

SOCIO-ENVIRONMENTAL MINING CONFLICTS: BETWEEN WOMEN'S BODIES-TERRITORIES AND DISPUTES IN THE FIELD OF AND IN THE LAW

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Abstract

This article investigates the rights violations and resistance movements of women affected by mining. A literature review relates the extractivisms of the hegemonic development model and its political and legal arrangements with the forms by which large companies appropriate space. The general objective is to demonstrate that rights violations materialize in the body-territory and are faced by women on a daily basis. One of their resistance strategies is the arpilleras, which are embroidered canvases through which women expose their values, and those of the community, and address the problems they face. Between stitches and embroidering, it is our understanding that the women are not only fighting over the place of normative production but also to guarantee their active participation in decision-making spaces. Their actions reveal other epistemes, connecting art and memory produced in the territories in their search for effective political-institutional responses to the violations suffered and to obtain socio-environmental justice.

Keywords

Arpilleras; Women; Mining; Rights Violations; Socio-Environmental Justice.

CONFLITOS SOCIOAMBIENTAIS DA MINERAÇÃO: ENTRE OS CORPOS-TERRITÓRIOS DAS MULHERES E AS DISPUTAS NO CAMPO DO/NO DIREITO

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Resumo

O artigo analisa as violações de direitos e os movimentos de resistência das mulheres atingidas pela mineração. A revisão bibliográfica relaciona os extrativismos do modelo de desenvolvimento hegemônico e seus arranjos político-jurídicos com as formas de apropriação do espaço pelas grandes corporações. Seu objetivo geral é o de demonstrar que, as violações de direitos se materializam no corpo-território e são cotidianamente enfrentadas pelas mulheres. Uma das estratégias de resistência são as arpilleras, telas por meio das quais as mulheres expõem seus valores, os da comunidade e abordam os problemas que enfrentam. Entre costuras e bordados, entendemos que as mulheres disputam não só o lugar de produção normativa, mas a garantia de participação ativa nos espaços de tomada de decisão. Suas ações revelam outras epistemes, conectando a arte e a memória produzidas nos territórios com a busca por respostas político-institucionais efetivas às violações sofridas e por justiça socioambiental.

Palavras-chave

Arpilleras; Mulheres; Mineração; Violações de Direitos; Justiça Socioambiental.

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Introduction

We begin with a conception of law as a field embedded within the social relations that constitute society, in which it becomes subject to the power struggles that play out within those relationships (Bourdieu, 1989). It is through such a vision that we obtain a deeper understanding of the phenomenon of law in its concrete specificity, rather than solely as a product of legislation and normative application. We emphasize this perspective since it reveals how the role of law (and legal disputes) contribute to the formation of authoritarian states and the establishment of mining corporations within their territories.

Building on this argument, we intend to explore how rights violations impact the bodies and territories of women affected by mining.

Mining in Latin America has become integrated into the extractivist logic of the dominant development model. Through the perspectives of de/dis-coloniality and Latin American political ecology, we examine the territory (Haesbaert, 2021) in order to understand it as a category of practice. This not only allows us to highlight the environmental and social rights violations, but also the forms of resistance generated during socio-environmental conflicts.

Through social reproduction, women find themselves on the front lines in building resistances. The impact that mining has on territories disrupts community ties, expropriates land and water, and severs families from their sources of income, thereby directly affecting their lives. In dramatic situations, such as dam failures, the activities of searching for water, food, and healthcare become even more costly and this burden, of unpaid work, the care economy, falls onto the bodies-territories of women.

Feminist political ecology has highlighted the different impacts that women suffer when territories are destroyed (Ulloa, 2020). As a key to this reading, many authors have proposed the notion of body-territory, stemming from community feminism (Cabnal, 2010; Paredes, 2010), which, as the name suggests, demonstrates the interaction between the physical body and the territory it occupies. Thus, body-territory “is a practical concept that demonstrates how the exploitation of common, community (be it urban, suburban, peasant, or Indigenous) territories involves the violation of the body of each person, as well as the collective body, through dispossession” (Gago, 2020, p. 107).¹

The study adopts the concept of body-territory as a category expressed in the canvases, stitches and embroidery produced by women who have been affected by mining. *Arpilleras*², as expressions of art, politics and memory, will be related to the disputes, to the right to speak, challenging the modern construction that places the state as the sole source of legitimacy. Photographs of the *arpilleras* produced by the affected women have been included throughout the article, representing the art and memory that has been created in resistance to the conflicts experienced in the territories. The photographs are taken from the authors’ personal collections and are also part of the virtual collection³ made available on the website of the Movement of People Affected by Dams (MAB).⁴

In methodological terms, the study uses a literature review and participant observation, which was influenced by Paulo Freire’s pedagogy, highlighting the collective construction of knowledge, which involves recognizing the reality that surrounds us (Freire, 2005). Brandão and Streck (2006) reinforced that observation requires exchange, interaction with others, with communities, to obtain knowledge

1. NB – For direct citations, the English version was used of GAGO V. Feminist International – How to Change Everything. London/New York, Verso. (2020, p.85). Translated by Liz Mason-Deese.

2. *Arpillera* (jute, in English) is a technique that originated in Chile, in which scraps of fabric are embroidered and sewn onto jute, and which was widely used by Chilean women to denounce human rights violations committed by the Augusto Pinochet dictatorship. “By reporting on the memories of those who disappeared during the regime, Chilean women managed to strengthen the resistance movement and give national and international visibility to the violence suffered in Chile. It is with this same proposal that women affected by dams in Brazil took up the technique to report environmental, social and cultural violations related to the energy model currently adopted in the country” (MAB, 2023).

