

NEOEXTRACTIVISM AND STATE VIOLENCE

Defending the defenders in Latin America

Aldo Orellana López



PERU, NOVEMBER 2014: Indian woman observing the arrival of a large cargo ship to Matarani's port. The growth of this town has been steady with the construction of the Interoceanic Highway. In 2012, its port mobilized three million tonnes and is expected to increase as the company Tisur, which holds the concession for this port since 1999, plans to invest US \$ 140 million to build a system for receiving, storage and shipment of minerals. These extensions will attend future mining projects in the central Andes (Apurímac) and the south. The Interoceanic Highway is an international, transcontinental highway in Peru and Brazil to connect the two countries. It has had a severe impact on the fragile rainforest environment, such as deforestation, illegal hunting and fishing, massive crops for monocultures and pasture lands, illegal mining, pollution, soil erosion and loss of biodiversity. It is also affecting the local populations, introducing the drug and arms trafficking into the region, slavery, underemployment and violence, and also damaging the life of ancestral indigenous communities. Credit: ©Sebastian Liste / NOOR / IG: @sebastianliste / Twitter: @SebastianListe

The commodities boom in the early 2000s extended the frontiers of extractivism and has relied on state violence, making Latin America one of the most dangerous and deadly places for indigenous peoples and frontline community defenders. Focused on Peru and Colombia, this essay explores dynamics of state violence and strategies for effective resistance.

'In La Guajira, we are fighting to keep our land, so that we don't lose another centimetre', explains Samuel Arregocés, member of the Consejo Comunitario de Negros Ancestrales de Tabaco (Ancestral Black Community Council of Tabaco) in Colombia. 'This coal is coal of blood, coal of tears, coal of misery ... this is why we're resisting the extractive model¹⁶⁵ imposed by this nation', he adds. His life experience reveals the reality behind extractivism in Latin America and the violence that comes with it. In August 2001, 400 families from the Tabaco community were forced off their land to make way for the biggest open-pit coal mine in Latin America, Cerrejón, which is currently owned by mining giants Anglo American, BHP and Glencore. Prior to the eviction, the community had been attacked several times: their utilities were cut off, homes were burned down, their cemetery desecrated and their freedom of movement restricted. Homes that hadn't already been destroyed by fire were bulldozed, under the watch of the Colombian police.

Coal mining in La Guajira has displaced over 25 Afro-Colombian and Wayúu indigenous communities and dried up or diverted more than 20 important rivers. Their organisations are also under constant threat for defending their territory. 'Those of us who have been leading these processes have been harassed. We have even been persecuted by people we don't know', Samuel says.

Latin America is considered the 'deadliest [place] for land defenders'. Global Witness data show that 148 of the 212 environmental and land defenders killed worldwide in 2019 were in Latin America. These assassinations and other types of threats and intimidation occurred mainly in the context of mining conflicts, oil extraction and agribusiness.

What is happening with the Cerrejón mine and the communities in La Guajira is an example of what Eduardo Gudynas calls 'extrahections',¹⁶⁶ a term that refers to the violent 'appropriation of natural resources' which involves the violation of human rights and the rights of nature. 'There are many examples where extraction has led to such violations, such as harm to human health caused by pollution, the forced displacement of communities and others, including the assassination of social leaders', Gudynas says. At the turn of the century, high prices for raw materials on international markets stimulated growth in export-oriented extractive activities. This so-called 'super cycle' put even more pressure on the affected territories and communities. Resistance grew, led mainly by indigenous and peasant movements, as well as social organisations from the cities. The level of conflict intensified throughout Latin America, as did state-sponsored repression, the criminalisation of protest and the assassination of environmental and social leaders. Maristella Svampa calls this the era of 'neextractivism'.¹⁶⁷

The era of neextractivism

'Neextractivism' is a mode of accumulation based on the overexploitation of natural resources and involving the expansion of the 'frontiers of extractivism' into new territories. This period is characterised by what Svampa calls the 'Commodities consensus',¹⁶⁸ a 'new economic and political order' sustained

by the 'boom' in the price of raw materials and the increased global demand for natural resources. Commodity prices rose constantly during the early 2000s. Oil reached US\$140 per barrel in 2008, when the global financial crisis caused it to fall below US\$40. In 2009, the price began to recover and even exceeded the US\$100-mark between 2011 and 2014. It has fluctuated since until its drastic fall as a result of the COVID-19 pandemic in 2020. In the case of minerals, according to UNECLAC, between 2002 and 2008, the amount of mining exports quadrupled in value. Since then prices have fallen, but the consumption and export of minerals in terms of volume has continued to increase. In terms of volume, during the supercycle the region went from exporting 289 million tons of minerals in 2002 to 443 million tons in 2008 and 600 million tons in 2017.

