sum of the results of an aggregate of unconnected events. [...]” (Tarrow, 2011, p. 199). Thus, these are unsettling moments which may be a source of a *harnessing* mobilisation force for the movement. Those moments are part of a dynamic process of mobilisation. They are influenced by previous levels of organisation and power, and the new support that the movement can bring to it. In the cases I study in this thesis, these moments result from the impact of an external factor

and the reaction of IWHRDs-led movements to it. The external factor is the increased force used by veto players, a grave human rights violation -generally an act of repression- overtly involving a corporation.

Veto power is part of the long process of modernisation, industrialisation, colonialism and development that has affected Indigenous peoples. In this vein, in principle, companies with vested interests in mega-projects are shielded from the influence of mobilisations, as they do “not depend on continued local growth [...and] rely on prior capital investments” (Luders, 2006, p. 972). The companies involved in mega-projects have a very low receptivity to movements’ demands (Luders, 2006); and, when there is none or little receptiveness to movements’ demands, most certainly repression comes after protest or disruption (Giugni et al., 1999, pp. xvii–xviii). Indeed, in Latin America, the repression and criminalisation of HRDs in the context of mega-projects is a typical pattern, as I explain in detail in Chapter 4. However, it is very uncommon that corporations get overtly involved in grave human rights violations, such as severe acts of repressions. Corporate actors accumulate wealth and power, and they generally use veto power through non-market strategies to influence the State and to obtain and maintain favourable conditions for their interests (King & Pearce, 2010; Leitzinger, King, & Briscoe, 2018). Favourable conditions for their businesses are fundamental to develop the mega-projects and to make the expected profit. Thus, for them, there are also very important non-tangible assets, such as reputation, legitimacy and stability. In this regard, corporate actors invest in their image and generally do not get overtly involved in grave human rights abuses. They may be participating in abuses, but to protect themselves, they are cautious in not getting overly involved. Generally, their involvement in severe acts of repression or other grave human rights violations is something difficult to prove. Corporations defensively resist any possible accusation

about that (e.g., with very costly lawsuits). Thus, when their involvement in a grave human rights violation is observable, it is an increased force used by veto players to resist change.

Severe human rights abuses usually happen against communities who have been neglected, who are in marginal places and who have been generally ignored. IWHRDs and their communities have faced sustained and accumulated violence and attacks by both State and non-state actors⁴⁰. The more visible and vocal they are, the more the repression against them, but also the more the capacity to react to such increased abuse. The additional severe act of repression is an escalated response from veto players to the pressure already created by the *braid of action*. Thus, the additional severe abuse is a reaffirmation of veto players' power and an attempt to create more fear, to have a chilling effect and, ultimately, to break the mobilisation process in order to maintain the *status quo* that allows the development of the mega-project as planned. However, contrary to the expectation of veto players, the grave human rights violation may not provoke a chilling effect, but an increased mobilisation. The power of the *braid of action* is fundamental to react to the grave abuse, generating a *harnessing* mobilisation force. In the social movements' literature, this backlash has been identified as a likely reaction when there is increased repression (Hess & Martin, 2006; McAdam, Tarrow, & Tilly, 2004). Hence, the reaction to increased repression may be an intensification of the mobilisation that brings greater attention to the situation, affecting the corporates' perception of risk (e.g., their interests are threatened by the instability of the situation) (Vasi & King, 2012).

⁴⁰ As mentioned in the section on effective leadership, IWHRDs have faced a broad range of attacks, including "soft" attacks (Ferree, 2005); such as ridicule, stigma and denigration for being women, Indigenous and leaders of neglected communities. In fact, "women defenders are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts[...] those most at risk appear to be women activists for Indigenous rights along with other women community leaders[...]" (UN Special Rapporteur on HRDs, 2011, pp. 6, 28).

As there is a grave human rights violation evidently involving a corporation, the perception of corporate wrongdoing is confirmed, and this information can be diffused and demonstrated in crucial legal, political and social scenarios where the human rights framing is used. This is centrally important because the corporate coercion is overt to a broader public (Earl, 2003), it is unjust, and the information on the event can be communicated to others (Hess & Martin, 2006). Hence, the severity of the violation and the evident involvement of a corporation can be scrutinised, and it can become the centre of outrage and attention (e.g., a scandal) (Daudigeos, Roulet, & Valiorgue, 2020). It is an unsettling moment, from which a strong movement can further *braid* a power and *harness* mobilisation force.

From a corporate perspective, to get overtly involved in a grave human rights violation is a “grave mistake”, it is “very bad management”⁴¹. It exposes the corporation to more pressure from the mobilisation, challenging the stability required for their business. As Sinohydro said, the situation can become “unpredictable and uncontrollable” (2013).

Hence, I argue that the evident involvement of the corporation in the intensified repression and the movement’s reaction to it (e.g., outrage and actions to increase attention) are crucial aspects of the power added to the *harnessing* mobilisation force that lifts human rights and produces success. The unsettling moment invigorates the power from the territory, as it strengthens the sense of defiance. It gives additional elements to IWHRDs’ effective leadership to reaffirm their claims and gain more solidarity, as it ratifies the seriousness of the abuse. And, it confirms and facilitates the framing of the

⁴¹ Fieldwork notes.

situation in human rights terms, as it is evidence of the corporate's participation in grave human rights violations.

In essence, the act of severe repression involving the corporation compels a public reaffirmation of the power from the territory, the effective leadership of IWHRDs and the movement's human rights framing. Such public reaffirmation is something that the corporations cannot ignore. Public reaffirmation is a mechanism that further *braids* the internal (from the territory) with the external (outside it) force of *actions*, bringing additional strength to the *braid*, increasing the likelihood of success. It encourages further mobilisation, and it ratifies the Indigenous presence in the territory, amplifies the visibility and voice of IWHRDs, and brings more attention to the situation, enhancing the power and impact of mobilisation. Public reaffirmation confronts veto power, challenging the force that attempts to silence the mobilisation in order to resist a change in the *status quo*. As there is a backlash, as the movement reacts with more mobilisation and attention, this mechanism further exposes the corporation's abusive behaviour (e.g., through international advocacy visits, media attention, hearings and solidarity caravans, urgent actions and letters of support, among others). It challenges the stability needed by the business, and changes the corporate's perception of risk (Vasi & King, 2012), increasing the receptivity to the movement's demands.

In the cases of success, the strong internal capacity of the movement allows it to react to the violation, bringing more attention and adding power to the *harnessing* mobilisation force. Even when the mega-project is at an early stage, if it is evident that it will imply a grave human rights violation involving a corporation, a movement with a strong capacity can use this information to add power to the *harnessing* force of the *braid* that lifts human rights and produces success; as in the case of CARE.

In the cases of non-success, on the contrary, the movement is unable to react to the severe repression, and it cannot transform the unsettling situation into a source of additional power to the *harnessing* force. It may be that a grave violation involving a corporation has taken place, but its involvement is not overt; thus, the sole indication of possible participation is not sufficient to produce an unsettling event. For example, the temporal coincidence of grave acts of reprisal in key moments of IWHRDs' mobilisation is not sufficient to show a direct link between the corporation and those acts, as in the case of FMW. Furthermore, it may be that corporate involvement in a grave violation is evident, and yet the movement is unable to transform it into an additional power to strengthen the *harnessing* force. Hence, this factor must have two parts: the grave violation overtly involving the corporation, and the movement's reaction to it. The reaction is dependent on the strength of the other *strands* of the *braid of action*. In the cases of non-success, one or more of the three internal *strands* of the *braid of action* is weak, weakened or it has frayed over time as a result of veto players' silencing actions, such as in the cases of MILPAH and the second moment of APIIDTT.

In sum, IWHRDs-led movements may react to an unsettling moment of severe repression overtly involving a corporation, adding substantial power to a *harnessing* mobilisation force. With that intensified force, the movement is able to lift human rights and produce success. The increased veto players force overtly involving the corporation is external to the movement. If the movement's *braid of action* is not already strong, it may not be able to add power to the *harnessing* force that leads to success. An external factor cannot alone explain success. It needs the integrated power of all the other *strands* of the *braid of action* to generate the *harnessing mobilisation force* that produces success.

The how – the underlying mechanisms

The *braided action* can develop a *harnessing mobilisation force* combining the inwards (from the territory) and outwards (outside it) power of mobilisation *actions*. The *harnessing mobilisation force* brings the *braid* (a tool) to its effective use, it brings the mobilisation to its purpose: to produce a change. This force is heightened when the movement reacts to the grave human rights violation overtly involving a corporation. In addition to the outrage produced by the injustice, the movement can also bring much greater local, national and international attention to the situation of abuse. The *harnessing force* further pulls together all the four *strands* of the *braid of action* in the same direction, lifting human rights up. It further connects the internal with the external *actions* in the same direction, intensifying the power in the *braid of action* that pulls down the lever to lift up change.

Having mobilised in the territory and beyond it with the effective leadership of IWHRDs, transforming the territory into power, and using a human rights framing, the Indigenous women-led movement reacts to the unsettling moment of intensified veto power. Thus, there is a backlash to veto players. In those moments, the movement *weaves* further the force of *actions* in all *strands*, reaffirming the inner mechanisms in each of them. The movement reaffirms conviction and legitimacy, amplifies further their voice and visibility in human rights terms, and, ultimately, greater attention over the situation becomes a strong signal of risk to the business' stability. Thus, IWHRDs-led SMOs use the minimally favourable context; this way, the human rights framing facilitates the exposure of corporate wrongdoing and reaffirms the legitimacy of their actions, territorial power, leadership and claims. The capacity to react to the grave human rights violation

overtly involving the corporation provides Indigenous women-led movements with greater strength through their local, national and international appeals. It amplifies the attention to the situation of abuse, giving additional power to the *harnessing* force. The following figure (Figure 6) summarises the dynamic mechanism that generates the *harnessing* mobilisation force: *braiding action*.

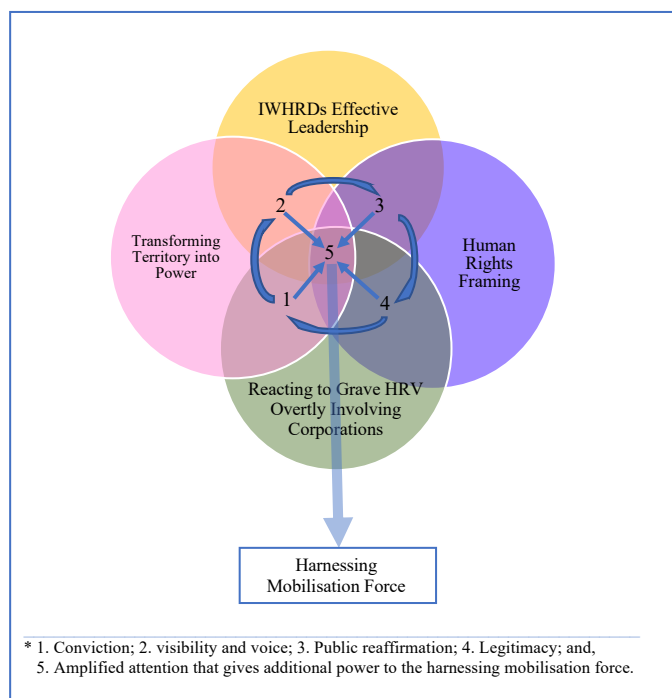


Figure 6 – Braided action: harnessing mobilisation force

Indigenous people know that to get the changes they want, they can and need to press for them. They have insisted on the State authorities to have their rights recognised. The national and international norms and institutions that protect their rights are the results of long struggles moving the State to adopt such measures. Demanding that corporate actors change their practice is a very different and more complicated matter, however. Even more concerning is that the receptiveness of corporate actors involved in mega-projects to movement demands is very low, since together with the State and other actors form a strong veto power. For this reason, in a minimally favourable context, the

movement needs to create a significant force to lift up change. Hence, solid conviction, raising voices-making visible, legitimating actions, and public reaffirmation are all necessary and interrelated inner mechanisms of the *strands* that make the *braid*. They are necessary to transform the territory into mobilisation power, to effectively lead it, to frame it in human rights terms, and to react to a grave violation openly involving the corporation. A sole factor cannot generate sufficient power or *harnessing* force. The factors should be *braided* to create the force needed to lift human rights up and produce a change.

In this vein, because the mechanisms internal to each *strand* are already in motion, the movement is able to *braid* the additional inwards and outwards force brought by the amplified attention over the situation of abuse. This *braiding action* dynamic connects all four factors, increasing a *harnessing* force that pulls the *braid lashed* to the lever, which can lift human rights up. Thus, this amplified attention comes from the territory and from outside it and builds upon the dynamic of all the other mechanisms already operating in the *braid of action*. It is a transformational mechanism that, on the one hand, resembles the micro to macro transition of individuals' actions and interactions that produce an outcome (Hedström & Swedberg, 1998, pp. 21–23). And, on the other, it resembles Gambeta's notion of "concatenation of mechanism" as the impact of IWHRDs-led movements on corporate practice also "requires more than just one mechanism to make sense. [And,] mechanisms interact with one another..." (in Hedström & Swedberg, 1998, pp. 104–105).

In essence, if there is not a solid conviction, visibility and voice, legitimacy and public reaffirmation around the territorial power and identity and all the other factors, they would not be able to *harness* the mobilisation that achieves success. Hence, these mechanisms are not outcomes but rather inputs to the *braid of action*. Without that final

push of amplified attention which enhances the movement's force, a change in corporate practice is unlikely. However, such a final push is only possible when the inner mechanisms of the factors internal to the movement have been able to create enough strength in each *strand*. Even in the same minimally favourable context, not all IWHRDs-led movements can have the same strength. In the cases of non-success, the mechanism is *tangled* in weak or *frayed strands*. The strands are unable to *harness* mobilisation force.

Therefore, success cannot be attributed to a sole action or factor. It requires the combined presence of all four factors in a dynamic that *weaves* inwards and outwards actions *harnessing* mobilisation force. Only then does the *braid of action* lift human rights and achieve success. This intense *harnessing* mobilisation force seems to be the only way corporations listen to IWHRDs-led SMOs' demand to change their practice. The interwoven *actions* and mechanisms in the *braid of action* create the *harnessing* mobilisation force that leads to success.

Concluding remarks – theoretical contribution

In this chapter, I have presented and discussed the *braid of action* theoretical framework that emerged from this doctoral investigation. It addresses three fundamental questions about the impact of IWHRDs-led SMOs on the change of the behaviour of corporations involved in mega-projects in Latin America: the when, the why and the how. The resulting responses explaining their success (or not) was built on the findings of the empirical cases that I present in the following three chapters and on the contributions of the relevant literature, mainly in the sociology of social movements. Adapting and extending the use of the Archimedes' lever model (Payne et al., 2020) to the

understanding of contemporary cases of IWHRDs-led movements impacting on corporate practice, I contribute a novel view on the gendered and racialised dynamics of mega-projects in Latin America⁴². Adapting the Archimedes Lever model to the analysis of the cases I study in this thesis is an important contribution to the understanding of dynamics of power in complex conditions, where Indigenous women-led movements sometimes manage to achieve a change in corporate practice. I adapted it because it helps to show how IWHRDs-led SMOs face so many disadvantages, challenges, oppressions and a history of discrimination and violence, and how they use the minimally favourable context and the tools available to *harness* a mobilisation power and produce a change. Very importantly, it helps me to show that the *harnessing* mobilisation force comes from “below”, from the territory, and braids to it the power of *outwards* actions. It is from there, from the territory, the local, the rural, not from above, that the *braid of action* pulls the lever that lifts human rights and produces a change.

Furthermore, while I theoretically discuss the violence, discrimination and oppression particularly affecting Indigenous peoples and Indigenous women in the region, in terms of a minimally favourable context, my emphasis is on the agency of IWHRDs-led SMOs and not on their victimisation. For this, I combine intersectionality, legal and sociological studies. This emphasis and such combined analysis are important contributions of this thesis, as they are absent from most of the literature relevant to the type of cases I study in this thesis. Regarding the situation of HRDs in Latin America, there is a prolific number of reports and documents on the urgency of the situation (many cited throughout this thesis). However, even among such many reports and documents, only a few tangentially address the specific topic of the impact of IWHRDs-led

⁴² This contribution was recognised in the 2020 CALACS Award I received for the paper I presented this year in their annual international conference (<https://can-latam.org/article/2020/05/calacs-2020-graduate-essay-prize-winner>).

mobilisations on corporate behaviour. Moreover, academic literature on the situation of HRDs -including IWHRDs- is scarce and has mainly focused on their victimisation and lack of protection (Bennett et al., 2018; Kweitel, Savage, & Hudson, 2017; Lajoie, 2018; Nah, Maliamauv, & Bartley, 2017; Neto, 2018). Thus, a focus on agency and impact is also an addition to this area of study.

In the context of the social movements literature, this is the first systematic study on the impact on corporate behaviour by Indigenous women-led mobilisations defending human rights from the abuses committed in connection with mega-projects in Latin America. Thus, I also contribute to filling the need for more systematic studies in the analysis of social movements' outcomes (Bosi et al., 2016; Giugni et al., 1999). In a similar vein, this is a comprehensive theoretical framework that builds on a unified approach to the study of social movements integrating some of the main approaches to the sociological study of social movements (i.e., POS, RM, framing, and cycles of contention). It is also based on a public sociology perspective that is not only concerned with the debate of ideas, but with the situation in reality. Therefore, this thesis also contributes important analytical tools to understand, support and collaborate better with IWHRDs, their communities and the groups they lead. It explains and proposes the idea of *braiding action* to create a *harnessing* mobilisation force that pulls from the territory. It does not press from above; it pulls from the territory in all the dimensions that it involves. Thus, in regards to POS, I explain the importance of human rights as the fulcrum that gives the opportunity to press for a change. Concerning RM, I contribute an analysis of the power that mobilisations can build from the territory, and I also expand the understanding of movements' effective leadership from an intersectional approach in the context of mega-projects and extreme violence. Similarly, I present multiple crucial functions of human rights framing and their influence on movements' outcomes, in cases

where a study like this one has never been done before. Finally, I add cycles of contention to understand the unsettling nature of a grave human rights violation overtly involving a corporation and the impact of the movement's reaction to it, which adds further power to the *harnessing* mobilisation force. This, in turn, allows me to propose the *braided action* mechanism to explain how inwards (from the territory) and outwards (outside it) *actions* interweave, providing power to the *harnessing* mobilisation force that pulls the lever, lift human rights and produces a change in corporate practice.

The findings and analytical tools offered in this thesis should be useful for IWHRDs-led SMOs in Latin America, and they may also be relevant to other women leading similar struggles in the region and other parts of the world. These could be helpful to understand how to advance their claims in situations of adversity, and to push for other alternatives and opportunities to their mobilisations and claims. The utility of this framework may also extend to Indigenous movements led by women in the north of the continent or to campesino and afro-descendant groups. They also have a deep relationship with their territory and are facing very similar situations of abuse regarding the development of mega-projects in their lands.

Chapter 3 – Methodology

In the face of extreme violence, what explains the success (defined as favourable changes in corporate practices) and non-success of some Indigenous women-led SMOs in defence of human rights against the abuses by mega-projects in Latin America? That is the research question that this doctoral study aims to answer. Drawing on rich empirical data gathered from emblematic case studies and relevant theoretical approaches (Alford, 1995), I use a multi-level qualitative comparative case study research methodology to respond to it. The **research design** is as follows. First, I developed two paired comparisons. (1) A within-country paired comparison of a case of success and a case of non-success of Lenca Indigenous women-led SMOs contesting the abuses by hydroelectric dam projects in Honduras. (2) A within-case variation over time through the study of a Binni'za women-led SMO mobilising against the human rights violations connected to wind farm projects in Mexico, with successful and unsuccessful outcomes at different moments. Then, (3) for the third level of analysis, I select three more cases from the original database I created for this thesis. Thus, I develop a small-N cross-national comparison of the three new cases: a case of non-success in Colombia, and cases of success in Ecuador and Peru. Finally, I develop a qualitative comparative analysis of all the seven cases I studied in-depth in this thesis. The time frame is from 2008 and 2018, and I consider cases that were active in this period even if they started before or continued after it. This time frame allowed me to hold constant the context in which these specific movements evolved in terms of national, regional and international human rights frameworks. The unit of analysis is the mobilisation led by IWHRDs against the abuses

committed in connection with mega-projects. The geographical scope is Latin America. Although in the database I included cases from all the Americas, the cases studied in this thesis are from Latin America, and I study in-depth cases in Colombia, Ecuador, Honduras, Mexico and Peru.

In this chapter, I explain in detail the methodology that I use to develop this research design. First, I describe the methodological orientation of this thesis. Then, I provide details on the methods I used for the analysis and those I used in the field, including the case selection process⁴³. I end with a conclusion that highlights the pertinence of this combined qualitative methodology to address the research question outline in Chapter 1. In each empirical chapter, I discuss the particularities of this methodology during the research process.

Methodological orientation

This doctoral study emerges from my decade-long professional experience as the researcher on the situation of human rights defenders in the Americas at the International Secretariat of Amnesty International (AI). Through that role and my previous work on gender, peace and human rights in Colombia, I had already built a network of crucial contacts. I had opened doors for a study of regional scope like this doctoral investigation. Moreover, it was through those roles that I began to recognise patterns of institutional failure in the protection of human rights defenders, Indigenous peoples and women's rights. But I also recognised the capacity of some communities and organisations I

⁴³ Throughout those sections, I also include some reflections on the challenges and difficulties I faced during this doctoral investigation and the efforts I made to overcome them.

worked with -and particularly the role of the women in those communities – to develop effective forms of *action* in defence of human rights. This conviction and the motivation to contribute to understand and collaborate better with these Indigenous women leading the defence of human rights from abuses by the most powerful actors in the world provided me with the basis for the methodological orientation of this work.

This investigation comes from my practice of human rights. It aims to be academically relevant and to return to this practice and those who take part in the study, in a useful way. This sociological investigation confirms the importance of human rights norms, but it also reveals the limits of their impact. A change in corporate practice cannot be explained simply by the existence of human rights frameworks. Success was possible because of the movement's capacity and power in the *braid of action*. Moving into sociology provided me with the methodological and analytical tools for understanding and explaining success and non-success going beyond the assumption that it is the result of a legal framework. Moreover, the public sociology field allowed me to think through how to put academic work at the service of the community. In this vein, this investigation is embedded within sociological praxis by Colombian sociologist Orlando Fals Borda, and the public sociology approach proposed by Michael Burawoy and further developed by Cesar Rodríguez.

Public sociology approach

This methodological approach advanced in the Americas by Rodríguez is called “amphibious public sociology”. It has been used in research-action studies on socio-environmental conflicts in Latin America, in the context of extreme violence and

inequality (Rodríguez, 2013, 2014), such as this one. A study carried out using this approach means that it is relevant in “...both the academia and the public sphere...” (Rodríguez, 2013, p. 9). This approach builds on the “Webster windmill of public sociology”, which respond to “the winds” of social, political, legal and economic change and not only to a theoretical interest (Burawoy, 2010). Thus, to the strong foundations of Webster windmill, there are four arms attached that respond to those different winds: research and teaching; public engagement; public policy advocacy; and, institution-building that embody and promote public sociology (Burawoy, 2010, p. 4; Rodríguez, 2014, p. 158).

Sociological praxis

This research-action approach looks at the problem of researching reality to transform it (Fals Borda, 1978). It is concerned with scholars’ responsibility to interpret realities’ transformation to derive adequate data that helps build the future. Thus, “...we cannot ignore the social, political and economic impact of our work” (Fals Borda, 1978, p. 1). Indeed, this methodological approach was critical during fieldwork. I communicated the notion of “sociological praxis” from the outset of preliminary contacts with IWHRDs, from the moment I introduced myself and the study (its aim, nature and methodology). These preparatory communications also offered IWHRDs and key contacts the opportunity to raise any concerns they might have about participating in the study. Some IWHRDs expressed their interest in participating after they learnt about the “sociological praxis” approach applied in the study⁴⁴. They said that this approach

⁴⁴ Fieldwork notes.

eliminated the possibility of repeating previous experiences where they felt that academic projects had “a colonialist approach” oriented toward “intellectual extractivism”⁴⁵.

The application of the sociological praxis approach was an effective way to strengthen rapport with the participants, to build trust and to apply the snowball technique to access other relevant contacts. It also made this project useful during the research process, by developing a beneficial knowledge exchange process (the section on the particularities of the methodology will provide details on this for each case). It was a tangible way to dismantle any perception of asymmetric power relationships between the researcher/interviewer and the interviewee/s. As participants shared with me their stories, memories and experience, I shared with them my experience and skills as a human rights lawyer and campaigner. In this regard, before starting the interview/s, an activity discussed and agreed during preparatory conversations took place. In some cases, we decided to change the event, depending on the specific needs of the moment. After fieldwork, I have continued the communication with IWHRDs, other members of their organisations and supporters, mainly via telephone/Skype and social media (e.g. Facebook, Facetime and WhatsApp). These communications have been follow-up interviews or only the sharing of more information with me. Once the University approves this thesis, I will share with IWHRDs and their organisations a short written summary of it in Spanish. I will seek resources to go in person and deliver the text in a workshop, or any other format agreed with them. If I am unable to go in person, I will use social media.

⁴⁵ There has been increasing criticism of “extractivist” researchers who move in and extract information for their own professional careers. It is not the sort of research I ever committed to do, and I took every step to be sure I uphold my commitment to research in the interest of social transformation, and not research to advance only my own professional career.

With this methodological orientation, my previous experience working on human rights issues is very relevant to this study and the theoretical and methodological tools used in this doctoral study should be useful to my future fields of action. Indeed, an advantage of my research is that I have an established level of trust with people who have learned to distrust outsiders. I must emphasise that access to the type of cases I study in this thesis depends on trust and empathy. The sharing of life-stories depends on them, and both -trust and empathy- are usually challenging to build. As IWHRDs and their communities have endured decades of human rights violations and victimisation, and their accounts have been met with disbelief, or have been ignored, discredited or misused, building trust and empathy with them was sometimes challenging. But this methodological orientation was vital to overcoming this challenge.

However, my critical distance may be questioned given that I build on my previous experience as a human rights advocate committed to the improvement of the situation of IWHRDs in Latin America. Also, it could be questioned if I carried out a dispassionate analysis, given this commitment and the precarious situation faced by these women and their communities. There is indeed a risk that the critical distance needed for sociological research and analysis is compromised with the idea of making visible these agents of change, who have faced wrongdoing. Discussing the risk of “ethnographic seduction” when carrying out interviews with victims of human rights violations, Robben explains that “victims of extreme violence have often lost all trust in other human beings, and their accounts have met with disbelief. They have to be convinced that the analyst believes them[...].” (Robben, 2004, p. 72). Thus, although my research is focused on mobilisation and success (or not), and not on the victimisation of IWHRDs⁴⁶, I believed their accounts. Nevertheless, this is not the same as to analyse the data uncritically. The

⁴⁶ The approved ethical protocol included specific considerations to avoid their re-victimisation.

combination of qualitative methods and approaches explained in this chapter prevents me from accepting IWHRDs' accounts uncritically for the analysis.

In this regard, the life-history sociology and the process-tracing methods I used involved sorting out contradictions and seeking supplementary information. I also gained analytical leverage combining them with other methodological tools and strategies that guarantee a critical assessment of data. In this way, I developed my analysis, rather than simply taking as undisputed facts what they told me during life-story interviews. Furthermore, I maintained my critical and objective approach by looking at all cases - with positive and negative outcomes- of IWHRDs-led mobilisations that I managed to identify in the Americas. Also, because critical analysis of factors is built into my research design, objectivity is not an issue. In addition, my aim to contribute to improving the situation of IWHRDs depends on getting right what factors most advance those goals; this takes critical analysis.

Methods for the analysis

The cases studied in-depth for the comparative analyses are part of the original database I developed for this study: the "IWHRDs-led SMOs challenging the abuses by mega-projects in the Americas" database. Given the "invisibility" of these type of cases, especially when considering elements of leadership and capacity, I found it necessary to build a database (a "universe of cases"). From this database, I selected the cases that I then studied with the process-tracing and comparative methods of analysis. For the selection process, I followed Mill's System of Logic, which underpins the methods used for comparative studies, and I considered if I had sufficient information to understand

their trajectories of change through process tracing. In this vein, this section includes three parts that explain (1) process tracing, (2) qualitative comparative methods, and (3) case selection. It ends with the table of the cases selected for the comparative analyses.

Process tracing

It is necessary to learn as much as possible about the selected cases, to apply a qualitative comparison. And, to learn as much as possible about them, process tracing is a crucial methodology. I use process tracing to identify the influence of explanatory factors, which is of central importance in the writing phase of cases. It provides inferential leverage to qualitative research, to case studies and comparative analysis. As process tracing evaluates trajectories of change, this method requires detailed descriptions and thorough knowledge of cases. For this, the techniques I used in the field were instrumental (I explain them in detail in the next section).

Process tracing is a method indispensable to judge competing explanations, to evaluate causal claims and to make inferences about which alternative explanations are more convincing based on pieces of evidence that support or overturn those claims (A. Bennett, 2010). It is “a fundamental tool of qualitative analysis[...], the systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator[...], an analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence— often understood as part of a temporal sequence of events or phenomena” (Collier, 2011, pp. 823–824). Pieces of evidence used in process tracing are not about the number of observations but about finding useful observations (A. Bennett, 2010; Collier, 2011; Mahoney, 2010).

Observations are pieces of data that have crucial information, and they require in-depth knowledge of cases (Collier, 2011). In essence, it is an advantageous method for theory development and theory testing, as it is the nature of this study. With this method, I pay careful attention to crucial moments in the processes of mobilisation that are relevant to explaining the presence (or absence) of a favourable change in corporate practice in each case.

Qualitative comparative methods

John Stuart Mill's **System of Logic** underpins the case selection process, as well as the comparative studies of this thesis (Mill, 1843). For the qualitative comparative methods, I turn to J.S. Mill methods of agreement and difference, and the qualitative comparative analysis (QCA) proposed by Charles Ragin (2014). This part of the methodology helps to determine the validity of explanations using a basic structure of comparison, which is based on inductive reasoning. In this regard, the thorough "knowledge of the particular furnishes the evidence, [...]while logic furnishes the principles and rules of the estimation of evidence" (Mill, 1843, p. 11). It means, "logic sits in judgement on the sufficiency of observations and experience to justify rules, and on the sufficiency of rules to justify a conduct[...] Logic alone can never show that the fact A proves the fact B; but it can point out to what conditions all facts must conform, in order that they may prove other facts" (Mill, 1843, p. 11). Logic is the art and science of reasoning, and it provides a test for ascertaining whether a belief is well-grounded or not (Mill, 1843, p. 16). Induction is one of the acceptations of reasoning, it refers to the

inferences of assertions, and inferences are grounded in the reality of things (Mill, 1843, p. 11), as it is the nature of this study.

As part of the System of Logic, Mill developed the method of agreement and the method of difference (Mill, 1882; Ragin, 2014; Wickham-Crowley, 1991). They are both “modes of singling out from among the circumstances which precede or follow a phenomenon[...].” (Mill 1843, p. 450). With the method of agreement, by looking at cases with similar outcomes, it is possible to identify the factors that are common and cause the same effect. “[W]e may adopt as its regulating principle the First Canon- If two or more instances of the phenomenon under investigation have only one circumstance in common, the circumstance in which alone all the instances agree, is the cause of the given phenomenon” (Mill 1843, p.454). It means that “several cases having in common the phenomenon to be explained also have in common the hypothesised causal factors, although the cases vary in other ways that might have seemed causally relevant” (Skocpol & Somers, 1980, p. 183).

With the method of difference, by looking at similar cases with different outcomes, it is possible to see which factors are different; the presence or absence of those various factors could determine the different outcomes. “The regulating principle [is the] Second Canon – [if they] have every circumstance save one in common[...] the circumstance in which alone the two instances differ is[...] the cause, or a necessary part of the cause, of the phenomenon” (Mill 1843, p.455). Mill saw the method of difference as more powerful (Mill, 1843, p. 513). He considered that the method of agreement should be used with caution (Wickham-Crowley, 1991, p. 86), especially when the most likely is that there is a plurality of causes that produce an effect (Mill 1843, p.508). In this vein, “since a solid theoretical argument must ultimately be able to explain both the occurrence and the absence of a particular phenomenon, the method of difference is often

considered to be more powerful than the method of agreement. As a consequence [...], negative cases are included to bolster explanatory power” (Della Porta, 2014, p. 102). However, both methods can be combined through the Joint Method of Agreement and Difference (Mill 1843, p. 511), also called the Indirect Method of Difference, “because, like the Method of Difference[...], it proceeds by ascertaining how and in what the cases where the phenomenon is present, differ from those in which it is absent” (Mill 1843, p. 512-513). This Joint Method is possible “using at once several positive cases along with suitable negative cases as contrasts”(Skocpol & Somers, 1980, p. 183).

In this vein, I reaffirm the relevance of those methods, as this is a small-N study that does not have a generalizability objective. It has a theory-building objective, for a precisely defined phenomenon of interest (favourable changes in corporate practices in cases of IWHRDs-led SMOs defending human rights from the abuses connected to mega-projects in Latin America). Thus, in the first two paired comparative analyses (variation within-country analysis and overtime variation analysis) I use the System of Difference with comparable/similar cases that are different in processes and outcomes (Gerring, 2006; Tarrow, 2010). More leverage in the analysis is gained by further triangulating the research question with other cases. In the last comparative analysis, the cross-national comparison, I draw on the indirect method of difference and follow QCA to build a truth-table and apply Boolean Algebra.

QCA. The comparative method is very appropriate when analysing phenomena where there are many possible explanations and very few cases (Skocpol, 1979, p. 36), as in this study. With QCA, it is possible to assess different combinations of factors capable of explaining the same outcome (Ragin, 2008, p. 4). In this vein, the following are key steps of the QCA method (Ragin, 2008). (1) Learn as much as possible about the selected cases where the outcome of interest is present (for this, process tracing and the

methods in the field are of vital importance, as I explain in the next sections). (2) Based on the “positive” cases, identify relevant “negative” cases; these are cases “that might seem to be candidates for the outcome but nevertheless failed to display it” (Ragin, 2008, p. 5). (3) Based on the knowledge of these cases and the relevant theoretical analyses, explanations are identified. These are “recipes” responding to the research question. (4) “Streamline the causal conditions as much as possible. For example, combine two conditions into one when they seem ‘substitutable’” (Ragin, 2008, p. 5). (5) Construct truth tables. For this, I use the notion of Boolean Algebra.

Boolean Algebra is an algebraic technique used to compare cases holistically in a qualitative comparison. It is a method to “simplify complex data structures in a logical and holistic manner[...] it also tends to be case-oriented (as opposed to variable-oriented) and historical (as opposed to abstractly causal)” (Ragin, 2014, p. viii). With this method, I use a **truth table** to sort cases according to the combination of explanatory factors, all possible combinations are considered, and factors are sorted according to their different values (Ragin, 2008, p. 7). Thus, it is still possible to see the factors in the context of other (present or absent) relevant factors and not in isolation. It also allows us to see the presence and absences of conditions, and if they are necessary and/or sufficient to produce the outcome of interest. Also, the holistic orientation of this method is ideal for identifying multiple conjunctural explanatory factors (Ragin, 2014). Hence, the value of each possible explanatory factor will be determined and added. Depending on the strength of the factor an H, M or L will be allocated if its presence is High or strong, Medium or moderate, or Low or weak (as in Pion-Berlin 1994, pp.125–126). This process makes it possible to establish which factors are necessary and/or sufficient to produce (or not) the outcome of interest (a favourable change in corporate practice). “‘Necessary’ means that a condition must be present, or the outcome will not occur; however, it will

have that effect only in the context of other, supporting conditions. ‘Sufficient’ means that occurrence of this condition alone will produce the outcome in question; this does not preclude the existence of other conditions, or sets of conditions, that might also be sufficient” (Wickham-Crowley, 1991, p. 87). To optimise the number of possible factors, I combine identical patterns in a **Boolean minimisation** process. This process is used to eliminate extraneous factors from the list of possibilities and “redundant forms of explanations” (Wickham-Crowley, 1991, p. 99). This process of minimisation aims to identify the most straightforward explanation (Wickham-Crowley, 1991, pp. 100–102).

This combination of comparative analyses should be then a powerful methodological combination to discern the most plausible explanations for the type of outcomes and cases under study. I will now explain the case selection process.

Case selection

I built a database (a “universe of cases”), from which I selected the cases that I then study with the process-tracing and comparative methods of analysis. Thus, I will first explain how I built the database, to explain then the process I used to select the cases I study in-depth for the comparative analyses.

The original database I built for this study⁴⁷ -the “IWHRDs-led SMOs challenging the abuses by mega-projects in the Americas” database (Appendix 2)- includes 24 cases in total. They are all cases of Indigenous women-led mobilisations defending human rights from abuses committed in connection with mega-projects in the Americas, which were active between 2008 and 2018. After perusing over 3,000 entries

⁴⁷ Basic information of the cases is included in the database. It is annexed to this thesis.

of relevant information (e.g., urgent actions, human rights reports, public statement, case features), I identified a “universe” of 24 cases of interest. To arrive at that total number of cases in the database, I took several steps and employed different strategies. It was a detailed exercise, as these are not obvious cases. Applying the methodological orientation of this study (1) I included the cases I knew due to my previous work experience (AI, 2012a, 2014a). (2) I consulted the reports, communications and websites of national and international NGOs and networks dedicated to the situation of HRDs, women human rights defenders (WHRDs) or business and human rights. In addition, I communicated with members of many of these organisations⁴⁸. (3) I perused the relevant documents issued by the institutions of the IASHR and the UN system of human rights, including reports, communications, judicial decisions and precautionary measures. I also had conversations about this study with relevant officers within both systems⁴⁹. (4) I reviewed the Environmental Justice Atlas (EJAtlas), which is a project that encompasses 2,719 cases in the world, of “communities struggling to defend their land, air, water, forests and their livelihoods from damaging projects and extractive activities with heavy environmental and social impacts” (EJAtlas, 2018b)⁵⁰. (5) I carefully looked into the “business, civic freedoms and HRDs portal” of the Business and Human Rights Resource Centre (BHRRC), whereas of 28 February 2019, 1,492 attacks against those defending human rights from the abuses by corporations had been registered since 2015 (BHRRC,

⁴⁸ Including, for example, Peace Brigades International (PBI), FLD, GW, AIDA, Just Associates (JASS), Urgent Actions Fund for Latin America (UAF-LAC), the Goldman Environmental Foundation (GEF); Protection International; Centre for Justice and International Law (CEJIL); Survival International; ProDESC in Mexico; ACI-Participa in Honduras; COFADEH in Honduras; Somos Defensores in Colombia; UDEFEGUA in Guatemala; the networks of WHRDs in Mesoamerica, Colombia, Mexico and Honduras; among others.

⁴⁹ When I drafted the first baseline study for the implementation of the *Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas* (mentioned in a previous footnote), I agreed with these institutions to also hold conversations with relevant officers about my doctoral study. It was also an opportunity to expand and confirm the cases included in the database.

⁵⁰ The total number of cases, when I last check the database on 11 February 2020, was 3053 cases. From them, 1061 are in the Americas. I then also confirmed the cases already included and that there was not a new one to consider.

2019a). (6) I reviewed the website of the Latin American Union of Women (ULAM), which specialises in the struggles of Indigenous and rural women affected by extractive projects in the region (ULAM, 2018). (7) I perused the *Extractives Industries and Society Journal* (ScienceDirect, 2018). (8) I looked into the websites of Observatories dedicated to this topic: the Observatory for Mining Conflicts in Latin America (OCMAL), and the Latin American Observatory of Environmental Conflicts (OLCA). (9) I also used relevant media reports. And, (10) during fieldwork in Honduras, Mexico and Colombia, and seminars and workshops in other countries, I further inquired about possible relevant cases during interviews, meetings, conferences and other interactions with key actors. The database includes cases with varied outcomes (success and non-success) as well as cases from different countries of the Americas, different Indigenous peoples and different mega-projects in diverse industries. What these cases all have in common, however, is that Indigenous women are top leaders of SMOs mobilising against the abuses committed in connection with mega-projects. It should be noted, however, that the cases and information included in it are limited by the bias of the sources consulted, and the type of fieldwork and research actions I carried out for this purpose.

Despite these limitations, the total number of cases in the database (24) confirms their exceptionality. It also demonstrates the marginalisation of Indigenous women and their invisibility as leaders. In this regard, the explanation by Maya-Xinka communitarian feminist Lorena Cabnal is particularly relevant:

In the last decade, the defence of land and territory has increased as a political slogan of Indigenous movements in the continent of Abya Yala. Important struggles have emerged where communities have raised to defend what historically belongs to them. However, there is a contradiction within the movements that defend the territory, because women who live in that territory continue to be in conditions of violence [and marginalisation...] their bodies continue to be expropriated (Cabnal, 2010, pp. 23–24)⁵¹.

⁵¹ Abya Yala is the Indigenous Kuna name to the continent before the “discovery” of the “Americas”.

Such extreme violence is continuous and takes place in different forms (as I explain in Chapter 4). It is reflected in the subordinated roles of women, which are often replicated in the mobilisations. Also, it instigates further violations of their rights and their exclusion from decision-making and top leading roles.

Finding the necessary information to develop this study was a challenge. The cases of Indigenous women-led mobilisations defending human rights from the abuses related to mega-projects are not visible in the social movements literature. Most often, they become a matter of interest because of the extreme violence these women and their organisations have to face. However, even then, these organisations' mobilisation processes, their leadership or their capacity is not examined. Many efforts were thus made to consult as many key contacts and sources of information as possible.

In this vein, I was also cautious about including in the database only those cases that can be reasonably grouped (Della Porta, 2014, pp. 99–100). To meet this condition, I considered that the unit of analysis is the mobilisation led by Indigenous women defending the rights of their communities from the abuses connected to mega-projects in their territories. Also, I considered the key concepts presented in the introduction and the temporal and geographical scopes of the study (above mentioned). Thus, although I acknowledge that in many cases Indigenous women have mobilised in different ways to defend the rights of their communities (e.g., participating in protests), here I only focus on cases where Indigenous women are top leaders of the mobilisation process. Also, I recognise the relevance of every woman defending human rights against the abuses by mega-projects and the many similarities of the struggles with other communities (e.g., tribal people). However, **cases such as the following are not included in the database**⁵².

⁵² The database also excludes cases that involve illegal projects, such as illegal mining and illegal logging. In this regard, for example, I am not including the case of Mapuche leader Francisca Linconao,

(1) WHRDs who support Indigenous struggles but who do not identify as Indigenous (e.g., Lawyer Lottie Cunningham in Nicaragua and community leader Macarena Valdés in Chile (CIDH, 2017c; IM-Defensoras, 2017; UAF-LAC, 2018). (2) Rural, afro-descendant or *campesino* WHRDs who do not identify as Indigenous women (e.g., afro-descendant WHRD Francia Marquez in Colombia, *campesino* WHRD Máxima Acuña in Peru, and WHRD Yolanda Oqueli in Guatemala (fieldwork notes; AI, 2012b; GEF, 2016, 2018)).

Additionally, recognising the similarities and importance of the struggles of Indigenous women defending human rights in other parts of the Americas, I decided to include in the database the cases I identified in North America⁵³. I included these other groups in the database, but not in the analysis. I hope to develop a project in the future (post-doctoral research) to explore how well my framework travels beyond the Latin American context.

For the comparative analyses, I selected the cases from the database. I carefully selected each of the cases studied in-depth in this thesis. In this study, I focus on Indigenous women-led SMOs defending human rights from the abuses committed in connection with mega-projects in Latin America. “Social movements are complex sets of groups, organisations, and actions that may have different goals as well as different strategies for reaching their aims. Hence, a given change is not necessarily perceived as a success by all sectors of a movement” (Giugni et al., 1999, p. xx). Therefore, by explicitly focusing on IWHRDs-led SMOs, I control on broader variables that may not allow the proposed agentic and dynamic approach to the study of the outcome of interest (favourable changes in corporate practices). This approach enables me to discern patterns

who has been criminalised in reprisal for her struggle against illegal logging affecting the Mapuche communities (BHRRC, 2018).

⁵³ I could not identify a relevant case in the Caribbean, although I did consider this part of the continent.

of interactions and resource flows that help to find and understand explanations (Cress & Snow, 2000). On this basis and building on the logics of comparative analysis (above outlined), I selected critical cases using the following the steps.

First, from the 24 cases that compose the database and for the paired comparisons, I selected the most paradigmatic cases of IWHRDs-led SMOs defending human rights from the abuses by mega-projects in Latin America, where the outcome of interest was present. Thus, the first two most representative cases I chose to study in-depth were the case of COPINH and Berta Cáceres in Honduras, and the case of APIIDTT and Bettina Cruz regarding Mareña Renovables in Mexico. I first selected two “positive cases” or cases where the outcome (favourable change in corporate practice) is present. Selecting positive cases is a crucial first step when a study is interested in unusual outcomes (Ragin, 2014, p. 42), as it is the nature of this thesis⁵⁴. Then, I selected the most similar negative cases. As the aim of this study is to identify and assess explanatory factors of a favourable change in corporate practice, to maximise leverage of the learnings from processes and mechanism, I included cases where those outcomes are not present, for the comparative analyses. In selecting “negative cases”, I used the “possibility principle”. Thus, from the database, I selected the most similar cases in which the favourable change in corporate practices was possible but did not take place (Mahoney & Goertz, 2004).

For selecting the cases added in the last empirical chapter, I took into consideration the explanation for the success of IWHRDs-led SMOs that I identified in the two paired comparisons. I selected three new cases for a small-N cross-national comparison, also considering their variation in their explanatory factors (as I explain in detail in Chapter 7). And, very importantly, taking into account the cases where I have

⁵⁴ For qualitative studies, it is an excellent strategy first to select the cases where the outcome of interest (dependent variable – DV) is present (Goertz & Mahoney, 2012).

sufficient information to understand the trajectories of change (using mainly publicly available reports and descriptive data). With the addition of these three new cases, I completed a total of seven cases that I then compare in a qualitative comparative analysis that includes a Boolean minimisation process. The following table summarises the cases selected for the comparisons. In each empirical chapter, I explain in detail the similarities and differences in the outcomes and their variation in explanatory factors. I have already presented the meaning of the identified explanatory factors in Chapter 2.

Table 4 - Cases selected for the comparative analyses

Comparisons	A variation within country paired comparison		A within-case variation over time		A cross-national comparison		
	Qualitative Comparative Analysis (QCA) – Including Boolean minimisation process						
Cases	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6	Case 7
IWHRDs-led SMOs	COPINH – Lenca leader Berta Cáceres	MILPAH - Lenca leader Ana Mirian Romero	APIIDTT - Binni'za leader Bettina Cruz	APIIDTT - Binni'za leader Bettina Cruz	TAYJASA-RUTA – Sarayaku leader Patricia Gualinga	CARE-Asháninka leader Ruth Buendía	FMW – Wayuu leader Jakeline Romero
Indigenous People	Lenca	Lenca	Binni'za and Ikoots	Binni'za	Kichwa People of Sarayaku	Asháninka	Wayuu
Country	Honduras		Mexico		Ecuador	Peru	Colombia
Mega-project	Agua Zarca Hydroelectric dam project	Los Encinos Hydroelectric dam project	Mareña Renovables Wind farm project	Eólica del Sur Wind farm project	Block 23 Oil exploitation	Tambo 40 Pakitzapango Hydroelectric dam projects	El Cerrejón coal mine
Relevant Corporate actors for comparison	- Sinohydro	- LEISA	- Mareña Renovables consortium	- Energía Eólica del Sur	- CGC	- Odebrecht - PESAC	Cerrejón
Explanatory Factors							
Transforming the territory into power	H	H	H	M	H	H	M
IWHRDs effective leadership	H	M	H	M	H	H	H
Human rights framing	H	H	H	M	H	H	H
Reacting to a grave violation overtly involving corporations	H	L	H	M	H	M	L
Outcome	Success	Non-success	Success	Non-success	Success	Success	Non-success
<i>Factor presence: H= High; M= Medium; L= Low</i>							

Methods used in the field

In the field, I used life-history sociology and varying intensities of fieldwork and research actions, including desk research. The quest for an explanation on the success of Indigenous women-led mobilisations defending the rights of their communities from the abuses connected to mega-projects in Latin America demanded such a combination of qualitative methods. This study is of international scope, with a focus on emblematic cases where the experience of Indigenous women is at the centre. But, as mentioned, these cases are generally known for the extreme violence faced by these women, not by their leadership or mobilisation capacity. Thus, I had to combine different qualitative methods to gather relevant information for the analysis.

Varying intensities of fieldwork: Multi-sited ethnography

Recognising such focus and scope, and the challenges of this study, I conducted varying intensities of research actions and fieldwork. From the beginning, in this study, I have been interested in highlighting that the challenges and impacts of the mobilisations led by Indigenous women in the context of mega-projects are of relevance in Latin America, not only in one country of this region. This study is not an ethnography or about one exceptional case. It is a qualitative comparative analysis of seven in-depth case studies in five different countries, which are representative of a broader reality in Latin America. Thus, rather than intensive fieldwork in one country, I combined different intensities of fieldwork and research actions in several countries.

