



*From the MixCache.com library*

SAMPLE COPY

# **Green Gold and Corporate Power: Environmental Conflicts and Law**

MixCache.com

SAMPLE COPY

## Table of Contents

- **Introduction**
- **Chapter 1** Green Gold, Corporate Power, and Contested Landscapes
- **Chapter 2** Central America at the Crossroads: Ecologies, Peoples, and States
- **Chapter 3** Law in the Forest and the Courtroom: A Primer on Environmental and Human Rights Law
- **Chapter 4** Land, Territory, and Tenure: From Colonial Grants to Contemporary Titles
- **Chapter 5** Free, Prior, and Informed Consent: From Principle to Practice
- **Chapter 6** Mining Frontiers: Gold, Silver, and the Politics of Extraction
- **Chapter 7** Dams and Dispossession: Hydropower Expansion and River Rights
- **Chapter 8** Agribusiness Ascendant: Palm Oil, Sugar, and the Rural Question
- **Chapter 9** Water, Pollution, and Public Health: Toxic Torts in the Countryside
- **Chapter 10** Corporate Structures and Shell Games: Piercing the Veil
- **Chapter 11** Litigation Pathways: Administrative, Civil, and Criminal Strategies
- **Chapter 12** The Inter-American System: Petitions, Precautionary Measures, and Landmark Rulings
- **Chapter 13** Community Legal Defense: Clinics, Paralegals, and Movement Lawyering
- **Chapter 14** Criminalization and SLAPPs: Defending Defenders
- **Chapter 15** Evidence from the Field: Mapping, Forensics, and Citizen Science
- **Chapter 16** Investor-State Disputes: CAFTA-DR, ICSID, and Regulatory Chill
- **Chapter 17** The Escazú Agreement: Access to Information, Participation, and Justice
- **Chapter 18** Municipal Autonomy and Local Referenda: Ballots Against Bulldozers
- **Chapter 19** Supply Chains and Extraterritorial Claims: Due Diligence and Foreign Forums
- **Chapter 20** Gender, Care, and Environmental Justice
- **Chapter 21** Afro-Descendant and Indigenous Rights: Garífuna, Miskitu, and Ngäbe-Buglé Territories
- **Chapter 22** Security, Militarization, and Private Force
- **Chapter 23** Remediation and Restoration: From Injunctions to Reparation
- **Chapter 24** Negotiation, Mediation, and the Politics of Settlement
- **Chapter 25** Futures Beyond Extraction: Climate Policy, Just Transition, and Plurinational Horizons

## Introduction

This book examines the legal and sociopolitical struggles that have unfolded as corporations, governments, and communities contest the meaning of land, water, and livelihood in Central America. “Green gold” refers both to the region’s biological wealth—its forests, rivers, and soils—and to the profits promised by mining, hydropower, and agribusiness. The phrase captures a paradox: projects marketed as engines of development and, at times, as climate solutions, often collide with local claims to territory, autonomy, and survival. At the heart of these collisions are legal questions about who decides, who benefits, and who bears the risks.

Our approach is interdisciplinary and practice-oriented. Drawing from court filings, administrative records, community testimony, and field investigations, the chapters map how laws are invoked, bent, and sometimes transformed by social movements and strategic litigation. Readers will find a primer on environmental regulation, constitutional protections, and human rights norms, alongside accounts of grassroots organizing and community legal defense. The goal is not merely to describe the rules but to illuminate how people use them—creatively and courageously—when facing extractive projects that threaten their lands and waters.

The legal terrain is complex. Concessions and licenses intersect with land registries marked by colonial legacies and incomplete titling; environmental impact assessments meet standards for free, prior, and informed consent; domestic constitutional remedies interact with regional human rights bodies. Investor-state arbitration under trade and investment treaties can chill public regulation, while emerging instruments—such as access-to-information and participation guarantees—open new avenues for accountability. Understanding these overlapping forums is essential for designing effective legal strategies.

The conflicts documented here are not abstract. Mining tailings contaminate streams used for drinking and irrigation; river diversion for hydropower alters fisheries and sacred sites; monoculture plantations reshape labor markets and concentrate land in few hands. Communities respond with municipal referenda, public interest lawsuits, protective measures for at-risk leaders, and cross-border advocacy that targets corporate parents and financiers. These actions are rarely linear victories; they are iterative, often defensive, and always embedded in broader struggles for democracy, security, and the rule of law.