All Latin American countries welcomed the price boom, as they saw the extraction and export of natural resources as a new development 'opportunity'. Some of the revenues were used to increase public spending to reduce poverty levels. Although there are national differences, in general, redistributive and social policies enabled Latin America to reduce poverty from 44% to 31.4% of the population between 2002 and 2011, and extreme poverty, from 19.4% to 12.3%.

In this new extractive phase, China played a pivotal role. Its ascension as a world power made it an important purchaser of various types of raw materials, such as minerals, fossil fuels and agribusiness products. China has trade relations with practically all Latin American countries, from conservative, neoliberal governments to progressive governments of the so-called 'pink tide'. Over 80% of Latin American exports to China are raw materials or products with little added value, while the region imports all sorts of manufactured products.

Chinese foreign direct investment has also increased in the region. Between 2010 and 2015, direct investment from China exceeded US\$64 billion, much of it destined to areas related to extractive activities, mega-dams, infrastructure, etc. Moreover, China has become an important source of loans in Latin American countries – finance that is mainly used for extractive projects. In 2015, the flow of loans from China to Latin America rose to 35 billion US dollars.

Changes in international prices and the growth of the Chinese economy reshaped many Latin American government budgets. Around 2010, governments began to promote more projects of mega-mining, extraction of conventional and unconventional fossil fuels, agribusiness expansion and the construction of mega-dams. They also began to build infrastructure related to extractive operations, such as highways for transporting exports. The fall in commodity prices in 2013 and 2014 exacerbated the intensification and expansion of resource extraction to order to compensate for loss of export earnings. Consequently, there were more socioenvironmental conflicts and violent repression of communities in extractive zones.

Conflicts increase year after year. According to the Observatorio de Conflictos Ambientales (OCMAL), in 2010, there were 120 mining conflicts affecting 150 communities in Latin America. In 2014, the number of conflicts had reached 198, affecting 297 communities and involving 207 projects. In 2017, 217 conflicts were reported, which involved 227 projects and 331 communities. In 2018 OCMAL registered 259 conflicts. Until 2018, the countries with the most recorded conflicts are: Mexico (45), Chile (43), Perú (39), Argentina (29), and Brasil (26).

Rodrigo Lauracio, from the Muqui Network of Peru¹⁶⁹, says that conflicts are inescapable, because extractive activities require territories to operate. The affected communities resist because they see a "risk of dispossession of its territory" and "a risk to their survival." Conflicts often lead to the paralysis of activities, which leads to repression and violence towards the communities.

The assassination of environmental leaders during this period were also cause for alarm. [Global Witness](#) reports that between 2002 and 2013, 908 such murders were reported worldwide, of which 760 – 83% – were in Latin America. In 2016, over half of the 200 activists killed were in this region.

“Extractivism is a structural feature of capitalism as a system of world accumulation. For this accumulation to take place, it is necessary that there be sacrificial, colonial zones”, explains Argentinean sociologist Horacio Machado. The ‘re-primarisation of the region’s economy’ exacerbated the ‘dynamics of dispossession and pillaging of land, resources and territories for progress. This process reproduces a pattern that dates back to colonial times in which the region was a source of the world’s raw materials. Today, each country extracts and exports what cumulatively represent a huge range of natural resources. And just as in colonial times, this extraction involves violence and destroys territories. The operators of this capitalist extractivism are mostly transnational corporations (TNCs) working in partnership with the state, whose role is to provide security and generate favourable economic conditions for foreign investment in this kind of activity.

Public security and the role of the state in globalisation

In the era of neoextractivism, one of the main roles of the state – which nominally has the monopoly over the use of force – is to guarantee the security of transnational capital invested in extractive operations.

For Oscar Campanini¹⁷⁰, from the the Bolivian Centre for Documentation and Information (CEDIB), “the state is essential to carry out extractivism.” First, because it needs to make operations viable through the normative and laws. It is also a protagonist through state-owned companies. But mainly, it is the state that resolves the contradiction in conflicts through violence exercised by state apparatuses, such as the police and the armed forces.