This part of the methodology uses the multi-sited ethnography methodology proposed by George Marcus (2011, 2015)⁵⁵. Multi-sited ethnography is a method that addresses the challenges of working on matters that are embedded in a world system and cannot be accounted only by remaining focused on a single site of intensive ethnographic investigation (Falzon, 2011; Marcus, 1995). It is a method to investigate matters where the global, regional, transnational and trans-local “[...]is collapsed into and made an integral part of parallel and related local situations” (Falzon, 2011, p. 2), as it is the nature of this study. In this vein, rather than intensive fieldwork in a single site, this method builds on “the product of knowledge bases of varying intensities and qualities[...] ‘knowing the language’[...] and] a circumstantial sense of activism” (Marcus, 1995, pp. 100–101, 114). Furthermore, for this method, the “time-space comprehension” is an important consideration to be able to establish field relations and the required language skills (Falzon, 2011, pp. 8–9). Thus, it is not only an addition of perspectives or a control comparison; it is a method to understand the logic of connections or relationships among the sites that are part of the same system (Hannerz, 2003, p. 209). In this regard, this was a particularly appropriate method for this study, given its scope and objective. It allowed me to explicitly integrate into this study the fact that I am a Latin American woman, a Spanish native speaker and a human rights lawyer and campaigner with over a decade of experience working with and for HRDs in Latin America, including IWHRDs in the countries included in the study. Also, it substantially facilitated to get access to key people and settings for the application of the life-history sociology (e.g., daily life activities or conferences). A way to use this method is to follow the narratives, the

⁵⁵ I also considered for this part of the methodology to integrate the rapid ethnography methodology used by Donna Baines and Ian Cunningham for international comparative case studies (2013). As in the case of this study, I collect data from numerous sources, with different methods, in a relatively short time and for international comparative case studies. But, a key characteristic of rapid ethnography is that it “involves at least two researchers in all aspects of data collection” (Baines & Cunningham, 2013, p. 75). And this investigation, as a doctoral study, has only been conducted by me.

processes and the life-histories in situated social landscapes to produce systematic analysis. Life-histories are key to reveal novel associations among sites and social contexts (Marcus, 1995, pp. 109–110). And, life-history sociology is indeed a crucial method in this study as I explain in the next section.

The way this study evolved made it necessary to apply this method. The day after Lenca leader Berta Cáceres and I communicated via Skype to include her case in this study, she was murdered. After this devastating event, the University of Oxford considered this project to be high risk. After a very thorough process, security and ethical clearances were granted to the study (CUREC2 - R48237/RE001), by the Social Sciences and Humanities Inter-divisional Research Ethics Committee (IDREC) of the University of Oxford. But, only a maximum of three weeks of fieldwork per country was agreed⁵⁶.

With this time limitation, I carried out fieldwork in Mexico (from 19 March to 8 April 2017) and Honduras (from 22 May to 3 June 2017). I also had exploratory fieldwork visits to Mexico (from 22 to 27 January 2017) and Colombia (from 19 February to 4 March 2018), as well as one follow-up visit to Mexico (from 4 to 7 April 2018). When I started the fieldwork phase of the study, I moved to Montreal⁵⁷, Canada⁵⁸, which helped me to be in the same time zone. From there, I continued to establish, develop and maintain

⁵⁶ The initial suggestion was to carry out interviews only via telephone or Skype. During fieldwork, I had to follow a rigorous security protocol.

⁵⁷ I moved to this city due to personal reasons and security considerations (agreed in the CUREC2 as just explained).

⁵⁸ Canada is a centre of the debate about the impact of corporations on Indigenous communities and the leadership of Indigenous women defending human rights from the abuses by mega-projects within the country and in Latin America. It is a central place for debates about the matter of interest. In fact, "... in 2015 and 2016 alone, 450 such attacks were documented across the world. Of those attacks, 25 per cent were connected to companies headquartered in three countries only: Canada, China and the United States of America..." (UN Special Rapporteur on HRDs, 2017a, paras. 3, 5). Furthermore, as a result of social mobilisation, this is a country taking pioneering steps regarding responsible business conduct abroad, in terms of human rights and the protection of HRDs. In 2017 Canada adopted "Voices at risk: Canada's guidelines on supporting human rights defenders", where recognises the role of Canadian companies regarding HRDs at home and abroad (Canada, 2018b). In 2018, Canada established an independent Canadian Ombudsperson for Responsible Enterprise to investigate allegations of human rights abuses committed by Canadian corporate activity abroad (Canada, 2018a). However, its effectiveness and impact are yet to be seen.

field relations, and to carry on with desk research. I managed to establish contact and interview some Indigenous women leaders who came to Montreal to participate in events on extractivism in the Americas (between 2016 and 2019). In addition, I had various encounters with IWHRDs and other key contacts in meetings around the world (e.g., Bogotá, Boston, London, Mexico City, York, Washington D.C.), which allowed me to maintain contact, raise questions and debate ideas. Moreover, the project grew out of an already established relationship in my previous professional role.

This method allowed me to overcome time constraints and other challenges I faced in this investigation. Time constraints also meant that during fieldwork I could not devote much time to get access and generate rapport in cases that were entirely new for me. Thus, it was crucial that I had already visited Mexico and Honduras to do human rights work. I was already familiar with essential political, legal, cultural and social similarities and differences⁵⁹. I was already in touch with key contacts. These contacts and my familiarity with those countries were particularly important given the extensive security protocol I had to apply (as per the approved CUREC2). For example, this protocol required me to have a security plan during fieldwork, for myself, the IWHRDs I met, and all other interviewees, including the responsibility to establish a network of support in the nearby areas in case they or I needed it.

This explicit recognition of my previous experience and contacts, which compensated for time constraints, builds on the idea that selecting cases where the researcher already has knowledge and contacts is considered good practice in qualitative research. It “[...]contributes significantly to within-case analysis and[...] valid inference” (Goertz & Mahoney, 2012, pp. 184–185). In this study, those are precisely the selected

⁵⁹ For example, to refer to young women in each country, people use different words: *muchacha* in Colombia, *zipota* in Honduras, and *chava* in Mexico.

cases in Mexico and Honduras where I carried out the most intensive fieldwork on the ground. Also, given the time constraint, I put an extraordinary effort into my preparation for fieldwork. I was able to have several preparatory meetings and interviews, to schedule in advance most face-to-face interviews, and all other logistic aspects. After I visited the countries, I carried out follow-up communications, and I have been in touch over social media. Furthermore, these communications were vital to address another challenge in this investigation: constant fear.

Constant fear for the life of the Indigenous women and other HRDs who participated in this study was a challenge. The killing of Berta Cáceres dramatically increased my fears. It was a reaffirmation of veto players' extreme power and the severe vulnerability faced by these women and their groups, even when they count with recognition and support⁶⁰. The very detailed considerations included in the ethical and risk assessments approved by the IDREC also helped me to calm my concern about how to approach the situation and to have clarity on the tools at my disposal to deal with this fear. The follow-up communications were constructive to address this aspect of the investigation.

⁶⁰ There were also several grave attacks against IWHRDs around the time of my fieldwork. For example, a month after I interviewed Lenca leader Berta Zúñiga in La Esperanza, Intibucá, Honduras, she and two other COPINH leaders suffered an attempt on their lives (FLD, 2017b). A week after my visit, on 8 April 2017, Alberto Toledo Villalobos, a leading member of the APIIDTT, was killed. And, in the following days, Binni'za leader Bettina suffered serious security incidents (CIDH, 2018). Also, when Wayuu leader Jakeline Romero was visiting Montreal in the summer of 2019, her sister received a death threat (Sintracarbón, 2019).

Life-history sociology

Life-history sociology is a crucial method to understand and document the cases included in this study. It is a fundamental method to understand the underlying mechanism of cases taking place in the intersection of global and regional systems and local histories, through the accounts of key moments lived by specific people (Auyero, 2003). There are two main approaches to this method. One is about interpretative procedures to do biographical work. The other “aims to provide an objective account of the life in order to throw light on social processes” (Marshall, 1998). In this study, I build on that second approach. It is an appropriate method to identify and understand explanations to social outcomes, as with this method, it is possible to trace and understand processes and mechanisms from a holistic approach in specific cases. It has been considered an effective method for inductive paths, those that go “from research to theory” (Della Porta, 2014, p. 264), as it is the case in this doctoral investigation.

Moreover, life-history sociology has often been used to investigate social issues and processes related to apparently powerless people. It does not require the separation of the public and the private; on the contrary, it demands holism and what is told and not told in the narratives (Goodson, 2001). This method has proved to be very useful to the study of activism, particularly in cases where archives on events or groups are very limited (Della Porta, 2014). This method involves both life stories and historical context (Goodson, 2001). Thus, narrations on crucial moments of lives are contextualised in time, space, and dynamic processes of change and interactions in different relational levels. Therefore, the accounts of the relational, situational and contextual experience of IWHRDs reveal the processes and mechanisms that shape the path to changes in corporate practices. Life history sociology gives expression to the hidden, to the silences

and the usually disregarded experiences of Indigenous women (Goodson, 2001). This method has been acknowledged as “very promising in social movement studies, especially for those who are interested in the ways in which historical events and individual lives are intertwined, as well as in activists’ construction of external reality” (Della Porta, 2014, p. 16), as is precisely the nature of this study.

In essence, life histories are life story accounts validated by other sources (Della Porta, 2014, p. 263). Thus, **this method involves two main stages**: the first stage is the life-story, the narrative of the lived experience; and the second stage is the construction of life-histories (Goodson, 2001, p. 139).

For the first stage, I carried out guided open-ended **life-story interviews** of IWHRDs-leaders of selected cases in Mexico and Honduras⁶¹. I interviewed them as Indigenous, women, defenders and leaders of mobilisations against mega-projects in their territories. As explained by Della Porta (2014), life histories can be topical; they are collected through life-stories interviews for the specific purpose of the research, and for this, the interviewer takes an active role ensuring that the narratives focus on the moments and topics of interest. Thus, the interview guide that I used during fieldwork included questions on the lives of the Indigenous women as well as on the mobilisation processes, and their interactions with State and corporate actors involved in the mega-projects of interest. Before the life-story interviews, as mentioned above, I had preliminary conversations via telephone/Skype with the Indigenous women and other key contacts. These were valuable opportunities to build trust with them and to get access to other relevant people (snowball technique).

⁶¹ A full list of interviews is in Appendix 1.

I carefully considered ethical and security aspects of this part of the method in the assessments (CUREC2) approved by the IDREC of the University of Oxford (approval: R48237/RE001). The emotional and risk intensity of these interviews were core considerations in those assessments. I developed detailed preventive and reactive plans of action in the approved documents. I explained these plans and the nature and aim of the project during preparatory communications with participants, also before starting interviews. All the interviewed Indigenous women provided consent to include their names in this study, except one⁶². As these Indigenous women are vocal and public figures in the struggles against the abuses connected to mega-projects in selected cases, they decided to be named in this study. Each interview lasted for about an hour, and in some cases, more than one interview with the same person took place to be able to achieve “saturation of knowledge”. Time, place and security considerations for the interviews were discussed and agreed to in advance with each participant.

For the second stage, I used **other sources of data and methods:** interviews, participant observation, and archival research and data analysis. This second part of the life-history sociology method is crucial to increase the reliability of the information collected and reduce bias. Also, it is critical to allow the intersection of the individual experience with the collective experience, within the context and a broader dynamic common to other cases in Latin America. In the study of social movements’ outcomes, it is particularly important to gather information widely to assess better the influence of SMOs, of the role and actions of other relevant actors, and other relevant factors (Giugni et al., 1999, p. xxiv).

⁶² Only one IWHRD in Mexico decided not to be named, due to personal reasons.

I conducted **interviews** in two formats, in-depth interviews and extensive meetings. Each interview lasted for about an hour. Following the approved interview guide, questions were adapted to each person depending on her/his role and relation to Indigenous women leaders. Interviewees were selected based on theoretical and practical considerations (e.g., the role of a person as a State representative for issues regarding the protection of HRDs or the development of mega-projects). Face-to-face interviews took place during fieldwork. I followed-up some of those interviews with telephone/Skype conversations. Also, I carried out telephone/Skype conversations with a few key contacts who were not present in the country during fieldwork or are based in other countries of the region where I did not conduct fieldwork. **In-depth interviews** were carried out with key actors in the live and mobilisation of Indigenous women leaders; mainly, members of their families, their organisations, and other supporters. Those interviews were also open-ended and lasted for about an hour. They were crucial to understanding the cases and the intersectional experience of these women. **Extensive meetings** were interviews but in a more formal format. I interviewed these participants as members of NGOs and in their “official” capacity as representatives of State institutions, respectively. These interviews also lasted for about an hour. I met with representatives of State institutions at the local and national level, corporate representatives and scholars dedicated to relevant topics to the study. In total, during fieldwork, mainly in Mexico and Honduras, I carried out 83 interviews (seven life-story interviews, 43 in-depth interviews and 33 meetings)⁶³. A full list of interviews is in Appendix 1.

However, in some cases, face-to-face encounters were not possible. It was very difficult to establish contact with the relevant corporate actors, even to identify whom to contact or their contact details. In the cases of Honduras, thanks to the information

⁶³ A full list of interviews is in Appendix 1.

provided by a HRD, I managed to get the contact details of the Honduran company Desarrollo Energéticos S.A. (DESA), owner of the Agua Zarca dam project. But, they did not meet me face-to-face. They only communicated with a formal letter. In the case of Mexico, I managed to get the telephone number of Eólica del Sur corporation (previously Mareña Renovables). After insisting many times for several days, a secretary responded to my call; once I explained the purpose of my communication, however, she never responded again. I did manage to have an extensive meeting with the Mexican Wind farms guild. I considered contacting representatives of corporate actors in a less formal way. But some NGO contacts warned me that it could be very risky; in fact, the criminal investigation for the murder of Berta Cáceres revealed the complicity of high ranking DESA employees, with a military officer and hitmen. And, very importantly, given the CUREC2 approved for this study, I would have been unable to use the information in the study. Thus, to address this challenge, the many difficulties in accessing corporate actors become part of the analysis. For the last empirical chapter, I mainly consulted publicly available materials⁶⁴.

Participant observation was also carried out during fieldwork in Mexico and Honduras. This is consistent with the multi-sited ethnography method which, as explained above, goes beyond the idea of “conventional” fieldwork extending in time and connections through a continuous sense of activism (e.g., being constantly connected through various forms, such as social media). Fieldwork in Mexico and Honduras was crucial for the first-hand collection of data for the analysis, for better understanding

⁶⁴ For this chapter, other travel would not have been possible given the doctoral time frame and my limited budget for the investigation, among others. To overcome this limitation, I used the multi-sited ethnography method (explained above). Thus, I contributed to facilitating the visit of two Indigenous leaders (from Colombia and Guatemala) to two conferences in Montreal. It, in turn, allowed me to have face-to-face conversations with them. Also, I used social media and every other possible opportunity during conferences and other events to communicate with relevant Indigenous women leaders (e.g., 2016 World Social Forum in Montreal).

actions and interactions in their normal settings, for what IWHRDs do and say in context, and for observing dynamics of power (Balsiger & Lambelet, 2014). Participant observation is a method that “provides direct experiential and observational access to the insiders' world of meaning” (Jorgensen, 1989, p. 15). It encourages the researcher to experience concrete situations and settings of interest and to make the most of relevant opportunities (Jorgensen, 1989, p. 18). In this vein, during fieldwork in Mexico and Honduras, and to observe dynamics and interactions in their normal settings, before, during and after interviews I made observations, and I shared some time with some Indigenous women in their daily activities. Having gained a reasonable degree of trust and rapport through preparatory work, life-story interviews and the application of the “sociological praxis” approach, some of these women invited me to share time with them. I accompanied them during some of their work activities or to continue the interview while they were carrying out a daily activity (e.g., the practice of a traditional medicine consultation done by Binni’za leader Isabel Jimenez in Juchitán). I also joined some of them during family and organisation time, where we had casual conversations (e.g., an informal “get together” after a traditional Assembly of a Binni’za community in Union Hidalgo, where some traditional snacks were shared). Furthermore, I was present in conferences relevant to cases of interest that took place in Mexico, Colombia, Honduras and Canada (see below the sections on particularities of the methodology). As a tool for data collection, during participant observation, I used fieldwork notes and photos (as per the approved CUREC2) (Balsiger & Lambelet, 2014, pp. 161–162).

Archival research and data analysis were of particular importance for the development of the last empirical chapter in this thesis, as it was mainly drawn on human rights reports, media outlets and all other publicly available materials. Also, this is a crucial method for the triangulation process of information, as it is a form to interpret and

supplement the information provided in interviews. Thus, in addition to the gathering of information through interviews, I used other sources. Furthermore, for data analysis, I draw on a focused version of **discourse analysis** (Lindekilde, L. in Della Porta, 2014, p. 224). By this I mean that I am interested in the meaning, production and use of texts (not only in written documents but in the broader sense: websites, interviews and slogans, among others) and its impact. In this vein, documents from SMOs led by IWHRDs were accessed during fieldwork and on their websites. I also read national and international reports and communications from NGOs, INGOs and key State institutions. I accessed audio-visual materials and media documents. Finally, I gathered corporate responses from the corporate actors' websites, as well as from other relevant sources and databases, such as the BHRRC, which is a comprehensive publicly available database on corporate human rights abuse.

Conclusion

In this chapter, I presented the qualitative methods I combined to develop this doctoral study. Only such a combination enabled me to develop a substantial sociological investigation, with an ethical, safe and respectful approach to Indigenous women leaders, their families and organisations, and all other participants. Scholars dedicated to the study of social movements' outcomes have already suggested that a robust research model uses multi-level analyses, "both across countries and across movements as well as overtime" (Bosi et al., 2016, p. 22), as I do in this thesis. Although I faced many challenges in the research process, I am convinced that no other method or combination of methods would have been adequate to address the research puzzle and question of this thesis, which are

of international scope. Moreover, the combination of comparative analyses I used allowed me to find the necessary information for the study, considering all the different aspects of the situations these women face and overcome, in adverse conditions. The next chapter explores those general conditions.

Chapter 4 – General conditions

Introduction

Anyone who knows about the current and historic context of Indigenous peoples in Latin America would question the discussion of context in Chapter 2 as “favourable”. In this chapter, I further explain that context and situate it within the adverse conditions that persist. The current context for Indigenous rights struggles is more favourable than in the past. It is built on the achievements of a centuries-long struggle by indigenous peoples for rights. While indigenous peoples continue to live in dire situations where they face violence, discrimination and are not even able to have basic needs satisfied, it is nonetheless important to recognise how their struggle has achieved -at the very least- rights on legal instruments, if not rights in practice. In addition, there is increasing recognition of the human rights responsibilities of businesses. Thus, it would be inaccurate to say that there has been no change in context from the colonial era.

Indigenous women-led SMOs therefore mobilise in a minimally favourable context that recognises their most fundamental rights, even if only in normative frameworks. However, it is important to note that the experience of Indigenous women leaders and their organisations is also shaped by who they are and what they do to defend their communities’ territory and rights from abuses by powerful adversaries⁶⁵. They are

⁶⁵ These powerful adversaries are State and corporate actors with strong vested interests in mega-projects. As I explained in Chapter 3, I am aware that in some of these cases, criminal organisations also play a

therefore also immersed in an extremely imbalanced power relationship with corporations, which is further compounded by historical patterns of oppression, structural problems, and veto players resisting change⁶⁶. Hence, although conditions are, to some extent, better than before, the power needed to generate a change in corporate practice still needs to be very strong. The context offers essential tools and opportunities to condemn violations and claim respect and protection for human rights. However, it is important to emphasise that a favourable context on its own does not produce success; it is the power of IWHRDs-led SMOs. They defend rights against a backdrop of persistent adverse conditions as well as the powerful veto forces resisting change, which historically have been in the hands of patriarchal, capitalist and racist actors.

In this vein, after this introduction, this chapter has five more sections: (1) an explanation of the minimally favourable context already introduced in Chapter 2 as the “fulcrum”; (2) the historical patterns of oppression that persist; (3) the structural problems that further compound the obstacles faced by IWHRDs-led movements; (4) the national historical backgrounds for cases selected for the comparative analyses; and, (5) a conclusion on the importance of understanding these general conditions.

The minimally favourable context

Current normative international, regional and national frameworks recognise Indigenous peoples’ rights and dignity. These are hard-won struggles for rights against

part (e.g., organised crimes, paramilitary groups). When pertinent, I mention their role in specific cases. But, as per the research model and the approved CUREC2, this is not the focus of this study.

⁶⁶ Some sections of this chapter have been published in a Policy Brief the German Centre for Peace in Colombia (CAPAZ) commissioned me (Tapias Torrado, 2019b). Also, in *Caminando* a Journal of the Committee for Human Rights in Latin America in Canada (CDHAL) (Tapias Torrado, 2018), and the Latin American Studies Association’s Quarterly Newsletter (LASA-Forum) (Tapias Torrado, 2019a).

every effort to roll them back. Notably, those human rights frameworks are the result of long historical struggles for the recognition of their dignity and rights. It took several decades for the UN to adopt the Declaration on the Rights of Indigenous Peoples, which it did on 13 September 2007. It took more than 17 years for the Organisation of American States (OAS) to adopt the American Declaration on the Rights of Indigenous Peoples, which was approved on 14 June 2016.

The context affecting the cases studied in this thesis is indeed better than a few decades ago when Indigenous people were not even considered human beings with rights, and none of their rights were recognised in national or international norms or practice. An Indigenous woman leader explained this chronic invisibility and abuse, during the 1996 Zapatista Intercontinental Conference for Humanity and against Liberalism, in Chiapas, Mexico, with these words: “Below in the city and plantations, we did not exist. Our lives were worth less than the machines and the animals. We were like rocks, like plants along the road. We did not have voices. We did not have names. We did not have tomorrow. We did not exist...” (in Yashar 2005, pp.xiii–xiv).

Although in the current context there are still historical forces present and veto players resist change, the dignity and rights of Indigenous people have been widely recognised, and national and international systems of human rights can be used to defend them. At an international level, ILO Convention 169 has been fundamental to advance and protect Indigenous human rights. As a treaty, it is legally binding. It encompasses crucial norms such as those defining the criteria to identify Indigenous people and to protect the right to FPIC. Both the UN and the American declarations on the rights of Indigenous peoples are landmark legal instruments that reaffirm and advance individual and collective Indigenous rights. At a domestic level, in the 1990s, the ratification of ILO Convention 169 was a fundamental step in the advancement of Indigenous rights

protection in the countries of Latin America. It facilitated the adoption of domestic norms, including specific articles in the Constitutions, such as those mentioned below in the section on country backgrounds. In parallel to those normative advancements for Indigenous rights, the rights of women have also been reaffirmed and developed⁶⁷, and important efforts have been made to acknowledge the specificities of Indigenous women's experiences and their rights, including their right to participation and decision-making, among others (FIMI, 2006; IACHR, 2017). There are now several institutions dedicated to the protection of Indigenous and women's rights at the international, regional and national level, such as working groups, special rapporteurs and national offices. Policies and judicial decisions have also been crucial to advance, protect and apply these normative standards, such as those mentioned below regarding the cases studied in this thesis.

Furthermore, in the last two decades, in addition to States' obligations, there has been increased recognition of the human rights responsibilities by corporate actors. These responsibilities are different from corporate social responsibility -which refers to ethical behaviour and responsibilities regarding the workforce, the local community and the wider society from a public relations approach (Frankental, 2001; Soule, 2009). In 2011, the UN Guiding Principles were adopted to set key human rights standards on corporate responsibility (Ruggie, 2011). They apply to all companies, both national and transnational, regardless of their size, sector, location, ownership, the structure of governance and activity (Ruggie, 2011), and include all its investors (UN Special Rapporteur on HRDs, 2017a, para. 73). Corporations also have a responsibility to take positive measures regarding HRDs; for example, they should explicitly recognise the

⁶⁷ See, for example, the UN webpage on Women's Human Rights and Gender Equality: <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/WRGSIndex.aspx> (last visited on 28 October 2020).

legitimacy and relevance of HRDs' actions (UN Special Rapporteur on HRDs, 2016a, 2017a). In essence, human rights systems come up against neoliberal policies and practices, but these norms are not always effectively applied or reflected in substantial changes. Additionally, crucial legal standards continue to be of *soft-law*, of voluntary adherence and too often are interpreted as philanthropic considerations. Nonetheless, there has been a change in context since the colonial era.

There is now a language of rights, a set of human rights tools, a global movement, and a very different context. Thus, there is an opportunity for change; it is possible to mobilise. This favourable context has enhanced the set of tools in indigenous peoples' hands, and it has opened the opportunity to strengthen the *strands* in the *braid of action*. Indigenous people can more easily transform their territory into mobilisation power. Indigenous women can have legitimate and effective leadership. The human rights language can further help them *braid* the power of actions external to the territory, and they can react to grave violations by businesses, *harnessing* a strong mobilisation force that lifts human rights and produces a change. This kind of mobilisation will be unlikely to emerge in a different context because that context helps strengthen the *strands* in the *braid* and makes it slightly easier to lift the lever by moving the fulcrum closer to human rights. There is a favourable context, at least minimally favourable; although historical patterns of oppression and structural obstacles persist.

Patterns of oppression

Historically, the context for Indigenous people to defend their rights was unfavourable. In the last few decades, it has evolved into a minimally favourable context

with national and international systems that protect human rights. However, some underlying historical patterns of oppression affecting them persist, as this section explains. As Berta Cáceres said, their struggles are affected by “a capitalist, racist and patriarchal depredation” (Cáceres, 2015). There is a structural power imbalance.

Regarding patriarchal oppression, Indigenous women have endured violence, discrimination and exclusion. They have not been part of negotiations, decision-making and leading roles regarding mega-projects. Leadership in public matters has traditionally been a male role within Indigenous communities, and indeed throughout Latin America in general. Ancestral community structures and other forms of organisation that allow participation in public life continue to be dominated by men. In addition, land titles usually exclude women. Thus, the arrival of mega-projects has further exacerbated the exclusion and oppression that Indigenous women endure. Mega-projects are part of a patriarchal system. They are manifestations of oppressive *macho* power due to their hierarchies, their size, the way they operate, the type of knowledge that they privilege⁶⁸, their impacts and the production of silencing practices (Lahiri-Dutt, 2011; Zwarteveen, 2008). These oppressive practices are reflected, among others, in the exclusion of Indigenous women and their communities from decision-making. It means, for example, a lack of FPIC by the affected Indigenous communities, and the exclusion of women from negotiations. Indigenous women are less frequently nominated for decision-making roles, and they lack due recognition (ECLAC, 2014, pp. 18–19). When Indigenous women manage to influence negotiations, too often, they do so as secondary figures (Horowitz, 2017; O’Faircheallaigh, 2013). Even when Indigenous women are in top leadership roles, corporate and State actors favour negotiating only with men (IACHR, 2016, para. 212),

⁶⁸ For example, instead of appreciating expert ancestral local knowledge about the territory, corporate actors prefer professional information for considering it much more proficient (fieldwork notes).

and the violence and discrimination against these women intensifies. As Cabnal explains, it is a manifestation of the “multidimensional patriarchy”, which connects the western patriarchy and the ancestral patriarchy further oppressing Indigenous women (Cabnal, 2010, pp. 15–16, 18). In sum, the patriarchal oppression manifests, among others, in Indigenous women’s exclusion from leadership and decision-making roles, and in the unfavourable consequences of that. They are also reflected in the worrying levels of inequality, violence and discrimination that particularly affect them, as the next section on structural problems illustrates.

Regarding racist oppression, Indigenous women and their peoples have traditionally been neglected and marginalised. For centuries, Indigenous peoples have guarded territories with a unique wealth of fragile ecosystems, which are increasingly important for ensuring the sustainability of the environment, humanity and the world. Their spirituality, knowledge, diversity and cultural richness are impressive; for example, they speak about 7,000 different languages in the world. Nevertheless, they are too often seen as inferior and are excluded and discriminated. When there are armed conflicts, they are usually disproportionately affected. Similarly, when there are large-scale projects, they are often developed in their territories, gravely affecting their survival as individuals and collectives. In Latin America, Indigenous peoples are among the most disadvantaged groups. “[C]omplex socio-historical processes that date back more than 500 years have fed into discriminatory practices that are still in place and involved systematic dispossession of their territories, with grave consequences for their well-being” (ECLAC, 2014, p. 5). Also, Indigenous people access to education, health, and other fundamental rights and services is minimal (Hall & Gandolfo, 2016; UN, 2009). State authorities and corporations are fully aware of these exclusions and limitations, and use them to impose mega-projects in their territories. Indigenous peoples’ disadvantageous situation is

generally called “poverty”, and States and corporations advertise mega-projects as the opportunity to alleviate it. However, when these projects arrive in Indigenous territories, the situation of affected communities deteriorates. Too often, they are excluded from decision-making processes, their right to FPIC is violated, social division is created, and violence is exacerbated, among others. Furthermore, worldviews and ancestral practices that have allowed Indigenous communities to survive for centuries in their territories are regarded with contempt and put in jeopardy.

In terms of capitalist oppression, while mega-projects are developed in the name of progress, they have mainly favoured national and transnational corporations. Mega-projects are an example of neoliberal policies that have reduced the role of the State while simultaneously strengthening the position of corporations, their complex businesses and financing networks (Ibarra, 2013, paras. 8, 12; Soule, 2009)⁶⁹. Mega-projects are part of a series of processes that precede them, which include modernisation, industrialisation, colonialism and development. And, they are all part of a continuum of accumulation of power and capital by subordinating and dispossessing Indigenous peoples, among others, for the commodification of their territories (Harvey, 2003; Petras & Veltmeyer, 2001; Veltmeyer & Petras, 2015). Corporate actors involved in mega-projects are the most politically and economically powerful actors in the world. And, due to their business model, they are shielded from the influence of mobilisations (Luders, 2006).

In the last two decades, there has been a proliferation of mega-projects in Latin America. Neoliberal policies and the paradigm of development in a global economy have been promoted by Latin American governments (Veltmeyer & Petras, 2015), even by the more left-leaning governments that had committed to protect Indigenous peoples and the

⁶⁹ Corporate-State elites have been formed and strengthened, and a few groups have “captured” the State (Oxfam, 2015b, 2016, 2018).

environment (Postero, 2017). Between 2004 and 2013, the region experienced a “*commodities’ supercycle*”⁷⁰. Since it ended, States’ competition in the *commodities* market has been even higher than before. To attract this type of investment, measures, policies and regulations that favour them have boomed (Grupo Propuesta Ciudadana & RLIE, 2016, pp. 32–37). Such veto power is reflected, for example, in measures to minimise taxes, adapt regulations to corporate needs, ease labour regimes, and privatise public services (King & Pearce, 2010; Monbiot, 2016). Moreover, the low prices of minerals has resulted in a market emphasis on the renewable energy sector.

Those oppressions are interrelated and reinforce each other. Thus, with such dominant capitalist, racist and patriarchal oppressions, the negative human rights impacts of mega-projects have disproportionately affected Indigenous women and their peoples, who also have to face the challenges of other structural obstacles.

Structural obstacles

Historical patterns of oppression are also reflected in the structural problems in the countries of Latin America, which also disproportionately affect Indigenous women, their peoples and organisations. They are affected by structural problems, such as corruption, impunity, inequality and violence. These problems further exacerbate their vulnerabilities regarding the challenges posed by mega-projects in Indigenous territories.

Corruption in Latin America is widespread. Transparency and accountability are both fundamental for the protection of human rights. Regrettably, the level of corruption

⁷⁰ At the time, there were high prices on “natural resources”, high levels of private investment to extract them, and important levels of income for the States in the region (Grupo Propuesta Ciudadana & RLIE, 2016, p. 8).

is very high, despite some normative advancements. Also, some critical cases have been investigated (Transparency International, 2018b); but these cases have confirmed the scale of corruption in the region (e.g., the infrastructure company Odebrecht). The lack of transparency on corporations' chain of responsibility and the different stakeholders involved in mega-projects make it propitious for corruption and lack of accountability. As the UN Special Rapporteur on HRDs stated, "corruption and impunity also underlie the growing number of conflicts around natural exploitation and large-scale development projects" (2016a, para. 49). Both corruption and impunity are obstacles for Indigenous women-led mobilisations. For example, the corruption perception index in the countries of the cases studied in this thesis are as follows: out of a maximum of 100 points, Honduras scored 29, Mexico 28, Ecuador 34, Peru 35, and Colombia 36 (Transparency International, 2018a).

Impunity is endemic in Latin America. Despite the many efforts to address it, it is a major issue in the region. Impunity for the attacks against HRDs is a crucial example of this reality. As the cases in this thesis demonstrate, impunity combined with the lack of effective State protection measures have left Indigenous women and all others defending human rights with them defenceless and exposed to abuse. Impunity is another way to exert veto power and to undermine the mobilisation of IWHRDs-led SMOs. It emboldens veto players while it weakens Indigenous women's agency and discourages others from joining them in their struggles. In a report dedicated to impunity, the UN Special Rapporteur on HRDs corroborated that the overwhelming majority of attacks against HRDs remain unpunished. Worryingly, "it has not been possible to produce statistics that reflect the magnitude of this issue owing to the lack of any official record" (UN Special Rapporteur on HRDs, 2019a, paras. 23–24).

Inequality is another structural problem affecting IWHRDs-led mobilisations. Economic growth in Latin America in the last decade did not result in a significant reduction of poverty or inequality (CEPAL, 2013a). Latin America is the most unequal region of the world and Indigenous people, especially women and children, are among the most affected groups.

Honduras is a country of over 8.5 million people, and 10 per cent are Indigenous peoples. Sixty-four per cent of the Honduran population live in conditions of poverty (CIDH, 2015c, para. 392). The Lenca people, as well as all other ethnic groups, are among the most affected⁷¹. The average life expectancy in the country is 72.6 years, but for Indigenous people it is 36 for men and 42 for women (IACHR, 2013, pp. 293, 295, 296). Access to education, health and other fundamental rights for Indigenous people is minimal (CIDH, 2015c, para. 418).

Mexico is a country with a large State apparatus that plays a leading role in international affairs. Also, it is considered an emerging global economic power. Yet, in the last few years, high levels of inequality and human rights violations have caused serious concerns⁷². Mexico has 127 million inhabitants, and 20 per cent are Indigenous (of which 30 per cent are in Oaxaca state, where the case study for this thesis takes place)⁷³. The highest levels of poverty in the country are in the states with the highest number of Indigenous populations: Chiapas, Oaxaca and Guerrero (CONEVAL, 2017; INEGI, 2016). In 2008, 49,4 million people were in a situation of poverty, and inequality was rampant⁷⁴. Three in every ten Indigenous people in the country suffer hunger and

⁷¹ These peoples are Lenca, Pech, Nahua, Tawahka, Tolpan, Chortí, Miskitu, Garífuna and Creole. The largest Indigenous people is the Lenca. There are more than 600 Lenca communities in the country, most of them in the departments of Intibucá, La Paz and Lempira.

⁷² Some even argue that there is a humanitarian crisis in the country (Buscaglia, 2018).

⁷³ There are 68 Indigenous peoples in Mexico.

⁷⁴ While ten per cent of the wealthiest Mexicans receive 35.4 per cent of the national income, only 10 per cent of the poorest only receive 1.9 per cent of it (CONEVAL, 2018; Proceso, 2018a). Other studies have calculated even higher levels of wealth concentration (Esquivel Hernández, 2015, pp. 7–8).

have no access to education, and six in every ten Indigenous people have no access to essential services or a place to live in (Proceso, 2018a).

Ecuador has a population of 17.3 million people, and seven per cent self-identifies as part of the 15 Indigenous peoples in the country (INEC, 2010; RIMISP, 2017)⁷⁵. The largest “Indigenous nationality”⁷⁶ is the Kichwa (composed of several Indigenous peoples with different names; e.g., the Sarayaku) (INEC, 2006). In the last few years, Ecuador reduced inequality and poverty, particularly during the commodities boom (2007-2011); but this reduction has not been sustainable (Gachet et al., 2019). Poverty went from 64.4 per cent in 2000 to 22.5 per cent in 2014. In 2018, poverty was 24.5 per cent, but with a higher incidence in rural areas (43 per cent), where most Indigenous peoples live (INEC, 2018). Despite some improvements, access to fundamental rights and services is still very limited for Indigenous communities. For example, they have the lowest level of schooling in the country, and only 22 per cent can access potable water (RIMISP, 2017).

Peru has a population of 31.9 million (WB, 2019), and more than four million people are Indigenous persons (IWGIA, 2019)⁷⁷. Similar to Ecuador, Peru also experienced an economic boom (2005-2012), also known as ‘the Peruvian Miracle’. During this period poverty was substantially reduced. It went from 48 per cent in 2005 to 21.7 per cent in 2017. Despite this, critical issues were not addressed, and inequality persists. More than 40 per cent of the Indigenous population continues to be in a situation

⁷⁵ For prominent Indigenous organisations, it is much larger (e.g., 45 per cent, according to the CONAIE) (INEC, 2006, p. 8).

⁷⁶ The Ecuadorian Indigenous peoples self-identify as “nationalities of ancestral roots”. They reject their description as “ethnic groups” and “ethnicity”. They consider it a racist and discriminatory approach to them (Chávez et al., 2005, p. 6).

⁷⁷ From them, 83.11 per cent are Quechua, 10.92 per cent are Aymara, 1.67 per cent are Asháninka, and the rest are from the other 52 Indigenous peoples (IWGIA, 2019).

of poverty (INEI, 2006, 2017). And those living in rural areas have very limited access to education, drinking water and essential services, among others (Oxfam, 2015a).

Colombia has 48.2 million people (DANE, 2018a), and 4.4 per cent self-identify as Indigenous persons (DANE, 2019a). There are 115 Indigenous peoples in the country and the Wayuu people, in La Guajira department, is the largest group. For 2018, 27 per cent of the population in Colombia was living in poverty; but poverty in La Guajira was 53,7 per cent (DANE, 2018b). Illiteracy is 3.3 times higher in rural areas, and the lack of access to drinking water is 13.4 per cent higher for rural households (UNHCHR, 2019, para. 60). For more than half of the Wayuu people, the only way to access water is through water-holes, wells and *jagüey*s⁷⁸ (DANE, 2019b). In the last decade, more than 4,700 Wayuu children died due to malnutrition and dehydration (CIDH, 2015b, 2017d, 2017e).

In essence, inequality particularly affects groups that have traditionally suffered discrimination due to histories of colonialism and racism. And it is generally linked to weak State institutions “captured” by private interests. Political, social and economic disparities harm the quality of life and fundamental rights of neglected peoples (Hirschfeld, 2017). Inequality also exposes them to more vulnerabilities, and is very often intertwined with corruption, impunity and violence.

Violence is another layer of the structural problems that are obstacles to IWHRDs-led mobilisations. IWHRDs and their groups face extreme violence. It is a

⁷⁸ The *jagüey* is a shallow water body, like a small pond.

combination of contextual violence⁷⁹, symbolic violence⁸⁰, institutional violence⁸¹, spiritual violence⁸², and violence targeted at them in reprisal for their actions defending human rights⁸³. The cases studied in empirical chapters provide an insight into the extreme violence endured by IWHRDs and their peoples. Here, I present some aspects of the violence affecting them.

Latin America presents worrying levels of violence⁸⁴. The high numbers of homicides and feminicides in the countries of the cases I study in this thesis are examples of this violence; but it also includes other forms, such as the militarisation of Indigenous territories⁸⁵.

In Honduras, generalised and extreme violence was exacerbated by the 2009 civic-military *coup d'état*. Following the coup, the homicide rate doubled, from 46.6 for every 100,000 inhabitants in 2005 to 91.4 in 2011 (UNODC, 2013). In the last few years, the homicide rate has lowered, but it continues to be among the highest in the world (CIDH, 2015c, paras. 32–33). In 2017, it was 41.7 (UNODC, 2019a). Feminicides

⁷⁹ Multiple types of violence that operate in the place and time where they are defending human rights (e.g., a combination of violence created by organised crime, militarisation and others, further compounded by high levels of impunity and corruption).

⁸⁰ It draws on Pierre Bourdieu's theory of social structure. It refers to "the advantage that persons and groups exert against others because of their higher status in the social structure of society... [It] does not necessarily require physical violence to be upheld, and those deemed inferior accept this as though it were natural" (DiGiorgio, 2012, p. 917).

⁸¹ Obstacles, barriers and acts of discrimination and violence faced by a person when trying to access a right or a service. It is embedded in discriminatory and unjust norms, institutions and practices by the State, or by others but allowed by the State.

⁸² Acts of violence against Indigenous women, which have both individual and collective negative impacts (CIDH, 2017b, para. 49). Thus, an attack against an Indigenous woman is also an aggression against their collective identity and culture (CIDH, 2017b, para. 80).

⁸³ These are acts of repression aim at creating fear, silencing them and breaking their process of mobilisation in defence of human rights.

⁸⁴ For example, the region is home to many of the most dangerous cities in the world (CCSPJP, 2017; The Independent, 2016).

⁸⁵ Several countries in the region have responded to the high levels of violence strengthening the military's role in internal security. They usually do so for unlimited time and without adequate controls. The militarisation of Indigenous territories have had devastating consequences for many Indigenous women and their communities; such as in the case of Me'phaa Indigenous leaders Inés Fernández and Valentina Rosendo (IACTHR, 2010a, 2010b; Sieder et al., 2017).

increased by 263.4 per cent from 2005 to 2013 (UN Special Rapporteur on VAW, 2015, para. 30). In 2017, there were 380 feminicides (Nazario, 2019). Indigenous girls are particularly vulnerable to violence; for example, 9 to 15 years-old Indigenous girls are sent out of their territories to prevent them from being forced into prostitution or human trafficking (IACHR, 2013, p. 398).

Mexico has also been facing very high levels of violence in the last decade. The high number of homicides in 2011 were surpassed in 2017, reaching the highest level in a decade. For every 100,000 inhabitants in 2005, there were 9.1 homicides. Then in 2011, there were 22.9; in 2015 there were 16.5; and, in 2017, the homicide rate was 24.8 (UNODC, 2019b). Violence against women is also endemic. 2016 marked the year with the highest number of feminicides (2,814); even higher than in 2011 (2,693), and 2012 (2,764) (INEGI, 2018). In 2016, 41.3 per cent of women in the country suffered sexual abuse (Proceso, 2018a).

In contrast, Ecuador has managed to reduce the homicide rate in the last few years. For every 100,000 inhabitants, the homicide rate was 8.7 in 1990, 14.5 in 2000, 17.6 in 2010, and 5.8 in 2019 (UNODC, 2019b). This lower homicide rate in comparison to neighbouring countries, such as Colombia, has made the country known as an “isle of peace” (Carrión, 2003). But, such denomination is far from the experience of most women in the country, as six in every ten women in the country have experienced gender violence (INEC, 2019).

Peru has had a relatively low level of violence. For every 100,000 inhabitants, the homicide rate was 9.6 in 2013 and 7.7 in 2017 (UNODC, 2013, 2019b). But, violence against women is a central concern; only in 2016, over 100 women were the victim of feminicide and more than 200 suffered an attempt on their lives (AI, 2017). Moreover, the scars left by two decades of internal armed conflict are very much present in many

communities now facing the challenges of extractivism, as the case in Chapter 7 will illustrate.

Colombia has also managed to reduce the level of violence, but it continues to be very high. For every 100,000 inhabitants, there were 71 homicides in 1990, 65.7 in 2000, 33.7 in 2010, and 24.9 in 2019 (UNODC, 2019b). But only in the first nine months of 2020, more than 60 massacres have been committed. Also, according to *Medicina Legal* (the State forensic institution), between 2018 and 2019, more than 1,500 women were victims of femicide (W Radio, 2019). For more than five decades, Colombia has suffered an internal armed conflict with devastating consequences for millions of victims, many of them women and Indigenous peoples. After the 2016 Peace Agreement between the government and the largest guerrilla group (the Revolutionary Armed Forces of Colombia – People’s Army, FARC-EP), violence has continued. Since that moment, killings and attacks against HRDs have reached unprecedented levels⁸⁶.

Moreover, the violence targeted at those defending human rights is not exclusive to Colombia; it is endemic in the region. Three out of every four killings of HRDs in the world take place in the Americas. In more than 40 per cent of these cases, these leaders are challenging the abuses committed in the context of mega-projects, mostly defending Indigenous rights and territories (UN OHCHR & IACHR, 2017; UN Special Rapporteur on HRDs, 2011a, para. 71). Between 2010 and 2014, AI took action in about 500 cases of attacks against HRDs in Latin America, and the majority of those cases were connected to disputes over lands and territories, many involving large-scale development projects led by private companies (AI, 2012a, p. 6, 2014a). In 2015, 185 land and environmental defenders were killed across the world, the majority in Latin America and, 40 per cent of

⁸⁶ Some of those who initially demobilised after Agreement, have returned to the conflict. Similarly, some paramilitaries returned to the conflict after their demobilisation process under the government of Alvaro Uribe.

the victims were Indigenous people (GW, 2016, p. 5). In 2016, at least 200 people defending their land, territory and the environment were killed, 60 per cent of them in Latin America, 40 per cent of them were Indigenous people (GW, 2017b, pp. 6–7). In 2017, 312 defenders were killed in 27 countries. Two hundred twelve of those killings took place in countries of the Americas. And, “67 per cent of those killed were engaged in the defence of land, environmental and Indigenous peoples’ rights and nearly always in the context of mega projects, extractive industry and big businesses” (FLD, 2017a, pp. 6, 12). In 2018, the situation further deteriorated, 321 killings of HRDs were registered; 77 per cent of them were defenders working on land, Indigenous peoples’ rights and the environment. Fifty-four per cent of the killings took place in Mexico and Colombia (FLD, 2018b).

Killings are only one of the many unlawful practices used against HRDs. Between 2015 and 2018, BHRRC registered 1,529 attacks on those defending human rights from the abuses of corporations. Four hundred sixty-nine of those attacks were killings, all the other attacks included: attempted killings, death threats, criminalisation, and intimidation, among others. Fifty-six per cent of all those attacks took place in Latin America. And, about 70 per cent of them were attacks against Indigenous leaders, environmental defenders, community leaders and human rights groups defending land, the territory and the environment. Most of the attacks concerned the following sectors: mining, renewable energy and agroindustry (BHRRC, 2019a). Also, women human rights defenders have made significant efforts to make visible attacks that have a gender component. This includes those that are not so visible to the public (e.g., domestic violence) and those that are naturalised in many societies (e.g., sexual harassment and sexual-baiting) (APWLD, 2007; Tapias Torrado, 2019b).

This worrying trend is compounded by the ineffective response by States or their lack of action. “This [failure] applies to States on whose territory attacks occur, as well as to the home States of the business entities involved in the attacks” (UN Special Rapporteur on HRDs, 2017a, paras. 3, 5). The following information on the countries of the cases studied in this thesis, further help to understand the violence that affects IWHRDs-led SMOs. Moreover, the next section on national historical backgrounds helps to show that, very often, periods of incentives to invest in mega-projects coincide with high levels of attacks against those defending human rights.

In Honduras, HRDs are facing a critical situation. Between 2009 and 2017, over 120 defenders of the land and territory were killed (GW, 2017c). Between 2016 and 2017, 1232 attacks against WHRDs were registered (Red Nacional de Defensoras de Honduras, 2018), 444 of which were attacks against women defenders of the territory, the environment and Indigenous peoples’ rights (Red Nacional de Defensoras de Honduras, 2018, p. 40)⁸⁷. Even HRDs who had been granted Precautionary Measures by the IACHR have been killed⁸⁸. In 2015, the law on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials established a National Mechanism of Protection. From the moment it was created to 2018, it granted protection measures to 211 people (UN Special Rapporteur on HRDs, 2019b, para. 59). But, its effectiveness has been questioned (CEJIL & Protection International, 2018; UN Special Rapporteur on HRDs, 2019b).

⁸⁷ They were six killings and numerous cases of intimidation, death threats, domestic violence, sexual violence, among others. In most of these cases, the aggressors are unknown. When known, they mostly are from the police, the community, the corporations, the social movement, the family/partner or the military.

⁸⁸ Between 2012 and 2017, 14 HRDs with measures issued by the IACHR were killed; 10 were defending rights in relation to land and territory, and five were Indigenous leaders, including COPINH members: Berta Cáceres and Nelson García.

In Mexico, for more than a decade, the situation of HRDs has been critical. Between December 2012 and November 2016, at least 106 HRDs were killed, and 81 “disappeared” (Red TDT, 2017). Between 2010 and 2016, more than 300 attacks against environmental and Indigenous rights’ defenders were registered (CEMDA, 2016). After the insistent call of domestic and international organisations, in 2012, the Mexican National Congress unanimously approved the law that established the Mechanism of Protection for HRDs and Journalists. From its creation to April 2016, the Mechanism has accepted 316 requests of protection, regarding 519 people. But, between 2012 and 2015, the IACHR knew of at least 918 cases of attacks against HRDs in Mexico, with a high incidence in Oaxaca (CIDH, 2018, para. 25). During those years, the Mechanism has been criticised because, among others, it lacks a gender perspective and operates with a ‘police’ logic (Espacio OSC, 2017; PBI & WOLA, 2016). In 2017, during the visit of the UN Special Rapporteur on HRDs, Tarahumara leader Isidro Baldenegro was killed. He had defended the territory from the extraction of wood from the *Sierra Madre Occidental*. He had also received the Goldman Prize. It was a reaffirmation of the gravity of the situation (UN Special Rapporteur on HRDs, 2017b).

In Ecuador, in the last decade, the criminalisation of HRDs has been a primary characteristic of a repressive environment for the defence of human rights. In 2018 and 2019, three killings of HRDs were reported (FLD, 2018b, 2020). In addition to this, there have been dozens of cases of protest repression and criminalisation, mostly in the context of extractive projects, and many of them impacting Indigenous territories. According to the Ombudsperson Office, between 2007 and 2017, 841 people faced criminal charges concerning 98 documented protests (in UN Special Rapporteur on the right to freedom of opinion and expression, 2019, para. 66). On numerous occasions, the State responded to social protests declaring states of emergency. Also, an emblematic case took place in

December 2013, when an Executive Decree was used by the government to arbitrarily dissolve the Pachamama Foundation, an NGO that actively supported the struggle of the Sarayaku people, a case studied in this thesis (AI, 2014a, p. 8).

Similarly, in Peru during the last few years, social protests have been violently repressed, also by the military. From 2005 to 2019, more than 800 people were criminalised for participating in social protests, and over 155 cases of excessive use of force were reported (IWGIA, 2019). Many of these protests are against extractivism in the country. For 2019, the Ombudsperson Office registered 185 social conflicts, and about 70 per cent of them were related to extractivism (Defensoría del Pueblo, 2019c). In this context, from 2011 to 2019, at least 87 HRDs were killed, and the vast majority of these crimes remain in impunity (IWGIA, 2019)⁸⁹. In recent years, Perú has adopted some measures to address the grave situation faced by HRDs (e.g., the National Human Rights Plan 2018-2021 and the 2019 Protocol for the Protection of HRDs).