Lawyers do not act alone. This book foregrounds the collaborative work of community paralegals, local councils, environmental monitors, and independent experts who gather evidence—from water sampling and health surveys to participatory mapping

and forensic analysis. Such evidence strengthens litigation, counters disinformation, and builds a public record that can sustain negotiations or, when necessary, resistance. The chapters highlight methods that prioritize safety, preserve chain of custody, and respect community protocols.

Because context matters, the narrative centers Central American realities: multilingual societies with Indigenous and Afro-descendant peoples asserting territorial rights; histories of conflict and militarization that shape contemporary security practices; and economies entwined with global supply chains, remittances, and foreign finance. We explore how gendered divisions of labor and care work make environmental harm unevenly felt, and how defenders—especially women and youth—face criminalization and strategic lawsuits designed to silence them. Against these pressures, new legal tools and alliances are emerging, including regional agreements that strengthen access to information, participation, and justice.

This is a handbook for action as much as a work of analysis. It is written for community organizers, students, journalists, public officials, and practitioners who seek to navigate the law without losing sight of politics. By tracing both courtroom strategies and movement-building, we aim to equip readers with practical frameworks: how to choose a forum, assemble evidence, protect defenders, and negotiate remedies that move beyond paper to real restoration. The stories that follow show that legal change is possible—uneven, contingent, and hard-won, but possible.

Finally, the book argues that durable solutions require more than case-by-case victories. They demand reimagining development models, recognizing plurinational citizenship, and advancing a just transition that lowers emissions without reproducing dispossession. If “green gold” is to mean shared prosperity rather than extracted value, then law must be a living instrument—anchored in rights, informed by science, accountable to communities, and capable of restraining corporate power. The chapters ahead offer pathways, pitfalls, and, we hope, reasons for cautious optimism.

## CHAPTER ONE: Green Gold, Corporate Power, and Contested Landscapes

Imagine standing in a mist-shrouded valley in western Guatemala before dawn. The air smells of wet earth and woodsmoke. A few hundred meters away, heavy machines idle behind a chain-link fence topped with razor wire, their diesel engines a low growl against the chatter of howler monkeys. On the other side of the fence, a community patrol—elders, farmers, and teenagers—holds flashlights and cell phones, ready to document any attempt to move equipment. A bilingual schoolteacher translates a legal notice taped to a post, explaining in both Spanish and Mam the difference between a “temporary access agreement” and a land title. This scene is not exceptional; it is emblematic of the front lines where global demand for resources meets local claims to land, water, and autonomy.

At the heart of these confrontations is the idea of “green gold,” a phrase that captures the double bind of natural wealth in Central America. Gold, literally, glitters in the mountains of Honduras and Nicaragua, promising export revenues and hard currency. But the region’s true “green gold” lies in its biodiversity, fertile soils, and abundant rivers—assets increasingly framed as climate solutions or engines of “sustainable development.” Hydropower is marketed as clean energy. Agribusiness touts carbon offsets and “deforestation-free” supply chains. Mining companies promise critical minerals for the green transition. Yet for many communities, these projects arrive as threats to their ways of life, negotiated in distant boardrooms and ratified by state permits issued without meaningful local consent.

Corporate power in these conflicts is rarely a single actor. It is a network: transnational corporations with parent firms in Canada, the United States, or Europe; local subsidiaries registered in Central American jurisdictions; joint ventures with state enterprises; and financial institutions that provide loans, bonds, or project finance. The legal architecture mirrors this complexity. Mining concessions are granted under national mining codes; dams are licensed by energy regulators; plantations are approved under forestry or agricultural statutes. Overlays come from environmental laws, labor regulations, and constitutional protections. International trade and investment treaties add another layer, creating forums where corporations can challenge state measures before international arbitration panels. The result is a crowded legal field, where community defenders must navigate multiple jurisdictions and legal languages.

Central America’s geography intensifies the stakes. A narrow isthmus connects two oceans, channeling migration and trade, but also concentrating biodiversity hotspots

and watersheds that supply cities and farms. Indigenous territories—such as those of the K'iche', Q'eqchi', Lenca, Miskitu, and Ngäbe-Buglé peoples—often encompass forested mountains and river headwaters targeted for extraction. Afro-descendant communities, like the Garífuna along Caribbean coasts, hold collective land titles that are contested by tourism and port projects. Campesino settlements straddle fertile valleys where sugarcane and oil palm expand. Each landscape carries its own legal history: colonial land grants, mid-twentieth century agrarian reforms, and late twentieth-century structural adjustment policies that liberalized land markets and opened sectors to foreign investment.