In recent decades, several Latin American governments have created tough police units designed to control protests and intervene in socio-environmental conflicts. One such unit is the Mobile Anti-Riot Squadron (ESMAD for its acronym in Spanish) in Colombia. Created in 1999, this [unit](#) is in charge of ‘riot and crowd control, blockades, accompanying evictions from public or private spaces that occur in urban or rural areas on national territory’.

ESMAD has become notorious for its brutality, [especially](#) when repressing indigenous and peasant communities who resist eviction from their land to clear the way for mining, oil exploitation and the construction of mega-dams. They are consistently deployed in the midst of socio-environmental conflicts. In Colombia, 25% of the conflicts reported between 2001 and 2011 were related to oil, gold and coal.

ESMAD [evicted](#) Samuel Arregocés’ community in Tabaco in 2001. Many other communities that resist extractive projects have suffered similar [attacks](#). It is a ‘police force marked by 20 years of serious human rights violations’, [says](#) the José Alvear Restrepo Lawyers’ Collective (CAJAR). ‘34 people have lost their lives at the hands of the ESMAD during social protests. ... It has systematically engaged in torture and the cruel, inhuman and degrading treatment of its victims’. ‘To this systematic violation of human rights, one must add the systematic impunity that conceals them. There [has not been] a single conviction for the murders and tortures committed.’

A report by the non-government organisation (NGO) Temblores [affirms](#) that there were 1,352 ESMAD officers in 2006, rising to 3,328 in 2018. Its budget is around 13 million Colombian pesos (roughly US\$ 3.5 million). CAJAR [states](#) that between 2001 and 2018, the Colombian government allocated 84.7 billion pesos to its operations (approximately US\$ 23 million).

This case illustrates the true function of the security forces in conflict situations, which is to serve the interests of extractivism, but their protection of extractive operations and of the TNCs goes way beyond this. In Peru, for example, [Earth Rights International](#) (ERI) has brought to light how the law ‘empowers the Peruvian National Police... to create agreements with extractive companies that allow the Police to provide private security services within the facilities and other areas ... of extractive projects in return for profit’. According to ERI, at least 138 agreements were signed between 1995 and 2018, of which 109 had been signed before 2017 and 29 were still in effect in 2019. In effect, the state is turning into a private police force for transnational capital.

Katherine Paucar¹⁷¹ of ERI, says that “The state has gradually been generating mechanisms that have allowed them to guarantee that resources continue to be exploited in the territories of indigenous peoples. This results in the violation of their rights.”

Gigantic TNCs, such as Anglo American, BHP, Glencore, Southern, Newmont, China Minmetals Corporation, have shares in operating companies that have signed agreements with the police in recent years. The companies provide the police logistical support, basic services, communications equipment, food, vehicles, internet, office supplies and more. According to ERI, between 2010 and 2018, the police were paid 45.5 million soles (more than US\$ 12.2 million) for their security services.

The majority of police interventions occur in conflict situations, a frequent occurrence in Peru. According to the [Office of the Ombudsman of Peru](#), between December 2019 and December 2020, 197 conflicts had been reported, of which 129, or 65%, were categorised as socio-environmental.

[ERI concludes](#) that in Peru, ‘policing has been privatized’ and the agreements are being used ‘as a strategy for the State to guarantee the ordinary course of action for extractive activities in the framework of its extractivist policy’.

This security doctrine is part of an economic ideology and an agenda aimed at opening up the region to investment and relaxing environmental norms, which goes back to the 1990s and was reinforced during the era of the commodities consensus. It is a regional trend, symbolised by countries such as Colombia and Peru.

Twenty years ago, Colombia implemented the so-called ‘democratic security’ and ‘investor confidence’ policy, comprising economic liberalisation and increasing security for foreign investment. Following the same logic, the government created the ‘mining, energy and road battalions’ formed by the Colombian armed forces, charged with protecting extractivist activities, infrastructure and important roads from attacks. To do so, entire areas have been militarised and patrolled. These battalions are special units of the armed forces under the command of the Colombian Department of Defense. In 2012, the then Minister of Defense, [Juan Carlos Pinzón](#), said that the protection of the country’s mining, energy and road infrastructure, “is not only a duty but a priority, because through that infrastructure, the wealth of Colombians moves, creating employment opportunities and development.”