In Colombia, since the 2016 Peace Agreement, the situation faced by HRDs has been alarming and has reached unprecedented levels. Between 1994 and 2014, the UN registered 683 killings of HRDs (on average 33 per year). Later the UN reported the following numbers of killings of HRDs: in 2015, 63; in 2016, 59; in 2017, 121; and, in 2018, 110⁹⁰. NGOs and the Colombian Ombudsperson Office reported higher numbers (e.g., 462 killings of HRDs between January 2016 and February 2019) (Ball, Rodríguez, & Roza, 2018; Defensoría del Pueblo, 2019b; Guevara, 2019). Many of the HRDs most at risk are Indigenous and women leading the defence of human rights (CODHES, 2019; Programa Somos Defensores, 2018, 2019; Sisma Mujer, 2018; Tapias Torrado, 2019b).

⁸⁹ One emblematic case happened on 1 September 2014, when four prominent Asháninka leaders Edwin Chota, Jorge Ríos, Leoncio Quinticima and Francisco Pinedo were killed. They had reported illegal logging in their territory.

⁹⁰ See the annual reports issued by the UN Office of the High Commissioner for Human Rights in Colombia: <https://www.hchr.org.co/index.php/informes-y-documentos/informes-anuales>

Colombia has the oldest governmental programme for the protection of HRDs at risk in the region (since 1998). But, its efficacy has been frequently questioned (Guevara, 2019; Tapias Torrado, 2019b).

This very hostile environment to the defence of human rights is one more layer of the many layers of structural problems that are rooted in historical patterns of oppression and hamper the mobilisation of IWHRDs-led SMOs. The next section helps to understand further this imbalance of power in a more local context.

National historical backgrounds

National contexts are diverse, but they are all minimally favourable contexts where human rights have been recognised and systems of protection have been put in place. Despite this, power imbalance persists. The following backgrounds of the countries represented in cases I study may assist in further understanding the structural obstacles rooted in historical patterns of oppression. They also show how, in the current slightly favourable contexts, the struggles for human rights continue to face the power of veto players.

In **Honduras**, after several *coup d'états*, election frauds, repressive regimes, and regulations that have favoured the interest of political and economic elites, violence and dispossession continued⁹¹. In 1982, Honduras adopted a new Constitution, which has been reformed in more than twenty occasions. It recognises Indigenous rights (e.g., article

⁹¹ In the first decades of the 20th century, there was never a smooth transfer of power among elected governments. Foreign investment for the commodification of *natural goods* was the basis for the country's economic project. The strikes of plantations' workers were characteristic of this period, as well as the military repression and persecution of leaders (Barahona, 2005, pp. 87, 90, 93).

346). A mobilisation co-led by COPINH in the mid-1990s resulted in the ratification of ILO Convention 169, and in other relevant norms and institutions to protect Indigenous rights. However, in the context of the 1980s and 1990s armed conflicts in Central America and the embracing of neoliberal policies in the region at the time, repression against social leaders intensified (Castro Suárez, 2011; Sosa Iglesias, 2017)⁹². At the time, there was a new legal context. The 1990 law granted municipal governments the authority to sell *ejidos* (protected communal lands) (Bird, 2013, p. 16). Also, there was the 1992 law for the modernisation and development of the agricultural sector; and, the 1998 Mining Law. With such a legal framework, the privatisation of collective lands was allowed. Extractivism was stimulated even in areas that should have been protected.

Moreover, after the 2009 *coup d'état*, the national law on waters (Decree N° 181/2009) allowed the concession of waters that were initially protected⁹³. In 2010, the National Congress approved 40 of the 47 renewal energy contracts that had been adjudicated by the National Electric Power Company. Most of them were concessions for hydroelectric dam projects, including the two dams of the two Honduran cases I study in Chapter 5. In 2013, a new Mining Law was approved (Sosa Iglesias, 2017, paras. 133–134), and the National Congress reformed some articles of the 2007 Law on the Promotion to the Generation of Electric Power with Renewable Resources (Decree N° 183). These reforms provided additional incentives to those already included in the 2011 Law on the Promotion and Protection of Investments (Decree N° 51). By 31 December 2016, 537 mining concessions had been granted, 285 energy production projects had been

⁹² The killing of environmental defender Blanca Jeannette Kawas-Fernández in 1995 was the first of a renewed wave of attacks against HRDs (CorteIDH, 2009, 2017). Between 1996 and 2011, at least 16 environmental and human rights defenders were killed (CorteIDH, 2013).

⁹³ A civic-military *coup d'état* overthrew President Manuel Zelaya and established a *de facto* government led by the then-president of the National Congress, Roberto Micheletti. Micheletti was a member of Zelaya's political party, but he allied with the armed forces and the business elite to overthrow him (Cunha Filho, Coelho, & Perez Flores, 2013).

approved, and 48 more were under study (CEHPRODEC, 2020)⁹⁴. In 2018, more than 80 per cent of Honduras' energy production was in the hands of private corporations (CEHPRODEC, 2018).

Furthermore, energy production in Honduras is part of the Electrical Interconnection System of the Central American Countries (SIEPAC). SIEPAC originated in the Panama Puebla Plan (PPP) and aims to expand electricity production to connect Mexico and Colombia⁹⁵. It will later serve to connect all the countries of the Americas (ECPA, 2018). Thus, hydroelectric dam projects have been a priority for the Honduran government in the last few decades, including the current government, whose president, Juan Orlando Hernández, was fraudulently re-elected in 2017 (IACHR & OHCHR, 2017; OAS, 2017). In such a slightly favourable context, the mobilisation of COPINH led by Berta Cáceres managed to succeed. And in the same context, the mobilisation of MILPAH did not, although it had other crucial impacts, as I will discuss in detail in the next chapter.

In **Mexico**, the historical background is, to some extent, similar. The Mexican Constitution was adopted in 1917, and it has been reformed on numerous occasions, also to protect Indigenous people's rights (e.g., article 2). In 1990, Mexico ratified the ILO Convention 169. But in the 1990s, President Salinas de Gortari adopted several neoliberal reforms, ended the agrarian redistribution of land, and allowed the privatisation of communal lands. His government also signed the North American Free Trade Agreement (NAFTA), which came into effect on 1 January 1994. It was the same day that the

⁹⁴ “*Geovisualizador de la Infraestructura eléctrica en Centroamérica*” offers a map with details on more than 200 mega-projects in the energy sector in Honduras (GeoComunes, 2019):

<http://geocomunes.org/Visualizadores/Centroamerica/>

⁹⁵ For the portion of the plan completed by 2014, it had the financial support of the Inter-American Development Bank (IDB) and the Central-America Bank for Economic Integration (CABEI) (CEHPRODEC, 2018; Quezada, 2015). SIEPAC is the primary energy production project of the Central American Integration System.

Zapatista Army of National Liberation (EZLN) started a rebellion against the government's neoliberal policies and globalisation. The Zapatista movement was fundamental to recover Indigenous identity, to give visibility to Indigenous struggles and to put Indigenous rights as a priority issue⁹⁶. In 2001 the Law on Indigenous Rights and Culture was adopted⁹⁷. In this context, there was an Indigenous mobilisation where Indigenous women actively participated⁹⁸. But, at the same time, the government of Vicente Fox (2000-2006) proposed the generation of wind power in the Isthmus of Tehuantepec as a strategic part of the PPP (N. Hernández, 2015, p. 14). In 2013 the 'energy sector reform' was approved. It modified articles 25, 27 and 28 of the Mexican Constitution, thereby reducing the role of the State and opening the possibility of both privatisation and increased participation of private corporations in the energy sector. This constitutional reform was followed by the approval of nine new laws and the reform of 12 more, to facilitate and encourage foreign investment in the energy sector (SENER, 2017; Vargas, 2015).

At the beginning of 2018, out of 47 wind farm projects operating in Mexico (SENER, 2018a), 24 were in the Isthmus of Tehuantepec, in Oaxaca, where the case I study in this thesis takes place. That area has the best quality of wind in the country, and

⁹⁶ As in Honduras, the Indigenous identity had been assimilated within the *campesino* and *mestizo* identities in response to State policies on indigeneity and land (*ejidos*). *Ejidors* are different from *tierras comunales*. *Tierras comunales* are Indigenous lands that have been inhabited by Indigenous peoples from before the colonial times. *Ejidors* were usually inhabited lands provided to communities, generally *campesino* communities. But, there were cases where *tierras comunales* were not recognised as such by the authorities, but as *ejidos*. It, in turn, implied a different regulation to those lands, which facilitated their commodification. Also, in terms of organisation structure, the *Ejidal Assembly* is only for landowners of the *Ejido* –mainly men; while, the *Communal Assembly* is opened to all community members – including women (Fieldwork notes, Mexico).

⁹⁷ Although it did not fully include what had been agreed between the government and the EZLN in the 1997 San Andres Agreements.

⁹⁸ There, "Indigenous women acquired[...] organising experience[...] But women were generally excluded from leadership positions and relegated to traditional and supportive roles..." (Rousseau & Morales Hudon, 2017, p. 93). In 1996, the National Indigenous Congress (CNI) was created; and, in 1997, the National Coordination of Indigenous Women (CONAMI) was born. The CONAMI facilitated women's organising in Guerrero, Oaxaca, and Chiapas (Rousseau & Morales Hudon 2017, p.124). Although in Oaxaca, Indigenous women were already participating in the Coalition of Workers, Peasants, and Students of the Isthmus (COCEI), as the case I study in Chapter 6 illustrates.

this makes it the zone with the maximum potential for wind energy generation⁹⁹. In 2006, the country generated 85 MW of wind power. At the end of 2018, it was generating 4935 MW (AMDEE, 2018). By the end of 2020, the expectation is to generate 12823 MW of wind power (AMDEE, 2017; SENER, 2017). Oaxaca will continue to generate the largest amount of wind power (i.e., 5076 MW for 2020 (AMDEE, 2017)). To achieve such an ambitious plan, Mexico has developed a very robust policy and normative framework to invest in these type of projects (SENER, 2018b). In 2018, left-leaning president Manuel López Obrador was elected. However, his approach to this type of investment projects has not been any different. In this minimally favourable context, the mobilisation of the APIIDTT led by Binni'za leader Bettina Cruz, which I study in Chapter 6, took place.

In the cases of Ecuador, Peru and Colombia that I study in Chapter 7, there are also many common aspects. In **Ecuador**, the military interventions were often linked to the interest of dominant economic sectors. For example, in 1967, massive reserves of oil were discovered in the Ecuadorian Amazon; and, the dictatorship established with the 1972 military *coup d'état* gave continuity to key aspects of previous regimes, but this time with a renewed programme of oil exploitation (Isaacs, 1993). In addition to those links, the fragility of democracy and frequent political conflicts are also part of the legacies of the past. Between 1997 and 2007 the country had eight presidents. From 2007 and 2017 only president Rafael Correa governed (he was twice re-elected). Correa arrived with a socialist promise, including the protection of the environment. In 2008, after a Constituent Assembly and a referendum, a new Constitution was adopted. It included the principle of *Sumak Kawsay*¹⁰⁰ and the conservation of the Amazon (e.g. Arts. 14 and

⁹⁹ Usually, wind quality is classified between one to five, being five the best quality. In this area, wind ranks above seven (fieldwork notes, AMDEE 2017).

¹⁰⁰ It originates in the *cosmovision* of the Kichua people of Sarayaku. They define it as “the good everyday life where human beings are in harmony with nature and sacred spirits” (Sarayaku, 2019). This

250). A decade before, in 1998, Ecuador had ratified ILO Convention 169. However, despite the many obligations and commitments, Correa's policies encouraged and expanded extractivism, openly confronting and criminalising Indigenous movements. And, in addition to oil exploitation, large-scale mining became central to the country's economy. From 2017, president Lenin has been in power, and his neoliberal policies have accentuated extractivism. Oil exploitation continues to be a central aspect of the economy. In fact, 76 per cent of the internal energy consumption depends on it, about 70 per cent of the crude oil produced is exported, and oil exports account for more than half of exports' earnings and 25 per cent of the country's income (EIA, 2017).

In **Peru**, between 1980 and 2000, the country suffered the most violent internal armed conflict in its history. The communist revolutionary organisation *Sendero Luminoso* (Shining Path) started it with some “acts of war against the State”. It ended with a transition to democracy in 2000 after the regime of Alberto Fujimori collapsed¹⁰¹. More than 69,000 people were killed or forcibly disappeared, and thousands of other crimes were committed; the rural communities were the hardest hit by the conflict (CVR, 2003). The Asháninka Indigenous people, whose struggle against hydroelectric dams is studied in Chapter 7, were one of the most affected groups, as they and their territory were used and abused by the Shining Path (RTVE, 2013). From the 55,000 Asháninka in the territory, 10,000 of them were forcibly displaced, 6,000 were killed or died as a direct consequence of the armed conflict (e.g., malnutrition), and Shining Path captured about 5,000 of them. Between 30 and 40 Asháninka communities disappeared because of the armed conflict (CVR, 2003, pp. 241–277). In the early 1990s, the *Rondas* (paramilitary

concept, also translated as “*buen vivir*” or “good-living”, has been the object of academic debates (Gudynas, 2013).

¹⁰¹ Previously, the country had a military regime (1968-1975) and several other violent moments. But, the violence suffered during the armed conflict was unprecedented (CVR, 2003, pp. 56–58).

groups) were created in the area to counter the guerrillas, and some Asháninka participated. This further exacerbated violence and social divisions. After 1995, the Asháninka communities started to return to their territory (CVR, 2003, pp. 241–277).

In 1993, the Constituent Democratic Congress adopted a new national Constitution¹⁰². It recognised civil, political, economic and social rights; including the right to ethnic and cultural identity, and the autonomy of native communities (arts. 2.19, and 89). The next year, in 1994, Peru ratified ILO Convention 169. But, the new Constitution had also recognised the State sovereignty on the use of natural resources (art. 66). In fact, in the last few years, the government of Peru has actively promoted extractivism, even in Indigenous territories that are still recovering from the devastating impacts of the armed conflict. By 2019, at least 21 per cent of the country was under a mining concession, and 75 per cent of the Peruvian Amazon was covered by oil and gas concessions (IWGIA, 2019)¹⁰³.

Colombia has had the most prolonged internal armed conflict in the Americas. Although the 2016 Peace Agreement brought hope to the country, the situation continues to be very difficult. For decades, the State forces and other authorities¹⁰⁴, the paramilitary groups and the guerrillas have disputed with extreme violence the control over the territories (body-territory)¹⁰⁵. The Wayuu people and, in general, La Guajira department,

¹⁰² At the time, Fujimori was the president of the country and led this process. In 2001, legislation (Ley N° 27600) was adopted to suppress his signature from the Constitution.

¹⁰³ Affected communities, many of them Indigenous peoples, have been a critical voice to the many measures favouring these projects (e.g. 4,145 agreements for the police to serve the security of extractive companies). They have also been critical to the lack of support to them (e.g. the failure to titling communal properties inhabited by Indigenous peoples for centuries) (IWGIA, 2019).

¹⁰⁴ In La Guajira, where corruption is endemic, the case of Francisco “Kiko” Gómez (former governor of La Guajira and former mayor of Barrancas municipality) is paradigmatic. He facilitated the arrival of paramilitary groups to the department and was also involved in several crimes.

¹⁰⁵ In the Colombian armed conflict, disputes over the control of territories have also occurred over the body of women. Sexual violence has been used to dominate territories and peoples (CNMH, 2017). In the case of the Wayuu people, sexual crimes committed against IWHRDs were also a form of ethnic violence aimed at gaining control over their territory, even if implying their cultural and physical extermination as a people (CNMH, 2010, p. 90).

where the case I study in Chapter 7 takes place, have been deeply affected by the armed conflict and many other forms of violence¹⁰⁶.

During many of those years of the armed conflict, measures to protect human rights and measures promoting extractivism in the country have been adopted. Colombia is prolific in human rights norms and jurisprudence, but they have frequently been in tension with the normative frameworks that favour investment projects. In 1991, a national constituent assembly adopted a new Constitution. It explicitly recognised all human rights (i.e., civil and political rights, as well as economic, social and cultural rights). It also created a Constitutional Court, and included the legal figure “constitutional block”¹⁰⁷. Moreover, Indigenous peoples’ rights were explicitly protected¹⁰⁸. Also in 1991, Colombia ratified ILO Convention 169. However, the Constitution also established the possibility of using natural resources (art. 80). In 2001, a new Mining Code was adopted (Law 685/2001), and mining was declared an objective of public interest (art. 1). The governments of Alvaro Uribe (2002-2006 and 2006-2010) and Juan Manuel Santos (2010-2014 and 2014-2018) actively stimulated extractive projects. Between 1999 and 2004, foreign investment in mining projects tripled. Only in Uribe’s government 9,000 concessions for mining exploration and exploitation were granted, even in protected areas and Indigenous territories (Bocanegra Acosta & Carvajal Martínez, 2019; Ronderos, 2011). President Iván Duque (2018-2022), who is from Uribe’s party, has continued with

¹⁰⁶ For example, La Guajira is commonly known as a centre of contraband (in 2000, contraband was declared illegal). It has been a place for trafficking drugs, weapons and fuel. During the 1970s and 1980s, there was the time of the *bonanza marimbera* (marihuana boom). In the 1980s, such trafficking circuit was used for the trafficking of cocaine. A decade later, the economic prosperity of the department attracted guerrilla groups. These guerrilla groups (both, the FARC and the National Liberation Army - ELN) mainly operated in the south of La Guajira (CNMH, 2010, pp. 105–135).

¹⁰⁷ It integrated to the constitutional rank all the human rights treaties ratified by Colombia, which are about human rights that cannot be suspended in an “exceptional state” (art. 93).

¹⁰⁸ For example, Indigenous territories can be special territorial entities, and if natural resources are to be exploited in Indigenous territories, Indigenous rights must be protected -arts. 329 and 330, among others.

the same approach, adding now an interest in the exploitation of non-conventional sources (e.g., fracking) (Portafolio, 2019a).

In sum, despite important differences in the historical background of each country they all confirm a minimally favourable context, the use of veto power and the extreme disparity of power.

Conclusion

In conclusion, national, regional and international systems of human rights protection have been adopted. They may not always be effective, but they have opened possibilities and opportunities for Indigenous women-led mobilisations. They have provided a language, as well as legal and political tools, and the possibility to build a stronger power to defend their dignity, territory and rights. Those normative and institutional advancements are the result of hard-won social struggles. The changes that took place in the last few decades in Latin America have opened up an opportunity for mobilisation, at least within more democratic States. But, at the same time, not even the more left-leaning governments have brought about substantive changes to protect Indigenous rights and territories. They have decided to continue to favour neoliberal policies and mega-projects, even if in direct contradiction to their promises.

Therefore, in a minimally favourable context, the power imbalance persists, veto players resist change, the patterns of oppression are ever present, and they are reinforced by structural problems that further obstruct IWHRDs-led mobilisations. Thus, there is an opportunity to generate success, but IWHRDs-led movements need to develop a great power to counter veto power. Sometimes they manage to lift human rights and achieve

success. The following three empirical chapters compare emblematic cases of success and non-success of IWHRDs-led mobilisations challenging some of the most powerful actors in the world.

Chapter 5 – “*Proyectos de Muerte!*”: Lenca women in Honduras

Introduction

“*Proyectos de Muerte!*” (death projects!) is how Berta Cáceras used to describe the mega-projects affecting the Lenca territory. On many occasions she explained the seriousness of the situation with those words, and in memory of several other members of COPINH. Her killing is additional shocking evidence of the serious and violent nature of these projects. This chapter compares two Indigenous Lenca women-led social movement organisations in Honduras that have confronted hydroelectric dam companies. One case is a successful mobilisation by COPINH led by Berta Cáceres that stood up against the Agua Zarca project. The second case is one without success, the mobilisation of MILPAH co-led by Ana Mirian Romero against the Los Encinos project. By looking at two similar movements in a single country at the same time and in the same context but with different outcomes, the comparison allows for an analysis of the factors explaining IWHRDs-led SMOs’ success and non-success.

At first glance, the explanation is not obvious. The Lenca leaders of the SMOs, after all, both received media attention, actions of support and prominent awards. Both SMOs are some of the strongest and most recognised in the country and abroad. In 2015, Berta Cáceres received the Goldman Prize, and in 2016 Ana Mirian Romero received the Front Line Defenders (FLD) Prize; both the highest distinctions a person defending

human rights could be awarded. Seemingly because of their effectiveness, the two IWHRDs and many others in their organisations suffered severe repression. On 2 March 2016 Berta was killed, and after the brutal attack of 22 October 2015, Ana Mirian was hospitalised for 11 days. Furthermore, both mobilisations are against mega-projects in the energy production sector, and neither of those hydroelectric dam projects was planned or developed respecting the right to FPIC of the affected Indigenous communities. In other words, the factors theorised for successful outcomes were present in both movements, with some variations in their presence as the following table summarises (Table 5). Despite these similarities, only the mobilisation led by Berta Cáceres achieved a favourable change in the corporate practice of Sinohydro, which decided to withdraw from the Agua Zarca project. The mobilisation co-led by Ana Mirian Romero with MILPAH had a significant impact. However, it did not achieve a change in the corporate behaviour of LEISA, which did not withdraw or cancel its participation. What explains the different outcome?

As summarised in the following table (Table 5), I argue that the *strong braided action* of COPINH explains success. It managed to interweave a strong power from the territory, human rights framing and the effective leadership of Berta Cáceres. With such a strong internal capacity, COPINH was able to react immediately after the killing of Lenca leader Tomás García, by a military soldier guarding the premises of DESA, where Sinohydro staff was working. In contrast, in the case of MILPAH, the force of the *braid* was weakened. Two of the four *strands frayed*, preventing the lifting up of rights. MILPAH did not develop a strong and consolidated Indigenous women leadership. Besides, it was never possible to see an overt connection between the corporation and the repression. The lack of hard and incontrovertible evidence of the company's involvement in the violence meant that the movement could not capitalise on this violence to forge

change. Therefore, the weakened internal capacity of the movement and the lack of an external factor prevented *harnessing* mobilisation force to achieve success. A movement can develop some *strands*, but if they miss others, they cannot *harness* mobilisation force and bring about a change in corporate practice. Thus, veto players win.

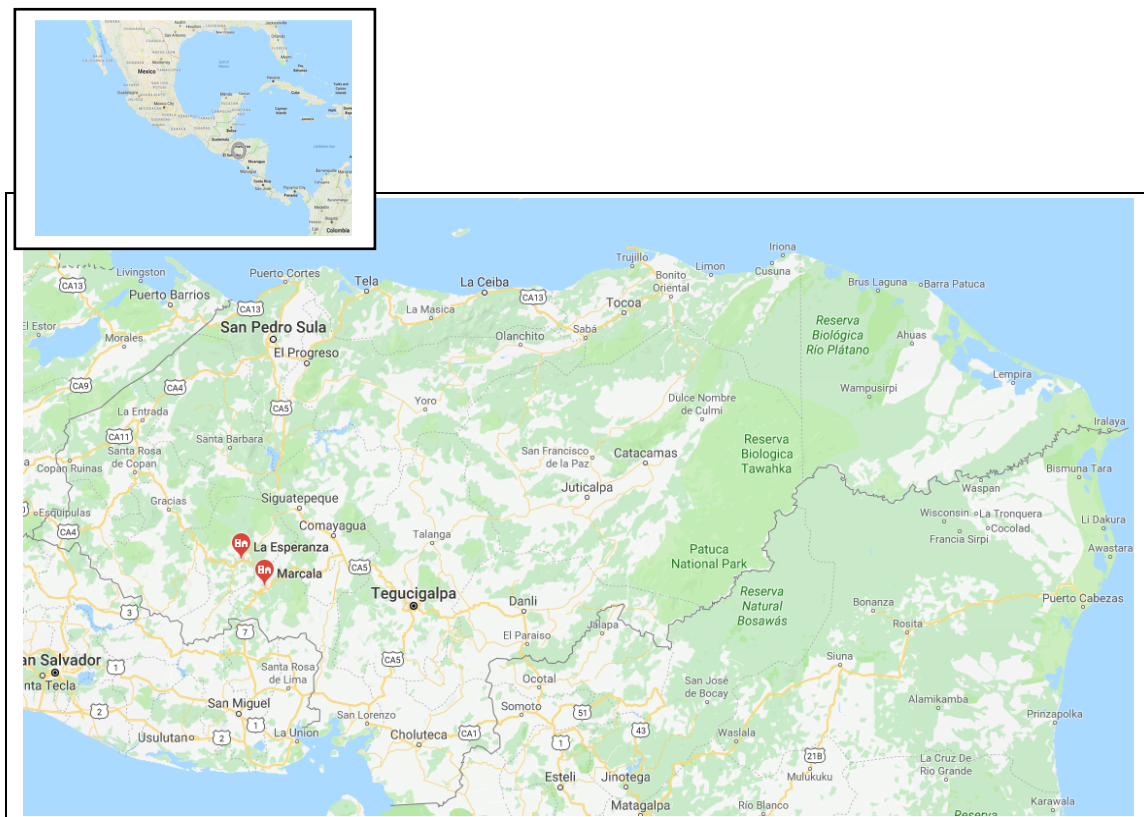
Table 5 – A variation within country paired comparison: COPINH and MILPAH, Honduras

Comparison	A variation within country paired comparison	
Country	Honduras	
	Case 1	Case 2
IWHRDs-led SMOs	COPINH – Lenca leader Berta Cáceres	MILPAH – Lenca leader Ana Mirian Romero
Indigenous people	Lenca	Lenca
Mega-project	Agua Zarca Hydroelectric dam project	Los Encinos Hydroelectric dam project
Relevant Corporate actors for the comparison	Sinohydro	Los Encinos Inversiones S.A. – LEISA
Explanatory Factors		
Transforming the territory into power	H	H
IWHRDs effective leadership	H	M
Human rights framing	H	H
Reacting to a grave violation overtly involving corporations	H	L
Outcome	Success	Non-success
<i>Factor presence: H= High; M= Medium; L= Low</i>		

In this chapter, I compare these two cases, and I give details about the mobilisations that led to success and to non-success. For this, I first provide some particularities of the methodology. Then, I present how the mobilisation builds up to the moment when a favourable change in corporate practice is produced (or not). Based on both trajectories of change, I assess the strength and dynamic of the *strands* of the *braid of action*. I end with a conclusion that brings me back to Berta’s words: “*proyectos de muerte*”.

Particularities of the methodology

I conducted intensive fieldwork in Honduras from 22 May to 3 June 2017, when I went to Tegucigalpa, Marcala (La Paz department), and La Esperanza (Intibucá department).



Map 1 – Honduras: Tegucigalpa, Marcala and La Esperanza.
Source: Googles maps.

Berta Cáceres and the COPINH were some of the first inspirations I had to carry out this doctoral study. I met Berta in my previous job as the Researcher on the Situation of Human Rights Defenders in the Americas for AI. We met in Tegucigalpa in 2013 amid her struggle. Berta's conviction and determination to defend the Lenca people and Indigenous rights were striking, despite the fact that Berta and COPINH were also

facing very high levels of risk (AI, 2013c, 2013a; CIDH, 2014). She was leading a paradigmatic human rights struggle (Tapias Torrado, 2016).

Since Berta Cáceres' case was central to this study, I contacted her. On 1 March 2016, we communicated via Skype, I explained the project and the importance of including COPINH's experience as a central case for the analysis. She was interested in participating and in sharing my findings with COPINH. She was killed on 2 March at almost mid-night¹⁰⁹. On 3 March, I received the devastating news that she had been killed. It took me a while to process the terrible news and to understand how I could think of success after her killing. How the case evolved after her murder, however, confirmed its centrality to this study.

Re-establishing contact with COPINH after the loss of my primary contact took time. Only with the help of two friends and prominent defenders, whose organisations were supporting COPINH, I managed to re-establish connect again: Marcia Aguiluz - former Meso-America director of the Centre for Justice and International Law (CEJIL), and Ana Paula Hernández¹¹⁰ -Global Human Rights Fund (GHRF) representative in the same region. Their help was vital to rapidly re-build rapport with COPINH. Without them, this would not have been possible, particularly after the circumstances that followed Berta's killing.

In 2016, I co-organised two peaceful actions demanding justice for Berta Cáceres in front of the Honduran Embassy in London. In August that year, during the World

¹⁰⁹ For a detailed account on the crime and the investigation that followed, see: Lakhani, N. (2020). *Who Killed Berta Cáceres? : dams, death squads, and an indigenous defender's battle for the planet*. London: Verso.

¹¹⁰ Ana Paula was a friend and a very admired Mexican human rights defender. On 7 April 2019, she passed away after a car accident in Guatemala while she was conducting fieldwork. With her, the driver, and two other prominent HRDs died. One of them was Sally O'Neill, another friend and a crucial contact for my fieldwork in Honduras. She was from Ireland and had been working for human rights in Central America for more than three decades. Both Sally and Ana Paula were fundamental for this thesis, and they will always be an inspiration for my work. Their commitment to human rights is unmeasurable.

Social Forum in Montreal, I met with Bertha and Laura Zúñiga Cáceres, daughters of Berta Cáceres and leading members of COPINH. We then assessed together if I could continue to include the case in my investigation. They were keen to continue and to honour their mothers' interest in participating. I carried out intensive preparatory work, including desk research (e.g., the perusal of dozens of reports, articles and the study of over 200 communications issued by COPINH), and preliminary interviews and meetings with crucial contacts.

Regarding **MILPAH**, I first met **Ana Mirian Romero** in person in June 2016 in London, shortly after she had received the Front Line Defenders award in Dublin. The case was already part of my database, and this was an exceptional opportunity to know more about her and her struggle. After explaining my project, she was interested. A few months later, I had several telephone conversations with Felipe Benítez and Martín Gómez, general coordinator and sub-coordinator of MILPAH to prepare my visit. I also carried out archival work and had numerous preliminary conversations with other crucial contacts in Honduras and abroad.

During fieldwork in Honduras, I travelled first to Tegucigalpa, then to Marcala and La Esperanza. I carried out five life-story interviews, 26 in-depth interviews and four formal meetings. In Tegucigalpa, on 23 May 2017, I also attended part of the National Summit of Indigenous and Black Women for the Defence of Culture, Territory and Natural Public Goods, which brought together more than 1,000 black and Indigenous women from different parts of the country. As part of my methodological approach, I assisted the coordinator of a focus group during the Summit.

I spent two days in Marcala and met with MILPAH leaders in their office. They asked to meet me there because the situation in their communities was volatile. They feared they could not guarantee my safety and that my presence could raise the tension

with the community supporting the project. As part of my methodological orientation, and at their request, I gave a one hour workshop on the right to defend human rights. It was followed by “the four cardinal points Lenca ceremony”. For this, Lenca leader Felipe Benítez used corn of different colours: white for the north, yellow for the south, red for the east and purple for the west. At the end of two days interviewing MILPAH members, I facilitated an encounter between some MILPAH women and a member of the antagonistic community who was taking care of Victoria González. Victoria was one of the six IWHRDs who suffered a severe attack on 22 October 2015 (see below). Her health had been severely affected and, although the State’s protection measures granted to her included medical care, it was never provided. Ana Mirian Romero and her *compañeras* had been unable to see her for a long time and saw an opportunity in my presence to meet Victoria again. They also wanted to take a photo of Victoria to insist on the State Protection Mechanism on the urgent need to provide medical care. Unfortunately, on 1 July 2017 Victoria González passed away.

After Marcala, I returned to Tegucigalpa for two days to carry out more interviews. I next visited La Esperanza to meet with Berta Cáceres’ relatives and COPINH. As part of the methodological orientation, COPINH and I agreed to co-publish a short document on the case after finishing my thesis.

I concluded fieldwork in Tegucigalpa. In the last three days there, I interviewed other key contacts. I met with NGOs, scholars, a representative of the UN HCHR, and a representative of the government office in charge of Indigenous and ethnic issues (DINAFRO). Despite my efforts to interview relevant corporate actors, I only managed to establish written communication with DESA. On 23 June 2017, I received via email a letter of response. I was aware of the role and impact of organised crime in these cases, but I did not pursue this line of investigation. This investigative angle was explicitly

excluded in the ethical and risk assessments approved by IDREC of the University of Oxford.

Key moments in the mobilisations of COPINH and MILPAH

In this section, I look into five crucial moments of the mobilisations of COPINH and MILPAH: (1) early origins and background to the mobilisation; (2) the arrival of mega-projects; (3) mobilisation, followed by repression; (4) social division; and, (5) the favourable change in corporate practice (or not).

Early origins and background of the mobilisations

COPINH consists of approximately about 200 communities spanning six regional departments (Intibucá, Lempira, La Paz, Santa Bárbara, Cortés and Comayagua). They have faced many human rights violations, including abuses by several mega-projects. The roots of COPINH go back to Berta's childhood and her mother.

Maria Austra Berta Flores López (Austra Flores), Berta's mother, was a pioneer defending human rights in Honduras. Austra Flores was a nurse, a midwife, a politician and HRD. She was the first woman to be a mayor and a *Diputada* (congresswoman). As *Diputada* she brought back to the Congress' attention the approval of ILO Convention 169. Austra cured many victims of the armed conflict in El Salvador who sought respite in Honduras. As a midwife, she helped more than 5,000 births, most of them assisting Lenca women. Berta Cáceres helped her in hundreds of those births, and those were

foundational moments for her conviction, leadership and deep connection with the Lenca territory. “Berta saw first-hand the misery and discrimination of her people[...] But she also saw they had their sources of water, their firewood[...]” (Interview with Austra Flores, La Esperanza, 30 May 2017).

Lenca leader Salvador Zúñiga¹¹¹, co-founder and former member of COPINH, who was married to Berta Cáceres for almost 20 years and is the father of her four children (all now adults), met Berta in their childhood. Salvador admired Austra’s political and social work and was keen to learn from her. They then met and got closer via the context of the social struggles of the youth movement. They married when Berta was 17 years old, and soon after went together to El Salvador to support a faction of the guerrilla group FMLN. For Berta, it was always clear that both women and men can participate in the same conditions in social struggles. In the context of the peace accords in El Salvador, they returned to Honduras. They were keen to work for their people.

In 1992, Berta and Salvador created the organisation Cultural and Ecological Rescue Action (ACER), to protect the Lenca territory. That same year marked 500 years since the colonisation process started in Abya Yala. But soon they saw the need to transform into a bigger social movement –including unions, environmentalists, *campesino* and other Indigenous organisations. They all wanted to address common concerns about essential rights and services and the negative impacts of lumbering mills. Thus, the Committee of Popular Organisations of Intibucá (COPIN) was born. It was the seed of COPINH. “One night, after 31 December 1993, a Mexican journalist was reporting on TV about the Zapatistas [...And, Berta got very excited about it] saying: ‘we

¹¹¹ He is now a leading member of the organisation Indigenous Coordinator of Popular Power in Honduras.

should do the same here, we should mobilise as Indigenous peoples’. It was a moment of hope in the region” (interview with Salvador Zuñiga, Intibucá, 31 May 2017).

From those moments, Berta and COPINH emerged to lead the defence of the Lenca people in Honduras from the many abuses, including those caused by neo-liberal projects. Before, responding to the influence of the State and the catholic church, Indigenous people were organised in *campesino* groups¹¹²; and they recovered land and worked it. They knew about their Indigenous identity, but they hid it as others despised and discriminated it. The mid-1990s marked a renewed clarity on their Indigenous identity and the defence of their territory. In 1994 Berta Cáceres and the COPINH, together with other Indigenous and tribal peoples, mobilised in the first pilgrimage for “life, liberty and justice”. About 4,000 Indigenous people walked to Tegucigalpa and achieved a structural transformation for them as Indigenous peoples and for the entire country (Interviews with Miriam Miranda on 24 May 2017; Salvador Zuñiga on 31 May 2017; and, Mery Agurcia on 27 May 2017). They managed to get the ratification of ILO Convention 169, the creation of two Indigenous municipalities¹¹³, several communal legal titles, the suspension of lumbering mills¹¹⁴, and the creation of the Prosecutor’s Office on Ethnic Groups and the Cultural Patrimony of the Nation (FEEPC), among others. Indigenous peoples were no longer a matter of the past; they became a reality of the present.

MILPAH originated with the influence of COPINH. They learnt from the COPINH about their rights as Lenca people, and now both organisations work to defend

¹¹² Interview with Lenca IWHRD Margarita Pineda, a prominent member of MILPAH, and former member of the COPINH and the national *campesino* organisation *Central Nacional de Trabajadores del Campo* (CNTC). (26 May 2017, Marcala).

¹¹³ San Francisco de Opalaca and San Marcos de Caiquín.

¹¹⁴ Previously, in 1993, after a protest of more than 1,500 people against a lumbering mill in Yamaranguila, Intibucá, they managed to get some forest areas protected from logging.

these rights¹¹⁵. Several members of MILPAH are former members of COPINH. Lenca leader Ana Mirian Romero could only finish primary school due to lack of opportunities in her community. But she is very proud she attended workshops given by Berta Cáceres. Ana Mirian told me: “Berta was the first person who came to give us workshops[...] Before that, I was ashamed to say that I am Indigenous”. Then, she adds: “I am a human rights defender since 2010. After the *coup*, we [the Lenca communities of La Paz] felt the need to organise to protect the territory[...] for us and our future generations” (interview with Ana Mirian Romero, 24 May 2017).

In 2010, MILPAH originated in response to the many human rights violations affecting the Lenca communities. They were also very concerned about the mega-projects in their territory. After the *coup*, Lenca people of different municipalities gathered together under the Social Forum for Integral Development, but they realised they needed a more influential organisation. After a general assembly in Santa Elena, where Lenca people from four other municipalities participated, the MILPAH was born. The organisation further consolidated with the support of the NGO Honduran Centre for the Promotion of Community Development (CEHPRODEC), which has helped them to strengthen their mobilisation process. MILPAH is an organisation composed of Lenca Indigenous people from the Indigenous Councils in the following municipalities: Santa Elena, Yarula, Marcala, Chinacla, San José, Santa María, Opatoro, Cabañas and Nahuaterique.

The origins of the two organisations are contrastingly different, but they were both founded a solid conviction and social base to defend the Lenca territory.

¹¹⁵ Interview with Felipe Benítez, on 25 May 2017, Marcala.

The arrival of the mega-projects

After the 2009 *Coup* and the legal framework approved in that context, mega-projects have proliferated in the country, particularly affecting Indigenous and tribal territories.

The **Agua Zarca** hydroelectric dam project originated in the 2009 national law on waters. In this law, the concession to build a dam in the Gualcarque river - to generate 21,3 MW- was approved. In 2011, the National Congress approved the contract of operation between DESA and the Ministry of Natural Resources and the Environment - SERNA- (Decree 68-2011). But the first time the Lenca communities learnt about the possibility of a hydroelectric dam project in their territory was in 2006. Some members of the local communities saw some men in Río Blanco taking measurements and opening paths, destroying some of their plantations (COPINH, OFRANEH, TNI, & JSA, 2018, p. 8). Once the project was approved, corporate actors approached some of the Lenca people to buy their lands through individual contracts. Even then, the COPINH had been taking action against the lack of FPIC. In 2010, COPINH mobilised to the National Congress to complain against those concessions (COPINH, 2010).

In January 2011, DESA approached the community La Tejera, which is part of the Lenca *patronato* (locality) of Río Blanco. DESA was trying to get their approval for the construction of the dam, but they rejected it. Three months later, the Mayor of Intibucá unsuccessfully tried again to get their consent. In August of the same year, COPINH agreed with the president of the country, Porfirio Lobo, that hydroelectric dam projects in the Lenca territory had to be validated in *cabildos abiertos* (town meetings), according to ILO Convention 169 and with the participation of COPINH (Korol, 2018, pp. 154–

158). But, this agreement was never implemented. At the end of 2011, the mayor granted a construction permit to DESA, without the authorisation of the communities. By then, DESA had already bought some lands in the area.

In 2012, the project started. Members of affected communities realised the project was going on when machinery passed over their crops. Later that year, the company built a fence that prevented the Lenca people of La Tejera from accessing their potable water source (Bird, 2013, p. 4). The already tense situation further escalated in March 2013 when security guards and new signs in the area prevented the Lenca communities from accessing the Gualcarque river, which is a principal source of physical and spiritual life for them. It pushed the communities to take further action.

The arrival of **Los Encinos hydroelectric dam project** is not too different from Agua Zarca. LEISA owns Los Encinos. The project aims to generate 13.5 MW, and since 2010 it has had a contract, which is valid for 30 years (EJAtlas, 2018c). The concession to build this dam over the Chinacla river in Lenca territory was also approved in the same law that approved Agua Zarca. At the time of the approval, the current president of Honduras, Juan Orlando Hernández, was the president of the National Congress, and Gladis Aurora López, a congresswoman of the National Party- the ruling party, was among the Congress directives. LEISA's director, Arnold Castro, is Gladis López' husband. He is also the director of La Aurora S.A. a corporation that owns the hydroelectric dam projects La Aurora I and La Aurora II, both approved without FPIC when López was an active congresswoman¹¹⁶. La Aurora I is already built in the river El Zapotal, in San José, department of La Paz, and produces 4 MW. The Zapotal riverbed is now dry, and the promised "progress" (essential services) did not arrive (Dada, 2016). La

¹¹⁶ In 2014, CEPRODECH and MILPAH filed a complaint before the Prosecutor's office on corruption, for the irregularities in these concessions (AI, 2016).

Aurora II is planned to be built in the Chinacla river, and MILPAH has also led mobilisations against it.

The Chinacla river, known by the Lenca people as river Toguala, is in the municipality of Santa Elena, and it is where Los Encinos is planned. The Lenca communities learnt about Los Encinos one night when they heard the machinery in their territory. In 2012, Ana Mirian Romero, together with other Lenca leaders, organised peaceful protests (i.e., sit-ins and marches blocking the road to the place designated for the project) against the project for about two months. Ana Mirian was at the forefront of those actions, demanding a consultation process. The Lenca leaders were intimidated and threatened; for example, one night, some of them heard people outside their houses, discussing how they will kill them. On 3 September 2014, a group of policemen and armed civilians tried to forcibly evict Ana Mirian's community, which is part of the Santiago Apostol Indigenous Council. The day after, the MILPAH filed a legal complaint about the eviction attempt (PBI, 2016, p. 17). A month later, the municipal government of Santa Elena carried out a meeting about the project, and corporate representatives were present. However, those opposing the project were threatened during the meeting, and most of the participants were not part of the affected communities (PBI, 2016, p. 22). Los Encinos and the municipal government claim that this was a consultation where consent was granted. But, MILPAH and CEHPRODEC claim it was a farce, and no consultation or consent took place (GW, 2017c, p. 11). In the face of the imposition of the project, the MILPAH took further mobilisation actions.

In both cases, local communities learnt about the dam projects when machinery arrived in their territories. In either case, despite the recognition of FPIC in the applicable norms, was a prior consultation carried out, nor consent was granted. Furthermore, although there was a slightly favourable context for the defence of human rights, veto

players also used many tactics to thwart their mobilisation efforts to weight against any possible change. Thus, such human rights abuses of the Lenca people further fuelled the mobilisations of COPINH and MILPAH, but the repression against them also intensified.

Intensification of mobilisations and repression

Having built power from the territory, with a human rights framing and the leadership of Indigenous women, the mobilisation intensified. But so did the repression.

On 1 April 2013, **COPINH** and the Lenca communities affected by Agua Zarca started to block an access road to the site where the project was being constructed. They installed a blockade in *El Roblón*, next to a big old oak tree. About 300 Lenca people of all ages built a basic tent where they displayed colourful flags of the COPINH. Their claim was loud and clear: to stop Agua Zarca, “a project of death”¹¹⁷. They called on all corporate actors involved in it to withdraw from the project and their territory, as it was unauthorised and violating their rights.

Two days later, corporate representatives of Sinohydro and DESA went to *El Roblón*, together with the police and members of the community El Barrial. They insisted that they accept the project. But COPINH responded, giving the corporate actors 72 hours to leave the area. Berta Cáceres was harassed in front of everybody (COPINH, 2013b). A week after, the Mayor of Intibucá insisted once more. He came to *El Roblón* with the head of the municipal police, representatives of DESA and Sinohydro, and some of their employees. COPINH leaders asked the mayor to show the corporate representatives the ancestral legal title of La Tejera, but he rejected the idea. The Lenca leaders insisted that

¹¹⁷ Fieldwork notes.

no consent had been granted. This event was followed by many incidents of intimidation, threats, persecution and attacks against the COPINH local leaders in La Tejera (COPINH, 2013c, 2013d). At the end of April, the military was actively present in the area.

In May 2013, after the death of COPINH leader Paula González¹¹⁸, a permanent military and police presence was installed on the premises of DESA. With it, the criminalisation of the Lenca leaders was exacerbated. On 24 May 2013, Berta Cáceres was detained and accused of carrying an unlicensed gun in the back of the pickup truck she was driving. She always claimed the gun had been planted by the military officers when they searched the car. Three months later, Berta Cáceres and two other leaders of COPINH had to face a new criminal investigation. This time, they were accused of usurpation, coercion and continued damages against DESA. As she could face imprisonment for been accused in two unfounded criminal investigations, she was forced into hiding (AI, 2013d, 2013a). During the proceedings, “DESA’s lawyers went as far as to call on the Honduran State to ‘act with all resources at its disposal to persecute, punish and neutralise’ the actions of COPINH” (GW, 2017c, p. 16). A few months later, after a robust global solidarity campaign and the work of their legal representatives, all these baseless charges were dropped.

El Roblón blockade never stopped, and mobilisation actions of “territorial control” were continuously used¹¹⁹. Lenca leader Tomás García explained: “We have to defend our forest, rivers and lands, if not, who would do it? If we do not do it, nobody will do it... And, from there, we get everything” (OCOTE Films, 2013). On 15 July 2013, Tomás García was killed, and his 17-year-old son Allan was seriously wounded. Together with dozens of COPINH members, they both were marching towards the premises of

¹¹⁸ She was the mother of six young children and died after a car accident, which her family and COPINH consider a direct consequence of the imposition of Agua Zarca.

¹¹⁹ Fieldwork notes.

DESA when one of the military soldiers guarding the company's premises shot directly at them. Following such a severe attack, Berta Cáceres and COPINH redoubled their mobilisation actions.

Meanwhile, **MILPAH** -with the support of CEHPRODEC- started to plan a self-consultation process, based on article 6 and 7 of ILO Convention 169. They consulted with all the Indigenous Councils of Santa Elena and began a series of workshops. They formally requested support to carry out the consultation, from the Supreme Electoral Tribunal, the municipal government and the police. The Tribunal and the mayor both said "no".

To start the process, MILPAH and CEPRODECH carried out a census covering 1,830 houses and found 3,500 people were of age to vote. Before, during and after the mobilisation for the self-consultation, MILPAH members were intimidated, threatened and attacked. In January 2015, MILPAH leader Juan Francisco Martínez was killed (PBI Honduras, 2015). Some believe his killing was an act of terror to make them abandon their territory (ACI Paticipa & HEKSEPER, 2015, p. 71). In May 2015, Silvestre López was found dead in the Chinacla river, and this was also considered a grave act of intimidation. In September 2015, a family who was publicly against the project was attacked by others supporting it, resulting in the killing of one person and others injured (CIDH, 2015a).

On 22 October 2015, at dawn, about 20 policemen, ten military soldiers and nine armed civilians broke into Ana Mirian Romero's house and other houses in her community. Ana Mirian was 24 weeks pregnant. She was beaten and insulted, and her three children (6, 9 and 11 years old) too. The attackers yelled at her that she was hiding drugs, weapons and her husband -whom the veto players had accused, together with other leaders, of the September incidents- (FLD, 2016a). Ana Mirian had to go to the hospital

for 11 days, and luckily she and her baby survived. But, Rosaura, her sister-in-law, suffered a miscarriage as a result of the attack. Despite the fragility of the situation, Ana Mirian's conviction was strong, and she returned to her territory. The same day, however, she was threatened again. On 24 November 2015, the IACHR issued precautionary measures ordering the State of Honduras to protect Ana Mirian, her husband and 12 other leaders of the community (CIDH, 2015a). In January 2016, Ana Mirian was threatened again and their house was destroyed by fire.

In July 2016, the self-consultation took place. CEHPRODEC and other national and international organisations, networks and observers (e.g., CONROA, Trocaire, PBI and UN HCHR) supported it. Ana Mirian participated, but her role was not particularly prominent. The consultation was about two projects that started without their FPIC: the *catastro municipal* (individualisation titling of communal lands)¹²⁰, and the hydroelectric dam projects in the Chinacla river. Given the repressive context and the mayor's threats to withdraw local projects if people participated (CEHPRODEC, 2016), the MILPAH thought that few people would come. However, 1,001 people came to vote. Of those, 92,2 per cent did not agree with *catastro*, and 82.42 per cent did not agree with the dams in the Chinacla river (CEHPRODEC & MILPAH, 2016). For MILPAH and CEHPRODEC, this was a tremendous success. It was the first Indigenous self-consultation in the country.

COPINH and MILPAH escalated their mobilisations, and in response the repression also increased, which had devastating consequences in both cases, with the killing of grassroots leaders. However, the intensification of the mobilisations was

¹²⁰ Any decision on ancestral communal lands needs to be taken by the Indigenous council. When the ownership of lands is individualised by *catastro*, it can be negotiated directly with the individual owner. The local mayor of Santa Elena was promoting this measure, conditioning their access to the electric energy service to registering their lands with *catastro* (El Pulso, 2016).

different in each case, as well as their impacts. Both displayed substantial power from the territory, but it was only in the case of COPINH that a corporation changed its practice.

Social division

COPINH's mobilisation was already facing social division, but after the killing of Tomás García, it was exacerbated. The same day Tomás was murdered by a soldier guarding the premises of Agua Zarca, Christian Madrid -a 14-year-old Lenca boy- was killed. His family claims he was killed by a person related to COPINH, and that “they have heard the rumour in the community that the COPINH was threatening them” (Dada, 2016). The Madrid family, who have openly supported Agua Zarca, live in La Caseta near to La Tejera. Both are neglected communities in Rio Blanco. For La Caseta, Agua Zarca was the only hope for them to obtain essential services. After the killing of Christian, his family and some supporters protested against COPINH (Noticiero Universal, 2013). However, COPINH leader Mercedes Pérez in La Tejera maintains that the boy was killed in order that the blame could be targeted to COPINH (Dada, 2016). There is a profound social division between these communities around Agua Zarca, and it has continued until the present (COPINH, 2018).

