The Legal Cultures of the Subsoil:

The Judicialization of Environmental Politics in Central America

Contents

Project Background

The Legal Cultures of the Subsoil: The Judicialization of Environmental Politics in Central America is an ESRC-funded anthropological project that explores legal and quasi-legal actions in the context of natural resource governance. Controversies over the fate of non-renewable natural resources have increasingly taken the shape of the jural. This project pursues research on the legal repertoires at work in disputes over subsoil resources (specifically minerals), seeking to achieve an understanding of the different moralities that pervade these repertoires.

The project focuses on four Central American countries (El Salvador, Guatemala, Honduras and Nicaragua) that have been understudied when it comes to non-renewable resources and that share ecological conditions as well as a similar political history, including relatively recent processes of democratization. It also includes research at global sites (Washington, DC, Geneva and London) where key actors involved in legal actions relating to environmental politics are based.

The Database

This database is one element of the wider anthropological project entitled The Legal Cultures of the Subsoil: The Judicialisation of Environmental Politics in Central America. The purpose of the database is to serve as a repository of legal instruments and practices relied upon by a range of stakeholders (civil society organisations, governments and corporations) in the context of extraction-related conflicts as a means to assert their rights over resources and their governance. The database takes a broad-based approach so as to apprehend the universe of available legal repertoires in the context of environmental politics (specifically when it comes to extractive projects). It focuses on the following domains pervaded by legal cultures: (i) transnational judicial institutions and quasi-judicial norms; (ii) domestic courts, administrative bodies, and legislation; and (iii) para-legal actions and law-like actions that occur outside of formal legal arenas.

The database is intended to be a practical resource for researchers, lawyers, activists, policy-makers, global organisations, members of the business community, civil society actors, and others interested in resource-related conflicts and human rights violations. It currently contains information on six mining projects: El Dorado (El Salvador), Cerro Blanco, Escobal and Marlin (Guatemala), San Martín (Honduras), and La Libertad (Nicaragua), with plans to expand to other regions of Latin America and

create a Spanish version of the database in the future. Additional details about the search categories and design of the database is provided in the expandable sections below.

The information contained in the database is drawn from fieldwork in the four Central American countries noted above, as well as open-source internet research that brings together publicly available information from diverse news outlets, government and non-governmental reports, academic and other expert research sources, and publications from local organisations representing communities directly impacted by resource extraction.
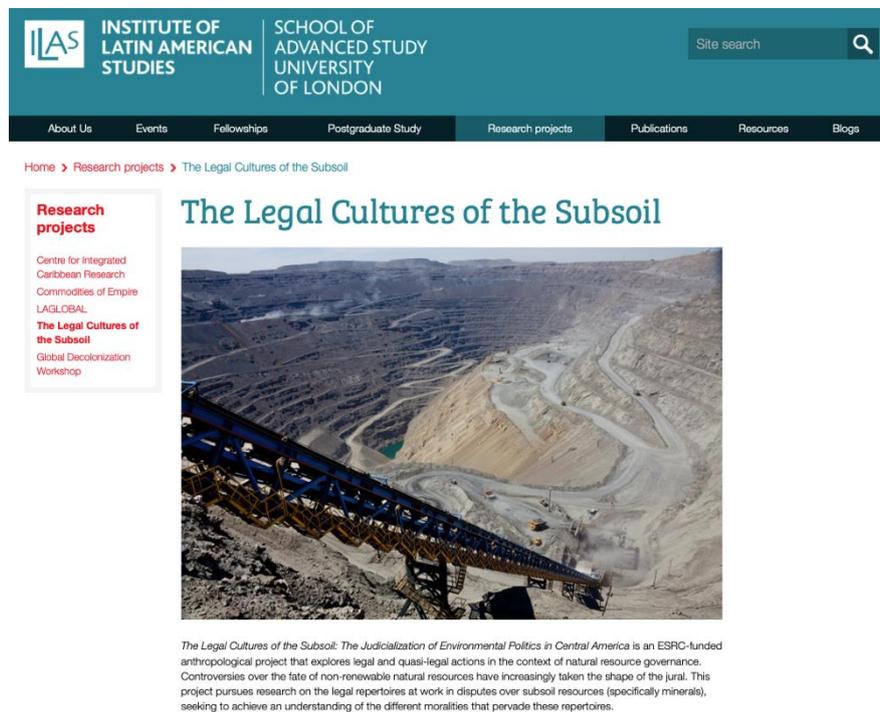
While the researchers have tried to be as comprehensive as possible, we welcome feedback on any entries that require updating or correction, and information about legal actions that may be missing from the database. Comments or concerns about the content of the database as well as suggestions for its future development and improvement should be made to Dr Ainhoa Montoya.