3. The virtual collection may be seen at <https://mab.org.br>.

4. The Movement of People Affected by Dams (MAB) is a social movement founded in Brazil in 1991 from within the struggles to resist the construction of hydroelectric dams. From 2000 onwards, the movement reorganized itself and took on the fight for the construction of a social energy model, working on the issues of mining and the impacts of renewable energy. Since 2010, it has organized affected women in the National Women’s Collective, a self-organized space that aims to strengthen the political participation of women in the organization, producing denunciations, and building political advocacy agendas. One of the instruments used by MAB for feminist social education work is the *arpilleras* technique (Maso, 2020).

that is collective. Fals Borda (1981) teaches how researchers learn through observing their own work with people with whom they identify.

The article recalls part of this experience developed by the authors in actions with the Movement of People Affected by Dams (MAB), both on a national and state scale (in this case, the southern Brazilian state of Paraná). The first author, working as a social legal advisor (AJUP)⁵ linked to MAB, accompanied the movement's actions from 2013 to 2021. During this period, she developed the methodology for the *arpillera* workshops and the denunciation/incidence booklets on the violations of the affected women. From 2013 to 2015, the author held more than 96 workshops for gender training and creating *arpilleras*. In all, more than 215 pieces were produced. During this process, the affected women set up dialogue tables at public universities and held exhibitions of their work. The work also resulted in the publication of a dossier recounting the violations of the affected women. Between 2015 and 2021, the first author accompanied the groundwork with women affected by the collapse of the Fundão dam, in the Rio Doce basin, holding political training sessions, identifying damages and preparing reparation proposals. Part of this pedagogical work involving the affected women was undertaken based on *arpillera* workshops. The systematization of this experience was presented by the Public Defender's Office of the state of Espírito Santo, in the Diagnostic Report on violations of affected women in the state (Sobral, 2018).

The second author coordinates research and extension projects with the Faculty of Law at the Universidade Federal do Paraná, which act to defend the rights of vulnerable populations in the face of socio-environmental conflicts over land and territory. Involvement with MAB began in 2020, in a partnership between the authors (supervisor and supervised) to discuss a methodology for assessing the damages suffered by the affected population. From 2020 to 2022, the authors developed research and extension activities in order to analyze potential challenges in implementing National and State Policies on the Rights of Populations Affected by Dams. To this end, conversation circles were organized to identify the damages suffered, and studies were prepared with participation in public hearings that discussed the topic, in which emphasis was given to the vulnerability of the affected women and their actions of interconnecting art and memory as a form of denouncing and demanding their rights.

In 2022, as a result of these activities, the initiative to organize an exhibition of the work of the affected women emerged as a way to engage in critical dialogue

5. The Assessoria Jurídica Universitária Popular [University Social Legal Advice] (AJUP) is the working methodology for social law alongside social movements.

on the socio-environmental impacts and the need for fair and comprehensive reparation for the damages. In 2023, a collective of researchers and students was formed which, together with the affected women from MAB, shared the curation of the exhibition entitled “Textiles of Struggle: Waters for Life”, which opened to the public in October of that same year.

The women from the MAB have always played a strong participatory role in activities of legal advice and university extension/research, and their testimonies have always emphasized the violence that deterritorialization has caused directly to their bodies. The narratives of physical and psychological violence endured by women after dam collapses expose the devastation wrought by large-scale development projects on their lives. However, these same women demonstrate remarkable strength, both in their daily experiences within their communities and during meetings to advocate for fair compensation through legislative bills. Their stories also highlight the crucial role of social reproduction, the unpaid care work they perform, in rebuilding shattered lives and reshaping the future of these communities.

Silvia Federici highlights the strategic invisibility of social reproduction in contradiction to the importance of women as producers and reproducers of the workforce, the most essential commodity of capital (Federici, 2017 [2004], p. 6). Allied to racism, sexism consolidated the capitalist system, with the appropriation of women’s bodies by the State and by men to function as a means for the reproduction and accumulation of work (Federici, 2017 [2004], p. 34). Thus, she states that for women the category of the body is an element of identity and also a prison, in which resides the problem of its valorization (Federici, 2017 [2004], p. 34). We highlight her contribution in demarcating the historicity of women’s oppression and to stress that, in neo-extractivist contexts, women find themselves even more vulnerable.

In the analysis of “common” policies, Silvia Federici explains that the relationship between women and their close dependence on environmental goods is linked to the reproduction of life. It is precisely this dependence that makes them more committed to their own defense (Federici, 2014, p. 151). During the participant observation, we identified that the women at MAB, since they are on the front line of socio-environmental conflicts, implement important actions of denunciation and reconstruct movements connected with recovering notions of common and collective. Due to the active observation, as a general objective, we analyzed the body-territory relationship and how it reflected on the organization of the affected women to deal with rights violations resulting from extractivism and corporate capture. At this point we highlight the *arpilleras*, produced by the affected women,

as the art and memory that emerge from socio-environmental conflicts. We use them to reflect on the contributions of artistic activism as forms of producing other epistemes, which instigate the right to look at the living territories, connecting territory and subjectivities, to search for effective political-institutional responses to the violations suffered and for socio-environmental justice.

1. Mechanisms of corporate capture of and in the law

The profound changes in the organization of capitalism triggered by neoliberalism and the financialization of large corporations have had repercussions on the organization of law. During the 1950s, 1960s, 1970s and 1980s, movements contesting neocolonialism gained momentum, generating sharp criticism of totalitarian state structures. Fueled by the brutalities of military dictatorships after World War II, movements demanding human rights, liberation, and corporate accountability gained momentum.