These battalions function by order of the government, but companies can also hire their services. In 2014, the existence of several security [contracts](#) between extractive companies and the mining and energy battalions came to light. The Colombian government justified them by referring to the internal armed conflict. [Investigations](#) by the Colombian organisation Tierra Digna found that as of 2015, there were at least 21 special energy and road battalions in Colombia. It also revealed that between 2001 and 2013, 103 contracts were signed for which companies handed over the sum of 45 billion Colombian pesos to the state for the battalions' services (around US\$ 12 million). Companies, such as Glencore, Anglo American, BHP, AngloGold Ashanti, Drummond and others, have paid for these services.

Ultimately, the goal is 'to strengthen the armed forces throughout the national territory and expand the mining-energy sector to make it the largest one in the economy'. It is 'a security policy for extractivism', says Terra Digna.

One consequence of these security policies is growing impunity. In the case of Peru, according to Rodrigo Lauracio, there is a 'Police Protection Law' that "overprotects" the police when they use their weapons in conflict situations. 'Police officers cannot be tried on equal terms, as other citizens', he says. This law favours the disproportionate use of force, which leads to greater violence and greater impunity. This is a pattern that is repeated in other countries.

An economic order in favour of transnational capital

It is clear that the establishment of this entire legal and economic architecture has been made possible through the [corporate capture](#) of the state – a mechanism that TNCs use to exert influence to implement laws for their own benefit in various domains, which range from the relaxation of environmental standards to security laws. 'Legislation by dispossession', as [Miller Dussán of the Association of People Affected by the Quimbo Megadam \(ASOQUIMBO\) in Colombia](#) calls it. However, it is important to note that this legal framework that prioritises extractivism is not just limited to serving private corporate interest, it also serves state-owned companies.

This political, economic and judicial framework can be situated in what [William Robinson](#) calls the '[transnational stage of global capitalism](#)', which is characterised by the rise of 'truly transnational capital' and the integration of countries into the 'globalized production and financial system' and 'global circuits of accumulation'. In this stage, the new 'transnational state' generates the conditions for globalised accumulation, promoting regulatory frameworks that facilitate it, financing the infrastructure that transnational capital needs and becoming an instrument of coercion and control.

In the era of transnational capital, a supranational power exerts 'de facto' power over state sovereignty in the form of a global regulatory structure based on a vast network of free trade and investment protection agreements. In practice, this governs and regulates trade and the global economy via the '[Lex Mercatoria](#)', which shapes the global economic and legal order in favour of transnational capital. This economic order also "overprotects" companies when popular resistance or public policies for the benefit of the population affect their interests. It is not by chance that most of the Investor-state dispute settlement cases (ISDS) lawsuits of transnationals against states, are in extractive sectors, mainly mining.

The deepening of this new stage of global capitalism has been accompanied by a new round of extensive

and intensive expansion of transnational capital, which seeks to penetrate spaces and territories that were previously outside the zone of accumulation. This new 'wave of dispossession' has intensified extractive activities, triggering resistance from people living in the affected territories and an increase in conflict, repression and violence on the part of the transnational state. This is what Robinson [calls](#) 'militarized accumulation' or 'accumulation by repression'.

Peru and Colombia – emblematic cases of violence and impunity

The violence against the communities in the conflicts involving extractive operations comes mainly from the state, through the use of public security forces. However, it is neither the only source, nor the worst.

The presence of extractive operations often attracts groups with shady interests that are capable of mobilising criminal networks and paramilitary groups in the area. This creates a very tense and hostile environment for socio-environmental and land defenders. The prevailing impunity for the crimes committed makes the situation worse. When a crime takes place, it is difficult to find the perpetrators and the masterminds behind them.

Global Witness reported that in 2019, 64 of the 148 assassinations of environmental leaders in Latin America [took place](#) in Colombia, 'the highest number ever recorded in the country'. They also pointed out that these occur in an 'climate of persecution and threats' 'that seeks to spread fear'.

'Defending human rights is hard... especially in La Guajira because of the coal mining', [says](#) Jakeline Romero, an indigenous member of Force of Wayúu Women, an organisation that also resists the expansion of coal mining. 'In our organisation, we have had to endure many situations of violence including [threats](#), stigmatisation and false accusations'.

Front Line Defenders [say](#) that '44% of the attacks between 2015 and 2019 [in Colombia] were against defenders who expressed concern with the operations of five companies... Cerrejón is one of them'. Moreover, this company has a [security agreement](#) with a 'mining and energy battalion'.