The database has been created by Constanza Pauchulo (research assistant in the project) and Dr Ainhoa Montoya (principal investigator), with the support of an ESRC Future Research Leaders award (ESRC ES/N017870/1). A British Academy Sustainable Development Programme award will enable the next stage of database development, including its translation into Spanish from 2020. We are grateful to Gabriela Quijano (Business and Human Rights Legal Advisor, Amnesty International), Joseph Bardwell (Corporate Accountability and Communications Officer, Business and Human Rights Resource Centre), Lizzette Robleto de Howarth (International Programmes Manager, Law Society of England and Wales), Richard Meeran (Partner and Head of the International Department, Leigh Day), and Sue William (Partner, Deighton Pierce Glynn Solicitors) for the feedback they offered on both the project and database. We are also grateful to Martin Steer (Technical Lead, Digital Humanities, University of London) and Prem Siri Kaur (PHP Drupal Website Developer, University of London) for their technical expertise and guidance throughout the design and development of the database.

The CSV files are available in SAS-Space, and were exported from the database using UTF-8 text encoding. Please be careful with the text encoding when opening these files in applications such as Microsoft Excel, as the characters can appear garbled.

Website

The Legal Cultures of the Subsoil database was integrated within the main website for the Institute of Latin American Studies: https://ilas.sas.ac.uk/resources/legal-cultures-subsoil
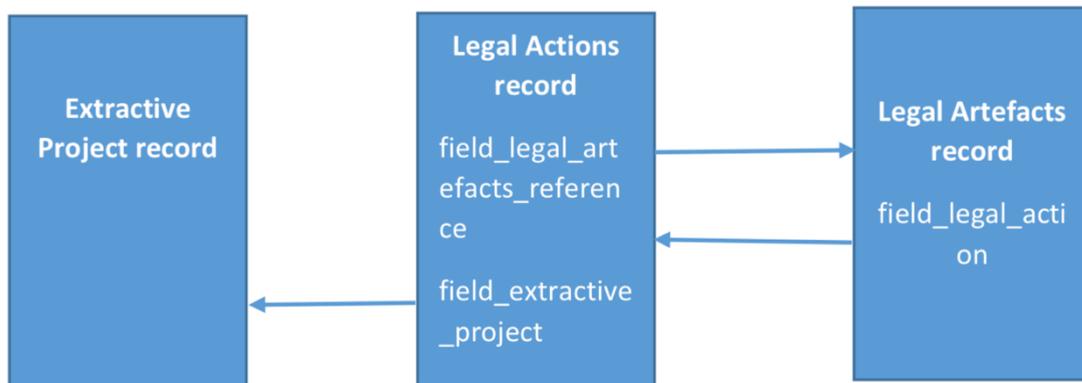

The data was designed around three main results pages: 'Legal Actions', 'Legal Artefacts', and 'Extractive Projects'. 'Legal Actions' are broadly defined to include both formal judicial, quasi-judicial, and legislative proceedings, as well as 'law-like' activities that mimic formal procedures but may not be legally recognised or binding. 'Legal Artefacts' are documents, such as legislation or written submissions made to judicial bodies, that are related to or result from a specific Legal Action. The 'Extractive Project' page allows users to search for general company and background information relating to a specific project, including political actions and technical or research reports that form part of the context in which project-related Legal Actions were/are taken. (See below for more information regarding 'Political Actions' and 'Reports').

A Webarchive of the original website has been produced to capture the website as it appeared before it was shut down. The webarchive includes the search forms, results pages and item level pages, and only includes any attachments/documents if they were uploaded directly to the ILAS website (i.e. the archive does not capture externally linked documents, but it does capture the URLs to these documents). While the webarchive search forms will not work, browsing and paging through all items works and will allow you to browse and interact with the website items and demonstrate how the metadata was presented and used. The webarchive is a WARC format (.warc.gz) file and is also available to download and use from SAS-Space. To use this file, you will need a webarchive browsing application. At the time of writing, Webrecorder Player is a free, opensource desktop application which will allow you to browse the webarchive of the original project website. Information on how to download and use WARC format files in the Webrecorder Player is available on github at https://github.com/webrecorder/webrecorderplayer-electron.