The defeat of these emancipatory political projects coincided with a shift in the way corporations organized themselves in response to challenges posed by socio-environmental conflicts. The stage involving the financialization of large corporations no longer allowed shareholders the legal uncertainty of being associated with environmental crimes, slave and child labor, and the expropriation of territories. It became unacceptable for company brands to be associated with human rights violations. However, ceasing to violate rights would mean an increase in production costs due to proper social and environmental reparation, and in some cases even stoppages of the economic activity. Given this, corporations began to reconfigure their governance structure, creating sectors for corporate social responsibility.

In 1976, the Organization for Economic Cooperation and Development (OECD) created the “Guidelines for Multinational Companies” aiming to facilitate direct investment by foreign companies in countries of the Global South. In addition, in 1977, the International Labor Organization (ILO) created the “Tripartite Declaration of Principles on Multinational Enterprises and Social Policy”. In parallel, within corporate discourse, internal guidelines emerged in order to justify socially or environmentally correct discourses, but which often contradicted their practices. This is known as social or greenwashing. These guidelines are voluntary, and are centered on the creation of “what to do” by the corporations themselves. Thus, the social imagery gradually becomes populated with the idea that the State has lost its authority to dictate and enforce social and environmental rights standards.

There has been, therefore, a profound inversion in the role of saying and doing in law, whereby what refers to protective, social and environmental standards

is conveyed from the sphere of effectiveness to voluntariness. Furthermore, it perversely transfers the role of monitoring and enforcing protection to the corporation itself. Thus, the corporation is no longer part of the problem, but rather a founding actor in “solving” conflicts. The perverse impact is to make us even more dependent on transnational companies.

As Kirsch (2014) highlighted, there is no sensitization among corporations regarding social and environmental issues. The reconfiguration of corporate social responsibility is nothing more than an instrument to place the conflict back onto the same track. Therefore, this is not a solution for the structural problems of how transnational corporations operate, in that corporations are effectively reviewing their practices. Instead it is merely a reorganization of narratives. Or, in the words of the author, problems “can never be completely resolved; they can only be renegotiated in new forms” (Kirsch, 2014, p. 3). With this, we may recognize that corporate social responsibility is yet another form of authoritarian control over the territory, especially conflict situations, but which is presented in a pulverized, hidden manner under the deceptive narrative of “awareness” by large corporations. This is particularly striking in mining, where, despite all the “social and green masking”, there have been no profound changes in the way metals are extracted and circulated. On the contrary, the “greenwashing” in the discourse of mining companies is what enables the advancement of the predatory extraction of energy transition metals.

By incorporating “social and environmental values” the corporation provides greater added value to the negotiations of its shares. It is no coincidence that major stock exchanges forecast certain quality standards for businesses with higher capital flows, such as the preparation of sustainability reports using indices from certification bodies, for example, the GRI and SASB.⁶ In response to this, a comprehensive corporate social responsibility agenda has been developed within the United Nations framework, with international milestones such as the Global Compact (1999) and the Guiding Principles on Business and Human Rights (2011). These milestones mark a new era for corporations as key actors in realizing social, environmental, economic, and cultural rights.

The notion of “multiple stakeholders” is also becoming increasingly prominent on the international scene, which envisions companies, governments, “key actors,” and communities as all being part of the process of finding solutions

6. The Global Reporting Initiative and the Sustainability Accounting Standards Board are methodologies used to construct corporate reports to meet transparency and content criteria. They are used as indicators of sustainability and performance.

to problems. The underlying principle is a policy of “consensus” rather than conflict. This movement of organizing narratives dilutes the potential for conflicts to organize historical actors and subjects, and constitutes authoritarian spaces for the construction of “consensus”. Movements fighting for land, unions, and, therefore, historical collectivities, are reduced to people at negotiating tables. Thus, a prominent individual is more important than the collective.

This imagery invades the field of law, which has always been marked by the abusive use of authority figures. Thus, the field becomes more permeable to the corporation and its narratives than to the normativist guarantee of rights and their concrete subjects. Hence, all decisions that implement social, environmental, and cultural rights come up against economic interests, and their effects are modulated to be interpreted according to the minimum existential level possible that does not affect the continuity of the economic activity. The discourse that constantly echoes among public authorities, when holding mining companies accountable, is the defense of mining as an important economic activity for the country. It is precisely in this closed system that rights such as prior, free and informed consultation are never undertaken since they conflict with economic interests.

When we look at mining, we also observe that the 1990s were marked by pressure from multilateral economic institutions, such as the World Bank and the International Monetary Fund (IMF), which made financial loans that were not only conditional on the deregulation of sectors (Aráoz, 2019), but also, on reforming the justice system to make it more “efficient”. This notion of “efficiency” comes from the influence of economic analysis in law, which defines that processes with quick solutions are more effective, so that ending the conflict is more important than the results acquired during the process. Therefore, in cases of socio-environmental conflicts involving mining, it is common to use Terms of Conduct Adjustment (TACs), the so-called negotiated solutions, to the detriment of stricter sentences to enforce rights.

The National Council of Justice (CNJ) itself, in its yearbook “Justice in Numbers” (2004-2023), provides more quantitative information on these actions than data on the effectiveness of access to justice. Thus, reforms in the justice system have enabled a vertical, authoritarian court structure to remain, which to this day has no external control mechanisms that are not corporatist, nor instances of popular participation, favoring an alignment with corporate languages and narratives.