Military waiting to be picked up at the Interoceanic highway between Matarani and Arequipa. This desert dune area is used for target practice and explosives by soldiers of the garrison of Arequipa. The Interoceanic Highway is an international, transcontinental highway in Peru and Brazil that seeks to facilitate Brazil's access to the Pacific coast (and the markets of Asia) and in the same way the transfer of Asian products to the Atlantic coast (markets in the United States, Europe and Brazil). The construction of the highway has a severe impact on the fragile rainforest environment as it increases deforestation, illegal hunting and fishing, illegal mining, pollution, soil erosion and loss of biodiversity. It also affects the local populations, introducing drug and arms trafficking into the region, violence, and land dispossession. Credit: Sebastian Liste / NOOR

In the case of Peru, repression has also increased in areas of resistance to mining activities. The situation is particularly critical in the southern Andes, which includes the most mining concessions in the country and the so-called 'mining corridor'. Minerals pass through the corridor to the point of export. Most of the extractive companies that have security agreements with the police have projects in this 'mining corridor'. This area, Espinar province, is home to the Antapaccay copper, gold and silver mine, owned by the Swiss-based transnational mining corporation, Glencore, and is now constantly militarised as a result of successive '[states of emergency](#)', a legal provision that suspends the communities' rights and protests despite the mines environmental impact on water, air and land. High amounts of heavy metals have been [found](#) in the blood samples of dozens of adults and children in the communities.

In 2012, a [general strike](#) and roadblock ended in a police operation that left three dead, dozens injured and several arbitrarily arrested. After this conflict, the National Coordinator for Human Rights of Peru (CNDDHH for its acronym in Spanish) [denounced](#) the existence of a security contract between the police and the mining corporation, noting that during the operation, the police used the corporation's facilities as an 'operating base' and detention centre where human rights activists were tortured.

The latest serious conflicts in Espinar took place between July and August 2020. The population once again demanded that their demands related to health and the environment be met, as well as a one-

time payment of 1,000 soles (approximately US\$265) to cope with the economic crisis caused by the pandemic. The funds were to come from the so-called 'framework agreement' between the company and the municipality, which stipulates that 3% of the mine's proceeds are to be used for development projects in the province. When the company – responsible for managing the resources from the agreement – refused to heed their demand, the population protested and was repressed by the police. The CNDDHH [reported](#) that three people suffered gunshot wounds, six were wounded by pellet guns and several were injured and bruised from the beatings. 'They tortured people, threatened to kill them, threw gasoline on them and threatened to burn them. There are also testimonies saying that women were touched inappropriately', [declared](#) Mar Pérez, a lawyer for the CNDDHH.

'States of emergency and exception' are a pattern of legal abuse found repeatedly throughout Latin America. The state uses this situation to militarise territories and suspend constitutional rights to spread fear among the population and make it easier to develop extractive activities. 'These mechanisms are an efficient way of demobilising protestors', the Bolivian Centre for Documentation and Information (CEDIB) [affirms](#).

These situations of conflict and repression also lead to processes that 'criminalise social protest' by detaining and prosecuting social leaders for forced and ambiguous accusations of criminal offences, such as terrorism, sabotage, conspiracy and extortion.

After the 2012 protests in Espinar, the [state prosecuted](#) three social leaders charged with instigation and other crimes. The trial lasted more than eight years and during that time, the affected people were forced to bear the costs in terms of economic resources and their time, not to mention the psychological and social impacts on them and their families. Rodrigo Lauracio from Red Muqui says that in some cases these processes are driven by companies and in others directly by the state. "It seeks to prevent future social protests and intimidate organizations that question extractive projects," he says.

'Concepts such as "national security, public order, protection of critical state assets", among others, have been used to justify the subordination of state security forces – both the police and the military – to the interests of the extractive companies', explains CEDIB.

There are other, more subtle forms of repression in areas of extractive activities, such as discrediting social organisations and leaders. The people and organisations leading resistance have often been called 'enemies of the state, enemies of development and terrorists'. This type of labelling not only generates stigma, but also helps create a tense atmosphere of violence that could have fatal consequences for affected people, especially in countries that have experienced significant internal armed conflicts, like Peru and Colombia.

Such attacks and discourses generally originate in state authorities, but are also instilled in organs of repression, such as the military and police, whose training is based on the logic of the 'internal enemy' that must be destroyed. This logic does not respect social protest as a right or a legitimate and democratic act of citizenship.