MILPAH has also faced deep division from the beginning of their mobilisation to the present day regarding Los Encinos. Originally, Ana Mirian Romero and her community lived in El Potrero area; they had to relocate to the area of El Volcán -both in Santa Elena. They had reached unsustainable levels of division around Los Encinos, and violence was persistent. The local mayor, who is also part of the ruling party, actively supported those favouring the project. During fieldwork, I observed the deep division

when some of the Lenca women leaders of MILPAH and I met with Victoria Gonzáles and her relative, a member of the antagonistic group. They only accepted to meet because a person external to the conflict was there. Her death and the complicated situation of her five children (all very young) further divided the community. In this context, rumours discrediting the role of MILPAH and CEHPRODEC were widely spread, and they had to publicly clarify the situation, to prevent further violence (CEHPRODEC & MILPAH, 2017).

COPINH and MILPAH faced critical impacts produced by the social divisions created around the hydroelectric dam projects. In both cases, these divisions were used in attempts to silence the mobilisation process. They were used as tools of repression (e.g., to discredit the leaders and organisations, or to criminalise them). But, both SMOs reaffirmed themselves.

A favourable change in corporate practice

In the afternoon of 15 July 2013, after Tomás García was killed, **COPINH** escalated the mobilisation. A statement on the killing was immediately issued, calling for solidarity. COPINH members gathered in the *Roblón* and marched together to the corporate premises claiming justice for Tomás and his son. The Lenca also decided to take a powerful action of “territorial control, Indigenous power and sovereignty. Hundreds of women, men and children went to the three company’s premises[...] and, with their voices, demanded them to immediately abandon the place” (COPINH, 2013a).

In this context, the staff of Sinohydro left the premises. Bertha Cáceres explained: “the executives and employees of Sinohydro left with the authorisation of the community,

who respected their physical and emotional integrity. The community made clear to them that they were allowed to go, but not to come back” (Korol, 2018, p. 173).

On 19 July 2013, the COPINH communicated: “Lenca communities of Rio Blanco expelled the machinery and employees of the corporations DESA and Sinohydro!” (COPINH, 2013a).

In a communication of 25 November 2013¹²¹, Sinohydro explained:

Right from the very beginning of our mobilisation, it was noticed that there were serious interest conflicts between the Employer of the Project, i.e. DESA, and the local communities, which were treated as unpredictable and uncontrollable to the Contractor. Therefore, Sinohydro Corporation Limited instructed to suspend all the site performance and ongoing preparations, and demobilised all his manpower from the project site on July 15th 2013. On August 24th, 2013, the Contract Agreement[...] was officially terminated (Sinohydro Group, 2013).

Later, the WB stated that it “has never invested in the Agua Zarca project. Several years ago, an investee fund of our private sector arm, IFC [International Finance Corporation], considered financing the project. However, no investment was ever made” (WB, 2016). In October 2013, Berta Cáceres complained before the Office of the Compliance Advisor Ombudsman (CAO) for IFC of the WB regarding the illegality of Agua Zarca and the repression they were suffering. In 2014 CAO responded to her that the Central American Mezzanine Infrastructure Fund (CAMIF) was considering investing in Agua Zarca, but that as of December 2013 CAMIF was no longer considering it (CAO, 2014)¹²².

¹²¹ This communication is a response to the 2013 report by the NGO Rights Action on the situation (Bird, 2013).

¹²² The IFC was acting through CAMIF. CAMIF is a mezzanine fund that invests in medium-sized companies/projects in the infrastructure sector in Central America, Dominican Republic, Mexico and Colombia.

Regarding **MILPAH**, the self-consultation was indeed a success that set a precedent in the country. The high participation and number of votes, and the clear “no” to *catastro* and the hydroelectric dam projects in the Chinacla river reaffirmed their mobilisation power. However, despite this important precedent, the results of the self-consultation are not binding, and Los Encinos kept silent about them. For the local leaders, these results suspended Los Encinos. The attacks continued, however, and the communities interpreted them as a sign that the plans to develop the dams would continue (Criterio, 2017).

COPINH and MILPAH managed to achieve crucial **outcomes**. But, only in the case of COPINH, was a favourable change in corporate practice produced. Sinohydro physically and legally withdrew its participation from Agua Zarca, recognising the instability of the situation. In parallel, MILPAH managed a substantial “no” to hydroelectric dams in the Chinacla river. The self-consultation was impressive and set a precedent in the country, but LEISA did not show any positive change in its practice.

Success in the face of extreme violence: assessing explanatory factors

Both COPINH and MILPAH are IWHRDs-led SMOs confronting the human rights abuses committed in connection to hydroelectric dam projects affecting the Lenca people in Honduras. The concessions to both projects, Agua Zarca and Los Encinos, were approved with the same legislation. In both cases, some individual contracts over land plots were signed. However, the projects were planned and started development without the FPIC of the affected Indigenous communities, in breach of human rights law.

On that basis and the analysis of these two cases, I identified four crucial explanatory factors or *strands* of the *braid of action*. (1) Transforming the territory into power. (2) Effective leadership of IWHRDs. (3) Human rights framing. And, (4) reacting to a grave act of repression overtly involving corporations. Furthermore, both cases offer important examples of the minimally favourable context. For example, Austra's role as mayor and *Diputada* and her role in bringing the Congress' attention to the approval of ILO Convention 169; the context that allowed and propelled the emergence of these organisations; and, the broader context of hope for Indigenous peoples in the region. They all show the opening of opportunities and possibilities to defend Indigenous human rights, something that was not possible before. I now assess the factors and dynamics that explain success or its absence in these cases.

Transforming the territory into power

COPINH was already a strong organisation when Agua Zarca arrived in the Lenca territory. Most of the local communities were already part of the organisation. Their earlier mobilisations and impacts had already transformed the territory into mobilisation power. Thus, when in 2011 DESA first approached the community La Tejera, seeking the project's acceptance, they already knew their rights had not been respected as the project had already been approved by the State and was in motion, without their FPIC. At this point, Berta Cáceres and COPINH had "managed to give many workshops and talks to Indigenous people, to raise awareness and to organise them to struggle against oppression" (Interview with Austra Flores, La Esperanza, 30 May 2017). They knew that as Lenca people, with a non-violent, communal and spiritual struggle they could stop

abuses to their rights and produce significant social transformations (interview with Salvador Zuñiga, Intibucá, 31 May 2017). Thus, there was already a power in their mobilisation built upon their Indigenous identity and territory. With the arrival of Agua Zarca, COPINH strengthened this power.

The power of the COPINH was not based on political or economic resources, such as those of the corporate and State actors involved in Agua Zarca. Their power was based upon the social, spiritual and natural connections with the territory; on the voice, territorial identity and legitimacy to claim and defend their rights. COPINH had the clarity that without the territory, the planned dam could not be built; and, most importantly, they knew that it was their ancestral territory and that no consent had been granted to the project. For the Lenca people -unlike the corporate actors or the State, the territory is not only a land plot. It involves the physical (e.g., *natural goods*) as well as the human, the communitarian, the spiritual and everything that exists in it¹²³.

Therefore, they draw heavily on the territory as a primary source of mobilisation power. For this, the Lenca people connected to it in spiritual and material ways with actions of “territorial control”. These are mobilisation actions in strategic sites of power. In this regard, the *Roblón* is emblematic. It was a blockade that became a permanent presence, a “long term act of Indigenous territorial control”¹²⁴. The “*Copinhes*” organised in 24-hour shifts of about 30 people, but they could easily increase their presence sounding “the horn” to warn others that veto players were approaching. The “*olla comunal*” (communal pot) was also central to collective life and to build the power of

¹²³ Fieldwork notes.

¹²⁴ Conversation with Honduran feminist and poet Melissa Cardozo, on 25 May 2019, during the Congress of the Latin American Studies Association (LASA), Boston. Melissa accompanied Berta Cáceres many times to *El Roblón* as part of their mobilisation process.

mobilisation. Everyone would bring something to share (e.g., beans, coffee and corn). In this way, their internal links, unity and identity were strengthened.

The spiritual and natural spheres of the territory were also crucial in that context. COPINH's spiritual leader, Pascuala Vásquez (Pascualita, as she is affectionally called), recalls that in the first meetings of the Elders Council of the COPINH, it was clear that their ancestors left them a free territory and that they had the duty to keep it like that. She told me: "For this, we practice the *compostura* to the earth, the blessing to rivers and mountains, the ceremony of the four cardinal points[...] To lead these spiritual ceremonies is my role. I went to many places with Berta to do them[...] I will always keep her spirituality with me, she insisted many times in the Lenca spirituality" (Interview with Pascuala Vásquez, La Esperanza, 31 May 2017). Indeed, Pascualita led several spiritual ceremonies in *El Roblón*. In these ceremonies, community members prayed for the spirits of the rivers, the mountains and the earth, among others. They prayed for their guidance and strength to defend their territory. They also prayed to them with the clarity that the places that are home to Lenca deities cannot be commodified or privatised. Berta explained, "the [rivers] are sacred, they are the blood of the earth and are inhabited by the spirits of the girls" (Ocote Films, 2014). With plans to dam the river, there was a concern that the spirits of the girls would be left without their habitat, which would further deteriorate the life of the community (CESPAD & COPINH, 2016, p. 24). There were serious collective concerns on the profound negative impacts of an unauthorised project in a sacred river.

Such a deep connection and concern translated into a solid conviction to defend the territory. It was instrumental in strengthening their mobilisation power from the territory, and in sustaining in the face of intensified repression. When awarded the "Green Nobel", Berta explained: "In our *cosmovisions*, we are human beings who emerged from

the earth, the water and the corn. We, the Lenca people, are ancestral guardians of the rivers. Which are also protected by the spirits of the young girls[...] The Gualcarque River has called upon us, as have other gravely threatened rivers around the world. We must answer their call” (Cáceres, 2015). Thus, Berta and COPINH were summoned by non-human inhabitants of the territory, to protect it. This gave them the conviction that they would win. It was an unshakable conviction that provided them with a strong mobilisation capacity. It could not be neutralised by the “hard” and “soft” silencing action of veto players. As Berta said, “when we started the struggle against Agua Zarca, we knew it was going to be hard. But we also knew we were going to succeed. The river told me so” (Berta Cáceres in Once Noticias, 2018).

From this solid conviction rooted in the social, spiritual and natural spheres of the territory, COPINH persevered and insisted even in the worst moments of repression. To their mobilisation actions, veto players usually responded with increased repressive force. First, they limited their daily practices connecting them with the territory. When in March 2013, the Lenca were prevented from accessing the river freely, Lenca leader Santo Sánchez, from La Tejera community, explained: “If we negotiate, they take our rivers. They will be the sole owners, after all. We will be left with nothing. It would be profoundly sad, and the worst will be for our children” (Ocote films, 2014).

Then, they deepened social divisions, militarised the area, intimidated and criminalised their leaders. In the letter I received from DESA, on 23 June 2017, they said -among others- that the corporate actors investing in the project (i.e., FMO and FINNFUND) had “established that there is no Indigenous presence in the area”. And it added, “all that has happened in the last few years has been marked by different tricks and manipulation coming from organisations such as COPINH”. In contrast, during fieldwork and in many other documents, I found that *El Roblón* was a place of peaceful

gatherings, a political, educational and spiritual space. There, unity was strengthened with “an army of territorial control[...] that] carried out daily mobilisations towards the area where the company DESA built their operations centre. The objective was to keep the presence and determination of the Indigenous people in the conflict visible and to prevent the project from progressing” (CESPAD & COPINH, 2016, p. 24). When Sinohydro physically and legally cancelled its participation in Agua Zarca, the internal capacity of COPINH was strong. COPINH had managed to create intense pressure over it. Power from the territory was a crucial part of that capacity, but it was not the only one.

Similarly, power from the territory was also strongly present in the case of **MILPAH**, although in a different way. First, Ana Mirian Romero, her family and community, persisted in the territory they have always inhabited, despite the strong force used against them. Ana Mirian told me:

It is an Indigenous territory, it has been recognised as such, and no authority can touch it. We have a history in that place. As President of the San Isidro Indigenous Council, I have the written history of our site. It is a fascinating history. It is our territory, and part of it is the river[...] Every day we are threatened, we are insulted[...] The government has always abandoned us[...] But, all this has made us stronger (interview with Ana Mirian Romero, Tegucigalpa, 24 May 2017).

Their persistence in the territory is impressive. When Ana Mirian and her community were forced to leave due to the violent conflict dividing the communities, they relocated within the territory. Moreover, after the October 2015 brutal attack, Ana Mirian, her family and community returned to it and continued their mobilisation actions. This decision was also rooted in the spiritual and natural connection with the territory. They live where the dam’s machinery room was planned to be constructed¹²⁵. Thus, it is not surprising that their return was met with further repression. Her house was burnt. To

¹²⁵ Fieldwork notes.

such aggression, MILPAH and other organisations' response was to build a new and more solid house in the same place. Hence, their courage and conviction in returning and persisting on the territory are emblematic.

This solid conviction and connection with the territory also extended to other aspects of MILPAH's mobilisations. Harvesting is a central part of their collective and spiritual lives. For MILPAH, a vital part of transforming the territory into power is the process of recovering the Lenca culture. They lost important parts of it during the decades-long process of assimilation¹²⁶. Thus, to recover it, they managed to get the support of the Lenca people in El Salvador (e.g., they are re-learning the Lenca language from them)¹²⁷. Also, MILPAH has developed a food sovereignty project with plants and seeds that are original to their territory. It is a way to strengthen their autonomy, unity and sustainability in their territory¹²⁸. MILPAH has transformed the territory into mobilisation power with the clarity that "as Lenca people, we have always known that we must organise ourselves as an ancestral movement from the bottom up" (interview with Felipe Benitez, Marcala, 25 May 2017).

On this basis, backed by all the Indigenous Councils of Santa Elena and with the support of CEHPRODEC and other organisations, MILPAH carried out the self-consultation about the hydroelectric dams in the Chinacla river. The support of relevant State institutions was denied to them, but they had the solid conviction to carry on with this vital mobilisation action. With a solid "no" to hydroelectric dam projects in the

¹²⁶ People have always known about their Indigenous identity, but until relatively recently, they hid it to prevent being discriminated against. Lenca leader Felipe Benítez, the general coordinator of MILPAH, told me that during harvest time, people would go at dawn to their crops to practice their ancestral blessings. They hoped nobody would see them. But everyone did the same. However, nobody talked about it (fieldwork notes, Marcala, 26 May 2017).

¹²⁷ Fieldwork notes, Marcala, May 2017

¹²⁸ As part of the project, MILPAH has trained more than 40 agroecology promoters. They aim to eat well and in harmony with the territory and all that it means, without creating dependency on development agencies (Fieldwork notes).

Chinacla river, they set a national precedent. The results of the self-consultation are not binding, and the corporation was silent about them. Yet, for MILPAH, this is a success and a reaffirmation of their power from the territory.

Indigenous women's effective leadership

A patriarchal culture prevails in Honduras, and the Lenca people are part of it. Generally, the idea of Indigenous women as leaders is socially rejected, and it is not seen as an explanation for success. For example, Berta Cáceres was often publicly accused of being “a bitch”, “a witch”, a “mad” woman and the mother of a “dysfunctional family” (Korol, 2018, p. 178). These denigrating comments were reinforced by acts of extreme violence used to repress her and COPINH. They were punished with violence targeted at them because they dared to be visible and vocal in challenging the actors involved in mega-projects, usually represented by powerful men. Thus, the violence that they endured sanctioned them, their entire communities and the generations to come, since it is women who carry life and transmit their peoples' culture to the next generations. The brutal attack on Ana Mirian, Victoria, Rosaura, Felicita, and the other Indigenous women leaders of MILPAH is a crude example of it.

Nevertheless, the leadership of IWHRDs in both cases, COPINH and MILPAH, is not limited to that analysis. In both cases, Indigenous women leaders overcame many instances of extreme violence to repress them, with more mobilisation, visibility and broader solidarity within and beyond the country. Often, the leading role of Indigenous women is perceived as a source of vulnerability. Both leaders, however, were able to raise their voices, to make visible a situation of grave abuse and to reaffirm their struggle

in human rights terms, even in the most adverse situations. The attacks that punished their leadership and activism did not stop them; rather, they used them to increase their voice and the visibility of their struggle. They reaffirmed their conviction and felt stronger to carry on with the mobilisation seeking to stop a grave injustice.

The obstacles to their mobilisation and leadership also came from their families, communities and organisations. Berta Cáceres said, “We carried out actions of territorial control. We, the women, were at the forefront. It was something that some male *compañeros*, even from the COPINH, did not like. They started to confront our presence in the struggle and the decisions we made as if we could not think for ourselves. We have experienced very hard and public attacks from our *compañeros*” (in Korol, 2018, p. 180).

In the case of COPINH, the first to arrive at *El Roblón* were women and children. Women were key to sustaining the blockade and building the sense of unity and community that was at its core. They had a crucial role in the *olla comunal*, spiritual ceremonies and sharing the stories that kept the struggle alive (CESPAD & COPINH, 2016). In the case of MILPAH, Ana Mirian and the women of her community were also the first to protest when they heard the construction machinery arriving. Similarly, it was the women who decided to return to their territory after the attack that almost ended their lives. They also managed to overcome the ordinary pressures of daily life in a context of neglect (e.g., “we know how to *hambrear* -starve-”) ¹²⁹. They were able to reaffirm their leadership and struggle in the face of extraordinary challenges. After “soft” and “hard” attacks used to repress their agency and leadership, they always carried on with their actions. This ability to deal with external and internal pressures allowed them and their SMOs to carry on with the mobilisation.

¹²⁹ Interview with IWHRD Felicita Vásquez, Marcala, 25 May 2017.

Berta Cáceres played a crucial role in integrating this ability into COPINH's practice. However, for Ana Mirian, it was much more challenging to do the same in MILPAH. Their trajectories as human rights defenders are very different. Their origins as HRDs are not comparable; there is a marked disparity in the opportunities they had. Those differences impacted on their leadership and strategic capacity. While Berta's leadership can be traced to her youth and the influence of her mother -a prominent leader in the country- Ana Mirian only had the opportunity to complete primary school. Ana Mirian told me: "before we could not even say a word[...] I come from a very humble family that does not know how to defend itself. But, the blows made me talk[...]" (interview with Ana Mirian Romero, Tegucigalpa, 24 May 2017). Moreover, although she is the president of the Indigenous Council of her community, which is part of MILPAH, she only managed to get to that position after her husband had to go in hiding given the criminalisation he was facing¹³⁰. It is thus admirable that Ana Mirian achieved a top leading role. However, due to so many challenges and limitations, her internal network of support was not as strong as in the case of Berta.

Berta Cáceres developed an effective leadership that was a way to channel the multidimensional resistance that she -as an Indigenous woman leader- *braided* for herself and COPINH. COPINH established a peoples' tribunal to judge cases of violence against women, a healing centre for women, a women's only committee within the organisation and undertook many other gender-sensitive initiatives that extended to the LGBTI people of the community¹³¹. Pascualita remembers:

We, as women, think more about defending the territory because we think of our children and the future generations[...] Berta told us many times: 'why are we going to be left without land or water here in Inbucá? Women, we need to organise ourselves, to organise as women. We have the right to struggle!'[...] And here, in the COPINH, we are talking about this, and about natural medicine

¹³⁰ Fieldwork notes.

¹³¹ Interview with Gaspar Sánchez, La Esperanza, 31 May 2017

and the need to defend the territory, to defend our health and about the pregnancy of very young girls[...] (Interview with Pascuala Vásquez, La Esperanza, 31 May 2017).

This comprehensive view of the Lenca's mobilisation to defend their rights and territory is a distinct feature of the "articulating" leadership developed by Berta in the COPINH, which strategically uses human rights framing in these initiatives. The fact that women lead COPINH is something exceptional when compared to other organisations in the country¹³². In the case of MILPAH, Ana Mirian and other IWHRDs have had prominent roles, but not the general coordination of the organisation. MILPAH has taken important steps to integrate women into the leadership of their mobilisation. For example, Lenca leader Felicita Vásquez received training on women's rights and became the coordinator of the women's committee within the organisation, which was created in 2017. However, in a context of deep social division, repression and neglect, the visibility and material support provided to Ana Mirian generated tension around her role, within her community. Some community members asked her to share with everyone any assistance she received, and speculation and rumours spread against her. After Victoria's death, the tension increased. On 31 October 2017, MILPAH announced that Ana Mirian and her husband were no longer part of the organisation (MILPAH, 2017). Her leadership did not sustain.

In contrast, the inclusive approach of the mobilisation developed by Berta and the COPINH further strengthened her leadership and reaffirmed her legitimacy. It greatly expanded COPINH's capacity to quickly connect with other Lenca women and with other communities, organisations and networks. Berta had an impressive ability to articulate a

¹³² Interview with IWHRD Margarita Pineda, Marcala, 26 May 2017.

multidimensional defence of dignity, territory and rights in the same mobilisation (see her speech at the beginning of this thesis).

[Berta Cáceres] led and inspired a Lenca Indigenous movement that has a very strong struggle in the territory and a global conception of an anti-capitalist, anti-racist and anti-patriarchal struggle, a multiple domination system[...] She challenged patriarchy and patriarchal leadership from the inside of the organisation. It led to a rupture in the organisation in 2013 [... But,] this strengthen her leadership. She then went even deeper in the debate about the anti-patriarchal struggle in mixed organisations, [...]promoted women's rights, their leadership and their body-territory autonomy" (interview with Bertha Zúñiga, La Esperanza, 31 May 2017).

Berta made COPINH an anti-patriarchal space, and she integrated that view in the struggle against Agua Zarca¹³³. The power of this leadership also impacted on the Honduran feminist movement. Berta's discourse and analysis attracted them to COPINH's mobilisation. They also joined the actions to stop Agua Zarca's abuses¹³⁴.

Berta had clarity about the centrality of Lenca women as political subjects and the most vital elements of the struggle -healing others with traditional medicine, feeding people, taking care of the land and water, and possessing the spiritual wealth of the Lenca people. Vitality and politically, women sustain the Lenca people. For her, the feminist discourse was not a novelty. She had already seen it and lived it in the strength of Lenca women[...] Her proposal was communitarian because the situation of Indigenous women needs to change, but not by destroying the community[...] She said: 'Without community and territory we are not a people; and, as Indigenous women, what are we without our people?' (Meeting with Melissa Cardozo, 24 May 2017).

Berta's approach was to some extent similar to the communitarian feminism in discursive and practical terms (Cabnal, 2010; Paredes, 2010), although she did not name it as such. There was a "feminist" consciousness that she was able to turn into power, even when veto powers resisted change. This was also possible in a minimally favourable context that protected her rights as Indigenous, woman and HRD. Furthermore, her

¹³³ Interviews with: Karla Lara, 2 June 2017; Hedme Castro, 28 May 2017. Tegucigalpa.

¹³⁴ Interviews with Suyapa Martínez, 29 May 2019, Tegucigalpa.

leadership outlives her. Rather than silencing her forever, her murder provided indisputable evidence of her claims and thus reinforced the impact of the strong mobilisation she helped to create. Berta managed to develop a strong effective leadership and power from the territory that, together with a strong human rights framing, contributed to building the path to success.

Human rights framing

Berta Cáceres framed the struggle in human rights terms on many occasions. In spiritual gatherings, in community assemblies, in meetings and before the media. Human rights framing was one of COPINH's strategies of empowerment and *action*. COPINH regularly used it to increase their visibility and to elevate the political cost of repression for the State and corporate actors. COPINH members often read aloud key articles of ILO Convention 169 (e.g., articles 6 and 7) during their assemblies. It was a way to reaffirm their legitimacy and the legal standing of their struggle, as they were frequently criminalised and repressed. Similarly, ILO Convention 169 was also read aloud to State authorities and corporate representatives to remind them that the Agua Zarca project was violating Indigenous rights. It was a way to stress the illegality of their presence in Lenca territory, as no FPIC process has been carried out. This constant reference to ILO Convention 169 to talk about abuses was also a way to reaffirm their conviction and commitment, and to draw further support to their mobilisation.

The human rights framing was not limited to that direct use, however. It also served to increase attention to the situation in other ways. For COPINH, human rights framing (both in term of Indigenous rights and as HRDs) was used to gather support and

increase solidarity at a grassroots level and to make a “local” situation a matter of international concern. The COPINH’s website, social media actions and community radio stations were at the core of this legitimating strategy that amplified attention to the situation. On COPINH’s website, there are about 200 communications about the struggle in Rio Blanco, as well as many other documents. The dissemination of these materials through social media and COPINH’s community radio stations, *La Voz Lenca* and *Guarajambala*, helped to keep the local communities informed and to garner their support. Every security incident, every act of mobilisation or assembly was reported through these means. This was critical to positioning the situation in human rights terms and according to their experience. Communicating the situation through different means increased their power. “The combination of mechanisms for constant reporting of[...] aggressions against the community, before state institutions related to the situation, as in digital media, had a decisive value” (CESPAD & COPINH, 2016, p. 25).

Human rights framing was also used through legal activism. Berta filed dozens of legal actions for the numerous abuses related to Agua Zarca, some domestically and others internationally. Berta Cáceres explained: “I want the authorities to understand that when we make demands, we are not asking for charity. We are asking for justice for our human rights. They are obliged to guarantee them, to respect them and abide by them” (AI, 2013a). In 2010, COPINH filed a complaint before the FEEPC against the National Congress for the 40 concessions approved without the FPIC of the affected communities (COPINH, 2010). COPINH also filed several complaints before the FEEPC against the irregularities in the approval of Agua Zarca (e.g., against SERNA for irregular approval of the environmental permit) (COPINH, 2012). In the last few weeks before her killing, Berta Cáceres filed 33 complaints about the most recent death threats (Torres, 2016). After her murder, the CAO for IFC of the WB issued a communication acknowledging

the numerous complaints related to hydropower and other energy projects in Honduras that the CAO received from Berta Cáceres (CAO, 2016).

The impact of this prolific use of human rights framing through judicial activism continued even after Berta's killing. Legal activism was a way to document every instance of abuse activists suffered individually and collectively. It was also a reliable way to make the case nationally and internationally relevant. It was a very effective way to reaffirm themselves as legitimate agents of change in the face of the silencing actions of veto players.

In addition to denigrating comments, social division and the financial incentives offered to community members, veto players used other silencing actions. In the case of COPINH, they created fake Facebook and Twitter profiles to defame them and spread a criminalisation campaign (AI, 2013b). The human rights framing through legal activism that extended to the international arena was particularly important to reduce the impacts of those attacks (e.g., with the protection and visibility provided with the precautionary measures granted by the IACHR).

The many complaints about the abuses and the communication of them legitimated their claim, helping to bring more attention to the case. Support was extended, and it facilitated campaigning and advocacy actions.

The denunciations encourage the visit of dozens of representatives of Honduran and foreign organisations working for the defence of human rights, as well as local, national and international press who documented and denounced the situation. It was significant and of great weight for the community. On the one hand, the problem was made visible and, on the other, this made them feel [...] like they had strong support (CESPAD & COPINH, 2016, p. 25).

Berta is often remembered as “a true internationalist”¹³⁵. When she was facing fabricated criminal charges in two criminal proceedings, and was forced into hiding, she said: “We decided to sustain the struggle and to intensify the national and international activities to complain. I feel very accompanied; I do not feel alone. They have been unable to impose fear or terror. We remain firm. I feel safe, dignified and strong” (In Korol, 2018, pp. 176–177). Berta and the COPINH felt the weight of national and international solidarity, as did the veto players. Their *braid of action* increased its power.

In the case of **MILPAH**, human rights framing has been central from the beginning of their mobilisation. ILO Convention 169 has been critical for their reaffirmation as Indigenous people and legitimate HRDs. They often use it when confronted with difficult situations, and they even know some articles by heart¹³⁶. For them, ILO convention 169 is a central tool of protection. It was also the legal basis of their self-consultation. It is at the core of their media, legal and advocacy actions.

With the support of CEHPRODEC, MILPAH also frequently used judicial activism to increase their power. They also filed numerous complaints framed in human rights terms, for example: a complaint filed in February 2014 before the Prosecutor’s office on corruption for irregularities in the granting of concessions; on 4 September 2014, a complaint was filed for the violence used in an eviction attempt; and a complaint was filed before the FEEPC for the killing of Silvestre López, among many others.

Human rights framing channelled through legal activism also extends to the international arena. In 2015, after the continued attacks they suffered, the IACHR granted to Ana Mirian and several other members of MILPAH precautionary measures. Although these measures were not always implemented with practical steps (e.g., the case of

¹³⁵ Fieldwork notes.

¹³⁶ Fieldwork notes.

Victoria Gonzáles), they were useful to expose the abuses, to gain attention and solidarity, and to reaffirm their legitimacy in the community. All these judicial and protective actions gave relevance to the case. CEHPRODEC's support has been crucial to their mobilisation. Also, as CEPRODECH is a core member of the National Coalition of Environmental Networks and Organisations of Honduras (CONROA), and is permanently accompanied by PBI, it amplified their visibility. CEHPRODEC's strategic connections have been essential for MILPAH in gaining additional leverage in their mobilisation power by uniting national and international networks and organisations around their situation and demands.

Reacting to extreme repression involving corporations

The killing of COPINH's Lenca leader Tomas García by a military soldier guarding the premises of Agua Zarca, where Sinohydro staff was working at the time, changed the situation. Violence is a common feature in the country, and extreme violence was frequently used against COPINH during their mobilisation. Thus, severe repression was not new to them; but it was new that corporate actors were openly involved in it. The bullet was shot from the premises of Agua Zarca by a military soldier who was protecting the security of Sinohydro workers. The soldier who killed Tomas was servicing the corporate interests, acting as a security guard on its premises. The military's commitment was to the security of DESA and Sinohydro employees¹³⁷.

¹³⁷ DESA paid the soldier's legal defence. On 10 December 2015, the soldier was found guilty of the homicide and sentenced to prison. The attack against the child was left in impunity.

Furthermore, the soldier shot Tomás and his 17-year-old son, Allan, when they and dozens of Lencas more were peacefully marching to protest against the unconsented hydroelectric dam in their territory. Such disproportionality between the Lenca action and the soldier's response gave an even bigger sense of outrage and injustice. At this point, COPINH already had a strong capacity in the territory and beyond it, and the devastating news was quickly spread through all their communication means. The inwards and outwards mobilisation actions intensified, and there was a public reaffirmation of the movement's demand to stop a project where serious human rights violations had been committed. The movement reacted, and the attack had a backlash effect for veto players.

In the territory, COPINH and the communities carried out territorial control actions in the lands occupied by Agua Zarca; hundreds of Lencas demanded the corporations "to abandon the place immediately" (COPINH, 2013a). Also, numerous national and international organisations quickly reacted (Aguirre, 2013; AI, 2013d; Bird, 2013; COPINH, 2013e; FLD, 2013). They all consistently rejected the killing of the Lenca leader. They called for an immediate investigation into the responsibility of the State and the corporate actors involved in the dam (CESPAD & COPINH, 2016, p. 31). The force of COPINH's *braid of action* had an impact. Sinohydro left immediately after, in physical and legal terms. The corporation explained that the situation was "unpredictable and uncontrollable" (Sinohydro Group, 2013).

For **MILPAH**, extreme violence has also been a constant feature. The reaction to the severe attack of 22 October 2015 suffered by Ana Mirian Romero and other members of MILPAH enhanced their support and visibility. Ana Mirian's decision to carry on with her leadership added leverage to MILPAH's mobilisation. However, although policemen, military soldiers and members of the community's group in favour of the project

participated in the attack, it was not possible to see or establish direct involvement of the corporation. Neither was that possible in any of the many other attacks. Thus, there was no overt corporate involvement. Additionally, at that point and along the process, Indigenous women effective leadership was already facing many challenges and limitations. And, LEISA never showed receptivity to the movement's demands, not even when the international organisation Global Witness (GW) published a report about the situation there. The GW team was also attacked after releasing the report in Honduras. Both the owner of Los Encinos and the congresswoman married to him denied any relation to the violations denounced in the report. The veto power was strongly used to thwart their effort to reveal their involvement in the situation of human rights abuse. The Honduran government and the corporates' guild publicly condemned the GW's findings. The GW team was targeted with a defamation and criminalisation campaign, and the SERNA publicly requested their arrest (GW, 2017a). The GW team had to be protected by the UN to be able to leave the country. It was a government-corporate veto power display.

Conclusion

In the study and comparison of the case of Lenca leader Berta Cáceres and COPINH and the case of Lenca leader Ana Mirian Romero and MILPAH, I found that a favourable change in corporate behaviour only took place in the case of Sinohydro. COPINH is emblematic of the struggles for the recognition and respect of Indigenous rights. Berta Cáceres continues to be its soul, "the eternal general coordinator of

COPINH”¹³⁸. Together with other Lenca leaders, Berta managed to create a strong power from the territory. Despite the many pressures and attacks, she was able to develop an effective leadership that contributed transforming the territory into power. She “never let fear paralyse the struggle”, as Berta repeatedly said. She found in the territory a profound conviction that extended to the COPINH. Their mobilisation power was emboldened using a human rights framing that reaffirmed their legitimacy, while expanding their movement and network of support. Together with COPINH, Berta *braided action*, and their tough *braid* allowed them to react to the killing of Tomás García, thus *harnessing* a strong mobilisation force. Berta and COPINH were protagonists of change.

Regarding MILPAH, despite the important achievement of the self-consultation and the power of their mobilisation, it did not result in a change in corporate practice. The origins and dynamics of the two movements are contrasting, as well as the type of women’s leadership. While, MILPAH also *braided action*, Ana Mirian Romero’s leadership *frayed* over time, which is not surprising given the many internal and external pressures. Furthermore, repression -both “hard” and “soft”- was continuous, but overt participation of the corporation could not be established or seen. Some elements indicated corporate involvement (e.g., social division and violence), but there was no evidence of a direct link. The veto power was actively used in the media and the judicial system to reject any claim or indication of corporate involvement in a grave human rights abuse (e.g., response to GW report). Thus, there was neither a strong internal capacity nor an external factor to add power to the *harnessing* mobilisation force to produce a change. When one or two *strands* of the *braid of action* are not strong, a change in corporate practice is unlikely. The *harnessing* mobilisation force increases by the reaction to a grave human rights abuse. It is necessary to overcome the force of veto players.

¹³⁸ Fieldwork notes.

Finally, this Chapter cannot end without mentioning that after Sinohydro withdrew from Agua Zarca, the project continued. It was moved some kilometres away, near to the San Francisco de Ojuera community, still on the Gualcarque river. Again, FPIC of affected communities was not obtained for this new location. The COPINH continued to mobilise and the repression to intensify, and after the killing of Berta Cáceres, the pressure created by the mobilisation was stronger than ever. The mobilisation on the ground was immense, and the national and international outcry louder than ever. Legal, advocacy and campaigning actions demanding a cancellation of the project proliferated. The *braid of action* was even stronger than before. A year later, BCIE, FMO and FINNFUND suspended activities in the project (FMO, 2016); and, on 3 July 2017, they ended contractual relations with DESA.

FMO and FINNFUND said that their “exit from the project is intended to reduce international and local tensions in the area[...] The lenders note that no proven connection has been established between DESA and allegations regarding any illegality” (FMO, 2017). However, their response sharply contrasted with the results of the criminal investigation into Berta Cáceres’ murder (i.e., seven men sentenced for the crime, among them: DESA’s Manager of Social, Environment, and Communications Affairs; DESA’s Head of Security; a military Major -who was active until his arrest; and, hitmen). At the time of writing, DESA’s Executive Director was detained and facing a criminal investigation for his participation in the killing as an intellectual actor. Also, among 15 other people, he was being investigated for crimes of fraud and document forgery regarding the irregular contracts granted to DESA to usufruct the waters of the Gualcarque River (OEA-MACCIH, 2019). COPINH filed a legal complaint against the FMO in the Netherlands, for its responsibility in the extreme violence against the Lenca communities, since they knew about it but did nothing to address it (COPINH, 2019).

Chapter 6 – “*Fuera las eólicas!*”: Binni’za women in Mexico

Introduction

“*Fuera las eólicas!*” (wind farms go!) was frequently shouted in protest against the many wind farm projects affecting the Isthmus of Tehuantepec in Oaxaca state, Mexico. Binni’za leader Bettina Cruz and APIIDTT have been at the forefront of the mobilisation against the human rights abuses committed in connection with those projects. In this chapter, I compare two distinct moments of this mobilisation. I study an earlier phase that goes from the origins of the mobilisation to the moment of success when Mareña Renovables withdrew from a wind farm project with the same name. I then study and compare it with a second phase: when Mareña Renovables became Eólica del Sur to develop a similar project with this new name in a different part of the Binni’za territory, to the moment this second project was fully validated, despite many human rights complaints (non-success).

This case study provides additional insights into the dynamic processes that led to success. In this chapter, I argue that success in the early period can be attributed to a tough *braid of action* that was able to lift human rights. It gained power from the territory, the effective leadership of IWHRDs -who contributed to unite people and peoples through a human rights framing- and a *harnessing* force. This stronger force was generated in reaction to the severe repression involving the corporation, which resulted in the possibility of losing some of the most sacred parts of the Indigenous territory

forever. In contrast, in the second moment of the mobilisation, some *strands* of the *braid* were frayed. After the long struggle and the many tense moments, internal fissures were created in the movement. Moreover, what the movement initially considered a success became a very constraining scenario for their mobilisation: a formal consultation process. The State and the business operated within the law; but, what could have been an improvement of the minimally favourable context, actually resulted in undermining the mobilisation for change. The consultation process became a formality -not a substantive process- where the efforts of IWHRDs-led movements were thwarted. Critically and paradoxically, the consultation revealed that State and corporate actors' power allowed them to use human rights means to influence the outcome. They did not have to resort to "hard" repression to *fray* IWHRDs-led SMOs power. Veto players used constant "soft" silencing actions; and no grave human rights violation overtly involving the corporation took place. Also, the consultation revealed a weakened power of IWHRDs-leaders and their movement. They were unable to overcome their weaknesses and the challenges; and, the process reaffirmed veto power. IWHRDs-led SMOs could not *harness* mobilisation force, and corporate power won.

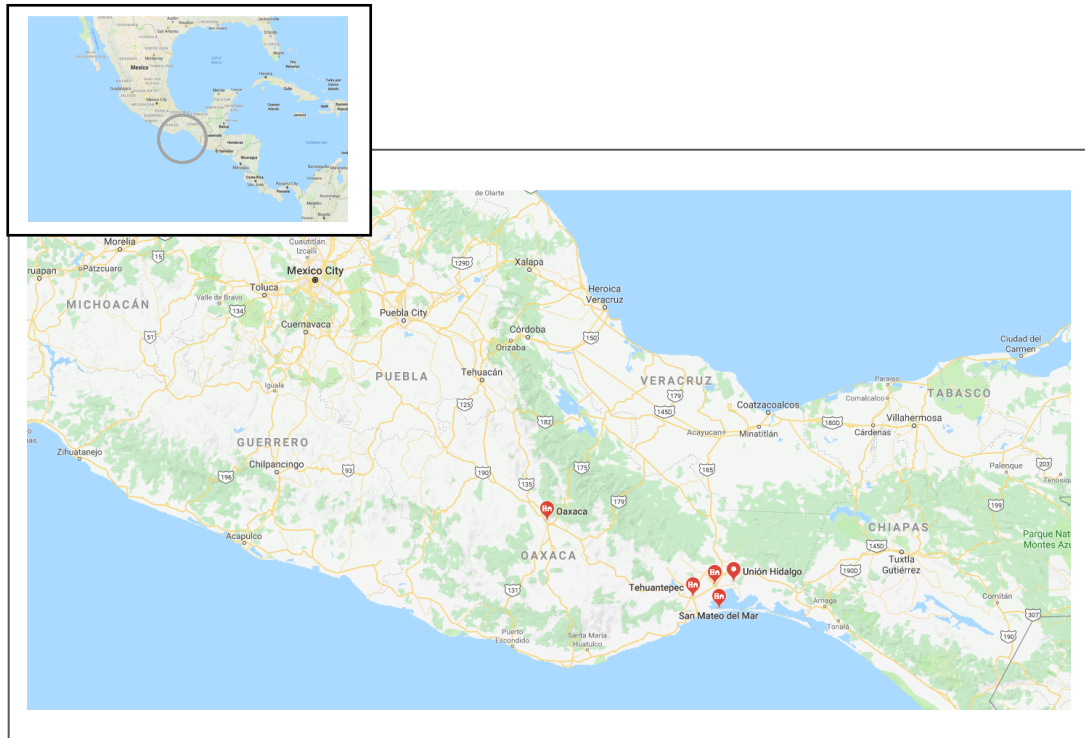
The following table (Table 6) summarises the argument. To explain this argument, in this chapter, I first give some details on the methodology. I then present the key moments of the mobilisation and assess and compare explanatory factors. I end with a conclusion that draws on the main learnings of this and the previous empirical chapter.

Table 6 - A within-case variation over time paired comparison, APIIDTT, Mexico

Comparison	A within-case variation over time	
Country	Mexico	
	Case 3	Case 4
IWHRDs-led SMOs	APIIDTT - Binni'za leader Bettina Cruz	APIIDTT - Binni'za leader Bettina Cruz
Indigenous Peoples	Binni'za and Ikoots	Binni'za
Mega-project	Mareña Renovables Wind farm project	Eólica del Sur Wind farm project
Relevant Corporate actors for comparison	Mareña Renovables consortium	Energía Eólica del Sur S.A.P.I. de C.V.
Explanatory Factors		
Transforming the territory into power	H	M
IWHRDs effective leadership	H	M
Human rights framing	H	M
Reacting to a grave violation overtly involving corporations	H	M
Outcome	Success	Non-success
<i>Factor presence: H= High; M= Medium; L= Low</i>		

Particularities of the methodology

From 19 March to 8 April 2017, I conducted intensive fieldwork in Mexico. I went to Mexico City, Oaxaca City and the following municipalities in the Isthmus of Tehuantepec: Juchitán de Zaragoza (Juchitán), Unión Hidalgo (Unión), and San Mateo del Mar (San Mateo). I also carried out one interview in Ixtepec. These municipalities are very close to each other (less than one hour away using a vehicle). This proximity made it possible to schedule meetings and interviews in different municipalities on the same day.



Map 2 – Mexico: Juchitán de Zaragoza, Mexico City, Oaxaca City, San Mateo del Mar, Tehuantepec, Unión Hidalgo.
 Source: Googles maps.

I had initially planned to carry out fieldwork in the Binni’za territory last, but the circumstances pushed me to develop it earlier¹³⁹. Due to the killing of Berta Cáceres, I had to postpone my fieldwork in Honduras and conduct research in Mexico first. Because of my previous job as a researcher on the situation of HRDs in the Americas, I was already familiar with the struggle of Indigenous peoples in the Isthmus of Tehuantepec against the abuses committed in connection to wind farms. Their struggles were also part of the cases that inspired me to do this investigation. Binni’za leader Bettina Cruz and her organisation’s situation was particularly salient in this context. When I met her in person in a regional conference of WHRDs in 2013, I confirmed the centrality of her struggle. The case selection process reaffirmed that this was a paradigmatic case that could substantially contribute to my analysis, given its variation over time. But, it took

¹³⁹ The Binni’za are also commonly known as the Zapoteco people in Spanish.

me a while to re-contact with Bettina. Again, the help of Ana Paula Hernández from GHRF (see Chapter 6) was instrumental, as well as the help of one of the most courageous Mexican human rights lawyers I have ever met in Mexico, Alba Cruz from the Oaxacan NGO Gobixha -Codigo DH. After I explained the project to Bettina Cruz, she was interested in participating.

I went to Mexico for a preliminary research visit in January 2017. The GHRF and the NGO Just Associates (JASS) invited me to participate in a two-day workshop on human rights defenders protection and non-state actors. It also included a session with the UN Special Rapporteur on HRDs, who was there finalising his country visit. After the event, I extended my stay three more days to re-connect with some contacts, to do some preliminary interviews and gather some information. I met with some key NGOs in Mexico City (e.g., the Project on Social, Economic and Cultural Rights -ProDESC- and the Inter-American Association for Environmental Defence -AIDA-). I supplemented this research actions with preliminary conversations via Skype and WhatsApp with contacts in the country. I also conducted intensive desk research. I reviewed APIIDTT's 272 communications and browsed the organisation's blog, its Facebook page and audio-visual material, and that of the Assembly of San Dionisio and the Assembly of Álvaro Obregón. I also studied relevant media and academic articles, and the reports of organisations, corporations and the State.

During intensive fieldwork, I carried out five life history interviews, 19 in-depth interviews and 14 meetings with authorities, NGOs and scholars. Initially, I was only aware of the experience of Binni'za leading IWHRDs since they feature prominently in public documents. As soon as I was there, I learnt about the Ikoots Indigenous people

and their centrality in the struggle¹⁴⁰. The Ikoots communities live closer to the lagoon area, where the wind current is the strongest (Elliott et al., 2004). There is a hierarchical relationship between the two Indigenous peoples that also makes the Binni'za the more visible group (Castaneira, 2008).

I carried out interviews in Mexico City during the first four days of my fieldwork. On 23 March 2017, I travelled by bus from Mexico City to Juchitán, together with two members of the Mexican NGO ProDESC: Norma Cacho and Raúl Cruz. Their support was invaluable, and I will always be grateful for that. They also helped me to quickly connect with Indigenous women leading the defence of human rights from the abuses by wind farm projects in Juchitán and Unión. Once in Juchitán, I met with Bettina Cruz, who was also essential to the connection with others in her movement. Thanks to HRD Marcelino Nolasco, coordinator of the Human Rights Centre Tepeyac of the Isthmus of Tehuantepec (Tepeyac) I managed to go to San Mateo and to meet with a prominent Ikoots IWHRD there.

On 26 March 2017, in Tehuantepec, I attended part of a workshop on human rights and wind farms. The day after, I had my first long meeting with Bettina Cruz. She arrived in distress. Earlier that day, a Binni'za leader from her organisation in the San Blas Atempa community had been gravely injured and detained by municipal police. His whereabouts were unknown, and he was at high risk. He had been attacked during a peaceful protest against illegal mining on a mountain sacred to their people. Thus, applying the methodological orientation of this study, Bettina and I decided to postpone the conversation and to draft an “urgent action”. Due to the situation, we decided to cancel

¹⁴⁰ Ikoots sometimes is also written as Ikojt. The Ikoots people is also known as the *Mareño* people. In Spanish, they are often called Huave people.

the workshop on the right to defend human rights from a gender perspective that we had planned¹⁴¹. Later, that same day, the leader was found alive.

On 1 April 2017, I travelled to Oaxaca City, where I carried out three days of meetings and interviews. I managed to get in touch with key representatives of organisations that have supported the mobilisation process from the beginning. I spent the last three days of fieldwork in Mexico City, where I met with representatives of the Mexican Wind Power Association (AMDEE). As explained in Chapter 3, my many attempts to meet with Eólicas del Sur failed.

In April 2018, I returned to Mexico. ProDESC invited me to lead two sessions during a regional meeting of WHRDs from Latin America, in Mexico City. The workshop was on community security in the territory and protection in-network. It was a significant opportunity to have follow-up conversations with some Binni'za leaders and to meet with other HRDs from the region¹⁴². I have continued my communications with some of these contacts via email, Facebook and WhatsApp.

Key moments of APIIDTT's mobilisation: after success, a failure

In this section, I study the most crucial moments of the mobilisation of APIIDTT led by Binni'za leader Bettina Cruz. It evolves in seven phases. The first successful moment evolved in the following four phases: (1) the origins and background of the

¹⁴¹ I had recently given a workshop for WHRDs in Mexico City, and Binni'za IWHRDs were interested in replicating it with them. It was part of a project with PBI that I co-devised and delivered. Susi Bascon, the director of PBI-UK, was happy for me to use the methodology and content of that workshop with Binni'za women (Nistal & Tapias Torrado, 2015).

¹⁴² For example, I met Asháninka Indigenous leader Ketty Marcelo López, former president of the Organisation of Indigenous Andean and Amazonian Women in Peru (ONAMIAP).

mobilisation; (2) the arrival of Mareña Renovables; (3) the intensification of the mobilisation, division and repression; and, (4) the favourable change in corporate practice. The later non-success moment evolved through three subsequent phases: (5) the arrival of Eólica del Sur; (6) mobilisation through the formal consultation, while facing repression; and, (7) Eólica del Sur's final validation. As the struggles against these two wind farm projects took place in parallel to many other struggles against abuses committed in connection with several other wind farm projects in the same territory, I also considered them, when relevant for the analysis.

Origins of the mobilisation

There have been many groups and mobilisations involved in the context of human rights abuse resulting from wind farm projects in Mexico. The leading role of Binni'za IWHRD Bettina Cruz is widely recognised, however. She is co-founder and leading member of APIIDTT, as well as co-founder and part of the leadership team of the collective Articulation of Indigenous Peoples of the Oaxacan Isthmus (APOYO). When I asked Bettina Cruz about the origins of her leadership, she said:

My mother, Rosa Velásquez, is my guide, a rebel woman and a defender. She had to take the role of mum and dad[...] She worked in many things, and I always worked with her[...] She was a strong woman, and people always trusted her and sought her advice. When she started with the COCEI, I also joined with her[...] She always supported me in my struggles[...] And, she never kept quiet about anything (interview with Bettina Cruz, 31 March 2017).

The Coalition of Workers, Peasants, and Students of the Isthmus (COCEI) was created in the 1970s to support the agrarian reform and workers' rights. It still is an important political force in Juchitán. In 1994, when Indigenous identity became a central

factor in the social struggle due to the impact of the *Zapatista* movement, Bettina Cruz and her husband, Rodrigo Flores, decided to withdraw from the COCEI. “We identified ourselves with the *Zapatistas*, but in the COCEI this was questioned[...] We decided to leave the organisation[...] Bettina got back to university[...] Back then there were already key actors regarding Indigenous people in the area[...], but we saw the absence of actors defending the territory[...] She went to do a PhD on the wind farm projects in the Isthmus” (interview with Rodrigo Flores, 27 March 2017).