Deregulation created decentralized agencies and instances in the State to control strategic economic activities (to which we may also refer for bringing major impacts). Another effect was the precarization of existing monitoring structures, the controlling departments generally lack both sufficient employees and the necessary material conditions (Angelo, 2020; Inesc; INA, 2022; Agência Brasil, 2023).

Faced with inefficient structures, competencies are transferred to the companies themselves for their “self-regulation” and “self-monitoring”.

It should be recalled that, amid the authoritarian scenario of the 2016 coup,⁷ mine monitoring was transferred from the National Department of Mineral Production (DNPM) to the National Mining Agency (ANM), created by Provisional Measure No. 791, July 2017 (Brazil, 2017). The discourse advocating for the decentralization of a regulatory agency is grounded in the principles of autonomy and efficiency, two principles that are aligned more closely with the goals of the mining industry than with the role of the State in promoting social and environmental rights.

In the territories, the effect of the policy of decentralization, voluntarism and “consensus” may be identified in the severity of the violations that have occurred in mining disasters. Eight years after the collapse of the Fundão tailings dam, the affected communities feel they have not received adequate compensation (MAB, 2022), because they were the target of a reparatory policy designed and managed privately by the Renova Foundation. One consequence of privatizing reparations is to treat affected communities not as subjects of rights, but rather as beneficiaries of the company’s policies.

Negotiated solutions, expressed in terms of conduct adjustment, have been the response of justice institutions to the complexity of socio-environmental conflicts involving mining companies. The content expressed in the clauses of such agreements is fulfilled in a series of cabinet meetings between actors in the justice system and companies, held in territories far from the reality of the affected territories. Victims are only able to participate at certain times, such as when public hearings are held, thereby reducing popular participation to a particular event and not the process. Generally, the participation of those affected is constructed more as a symbolic moment to legitimize what has already been agreed, rather than an effective contribution by victims to resolving disputes.

The terms of conduct adjustment (TACs) were an instrument created, based on the Child and Adolescent Statute and the Consumer Protection Code, so that the legitimized actors for the proposal of collective protection – the Public Prosecutor’s Office, the Attorney General of the Union (AGU), and the Public Defender’s Offices, could establish conduct adjustments in order to prevent complex cases from being dragged out in the lethargic pace of the Judiciary in view of the protected interest. During the 1990s, the World Bank championed reforms in Latin American

7. In 2016, President-elect Dilma Rousseff suffered an impeachment process in the National Congress, identified as a coup.

judiciaries, advocating for a broader use of negotiated solutions. However, the opening of the judicial system to other mechanisms did not translate to a judiciary equipped to handle demands outlined in the 1988 Federal Constitution, such as resolving indigenous land rights, granting titles to quilombo communities, or facilitating broader public participation in these alternative mechanisms.

There is no obligation for victims to participate in the construction of “negotiated solutions”, making the practice authoritarian and, very often, coercive to communities. Many of the entities that carry out collective protection through agreements are not subject to the control of adequate representation of their wards, such as the Public Defender’s Office at the Public Prosecutor’s Office, which has no legal obligation to consult the subjects of law on the progress of collective actions, as some studies have questioned (Lima, 2015). Furthermore, these agreements very often contain no sanctions or monetary fines in case of non-compliance, or even guarantees of non-repetition, contrary to what the legislation itself determines. Even when they do, these items often become a dead letter, whereby it is quite common for terms to be renegotiated.

This is because, since the 1970s, the emergence of neoliberalism in the field of law, has brought the strength of economic law and criminal law to the detriment of social, cultural and environmental rights, which have been increasingly transferred to the sphere of corporate competence. Thus, a complete normative marginality has been constituted in which areas and populations are subjected to territories with no rights. Without the State exercising its role, communities are thereby subordinated to relationships of direct dependence on corporations and corporate social responsibility.

This reality is fully present in self-rescue zones (ZAS). These are areas close to tailings dams which, as the name suggests, are spaces in which the inhabitants have no way of receiving rescue assistance in the event of a tailings dam failure. Therefore, they are solely dependent on themselves, since the flow of slurry can reach them in a matter of seconds. In these territories there are communities, neighborhoods, schools, daycare centers inhabited by people whose bodies do not guarantee them the right to life. Therefore, they are complete exclusion zones.

More recently, with the advancement of mineral prospecting technology, these areas have become of economic interest, either because they constitute the possibility of expanding tailings dams to accommodate more extraction residues, or because they can facilitate the re-extraction⁸ of ores by taking advantage of

8. We call re-extraction the movement of removing metals from tailings, which is possible through new extraction technologies, which enable a greater degree of refining.

the slurry. In view of this, communities living in the ZAS denounce the so-called “dam terrorism”, as a manner with which to designate the violations of rights caused by the risk of dam failure, which intensify deterritorialization and the control of territories by transnational companies. Law No. 14,066, of September 30, 2020, determined that the ZAS should only be removed when the dam predates the existence of the community (Brazil, 2020). However, despite the legislation, communities are first removed, and then their rights are discussed, such as in the cases of Macacos and Barão de Cocais, both in the state of Minas Gerais.

Another example of deterritorialization was the construction of the S4 dike under the community of Bento Rodrigues in the state of Minas Gerais, affected by the collapse of the Fundão dam. Alleging the need to build a new dam to contain the slurry, the state government established an administrative requisition of 55 properties, which established temporary compensation without expropriation. The project facilitated the redesign of environmental licensing for Samarco to resume its activities, although it displeased the victims of the community, who intended to maintain their access to the site to preserve their cultural identity with the territory.