Rodrigo Lauracio says that this discourse is also repeated by dominant social groups and the media, who say that people who reject extractive activities do not want the development of the country. This lead "many people to assume an extractivist position and stop questioning the impacts and human rights violations". "Violence, states of emergency, extractivism are naturalised," he says.

As if that were not enough, the state's use of violence and these kinds of abuse are deeply intertwined with racism. During the conflicts in Espinar in 2020, CNDDHH's lawyer Mar Pérez highlighted that 'it has been internationally recognised that the use of force by the police is highly racist', since '70% of the victims of the use of force by police during protests are indigenous'. This has generated much criticism, including from the United Nations Committee on the Elimination of Racial Discrimination.

Extractivism and violence from the left

These examples from Colombia and Peru of the use of state-sponsored coercive forces, the criminalisation of protest and human rights violations fit a more general pattern in Latin America of what Svampa calls 'the developmentalist illusion'.

Bolivia and Ecuador, for example, under self-declared left leaders and administrations, made very important advances in incorporating human rights and the rights of Mother Earth into their constitutional norms. However, both countries also developed numerous extractive projects and the results are not all that different from those in other countries, even if the redistribution of resources from extractivism may be more fairly shared.

'We are seeing neoliberal traditional extractivism and a new kind of progressive neoextractivism, where the state plays a more active role in the capture of the surplus and the distribution, which is legitimised, but that produces the same impacts on the environment and rights', Gudynas explains.

One of the cases in Bolivia that drew the most attention was the TIPNIS conflict. In August 2011, 1,000 indigenous people began a 400-kilometre march from the eastern department of Beni to the seat of government in La Paz. The goal was to demand a halt to the 'unconsulted' construction of the highway that was to go through the Isiboro Sécuré Indigenous Territory and National Park (TIPNIS), which is home to many Amazonian indigenous peoples. The communities were seeking to prevent the incursion of extractive activities into the nature reserve.

The government discredited the march in several ways by linking it to particular NGOs and other political groups. In the end, the government violently repressed the march when it was 80 kilometres from La Paz, initially ignoring national and international criticism but eventually forced to abandon the project temporarily.

In Ecuador, a conflict in the Amazon between a Chinese mining corporation and the Shuar community attracted international attention. In Morona Santiago province, communities of the Cordillera del Cóndor mountain range rejected the San Carlos-Panantza open-pit copper mine project operated by the Chinese corporation Ecuacorriente. In August 2016, hundreds of police officers violently evicted the Shuar Nankints community from the land that the Chinese corporation was claiming as its own. In response, several indigenous organisations accused the government of promoting a mega-mining project without holding a consultation to obtain free, prior and informed consent (FPIC). This was the first of a series of violent events that led to the militarisation of the area.

In both the TIPNIS and the Cordillera del Cóndor cases, the respective governments publicly discredited the communities and tried to dissolve NGOs accused of supporting mobilisations to further their own obscure interests.

As in Colombia and Peru, most of the so-called 'sacrifice zones' are found in the territories of indigenous peoples, who often are not consulted and later subjected to violence.

Reforms, support for struggles and alternatives

The violent extraction of raw materials for export is a pattern that has been reproduced in Latin America since the colonial period, and continues today. While China has played a fundamental role in the recent neoextractivist era in Latin America, a large proportion of these resources is still exported to Europe and the US.

This global race for the remaining resources has generated strong resistance movements, which are repressed with increasing violence but also continue to survive and even grow.

One crucial first step to confront extractivism is demanding that governments provide the necessary information on both the extractive operations and the security systems designed to protect them. These complaints and information can be brought before the international human rights systems to which our countries belong.

There are international instruments and important tools and precedents in the defence of human, territorial and environmental rights that can be exploited. In 2011 for example, the UN General Assembly spoke out against the misuse of security and counter-terrorism laws to attack human rights defenders. In 2013, the United Nations Human Rights Council said that national laws should facilitate the work of defenders rather than criminalise or discredit them. In 2019, the Council recognised the contribution of environmental defenders and highlighted the importance of their contribution to tackling the effects of climate change and the conservation of ecosystems. Moreover, it urged states to guarantee the 'participation of communities in the decisions affecting their rights and territories, combat impunity in cases of the violations of environmental defenders' rights, issue norms and implement protection policies', such as FPIC obligations.

Another important tool that has just been born is the [Escazú Agreement](#) "on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean". The agreement is signed by 24 countries and ratified by 12, and it could improve communities' access to information on extractive activities that affect them. However, it will be a challenge to achieve an effective application of this agreement, given that there are already other agreements, such as ILO Convention 169, that are frequently ignored.