At that point, the Solidarity Group La Venta was one of the few organisations struggling against the abuses by the first wind farm projects in the area. Tepeyac was the first NGO that promoted ILO Convention 169 and Indigenous rights there. During her doctoral study, Bettina Cruz met with people concerned about the wind farm in La Venta *ejido*¹⁴³. Together with a local teachers’ organisation, Bettina was then raising awareness about the impacts of neoliberal projects. Then, in the early 2000s, APIIDTT started to form. Bettina recalls:

Tepeyac provided legal support, UCIZONI [-the Union of Communities of the Northern Zone of the Isthmus-] helped with communication, we were leading the organisational part of the process[...] Between 2006 and 2007, we formed the Assembly in Defence of the Territory in Juchitán. We went house by house asking people if they were interested in receiving information about their rights and the wind farms[...] Many had already organised in other Assemblies like in Union, Xadani[...] We saw that we could not do it alone, that we must act together and support each other[...] In 2009, we became the APIIDTT (interview with Bettina Cruz, on 27 March 2017).

Currently, the APIIDTT has more than 500 active members, from different communities in the territory. They are also part of APOYO, which counts with more than

¹⁴³ *Ejido* is protected communal land. *Ejidors* are legal entities that allow *ejidatarios* to work and possess the land.

one thousand members, including other organisations and assemblies, such as the Movement Against the High Electricity Tariffs.

After the people realised the actual impact of the wind farms and the scope of the contracts they had signed, other organisations emerged. Binni'za leader Guadalupe Ramírez Castellanos is at the forefront of the Resistance Committee of the Piedra Larga Wind Farm Project and has also joined efforts to mobilise against the abuses by Mareñas Renovables and Eólica del Sur. She told me:

I consider myself a human rights defender from the moment the wind farm projects started to arrive in Unión, around 2006. We all thought that our situation was going to change for good, that all those companies were going to bring work and opportunities[...] In 2009, we signed a contract with the wind farm company DEMEX. They started to work in 2011, and then we realised that we did not know the actual content of the contract[...] We talked about it with DEMEX representatives who had acted like friends and had promised that we could later adjust things. But they said: '*firmaron, pues se chingaron*' ['you signed it, you lost it'...] This gave us a lot of *coraje* [-rage-...] From that rage a different force was born[...] (interview with Guadalupe Ramírez, 24 March 2017).

For Binni'za leader Isabel Jiménez, the experience is similar. She is a leading member of the Popular Assembly of the Juchiteco People (APPJ), an organisation that also struggled against the abuses related to Eólica del Sur. She practices traditional medicine and uses medicinal plants from the "*Gudxa*"¹⁴⁴. She recalls:

In February 2013, people who help me to collect medicinal plants came to warn me that the territory was being invaded by the wind farm project [Bii Hioxo, owned by *Grupo Gas Natural Fenosa*]. It was already in their lands preventing people from accessing the area[...] We got together, and did a sit-in to block the way to that land[...] From this moment the APPJ was born[...] We already had an awareness about our [Indigenous] identity. In the 1990s, Bishop Arturo Lona Reyes, who practised the "preferential option for the poor" [and is the founder of Tepeyac], reminded us of the importance of our culture and rights[...] Our self-esteem as Indigenous people improved (interview with Isabel Jiménez, 31 March 2017).

¹⁴⁴ "*Gudxa*", a word in *didxaza*, the Binni'za language, which means: the most fertile land in the territory. There are more than 200 different types of medicinal plants.

Thus, diverse mobilisations led by IWHRDs emerged in regards to the various wind farm projects in the Binniza territory. But they all have had similar concerns and struggles, and have joined efforts to challenge the situation of abuse.

The arrival of Mareña Renovables

In the mid-2000s, Preneal S.A. signed an usufruct contract for 30 years with the Ikoots communities of San Dionisio del Mar and Santa María del Mar, to build 102 and 30 turbines in their respective parts of the territory. The communities were not told about the actual plans of the project and were promised a large amount of money. Furthermore, they were told that whether they accepted or not, the project will go ahead (Asamblea de San Dionisio & APIIDTT, 2015). In 2007, the government granted permission to the Spanish company Preneal to generate 396 MW with wind turbines in that area. The San Mateo del Mar community disputes part of the affected territory in Santa María del Mar.

Preneal offered to pay 100 Mexican Pesos (around six American dollars -USD) per hectare of “reserved” land, per year (SAC & EJAtlas, 2017). In 2010, the project was sold for 89 million USD to the Mexican consortium Mareña Renovables (Mareña), which was created to build the project. Mareña had three principal partners: the Australian fund Macquarie, Mitsubishi from Japan, and the pensions fund PGGM from Holland. The project also had funds from 15 banks, including the IDB, which contributed about one billion USD (Edith Avila, Mareña Renovables representative in Kolibri, 2013). The following is a map of the plan.



*Map 3 - Mareña Renovables wind farm project plan.
Source: Mareña Renovables, 2013.*

From all the communities impacted by the project (see Map 3 above), only Santa María did not mobilise against it. All others did. The Ikoots Indigenous people inhabit San Mateo, San Dionisio, San Francisco and Santa María. All other impacted communities are part of the Binni'za people.

Ikoots leader Reyna Gutierrez, from San Mateo, explains: “When we first heard about the wind farm, we did not know anything about it[...] We heard about it because we have a boundaries dispute with Santa María and we learnt that they had already sold part of the disputed land to the company building the wind farm[...] But, it is a sacred place for us” (interview with Reyna Gutierrez, 30 March 2017). The territory where Mareña was planning to build the wind farm is an ancestral ceremonial centre. The Santa Teresa Bar, where most of the turbines were planned, is of particular importance for both the Binni'za and Ikoots peoples, and this fact created division, tension and many concerns.

Bettina Cruz first approached the people of San Dionisio when she was developing her doctoral study. In conversations with some Ikoots people in Pueblo Viejo,

which is part of San Dionisio, members of the community realised the project and its impact was unclear. Bettina helped to provide information, and more people became interested. In 2011, members of Pueblo Viejo managed to get a copy of the usufruct contract that had been signed by some representatives of the company and the community. Only then did they understand the actual scope of the project and the onerous clauses of the contract. In August that year, in two general assemblies with the municipal president of San Dionisio, the community rejected the project and requested to suspend the signing of the agreement to change the use of land, which would allow the development of the project. They argued that there was a lack of information regarding the negative impacts of the project. The community members were deeply concerned about the impacts on their cultural and spiritual life, their subsistence and the fragility of the biodiversity in the area.

In January 2012, they learnt from the company that the municipal president had already signed the agreement, without the people's consent, and had received a large payment in return. This abuse of power was a tipping point for the Ikoots in San Dionisio. Ikoots women leaders were outraged that "the municipal president put on offer the ancestral patrimony of the community[...] The contract was already signed when the project was about to be presented to the people" (Kolibri, 2013). There was a violent confrontational context between those in favour and those against it. At the end of that month, the municipal president of San Dionisio left his office. Those opposing the project -the majority of the community- had already decided to declare those previous agreements void, as the municipal president had signed them against what was mandated by the people in previous assemblies. They started a legal proceeding to revoke his mandate and decided to stay in the municipal building as a symbolic act. A few days later, according to their ancestral forms of organisation, the General Assembly of the Ikoots

People of San Dionisio del Mar (San Dionisio Assembly) was reclaimed as the leading authority.

Intensification of the mobilisation, division and repression

In August 2012, the San Dionisio Assembly publicly denounced that they had not been informed or consulted about the Mareña Renovables wind farm, that it was being imposed on them, and that they had rejected it in previous general assemblies. They asked the corporation again to withdraw from their territory (Asamblea de San Dionisio & APIIDTT, 2012b). However, the Oaxacan government had already expressed its support to the municipal president and the project. At that point, 40 Indigenous community activists were facing a criminalisation campaign instigated by the “municipal president” and his collaborators (Asamblea de San Dionisio & APIIDTT, 2015).

On 1 September 2012, the municipal president (who was no longer considered legitimate by a large part of the community) and members of his political party (the PRI) carried out an assembly. They were seeking the final approval of the project, which they claimed had already been approved by the three levels of government (i.e., federal, state and municipal). But, out of the 1,027 members of the community who could vote, only 60 participated (La Jornada, 2012a). Based on this assembly, the signed contracts and the previous meetings, those in favour of the project publicly claimed the project had been approved (Ciudadania Express, 2012).

Two weeks later, more than 300 Indigenous people and activists from different parts of the country came to the “National Meeting of the Ikoots Nation against the Wind Farm Project”. In their final statement, they reaffirmed their rights as an Indigenous

people and called upon the corporate actors to withdraw from their territory (Asamblea de San Dionisio & APIIDTT, 2012a).

Meanwhile, the situation of violence intensified. There were many attacks against those calling for a cancellation of the project; such as attempted killings, death threats, denigration, intimidation, and physical attacks (Asamblea de San Dionisio & APIIDTT, 2015; CENCOS, 2012). On 10 October 2012, a humanitarian caravan in solidarity with the San Dionisio Assembly was blocked and attacked by some 50 individuals, in the presence of the police and other authorities. A month later, a group of some 30 PRI activists forcibly evicted those opposing the project who were occupying the municipal building; and seven people were injured in the attack. Three hours after the forced eviction, several Indigenous women, children and men opposing the project went back to the municipal building and reclaimed it. Two PRI activists were retained, and the government of Oaxaca established a negotiation table. The activists were released, and those opposing the project maintained the occupation of the municipal building (CENCOS, 2012; La Jornada, 2012b).

Later on, the San Dionisio Assembly filed an *amparo* (writ of protection) requesting the suspension of the wind farm. On 7 December 2012, the 7th District Judge in Salinas Cruz, Oaxaca, granted the suspension as the project violated the land rights of the community (APIIDTT, 2012). The same month, another communal assembly took place and ended in a violent confrontation, resulting in twelve people injured. APIIDTT and those against the project claimed that the assembly was void, as they were not allowed to participate, only one question about the project was answered, and a shock-group was used to attack them (Vélez, 2012). Despite the violence and irregularities, the “municipal president” (not considered legitimate by many) claimed that consent had been

then ratified; and, on this basis, he decided to desist the *amparo* that had suspended the project.

In the face of such a tense situation in San Dionisio, the company tried to access the Santa Teresa Bar via the Binni'za community of Álvaro Obregón.

The favourable change in corporate practise

In Álvaro Obregón, APIIDTT, Bettina Cruz and some 70 local people had already been mobilising against the abuses committed in connection with Mareña Renovables and the high electricity tariffs affecting the community. In their gatherings, they always talked about the Mareña project, its potential negative impacts and irregularities.

Initially, the local representatives of Álvaro Obregón had agreed with Mareña Renovables to do the project. Corporate representatives had assured the community members that they could still access the land and sea, even with the wind turbines in place. However, on 31 October 2012, during a field visit, a group of Oaxacan HRDs documented that access to the Santa Teresa Bar had been restricted. They were intimidated, and policemen and individuals in plainclothes warned them that they could not access to the Bar. These HRDs and APIIDTT expressed their serious concerns about the irregular situation and called on the authorities to address it (Codigo DH, 2012).

Two days later, workers of Mareña entered the Bar via Álvaro Obregón, with a large group of policemen and their corporate security guards. The Indigenous people who were in the Bar, fishing and doing their traditional activities, were evicted with violence (APIIDTT, 2013a). Furthermore, the corporation put a chain at the entrance of the way to Santa Teresa Bar, and the company's security men asked the fishermen to show

credentials to be able to access the sea via the Bar, during permitted hours. This was a tipping point for everybody in the territory, and those who had already been mobilising with APIIDTT called Bettina asking her for more support.

The community's first reaction was to make a barricade of boats to protest against such arbitrary and violent measures. In response, police officers and men in plainclothes beat the Indigenous men and women who were protesting, and nine of them were detained. This additional violence further enraged the people. The Álvaro Obregón community gathered at the entrance of the Bar and did not let the company's workers leave until the detainees were released. At midnight, when the detainees were freed, corporate workers were allowed to leave. The blockade became permanent, and since then no worker of Mareña could ever pass again. There, the ruins of the *hacienda* (estate) "General Charis" became the main blockade site, at the entrance of the Bar.

On 6 November 2012, people marched on the streets of Álvaro Obregón rejecting the wind farm project in their territory. The *hacienda* became the centre of dialogue among all the communities affected by Mareñas: San Dionisio, San Mateo, San Francisco del Mar, San Blas Atempa, Santa Rosa de Lima, Juchitán, Santa María Xadani, Unión Hidalgo, Álvaro Obregón, Tehuantepec, Ejido Charis and Ejido Zapata. The day after, in Álvaro Obregón, a negotiation among two corporate representatives, four representatives of the Oaxacan government and representatives of all affected communities took place. In this meeting, the veto players agreed on the removal of the company's machinery from the area in less than 24 hours, the withdrawal of public force agents, and that no legal complaint will be made against the protestors. The communities committed to guaranteeing their safety during the withdrawal process.

On 9 November 2012, Mareña withdrew its machinery from the Bar (Dismantle Corporate Power, 2012). A few days later, the corporation issued a statement. It said that

the company had “earned significant community support [and...] has not committed, funded or incited any violence or aggression[...] Mareña took careful consideration in designing the project to preserve fishing activities[...] In 2011, a formal Consultation Plan with the communities was developed[...]” (Mareña Renovables, 2012).

The communities, in turn, decided to maintain the resistance and to strengthen the ancestral forms of organisation. They did not want politicians from traditional parties as they could bring the project back. On 8 December 2012, the community of Alvaro Obregón decided to re-establish the traditional form of government composed of the eldest council, a traditional Assembly, and a communitarian police. They also chose not to participate in the State elections anymore.

In parallel to these actions, APIIDTT protested in front of the corporations investing in Mareña. In Mexico City, they did a sit-in in front of the BID’s offices, carrying banners rejecting the project. They stayed there until they were invited to a meeting. In January 2013, APIIDTT filed a complaint before the Independent Consultation and Investigation Mechanism (MICI) of the IDB. The claim was signed by 323 people who requested their identities be hidden due to fears of reprisals.

On 31 January 2013, a representative of Mareña publicly criticised that “a minority was stopping such a large project” (Asamblea de San Dionisio & APIIDTT, 2013). Two days later, the state police went to evict the blockade in Álvaro Obregón forcibly, but dozens of people came to the *hacienda* to support them. There was a 48-hour confrontation. Members of APIIDTT were threatened. Two weeks after, a solidarity caravan of about 1,000 people from all the different affected communities and groups of support went to Álvaro Obregón. The same day, the Secretary-General of the Oaxaca government met with APIIDTT and communities’ representatives and promised that no

project would take place in the area as Indigenous peoples were affected (APIIDTT, 2013c).

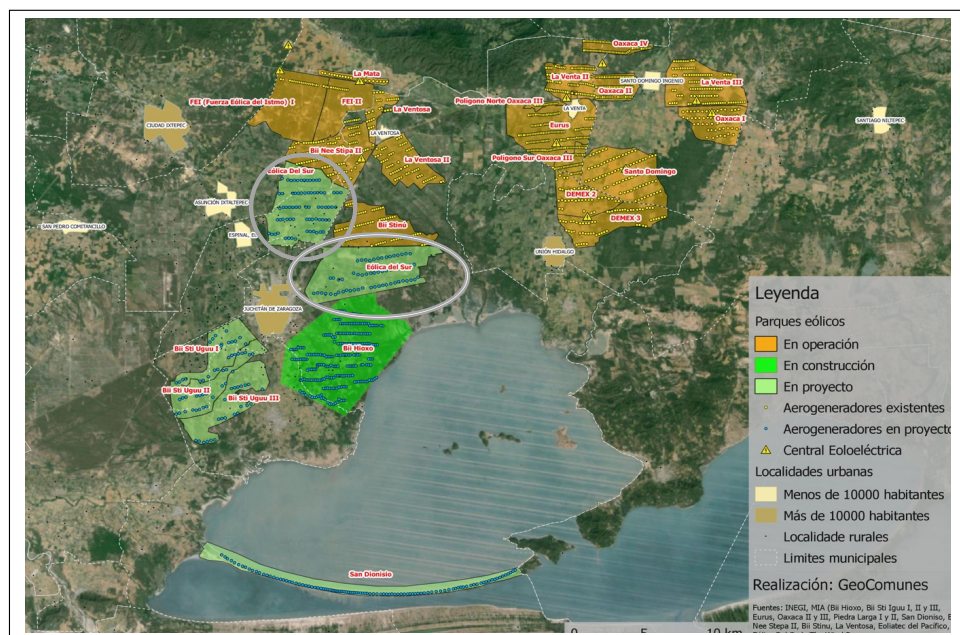
But the repression continued. On 29 March 2013, 138 Mexican organisations issued a communication to claim respect for the rights and territories of the affected Indigenous communities. Leaders, journalists and community radios were severely repressed (APIIDTT, 2013d; Educa, 2013). In March 2013, the State National Mechanism of Protection for HRDs at risk granted protection measures to Bettina Cruz. She already had protection measures by the Ombudsperson of Oaxaca, but she was facing criminalisation and many other attacks. The Mechanism considered she was facing an extraordinary level of risk. On 7 May 2013, two representatives of the United Nations High Commissioner for Human Rights (UNHCHR) were also threatened when they visited the area. They had to leave before going to the Bar.

Three days after, the Secretary of Tourism and Economic Development of Oaxaca announced that the federal and state governments agreed to cancel the Mareña project in the Bar, to ease the tense conflict. The Secretary said that no wind turbines would be installed in a “presumably sacred area”. He also added, “the company has 100,000 hectares of land to operate, and has only used 12,000” (Rojas, 2013).

Despite the risks, APIIDTT filed a new *amparo*. It highlighted the communal ownership of the land and the fact that it is Indigenous territory. On 9 October 2013, the suspension of the project was granted again. The judicial decision also requested that the government to do a consultation process following ILO Convention 169. At this point, Mareña had fully withdrawn from the area; but, risks further increased for Bettina Cruz and all those leading the struggle in the affected communities. With the support of several organisations, Bettina Cruz was temporarily relocated with her children (all now adults) to another city.

The arrival of Eólica del Sur

After Mareña left the Santa Teresa Bar, the veto players decided to move the project to El Espinal and Juchitán. Both localities are in the Isthmus of Tehuantepec in Oaxaca, only a few kilometres away from the Bar. These two locations were already included in the approved project. In 2013, the “new” project, Eólica del Sur, started in Binni’za territory with the idea of building 132 turbines (the same as in Mareña). For this, the Mexican company Energía Eólica del Sur S.A.P.I. de C.V. was founded. It is the largest wind farm in Latin America, generating 396 MW, with 74 turbines in El Espinal and 58 in Juchitán. Mitsubishi invested 1,200 million USD in this project. The energy is for FEMSA corporation, which bottles Coca-Cola and Cuauhtémoc Moctezuma beer (EDUCA, 2019). The following map shows the location of the “new” wind farm project and all other wind farms in the area.



After the mobilisations against Mareña and the other 21 wind farms in the region, and the judicial decision of October 2013, for Eólica the consultation process was a central issue. When the consultation process started in October 2014 in Juchitán, the APIIDTT was proud that this process was going to take place. They saw it as a success of their mobilisation and a step to respect Indigenous peoples' right to FPIC (Gerber, 2015).

In Mexico, there is no law on prior consultation or FPIC. The 2013 energy sector reform and the subsequent 2014 Law on the Electrical Industry established that a consultation process with communities and Indigenous peoples affected by infrastructure projects of the energy sector is mandatory (articles 117 to 120). However, there is no specific regulation on that¹⁴⁵. For the consultation process, the Ministry of Energy (SENER) followed the Protocol on FPIC processes that in 2013 had been approved by the National Commission for the Development of Indigenous Peoples (CDI). The process was conceived in four phases: information, deliberation, agreements, and implementation and follow up (CDI, 2013).

However, IWHRDs, their organisations and communities started in a disadvantageous position. The agreements phase had already passed, even before the information phase (APIIDTT, APPJ, & Radio Totopo, 2016). Indeed, the development of the wind farm project in El Espinal and Juchitán was part of the plan approved for Preneal in 2006. Furthermore, at this point, the project already included the participation

¹⁴⁵ Ricardo Sepúlveda, General Director on the Public Policy on Human Rights of the Secretary of Government –SEGOB- (Ministry of the Interior), told me that in the country the process on free, prior and informed consultation has been very long, costly and not previous. Due to the lack of regulation, they decided to develop a protocol on this matter. They were discussing whether to have a law on it (Fieldwork notes, meeting with Ricardo Sepúlveda, on 7 April 2017).

of corporations investing in the construction of the 132 turbines (i.e., PGGM, Mitsubishi and Macquarie). Previous agreements had already been reached¹⁴⁶.

Mobilisation through formal consultation, in the face of repression

The “consultation process” in Juchitán was the first in the country, and it became the avenue for the mobilisation of IWHRDs-led SMOs. On 20 October 2014, the authorities convened municipal authorities, fishermen’s associations, and every local organisation, among others. The Advisory Technical Committee of the Consultation Process (ATCCP) -an interinstitutional committee led by SENER- was created to carry out the consultation¹⁴⁷.

From 3 to 6 November 2014, the first session took place. Participants received a copy of the consultation protocol and basic information. During these days, IWHRDs and members of their groups were threatened with death (Codigo DH, 2014). The information phase started at the beginning of December 2014. There were five informative sessions between December 2014 and April 2015, and members of the APPJ, APIIDTT and other groups participated. They expressed several serious concerns and consistently requested responses to their questions. They did it in writing and during sessions. But, when IWHRDs from APPIDTT and APPJ intervened, they were too often booed and insulted.

¹⁴⁶ “Wind farms last for 30 years. There will be five different state Governors[...] These projects require a large investment: 65 per cent goes to the materials for the construction, the rest is for permits, workers, etc. For this, companies contribute 30 per cent, and for the other 70 per cent, they need financing. At this point, they should be able to show the lease contracts [signed by the owners of land plots]. The Equator Principles are the regulatory frame”. (Fieldwork notes, meeting with AMDEE, 7 April 2017). Those Principles are “a financial industry benchmark for determining, assessing and managing environmental and social risk in projects” (Equator Principles Financial Institutions, 2013).

¹⁴⁷ The Committee led by SENER had representatives of all relevant institutions in the federal, state and municipal governments.

As a Binni'za woman said: “We have a sea of doubts, and you [ATCCP] are not helping us to resolve them. You are making fight those who want [the project] with those who do not want it” (APIIDTT et al., 2016). In a session on 18 December 2014, Bettina Cruz expressed several concerns, including the following:

According to the international human rights standards the environmental impact should be evaluated, integrating the knowledge of the people who live in the area[...] respecting traditions and culture [...But,] this evaluation is already approved. Also, there should be a social impact evaluation that contemplates mitigation measures[...] The timing of this consultation is not culturally adequate[...] It is already 10 pm, and you want us to continue here sitting and listening to you, even now that is the period of *fiestas*” (in APIIDTT et al., 2016).

In the same session, other Indigenous women explained the negative impacts of wind farms. They reminded the participants that those lands in Juchitán are communal; thus, individual titles are not valid. There was also a concern that the lease contracts are for 30 years and can be indefinitely prorogued. They asked: “what are we leaving to our children?” (in APIIDTT et al., 2016).

In the session on 5 February 2015, Bettina Cruz had an extensive intervention. Given the lack of information, she felt she had to provide it. Based on article 14 of ILO Convention 169, Isabel Jimenez also explained that measures should be taken to safeguard some part of the territory to keep the ancestral traditions alive (e.g., for traditional medicine and the future generations) (in APIIDTT et al., 2016).

Veto players' supporters frequently participate in these sessions, and towards the end of the consultation even more. Their constant request was to speed the consultation process up. They said: “They should put the wind turbines soon. We need them, as there is a lot of poverty here” (in APIIDTT et al., 2016).

At the end of the information phase, “*fuera!*” was not shouted at the corporation but to the IWHRDs. In the session of 16 April 2015, many men yelled at Bettina, “*fuera, fuera!*” (out, out!), when she was about to speak. After this session, Bettina Cruz and Rodrigo Flores were insulted and followed by supporters of the wind farm project. In the same session, Mariano López, a leading member of APPJ and husband of Isabel Jimenez, insisted that 70 issues had not been addressed yet, although there were specific requests about them. He asked for the informative phase not to be closed and added: “this consultation needs to be corrected; it is a farce” (Consulta Indígena en Juchitán, 2018).

However, on 20 April 2015, the information phase was officially closed, and the deliberative phase started. On 24 April 2015, APPJ -with the support of the NGOs ProDESC, PODER and Código DH- filed an *amparo* before the 7th District Judge of Oaxaca, arguing a violation to the right to an informed consultation.

The deliberative phase was carried out between 20 April and 30 June 2015. The last day, during the closing Assembly, it was announced that 600 people were registered as participants in that assembly and that neighbourhoods and organisations had already carried out dozens of meetings and deliberations. This day, SENER informed that the permit to Eólica had been granted by the Energy Regulatory Commission (CRE), according to the new energy law, but was conditioned to the FPIC process’ result. An Indigenous woman activist asked again for a copy of the project’s plan, and that it should be translated into their language. But her request was ignored. She also probed whether this phase was going to be closed, as the evaluation report by the group of independent experts was still in process. Some people were outraged that the permit had already been granted.

On 30 July 2015, the final – consultative- Assembly took place. A representative of Eólica had an extensive presentation on the benefits of the project (e.g., subsidy to the

electricity tariffs). When there was a final opportunity for participants to speak, those who were challenging the project were consistently booed when they tried to say something. Most of those who intervened were veto players and insisted in approving the project as soon as possible. Isabel Jimenez managed to say: “the government is responsible for the needs of the people[...] We have already filed an *amparo* against this process, and the process should be suspended until there is a decision[...] Yet, we are here in this assembly[...] There is no good faith[...] and many of us have been threatened [...]” (Consulta Indígena en Juchitán, 2018).

There was no clarity on the voting method. Some people expressed their worry that only 1.5 per cent of the people who could vote were present. But there was strong pressure to agree on the project that night. The mayor of Juchitán closed the consultation process with these words:

If we make the decision here tonight, it does not matter what the conclusion of the judge is. Here we are 1,500 representatives, and they already provided documents with signatures that support them[...] There is a risk that we make a mistake, but it would be a bigger mistake if the company comes and we do not get any benefit[...] Today we heard the benefits proposal and the majority already agree. Yet, I would like to submit the project to your consideration[...] We accept the proposal! [...] We just decided to give consent to the wind farm project. It is a historic decision! [...] We will also add to my signature the signature of all those who registered to enter the assembly today[...] (In APIIDTT et al., 2016).

And, with those words, the consultation ended. The project was “accepted” in a process that silenced Indigenous voices and diluted the power from the territory. A mechanism conceived to protect the rights of Indigenous peoples was used to advance the interests of others. With a loud “Long live the peasants and the workers of Juchitán!” the mayor gave the final the approval (In APIIDTT et al., 2016).

The final validation

On 19 August 2015, APPJ -with the support of the NGOs ProDESC, PODER and Código DH- filed an *amparo* against the “consultation”, before the 7th District Judge of Salina Cruz, Oaxaca. They argued grave violations to their human rights were committed, including more than 30 security incidents and 75 information requests pending response (Codigo DH, 2015).

A month later, IWHRD Bettina Cruz and 1,164 Binni’za Indigenous people, all members of APOYO and APIIDTT, with the support of NGOs Tepeyac, CEMDA and Fundar, filed another *amparo*. Also, before the 7th District Judge of Salina Cruz. Fifteen days later, the *amparo* was admitted, and the judge temporarily suspended Eólica del Sur. The decision was “to keep things as they are” (Fundar, 2015). In the following months, Bettina Cruz continued to be threatened with death, as well as several other leaders (Fundar, 2015).

In February 2016, the 7th District Judge of Salina Cruz, Oaxaca, was moved to Tamaulipas. The new judge disesteemed the evidence provided by IWHRDs-led SMOs. At this point, Fundar, Tepeyac, CEMDA, the Due Process of Law Foundation and the legal clinics of the Universities of Washington, Ottawa and Seattle filed an *amicus curie* (a professional juridical opinion). Among others, they argued that the “consultation” did not comply with national and international legal standards. They claimed all permits to the project should be cancelled.

In June 2016, the *amparos* filed by APIIDTT and APPJ were resolved against them. Both organisations appealed immediately before the Tribunal of Oaxaca. The organisations requested the Supreme Court of Justice (SCJ) to resolve the matter, given

its importance and impact. This request was widely supported (e.g., an online petition with more than 31,400 signatures (Change.org, 2017)).

The next month, the National Human Rights Commission of Mexico (CNDH) recommended the adoption of a law on FPIC. The recommendation also acknowledged that in the Eólica case, the authorities issued permits to the corporation without the communities' FPIC (CNDH, 2016, para. 130).

From 29 August to 7 September 2016, the UN Working Group on Business and Human Rights (UNWGBHR) went to Mexico. They visited the Isthmus of Tehuantepec and, among others, recommended that the State to guarantee the FPIC of Indigenous peoples, and for corporations to be more open to critical voices (UNWGBHR, 2017).

Meanwhile, on 14 September 2016, the IDB accepted the MICI report on Mareña. In the report, there is a recognition that the bank did not comply with its policies on environmental safeguards, Indigenous peoples and information, and that the project put the communities at risk of losing their culture and identity (MICI & BID, 2016).

From 16 to 24 January 2017, the UN Special Rapporteur on HRDs visited Mexico. In his report, he acknowledges the extremely worrying situation faced by IWHRDs in the context of mega-projects (UN Special Rapporteur on HRDs, 2018). Throughout the mobilisation process, attacks against IWHRDs and other members of their organisation persisted. In the case of Bettina Cruz and Rodrigo Flores, they faced threats, intimidation and defamatory campaigns. On 8 April 2017, Alberto Toledo, a coordinator of the APIIDTT and APOYO, was beaten to death.

From 8 to 17 November 2017, the UN Special Rapporteur on Indigenous Peoples visited Mexico. In her report, she said:

Current development policies, which are based on mega-projects (in mining, energy, tourism, real estate and agriculture, among other areas), pose a major challenge to Indigenous peoples' enjoyment of human rights. Lack of self-determination and prior, free, informed and culturally appropriate consultation are compounded by land conflicts, forced displacement, and criminal accusations and violence against Indigenous peoples who defend their rights (UN Special Rapporteur on IPs, 2018).

In January 2018, the IACHR granted precautionary measures in favour of Bettina Cruz and her family (CIDH, 2018). And, on 2 May 2018, the SCJ decided to revise the *amparos* (FUNDAR, 2018; Proceso, 2018b; PRODESC, 2018). It was considered by IWHRDs-led SMOs a successful step. However, despite such strong visibility and support, on 14 November 2018, the SCJ final decision was to validate the “consulta”. Three judges voted in favour of this decision, and two against it. On 29 May 2019, the wind farm Eólica del Sur was officially inaugurated.

Success and non-success in the face of extreme violence

In this section, I assess the four explanatory factors I identified in the previous empirical chapter. The way the case evolved is a powerful illustration of how a minimally favourable context allows for mobilisation, opens opportunities, provides tools and mechanisms. However, although a human rights framework exists, it does not necessarily translate into substantial changes. The context cannot do the work; the four *braided* factors are necessary to produce success.

Transforming territory into power

When **Mareña** arrived at the Santa Teresa Bar, both corporate and State actors were certain they were soon going to complete the largest wind farm in the country. The three levels of government had already agreed to it, and Preneal had already managed to sign contracts over some lands. But, they had not consulted the Indigenous communities or obtained their consent. Moreover, it was going to affect sacred places for both Binni'za and Ikoots peoples living in that territory, and there was no clarity about the project's scope. Thus, there were serious concerns about the project. Despite the hierarchical relationship between the Binni'za and the Ikoots peoples (Castaneira, 2008), communities of both peoples united to defend the lagoon, the Bar and the sacred places that surround it. A “supra-ethnic sense of belonging in this area” was strengthened (Mejía Carrasco, 2017, p. 94), as well as a “supra-ethnic” unity of people and peoples. Furthermore, building on previous experiences of mobilisations, APIIDTT emerged as an important social actor.

The Bar where Mareña was planning to put the turbines, forms the lagoon and a bridge to the sea. It is a sacred site for both cultures, where the wind is the strongest. For the Binni'za, the wind is what defines them as a people. In *didxaza* (their language), “Binni'za means people of the clouds. Binni means people and Za means cloud. The wind is a deity for us because we as people of the clouds come from it” (Bettina Cruz in UN, 2017). Ikoots IWHRD Reyna Gutierrez explained, “it is a sacred place for us, there is a chapel, and from ancestral times it is the place where we make special offerings” (interview on 30 March 2017). In their *cosmovisions*, the area is inhabited by deities that manifest in the wind, the sea and the land. And it is one of the most biodiverse zones in the region. This deep connection with the spiritual and natural spheres of the territory enhanced the conviction to defend it by the two peoples. As the veto players restricted access to that part of the territory, in legal and material terms, the concerns of the

communities were substantially raised. The conviction to defend it was emboldened, as it is one of the most fundamental parts of the territory for both cultures, which cannot be commodified (Asamblea de San Dionisio & APIIDTT, 2012b).

The power from the territory was strongly developed in two main places, San Dionisio and Álvaro Obregón. In both municipalities, strategic sites of territorial control were established: the *hacienda* and the municipal building. From there, unity and connection with the territory were strengthened. Regarding the social sphere of the territory, ancestral forms of collective governance were reaffirmed as fundamental ways to protect the territory. In the case of San Dionisio, it was a way to get some distance from the “municipal president” and the political system he represented. He wanted to impose the project on them, taking advantages for his sole benefit. Thus, when the Ikoots community of San Dionisio rejected the municipal president, and he left his office, they transformed the situation into an opportunity to develop their territorial power further. The community had suffered his deceptive acts, which jeopardised their existence and subsistence as a people. Hence, they felt the need to revitalise their autonomy and self-determination, re-enforcing the traditional Indigenous collective authority. APIIDTT strongly supported the strategy of strengthening ancestral organisational forms of government; it had already been part of workshops and conversations with communities. This physical and political occupation of the municipal building in San Dionisio and the occupation of the *hacienda* at the entrance of the Bar initially emerged as disruptive acts. They were manifestations of profound unconformities. But, they quickly gained support as longer-term manifestations of territorial power.

Indigenous presence in these places became permanent in physical, political and spiritual terms. These Indigenous cultures are syncretic, and the *velas* or *fiestas* are a fundamental part of Binni’za spirituality. Their traditional dances (e.g., Guelaguetza),

their colourful clothing and varied food are some of the elements that make those *fiestas* a central part of their spirituality. For some women who participated in the blockades, there were moments of the mobilisation that felt like a *fiesta*¹⁴⁸. Those moments helped to unite them around a common concern and conviction. Bettina explained: “The proposal is to build power from below and to build power means to have our traditional assemblies and authorities, to claim our identity and to be proud of it, to stop dispossession and all the abuses that we face” (interview with Bettina Cruz, on 31 March 2017).

For **Eólica**, the State consultation process created a crucial difference in the mobilisation process. It was initially seen as a positive impact of the struggle against the abuses committed in connection with Mareña. It became the main pathway for the IWHRDs-led mobilisation. What was supposed to be the primary mechanism to protect Indigenous rights ended up restricting the mobilisation process that aimed to defend them. The consultation process started at a disadvantage for those defending Indigenous rights. From the beginning, the veto players acted in a solid block; the State and the corporate actors almost led the entire process together. Thus, Indigenous mobilisation power became even more marginal. The imbalanced power relationship was exacerbated in those circumstances. It was very challenging to transform the territory into mobilisation power. This *strand* was *frayed* from the previous process of mobilisation against Mareña. The impacts of social division and repression were reflected in a lack of unity among groups. At one point, APPJ and APIIDTT, who had previously mobilised together, developed their separate strategies, with different networks of support.

¹⁴⁸ Fieldwork notes.

Furthermore, the consultation process did not integrate a culturally sensitive approach, not even after it was repeatedly requested. The project proposal, for example, was never translated in writing into *didxaza*, as had been many times asked. Important consultation sessions were scheduled at the same time of key spiritual and cultural events (e.g., *fiestas*); thus, many people did not attend. The spiritual and natural spheres of the territory were not integrated into such a process. The possibility to build power from the territory was restricted, and this *strand* of the *braid* was weakened.

Veto players disregarded the requests for a more culturally appropriate process. They saw those petitions as mere dilatory tactics, adding another layer of difficulty in the process of mobilisation from the territory. The corporation and the State were clearly in control of a process that would “only listen” to those who agreed with their model. IWHRDs-led SMOs were ignored when they requested more than 70 information clarifications. They were also intimidated and silenced when they tried to speak. The silencing actions of veto player were mainly targeted at the Indigenous women leaders who wanted to build power from the territory in those circumstances.

Effective leadership of IWHRDs

Binni’za Indigenous women have a prominent role in their culture. It is considered a matriarchal culture since women are leaders at the local market, which is a principal socio-political space for the Binni’za. Thus, for many people in Mexico, it is obvious that Binni’za women leaders are the most visible¹⁴⁹. In a similar vein, Ikoot leader Reyna Gutierrez is very proud her mother was Binni’za and her father Ikoot. She

¹⁴⁹ Fieldwork notes.

believes she has a particular strength inherited from her mother, as “the Ikoots are usually considered less confrontational and more reserved than the Binni’za” (Interview with Reyna Gutierrez, San Mateo, 30 March 2017)¹⁵⁰. But, the prominent role of Binni’za women in the economy of the community cannot be mistaken with their political leadership or their decision-making power. Men generally occupy these positions.

Ikoots and Binni’za women were at the forefront of mobilisation actions from the beginning. IWHRDs “supported the struggle as much as we could; such as providing food and in other forms. But the leaders from San Mateo were mainly men[...] There were more Binni’za women than Ikoots women leading the struggle, but we did participate! [...] before it was not even possible” (interview with Reyna Gutierrez, 30 March 2017). Women had to open the space for their participation in these mobilisations. And they manage to do so making vital contributions of “daily life” for the struggle.

Binni’za women protested, marched and mobilised to the blockades. They were also beaten and repressed by the police. Women’s grassroots leadership was a critical factor to build power from the territory. Their mobilisation actions and presence were continuous, although they also were usually in charge of traditional roles, such as cooking or cleaning¹⁵¹. Thus, I argue that there is a special merit in the Ikoots and Binni’za IWHRDs who have achieved top leading roles. Despite their visibility in the market, their social movements’ leadership is not the general rule. It is an achievement in a predominantly patriarchal context in their communities and country.

¹⁵⁰ In 2011, Reyna was the first woman elected as Regidora (councillor) in the Cabildo (town council) of San Mateo del Mar. It was the first-time women could vote and be voted. At the time of the interview, she had returned to work at the Cabildo as Tesorera (treasurer).

¹⁵¹ During fieldwork, in the middle of an interview to a prominent Binni’za IWHRD, her husband arrived. As he saw us talking about the situation regarding the wind farms, and without being asked, he just gave me his extensive point of view. His wife immediately retreated to the kitchen to make a snack for him. I had to re-schedule the meeting to a different day and place.

In this vein, the top leading role of Bettina Cruz is extraordinary. She is one of the top leaders of APIIDTT. She helped to develop power from the individual and collective intersections of IWHRDs' *actions*, adding further leverage to the mobilisation that produce success regarding Mareña. She contributed to strengthening the territorial power providing crucial information to affected communities about their rights, the projects' impacts and the importance of mobilising with and within the territory. She went door to door, she organised workshops and activities, and she actively participated in gatherings and assemblies. Although her role can be controversial at times (e.g., "the spotlight was too focused on her"¹⁵²), no one has doubts about her leadership and contribution. Her leading role involved several concerns, peoples and communities. This type of leadership is "an articulating leadership" as they built it as part of a collective and with other collectives, in connection to people, peoples and nature¹⁵³.

For Binni'za leader Guadalupe Ramírez there was a special joy when all the peoples and communities united to defend the territory. In her view and the view of other IWHRDs in the Isthmus, APIIDTT and Bettina played a very important role in helping to unite the people (e.g., providing information and raising awareness). "The union of all peoples was what stopped Mareña[...] They wanted to get there through Alvaro Obregón, and we stopped them. They tried to get in through San Dionisio, and we were also there to stop them[...] It helped that most people in these communities did not want the project" (interview with Guadalupe Ramírez, 24 March 2017). In a similar vein, Bettina said: "we saw that we cannot do it alone, that we must act together and support each other" (interview with Bettina Cruz, on 27 March 2017). And, talking about Mareña, she adds: "All those peoples around the lagoon united. All the fishermen, the peoples from San

¹⁵² Fieldwork notes.

¹⁵³ Fieldwork notes. Meeting with Dolores Soto, Mexico City, 20 March 2017. And, interview with Yésica Sánchez, Oaxaca City, 3 April 2017

Dionisio, Xadani, Unión, Juchitán, San Mateo[...] We all united and articulated in a common effort to stop Mareña[...] and the APIIDTT contributed generating that articulation” (interview with Bettina Cruz, on 27 March 2017). Human rights lawyer Alba Cruz confirms the importance of these moments.

Mareñas Renovables is a significant moment of success, and it is a triumph of all. Bettina was key mobilising some communities[...] There was a critical moment in Alvaro Obregón when she decided not to be present, and it was a wise decision[...] Others from her group participated, but she did not[...] It was a decision made to strengthen unity in defence of the territory (interview with Alba Cruz, Oaxaca City, 2 April 2017).

The leading role of IWHRDs was also met with violence, however. During the mobilisation process, they were beaten, insulted and criminalised because they were Indigenous women and because they took action in defence of their rights. Bettina’s comment is eloquent: “Our lives are full of resistances[...] the fact that we wear our clothes, that we eat our traditional foods, that we are part of our traditional *fiestas* [...] Men from the companies and from the government get visibly upset because there is an Indigenous woman who is speaking to them” (interview with Bettina Cruz, Juchitán, 31 March 2017). Her daughter, another activist in the territory who is part of APIIDTT, explains: “There have been many defenders who have been threatened and killed. It is a success that [Bettina] is still alive[...] She has been beaten and kicked, and a gun was put to her head[...] She was detained and put in jail[...] And, threatened with death[...]” (interview with Nisaguie Flores Cruz, 28 March 2017).

Despite those many attacks, every time, she managed to overcome them with stronger conviction and raising her voice even louder. In those moments, the support from the territory, and from local, national and international NGOs played an important role (e.g., her relocation was supported by a prominent Mexican organisation of WHRDs, and

many national and international NGOs issued communications to support her and APIIDTT). “It is a very important achievement that these women have positioned themselves as leaders, and that they have managed to sustain in their position” (Interview with Yésica Sánchez, 3 April 2017). Indigenous women leaders from the territory corroborated the importance of such top leadership. “Bettina has won the trust of the people, and here people do not speak badly of her. But outside the group, some people have tried to harm her. Yet, whatever they say about her, it does not break her. On the contrary, it makes her stronger, and it reaffirms her role” (interview with Guadalupe Ramírez, 24 March 2017). Such effective leadership transforms territorial power into action, reaffirms convictions, and brings more attention to the situation, helping to create a much tougher *braid of action*.

During the consultation process about **Eólica**, IWHRDs were also vocal, visible and active, but they did not manage to sustain the impact of their leading role. IWHRDs tried to draw power by making explicit the connection between the territory and the importance of preserving it for the present and future generations. IWHRDs who managed to express their views during the different sessions of the consultation process spoke in *didxaza*. It was an attempt to gather unity building on Indigenous culture and identity among those participating in the consultation sessions. Indigenous women leaders also provided valuable information and raised many critical questions. Despite the importance of such interventions, they were too often silenced. When IWHRDs from APPIDTT or APPJ spoke, they were booed and insulted. In one of the most difficult moments, Bettina Cruz tried to draw on her leadership in an attempt to mobilise some support. She said: “Eólica del Sur divided us, but we are brothers and sisters[...] This is our territory. We are not against you, we are against the fact that we are used, that they are dividing us, and we should be united[...]” (APIIDTT et al., 2016). But, the power of

veto players was too strong and repressive; they tried to silence her. During sessions, she was almost always booed and intimidated, and after them she was threatened and harassed. Her attempts to strengthen unity were unsuccessful, and the “consultation” process carried on. The authorities and corporate representatives kept a ‘blind eye’ on the continuous “soft” violence used to silence IWHRDs and their organisations. Although the IWHRDs-led SMOs persisted, their level of influence was weakened.

Human rights framing

APIIDTT actively used human rights framing throughout the mobilisation process, but this was not evident at the beginning of the mobilisation against the abuses by **Mareña**. In the first few communications issued by APIIDTT, the emphasis was on the protection of land and life, and the mentioning of the human rights frame was very discrete (Asamblea de San Dionisio & APIIDTT, 2012b).

As the struggle became stronger, also did the human rights framing component. In an effort to unite their people and to reaffirm their legitimacy, autonomous forms of government were established in strategic sites as part of their struggle. Their right to self-determination, protected by article 2 of the Constitution and ILO Convention 169, was central to their arguments. They used it in the territory and before State institutions to establish and maintain autonomous organisational structures (APIIDTT, 2013b). The lack of FPIC, framed as a fundamental human right in need of protection lent additional weight to these arguments. They also managed to increase their leverage, reinforcing their territorial control actions in legal terms.

The first *amparo* requesting the suspension of Mareña was framed in terms of land rights (APIIDTT, 2012). However, subsequent legal actions used an explicit human rights discourse. The second *amparo* was based on land and Indigenous rights as fundamental human rights that needed to be protected. As the process evolved, human rights framing became stronger regarding Indigenous rights and the right to defend human rights in general. Human rights framing was also used in international legal actions; such as the complaint before the MICI of the IDB. In fact, the bank recognised that it had not complied with several policies, which are precisely based on human rights standards (e.g., Indigenous peoples rights and information, the protection of Indigenous culture and identity) (MICI & BID, 2016).

Part of the APIIDTT's legal activism also included framing the situation in terms of the rights of human rights defenders themselves. On 4 January 2018, the IACHR granted precautionary measures in favour of Bettina Cruz and her nuclear family (CIDH, 2018). It was an acknowledgement that previous measures issued by the Oaxacan Ombudsperson and the National Mechanism of Protection had been ineffective. Moreover, this international order was a way to counter veto players' silencing actions, to gain visibility, reaffirm legitimacy, and strongly call on the State to mitigate the extraordinary level of risk.

The impacts of the judicial decision resulting from IWHRDs-led SMOs legal activism were important to build the path to success. The first *amparo* suspending Mareña had an impact, although the corporate actor did not receive it well. Mareña “announced [that] they would not ‘yield to blackmail’ and would continue dialoguing with the communities[...] The governor of Oaxaca[...] announced that the *amparo* was ‘a bad sign for private investment in the state’ (Petersen, 2012). In the face of such negative reactions, it is not surprising that the municipal president of San Dionisio (not considered

legitimate then) withdrew the complaint, leaving its decision without effect. But, the reaction of the Indigenous women-led mobilisation was to reaffirm the petition, making even more explicit the human rights framing, and a second *amparo* was filed. APIIDTT, together with the San Dionisio Assembly, highlighted the communal ownership of the land and the Indigenous peoples' human rights that have been violated with the plans to build a wind farm on Indigenous territory. The judicial decision was favourable, and the government was ordered to carry out a prior consultation process by ILO Convention 169. It was a triumph of their human rights framing through judicial claims.

The consultation process regarding **Eólica** was supposed to be a principal mechanism for the protection of Indigenous human rights. However, the way it evolved allowed veto players to silence IWHRDs-led SMOs. Their more than 70 questions requesting information and clarifications were not addressed. Assemblies held during the “consultation” were used to silence activists of the IWHRDs-led SMOs. The session of 5 February 2015 is emblematic. Bettina Cruz had to cut short her presentation on the negative impacts of the mega-project because there was violence against her. She said: “Now and here, it is evident that I am being harassed[...] This division and harassment is convenient to the company and the political parties, this situation is what benefits them” (Consulta Indígena en Juchitán, 2018). Immediately after this, a man from the group supporting veto players said:

I am grateful for considering Juchitán a subject of consultation, and I am not going to make questions as we already have all the information. There is indeed a farce. The farce is what the anti-progress' people present. It is not true they are interested in our people[...] They talk about rights, but what rights? Do they own land? We, the owners, have these rights! [...] We are doing it to bring Juchitán out of a state of neglect[...] We want unity[...] And this [vote] will bring stability to the corporations (in APIIDTT et al., 2016).

Such words are part of the veto players' strategies and silencing actions used to weaken the mobilisation process led by IWHRDs. A consultation that was ordered by a judge to protect Indigenous rights became the scenario to attack them. As the man from the group supporting veto power said, the process became the space for "Juchitán as the subject of the consultation". For him, it was a consultation to give the right to speak and vote to "landowners", to create "unity that brings stability to corporations". Part of the strategy to break the mobilisation process and advance the approval process was to further divide the community with individual negotiations, with parallel local leaderships, and relegating the Indigenous human rights framing to a secondary place.

By the end of the consultation process, the human rights framing was silenced and marginalised. The mayor sealed the deal with a terminology that entirely excluded Indigenous rights. He said: "it does not matter what the judge's decision is[...] it would be a big mistake that the company comes and we do not get any benefit[...] We accept the proposal! [...] Long live the peasants and the workers of Juchitán!" (in APIIDTT et al., 2016). The Indigenous identity was again assimilated and erased under the labels of "peasants and workers". The State had the obligation to respect and protect Indigenous rights. But, it failed to do so. The consultation process was led by the State institutions as mandated by the law but in a very close alliance with the corporate actors.

The SCJ could have addressed this distortion to protect the most fundamental Indigenous rights. Eólica was temporarily suspended after the *amparo* APOYO and APIIDTT filed on 15 September 2015. But, not even intensive legal activism, advocacy and campaigning actions made a difference. Despite the visit of prominent international representatives (e.g., UNWGBHR and the UN Special Rapporteurs on HRDs and Indigenous Peoples) and the petition signed by thousands of supporters (Change.org, 2017), among others, the final decision was unfavourable. The force of veto players won

over the power of the IWHRDs-led movement. In a divided vote, three judges against two, the SCJ missed the opportunity to set a new precedent in the country (SCJN, 2018). It validated a controversial consultation, and, the largest wind farm project in Latin America. It could have made a decisive difference in corporate behaviour. Instead, Indigenous communities and organisations were left defenceless, while the power of corporate and State actors was enhanced.