The anthropologist Laura Nader (1994) named mechanisms of negotiation solution as the construction of a “coercive harmony”, in which communities weakened by the removal of their fundamental human rights are exposed to the only possible solution: negotiation. The social vulnerability of the affected communities does not allow them to choose not to negotiate their rights, thereby ultimately accepting unfavorable conditions given the urgency of survival. Thus, even if disaster victims sign the agreement and discharge of reparation agreements, this does not imply that they are satisfied or consider that “justice has been done”.

In reality, they have been subjected to the pressure of deciding issues regarding their lives in a short space of time, without the economic conditions to survive, since their territories have been devastated by the consequences of mining. The justice institutions, as state actors that mediate these processes, are far from being on an equal footing with corporate power in terms of exercising rights and duties, which means that all the solutions devised within the legal field reproduce the asymmetry of power between victims and corporations.

The political, economic, and cultural power of transnational corporations, the presence of an authoritarian and elitist judiciary, and the lack of governments committed to social causes create favorable conditions for these companies to dictate the rules of such agreements. This occurs to such a degree that, routinely, rights are negotiated and there is no scope for questioning the expropriation of resources. Thus, the purest form of bourgeois law is imposed: a contract under the cloak of formal equality and the defense of private property.

While on the one hand, there is a weak, voluntary, casuistic, and negotiable approach to the rights of peoples, companies benefit from extensive economic regulations, trade and investment treaties, and arbitrary mechanisms, in addition to the entire repressive apparatus of the rule of law, mobilized whenever social organization might pose an obstacle. This is why the justice presented to territories affected by mining is inadequate, but rather the “possible” justice, as advocated by one of the judges in the Rio Doce case. The possible solution in the field of law controlled by corporations.

Transnational corporations are no longer just key players in development; they are increasingly promoting themselves as actors in solving social and environmental issues, in what Acselrad (2021, p. 212) has called the second stage of ecological modernization. All mining companies engage in propaganda to promote their social license to operate and their commitment to environmental sustainability. Based on this, they construct a series of legal and political arrangements to ensure that their interests remain unaffected by the embodiment of the rights of those who suffer from the externalization of the social and environmental damages caused by their activities.

However, it is possible to identify that the deregulation of rights, self-regulatory initiatives and the delegitimization of historical subjects are not new in the field of law (Zubizarreta; Ramiro, 2015). Understanding the new configurations taken on by authoritarian forms of lawmaking in socio-environmental conflicts, revealing the brutal face of “possible agreements” and corporate social responsibility, in order not to be deceived by the co-optation of such discourses, is still a burning issue. Thus, law as a field reflects the social and environmental control mechanisms designed by corporations. More than ever, social rights are thought of as favors provided by companies, rather than obligations to be guaranteed by the State, further exposing territorial bodies to authoritarian forms.

2. Body-territory violations of women

We already have so much work to do in our homes, most of it falls onto the shoulders of our women. And now this mud has come to burden us even further. It's another weight on our backs, on our consciences (Maria das Graças, resident in the community of Barra Longa)⁹

9. Spoken by Maria das Graças, affected by the community of Barra Longa, at the 1st Meeting of Women and Children affected by the Rio Doce Basin, held between the November 3 and 5, 2018, in the city of Mariana in the state of Minas Gerais. Available at: <https://mab.org.br/2018/11/04/mulheres-resistencia-do-rio-doce/>. Accessed: March 28, 2023.

Having explored above how corporate power shapes legal disputes to prioritize profits, the next step is to examine how this power dynamic traverses law and analyze how it interacts with existing structures such as patriarchy.

In a patriarchal society, in a system of colonial-patriarchal expropriation that supports mining, identifying and naming the violations that women's bodies-territories suffer in relation to the interaction of these powers is both a pressing and necessary task. Over the following pages, we aim to shed light on some of the violations of women's body-territories caused by mining, drawing upon our experience in providing legal aid and university extension work alongside the MAB (2013-2023).¹⁰

The first challenge for anyone affected by transnational mining is to be recognized as such, to make their bodies-territories visible. Throughout the negotiation process with companies, women are rarely recognized as interlocutors. Simone Silva, an affected woman from the city of Barra Longa in Minas Gerais, when telling her story, recalls that she was "branded as crazy" (Silva, 2021, p. 7) when she identified that the damage to her daughter's health resulted from exposure to the slurry. She had to go to great lengths to ensure that her daughter underwent specific tests. Simone's story is much like that of several other women whose rights, due to the social reproduction of patriarchy, have not been recognized and their problems made invisible.

In the case of the collapse of the Fundão tailings dam, the Renova Foundation initially implemented a policy of distributing emergency financial aid per "head of family" (Sobral, 2018, p. 5).¹¹ The foundation created a socioeconomic registry of the family nucleus, identifying that the male income was the family's source of support and, therefore, the man was the provider of the home.

This policy failed to enable the role of the care economy to be identified, which is carried out mainly by women, in maintaining family life. Likewise, it did not allow women to receive any compensation, since their work went unrecognized, which, due to social reproduction, is generally informal. To date, women crab pickers, artisans, or those who worked informally in the fishing chain, in tasks such as cleaning and storing fish, have never been recognized as being affected. These forms of work, of women's relationship with territories (bodies-territory), are imperceptible for reparation policy, since companies render their work invisible, subalternizing these income generation practices and reproducing gender inequality.

10. One of the authors of the text worked in AJUP for populations affected by dam collapses.

11. The Emergency Financial Aid Program is provided for in Clause 137 of the Transaction and Terms of Conduct Adjustment (TTAC) signed between the Union, States, and environmental bodies and the companies Vale, Samarco and BHP Billiton.