Database design

The data is divided into the three content types with Entity Reference fields creating the relationships illustrated in the diagram below. Number of csv feeds exist for the initial import of data, but since then manual editing in CMS have also taken place. The user role db editor allows to administer the content.

Current design includes three search pages: two (Legal Artefacts and Extractive Project) Drupal views exposed filters node search and one (Legal Actions Search) is an Apache Solr indexed search view.

Search Categories

Users can limit their search results by selecting relevant categories from dropdown boxes, auto-complete search fields, and free-text search fields. The search categories are divided into three main themes: (1) geographical information (country and region); (2) legal information (type of legal action, jurisdiction, and type of legal artefact); and (3) project information (project name, resource type, company).

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Site search

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Legal Artefacts Search

Resources

Liberalism In The Americas
Political Archives
The Caribbean Studies Collection
Library
Latin America and Caribbean Research Portal
Directory Of Research And Expertise
ILAS Collections In SAS-Space
Other Organisations
Brazilians Living In London
Brazil Gallery
The Legal Cultures of the Subsoil
    Legal Actions search
    Legal Artefacts search
    Extractive Project search

Type of Legal Action
- Any -

Jurisdiction
- Any -

Type of Legal Artefacts
- Any -

Extractive Project
- Any -

Natural Resource
- Any -

Company

Country
- Any -

Region
- Any -

Keyword Search

APPLY   RESET

2016 Executive Decree Proposal by La Mesa
- Popular Law Documents and Procedures - Popular Law Drafting and Procedures - El Salvador - El Dorado

Law on the Prohibition of Metallic Mining
- National Legislation - National and Legislative Activities and Procedures - El Salvador - El Dorado

Law on the Prohibition of Metallic Mining
- National Legislation - National and Legislative Activities and Procedures - El Salvador - El Dorado

DR-CAFTA
- International and Regional Treaties and Conventions - National and Legislative Activities and Procedures - El Salvador - El Dorado

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Home > Resources > The Legal Cultures of the Subsoil > Extractive Project Search

Extractive Project Search

Resources

Liberalism In The Americas
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The Legal Cultures of the Subsoil
    Legal Actions search
    Legal Artefacts search
    Extractive Project search

Type of Legal Action
- Any -

Jurisdiction
- Any -

Type of Legal Artefacts
- Any -

Extractive Project
- Any -

Natural Resource
- Any -

Company

Country
- Any -

Region
- Any -

Keyword Search

APPLY   RESET

Cerro Blanco
- Gold, Silver - Glamis Gold, Ltd. (1998-2006), Goldcorp Inc. (Canada) (2006-2017), Bluestone Resources Inc. (Canada) (2017-present), Entre Mares de Guatemala, S.A. (subsidiary of Goldcorp Inc. and later Bluestone Resources Inc.) - Guatemala

San Martín
- Gold - Glamis Gold Ltd. (Canada) (1995-2005), Goldcorp Inc. (Canada) (2005-2010), Minerales Entremares de Honduras, S.A. - Honduras

Escobal
- Gold, Lead, Silver, Zinc - Goldcorp Inc. (Canada) (2006-2010), Tahoe Resources Inc. (Canada) (2010-present), Minera San Rafeal, S.A. (MINERASA) (subsidiary of Tahoe Resources Inc.) - Guatemala

Political Actions and Reports

In the Extractive Project pages, users will find links to 'Political Actions' and 'Reports'. Clicking on these links will lead users to a brief description and/or source information. The events and reports included in this section are not intended to provide an exhaustive reference of all political actions and research or technical reports that may apply to a specific project. Rather, they are intended to provide some contextual information about the types of political actions (particularly by civil society actors and local grassroots movements) that accompany legal actions and often create the necessary political climate for reforms, such as legislative bans on metallic mining or the legal recognition of new or emerging human rights. Likewise, the research and technical reports included in the database may, in some cases, relate to a specific mining project or they may provide relevant background information, such as the general state of human rights and mining in a particular country.

All reports included in the database are collected from publicly available online sources. Should the authors have any concerns regarding their inclusion, please contact Dr Ainhoa Montoya.