Reacting to extreme repression involving corporations

The chain at the entrance of Santa Teresa Bar was a detonator of the already tense situation. The warnings raised by HRDs were ignored (Codigo DH, 2012), and the application of further restrictions and abuses to the Indigenous people who were in the Bar created an unbearable situation. Those restrictions were not only grave violations of Indigenous rights; they were also the materialisation of the strong likelihood of losing their sacred territory and their main source of subsistence *forever*.

A large group of policemen and corporate security guards forcibly evicted the Indigenous people who were in the Bar conducting their daily activities. They also intimidated the community and detained the Indigenous people who showed some resistance. This abuse openly involving the corporation were a tipping point for the mobilisation. The mobilisation actions substantially escalated in the territory and beyond it, as there was a grave abuse and injustice. The community of Álvaro Obregón reacted by establishing a permanent blockade that became a centre of power and negotiations, and called for further support. APIIDTT helped to communicate the situation to many organisations and to unite many other communities who came to their support. There

were several support manifestations (e.g., over 1,000 people caravan of support), large protests and mobilisation actions that brought further visibility and attention. The *braid of action* created a strong power. After the negotiation table, on 9 November 2012, Mareña left the Santa Teresa Bar and never returned. A year later, the suspension of the project was confirmed after the *amparo* filed by APIIDTT. It ordered the authorities to carry out a consultation process, which was then done for Eólicas del Sur.

In contrast, during the consultation process, IWHRDs and other members of their organisations faced continuous attacks. Many of them took place in the presence of corporate representatives and State authorities, who witnessed several “soft” repressive acts (e.g., harassment and intimidation during sessions). The continuous “soft” repression in front of the corporate actors did not justify a sufficient reaction which would produce a *harnessing* mobilisation force. The veto players’ silencing actions debilitated the power from the territory and IWHRDs’ effective leadership. Moreover, the SCJ should have considered this repressive violence to evaluate the validity of the consultation. However, despite the audio-visual materials, testimonies and numerous complaints, the Court found that there was not sufficient evidence about it.

Conclusion

In this chapter, I have confirmed that a strong *braid of action* that combines power from the territory, effective IWHRDs’ leadership, human rights framing, and the reaction to a grave violation involving a corporation can produce success. A solid conviction reaffirmed in autonomy, self-determination, culture and other powerful beliefs in their territory enhanced the mobilisation power from the territory. IWHRDs gained visibility

and voice in the process of framing in human rights terms the struggle; thus, they contributed to integrate a common language that helped to expand support. With an emboldened internal capacity, the chain at the entrance of the Bar was a tipping point for the Ikoots and Binni'za communities. The grave violations committed together by State and corporate actors (e.g., forced eviction, detentions, threats) that followed the situation with the chain increased the outrage of the mobilisation and pushed them to react with strengthened mobilisation. As in the case of COPINH, there was a public reaffirmation of the movements' demands, and after increased pressure, amplified attention and negotiations in the *hacienda*, Mareña left and never returned.

In contrast, in the second case, as in the case of MILPAH, the leadership of IWHRDs did not sustain due to the movement's divisions, the continuous silencing actions by veto players and the impossibility to connect with the territory and to draw power from it. The formal consultation was supposed to protect Indigenous rights; but, as a veto players' supporter clearly stated, it protected the "stability of the corporations" (in APIIDTT et al., 2016). By the end of the consultation process, the human rights framing was marginalised, and the Indigenous rights and identity were not protected. The mayor's words confirmed that the people protected were the peasants and workers of Juchitán. The State led the process in a very close alliance with the corporate actors. And, despite the irregularities, the continuous "soft" repression and the many complaints, the SCJ validated the process in a divided vote. It reaffirmed the veto power and the extremely imbalanced power relationship. Not even the increased external visibility and support was sufficient to give the needed strength to the *braid of action* to produce a change. The *braid* was already weakened, and it could not overcome the many challenges. In essence, the strategy of dividing and conquering was more effective than violence. Moreover, veto players had the power to carry out a formal (not a substantial)

consultation that used the legal procedures to their benefit, diffusing the mobilisation against them. The norms aimed to protect Indigenous rights were used in favour of those resisting their enforcement.

Chapter 7 – Sarayaku, Asháninka and Wayuu women: A Cross-national Comparison

Introduction

Based on the previous two empirical chapters, I argue that when a movement manages to create a tough *braid of action*, success is likely. It is a *braid* that can lift human rights, as it lashes to the lever and interweaves four strong *strands*: transforming the territory into power, effective leadership of IWHRDs, human rights framing and reacting to a grave human rights violation overtly involving a corporation. Furthermore, success is unlikely when the *braid of action* does not have strong power, either because one or more *strands* are weak, *fray* over time or were weakened by veto power.

In this chapter, I further test the explanatory framework emerging from the two previous analyses. Thus, this chapter has two parts. First, I introduce three new cases and compare them to each other. In that process, I refine my findings, incorporating some of the finer mechanics of the mobilisation processes. In the second part of the chapter, I conduct a comparative analysis of the seven cases I examined in-depth in this thesis using QCA, building a truth-table and applying Boolean Algebra to advance the argument (Ragin, 2008, 2014). Thus, first, I compare two successful cases against one of non-success. The two cases of success are Patricia Gualinga and TAYJASARUTA regarding the Block 23 oil exploitation, in Ecuador; and, Ruth Buendía Mestoquiari and CARE regarding the hydroelectric dam projects Pakitzapango and Tambo-40, in Peru. Despite

many important impacts, the non-successful case is in Colombia: Jakeline Romero and the organisation FMW regarding the largest open-pit coal mine in Latin America.

This chapter confirms the importance of the four factors intertwined in the *braid of action* to generate successful outcomes. It also confirms the importance of adapting the Archimedes' Lever model. While that model had crucial components for my analysis, I had to adapt it to the specific situations of IWHRDs-led mobilisations, where they use a power that comes from the territory, that comes from "below", and that *weaves* into it the power of actions that come from outside the territory. Furthermore, it also confirms the importance of adapting the Archimedes' Lever model to show the diverse dynamics with regard to veto players. The power needed by IWHRDs-led SMOs varies depending on the project's stage. It affects the movements' force to pull for a change and the veto players' force to resist it. Thus, the more established and advanced the mega-project, the more challenging to generate a change in corporate practice. The earlier the stage of the development of the project, the more likely a movement with a strong capacity can overcome weaknesses and challenges, generating a *harnessing* force. When the movement *braids* a strong internal power in the process of mobilisation, it can overcome the silencing actions by veto players. Also, it can react to the grave violation overtly involving a corporation, even when it is a certainty but is yet to occur. Therefore, if the weaknesses in internal *strands* are resolved, then the only barrier to success is veto power. The following table (Table 7) summarises these arguments.

Table 7 – A cross-national comparison: TAYJASARUTA – Ecuador, CARE – Peru, and FMW – Colombia

Comparison	A cross-national comparison		
	Case 5	Case 6	Case 7
IWHRDs-led SMOs	TAYJASARUTA – Sarayaku leader Patricia Gualinga	CARE- Asháninka leader Ruth Buendía	FMW – Wayuu leader Jakeline Romero
Indigenous People	Kichwa People of Sarayaku	Asháninka	Wayuu
Country	Ecuador	Peru	Colombia
Mega-project	Block 23 Oil exploitation	Tambo 40 and <i>Pakitzapango</i> Hydroelectric dam projects	El Cerrejón coal mine
Relevant Corporate actors for comparison	CGC	Odebrecht PESAC	Cerrejón
Explanatory Factors			
Transforming the territory into power	H	H	M
IWHRDs effective leadership	H	H	H
Human rights framing	H	H	H
Reacting to a grave violation overtly involving corporations	H	M	L
Outcome	Success	Success	Non-success
<i>Factor presence: H= High; M= Medium; L= Low</i>			

The part that follows this introduction discusses three new cases. It is organised into three sections. (1) I provide a brief discussion on methodology, (2) I have a full vetting of each case with the explanatory factors included in the discussion, and (3) I compare the three cases conceptually. Then, in the second part of this chapter, (4) I develop the comparative analysis of all the seven cases studied in-depth in this thesis, including a Boolean minimisation process. And, (5) I end the chapter with some concluding remarks.

Sarayaku, Asháninka and Wayuu Women Leading the Defence of Territory and Rights

Particularities of the methodology

The mobilisations led by Patricia Gualinga and TAYJASARUTA in Ecuador, Ruth Buendía and CARE in Peru, and Jakeline Romero and FMW in Colombia are all emblematic cases in Latin America. They are all very similar cases of Indigenous women-led organisations defending human rights from the abuses committed in connection with mega-projects in Latin America. In this section, I briefly explain the considerations made to select these three cases, and some of the practicalities of the methods I used to study them.

I selected them from the database I created for this study (Appendix 2). I chose these cases because they have variation in outcomes and explanatory factors, and they are the ones with the most information. All of them take place in a slightly favourable context with human rights systems and Indigenous rights recognised in legal norms, but where these rights have not translated into substantial improvements for their situation.

The cases in Ecuador and Peru had successful outcomes; the case in Colombia has yet to achieve a change in corporate practice. They all involve different types of mega-projects (oil, mining and hydroelectric dams) and they are at various stages of their development process. The Cerrejón has been fully functioning for decades. In Block 23, the company managed to develop seismic activities but not exploitation. And, for Pakitzapango and Tambo-40 plans and agreements were only approved and announced.

Moreover, the strength of the *strands* internal to the movements' capacity also varied among the three mobilisation processes. When the mega-projects arrived, power from the territory was already strong in the Sarayaku and Asháninka cases; their organisations had already united their peoples, and they already had experience dealing with similar projects. In contrast, FMW emerged several decades after the mine was established and fully functioning. Thus, in addition to the challenges of mobilising in a decentralised culture of autonomous clans, they have dealt with strong veto power. Regarding Indigenous women leadership, one can easily assume that there is an advantage for the Wayuu women as they are part of a matrilineal people. However, in all three cases, IWHRDs leadership had to overcome the challenges of a dominant patriarchal culture. Additionally, they all use human rights framing effectively in diverse forms and with different emphasis on social, political and legal scenarios. But, not all IWHRDs-led SMOs managed to create a *harnessing* mobilisation force, as corporate involvement in grave violations also varied. Although the three mobilisations received media attention, solidarity and support, different levels of veto power were used to resist change in corporate practice.

Having selected the three cases, I carried out intensive desk research on all of them. I perused an extensive number of written and audio-visual documents, including existing studies, reports, media outlets, documentaries, websites and institutional communications. Furthermore, “multi-sited ethnography” was a crucial method for this chapter. In addition to intensive desk research, I carried out other key research actions, for example, I managed to do a preliminary research visit to Bogotá, Colombia, from 19 February to 4 March 2018. This visit coincided with the 167th period of sessions of the IACHR, and with a meeting of the Colombian National Network of Women Human Rights Defenders. I attended both events. They both were also key opportunities to meet

with prominent Indigenous women leaders; from Chile, I met Mapuche leader Juana Calfunao, and, from Colombia, I met Wayuu leaders Jakeline Romero and Angélica Ortiz. I also contributed to facilitating the participation of two Indigenous leaders in some events in Canada, where I am based. In May 2018, Maya-Mam leader Maudilia López had an advocacy tour in Canada. As part of it, she participated in the panel “Reflexions on the Experience of Indigenous Women Leaderships in Defence of Human Rights in Latin America”, which I co-organised in the context of the Annual Congress of the Canadian Association for Latin America (CALACS) in Montreal. Between June and July 2019, Wayuu leader Jakeline Romero participated in a series of activities in Canada, including two academic conferences I co-organised with the directors of the Centre for Oral History and Digital Storytelling (COHDS) at Concordia University, in Montreal. Jakeline’s visit to Canada allowed me to have several face-to-face conversations with her, as well as a life-story interview. The following map shows the countries of the cases I study in this thesis, including the three cases added in this chapter.



Map 5 - Countries of all selected cases: Colombia, Ecuador, Honduras, Mexico and Peru. Source: Google maps

Mobilising to Change Corporate Behaviour

In this section, as in the two previous empirical chapters, I consider the most crucial moments of the three mobilisations: early origins, the arrival of mega-projects, social division, intensification of the mobilisation in the face of repression, and the changes in corporate practices. While I present those moments, I also evaluate the explanatory factors. The next section will compare the three cases conceptually, and the ideas that advance the theoretical framework.

Sarayaku women in Ecuador: “*Contra la destrucción y por la vida!*”

“We fight against destruction[...] Our struggle is for life, for justice, for Mother Earth. For women, youth, our children and their children. For our future!” said Sarayaku leader Patricia Gualinga to close her “high level intervention” at the global conference on climate change, COP23 (P. Gualinga, 2017). Her words were short and powerful, true to the long history of the Kichwa people of Sarayaku who have struggled against destruction and to protect life.

The Kichwa people of Sarayaku is located in the Province of Pastaza, in the Ecuadorian Amazon. The Sarayaku are about 1,200 persons, living in five communities: Sarayaku Centro, Cali Cali, Sarayakillo, Shiwacocha and Chontayacu¹⁵⁴. They are on the Bobonaza river basin, 65 kilometres (six hours by boat) away from the nearest city, Puyo. *Sarayaku* is a Kichwa word that means river of corn. The Sarayaku are also known as the

¹⁵⁴ Each community is composed of *ayllus* -family groups. Each *ayllu* is integrated by *huasi* -households.

Zenit people because this people was founded under a “splendours sun”. In their *cosmovision*, this means that “all will fall, but Sarayaku will remain alive. Sarayaku is at the centre of the advancement of civilisation” (Sarayaku leader Franco Viteri in Chávez, Lara, & Moreno, 2005).

Early origins of the mobilisation

TAYJASARUTA is the acronym for *Tayac Yuyutac Jataichic Sarayaku Runa Tandanacui*, which means “organisation of the Sarayaku people for the revitalisation of the way of thinking of the Tayak”¹⁵⁵. TAYJASARUTA is an association of all the people who identify as Sarayaku, because they were born in Sarayaku territory, have a blood connection or have created a kinship with them (e.g., marriage) (Chávez et al., 2005, p. 62). TAYJASARUTA (I also refer to them as the Sarayaku) was created and legally recognised in 1979. It was a way to reclaim their autonomy and self-governance after they stopped the ruling of the Catholic Church over their people. As IWHRD-leader Patricia Gualinga says, “the Sarayaku people has kept its struggle and dignity from many years ago, long before they learnt Spanish” (in Barrera & Beltrán, 2018).

Since the 1960s, the Ecuadorian government concentrated its economic interest in the exploitation of oil, mainly in the Amazon. For example, between 1964 and 1990, Chevron-Texaco operated there. In the early 1970s, the Western oil company entered the Sarayaku territory, without their consent, but it did not find oil, and thus left. In 1987, ARCO oil company was granted a concession including part of the Sarayaku territory.

¹⁵⁵ During colonisation, the Tayak united with the Zapara to form the Kichwa communities, including the Sarayaku (Chávez et al., 2005, p. 22).

Local communities, however, rejected it when the company's workers tried to force their entry into their territory. The negative impacts of oil exploitation on other communities in the Amazon were the basis of the Sarayaku's decision. Chevron-Texaco "destroyed the Amazon without any compassion[...] leaving illnesses without a cure, poverty, death and hunger[...]" (children of affected communities in Hortas, 2012). Such allegations were corroborated by a delegation of twenty young Sarayaku leaders who visited Lago Agrario. What they saw there led the Sarayaku people to reject any proposal of oil exploitation in their territory (Cúneo & Gascó, 2013, p. 187)¹⁵⁶.

In the early 1990s, the Ecuadorian Indigenous peoples mobilised for the defence of their territories and the recognition of their rights. In April 1992, an emblematic march of thousands of Indigenous people from Puyo to Quito took place. In a communal general assembly of the Sarayaku, leader Beatriz Gualinga proposed the idea of the demonstration (García-Torres, 2017, p. 76). She was also one of the Indigenous leaders who addressed President Rodrigo Borja at the time. She said: "We are taking care of the jungle. It is why we shout for life! For the territory! For water!" (In García-Torres, 2017, p. 75). Patricia, who was still a teenager at the time, remembers: "I participated in that march, besides my mother and my brothers. It was a way to say 'here we are; we are Amazonians'. It was the first time that Amazonian faces were seen in a demonstration march going to Quito. The city was impacted by our presence" (in Barrera & Beltrán, 2018). After a month of the 1992 mobilisation, most of the land titles requested were granted. In May that year, the Institute of Agrarian Reform and Colonisation legalised 135,000 hectares of land to the Sarayaku people. A minimally favourable context for the defence of Indigenous rights was confirmed. However, a few years later, despite this

¹⁵⁶ This oil project negatively impacted more than 30,000 people. In 2011, a judicial decision in Ecuador ordered Chevron-Texaco to pay for reparations. This decision was confirmed in 2012 (Cúneo & Gascó, 2013, p. 184).

communal title, and without FPIC, a large part of their territory was included in the Block 23 oil exploitation project, opening the door to corporations.

But, TAYJASARUTA had already transformed territory into mobilisation power. For the Sarayaku, “the social, economic and natural spheres form a whole. It is not possible to think of the natural as an autonomous field to the social and the spiritual. The elements of nature interact with the Kichwa people of Sarayaku, they give them knowledge, help them face the future (through the interpretation of dreams) and regulate access to sacred sites” (Chávez et al., 2005, p. 109). Thus, for them, there is a profound connection among the human, spiritual and natural spheres of the territory; they are all integral parts of a whole, and they find a strong power in that. The human “mobilisation resource” is only an aspect of it. When they defend life and rights, they do it with a solid conviction and as a territory that is alive.

Furthermore, the Sarayaku have always actively defended the Amazon from extractivism, and the women have been at the forefront of it. Patricia Gualinga is a prominent leader of the Sarayaku. She is part of the “council of government”, which is the leadership team of TAYJASARUTA. Patricia has been the head of the organisation’s *dirigencia de la mujer* (women’s committee) and, more recently, of “international relations”. She is widely known as a spokesperson of the Sarayaku, and her influence has been crucial in critical moments of the mobilisation. Patricia Gualinga is the daughter of Sarayaku leaders Sabino Gualinga and Corina Montalvo. Sabino is also a Sarayaku *Yachak* (spiritual leader). Patricia’s brothers are also leaders of the community: José is a former *Kuraka* (chief), and Eriberto is a documentalist and has led the communications strategy. “The shared leadership of this family is crucial for the contemporary history of their people” (Melo, 2016, p. 37).

However, although from the beginning, Patricia, her mother and the Sarayaku women have been at the core of the mobilisations to defend the territory, they have also struggled to open the space for their leadership and activism within the community. No Sarayaku women can be a *Kuraka*. Traditionally, the top leadership is for a man, and each man in the community will have that role at any point in his life (Chávez et al., 2005, p. 61). This is determined by the ancestral governmental structure, which was deeply influenced by the colonial government and the Catholic Church. Thus, in the context of the 1992 mobilisation, the Sarayaku created the Association of Indigenous Women Sarayaku (Bravo & Vallejo, 2019), and women's participation in the top leadership of TAYJASARUTA was discussed. In the 1990s, a first key step to further open the path for their leadership was the establishment of the *dirigencia de la mujer* (women's committee within the organisation). However, it became the *dirigencia* of women and family. Soon the weakness of that committee was evident, and the Sarayaku women questioned it. They even considered its elimination: "the assigned roles were specifically logistic or related to family issues. But [they were] not [about] decision-making, territory or extractivism. We were relegated[...] such an approach lasted for many years[...] but we questioned this[...] [Do] not family matters concern us all?" (Patricia Gualinga in García-Torres, 2017, pp. 81–82). Yet, they managed to open a space in the leadership team; they gained legitimacy as leaders. Now they have a strong influential voice.

The arrival of CGC

When the Argentinian oil company CGC (Compañía General de Combustibles) arrived in the Sarayaku territory, this people had already experienced extractivism. They

had already decided not to accept this type of project. Their territorial power and women's leadership were already strong.

On 26 June 1995, within the XVIII round for the exploration and exploitation of oil, the State adjudicated the "block 23" in Pastaza to CGC. A year later, PETROECUADOR (the State oil company) and CGC signed the contract. From the 200 hectares of land authorised in the contract, 60 per cent were part of the Sarayaku territory¹⁵⁷. They agreed to four years of seismic exploration, and 20 extendable years for exploitation. CGC committed to submit an environmental impact assessment, which should include socio-cultural impacts. For the assessment, CGC hired the company Walsh Environmental Scientists and Engineer, Inc. In 1997, the environmental impact plan was approved by the Ministry of Energy and Mines (MEM). But, the Sarayaku were never consulted. "After some time we heard that a group of tourists[...] had been the ones doing the Walsh environmental study" (José Gualinga in Melo, 2016, p. 11).

As part of a 2001 agreement on military security cooperation signed by the Ministry of Defence to provide security to oil companies, the "Jungle Brigade No. 17" was assigned to Block 23. Four military bases were established in Sarayaku territory (CorteIDH, 2012, para. 191). Thus, CGC "[had] two types of security: [...]private security Jaraseg[...] and public security provided by the Ecuadorian Army and the National Police" (CorteIDH, 2012, para. 191).

Furthermore, to advance the project, veto power was also used in other forms. In May 2002, a representative of CGC visited the Sarayaku people and offered them USD\$60,000. But, in a communal general assembly, the Sarayaku decided to reject the offer. The communal general assembly is where the most important decision of

¹⁵⁷ The rest of it was in the territory of the Achuar, Pakayaku and Molino communities.

TAYJASARUTA are taken. Thus, this was a central moment to reaffirm their decision and their power from the territory. For the Sarayaku, the mega-project and such offer (or any other offer) could not be compatible with their *cosmovision* and territory.

The territorial power was also enhanced by the union and support of others, which were also *braided* to their cause. The Sarayaku participated in the foundation of the Federation of Indigenous Centres of Pastaza, which later became the Organisation of Indigenous Peoples of Pastaza (OPIP). In 1980, they also participated in the creation of the Confederation of Indigenous Nationalities of the Ecuadorian Amazon. The same year, Indigenous organisations from the Amazon united to those from the Sierra. They created the National Coordinating Council of the Indigenous Nationalities of Ecuador, which in 1986 became the Confederation of Indigenous Nationalities of Ecuador (CONAIE) (Fontaine, 2002; García-Torres, 2017). These were all robust networks of support that reaffirmed the human rights framing of the Sarayaku struggle. In May 2002, OPIP decided that no community affected by Block 23 could negotiate with the company. But then, CGC changed their strategy and hired Daymi Service S.A. (Daymi), a company of sociologists and anthropologists dedicated to “programme the relations with the communities” (CorteIDH, 2012, para. 75).

Social division

To further resist the Sarayaku’s decision to reject the project, veto power was reinforced. This time, Daymi applied a strategy of division through manipulation and “soft” silencing actions against leaders and organisations. Daymi “arrived with presents, money, food and smear campaigns” remembers José Gualinga (in Cúneo & Gascó, 2013,

p. 189). Also, “in several occasions, CGC[...] a) tried to establish direct contact with community members, ignoring their organisation; b) offered medical attention[...] asking people to sign a list, which was later used as a letter of support to CGC[...]; c) [made] payments to people in the communities so that they recruit others to support [CGC]” (CorteIDH, 2012, paras. 72–73). CGC managed to reach agreements with some communities, such as Canelos, Pacayaku and Jatun Molino. In addition, the corporation even supported the idea of creating an independent community of Sarayaku. The company managed to create divisions within and between families and communities, but the Sarayaku *braided action* and remained united.

Sarayaku women were decisive in overcoming this situation. Patricia Gualinga remembers: “if men doubted, from the beginning women said NO[...] There was already a decision not to allow oil exploitation. This decision was later fully backed by men” (in Cúneo & Gascó, 2013, p. 189). This determination was critical to strengthen power from the territory and to press for the company to leave. She also explains: “I believe it was the survival instinct. First, the elders were entrusted with the visions and spiritual protection [of the territory]. The women, who were the most radical, were at the forefront of decisions demanding non-negotiation.” (in Barrera & Beltrán, 2018).

At this point, the internal capacity of the *braid of action* was already powerful. Thus, braiding territorial power and Indigenous women’s effective leadership, the Sarayaku overcame those challenges. In 2002, in a communal general assembly, Patricia Gualinga denounced: “a Kichwa colleague is trying to create a community in the territory that belongs to Sarayaku, and the company is financing him” (In Hortas, 2012). Telmo Gualinga had signed a contract with CGC and tried to organise an independent Sarayaku community. But in a domestic trial in the community, he recognised his error and asked for forgiveness. He was pardoned by the Sarayaku people (Chávez et al., 2005, p. 66).

This prevented others from following a similar path, and the power of the *braid of action* grew in strength. Yet, veto players escalated their force to resist that mobilisation power.

Intensification of the mobilisation in the face of repression

On 13 April 2002, the Sarayaku sent a communication to the Ministry of Energy and Mines (MEM) to express their concerns and opposition to oil companies in their territory (CorteIDH, 2012, para. 80). The seismic exploration was then suspended until September 2002, and the mobilisation from the territory continued. At the request of CGC, in July 2002, the MEM updated the approval of the environmental impact assessment that had been initially approved in August 1997. But the Sarayaku were never consulted for this updated assessment. Moreover, in August 2002, the CGC presented to the MEM five agreements with local communities (none from the Sarayaku). The company had promised them economic contributions for production projects, infrastructure, health, education and work (CorteIDH, 2012, para. 82). CGC requested to reactivate the project.

In a powerful display of veto power, on 21 November 2002, CGC reactivated its seismic work. Without authorisation, the company workers entered the Sarayaku territory accompanied by private security and military officers. Community members immediately rejected their presence. The day after, using a human rights framing, the Sarayaku filed a complaint before the Ombudsperson Office requesting the men to leave the territory (CorteIDH, 2012, para. 85). Five days later, the Ombudsman declared the protection of the Sarayaku people (Cúneo & Gascó, 2013, p. 186).

Furthermore, after the trespassing, the Sarayaku declared “a state of emergency”, suspended all their activities, and organised themselves in the “peace and life camps” as a crucial way to reaffirm their rights, presence and territorial power. In each camp, using improvised tents, 60 to 100 people -women and men of all ages- stayed for about six months. Twenty camps were located in strategic places within their boundaries. The Sarayaku understand extractive projects as direct aggressions to them as a whole (Chávez et al., 2005, p. 89). They create collective damage; and, therefore, they respond collectively. When they mobilise to protect their territory, the human, natural and spiritual spheres move all together for that. The 20 “peace and life camps” in strategic places are an example of this. They made the presence explicit and defensive, and it was a community initiative where everyone was involved. In these camps, they survived only on what they could gather from the jungle; dreams were interpreted at dawn every day to prepare for what they could face, and radios were used to warn others about the unwanted presence.

The veto power also resisted to the Sarayaku actions. The communities supporting veto players blocked the Sarayaku, limiting their access to other communities. A military checkpoint was also established over the Bobonaza river, with two chains over it. “The oil company arbitrarily entered in the Sarayaku territory, without our authorisation” (Berta Gualinga in Hortas, 2012). It was determined to develop the project. CGC “planted” 1,433 kilograms of pentolite explosives there, opened seismic paths, built six heliports, and destroyed sources of water, a sacred hill, trees and plants, including a sacred *Lispungu* tree¹⁵⁸.

¹⁵⁸ This tree was a core part of the ancestral medicine practice of one of the *Yachaks*. The destruction of the tree had devastating consequences for Cesar Vargas -the Yachak- and his family. After the tree destruction, Cesar, his wife and their two sons soon passed away.

On 28 November 2002, adding *ropes* to the human rights framing *strand*, the OPIP filed an *amparo* against CGC and Daymi for all those violations. The day after, the Judge of Pastaza order the suspension of works. A few days later, delegates of Sarayaku and OPIP met with representatives of CGC, the Pastaza government and the MEM in Quito. The Indigenous leaders requested the suspension of all activities of the “block 23”. But no agreement was reached. Also, on 12 December 2002, the Supreme Court of Justice of Pastaza Province issued a resolution pointing at several irregularities in the proceedings of the *amparo*. The same day, the Ministry of Government and representatives of the Sarayaku signed an agreement. Among others, they agreed to a peaceful solution of the problem and “to call on the CGC company to suspend the seismic prospection temporarily” (CorteIDH, 2012, para. 96). Despite this agreement and the judicial resolution, CGC continued its works. This failure to comply with the decision and the *amparo*’s irregularities provided the grounds to bring the matter to an international jurisdiction. The Sarayaku did not file a large number of legal complaints, but their legal actions were strategic and effective.

Change in corporate practice in the face of continuous repression

In a communal general assembly in January 2003, the Sarayaku reaffirmed the position against oil companies in their territory. But the CGC continued to force its entry, further escalating the conflict. On 25 January 2003, four members of the Sarayaku -who were protecting the territory- were detained by workers of CGC and military soldiers, arguing that they were dangerous people. They were transported in CGC helicopters to the premises of the corporation in Chontoa. After several hours, when CGC “investigated

them”, they were brought in vehicles of the company to Puyo (CorteIDH, 2012, para. 252). The police released the men the same day (CorteIDH, 2012, para. 98). During the time in Chontoa, they were tortured (e.g., they were left tied and topless over a nest of ants) (Melo, 2016, p. 16). These grave human rights violations openly involving the corporation further increased the sense of injustice, and pushed the Sarayaku to react to the abuse.

Furthermore, some days after, a group of Sarayaku women confronted a military troop accompanying CGC workers. The men responded, among others, harassing and threatening with sexual violence two Sarayaku girls (E. Gualinga, 2017). It provoked another confrontation where Sarayaku women retained the weapons of the military (E. Gualinga, 2017). The guns were only returned to the men when the media was present. It was a moment of the maximum pressure that further fuelled the mobilisation. The critical moments video-recorded by Eriberto Gualinga played a fundamental role before political and legal scenarios and exposing the situation to the general public. An iconic scene that he recorded took place in 2003. He filmed the moment when a military Colonel has to lower his hands to receive the weapons from the Sarayaku women (E. Gualinga, 2017). This type of audio-visual material helped to disseminate the case nationally and internationally. The communication of the situation became a priority for the community. It helped to bring further attention to a grave situation of abuse. “My first trip to Quito was brutal, we went by bus, we had no budget [...] I was suffering the impact of beginning in activism, with sacrifice, walking through a city as big as Quito. There were civil society organisations that supported us, gave us a hand, listened to us at least; but, things became very violent: they had trapped our people, they began to militarise our territory. And we denounced it, we managed to position ourselves before the media because we never fell silent” (Patricia Gualinga in Barrera & Beltrán, 2018).

The effective leadership of women was a crucial *strand* pulling to lift human rights. Franco Viteri, former *Kuraka*, recalls that “in the resistance of 2003, the elderly women were who said what we had to do. We always consulted them[...] They always insisted that our objective was not money but well-being” (in Chávez et al., 2005, p. 80). The Sarayaku women were the ones who retained the military weapons. They were also who decided when, where and how to return them. The image of the women returning the guns to the head of the military gave a strong impetus to the mobilisation.

On 4 February 2003, in the Sarayaku territory, they signed an agreement with the MEM, including the suspension of military and police presence. Two days later, the Association of the Oil Industry in Ecuador informed that the CGC declared an “*estado de fuerza mayor*” (a situation beyond control) and suspended its seismic works (CorteIDH, 2012, para. 102). The company has maintained the suspension since then.

In April 2003, enhancing the legitimating power of human rights framing, the Ombudsperson of Pastaza issued a resolution declaring the responsibility of the MEM and PETROECUADOR for violating the rights of the Indigenous communities affected by the oil project. Also, a month later, after a visit to the territory, the Human Rights Commission of the National Congress issued a report acknowledging the many violations committed against the Sarayaku (CorteIDH, 2012, para. 106).

Between February 2003 and December 2004, several leaders of the Sarayaku, their defence lawyers and the organisation supporting them, suffered death threats, harassment and many other attacks (CorteIDH, 2004). On 5 May 2003, the IACHR granted precautionary measures ordering Ecuador to protect them. Yet, in June 2003, the governor of Pastaza announced that oil works in the Block 23 would be completed, and the Ecuadorian president promised to guarantee oil companies’ security. In October 2003, the MEM announced an imminent militarisation of the territory, and said: “With or

without the consent of the Sarayaku the project will go ahead” (CorteIDH, 2012, para. 61). On 4 December 2003, on their way to the “peace and life demonstration” in Puyo, about 120 Sarayaku were attacked by the Canelos people, in the presence of the police.

At the end of 2003, TAYJASARUTA -together with the Centre on Economic and Social Rights (CDES) and CEJIL- brought the case to the IASHR. As there were numerous attacks, in mid-2004, the Inter-American Court of Human Rights (IACTHR) granted provisional measures in favour of the Sarayaku people and their defence lawyers. These measures were later confirmed and extended in other resolutions.

National and international organisations *braided action* with the Sarayaku. In addition to CDES and CEJIL, many other organisation and institutions supported them before, during and after the proceedings. For example, nine *amicus curie* reports (CorteIDH, 2012, para. 13), and taking solidarity and urgent actions which reaffirmed their legitimacy and provided further visibility and support (e.g., AI’s urgent actions regarding the attacks against the Sarayaku leaders and the organisations supporting them (AI, 2003, 2004a, 2004b)). This type of visibility and support within a human rights frame further exposed the injustice endured by the Sarayaku in the context of the CGC oil project in their territory.

Moreover, in parallel to the legal actions, the advocacy strategy continued. In November 2004, a Sarayaku group managed to meet with the Argentinian Vice-Minister of Foreign Affairs, the Nobel Peace Prize Adolfo Pérez Esquivel and several delegates from Indigenous peoples in Argentina (Lipcovich, 2004). But they did not manage to

meet with CGC. Also, despite the continuous tension in the territory, solidarity demonstrations did not stop¹⁵⁹.

In May 2009, the MEM sent a letter to CGC asking to re-start the operation. The CGC rejected the petition and responded in the media with a defamatory campaign against the Sarayaku (e.g., accusing them of robbing the pentolite they had planted without their consent) (Melo, 2016, p. 33). Diego Sherriff, the spokesperson for CGC, said that such a petition only demonstrates that the Minister "did not understand anything about the problem", and that CGC had already asked for a mutual termination of the contract (El Universo, 2009). In March 2009, CGC had filed a complaint against Ecuador before the International Centre for Settlement of Investment Disputes, claiming an end to the contract and an economic compensation as until then CGC had invested USD\$ 30 million in the operation¹⁶⁰. CGC said: "We will not enter and no other company will. Because first, there should be an agreement with the community (Sarayaku) to go ahead with oil exploitation. [But such agreement] is very difficult because they say radically no, and by force, it will not be possible[...] The State failed[...]" (in Mining Press, 2009).

In April 2012, during a hearing carried out by the IACTHR in the territory of the Sarayaku, the Ecuadorian government accepted the responsibility for the human rights violations committed against this people (CorteIDH, 2012, para. 23). Two months later, the IACTHR ruled in favour of the Sarayaku. The court concluded that the rights to prior consultation, collective property and cultural identity had been violated, and the life and integrity of the Sarayaku have been threatened (CorteIDH, 2012). At that point, CGC had

¹⁵⁹ In December 2004, the CONAIE delivered a solidarity demonstration. The Sarayaku were travelling in about 50 boats to join it when the Canelos community -which supported the project- attacked them again. (Melo, 2016, pp. 17–18).

¹⁶⁰ CGC's website does not provide information about the Sarayaku case (<https://www.es.cgc.energy/>). Only some declarations of the spokesman of the company in Ecuador were available on media outlets.

already left Ecuador. But the government of Correa was already considering new companies for oil exploitation in Block 23 (García-Torres, 2017, p. 50).

Human rights framing was used in inter-connected legal, communications and political strategies. Mario Melo, one of the foremost lawyers who defended the Sarayaku before the IASHR, explains it this way:

Regarding the strategy of territorial defence, I would like to highlight[...] 1. The decision and leadership of the Sarayaku people[...] 2. The political strategy framed the legal strategy, and the legal strategy had an instrumental role regarding a broader political vision[...] 3. The capacity of the Sarayaku to establish and sustain alliances with local, national and international actors was gravitating[...] the Sarayaku managed to knit a [strong] net of solidarity (Melo, 2016, pp. 60–61).

The Sarayaku were able to succeed because they *braided* a strong power that was grounded in the territory, the leadership of women, the effective use of human rights framing in crucial legal, political and social scenarios, and reacted with all that to grave violations overtly involving the corporation. However, despite their success, the struggle to defend the *Kawsak Sacha* (the living forest), their territory and rights has continued. The Sarayaku women are now a point of reference for many other Indigenous women in the country and beyond (García-Torres, 2017, p. 81). They have continued to lead the defence of their territory and rights. But, the repression has continued (e.g., the attack against Patricia in January 2018 (FLD, 2018a)). The experience of success defending their territory has also extended to recent proposals, Patricia Gualinga explains: “We propose that the Sarayaku territory is declared a ‘living forest’, with all that it means. It implies the cosmovision, the life of the people, our ideals and the riches of the jungle, which is not the same as the riches of the extractive industries” (in DeJusticia, 2013).

In sum, the Sarayaku already have a power in the territory that was transformed into mobilisation power to defend the *Kawsak Sacha*. In crucial moments, the Sarayaku

women played instrumental roles in raising their voices and making visible the situation beyond their territory, further uniting their people and other peoples to their struggle. They were able to overcome internal challenging patriarchal structures, as well as social division and silencing actions by veto players. Moreover, their use of human rights framing further increased their power, achieving a ground-breaking decision by the IACTHR. With such a strong capacity, they managed to pull human right up, *harnessing* a power that led first to a suspension of the project and then to its withdrawal, recognising that not even “by force” the project could be imposed on the Sarayaku. Thus, this case confirms the theoretical model. It also helps to see how, although women were often pushed to a situation of inferiority by traditional social structures and veto players, they were a fundamental force to achieve success. Within an apparently weak group, women were portrayed as the weakest. Yet, this people and the women among them, not only overcame challenges, they were the fundamental force *braiding* the Sarayaku power that led to success. The apparently weakest of the weak were actually the greatest power pulling the *braid* that lifted human rights and produced a change.

Asháninka women in Peru: “*No voy a rendirme, ni mi pueblo!*”

Neither I nor my people, the Asháninka people, will surrender. We resisted the terrorism of Shining Path, who almost eliminated us, [and] a State that does not look at us and does not consider us citizens. Now there are increasing threats to our territory around our rivers by drug traffickers, and oil and gas extraction[...] Only education will allow us to develop in harmony with the territory where we live, respecting our culture [...] This struggle is not only mine[...] there are also chiefs, authorities, male and female leaders and a large team of people and institutions[...] who helped in the most difficult times. I am also grateful to my husband[...] my mother and my father, whose strength and character have always stayed with me through all the adversities of life[...] (Ruth Buendía, GEP, 2014c).

Asháninka leader Ruth Buendía Mestoquiari is a widely known IWHRD, because she managed to stop the construction of two hydroelectric dams in the Ene-Tambo river, in the Amazon of Peru. The basin of the Ene river is a continuation of the basin of the Tambo river; therefore, it is also known as the Ene-Tambo river basin. It is of fundamental importance for the physical and cultural existence of the Asháninka people. The Asháninka live in the Selva Central, which is partly located in the provinces of Satipo and Chanchamayo, Junín department.

Origins of the mobilisation

Ruth Buendía Mestoquiari was born in the most populated Asháninka community: Cutivireni. At the end of the 1980s, this community was hardly hit by the armed conflict, and the community was “disintegrated” (Ruth Buendía in PNUD, 2013). Rigoberto Buendía, Ruth’s father, was one of the thousands of Asháninkas who was killed at the time. Rigoberto was a respected member of the community, farmer and hunter. One day, members of the Shining Path guerrilla group asked Rigoberto to show them where the priest had escaped with other members of the community. But Rigoberto refused to say anything. As the guerrilla did not kill him, other Asháninkas started to believe that he was connected to them. Rumours spread, and he was portrayed as a terrorist leader. One day, Rigoberto was going to a meeting to coordinated the defence of the territory, but a group of Asháninkas killed him and the four men accompanying him. Their bodies were thrown at a precipice and never found (Zárate, 2014).

Ruth, her mother and five siblings, were captured by Shining Path and taken to a camp where there were other 300 Asháninkas. They were forced to work for the guerrilla. But, Ruth managed to convince her mother to escape to the forest. “My mum was skinny, malnourished, with no hair. I was 13 years old[...] We were living in the *monte* [bush] for a year, and I told my mum, we should go and seek help. If they kill us, it would be better that they kill us all” (Ruth Buendía in PNUD, 2013). Ruth carried her mum in one of the baskets they used to collect crops, and they managed to escape via the Ene river. At that moment, Ruth promised to herself to do something for her people, “the wound [left by the armed conflict] is still there, and it is yet to be healed” (in Zárate, 2014), but she has managed to *braid action* for her people.

They were then recognised as victims of the armed conflict by the Regional Association of Indigenous Peoples. This association promotes the leadership of women, gender equality and territorial defence, among others, and Ruth became interested in those issues (PNUD, 2013). But, Ruth’s mother could not provide for her; thus, Ruth was sent to Lima to work as a housemaid. In Lima, Ruth experienced other forms of discrimination: “for example, if you are from Satipo you are terrorist[...] I was embarrassed to say that I am from Satipo, I was also ashamed to say that I am Asháninka. I have seen very strong discrimination when you say that you are Asháninka” (Ruth Buendía in PNUD, 2013).

Once Ruth was 18 years old, she returned to Satipo. While she was studying and looking after her first child (she is the mother of five), she also worked as a waitress. When serving juices, other Asháninka recognised her as a fellow member of the community. They encouraged her to join the organisation Asháninka Central of the Ene River (CARE) (GEP, 2014b). Ruth first joined as a volunteer. It allowed her to reconnect with her roots and people. In this role, she helped several Asháninka communities to

obtain the documents required to access essential services, as well as to get the identity documents they had lost during the armed conflict. Also, many Asháninka leaders who had met her father shared with Ruth important memories of him. He was a very respected member of the community. The many visits to the communities also allowed her to understand better the aftermath of the armed conflict, the neglect by the State, and the constant new threats faced by the communities (e.g., concessions without their consent) (RPP Noticias, 2014). Ruth's commitment to her people was then further strengthened. Those years working as a volunteer provided her with a strong base to further unite her people to defend the territory when she became the president of the organisation.

In 2005, the presidency of the organisation became available, and the women of her community encouraged her to take this role. The Asháninka women immediately mobilised to postulate Ruth as their candidate. She recalls: “between husband and wife, the wife pushed the husband to vote for me” (in PNUD, 2013). With their support, at the age of 27, Ruth was the first woman to be elected as president of CARE. She was re-elected and was the director of the organisation until 2016. The chiefs of the Asháninka communities are all men; but, as director of CARE, Ruth became the leader of all of them and their communities.

However, in the Asháninka people, women traditionally have a subordinate role, especially when it comes to decision making, as in their culture, they should be mainly dedicated to domestic matters (CARE, 2019b). Thus, her election was not smooth. Ruth explains: “there was much opposition and there were many men who did not want a woman as their president[...] When I was elected, a group that was against me -because I am a woman- was formed. They created a strategy to attack me[...] But, the people decided to give me an opportunity to see what I could offer them[...] I did what I could, and I continue to do so, this is why after ten years, I am still here” (in El País, 2015). Ruth

managed to gain the support of her people, to unify the communities, to build an extensive network of support and to overcome many challenges and attacks.

CARE is an organisation that groups 18 communities and 33 annexes in the valley of the Ene river. CARE was created in 1993 to address the devastating impacts of the armed conflict. It now has a broader approach focusing on the defence of their human rights and territory, and they strongly work to prevent further abuses against their people. For CARE, territory, security, education, economy and women's rights are a priority (CARE, 2015, 2019a). CARE listens to the Asháninka people, represents them and defends their rights (CARE, 2011). Now, they are also developing sustainable agriculture projects to satisfy their basic needs while remaining in their territory (CARE, 2018; GEP, 2014a).

The Arrival of the hydroelectric dams

Similar to TAYJASARUTA, the Asháninka people were already united under CARE when the companies were about to arrive for the development of Tambo 40 and Pakitzapango dams. They already had transformed the power in the territory into mobilisation power, and have had previous experiences rejecting mega-projects and the armed conflict in their territory. There was unanimity on the rejection of anything that could repeat the horrors of the armed conflict, and CARE's general assemblies repeatedly reaffirmed this.

In a sacred hill and using the same name of the eagle in the foundational Asháninka myth, the Peruvian government authorised the construction of the

Pakitzapango hydroelectric dam¹⁶¹. For this, in this canyon and over the Ene river, a concrete wall of 165 metres would be built. The Pakitzapango hill, where one of the dams was planned to be built, is particularly emblematic. It is the tallest hill of their territory, and it is a sacred area for the Asháninka. For them, it is a “wall” built by an eagle; thus, humans could not escape from its claws. The Asháninkas feared they could be attacked by the eagle, until the day they managed to capture and kill the bird. The Asháninkas believe that from the eagle’s feathers, which floated down the Ene-Tambo river, emerged all Indigenous peoples of the Amazon. But in the memories of Ruth and many other Asháninkas, this hill is also a place of fear, where monsters hide. First, it was the eagle, then it was the Shining Path, and now it is the place where the government wants to build mega-projects.

In 2010, the governments of Peru and Brazil signed an agreement for 50 years for the construction of the necessary infrastructure to produce electric energy for domestic consumption and export to Brazil (MEM, 2010)¹⁶². In principle, the power is first to satisfy the demand in Perú, and the remaining is for export to Brazil. The agreement established that a maximum of 7,200 MW could be exported to Brazil (although in 2011, Peru could only generate 7,986 MW) (SPDA, 2012). The agreement does not specify the dams that are part of it. However, governmental representatives mentioned the following dams: in the region of Junín, Inambari (2000 MW), Pakitzapango (2,200 MW), Tambo 40 (1,287 MW) and Tambo 60 (579 MW); and, in Cusco, Mainique (607 MW).

The process to reach this agreement started in 2006, and since then, the two governments reaffirmed their commitment every year (MEM, 2010). In parallel to such

¹⁶¹ Other concessions could also impact the Ene river basin (e.g., Lote 108 oil concession).

¹⁶² For entering into force, the agreement had to be approved by Congress. In 2014, its Commission on Foreign Affairs archived the agreement’s proposal. The then Minister of Energy and Mines had little interest in pushing for its approval (Diario UNO, 2014).

a process, Peru started the projects. In the case of the Pakitzapango hydroelectric dam, on 3 December 2008, the MEM granted a temporary concession to the company Pakitzapango Energía S.A.C. (PESAC), to develop the feasibility studies (R.M N° 546-2008-MEM/DM). In November 2010, the MEM granted Odebrecht Perú Ingeniería y Construcción S.A.C. (Odebrecht) the temporal concession for the Tambo 40 (CARE, SER, & DAR, 2011). Affected communities were never consulted about these plans or the dams; although in 2006, Peru ratified the ILO Convention 169, and in 2011 adopted the Law N° 29785 on prior consultation. The plan was to build Pakitzapango, Tambo 40 and Tambo 60 hydroelectric dams in the Ene-Tambo river basin.

With these projects, over 14,000 Asháninka Indigenous people would be affected in physical, social, spiritual and cultural terms. CARE explains: “The river is the soul of our territories: it feeds our forests, animals, plants, crops and especially our children[...] Pakitzapango is an important part of our cultural and spiritual heritage since our roots are formed there[...] We know how to take care of our surroundings. We have created the Otishi National Park and the Asháninka Communal Reserve, areas of great biodiversity on the planet that would be affected by the construction of the [dams]” (CARE, 2009). Thus, the Asháninka considered that the hydroelectric dams in their territory would affect them as a whole, as individuals, as a people and as a territory. For them, the dams are another form of extreme violence against them that directly attacks their “lives and existence as a People” (CARE, 2010).

Mobilisation in the face of repression and social division

At the end of 2008, Ruth Buendía heard for the first time about the project, on the radio. At that point, CARE, with the leadership of Ruth, had already challenged illegal logging and a concession to Pluspetroleo granted without FPIC (Zárate, 2014). “When I heard about it on the radio, I decided to request information from the regional government of Junín, and they took almost three months to respond. Some officials of the Ministry of Energy and Mines had organised themselves into a ghost company called Pakitzapango Energía with funds from Brazil, to whom the concession was granted” (Ruth Buendía in El País, 2015). Ruth already knew the strategies of veto players, that “dealing with big companies is not easy, they come with money paying people and dividing [the communities], and this is a big challenge because without territory an Indigenous people is nothing” (PNUD, 2013).

In principle, the benefits offered for the construction of the dams were very desirable. Among others, there was the promise to build more schools and medical centres, both pressing needs for the Asháninka communities. But the communities had not been informed or consulted. There was a need to understand the projects and their impacts better. In April 2009, in Pichiquia, the XIII Ene Asháninka Congress rejected the concessions, arguing that there was a lack of FPIC (CARE, 2009). Five months later, using a human rights framing, CARE filed a complaint against the Peruvian State before ILO for not complying with ILO Convention 169. Furthermore, a few months later, a team of engineers from CARE and the British Fund Rainforest carried out studies in the area to better understand the proposed projects and their impacts. It then became clear that the Pakitzapango dam will inundate about 700 square kilometres of forest, directly

impacting 10 Asháninka communities. Thus, some 1,500 families would be forcibly displaced, losing their territory, crops and houses, among others.

Replicating the type of visits to the communities that she carried out when volunteering for CARE, as president of the organisation, she visited them many times again. Ruth and her team explained to each community the threats posed for those energy production projects. She says: “We used a computer simulation showing the effects the dam would have in our lives. My anger motivated me to defend my people. Our communities are entitled to FPIC before any concession is granted” (GEP, 2014a). The Asháninka communities fully understood the grave dangers they were facing and fully backed the leadership of Ruth. In several region-wide assemblies, the Asháninka confirmed their support to her and re-confirmed the decision to oppose the construction of the dams in their territory. CARE’s general assemblies were an effective mechanism of the power from the territory to unite the Asháninka further.