We are able to identify that around mining there are disputes over access and control over water. In Oriximiná in the state of Pará, women from the communities report that daily activities such as washing clothes, dishes, bathing children, collecting water for food, as well as leisure activities in the inlets, are hampered by the presence of mining (Andrade, 2018, p 21). This has resulted in a work overload for women, whether due to increased work in ensuring drinking water in the home, or to the emergence of new diseases (Andrade, 2018, p. 22). These changes in the uses that are made of common goods affect the dynamics of women's interaction with the territories, producing disorder in what we are calling body-territory. As mining companies expropriate water, they are also expropriating other relationships between women and communities, thereby imposing a new form of relationship with the territory.

Despite the greater presence of women in the informal job market; of research into the role of women in the care economy; of recognizing women's self-organization in territories affected by mining, these factors are completely ignored to the point that no transversal gender policy has been created in the company-community relationship. These factors are not even considered when designing reparation policies in cases of disasters, and even less so in recognizing that the policies are, in fact, promoting an expropriation of bodies-territories.

The dismantling of community ties is yet another structuring aspect of violence against women's bodies-territories. Mining activities have triggered forced displacement, as exemplified by recent cases in the neighborhoods of the state capital of Alagoas, Maceió. This displacement has disrupted the solidarity networks established within communities and neighborhoods, which are crucial for women, particularly for carrying out activities such as the socialization of children and older people.

The advance of mining over territories has appropriated spaces of peasant production, and even the destruction of rivers that affects fishing activities. The disruption of traditional livelihoods in these communities has led to a rise in cases of alcoholism, drug use, and, consequently, domestic violence. Ultimately, the loss of community autonomy in the face of corporate control over their territories reverberates into physical violence against women's body-territories.

Studies by the Getúlio Vargas Foundation (FGV), in the Rio Doce basin (2019), carried out through the Renova Foundation ombudsman system, registered an increase in reports of domestic violence. One factor highlighted by the research team was the connection established by affected women between the precariousness of the reparation policies offered, which force women to remain dependent on their husbands and thus perpetuate domestic violence, since no separation is made between financial assistance and registration (FGV, 2019, p. 12).

It is symptomatic of a productive activity such as mining, which does not require the externalization of its social and environmental damages, to make women's bodies-territories invisible. This is because these bodies need to support the load and costs of the production model. If the affected women are recognized as being violated, there is then a duty to make amends, and this has a direct impact on increased costs, as well as on reputation capital. Acselrad (2021) takes up reputation capital to refer to the ability that large corporations and, ultimately, capitalism itself, have to present themselves as defenders of the environment and social issues, and how it is used to manage the "variable" of the management of social and environmental resistance control (Acselrad, 2021, p. 212-213).

It should be mentioned that, even under the image of corporate social responsibility, mining companies are addressing the issue of gender. The International Council on Mining and Metals (ICMM) merely recommends gender sensitivity in due diligence processes. Similarly, the Global Compact, the OECD, and the Guiding Principles on Business and Human Rights adopt an individualized view of women, presenting perspectives such as the female entrepreneur, professional training, and female empowerment.

These 'gender perspectives' fail to engage with the reality of body-territories in their other dimensions of life production. Women's body-territories have their dimensions of being, inhabiting, and working, which are denied by the advancement of mineral expropriation. In the way that gender issues are extracted from their contexts (body-territories) and translated, international and corporate language has become another form of violence: cognitive extractivism (Klein, 2013).

3. *Arpilleras*: the art and memory of the women affected by mining

Socio-environmental conflicts arising from extractivism and hegemonic development do not only generate vulnerabilities but also exhibit acts of resistance. Among these, the actions of various movements are particularly outstanding, such as community-based territorial feminisms, which are understood as the constructions of Latin American indigenous, Afro-descendant and peasant women, who create situated readings, based on their realities, and recover, from community action, a manner of rethinking our bodies with the earth and nature. In the words of Lorena Cabnal: "It is a feminist proposal that integrates the historical and daily struggle of our villages for the recovery and defense of the earth's territory, as a guarantee of concrete territorial space, where the life of bodies manifests itself" (Cabnal, 2010, p. 22-23).

They reveal other territorialities with emancipatory potential, which, along the line of thought by Carlos Walter Porto Gonçalves (2006, p. 65), contain other matrices of rationality that *re-exist*, i.e., that act in circumstances and react based

on a geographical, and epistemic, place, unlike modern-colonial rationality, existing even when modern anthropocentrism insists on dominating them.

In these territories of re-existence, the knowledge and practices of women from the countryside, and of waters and forests come together, which have offered significant contributions to a different relationship with nature. Their actions denounce the rights violations to which women are subjected in the face of the deterritorializations caused by development projects, and inspire us to consider the world from other epistemes, calling into question the modern dichotomy and the universalist, individualist foundations and technical-instrumental rationality.

For Silvia Federici, concern for subsistence makes women “the main social force standing in the way of a complete commercialization of nature”¹² (2014, p. 151). In the analysis of the commons in the era of primitive accumulation, Federici recovers examples of the struggles of women for access to land, by recognizing their status as rural producers and the efforts of collective action as a strategy to reduce the costs of reproduction. These actions are aimed at conquering the living territory and protecting their bodies from hunger and poverty, state violence and violence wrought by men. From these struggles, the author states that important “lessons” may be extracted. The first of these derives from understanding nature as a common good and its relevance for reciprocity. Along this line of reasoning, the author also considers that the notion of common helps in separating the reproduction of commercial flows and overcoming abstract solidarity. The latter drives a connection of belonging within the movements that concentrates forces in the face of risks that need to be faced (Federici, 2014, p. 152-153).