Conflict unfolds through both administrative processes and direct confrontation. Companies apply for permits and submit environmental impact assessments, which may or may not meet technical standards or acknowledge community knowledge. State agencies hold consultations, which may or may not satisfy requirements for free, prior, and informed consent. Municipal councils issue resolutions; ministries issue licenses; courts receive injunctions. Meanwhile, on the ground, road blockades appear, private security guards patrol perimeters, and police or military units are deployed. The mix of legal procedure and physical force is characteristic of extractive frontiers: law defines the official map, but power redraws it daily. Disputes over water, labor, and access to sacred sites can escalate into evictions, arrests, and, at times, violence.

Legal strategies are varied and context-specific. Communities and their allies may file administrative appeals to revoke permits, constitutional actions to enforce rights to a healthy environment, or civil suits for damages from pollution. Criminal complaints can target illegal dumping or threats against defenders. Public interest litigation seeks injunctions to halt projects until adequate safeguards are in place. At the regional level, petitions to the Inter-American Commission on Human Rights request precautionary measures to protect leaders at risk. Some groups pursue local referenda to ban mining or large dams within municipal boundaries. Others engage in negotiation and mediation, using legal leverage to extract better terms or restoration commitments. Each pathway has trade-offs, costs, and windows of opportunity.

To act effectively, defenders need more than moral authority; they need evidence. Community paralegals and local monitors are central to this work. They collect water samples after tailings spills, map boundaries with GPS devices, and photograph land encroachments. Health surveys document respiratory problems near plantations or skin rashes downstream from mines. Participatory mapping exercises blend cartographic tools with oral histories, creating maps that recognize customary tenure alongside formal titles. Forensic analysis may be required to link pollution to specific sites or to identify the corporate actors behind a chain of subsidiaries. Gathering and preserving this evidence—maintaining chain of custody, protecting witnesses, and respecting community protocols—is a technical discipline as much as a political act.

Understanding the corporate structures behind extractive projects is essential. Many

ventures are set up as special-purpose vehicles, designed to isolate financial and legal risk from parent companies. These subsidiaries may be registered in jurisdictions with limited regulatory oversight. Ownership can be layered through holding companies and investment funds, making it difficult to identify who ultimately controls a project. Legal strategies that “pierce the corporate veil” aim to trace responsibility to parent firms or financiers, especially where subsidiaries lack assets to satisfy judgments. Supply chain accountability is another route: leveraging due diligence laws and consumer markets in importing countries to pressure companies upstream. The rise of extraterritorial claims, including human rights litigation in home-country courts, is reshaping the landscape of corporate accountability.

The political economy of extraction in Central America is shaped by global markets and domestic policy choices. Export-oriented development models prioritize foreign exchange and fiscal revenues, often at the expense of environmental protection and social equity. Trade agreements such as CAFTA-DR link regional economies to the United States, facilitating investment but also opening avenues for investor–state disputes. Climate finance and carbon markets create new incentives for hydro and forest projects, while also raising questions about who benefits and who bears risks. In this context, regulatory frameworks are continually negotiated: stricter standards can deter investment, while lax enforcement can erode public trust. The result is a dynamic where legal clarity is elusive and policy windows open and close quickly.

Security and criminalization are recurring features of extractive conflicts. Private security firms guard mines and plantations; community protests are treated as threats to public order; defenders face lawsuits designed to drain resources and time—known as SLAPPs (Strategic Lawsuits Against Public Participation). In some cases, criminal charges are filed against leaders to sideline resistance. The risks are not uniform: women defenders face gendered threats, including sexual harassment and defamation; youth organizers may be targeted through schools or employment. Protecting defenders requires both legal tools—such as protective orders and legal accompaniment—and political strategies that build visibility and solidarity. Law here operates as both shield and sword, but its effectiveness depends on institutional independence and public support.

Land tenure remains a foundational issue. Titles recorded in registries may conflict with ancestral territory maps, and overlapping claims are common in regions with histories of land grabs, informal settlements, and agrarian reform. Indigenous and Afro-descendant communities often hold collective titles recognized by national law and international instruments, yet these rights can be undermined by concessions that prioritize “productive use” or “national interest.” Campesino organizations advocate for redistribution and legal recognition of smallholder plots. Disputes over the boundary between private, public, and communal lands are not merely technical; they determine who can legally consent to projects and who can contest them. Clear, inclusive tenure systems are a prerequisite for meaningful participation.