CARE also hired a lawyer and requested from the government the projects’ plans, the impact assessments, and the details on how they were going to address the impacts. Ruth investigated herself about the many aspects of the projects. She carried out several meetings with representatives of the MEM; but, “the response was always the same: we are sorry, there is nothing we can do, this is a project of ‘national interest’” (in Zárate, 2014). As CARE never received the requested information, Ruth Buendía decided to bring this matter to an international level.

CARE, together with the following organisations, added another *rope* to the human rights framing *strand* and requested a hearing before the IACHR: National Coordinator of Human Rights (CNDDHH), Amazon Centre for Anthropology and Practical Application (CAAAP), and Peace and Hope Association. On 23 March 2010, the hearing took place in Washington D.C. Ruth Buendía, and the lawyer Hernán

Coronado of CAAAP presented the human rights situation of the Asháninka people. Twelve delegates from the Peruvian State also participated. Back to Perú, in May, the XIV Ene Asháninka Congress reiterated their rejection to the concessions (CARE, 2010). The same year, in October, a thematic hearing on “Indigenous peoples and the energy and extractive policy of Perú” took place before the IACHR. This time the hearing was requested by CARE, CAAAP, CNDDHH, and other six organisations. After the hearing, the IACHR sent a letter to the Peruvian government requesting them to take measures to respect and protect the Asháninka people.

A year later, in Lima, Ruth Buendía launched CARE’s “October Asháninka”. It is an annual series of debates and cultural activities about *Kametza Asaike* (Asháninka Good Living), which attracts thousands¹⁶³. CARE’s “October Asháninka” was a fundamental way to give visibility to the situation and to gain the support of other organisations and the broader public. The first “October Asháninka” in 2011 positioned the Asháninka’s concerns as a matter of public interest and general concern. There were a series of events showing the Asháninka culture and way of life, the severe impacts they suffered in the two decades of the armed conflict, and the current threats posed by mega-projects in their territory. In these activities, Ruth managed to show the fundamental “incompatibility between their vision of development, and the displacement that would be forced on them should the Tambo 40 and Paquitzapango hydroelectric power station mega-projects go ahead” (IWGIA, 2012).

Ruth Buendía and CARE also carried out an intensive international advocacy campaign making visible the situation and seeking support in other countries, such as France, Norway, Spain, and Brazil. She reached governments and corporate actors

¹⁶³ In 2012, for example, the photographic exhibition “*Pasado que no pasa*” (the past that does not pass), which was part of the “October Asháninka”, attracted over 26,000 visitors (Fowks, 2012).

involved in the construction of hydroelectric dams in the Asháninka territory and other parts of the Amazon.

In parallel to all these actions, Ruth was studying law at the University of Satipo. But, instead of having her relatives' support, some of them openly criticised her for doing that and “abandoning her children” (in Zárate, 2014). The pregnancy of her youngest child was complicated, and she could not continue her studies. These challenges were used by the group supporting veto players against her. Ruth says: “I have five children[...] It is difficult to be a mother, to be a leader, to direct an organisation, and to attend the population[...]” (RTVE, 2013). Veto power supporters in the Asháninka communities, who wanted the mega-projects, started a smear campaign against her. “She was accused of being the daughter of a terrorist, a single mother without education and an obstacle to development. The chiefs of three communities separated from CARE and created their parallel organisation[...]” (in Zárate, 2014). There was a moment when, due to the very difficult situation, she stopped communicating with her mother and siblings; the silence lasted for a year (Zárate, 2014). Also, even when she was awarded the Goldman Prize, some people questioned her actions. Some thought the Prize was a lie, and others believed that the money she received for the award was to allow the construction of dams. Despite the many pressures, she persisted, and all those attacks made her and her mobilisation stronger. Raising her voice-making visible the situation, she explicitly addressed the attacks. Ruth was transparent with the Asháninka, and in a general assembly, she explicitly addressed the situation created by the defamation. She later explained: “my name and the organisation I represent could not be stained. But this did not weaken me; all the opposite, [it strengthened me]” (in Zárate, 2014). She used those moments to reinforced her leadership, transparency, legitimacy and dignity.

Ruth had the ability to transform those challenges into opportunities to further unified her people. She says: “For me, it is a challenge as a woman, but it is also an opportunity that my people have given me to represent them, and I want to do it the best I can[...].” (RTVE, 2013). Ruth was able to develop a strong mobilisation power. In this context, the Asháninka backed and trusted her leadership and the organisation she represented. The communities explicitly said: “we trust [her] to transmit, maintain, and defend our agreements. [She] should also spread our voice in all the necessary social and political spaces” (CARE, 2009). And, she did.

The Favourable change in corporate practice

In June 2010, when the temporal concession to PESAC was coming to an end, the company requested its renewal for one more year; but, the MEM rejected the request. In August 2010, the company asked for the decision to be reconsidered; but, the MEM did not grant the reconsideration. In December 2010, the administrative process about the concession ended and, with it, the temporal concession to PESAC (CARE et al., 2011, p. 17). Although the project was only suspended and there are still fears that at any moment Pakitzapango will be reactivated, with these actions the State cancelled the participation of the corporate actor PESAC. The Assistant Environmental Minister of Peru, Mariano Castro, publicly recognised the impact of CARE and Ruth’s leadership in the decision to suspend the dams: “Ruth Buendía’s leadership led to the rights of the Asháninka people to be recognised. Projects that were threatening their habitat have been substantially revised to avoid further damage to her community” (in GEP, 2014a).

The following year, Odebrecht decided to withdraw from the Tambo 40 project. In a visit to Brazil, Ruth Buendía met with representatives of Odebrecht and the Brazilian Ministries of Foreign Affairs and Mining. In these meetings, Ruth warned them about the devastating impacts of the dams in the Asháninka Territory if the projects go ahead. In these meetings, she showed them a direct link between the terrors they suffered during the armed conflict and the strong likelihood of repeating them with the impacts of the dams. She explained to them: “In the name of the future, the terrorists of Sendero displaced us; in the name of ‘development,’ our government wants to displace us[...] How are they alike? Neither has asked us[...] Why should we always pay the costs of progress? They have always treated us like second-class Peruvians and asked us for first-class sacrifices” (CARE et al., 2011, p. 18). Those sacrifices were the thousands of human rights violations they suffered during the armed conflict, and the thousands more they will suffer if the mega-projects go ahead.

In contrast to the other cases in this thesis, in this case, the hydroelectric dam projects were at a very initial stage of their development. The grave human rights violation openly involving the corporation had not taken place yet. But, Ruth and CARE preventively reacted to the certainty of grave violations if the projects go ahead. They demonstrated the direct link between corporations and grave human rights violation if they did not cancel their participation in the hydroelectric dams. This reaction *braided* into the petition to stop the projects, the fresh memories of the devastation suffered by the Asháninka during the armed conflict. In the meetings in Brazil, including the meeting with Odebrecht representatives, she said: “if despite everything you do not listen to us, blood will run” (Zárate, 2014). The sense of danger and injustice was overwhelming. During the times of the armed conflict, “the Asháninka were obliged to celebrate the death of their loved ones, especially their relatives, to laugh at their death, drink *masato*

and cheer the Shining Path” (CVR, 2003, p. 256). Thus, if the construction of the hydroelectric dams goes ahead, they would be again obliged to death. Ruth said: “Although we contribute our blood and lives to the pacification of the country[...] the government brings us new threats: the concession of our territory to[...] the construction of a hydroelectric dam. We consider these violations of our territory, yet another violence that attacks our lives and existence as a People directly” (CARE, 2009).

With such an approach, CARE managed to show that corporations will be openly involved in human rights violations if they go ahead with the projects. They will be grave violations, comparable to the killing of thousands of Ashánikas during the armed conflict. Indeed, the preliminary evaluation carried out by Odebrecht established that there would be “forced displacement of more than 3,500 people living in the reservoir area. And their livelihoods, such as small agriculture, fishing and hunting, would disappear” (CARE et al., 2011, p. 18).

In the Asháninka *cosmovision* they killed the eagle. In their history, they joined the *Rondas* that counter the guerrillas and managed to overcome them. And, now, in the most recent times, CARE stopped the dams that will cause devastation, similar or worse to the armed conflict. Ruth had a powerful conviction to defend her people and the certainty that “neither I nor my people, the Asháninka, will surrender” (GEP, 2014c). It was a strong collective effort, as she recognised it when she was awarded the Goldman Prize in 2014 (GEP, 2014c). The same year, when Ruth received the Bartolomé de las Casas Prize, she highlighted that the impact of the Asháninka was based on two main virtues of her people “solidarity and unity” (El País, 2015). They managed to build a strong power from the territory.

Furthermore, Ruth and CARE also effectively *braided* into their actions a human rights framing. CARE summarised it this way: “Our Asháninka Indigenous people enjoy

human rights that are enshrined in the ILO Convention 169 and the United Nation Declaration on the Rights of Indigenous Peoples, as well as in the American Convention on Human Rights. All of these provide that States will undertake a process of [FPIC] to obtain the consent (or not) of the Indigenous peoples and communities that are potentially affected by[...] investment projects that are implemented in their territories” (CARE, 2010). Thus, this territorial power and framing, *braided* with the leadership of Ruth were crucial to counter those who wanted to portray her and her organisation as obstacles to development. She many times explained: “it is not that we do not want development[...] it is about development but with good faith[...] and respect for our rights and culture[...]” (Ruth Buendía in CasAmérica, 2013).

In 2011, “Odebrecht, the main shareholder in[...] the Tambo 40, announced its withdrawal from the project, citing the need to respect the views of local communities” (GEP, 2014b). Ruth and CARE managed to demonstrate the irregular concession process, the devastating impacts, and that “the Asháninkas will be subjected to violence for a second time” (Fowks, 2012). Even more, they showed the overt corporate involvement in grave human rights violation should the dams go ahead. CARE, with the leadership of Ruth, *braided action* and managed to lift human rights and achieve success

In sum, the case of CARE is an important addition to this study. It helps to understand the theoretical model when it operates in an early stage of the mega-project when it is only a plan, and only administrative steps have been taken (e.g., concessions). In those cases, veto power appears to be less violent and a bit more open to the influence of mobilisation, especially when the movement has a strong internal capacity, and manages to have great visibility and support. Furthermore, this case also highlights the comparable devastation of mega-projects with that of armed conflicts. And, very importantly, shows how the leadership of IWHRDs can be effectively *braided* with the

power from the territory and the human rights framing. Even in the face of attacks, with such combined internal power, the movement can react preventively to the overt corporate involvement in grave violations that will occur if a change in corporate practice is not produced.

Wayuu women in Colombia: “*Tejiendo la defensa del territorio!*”

“*Tejiendo la defensa del territorio*” -weaving the defence of the territory- is how Jakeline Romero Epiayúu describes the mobilisation process that she has led in La Guajira, together with other Wayuu women of the *Sutsüin Jieyuu Wayúu* (Wayuu Women’s Force -FMW)¹⁶⁴. The Wayuu people live in La Guajira peninsula, both in Colombia and Venezuela. In Colombia, they are 20 per cent of the national Indigenous population, and in La Guajira department, they are almost half of it¹⁶⁵. In the last two decades, FMW has been struggling against numerous human rights violations committed in the Wayuu territory, some in connection with the armed conflict and others with mega-projects. Several mega-projects affect them (e.g., El Cercado hydroelectric dam¹⁶⁶, the Jepirrachí wind park¹⁶⁷, the Colombia-Venezuela pipeline¹⁶⁸, and touristic resorts¹⁶⁹).

¹⁶⁴ Fieldwork notes.

¹⁶⁵ Other groups in La Guajira are afro-descendant communities, other Indigenous peoples (e.g., Bari, Yukpa), and other groups (e.g., Rom).

¹⁶⁶ In 2011, the State built El Cercado dam in the Ranchería river, to irrigate water and provide electricity to local communities. But, it has only served investment projects in the area (e.g., monocultures and Cerrejón) (EJAtlas, 2015; Noticias Caracol, 2014). The Wiwa Indigenous communities have been particularly affected by this project (Granados, 2013).

¹⁶⁷ This wind-park sells the energy to El Cerrejón. Empresas Públicas de Medellín -EPM- owns it, and it has the financial support of the World Bank.

¹⁶⁸ PDVSA owns it.

¹⁶⁹ Some are in Wayuu sacred areas, such as Jepira (Cabo de la Vela).

Cerrejón is the oldest and biggest of all. Two decades before the emergence of FMW in the 2000s, Cerrejón was already functioning there.

The arrival of the mega-project

In 1976, the State company Carbones de Colombia SA (Carbocol) was created to manage all coal resources in Colombia. The same year, Carbocol signed a *joint venture* contract with International Resources Corporation (Intercor) to develop the Cerrejón¹⁷⁰. Intercor is a subsidiary of Exxon (USA). The contract was for 33 years (until 2009). The exploration phase was carried out between 1976 and 1981. The installation took place between 1981 and 1985. The exploitation and commercialization went from 1985 to 1994 and then extended until 1998. Then, the contract was further extended for 25 years (until 2034). In 2000, Carbocol sold its 50 per cent share; and, in 2002, Intercor did the same. They both sold their shares to a consortium composed of Anglo American (UK), BHP Billiton (Australia) and Glencore (Switzerland). Currently, Carbones del Cerrejón Limited (Cerrejón) belongs to those three private corporations.

Cerrejón manages an operation that includes: the mine (five open pits), a railway of 150 kilometres, a port of exclusive use for their coal export, and a vast infrastructure of support (e.g., two airports, a roads system, lodging for 2,500 people, among others). The Cerrejón has a concession of 69,000 hectares of land in the south of La Guajira -the middle section of the Ranchería river basin. It is located among the following municipalities: Albania, Barrancas, Hatonuevo and Maicao. Until now, the Cerrejón has

¹⁷⁰ On the irregularities of the contract and the disadvantages for Colombia and the Wayuu people, see Chapter 5 in Ponce-Jimenez, I. (2006). *Wayúu women: Indigenous responses to neoliberal adjustments and constitutional reforms in Colombia*. Northern Arizona University.

used about 13,000 hectares of that land. The port -Puerto Bolivar- is in the north of La Guajira, in Bahia Portete, Uribia municipality¹⁷¹. The railway joins the mine and the port, dividing the Wayuu territory into two sections.

Before the arrival of the Cerrejón, these lands were almost entirely abandoned by the State. But, as the Cerrejón mine was a priority for the country's economy, the State started to have a different presence in the territory. The State created some institutional positions filled by Indigenous men who acted as leaders and negotiators of lands for the project (Jaramillo, 2014). Also, the military substantially increased their presence to guarantee the security of Cerrejón.

As soon as Cerrejón started functioning, the process of land accumulation began. There was no FPIC. The corporation acknowledges that “social aspects” of the operation “lagged” about international standards. Thus, after the recommendations of a 2007 expert panel, Cerrejón adopted a new social responsibility approach (Cerrejón, 2011, p. 23). In 2008, the Cerrejón created a system of foundations for the “sustainable development” of their operation¹⁷². It also publicly committed to respecting human rights¹⁷³. The Cerrejón has a human rights policy and has commissioned two human rights impact assessments (from 2010 to 2011, and from 2016 to 2017). Since 2010, it has a Complaints Office to address the negatives impacts of the operation (Cerrejón, 2019e)¹⁷⁴. Until recently and for more than six years, the person responsible for Cerrejón's social responsibility was Carlos Franco, the former director of the Presidential Human Rights Council of the

¹⁷¹ Uribia is also known as the Indigenous capital of Colombia, as it is mostly inhabited by Wayuu.

¹⁷² The foundations are dedicated to “progress” (alternative economic activities), “water”, “Indigenous development”, and “institutional strengthening” (of the public sector and civil society) (Cerrejón, 2011, pp. 62–63).

¹⁷³ As part of it, in 2017, they “trained 818 members of their private security and 4,239 of the public security forces on human rights, the Voluntary Principles, and Wayuu traditions” (Cerrejón, 2017b, p. 35).

¹⁷⁴ In 2017, for example, 264 cases were reported to this Office. Two hundred forty-eight cases were related to Indigenous communities: 213 were about animals being run over by the train, but Cerrejón does not say in its report what the other 51 cases are about (Cerrejón, 2017b).

Colombian government. The Cerrejón has received several recognitions for its environmental and social responsibility initiatives. But, it has also faced numerous complaints about human rights abuses.

Cerrejón produces about 32 million tons of coal every year, and they are half of the total exports of Colombia (Cerrejón, 2011). The coal mainly goes to Europe, the Mediterranean and the USA for electric energy generation. This mine directly employs more than 6,000 people, and 67 per cent of them are from la Guajira (Cerrejón, 2018b). But, only a very small percentage are Wayuu¹⁷⁵.

In the 2010s, the Cerrejón sought to expand its operation. There is a plan to deviate the Ranchería river (Cerrejón, 2011), and a plan to deviate the Bruno creek -a tributary to the Rancheria- (Cerrejón, 2019a). Both are fundamental sources of water for the Wayuu and other local communities in La Guajira, which is mostly a desert area.

Origins and background of the FMW mobilisation

When FMW originated, the Cerrejón had already been functioning for more than two decades. In those decades, other Wayuu women-led organisations addressed Cerrejón's impacts. In 1982, Wayuu leader Remedios Fajardo co-founded Yamana. It was the first cross-clan organisation in La Guajira and the first to challenge the adverse effects of Cerrejón (Chomsky, 2002). Yamana has managed key achievements (e.g., to protect a sacred mountain) (CNMH, 2010, p. 182), and has joined efforts many times with FMW (FMW, 2018).

¹⁷⁵ In 2012, only one per cent of the employees were Wayuu people (Molano, 2012). After that year, the Cerrejón's reports available on their website do not desegregate the number of employees by Wayuu people.

In the last two decades, FMW has been very visible in the struggle against the abuses related to Cerrejón, and Jakeline Romero Epiayuu has been one of the most vocal leaders. The Wayuu people is a decentralised culture. It is a people composed of about 30 clans identified by the maternal bloodline. Jakeline is part of the Wayuu Clan Epiayuu. She is from the *resguardo* El Zahino¹⁷⁶, in Barrancas municipality, one of the areas impacted by Cerrejón¹⁷⁷. In 1976 Cerrejón started works, and the same year Jakeline was born. In her childhood, her family was hopeful about the progress promised by Cerrejón.

Jakeline's uncle, Venancio, was an authority in her community and one of the many Wayuu who initially worked in the mine. "I remember him saying, and excuse my language, but he had a job cleaning the bathrooms[...] this land belongs to us, why am I cleaning the gringo's shit?'" (Jakeline Romero in O'Doherty, 2019). Venancio became a critical voice. Later, he was forcibly disappeared. Jakeline's family never knew who were the perpetrators of this crime. Another uncle tried to enquire about it, but soon after he was killed in circumstances that are yet to be clarified. There was a climate of fear, and Jakeline's family did not search for justice.

As there is no secondary school in El Zahino, Jakeline had to go to Barrancas to finish school. And, similar to Ruth Buendía, to provide for herself, she became a housemaid in a relative's house. Once she moved out of that house, she could participate in community activities. At the end of the 1990s, she was the first Secretary of the Association of Indigenous Authorities and Cabildos of the South of La Guajira (AACIWASUG). AACIWASUG groups the Wayuu communities in Hatonuevo, Barrancas and Fonseca municipalities. AACIWASUG is a member of the National

¹⁷⁶ A *resguardo* (Indigenous reservation) is a socio-political-legal institution that protects Indigenous collective property and autonomy (López, 2018).

¹⁷⁷ The Zahino is not considered an area of influence by Cerrejón. It should be five kilometres away for such recognition, and it is eight kilometres away from the mine (fieldwork notes).

Indigenous Organisation of Colombia (ONIC). When Jakeline returned to her community as a school teacher, she continued to be a leader of AACIWASUG.

In the early 2000s, the armed conflict was particularly intense in La Guajira. Many Indigenous communities were targeted by the paramilitaries, including Jakeline's family. FMW originated in response to the grave crimes committed by the paramilitary. In April 2004, a group of about 50 paramilitaries (self-denominated the Wayuu Contra-Insurgency Front) committed grave crimes against the Bahia Portete community to punish the leadership of Wayuu women¹⁷⁸. Karmen Ramírez Boscán founded FMW, together with women from Bahía Portete¹⁷⁹, and her community -the *Ranchería Campamento*¹⁸⁰. It was a way to respond to the grave crimes they suffered. Karmen is from the Clan Epinayu in Maicao municipality. She is a gran-daughter of Francisco "Franco" Boscán Bonivento, co-founder of Maicao and traditional authority. In December 2001, Franco, who had opposed the paramilitary presence in La Guajira, was shot dead. In May 2004, paramilitaries killed his oldest son and leader of the clan, Wilmer "Cacipa" Boscán Ureche. FMW was born to make visible these and many other crimes in their territory.

In their daily activities, Wayuu women started to talk about the horrors of the armed conflict and the work of FMW. Jakeline Romero was invited to participate in the organisation, a couple of years after it had originated. A colleague from work¹⁸¹, who is

¹⁷⁸ This attack involved several grave violations that fractured Wayuu unity and identity. The massacre broke the ancestral Wayuu code of war in several aspects. The paramilitaries used a dispute between two Wayuu *clans* to carry out the massacre and involved Wayuu women in carrying out the attack. These violations to their ancestral war codes were particularly traumatic. But, they were effective for the paramilitaries, who wanted to gain control over the territory (e.g., port), for illegal businesses (e.g., drugs trafficking). These crimes were also used to ratify the stereotype of the Indigenous Wayuu people as an uncontrollable group of dangerous armed criminals (CNMH, 2010).

¹⁷⁹ At one point, the women from Bahia Portete continued in a separate organisational process, given the complexities of their case.

¹⁸⁰ A *ranchería* is a Wayuu community. It groups several *ranchos* (traditional Wayuu house). They are linked by kinship and economic activities (e.g., the *roza* -crops-, and the goats' pen).

¹⁸¹ At the time she was working with a Foundation hired by Cerrejón to work with seeds.

part of FMW and knew about Jakeline's leadership, told her about it. She was immediately interested. In 2008, she joined the organisation. She felt identified with their objectives, values and experiences. Initially, Jakeline also continued with AACIWASUG; but she then fully dedicated to FMW. Given Jakeline's leadership in the south of La Guajira, she became particularly active there, where the Cerrejón mine is located.

Initially, FMW focused only on the rights of victims of the armed conflict. But, visiting the communities, many serious concerns about the Cerrejón emerged. FMW realised that the communities were alone fighting a giant. To solve any conflict or issue the Wayuu have the *Suküaipa*. It is an ancestral justice system based on the power of *pütchi* (words, dialogue and reconciliation). The *Pütchipu* or *palabrero* is the carrier of *pütchi*, who can mediate and straighten situations. However, this traditional form of addressing conflicts and abuses could not be applied to respond to the human rights violations they have suffered during the armed conflict or in relation to the coal mine. Jakeline wondered: "To who were we going to send the 'word'?"¹⁸².

FMW saw then the need to create alliances among the affected communities and broader networks of support. The mine became a central matter of their work. After several preparatory activities, in November 2008, FMW led the Caravan for *Woumainkat* (our mother earth). With this activity, they fully embraced the issue of extractivism in their work. About 80 women, and many others supporting them, visited communities in the high, middle and south of La Guajira. They better understood the impacts of Cerrejón, and the need to campaign against all forms of violence against *Woumainkat*, the "biggest woman" of all (FMW, 2009).

¹⁸² Fieldwork notes.

FMW accompanies communities impacted by the project, and the communities themselves challenge the corporation directly. This understanding of leadership and *action* has been key to build power and unity from the territory, overcoming the challenges of a decentralised culture. They have focused their efforts on strengthening the struggles of the affected local communities, accompanying them, joining and *braiding* their efforts with their actions and petitions. Thus, they advocate for them and train them on their rights and communication skills for a better stand on negotiations with the State and the corporation, among others. While supporting the communities, FMW has also respected their leaderships. Thus, many times FMW has not been visible in the public scene. Cerrejón has asked FMW to communicate directly with them, but for FMW, it is clear that the dialogue is not and should not be with them, but directly with the affected communities. FMW listens to Cerrejón through the affected communities¹⁸³.

In FMW they are now 25 Indigenous women leaders, several other men and about 250 communities and local organisations across La Guajira who are allied to them. They have also extended their action network to women in other Indigenous communities. They are part of the Indigenous Women Network of the Caribbean and the Women Human Rights Defenders National Network, among others.

Efforts to overcome social division

The Wayuu never negotiated with the corporation or the State as a people, and FPIC was not in the law when the Cerrejón arrived in their territory. From the outset, the corporation worked with those in favour of the project and relegated those who were

¹⁸³ Fieldwork notes.

critical about it. The government and the transnational corporation managed to co-opt several leaders (Jaramillo, 2014; SIEC, 2008). Lands were negotiated with the decision-makers of the affected families, usually men. Negotiations were about the economic compensation for the dispossession of their lands (Balch, 2013; Girado, 1998). Such negotiations and compensations caused further divisions within and among clans and communities.

Thus, a central aspect of FMW's action is "to create alliances among the affected families and communities, and that people support each other," explains Jakeline¹⁸⁴. It is, for example, the support they provided to Tamaquito. It was a Wayuu community only a few kilometres away from the mine. They were approached by the Cerrejón for compensation for their "voluntary displacement". Some community members were tempted to accept the offer, but others were very concerned about it. There was a critical moment when the company made offers to different families and created divisions. In this context, the Wayuu leader of Tamaquito, Jairo Fuentes (23 years old at the time), who had heard about FMW, sought their support. In the view of FMW, to address such a situation, they had to know about their right to FPIC. Both mobilisations -Tamaquito and FMW- articulated in one, and training on FPIC was carried out. After a long process, insisting on the value of the *pütchi* for the Wayuu and their right to FPIC, Tamaquito negotiated its relocation as a community (not as families with diverse compensations). They are now in Tamaquito II. From that experience, a key strategy for FMW was born: an itinerant school.

FMW has carried out numerous workshops¹⁸⁵. But, the "School of Indigenous Women and Other Forms of Wisdom" has been a fundamental strategy to advance unity,

¹⁸⁴ Fieldwork notes.

¹⁸⁵ For example, after the 2016 Peace Accord, FMW created the "Itinerant Forum – Knitting Memory, Peace and Harmonisation of the Wayuu Victims" (FMW, 2018).

and built upon the autonomy and perseverance of the communities. Over 200 Indigenous women from the Wayuu people and many other ethnic groups have participated in the School (FMW, 2016). The School is a way of “stringing together rights and force among the peoples” (FMW, 2013a). Evelin Acosta Ipuana, a leading member of the FMW, explains “We give tools to claim our rights[...] We thought of first teaching women because we saw the opportunity to teach among ourselves [women], and to have a force to face all [the challenges] we experience in the territory but in a strategic alliance” (FMW, 2014). This power and unity are based on the conviction to defend the territory, the “biggest woman of all”, and on the fundamental role of an alliance of women in it.

However, the top leaders and decision-makers in the Wayuu people are men. Generally, the assumption is that women are the leaders of the Wayuu people because it is a matrilineal culture. But it is not a matriarchal one, and the *alaiïla* or maternal uncle is the *clan*'s top leader. “The natural leadership rests in the *alaiïla*, from there derives the representation of the *apüshi* [or family clan] in the Wayuu society. [And,] the principle of the clans' autonomy is based on the visibility of the [male] leader in the Wayuu society” (NotiWayuu, 2017). The Wayuu women have had other important leading roles, but not decision-making (e.g., interacting with the external world and mediating with the *alijuna*¹⁸⁶) (Mancuso, 2005; Ponce-Jimenez, 2006).

Thus, as decisions and leadership have mainly been in the hands of traditional authorities, FMW has faced many challenges to gain top leadership. They have been questioned for the leadership of women and the impact of their mobilisation in their culture¹⁸⁷. There was a moment FMW criticised the management of the economic resources by the leaders of the Wayuu reservations, and the women were attacked. They

¹⁸⁶ An *alijuna* is a non-Wayuu person.

¹⁸⁷ Fieldwork notes.

faced a misogynistic campaign in social media, instigated by the male leaders of some communities. Also, because of their Itinerant School, they were accused of “changing” women. Some men did not like that women were starting to raise their voice. Thus, FMW explicitly addressed the situation. They explained that they did want to take the place of traditional authorities, and managed to transform this tense moment into an opportunity to open the path for more effective leadership. FMW argued that they only wanted their “*pütchi*” -word- to be respected, as a fundamental pillar of their culture. This approach rooted in the power from the territory allowed them to become a loud voice of unity among the diverse Wayuu communities. They have managed to persevere in their mobilisation, uniting many people across *clans* and *braiding* their actions with a large network of support.

Intensification of the mobilisation in the face of repression

In the early 2010s, FMW was supporting communities facing more than three mega-projects at the same time¹⁸⁸. One of those was Cerrejón’s expansion plan “P-500 Iiwo’uyaa” (Cerrejón, 2011). To duplicate productions, the company planned to deviate the Ranchería river for 26 kilometres; it would allow them to access 500 million tons of coal underneath the basin. The area was already included in the concession to Cerrejón. The government had already authorised the expansion of the railway and port; and, in 2005 the Ministry of the Environment approved new mining areas in the unified environmental permit. However, Cerrejón stated that the unified permit was pending the

¹⁸⁸ There were, for example, Cerrejón with its expansion plans; Pacific Rubiales with plans of oil exploration; and, CCX for coal exploitation.

approval of some modifications for the deviation of the Ranchería river and it was important to consult the groups of interest (Cerrejón, 2011).

In a desert area such as La Guajira, water sources are highly appreciated. Even more, the Ranchería river (with all its tributary streams), as it is the only river in that department and it feeds water channels in the subsoil that are accessed by the communities. The plan to deviate the Ranchería was alarming, especially in a context where hundreds of Wayuu children have died for dehydration and malnutrition (CIDH, 2015b, 2017d, 2017e). At the core of FMW mobilisation is the Wayuu's profound relationship with nature and those main bodies of water. Jakeline explained: "for us, water is a sacred body that should be in its place without anything that interrupts it[...]. Mining activity is a spirit of illness that arrived in the territory to devastate it and to perforate mother earth's womb[...]. We simply cannot put a piece of coal on the plate to eat it" (Radio Nacional de Colombia, 2017). The centrality and connection with their territory are also reflected in their ancestral spiritual leaders, the *Oütsü*. They are women healers, who represent the energy of Mother Earth and communicate with it through dreams. They can heal others, connecting "the environment, nature, everything that's alive, animals, myself and my interior" (Leonor Vilorio in Abad, 2009).

Thus, FMW and many other organisations positioned the issue of extractivism and the lack of water in La Guajira as a national concern. They managed to show how the company's expansion plans could further deteriorate the already critical situation that the Wayuu and other communities in La Guajira were facing. However, the corporation contested them¹⁸⁹. But, FMW carried on with the mobilisation. In August 2011, FMW,

¹⁸⁹ For example, overconsumption of water by Cerrejón was one of the concerns mentioned. It consumes 34,903 cubic metres of water a day, whilst the local communities only use between 2,000 and 5,200 cubic metres a day, and it has developed a desertification process in the Ranchería river (CIDH, 2015b, p. 2). But, the company argued that 90 per cent of the water they use is of low quality and not for human consumption (Cerrejón, 2018a; Ocampo & Cerrejón, 2015).

AACIWASUG, FECODEMIAGUA, the Committee of Cañaverales, Reclame Guajira and Sintracarbón created the Civic Committee of La Guajira Facing Large Transnational Mining. It was a way to defend the communities that were most affected by the negative impacts of extractivism. Three months later, FMW and other members of the Committee, met with more organisations (e.g., ALEWAJILAWA, ANUC), and representatives of 14 Wayuu Indigenous communities, three afro-descendant communities, and eight *campesino* communities in Provincial municipality. They all were very concerned about Cerrejón's plan to deviate the Ranchería river. At the core of the debate was the need to have a prior consultation. Affected communities were worried, among others, about the pressures to accept the expansion project, the families' division, the negotiations with some individuals and not with the communities (FMW, 2011). The event finished on 25 November, international day for the elimination of violence against women, with a historic mobilisation to say "NO to mining in our territory" (FMW, 2011). In the event, they denounced the intimidation suffered by some leaders and discovered that members of the military had infiltrated the protest, using plainclothes and carrying guns (FMW, 2011).

In March 2012, the Provincial Wayuu community rejected the invitation of the government to be consulted about the expansion of Cerrejón. They said: "the State consultation process has been designed with the hurry to make money[...] Instead of this, we will develop our internal process, which transcends the spirituality of our people and requires a different timing[...] It is about the survival of the Wayuu and our identity" (FMW, 2012). The same month, Angelica Ortiz, a Wayuu leader of FMW, presented the grave situation before the IACHR (FMW, 2012).

Two months later, El Zahino community said NO to mega-projects. They rejected all consultations, and other communities followed suit. But the concessions continued to

be valid (FMW, 2019). The next month, the Grand Forum on the Impacts of Large-scale Coal Mining, held in Riohacha, concluded: “la Guajira says NO to the deviation of the Ranchería river[...].” (FMW, 2012). More than fifteen organisations -including FMW- organised the event. And more than 600 people participated, including Indigenous leaders, communities’ representatives, NGOs, politicians, and academic experts, among others. In this context, to defend the Ranchería river, FMW together with many other organisations (e.g., CINEP, CENSAT, CAJAR, INDEPAZ) and many communities, created the Civic Committee for the Defence of La Guajira. Congresspeople and Cerrejon’s Union joined them to support the communities¹⁹⁰.

In July and August 2012, an expedition to the Ranchería river, to diagnose the situation and to unify the communities, took place. It was led by several organisations, including AACIWASUG, FMW and the Lawyer’s Collective José Alvera Restrepo (CAJAR) (CAJAR, 2012; FMW, 2012). The Cerrejón insisted on the importance of “previous consultations”. However, before starting them, Cerrejón had already signed pre-agreements with some community leaders, who had agreed to receive horses, goats and *jagüeyes* in exchange for their support. Senator Jorge Robledo asked for an investigation into the “fake consultations” and denounced the situation before the National Congress. Robledo provided evidence of 66 (pre)agreements signed by representatives of Cerrejón, some communities and the Ministry of the Interior (El Heraldo, 2012). The General Comptroller of the Republic, Sandra Morelli also publicly rejected the irregular agreements (Cuevas, 2012).

Few days after these public reports, Cerrejón announced the suspension of the “P-500 Iiwo’uyaa” project. The company argued that this decision was due to the low price

¹⁹⁰ The Union SINTRACARBON has joined efforts with the movement on several occasions; for example, the 2013 demonstration against the negative impacts of the mine, which denounced that 700 workers’ health was affected by coal’s dust, among others (FMW, 2013c).

of coal in the international market (Bnamericas, 2012; Cerrejón, 2012; RCN Radio, 2012). For Jakeline Romero, this was a crucial collective achievement; but, she does not consider it a full success as it is only a suspension and not a cancellation. The concession and permits are still valid, and the project can be reactivated.

In fact, despite the argument about the low price of coal, Cerrejón was already progressing with another expansion project. Soon after, the communities learnt about the Cerrejón's project "La Puente", which requires to deviate the Bruno creek (a main tributary stream to the Ranchería river) for 3,6 kilometres. This way, Cerrejón could access 35 tons of coal, maintaining its production level. The Bruno creek is an important source of water, especially during the dry season, as from it water is brought to several communities. But for the Cerrejón, this expansion project only affects one community; and, they were already consulted (Silva, 2015).

In November 2014, the National Agency for Environmental Licences (ANLA) issued a resolution approving the deviation of the Bruno creek, among other water streams deviations¹⁹¹. Also, Corpoguajira approved the mine expansion in that area. The communities' and local authorities' decision to reject these projects was not taken into consideration. When the works to deviate the Bruno started, the communities had not been consulted. From all the affected communities, five joined efforts with FMW; others decided to mobilised with their legal advisers.

In early 2015, FMW led the campaign "We are all the Bruno creek!". They carried out several activities to explain that "to deviate the Bruno is like to cut the veins of Wounmainkat, our mother earth[...] the Cerrejón and its impacts are like a constant rape

¹⁹¹ Local communities argue that at least eight creeks have been lost due to the mine's impacts, water has been contaminated, and several other streams have been diverted (e.g., Aguas Blancas and Tabaco creeks) (OCMAL, CENSAT, & Broederlijk Elen, 2019).

of Wounmainkat[...] Yes to life, no to the prolonged death of Wounmainkat!” (FMW, 2015). In March 2015, in Riohacha, the Civic Committee for the Defence of La Guajira led a Forum on “the defence of the Bruno creek, the health and the environment”, and invited the company to explain the project (El Heraldó, 2015). The following months the demonstrations in defence of the Bruno creek continued (e.g., in front of Corpoguajira, in Riohacha) (FMW, 2016).

In May 2016, in response to a *tutela* filed by Wayuu leader Lorenza Gil Pushaina from La Horqueta II community, the Administrative Tribunal of La Guajira suspended the licences granted by Corpoguajira and ANLA to Cerrejón to deviate the Bruno creek. La Horqueta II, composed of 80 Wayuu families, would be directly affected and had not been consulted. In December 2016, this judicial decision was confirmed by the *Consejo de Estado* (Supreme Administrative Court). The Court also found that some communities have been consulted, but only those that were far away, not the most affected (El Espectador, 2016). In July 2016, FMW presented the report “the water is ours, it is a right for humanity and not for multinationals” before the UN Experts Mechanism on Indigenous Peoples. And, the next month, FMW presented a report on their situation before the UN Committee on Racial Discrimination. At the end of the same month, the National Indigenous Minga (gathering) started, and over 500 Wayuu people joined it “to defend the Bruno Creek” (FMW, 2016).

A year later, the Constitutional Court began to study the *tutelas* filed by La Horqueta II, La Gran Parada and Paradero communities (El Espectador, 2017). It ordered to maintain the deviation project’s suspension. As part of the proceedings, there was a verification visit to the territory.

In September 2017, FMW was awarded the National Prize for the Defence of Human Rights, by Diakonía, and the Swedish government. It was a recognition of the

impacts of their actions. “[T]his prize is a way to protect us from stigmatisation and persecution[...] today with this prize our voice is even stronger,” said Jakeline in the award ceremony (FMW, 2017).

On 28 December 2017, the Constitutional Court of Colombia issued the decision SU-698 in favour of over 30 Wayuu communities. The Court considered that there were many uncertainties about the impacts of the Cerrejon’s expansion project “La Puente”. The Court ordered to give continuity to the Interinstitutional Working Group, composed by representatives of the company and 15 State institutions at national, departmental, municipal and local levels. The Court also ordered the Group to include representatives of the communities and their organisations. Furthermore, it ordered to keep the project’s suspension and to re-establish the natural riverbed until the completion of a technical study (Corte Constitucional de Colombia, 2017b, 2017a). However, in June 2019, the communities and their organisations denounced that, contrary to the Court’s decision, they had been excluded from the Group and its decisions. Furthermore, they denounced that the Group decided not to return the Bruno to the normal riverbed (La Gran Parada et al., 2019). Indeed, in 2019, the Cerrejón culminated the deviation of the Bruno creek (Cerrejón, 2019a).

In light of the situation, the affected communities, FMW and their network of support decided to file a complaint against the environmental licence of Cerrejón. The licence was granted in 1983 and has been modified over 60 times for the different projects (e.g., mine expansions). As the licencing process has been done in a fragmented way, the actual impact of the whole operation on the communities has never been consulted. Moreover, such licence and its many modifications have not been updated to the standards of the 1991 Constitution, which protects Indigenous rights. In February 2019, FMW, the communities and their network of support filed a legal complaint requesting

the revision of the environmental licence and its modifications. This complaint was signed by three Senators, representative of the Communities, CAJAR, and Jakeline Romero from FMW.

On 6 August 2019, the complaint was admitted by the *Consejo de Estado*. Ten days later, the Cerrejón publicly rejected the claim (Cerrejón, 2019c). It publicly declared that the company was facing imminent closure as a result of the complaint against its environmental licence (Cerrejón, 2019c; El Tiempo, 2019; Portafolio, 2019b). On 26 August 2019, FMW and all the plaintiffs had to publicly clarify that they were not requesting the closure of the entire operation or the loss of all jobs (FMW et al., 2019). This clarification had to be made as FMW and others involved in the complaint were threatened with death. For example, Jazmín Romero Epiayuu, a leading member of FMW and sister of Jakeline, received a threatening text message. It accused them of “attacking the Cerrejón company, to the point that with your stupid complaints you managed to close it[....] death [to you] guerrilla rats[....]” (extract published in Sintracarbón, 2019).

That threat was the latest in a long series of attacks against FMW during the entire mobilisation process. Some members of FMW had to leave the country to protect their lives, such as their founder member Karmen Ramírez¹⁹². Many of the attacks have coincided with key moments of their mobilisation against the abuses related to the Cerrejón. On 5 May 2014, Jakeline Romero’s daughter, 15-years-old Génesis Gisselle Gutiérrez Romero, also a member of FMW, received a death threat. At the time, a Wayúu delegation, including Jakeline, was visiting Europe to talk about the situation of the Wayúu, including issues related to Cerrejón.

¹⁹² On 23 September 2004, the IACHR granted precautionary measures in favour of Karmen and three other leaders of the FMW.

On 13 December 2016, Jakeline received a text message threatening her with the disappearance of her mother and violence against her daughters. It also said, “let us work[...] live and let live” (FMW, 2016). The message arrived when Jakeline was participating in a working group on the right to prior consultation, with representatives of the State and international cooperation.

In May 2017, Jakeline suffered a defamation campaign in social media. She was falsely accused of communities funds mismanagements. A year later, pamphlets with a death threat and a paramilitary group logo were left on the railway of the Cerrejón. FMW was accused of “hindering development” and was declared a target. The threat was made when a member of FMW was in a meeting in London with corporate representatives (FMW, 2018). In April and May 2019, several members of FMW were threatened again by the same paramilitary group. This time, the threats coincided with Jakeline’s visit to Ireland, where she was presenting Cerrejón’s negative impacts. There are based a company that buys coal from Cerrejón for energy production, and Coal Marketing Company, which commercialises the coal produced by Cerrejón (FMW, 2019).

Furthermore, for several years, the Ombudsperson Office has documented a human rights crisis in La Guajira, where social leaders -including FMW- have been particularly vulnerable to attacks (Defensoría del Pueblo, 2019a; FMW, 2010). In addition to the pressing needs and problems of daily life, and the human rights violations communities have suffered, they have also been targeted and attacked for raising their voice in defence of their rights. Jakeline explains how addressing challenging situations is like changing *mantas* (the ancestral Wayuu dress for women). “The organisation has allowed us to heal. It is a space with women and for women [... But] when the threats started, fear and terror invaded me[...] Fear is like a *manta*. It is like a *manta* that falls on me when I am threatened. But, after, I have to take it off and wear the *manta* of

braveness to carry on[...] I coexist with fear, but I do not let it dominate me” (Radio Nacional de Colombia, 2017).

Most attacks suffered by the Wayuu IWHRDs have coincided with key moments in their mobilisation process against the abuses by Cerrejón. But, the mere timing coincidence is not evidence of their involvement, and it cannot create a *harnessing* force. Moreover, Cerrejón has actively worked to counter any possible link to such situations of abuse. It has shown a commitment to human rights, both rhetorically and with some formal measures. From 2016, the company has proactively and publicly expressed “concern” about the attacks against FMW, seeking to detach any possible insinuation of a connection with the mine. And, it has called on the Colombian authorities to protect them. For example, in May 2019, Guillermo Fonseca, President of Cerrejón, stated: “On behalf of myself and Cerrejón, I want to express our repudiation of the threats” (Cerrejón, 2019b). The latest threat in August 2019 is the only moment where one could see how the corporation’s public response to the complaint generated a negative and dangerous environment for the defence of human rights. But, even then, the company replicated rejecting the claims and the threats received by the plaintiffs (Cerrejón, 2019d). Yet, the situation was not sufficient to produce a *harnessing* mobilisation force.

Such very strong veto power has been used to stop claims of corporate abuse. Cerrejón counts with very robust and proactive communications, legal and political strategies¹⁹³. In 2017, for example, Cerrejón rejected the GW report “defenders of the earth” (GW, 2017b), which includes the case of FMW. “We have never ignored the threats received by local leaders[...] We categorically reject the baseless accusations or

¹⁹³ It has, for example, a very comprehensive website in English and Spanish where, among others, its sustainability reports and nine policies -one dedicated to human rights- are available. Also, according to the organisation Business and Human Rights Centre, the Cerrejón has a 100 per cent response (BHRRC, 2019b).

the insinuation that link us to those situations[...] In regards to prior consultation[...] Of course, there are challenges, but we seek to resolve them through dialogue and in good faith[...] we have never violated or provided support to the violation of human rights” (Cerrejón, 2017a). However, such a statement is contrasting with the most recent threats against FMW and the latest Constitutional Court decision on the impacts of Cerrejón.

In December 2019, the Court issued the decision T-614-19 determining that Cerrejón has not complied with the Due Diligence standard of the UN Ruggie Principles, violating fundamental rights of the Wayuu community Provincial. After more than a dozen of decisions ordering the company and relevant State institutions to protect fundamental rights of affected communities (e.g., judicial decisions SU-698 de 2017, T-704 de 2016, T-256 de 2015 and T-528 de 1992), once more the Court had to order the same (Corte Constitucional de Colombia, 2019; El Espectador, 2019).

FMW has *braided* strong human rights framing through communications, political and legal strategies. The legal strategy of FMW and the communities has been a central aspect of their human rights framing. In general, at least 25 legal actions have been taken by affected communities against the State and the corporation (e.g., popular actions, civil claims for remedy and reparation, criminal suits, among others) (EJAtlas, 2018a). In the case of FMW, they have filed several legal complaints regarding the attacks targeted at them, as well as claims regarding the corporate expansion plans and the displacement of communities. The protection measures granted by the IACHR and by the governmental Unit of Protection have reaffirmed the legitimacy of FMW and the need to protect them. As part of their actions with local communities, other complaints have been filed by the communities’ representatives, with the support of FMW and their network of support (e.g., CINEP, CAJAR, CENSAT). In addition to this strong legal strategy and the many advocacy actions in the territory and abroad, the Itinerant School

has been key for their communications¹⁹⁴, as well as the *Putchimahana* Wayuu communications network¹⁹⁵. With this network, combining their ancestral traditions and the new technologies, FMW has gained more attention to the situation, and this way they have also kept the youth connected to their ancestral roots and out of the armed conflict¹⁹⁶. It, in turn, has strengthened unity, while securing the continuity of the mobilisation. FMW has *braided* a strong internal capacity, and although there are still challenges for their territorial power, they have contributed to fundamental impacts (e.g., the SU-698) that have created some pressure on the corporation; but, a change in corporate practice is yet to be produced.

In sum, contrary to TAYJASARUTA and CARE, when the FMW emerged to defend the communities rights from the abuses connected to Cerrejón, it was already a fully functioning mega-project with very strong veto power. FMW emerged in a context where communities were already divided by the mine, the armed conflict and their people's ancestral structure and traditions. Despite those challenges and dominant patriarchy, FMW has managed to *braid action* generating a powerful force to pull human rights up. But even then, with favourable decisions of the most important courts and the support of high profile figures and international bodies (e.g., senators and UN representatives), the weight has not been lifted, and a change in corporate behaviour has not been produced. This case confirms the theoretical framework as, despite a strong internal capacity, the external factor is weak, and the movement has been unable to generate *harnessing* mobilisation force. Furthermore, it also shows how the more

¹⁹⁴ It educates on their traditional knowledge and human rights standards (e.g. ILO Convention 169, women's rights and CEDAW).

¹⁹⁵ FMW created this network in 2014. Miguel Ramírez Boscán has led it. Their blog and its section NotiWayuu has been crucial to communicate the situations that they face, <http://jiejyuwayuu.blogspot.com/>

¹⁹⁶ The struggle to stop the deviation of the Ranchería river and the Bruno creek also gained visibility with the website launched in 2013 by FMW's network of support: "La Guajira speaks to the country", <http://guajira.extractivismoencolombia.org/menu-principal/>

advanced and established the mega-project, the stronger the veto power of corporations. And, how -as in the case of Mexico- there is a danger in the formal use of a human rights language by corporations. It can thwart the efforts of mobilisation, *fraying* the strands of the *braid of action*.

Comparing the Three Cases – Key Aspects

The three cases added in this chapter confirmed the theory that emerged from the two previous empirical chapters. TAYJASARUTA, CARE and FMW *braided action* from a solid conviction to defend the territory. And, they mobilised from it and with it transforming the territory into a strong mobilisation power. The conceptualisation of the territory provided by the Sarayaku offers a powerful understanding of their perception of mega-projects as attacks on them as a whole. It means, as part of a territory that includes inseparable social, natural and spiritual dimensions. Thus, as they are attacked as a whole, they also respond as such and in unity. The case of FMW confirms the relevance of such unity and power in the territory, by showing the contrasting experience of communities divided by the armed conflict, the mega-project and the ancestral structural social division among autonomous clans.

In the three cases, the effective leadership of indigenous women managed to overcome dominant patriarchy -even present in a matrilineal culture, and they all managed to reach top leaderships adding power to the *braid of action*. Furthermore, the three cases highlight the role and life-history of prominent IWHRDs, but they also reaffirmed the fundamental role of other women in their experience of power and resistance. Thus, their leaderships have a strong collective aspect that is rooted in

women's support. It helps them to emerge as leaders, to sustain in the face of the daily life struggles and the attacks targeted at them, and to advance with their claims.

Raising their voices-making visible the situation of abuse and reaffirming their struggle in the face of attacks and silencing actions, IWHRDs-leaders also help to braid a human rights framing. The three cases confirmed the legal, political and social *ropes* of this additional *strand* that reaffirms and legitimates the claims and actions of the movement. The strategies used by each *rope* of the human rights framing *strand* varies among the three cases but emphasises legal actions, both protective and judicial. They all interweave domestic and international support gaining further attention in strategic scenarios, adding power to the *braid of action*.