As Laura María Carvajal (2016) analyze, the impact of extractivism on the lives of women is severe, mainly due to the invisibility of care work. The author lists the negative impacts that arise with the emergence of companies in territories, such as the disarticulation of local economies through introducing a masculinized productive economy, which privatizes water sources and common goods, causing women to travel increasingly greater distances in order to obtain access to essential goods for the reproduction of life (Carvajal, 2016, p. 32). The author also cites the relationship between the loss of economic autonomy and a reduction in family self-consumption, which occurs due to scarcity and difficulty in accessing goods and the loss of biodiversity resulting from contamination. Work overload and the precariousness of the family economy also add to an increase in cases of intra-family

12. NB – For direct citations the English version was used of FEDERICI, S. *Feminism and the Politics of the Commons*. In: *The Wealth of the Commons: A World Beyond Market & State*, edited by David Bollier and Silke Helfrich. Amherst: Levellers Press, 2012. Available at: https://www.bakonline.org/wp-content/uploads/2020/04/FEDERICI_Feminism-and-the-Politics-of-the-Commons_FORMER-WEST-2016.pdf. Accessed on March 15, 2024.

and sexual violence. The author emphasizes that generally in Latin America there is no equitable participation of women in decision-making processes, which occurs due to barriers that she defines as internal (community) and external (on the part of public and private actors) (Carvajal, 2016, p. 37).

According to Astrid Ulloa (2020), extractive violence occurs both in the institutional sphere (State, companies, public policies) and in the domestic sphere, and impacts the physical, mental, and spiritual health of women. Therefore, these are processes of extreme violence and due attention is required regarding the importance of listening to the voices of women in any situation where justice is being sought in cases of conflicts involving mining.

What this study aims to highlight, however, is that even in the face of different forms of violence, women carry out acts of resistance that give breadth to complaints through art, memory and image. The art that emerges from conflicts acts as a way of recovering threatened subjectivities, taking oppressed feelings beyond threatened territories. Along these lines, we highlight the resistance experiences of women affected by mining conflicts who have been using the technique of *arpilleras*.

Arpilleras are a popular creation using textiles and fabrics that combine sewing and embroidery techniques and were developed in the 1960s in Chile, as a form of resistance to Pinochet's dictatorship. As Marjorie Agosín states, the *arpilleras* reveal a concrete, experiential discourse, "witnessing what the voice cannot express, or, as in a literary text, the *arpilleras* tell a story".

In Agosín's words, Chilean *arpilleristas* began to organize themselves as of 1974, through workshops organized by the *Vicaría de la Solidaridad*, a Catholic institution created to protect human rights. Involving groups of women who lived in precarious situations outside the capital Santiago, the author states that the birth of *arpilleras* is connected with the need to combat hunger, and were made and sold to provide food for the children of dead or missing parents, or to supplement the food supply. From references in the work of fisherwomen on Isla Negra, in the 1960s, the tradition went on to reproduce rural scenarios, until ultimately reaching women in the poor neighborhoods of Santiago, when they took on testimonies relating the experiences of extreme urgency and violence following the military coup (Agosín, 1985, p. 524-525). The *arpilleras* are part of the Chilean history of confrontation, through forming a very significant contribution by transforming needles, threads and canvas into actions of resistance. They are, in the words of the brilliant Chilean artist Violeta Parra, "songs that are painted".¹³

13. In 2019, the Violeta Parra Museum (<https://www.museovioletaparra.cl/violeta-parra/obras/arpilleras/>), in Chile, inaugurated the exhibition "Canções que se pintam" [Songs that are painted], highlighting how Violeta Parra understood her *arpilleras* and to keep its legacy alive as a form of sensitive manifestation, carried in color and rooted in the social reality of the country (Museo Violeta Parra, 2019).

The political art of resistance arrived in Brazil through the work of the Movement of People Affected by Dams (MAB). Incorporating the gender perspective into MAB, according to Tchenna Maso and Tchella Maso (2020), took shape from the first meeting of women affected by dams, combined with the process of feminist formation together with the World March of Women and the constitution of the National Women's Collective, events organized throughout 2011. In that same year, at the invitation of researcher Esther Vidal, who contributed to the coordination of women at MAB, those affected went to visit the exhibition “*Arpilleras da Resistência Política Chilena*” [Arpilleras of Chilean Political Resistance], under the curatorship of Roberta Bacic (Pereira, 2022, p. 2021).



Figure 1. Affected Women in the state of Santa Catarina. 2022. Title of the work: Resistimos [We Resist].¹⁴

Source: Tchenna F. Maso, 2023. Personal collection.

14. In the workshops carried out together with women affected by mining, arpilleras that reveal the socio-environmental conflict may be found in the MAB collection, among them: *A Vale Mata Rio, Mata Peixe e Mata Gente* [Vale Kills Rivers, Kills Fish and Kills People]; *A Cidade Acorda* [The City Awakes]; *Nossa vida está ligada* [Our lives are linked]. Available at: <https://mab.org.br/arpilleras-do-mab/resistimos>. Accessed on: March 11, 2024.

The first workshops began in 2013, culminating in the national exhibition “*Arpilleras: embroidering resistance*” at the Memorial da América Latina, in 2015 (Maso; Maso, 2020, p. 498). During the workshops, affected women studied aspects on the history of feminism and the reproduction of patriarchy. In a second moment in the space, they came together in groups of four to five to debate their problems and create their *arpilleras*. The women started on a blank sheet of paper, setting up the scene that would be reproduced in the *arpilleras*. The conversation then continued, between cutting fabrics, sewing, building models, selecting fabrics. Between weaving, embroidering and dialogue, they reproduced their denied life stories and also, in several pieces, their declarations.