Environmental law provides the procedural backbone for many conflicts. Environmental impact assessments are intended to identify risks and propose mitigation, but their quality varies. Baseline data may be weak; cumulative effects may be ignored; community input may be treated as a box to check rather than a substantive input. Laws on water quality, air emissions, and hazardous waste set standards, but enforcement often lags, especially where agencies are underfunded or influenced by political pressures. Access-to-information laws enable communities to request data, while participation guarantees open space for public hearings. Emerging regional instruments—such as the Escazú Agreement—aim to strengthen these rights across Latin America, though ratification and implementation are uneven. Procedural rigor matters because it shapes the evidence base for decisions and litigation.

Human rights law adds a normative frame that can counterbalance economic interests. Constitutional courts in several Central American states have recognized the right to a healthy environment, Indigenous territorial rights, and protections for cultural heritage. The Inter-American human rights system has produced landmark rulings on consultation, environmental harm, and the duty to prevent violence against defenders. These norms are not self-executing; they must be invoked and enforced. Litigants use them to challenge permits, demand precautionary measures, and argue for reparations. The interplay between domestic constitutional law and international human rights law is dynamic: national courts sometimes look to regional jurisprudence for guidance, and regional bodies defer to domestic remedies where they are effective. Understanding this dialogue is crucial for forum selection and legal design.

Agriculture and land use present their own legal puzzles. Agribusiness expansion—particularly palm oil and sugarcane—often relies on long-term leases, tax incentives, and infrastructure support. Labor conditions in plantations can trigger disputes over wages, safety, and unionization, which intersect with environmental claims where pesticide drift or water diversion affects nearby communities. Zoning and land-use planning are tools to manage these conflicts, but they require robust public processes and the political will to resist capture by powerful interests. In some regions, municipal governments have asserted autonomy to restrict large-scale extraction, using local referenda to express community preferences. These tools do not guarantee outcomes, but they reshape the political landscape and create legal leverage.

Hydropower adds a distinct set of issues. Dams alter river regimes, affecting fisheries, sediment transport, and riparian ecosystems. Reservoirs flood settlements, farms, and sacred sites, displacing communities and disrupting cultural practices. Energy contracts and power purchase agreements can lock in long-term commitments, making changes costly. Legal strategies in this sector often hinge on procedural failures—inadequate consultation, deficient environmental studies, or violations of Indigenous rights—and on substantive claims about water as a public good. In some

cases, courts have ordered the suspension of dams pending compliance; in others, governments have relocated projects or adjusted operations. The politics of energy—prices, reliability, and regional grids—shape the calculus for both states and communities.

Mining presents its own distinctive challenges. Exploration and extraction involve heavy machinery, chemicals like cyanide or mercury, and large volumes of waste rock and tailings. Tailings dams can fail, with catastrophic consequences for downstream communities. Artisanal and small-scale mining, often informal, contributes to deforestation and mercury pollution, complicating regulation. Legal frameworks vary: some countries constitutionally ban metallic mining, while others rely on licensing systems with environmental conditions. Community responses range from negotiation over benefit-sharing to outright resistance. Forensic tools—such as isotopic analysis of water samples—can help trace pollution sources, while health studies document impacts. Litigation may target permit violations or seek injunctions to prevent operations, but the high value of mineral exports often shapes political decisions.

Water sits at the center of these conflicts. Rivers and aquifers supply drinking water, irrigation, and hydroelectric power. Mining and agribusiness compete for the same water, often during dry seasons when scarcity is acute. Legal regimes may grant water use permits, but constitutional principles sometimes recognize water as a public good or a human right. Pollution from tailings, pesticides, or industrial effluent can render water unusable, raising public health concerns. Communities conduct water sampling and health surveys to document risks and build legal cases. Administrative agencies may issue orders to stop discharges or require remediation, but enforcement can be weak. Courts are increasingly asked to balance economic projects with water security, often bringing hydrology and ecology into the courtroom.

The role of the state is multifaceted and often contradictory. Governments seek investment to generate revenue and employment, yet they also have constitutional duties to protect the environment and human rights. Agencies responsible for issuing permits may be under-resourced or subject to political pressure. Municipal authorities sometimes push back against national policies, invoking autonomy to protect local resources. Political cycles create instability: a supportive administration can be replaced by one less favorable to community concerns, altering legal strategies. Understanding these dynamics is essential for timing legal actions, building alliances, and anticipating enforcement. Law is not a neutral referee; it is shaped by the political context and the capacity of institutions to act impartially.