Therefore, the three movements developed a strong internal capacity and, in principle, all were in a position to produce success. But the variation in the fourth factor seems to challenge my model. However, it allows me to confirm the importance of understanding the power of the *braid of action* in relation to a larger model that also considers external factors. The fourth factor builds upon the cycles of contention theory. Thus, the unsettling nature of a grave human rights violation overtly involving a corporation (e.g., a sever act of repression) and the movement's reaction to it can add power to the *harnessing* mobilisation force. While the Sarayaku case confirms this dynamic, there is an apparent contradiction in the Asháninka and Wayuu cases with similar factor, but opposing outcomes: success and non-success. The non-success of FMW could be easily attributed to the combined weakness of a medium level territorial power with the low presence of an external factor. The mere temporal coincidence of attacks with key mobilisation moments does not amount to an unsettling moment that allows the movement to react and add power to the *harnessing* mobilisation force. But, how to explain this regarding the Asháninka case, where all three internal factors reached

a strong strength, and the external factor is yet to occur? Ruth and CARE managed to overcome the “absence” of the external factor adding a *rope* of the recent memories of armed conflict. CARE managed to show that if the mega-projects go ahead, they will inevitably bring similar devastation. And, it will imply the overt participation of corporations. Thus, CARE overcame the absence of the fourth factor preventively. Meanwhile, although FMW finds a temporal coincidence between attacks and actions defending their rights from abuses connected to the mega-project, the corporate actor uses a strong power to reject any claim linking them with that. Therefore, the solo temporal coincidence is insufficient to harness mobilisation power. Furthermore, veto force thwarts any effort to find and show a possible link. Thus, there are important differences; and, they seem to be related to the stage of the project. The Sarayaku case confirms this additional consideration to the *braided action* theoretical model. Hence, the least advance the project, the more likely the possibility to impact on corporate practice. The more established and developed the mega-project, the stronger and more sophisticated the veto power used to thwart the efforts of IWHRDs-led mobilisation (e.g., integrating a human rights language that does not translate into compliance, not even if it is ordered by several judicial decision of the highest courts in the country).

In this vein, this last comparison also confirms the relevance of integrating and adapting the Archimedes’ Lever model to my analysis. Thus, the *braid of action* needs more or less force to lift human rights, also depending on the force applied by veto power. In essence, in a minimally favourable context, once the Indigenous women-led movements manage to overcome adverse conditions and the many challenges of daily life and attacks, achieving a strong *braid of action*, veto power is the only barrier to success. The next part of this chapter will further test the theoretical framework with a QCA methodology that uses a Boolean minimisation process.

Qualitative Comparative Analysis of All Selected Cases

Having studied the last three selected cases for the analysis, I will now compare them in the following Truth Table (Table 8). It also includes the cases of the previous empirical chapters. To advance the arguments that I have built until now, I will also develop a Boolean minimisation process.

Table 8 - Truth Table with all selected cases

		CASES						
		1. Honduras: COPINH	2. Honduras: MILPAH	3. Mexico: APIIDTT Period 1	4. Mexico: APIIDTT Period 2	5. Ecuador: TAYJASA- RUTA	6. Peru: CARE	7. Colombia: FMW
Explanatory factors*								
Internal	A Transforming the territory into power	H	H	H	M	H	H	M
	B IWHRDs effective leadership	H	M	H	M	H	H	H
	C Human rights framing	H	H	H	M	H	H	H
External	D Reacting to a grave violation overtly involving corporations	H	L	H	M	H	M	L
Outcome**		S	N-S	S	N-S	S	S	N-S
*Factor presence: H= High; M= Medium; L= Low - **Outcome: S= Success; N-S= Non-success.								

Based on Table 8, I find the following combinations of explanatory factors underlying the outcomes under analysis (Table 9).

Table 9 - Explanatory factors underlying the outcomes under analysis

Case	Explanatory factors				Outcome
Variant and Case number in Table 8	Internal to the movement			External	Frequency
	Transforming the territory into power	IWHRDs effective leadership	Human rights framing	Reacting to a grave violation overtly involving corporations	
Outcome 1: Success – a favourable change in corporate practice					
Variant 1: # 1, 3, 5	H	H	H	H	(3)
Variant 2: # 6	H	H	H	M	(1)
Outcome 2: Non-success – no favourable change in corporate practice					
Variant 3: # 2	H	M	H	L	(1)
Variant 4: # 4	M	M	M	M	(1)
Variant 5: # 7	M	H	H	L	(1)

In order to better understand the cases of success and non-success, I reduce complexity employing a Boolean technique to identify patterns. For this, I first assign values to the explanatory factors. Thus, if a factor has a high (H) presence, I assign the capital letter representing it. If the strength is medium (M) I use a capital letter with a lowercase letter next to it. And, if the factor has a low (L) presence, I assign the equivalent lowercase letter. The following patterns emerge:

Table 10 – Patterns of success and non-success

Patterns of success	Variant-Cases from table 9
1. A-B-C-D	Line 1
2. A-B-C-Dd	Line 2
Patterns of non-success	Variant-Cases from table 9
3. A-Bb-C-d	Line 3
4. Aa-Bb-Cc-Dd	Line 5
5. Aa-B-C-d	Line 6

By assigning values to the explanatory factors, regarding **success**, I find two patterns: Pattern 1 – A-B-C-D, and Pattern 2 – A-B-C-Dd. **Pattern 1: A-B-C-D is the full braided action.** It is the theory that emerged from the first two empirical chapters of this thesis regarding COPINH and the first case of APIIDTT, which was also confirmed by the TAYJASARUTA case in this chapter. In essence, I argue that a tough four-*strand braid of action* can pull the *lever* to lift human rights and produce a change in corporate practice. In other words, when the internal capacity is strong because it has transformed the power in the territory into mobilisation power, IWHRDs' leadership is effective, and framing has been done in human rights terms, the movement can react to a grave violation openly involving the corporation. This, in turn, adds power to the *harnessing* mobilisation force and the *braid* can lift human rights and achieve success. The intense force of the *braid of action* can lead to success.

Pattern 2: A-B-C-Dd is a preventive braided action. Thus, I argue that the no so strong presence of the external factor can be overcome with a strong internal capacity that acts preventively. The movement does not need the violation to occur to react to it. A movement with strong internal capacity is able to identify the certainty that the violation will take place, although it is yet to occur. This certainty and the actions taken preventively about it can produce a strong *braid of action*. The external *strand* is strengthened with *ropes* of vivid and traumatic memories of an unsettling moment that will occur again if the project goes ahead. Keeping the cases contextualised and looking closer into the details, I see that in this case, everything is in place for the movement to react to the external factor. Mobilising at such an earlier stage of the mega-project (when no corporate mobilisation has started in the territory) shows lower levels of repression and a higher level of corporate receptiveness to movements demands. This pattern only differs in the value of the external factor but shares the outcome of success. Thus, only

when all the three internal factors are strong, the relatively weak presence of the external factor can be overcome by the movement, especially, when veto power uses only a moderate resistance, which is possibly explained by the initial stage of the project. At that point, corporations can also act preventively to protect their interests and investment. They show some receptiveness to movements' demands in the face of an already unstable situation that indicates that it will deteriorate if plans go ahead.

To refine the explanation, I reduce the combination of Patterns 1 and 2 to A-B-C. From this process, I conclude that **the basic pattern of success is ABC or a strong movement's capacity**. My interpretation of this pattern is that in a minimally favourable context, success is only likely when the movement is able to develop a strong internal capacity. "If two scenarios have identical outcomes, yet differ only on the presence/absence of a single condition, the condition cannot be decisive in producing the shared outcome; therefore it can be logically dropped and it is one less contributing condition" (Wickham-Crowley, 1993, p. 307). Thus, the decisive factor of success is the internal capacity, the *braided* combination of territorial power and effective IWHRDs' leadership that uses a human rights framing effectively to unify and communicate the movement's demands. However, it does not mean that corporate force is irrelevant. On the contrary, the cases of non-success are important to understand its relevance in a dynamic model.

Regarding **non-success**, there are three Patterns: A-Bb-C-d, Aa-Bb-Cc-Dd and Aa-B-C-d. These are the cases where a change in corporate practice did not occur. In all these cases, two or more factors have a low or medium strength value. From there, I interpret that a *braid of action* is unable to produce success when it has a medium or weak strength, due to two or more weak factors or *frayed strands*. There is no one sole factor that will be sufficient to produce success or non-success. Only the combined presence of

strong factors makes success more probable. The internal capacity *strands* of the movement are decisive. When any of those *strands* are weak or frayed over time, it is unlikely that the movement will be able to overcome the weak presence of the external factor. It will not react to the unsettling situation and will not be able to achieve a strong *harnessing* mobilisation force. A closer look at the unsuccessful cases allows us to see two main patterns in regards to the factors internal to the movement: a relatively weak *strand* and the *frayed strands*. A **relatively weak internal strand** or Aa-B-C is a challenge to the internal capacity of the movement that it has been unable to overcome and is hindering its likelihood to succeed. In the case of FMW, the social division of the Wayuu people -due to the impacts of the armed conflict, of the mega-project and the dynamics of ancestral autonomous clans- has made more challenging the mobilisation process. **The frayed strands** or A-Bb-C and Aa-Bb-Cc are slightly different as they had managed a high strength, but then they *frayed* due to internal difficulties, the force of veto players or both. That is the case of MILPAH and the second moment of APIIDTT. There, due to the movement's divisions, the continuous silencing actions of veto players and the challenges to building more power from the territory, one or more of the internal *strands* of the *braid of action* were affected, weakening its force.

Moreover, looking even closer at the cases of success and non-success, I see some **nuances of the corporate force** used to maintain the *status quo*. Although veto power is strong in all the cases I study in this thesis, the corporate force seems to get stronger and more "sophisticated" with the advancement of the mega-project. Thus, the corporate force seems to increase and get more sophisticated from an early stage to a more consolidated one. In an early stage, when the mega-project is only in plans, veto power seems to use less physical force and to be a bit more receptive to the movement's demands (e.g., CARE's case). In a more advanced stage, when corporations already have

a presence on the ground or have started operations, but the mega-project is yet to be consolidated, the use of force becomes more physical and violent. Usually, such violence takes place through other individuals or the State forces (e.g., MILPAH); and, more exceptionally, it overtly involves corporate participation (e.g., the cases of success such as COPINH, TAYJASARUTA and the first moment of APIIDTT). When corporate actors have a more advanced presence on the ground, violence is continuous but not overtly linked to the corporations, who also seem to appropriate and use better a human rights language for the benefit of their interests. It is more formal use of human rights than a use for the substantial improvement of Indigenous peoples' situation (e.g., FMW and the second moment of APIIDTT). Furthermore, the more unsettling the use of corporate force (i.e., overt involvement in a grave human rights violation), the more likely the movement can react to it, increasing the power to the *harnessing* force that pulls the *braid of action*.

In sum, the strong *braided* presence of all four factors is likely to lift human rights and produce success. The internal capacity *strands* are decisive to achieve success. Their high strength may overcome the weak presence of the external factor, especially when corporate force is still in an early stage of the mega-project. In contrast, the cases of non-success present a weakened *braid of action* because two or more of the four factors show some weaknesses, either with a low or medium presence. Thus, the chances to succeed are reduced because it cannot generate a *harnessing* mobilisation force, and it is unable to lift human rights. The likelihood to success is even less when in the face of the silencing actions of veto players, corporate involvement in grave violations is not overt or even resisted with the formal use of a human rights language.

Conclusion

In this doctoral research, having explored the influence and presence of conditioning factors and the power of veto players, I mainly focus on the agency and dynamics of IWHRDs-led SMOs. Indigenous women and their organisations are challenging the abuses committed in connection with mega-projects affecting Indigenous territories in Latin America, in the face of extreme violence. And, I have uncovered the relevance of three crucial internal factors to the movement, which I confirmed with the three cases I studied in this chapter. But, in this research, I also identified the role of an external factor that is dependent on the force applied (or not) by corporate actors to resist the movements' demands and the reaction by IWHRDs-led movements to it. Such a reaction can be vital to achieving a strong *harnessing* mobilisation force able to lift human rights and achieve success. In this vein, future research could focus on a more in-depth study of companies' dynamics and responses, further exploring the influence of development stages, the diverse economic sectors and the use, misuse or not use of the human rights framework. Also, I could look closer at Indigenous women-led mobilisations that are challenging abuses connected to mega-projects but that have not attracted much visibility or attention. Or, even explore those that have not been able to include a more visible leadership of Indigenous women.

Chapter 8 – Conclusion

Introduction

When I first met Berta Cáceres, about a decade ago in Tegucigalpa, I never imagined I would carry out a doctoral study inspired by her story, even less that I will be writing about her leadership and impact after her murder. The moment I listened to her talking about the situation of the Lenca people, I understood the relevance of her struggle. It was evident that she was at high risk, but it was also clear that she had high visibility, recognition and support. I was one of the thousands of people who were shocked by her killing. Also, how could I write about her leadership, impact and success after her murder? Those who killed her tried to silence her *forever*, and did not realise that she had already planted a powerful transformative mobilisation that was taking place in Honduras and far beyond it. I was not going to be part of the silencing. The day before her killing, she had accepted to be part of this study and, despite the overwhelming challenge, I was committed to honouring it. Thus, the case of the struggle led by Berta Cáceres and COPINH regarding the Agua Zarca hydroelectric dam project is at the core of this thesis. Her case is emblematic of many other similar cases in Latin America. And, as Berta's conviction, leadership and impact inspire me, I am also inspired by many other Indigenous women leaders in Honduras and in other countries of the Americas, including the Indigenous women human rights defenders whose cases I studied in this thesis.

However, most of what has been written about their stories is about their victimisation, the many failures of the State and the high power of corporations. Literature about their mobilisations, the importance of their leadership, and their impact on corporate behaviour is very scarce. This thesis is the first systematic study on this matter. With it, I am contributing to understanding their agency, leadership and impact better, as well as the dynamics of their mobilisation. It is a contribution to the debates on the gendered and racialised dynamics of extractivism in Latin America; and, very importantly, to the understanding of the struggles led by IWHRDs. As this doctoral study comes from the practice and aims to return to it in a useful manner, this final chapter has three sections. First, I highlight some aspects of the main findings. Then, I suggest possible ways that IWHRDs might use the lessons from this investigation in their mobilisation. And, finally, I examine future directions for this work.

Some aspects of the main findings

Lenca leader Berta Cáceres, as well as all the other Indigenous women leaders mentioned in this thesis, have suffered many challenges, obstacles and attacks throughout their processes of mobilisation. Yet, they have managed important achievements, such as creating influential organisations, reaching their top leadership, becoming visible and outspoken, and becoming a point of reference for many other women and transformative actions in Latin America. But, the actors involved in mega-projects have also noticed those achievements. And, they have reacted with intense “soft” and “hard” silencing actions trying to create fear, to have a chilling effect and to halt their mobilisation processes. IWHRDs and many members of their organisations have suffered dozens of

attacks; among others, they have been threatened, criminalised, persecuted, harassed, intimidated, denigrated, insulted and even killed in some cases. There is a moral hazard, as the more vocal, visible and better organised Indigenous women leaders are, the more likely they will be attacked and killed. They are attacked in an attempt to silence them, as they are challenging the *status quo* from which veto players profit. But, this thesis does not end with the killing or victimisation of many Indigenous women human rights defenders in Latin America. On the contrary, it recognises the gravity of these crimes; and, seeks to understand better the mobilisations that IWHRDs lead and their impact. This, in an attempt to find better ways to support and collaborate with them.

Therefore, the thesis reveals when, why and how Indigenous women-led mobilisations impact on the practice of corporations involved in mega-projects. In this section, I highlight some aspects of the key findings, and of the limitations I found in the academic literature.

In this investigation, I find that IWHRDs-led movements *braid action* and, sometimes, they achieve success. Success in this thesis is defined as a favourable change in corporate practice (i.e., a corporation withdraws or cancels its participation in a mega-project in which human rights violations have been committed). Non-success is the absence of such substantial change, even if there are other changes (e.g., a corporation only temporarily suspends its participation). I arrive at this dichotomous measure of success, recognising the strong power disparities that affect IWHRDs and that even small changes are significant achievements in their mobilisation processes. In this sense, I find that there is a *continuum of success* in their mobilisation experience, which is composed of at least five main moments: emergence, organisation, sustainability, outcomes and structural transformations. This continuum is not necessarily linear or progressive, and not all moments of success are achieved. The *braided action* framework specifically

explains “outcomes”, more concretely, the changes (or not) in corporate practice. By focusing on that specific outcome, I recognise the decisive power of corporations regarding mega-projects. But, I also recognise that in all the cases I study, emergence and organisation have been achieved. And, in some of them, other moments of success have also been present. Thus, locating the type of success that I study in this thesis within this *continuum* is an important contribution from a gendered and intersectional perspective. It contributes to recognise the specificities of IWHRDs-led mobilisations, the many challenges IWHRDs face and their power in dealing and overcoming them. This approach to success also opens the possibility of further exploring the *continuum* and its dynamics in a postdoctoral project.

In a similar vein, the *braided action* model emerges from my learnings from the experiences of IWHRDs. For that, I use a combination of qualitative research methods and theoretical approaches. The investigation confirms the centrality of these struggles, in a moment when the negative impacts of mega-projects sharply contrast with the need to protect the world’s sustainability. But, it also confirms the chronic invisibility of these cases. Thus, I needed appropriate methodological and analytical tools to be able to see what has usually been invisible and ignored. To overcome such a challenge, the methodology and analysis that I used, placed at the centre of the study the experience of Indigenous women leaders. With such a focus and a public sociology methodological orientation, the thesis findings are relevant to academic, political, social, legal and practical debates where the situation and impact of IWHRDs-led mobilisations in the context of mega-projects are central matters. Their life-histories and trajectories of change are at the core of this study. Furthermore, to maximise leverage of the learnings, I use a multi-level research design that includes: a paired comparison within one country, an across-time comparison in one case in one country, the three-country cases compared

to each other, and a small-N seven-cases QCA. This study of exceptional cases has never aimed at the generalisation of its findings. However, this comprehensive qualitative research design has allowed me to develop and propose with confidence the *braided action* theoretical framework.

The *braided action* theoretical framework argues that in a minimally favourable context the following four factors operating together in a *braid of action* lead to success: (1) transforming the territory into power; (2) Indigenous women's effective leadership; (3) human rights framing; and, (4) reacting to a grave violation overtly involving corporations. Thus, the four *strands* interweaved in a tough *braid of action* are capable of *harnessing* mobilisation power and achieve success over much materially powerful corporate forces. If some of the *strands* are weak or *fray*, the *braid* fails.

The *braided action* framework adapts the Archimedes' lever model (Payne et al., 2020) to explain that the braid pulls the lever that lifts human rights, achieving success. I found necessary to adapt this model to analyse these exceptional contemporary cases, where the power of mobilisation of the apparently "weakest of the weak" comes from "below", from the territory, to challenge the power of the most powerful in the world. This model allows me to show the dynamic interactions among the relevant actors, as well as the strengths of IWHRDs-led SMOs and the many challenges they need to overcome to achieve success. Hence, I find that there is an extremely imbalance power relationship and that IWHRDs-led SMOs face many disadvantages, oppressions and structural problems that further undermine their mobilisation and impact. But, the human rights context (fulcrum) has made important advancements, and it would be inaccurate to say that from the colonial times there has not been any change. Therefore, adapting this model, I use its different essential parts to advance the explanation. In the study of

those parts, regarding the specific cases of IWHRDs-led mobilisations, I find particularly revealing the contribution and limitation of the fulcrum's role.

In these cases, the fulcrum is the human rights context that has opened important opportunities for mobilisation. However, even in a slightly favourable context where human rights have been adopted in international and domestic laws, substantial positive changes are distant and elusive. Thus, once human rights are in place, in normative and institutional frameworks, they do not show a “cascade pattern” (Sikkink, 2013). Their linearity to justice and effective rights protection and fulfilment does not happen. Veto players do not only resist to enforceable human rights norms; they also learn how to use the existing frameworks and procedures for their benefit. They continue to have a dominant position where they have all of the social controls (e.g., patriarchy, inequality, racism), and they add to their force an insidious use of the human rights language. In this vein, the legal scholarship is also limited, as it only offers a limited view of struggles that are much more complex. It emphasises the violations, the failures of protection and investigation, and the role of States. And, while those are important contributions, they are blind towards the critical roles of corporations and the dynamics of mobilisations, in prevalent patriarchal, racist and capitalist conditions, which block the effective realisation of human rights. Thus, context does not do the work to lift human rights. It offers important opportunities that facilitate IWHRDs-led mobilisations, but these mobilisations are who should develop a strong force to lift the lever and achieve success.

Furthermore, regarding the force to lift human right, the academic literature has neglected the fundamental role of the power from the territory *braided* by Indigenous women-led SMOs in the face of numerous challenges. The emphasis of analyses has been placed on the external actors. On the “saviour” international groups and institutional structures, on the role of international legal instruments and the role of transnational

advocacy networks to explain human rights changes (Brysk, 2000; Keck & Sikkink, 1999; Risse et al., 1999; Sikkink, 2013; Sikkink et al., 2013). I find that the *actions* of those external actors do play a role, but they are only some of the *ropes* that form the four *strands* of the *braid of action*, whose main force comes from the territory.

I find that the mechanism or *harnessing* mobilisation power that brings the braid into its effective use comes from the territory and weaves into it the power of actions that come from outside it. Thus, from the solid individual and collective conviction to defend the territory, IWHRDs, their organisations and communities start to *braid* their mobilisation power. The more visibility and voice they raise, the higher the attention gained, and this is possible because they strategically frame their interventions in human rights terms. This, in turn, adds a legitimating and reaffirming power that can be crucial to counter the silencing actions of veto players. Thus, when an unsettling moment of overt involvement of corporations in a grave human rights violation takes place, the movement can react to it. This way, it adds power to the *harnessing* mobilisation force, and the *braid of action* gets tougher with more mobilisation actions in the territory and beyond it, bringing additional attention to the situation of abuse. Thus, a key finding is that a sole factor cannot generate sufficient power or *harnessing* force to lift human rights and achieve success. Each *strand* of the braid is necessary for a tough *braid* capable of producing success.

Transforming the territory into a mobilisation power is a first *strand* of the *braid*. It builds on RM theoretical analyses but expands their understanding to include a different notion of “mobilisation resources” that acknowledges Indigenous *cosmovisions*. Therefore, the power does not come from above to push the lever down; it comes from “below”. But, this “below” is not same as to say that they exert power from the lower reaches. When they mobilise with a power that comes from the territory, they do not do

it from a position of inferiority where they seek to maximise a profit in a capitalist world. They do it to preserve the territory, to defend it as it is. Indigenous peoples have explained that mega-projects affect them as a whole and they mobilise as such. It means, interweaving the social, natural and spiritual *ropes* of the territory. From there comes a powerful strength for their mobilisation.

Furthermore, I find that IWHRDs effective leadership is a critical “mobilisation resource” to transform the territory into mobilisation power. The top leadership of Indigenous women is an exceptional achievement and a contribution to the struggle. The identification and study of this type of leadership is an important contribution of this thesis. Until now, the top leadership of Indigenous women in mixed organisations challenging the abuses by mega-projects has been absent from the literature on social movements. This leadership is at the top level, but it is also connected to the middle-leadership roles of others women, who have contributed to open the path for them and to support and sustain them in critical moments. This leadership is able to enhance the mobilisation power of the *braid of action* because it effectively articulates the movement’s power internally and externally, waving the individual in the collective and the collective with other collectives, overcoming obstacles and silencing practices. Thus, IWHRDs *braid* power unifying and mobilising the territorial power, connecting the external support and overcoming the multiple challenges of repression and daily life. Human rights framing is an important function of their leadership role; but, as it plays a critical role, it as a separate *strand* of the *braid of action*.

There is then some overlapping among the strands of the *braid of action*, and there is also a relationship with the fulcrum. While the minimally favourable human rights context opens opportunities for mobilisation, it is the force of the mobilisation that produces the change, and the human rights framing is an important power input into that

force. I find that human rights framing is a *multi-rope strand*. It is a crucial mobilisation device to achieve impact. It is a common language that helps to understand and show the magnitude of the injustice, to connect with networks of support outside the territory and to open legal, political and social spaces to advance the demands, while corroborating the legitimacy and centrality of their struggle. Yet, a sole legal action or judicial decision does not achieve success. The power in this *strand* is in the many ropes that compose it, which is further enhanced when the fourth factor is added to the *braid of action*, as it generates outrage and provides further evidence of the grave situation of injustice and abuse.

A grave violation overtly involving a corporation is an external factor to the movement. And, it is a *strand* of the *braid of action* because the IWHRDs-led movement reacts to this unsettling moment, *harnessing* an even stronger mobilisation power that lifts human rights. Although extreme violence is a common feature of the type of cases I study in this thesis, this unsettling moment is exceptional. Corporations are very rarely openly involve in grave human rights violations, as reputation and stability are important non-tangible assets for their businesses. Thus, their overt participation in a grave abuse is an exceptional increase of veto force. And, when the internal power of the *braid of action* is already strong, the unsettling moment generates a backlash effect. It adds force to the *harnessing* mobilisation power, strengthening the *braid* that pulls the lever and achieves success. This is an important addition to the very scant literature that addresses the issue of direct corporate involvement in repressive acts.

Therefore, I find that the integrated power of the four *strands* of the *braid of action* achieves success. Berta Cáceres and COPINH, the first case of Bettina Cruz and APIIDTT, Patricia Gualinga and TAYJASARUTA, and Ruth Buendía and CARE, are positive examples of the power of the *braid of action*. The first three cases are examples

of the “full *braided action*” pattern, where the four *strands* reach a high level of strength, producing a *tough braid of action* that achieves success. The case of CARE is an example of “the preventive *braided action*” pattern, where the strong *strands* of the movement’s internal capacity react preventively to the grave violation overly involving corporations that is a certainty if the project goes ahead, but is yet to occur. In all cases, IWHRDs-led SMOs built power from the territory, they developed an effective top Indigenous women leadership that successfully articulated “resources” and overcame many challenges. And, they effectively used a human rights framing that expanded their support and ratified the legitimacy and relevance of their actions. With a solid conviction to defend the territory, they all overcame the challenges of patriarchal social structures and managed to achieve top leading roles in their organisations. Raising their voices-making visible the many situations of abuse with the use of a legitimating framework, they amplified their networks of support and the attention over the situation. Furthermore, in the face of an unsettling moment of grave violations openly involving a corporation, they reacted, adding power to the *harnessing* mobilisation force. The strong *braid of action* did not let the severe abuse to silence them. They were able to *harness* the mobilisation force that pulls the lever, lifting human rights, producing success.

The cases of non-success confirm the analysis. In these cases, the *braid of action* is unable to reach a *harnessing* force because one or more *strands* are weak or *frayed* due to internal weaknesses of the movement, or the force used by veto players. Not all movements can overcome internal weaknesses, and those weaknesses make it even more challenging to create a *harnessing* mobilisation force. The cases of non-success show important impacts, but no favourable change in corporate practice is achieved. The weaknesses in internal capacity also make the movement more vulnerable to veto power and limit its capacity to react and generate a *harnessing* force. Moreover, there are

important “nuances of the corporate force”. I find that the more advanced and established the mega-project, the more difficult to overcome the corporate force that is able to integrate and use a formal human rights language. And, there is another moral hazard, as businesses may learn that they have other -seemingly benign- effective tools to resist change. They learn to integrate a human rights language into their practice, into legal and procedural tools that are a formality and more insidious, less immediately life-threatening, but that nonetheless undermine the impact of Indigenous women-led human rights struggles.

In essence, there is a need for a better understanding of the *braiding action* practice of Indigenous women-led mobilisations, and for more effective mechanisms to address and listen to their demands truly. A grave human rights violation, such as a severe act of repression that ends the life of IWHRDs, should not be the additional factor that generates further power to the *harnessing* force. There should be more effective and accessible opportunities. There is then a need to do more research, to advance the measures to address this urgent matter and to develop further the analytical and methodological tools emerging from this study.

Future research directions

The theoretical framework I propose in this thesis is only emerging, and more research will be useful to refine it. Further research could help advance the *braided action* theoretical framework.

Strongly imbalanced power relationships operate in these cases, and the role and impact of corporations could eventually make a positive difference depending on how

receptive they are to the demands and concerns of IWHRDs-led mobilisations. The role of corporations could be vital to stop violence and abuse. Thus, more research is necessary into the companies, their accountability, their mechanisms of participation and their use of human rights. More efforts to make visible their wrongdoing and their dynamics and interaction with IWHRDs and their organisations are necessary.

It would be very interesting to carry out fieldwork in the cases included in the last empirical chapter. It would allow me to test my finding and their relevance, and to look into more detail into the dynamics of the mobilisation. Also, it would be ideal to add more cases to the small-N QCA. For example, to include the cases in Canada and the USA that are already part of the database I created for this investigation. In those countries, the context is in principle different, but the situations and challenges are very similar. Thus, are the outcomes and dynamic any different? Can the learnings from cases in Latin America be also relevant outside it?

In this vein, it would be very interesting to further develop the database, with fieldwork only dedicated to doing that. It could help give visibility to other cases where less attention has been provided. Also, to make the database publicly accessible could be very valuable. Despite significant efforts, there is not yet a public database dedicated only to Indigenous women-led mobilisations defending human rights from the abuses committed in connection with mega-projects. The database can be transformed into an easy-access resource featured on the internet, where extracts of the cases, learnings from their impacts, and other materials could be shared with the general public and those interested on the issues addressed on this thesis. Furthermore, throughout the investigation process started to emerge a network of IWHRDs-leaders. It would be ideal to be able to consolidate it and to generate more knowledge exchange moments among IWHRDs and their organisations.

As there are also other very important cases of women-led mobilisations challenging the abuses by mega-projects in the face of extreme violence, another future direction of this investigations is to extend the analysis to these similar situations. Is the proposed framework exclusive to Indigenous women-led mobilisations? Are the finding of this thesis applicable to *campesino* and afro-descendant women-led mobilisations facing similar projects in similar situations? These groups also have a profound connection with their territories. Thus, what is the relevance or limitation of the *braided action* model for those cases?

Moreover, during fieldwork, in a knowledge exchange conversation that I facilitated between an elder IWHRD from the Wet'suwet'en Nation from Canada and IWHRD Jakeline Romero from the Wayuu people from Colombia, both leaders suggested me to make a documentary out of this thesis. Similarly, after a presentation of my work in the Centre for Oral History and Digital Storytelling at Concordia University, in Montreal, the idea of producing podcasts out of the cases included in this work was also suggested. I want to pursue these two suggestions in the future, although they both involve further research and actions in collective projects. These could be very compelling ways of materialising the *sociological praxis* approach of this study, which aims to return in a useful way the findings of this thesis.

Possible use of key lessons

In line with the methodological approach of this study, I would like to suggest the use of some key lessons to IWHRDs, their organisations and networks of support. From the outset, the idea of this work has been to return its findings in a useful way to those

who participated in it. To return them, I would like to go back to the field, to the cities and municipalities I visited for the first empirical analyses, and to go to those where I only worked on from publicly available materials. I want to present to those groups the seven cases I studied in this thesis, as well as their main similarities and differences, and the key findings of the comparative analyses. This thesis could be the basis to generate a fruitful knowledge exchange process among these Indigenous women leaders and their organisations, facing very similar situations in different countries. When I visited the MILPAH, in Marcala, Honduras, the members of the organisation were particularly keen to learn about my findings in Mexico. Similarly, when Wayuu leader Jakeline Romero visited Canada, she was very interested in meeting Indigenous women leaders from the First Nations, facing a similar situation to hers. This doctoral study could be a seed to start a rich dialogue among them.

Also, to present the *braided action* model to IWHRDs and their organisations could be useful for their analyses and training activities. It could be used as a lens to help them reflect on their views and actions, and on the strategies they are using to push for their claims. For my third visit to Mexico, in April 2018, when PRODESC invited me to a conference on community security and territorial protection networks, I had the opportunity to present part of my study. It was still work-in-progress, but I provided a novel perspective. I could do the same with them and all other relevant organisations, now using the final thesis. This thesis could be transformed into an easy access tool to reflect on their mobilisation actions. It could also be used as a tool to address the complexities faced by Indigenous women in their mobilisations and to get to the top leadership. This study could be helpful to open or to feed conversations within IWHRDs' communities, organisations, networks of support and other scenarios, on the importance of Indigenous women's contributions and leadership.

Similarly, the proposed framework could be useful for the actors supporting IWHRDs-led organisations (e.g., funds, foundations, and national and international organisations). It could help develop a more comprehensive understanding of the struggles led by IWHRDs. It could be useful to reflect on how to offer them better collaborative tools to strengthen their power from the territory, their leadership and human rights framing. Also, it could be useful to feed discussions on how to find and develop other sources of *harnessing* force, which should not involve a grave human rights violation. This thesis offers them a detailed understanding of the experience of IWHRDs-led mobilisations that acknowledges but goes beyond their victimisation. And, provides them with a new approach to their situation, with an explanation for their impact and success, something that should be a priority in the collaboration and support they offer to them.

Finally, I could present these findings to institutions concerned with the situation of Indigenous peoples and human rights defenders in the context of mega-projects in the Americas, such as intergovernmental organisations and domestic institutions. It is a priority matter of concern for many people and institutions in the region. Thus, this thesis could feed into their analyses. And, eventually, into the measures they are developing to address this urgent matter in the Americas.

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Appendixes

Appendix 1 - List of interviews

Life-story interviews

1. Austra Berta Flores López, Berta Cáceres' mother and prominent leader in Honduras (23 May 2017, Tegucigalpa; 30 May 2017, La Esperanza).
2. Ana Mirian Romero, leading IWHRD, former leading member of MILPAH (24 May 2017, Tegucigalpa; 26 May 2017, Marcala).
3. Bettina Cruz, leading IWHRD of the APIITDTT and APOYO (27 and 31 March 2017, Juchitán).
4. Guadalupe Ramírez, leading IWHRD of the Committee for Resistance to the Piedra Larga Wind Farm Project of Unión Hidalgo (24 and 29 March 2017, Unión Hidalgo).
5. Reyna Gutierrez, Ikoots leading IWHRD and treasurer of the Cabildo (town council) of San Mateo del Mar (30 March 2017, San Mateo).
6. Isabel Jiménez, leading IWHRD of the APPJ (31 March 2017, Juchitán).
7. Jakeline Romero Epiayuu, leading IWHRD of the FMW in Colombia (13 June 2019).

In-depth interviews

1. Bertha Zúñiga Cáceres– Berta's daughter and current coordinator of the COPINH (31 May 2017, La Esperanza).
2. Olivia Zúñiga, Berta's daughter and IWHRD (31 May 2017, La Esperanza).
3. Salvador Zúñiga, Berta's ex-husband and prominent Lenca leader (31 May 2017, La Esperanza).
4. Gustavo Cáceres, Berta Cáceres' brother and local leader (30 May 2017, La Esperanza).
5. Pascualita Vásquez– leading IWHRD and spiritual guide of the COPINH (31 May 2017, La Esperanza).
6. Gaspar Sánchez – member of the coordinating team and their gender/LGBTI initiatives (31 May 2017, La Esperanza).
7. Felipe Benítez Vásquez – general coordinator of MILPAH (25 May 2017, Marcala).
8. Martín Gómez – sub-coordinator of MILPAH (25 and 26 May 2017, Marcala).
9. Victoria González Vásquez– IWHRD MILPAH (26 May 2017, Marcala).
10. María Felicita López - IWHRD MILPAH (26 May 2017, Marcala).

11. Margarita Pineda – IWHRD MILPAH (26 May 2017, Marcala).
12. Gladys García – IWHRD MILPAH (26 May 2017, Marcala).
13. Ventura García - HRD MILPAH (25 May 2017, Marcala).
14. Juan Francisco Sánchez – HRD MILPAH (25 May 2017, Marcala).
15. Víctor Vásquez – HRD MILPAH (25 May 2017, Marcala).
16. Hilario Hernández - HRD MILPAH (25 May 2017, Marcala).
17. Elías Sánchez – MILPAH member (26 May 2017, Marcala).
18. Miriam Miranda, Garífuna IWHRD and general coordinator of the Black Fraternal Organisation of Honduras OFRANEH (24 May 2017, Tegucigalpa).
19. Yéssica Trinidad – General coordinator Honduran WHRDs Network (23 May 2017, Tegucigalpa).
20. Karla Lara – singer and leading member of the Honduran WHRDs Network (2 June 2017, Tegucigalpa).
21. Sally O’Neill – Development specialist Latin America (23 and 24 May 2017, Tegucigalpa).
22. Hedme Castro – General Coordinator ACI-Participa (22 and 28 May 2017, Tegucigalpa).
23. Dina Meza - Journalists and WHRD (23 May 2017, Tegucigalpa).
24. Melissa Cardozo – writer and feminist (24 May 2017, Tegucigalpa).
25. Donald Hernández, lawyer and HRD, CEHPRODEC (23 May 2017, Tegucigalpa).
26. Mery Agurcia – HRD and senior lawyer of COFADEH (27 May 2017, Tegucigalpa).
27. Suyapa Martínez – director, CEMH (29 May 2017, Tegucigalpa).
28. Berta Oliva – Directora COFADEH CEMH (1 June 2017, Tegucigalpa).
29. Rodrigo Flores, Bettina’s husband and member of the leading team of the APIITDTT (31 March 2017, Juchitán).
30. Nisaguie Flores Cruz, Bettina’s daughter and supporter of the APIITDTT (28 March 2017, Juchitán).
31. Mario Alberto Castillo, activist and supporter of the APIITDTT (28 March 2017, Juchitán).
32. IWHRD (asked to keep her name confidential) (31 March 2017, Juchitán).
33. Mariano López, leading member of APPJ (31 March 2017, Juchitán).
34. Nashieeli Valencia, IWHRD from Ixtepec (28 March 2017, Ixtepec).
35. Rosario Cuevas, leading IWHRD of the Committee for Resistance to the Piedra Larga Wind Farm Project of Unión Hidalgo (29 March 2017, Juchitán).
36. Elizabeth De La Cruz, leading IWHRD of the Committee for Resistance to the Piedra Larga Wind Farm Project of Unión Hidalgo (25 March 2017, Unión Hidalgo).
37. Diana Manzo, local Journalist in Juchitán and Oaxaca (29 March 2017, Juchitán).
38. Marcelino Nolasco Martínez, Coordinator, Human Rights Centre Tepeyac (30 March 2017, San Mateo).
39. Roselia Verdugo, Ikoots leading IWHRD and principle of the Ikoots secondary school (30 March 2017, San Mateo).
40. Yésica Sanchez – co-director of Consorcio Oaxaca and the Oaxaca, Mexico and Meso-American Networks of WHRDs (3 April 2017, Oaxaca City).
41. Alba Cruz – human rights lawyer and senior legal advisor in CODIGODH - Comité de Defensa Integral de Derechos Humanos Gobixha (2 April 2017, Oaxaca City).

42. Miguel Vasquez - human rights defender and member of the directive committee of EDUCA (3 April 2017, Oaxaca City).
43. Maudilia López, FREDEMI of San Miguel Ixtahuacán in Guatemala (17 May 2018, Montreal).

Extensive Meetings

1. Mabel Hernandez - Programme Manager Trócaire (23 May 2017, Tegucigalpa).
2. José Luis Espinoza, director, CEHPRODEC (29 May 2017, Tegucigalpa).
3. Delegate of Peace Brigades International Honduras, (24 May 2017, Tegucigalpa).
4. Eugenio Sosa, Sociology professor – Universidad Nacional Autónoma de Honduras (27 May 2017, Tegucigalpa).
5. Ana Ortega, C-Libre, (29 May 2017, Tegucigalpa).
6. George Redman – director, OXFAM Honduras (29 May 2017, Tegucigalpa).
7. Kurt Alan Ver Beek, Director, ASJ (2 June 2017, Tegucigalpa).
8. Sussie Solis, Director's assistant, Dirección de Pueblos indígenas y afro-hondureños de la Secretaría de Desarrollo e Inclusión Social CEMH (2 June 2017, Tegucigalpa).
9. Tania Agosti, human rights officer, UN HCHR Honduras CEMH (2 June 2017, Tegucigalpa).
10. Nohemí Marcial Pérez, human rights officer of the Mayor's Office in Juchitán (31 March 2017, Juchitán).
11. Ana Maria Hernández, co-director of Consorcio Oaxaca and of the Oaxaca, Mexico and Meso-American Networks of WHRDs (4 April 2017, Oaxaca City).
12. Roberto Stephan, human rights officer Oxfam Oaxaca (3 April 2017, Oaxaca City).
13. Carme Santiago – WHRD, Flor y Canto NGO (4 April 2017, Oaxaca City).
14. Rosalinda Dionisio – WHRD, San José del Progreso de Ocatlán (4 April 2017, Oaxaca City).
15. Lina Rosa Berrío – CIESAS Oaxaca (4 April 2017, Oaxaca City).
16. Alejandro Castaneira – Anthropology professor, ENAH (7 April 2017, Mexico City).
17. Dolores Soto – human rights activists, anthropology professor, UNAM (20 March 2017, Mexico City).
18. Karen Hudlet - Business and human rights NGO representative in Mesoamerica (21 March 2017, Mexico City).
19. Dolores Figueroa - Research Fellow at Center of Research and Advanced Studies in Social Anthropology and Ethnology (CIESAS) (21 March 2017, Mexico City).
20. Norma Cacho, organisational process coordinator PRODESC (25 March 2017, Mexico City).
21. Raúl Cruz, local organizer PRODESC (25 March 2017, Mexico City).

22. Juan Antonio López, transitional justice coordinator, PRODESC (25 March 2017, Mexico City).
23. Rosalva Aída Hernández Castillo, professor CIESAS (23 March 2017, Mexico City).
24. Carlos Ordoñez – professor and coordinator of the Jornadas Lascasianas UNAM (6 April 2017, Mexico City).
25. Claudia Mendoza, Indigenous law professor UNAM (6 April 2017, Mexico City).
26. Andrea Cerami and Felipe Romero – human rights lawyers at CEMDA (5 April 2017, Mexico City).
27. María Luisa Aguilar – CentroProDH (6 April 2017, Mexico City).
28. Nina Lakani – Journalist for The Guardian (6 April 2017, Mexico City).
29. Crisitina Hardaga – WHRD and former officer of the NGO JASS (7 April 2017, Mexico City).
30. Héctor Treviño, Executive Director of AMDEE (7 April 2017, Mexico City).
31. Ricardo Sepulveda, General Director on the Public Policy on Human Rights of the Secretary of Government –SEGOB- Ministry of the Interior (7 April 2017, Mexico City).
32. Rodolfo Salazar Gil, Director General Adjunto De Evaluación De Impacto Social y Consulta, SENER (5 April 2017, Mexico City).
33. Tom Heack – human rights officer, UN HCHR in Mexico (5 April 2017, Mexico City).

Appendix 2 –The “IWHRDs-led SMOs challenging the abuses by mega-projects in the Americas” database

Country	IWHRDs	Mega-project	Corporations involved	Outcomes	Attacks	Some key Source of info.
1. Bolivia	Uchupiamona leader Ruth Alipaz Cuqui.	Hidroelectric dams Chepete, El Bala and Rositas.	ENDE GEODATA	-GEODATA withdrew in Nov. 2016. -Government Suspended it in January 2020.	Threats and criminalisation	(Economy, 2020; Edwards, 2017; Mongabay, 2018)
2. Brazil	Kaiowá Apyka'I leader Damiana Calvanhe	Sugar cane factory and other monocultures	-Usina São Fernando, do Grupo Bertin. -Fazenda Serrana - Gaspem	Land demarcation ordered in 2016, FUNAI	Threats, Intimidation, Killings, Forced evictions	(Barbosa, 2019; BHRRC, 2018)
3. Canada	Xeni Gwet'in leaders: Marilyn Baptiste; Loretta Williams	gold and copper mine	Taseko Mines Limited	The IP now owns the territory	Violence against women	Fieldwork notes (GEF, 2015)
4. Canada	Wet'suwet'en leaders Freda Huson (Chief Howihkat), Brenda Michell (Chief Geltiy), Dr. Karla Tait, Elder Marlene Hale...	Coastal GasLink pipeline project through unceded Wet'suwet'en land.	Chevron, TransCanada, and Enbridge		Criminalisation Harassment	Fieldwork notes (Wet'suwet'en people, 2018)
5. Chile	Mapuche leader Juana Calfunau Paillaléf	Motorway (Los Laureles - Lago Colico)	-Ministerio de Obras Públicas -Constructora San Ignacio SpA	-	Criminalisation, threats, harassment, physical and sexual violence...	(BHRRC, 2018)
6. Colombia	Wayúu Indigenous leaders: Jackeline Romero Angélica Ortiz...	Coal mine Cerrejón	-BHP Billiton -Glencore Xstrata -Anglo American	-Expansion project suspended	Intimidation, denigration, threats...	Fieldwork notes (BHRRC, 2018)
7. Colombia	Nasa Indigenous leader Celia Umuenza	Oil, mining, sugar plantations, farms and tourist resorts	Several	-	Attempted killings, intimidation, numerous death threats...	Fieldwork notes
8. Ecuador	Kichwa leader Patricia Gualinga Montalvo, of Sarayaku	oil concessions	CGC	- CGC withdrawal from the project - IACTHR decision	Intimidation threats	(Cultural Survival, 2018; Front Line Defenders, 2018a; Ushigua et al., 2018)
9. Ecuador	Worani leader Alicia Cahuiya	Oil exploitation in the Amazon blocks 31 and 43 (ITT), in the National Park Yasuní	Petroamazonas	-	Killings, threats	(Etchart, 2017; Morán, 2019)
10. Ecuador	Sarapa leaders Gloria Ushigua Santi and Manari Ushigua Santi	Oil exploration in the Amazon	Andes Petroleum (joint venture CNPC & Sinopec)	-	Threats	(FLD, 2016b)

11. Guatemala	Maya Mam leaders Maudilia López Cardona, Crisanta Pérez, Diodora Antonia Hernández	Gold and silver mining – Marlin Mine	Montana – Goldcorp	2010 Precautionary Measures of the IACHR temporarily suspend the mine affecting 18 Maya communities.	Criminalisation, intimidation	(IACHR, 2011; Nobel Women's Initiative, 2014)
12. Guatemala	Maya Q'eqchi' leader Angélica Choc	Fenix mine - nickel mine	Hudbay Minerals Inc	-	Killings, Criminalisation	(Choc v. HudBay, 2018)
13. Guatemala	Maya k'iche' Aura Lolita Chavez Ixcaquic	hydroelectric dam, mining, logging and agribusiness projects in 87 communities	Several	Self-consultation where over 27,000 people said no to mega-projects in their territory	Threats, criminalisation, defamation, intimidation...	(AI, 2018; JASS, 2018)
14. Guatemala	Maya Xinka leader Lorena Cabnal Xinka people and other groups	Mining projects – Minera San Rafael	Tahoe Resources Inc.	2017 Court Decision suspending the project's licence	Expelled from community, Attempted killings, death threats, intimidation...	(El País, 2017; Movimient oM4, 2018)
15. Honduras	Lenca Leaders of the COPINH: Berta Cáceres; Berta Zúniga Cáceres; Pascualita Vásquez...	Agua Zarca hydroelectric project in the Gualcarque River	DESA company; CABEI; FMO; the Finnfund	In 2013, the WB and Sinohydro (China), withdrew from the Agua Zarca dam. In 2017, FMO and Finnfund ended contract with DESA	Killings, threats, intimidation criminalisation ...	Fieldwork notes, (BBC Mundo, 2016; FMO, 2017; Sinohydro Group, 2013)
16. Honduras	Lenca leaders of the MILPAH: Ana Mirian Romero, Victoria Gonzáles, Felicita López, Gladis García	Los Encinos hydroelectric dam	Los Encinos S.A	First Indigenous self-consultation in the country.	Physical violence, threats, intimidation...	Fieldwork notes
17. Honduras	Tolupan leader Consuelo Soto	Logging	logging company Velomato	-	Intimidation threats	(BHRRC, 2018)
18. Honduras	Garífuna and Indigenous leader Miriam Miranda	Resort development	Carivida	-	Kidnapping, threats, intimidation	(BHRRC, 2018)
19. Mexico	Binni'za (Zapoteca) Indigenous leaders of the APIITDTT: Bettina Cruz Nasheeli Valencia ... Zapoteca Indigenous leaders of APUH Guadalupe Ramirez Isabel Jimenez Rosario Cuevas Elizabeth De La Cruz... Ikoots leaders Rosalia Verdugo Reyna Gutierrez ...	More than 20 wind farm projects	Eólica del Sur (before Mareña Renovables) Mareña Renovables (joint venture Macquarie, Mitsubishi Corp. & PGGM)	Withdrawal of Mareña Renovables	Criminalization, physical violence, intimidation threats...	Fieldwork notes (BHRRC, 2018)
20. Mexico	Maya leader Leydy Pech	Monoculture – transgenic soy crops	Monsanto	In 2015, permission for modified soy partially revoked.	Threats	Fieldwork notes

21. Panama	Ngäbe leader Weni Bagama	Barro Blanco dam in the Tabasará River	Financed by DEG, FMO and CABEL.	2016 withdrawal of project from Clean Development Mechanism (CDM); In 2015 dam construction suspended by ANAM	-	(CIEL, 2016b, 2016a; Earthjustice, 2018)
22. Peru	Asháninka leader Ruth Buendía	Brazil-Peru energy agreement for large-scale hydroelectric dams in the Amazon. Including: Pakitzapango dam along the Ene River; Tambo 40	Odebrecht PESAC	In 2010, the Ministry of Energy rejected a request from Pakitzapango Energy to move forward. In 2011, Odebrecht withdraw from Tambo-40 dam		(GEF, 2014)
23. Peru	K'ana leader Elsa Merma Ccahua	Tintaya Copper mine in Espinar	Xstrata since 2006- later merged with Glencore (Switzerland). Antapaccay (Peru)	-	Intimidation, threats, criminalisation	Fieldwork notes
24. USA	Inupiat leader Caroline Cannon	oil and gas offshore drilling	-	2009 federal court decision stopped all but one of the proposed major leases for the drilling.	-	(GEF, 2012)