Another strategy is seeking the reform or abolition of the repressive apparatuses of the state. In Colombia, many organisations [are calling for](#) ESMAD to be disbanded. Even the Office of the United Nations High Commissioner for Human Rights (OHCHR) has denounced the ESMAD's abuses and called for its reform. The existence and role of the 'mining and energy battalions' have also been strongly questioned. In Peru, organisations have been working to prove that the contracts between the police and the extractive companies are 'illegitimate'. There are also proposals to reform the criminal code and even the political constitution so that certain types of criminal offence are not used to prosecute social leaders.

The role of these security services has been put under an even bigger spotlight with the recent conflicts in Peru (November 2020) and Colombia (April/May 2021). In Colombia, Temblores had reported [1,708 cases](#) of police abuse on 5 May 2021 as anti-Duque protests continued in the face of massive state violence. In these cases, human rights organizations have called once again for reforms, from the elimination of the laws that protect the police in Peru, to the dissolution of ESMAD in Colombia.

On a structural level, there are proposals that seek to attack the system that generates the vicious cycle of extractivism and the violence that comes with it. In recent decades, the 'extractivist' development model has been widely criticised and various organisations are working to create alternatives. The growing violence associated with extractivism exposes the systemic crisis engulfing the transnational capitalist model as well as the planet's ecological limits. Thus, it is a good opportunity to think about building a new civilisational system.

These proposals range from advocating for just energy transitions, changing the productive matrix, to rescuing and articulating the experiences of communities that live based on their ancestral knowledge about the land. Other proposals to curb extractive activities promoted by the communities have emerged from the popular consultations and assemblies that have been developed successfully in Colombia, Ecuador, Argentina and other countries.

In the meantime, it is important as internationalists to support people fighting on the front line, create genuine solidarity networks to constantly denounce what is happening in the affected territories and the role played by TNCs. It is vital as well to dismantle the international shield that protects corporations, such as the Investor-State Dispute Settlement System (ISDS) included in trade and investment agreements.

Transnational corporations always play a 'winner takes all' game. They take no responsibility for the conflicts they generate because they can easily evade national justice systems or blackmail governments, or they are simply so powerful that many governments cannot lay a finger on them. This is why it is so important to demand greater international scrutiny of their activities to hold them accountable for the consequences. We must continue to support the establishment of a legally binding international human rights instrument for TNCs that obliges them to respect human rights and compensate the communities affected by their operations. The [binding treaty](#) currently being negotiated at the United Nations will be fundamental for ensuring that the communities who resist and denounce the impacts of TNCs have some form of protection and an effective international channel for obtaining justice for the repercussions on their territories and environment.

Aldo Orellana López is a Bolivian activist and journalist focused on environmental issues, extractivism and multinational companies in Latin America. He works at [Terra Justa](#), a research and campaigning organization based in Bolivia. Twitter: [@AOrellanaLopez](#) / [@TerraJusta](#)

Notes

- 166 According to Eduardo Gudynas, 'To identify these particular situations, I propose a new term: "extraher" and its derivative "extrahección" in Spanish. The origin of this word is the Latin word "extrahere", where "ex" means outside and "trahere" means to remove or drag to oneself. Therefore, extraher is used here to refer to the act of taking or removing with violence or where natural resources are "torn away" from either the communities or Nature'.
- 167 In her work, Maristella Svampa says, 'we can consider as developmentalist neoextractivism activities traditionally associated with it (like mining and oil exploration) and the ones linked to the new agriculture and food system, such as agribusiness or biofuel production. It also includes the infrastructure projects'. <http://www.alternautas.net/blog/2015/4/22/the-commodities-consensus-and-valuation-languages-in-latin-america-1>
- 168 Maristella Svampa describes commodities as "'undifferentiated products whose prices are fixed internationally" or as "products of global production, availability and demand that have an international price range and do not require advanced technology for their production and processing". Both definitions range from raw materials to semi-processed or industrial products. In the case of Latin America, the demand for commodities is concentrated in food products such as corn, soybeans and wheat, as well as fossil fuels (oil and gas) and minerals and metals (copper, gold, silver, tin, bauxite and zinc, among others)'.
- 169 Interview with the author. March 2021.
- 170 Interview with the author. March 2021.
- 171 Interview with the author. March 2021.