Global supply chains link Central American conflicts to consumers and regulators abroad. Agribusiness exports—palm oil, sugar, coffee—enter markets with growing due diligence requirements focused on deforestation and labor rights. Mining products travel through complex trade routes, sometimes refinished or processed in third countries. Investors and insurers assess risk based on environmental and social

performance, creating financial incentives for compliance or, conversely, for cutting corners. Extraterritorial claims—filed in home-country courts against parent companies—offer an alternative to domestic forums, especially where local judiciaries are perceived as weak. These transnational strategies can increase pressure on corporations but also require careful coordination across jurisdictions and respect for local leadership.

Technology and citizen science are changing the evidence landscape. Satellite imagery reveals deforestation and reservoir changes; smartphone apps enable communities to log incidents of pollution or encroachment; drones can document illegal dumping or track equipment movements. These tools can be powerful for legal claims, but they also raise risks—surveillance, data security, and the potential for misuse. Effective programs train community monitors in data collection and chain-of-custody protocols, ensuring that evidence is admissible and that privacy is protected. Participatory methods—such as mapping exercises that integrate traditional knowledge—enhance accuracy and legitimacy. Courts and regulators increasingly accept digital evidence, but careful documentation remains critical to withstand scrutiny and counter corporate narratives.

Community legal defense is a collective endeavor. Clinics, paralegals, and movement lawyers collaborate to craft strategies that align with local priorities and capacities. Paralegals, often trusted community members, translate legal information into accessible language and help navigate administrative processes. Law school clinics may provide research and drafting support, while experienced litigators handle court filings and oral arguments. This division of labor respects expertise while empowering local actors. Preparing for hearings, assembling dossiers, and coordinating expert testimony require time and funding. Donors and NGOs can play a role, but communities must retain decision-making authority. The best legal outcomes emerge when strategies are integrated with organizing, media outreach, and negotiation.

The concept of “just transition” adds a forward-looking dimension. As countries pursue climate goals, there is pressure to shift away from fossil fuels and toward renewable energy, often framed as “green.” In Central America, this transition intersects with the legacy of extractive projects and the aspiration for sustainable livelihoods. Law can either facilitate inclusive transition—through land-use planning, benefit-sharing, and environmental safeguards—or reproduce patterns of dispossession by prioritizing large-scale infrastructure over community-led solutions. Legal strategies should account for these dynamics, advocating for policies that align emissions reductions with territorial rights and food sovereignty. The goal is not to oppose all development but to redefine what counts as development and who gets to decide.

A note on the structure of this book. Chapter 1 sets the stage by mapping the forces at play: the promise of green gold, the reach of corporate power, and the contested landscapes where legal battles unfold. The following chapters provide deeper dives

into the region's ecological and social context, the legal frameworks that govern land and water, and the practical tools used in community defense. Readers will encounter detailed discussions of mining, dams, and agribusiness, as well as the legal doctrines that shape remedies, negotiation, and accountability. The aim is to offer both a primer for newcomers and a reference for practitioners, while keeping the focus on the lived realities of communities at the front lines.

Before moving forward, a brief orientation to the legal tools most commonly invoked in these conflicts can be useful. Administrative law governs permits and agency decisions, with avenues for appeal and review. Constitutional law protects fundamental rights, including environmental and Indigenous rights. Civil law provides claims for damages and injunctions; criminal law addresses illegal conduct and threats. International law—through human rights bodies and investment tribunals—adds forums and standards. Each tool has strengths and limitations, and the choice among them depends on the specific conflict, the institutional context, and the resources available. Success is rarely defined by a single case; it is cumulative, built through persistence, coalition-building, and careful attention to both law and politics.

As we proceed, it is important to recognize the diversity of perspectives within Central America. Not all communities oppose extractive projects; some negotiate benefits, seek jobs, or support infrastructure that improves local services. Legal strategies must respect this diversity and avoid romanticizing resistance. Similarly, corporations and state agencies are not monolithic; they include actors who seek better practices, responsiveness to communities, and compliance with law. The book's approach is to present facts and cases clearly, highlighting the mechanisms by which decisions are made and contested, and the ways communities organize to protect their rights and environments. The stories that follow illustrate both the constraints of law and the possibilities it can unlock when wielded strategically.

---

*This is a sample preview. Purchase the book to read the full content.*

Visit [MixCache.com](https://MixCache.com) to purchase the complete book.

SAMPLE COPY