Since 2015, MAB has actively disseminated women’s art through curated exhibitions at national and local levels. These exhibitions go beyond mere display, aiming to broaden public understanding of the conflict, recognizing that museums and schools as crucial spaces for raising awareness of human rights violations, fostering dialogue on reparations, and building a foundation for rights and reparation.

While carrying out the research and extension activities, in which the authors participated, and who were responsible for analyzing the Bill on the National Policy for People Affected by Dams – Bill No. 2,788/2019 – (Brazil, 2019), the proposal emerged to organize an exhibition to display the *arpilleras*. Motivation for this idea was justified by the context of the State of Paraná, one of the largest hydroelectric energy producers. By deciding to host the exhibition in the state capital, Curitiba, it was hoped to broaden knowledge both at the university and with the general public on the impacts of the hydroelectric model on the lives of the affected women. The plan was to contribute to MAB’s work of expanding the discussion on the need to guarantee effective access to the rights of affected women in Paraná. This was put together in partnership with MAB and involved teachers and students from the extension and research projects *Máquina de Ativismo em Direitos Humanos*, *Direitos em Movimento*, *Ekoa: Núcleo de Pesquisa e Extensão em Direito Socioambiental*, *Emaranhado.lb*, *Sacode Movimenta*, all from the Universidade Federal do Paraná (UFPR). In the collective construction process, the same logic was followed as in the MAB internal workshops. The relationship of trust for joint work had been consolidated in previous extension activities and throughout the process we sought to develop shared curation formats, taking care to listen to the affected women, and ensure their leading role in organizing the exhibition.

To obtain knowledge on the experience of shared curation, the collective organized a workshop to talk with the team at the Museum of Archeology and Ethnology (MAE) at UFPR, and to learn about the experience of the exhibition “*Nhande Mbya Reko: Nosso Jeito de Ser Guarani* [Our Way of Being Guarani]”. Subsequently,

two workshops were organized to discover more about the reality of the lives of the affected women, the history of the movement and how to build a collective memory exhibition. In conversation circles, reports highlighted the body-territory forming a collective memory of the conflict. With the exchanges between the movement, teachers and students, it was realized, as Pollak (1992, p. 5) stated, that memory is a socially and individually constructed phenomenon, closely linked to identity.

The 23 pieces were selected in partnership with women from MAB, and were organized into three directions: a) territories of life: violations and socio-environmental conflicts; b) gender textures: social struggle and female protagonism; c) (A)addressing rights: activism and resistance. The exhibition also featured film and video screenings, workshops to create canvases and meetings with educators and students to discuss the experiences and discrimination suffered by families affected by dams. The objective of the exhibition was to collectively connect the resistance of the affected women to the university and the general public. In partnership with Caixa Cultural, the exhibition *Textiles of Struggle: waters for life* was opened to the public on October 17, 2023.



Figure 2. Exhibition poster.

Source: Desing by Vitor Teixeira, 2015. UFPA, 2023.

As initial results, considering that the collective's experience is ongoing, the record of this construction was understood as positive, with emphasis on the interactions with the affected women who contributed to revealing their embroidery as art and also as a memory of socio-environmental conflicts. The interdisciplinarity of the process of collective construction, bringing together teachers and students from law, design and graphic arts, cultural production, and communication courses, fostered rich exchanges. This collaboration highlighted the need for a broad understanding of the concept of what was affected and the importance of committed action from all areas of knowledge to comprehend vulnerability and ensure fair reparation for the damages suffered.

The arpillera exhibition, encompassing both the creation process and the exhibition itself, served as a powerful tool for raising awareness. It brought the issue of gender violence to the forefront, amplifying the voices of the people and their insurgency into the artistic and sensory realm. These embroidered canvases are more than just art; they portray intertwined lives, weaving a collective memory of the conflict. They stake a claim on artistic production as a space for social critique and demands for change.

The embroidery, in which art and memory intertwine, becomes a powerful denunciation of rights violations, while serving as a testament to the lived experiences within a specific territory. This artistic expression fosters mutual and individual recognition among the affected women, empowering them to understand their role as protagonists in a multi-layered struggle – one that encompasses their bodies, families, communities, and the socio-environmental conflicts they face.

A fun activity, while also being deeply engaged with freedom, that transitions them from being identified solely as victims to becoming agents, active subjects, the creators of their own stories and those of other stories. *Arpilleras* may be read as a story, a record and a return to what has been experienced. It is a collective history, relived, but also given new meaning by accessing and recognizing the violations suffered (Galeb et al, 2021, p. 2151).

The art that is produced, based on the conflicts experienced, whether in the countryside or in the city, reveals the materiality of rights and their practical effects on the lives of women. Along this path, meetings to weave and embroider may be seen as places of exchange, sharing, for the construction of narratives that denaturalize violence and that sensitively question the discourses and practices that support the hegemonic development model.

In this process, the *arpilleras* of the affected women invite other forms of episteme in the field of law. If in Chile the *arpilleras* contributed to the work of the Memory and Truth Commission, in Brazil, the embroidery of the affected women

presents other instruments to identify human rights violations in the territories. As we have analyzed, there is a distance between reparation policies and women's lives, precisely because of the reproduction of their social invisibility and their body-territory relations. In the embroidery, through this other episteme, the distance between the affected women and their territories does not exist. While mounting the exhibition, we were able to identify how the embroidery reveals this face before and after the violation, and is a powerful diagnostic tool for understanding the subjective and objective dimensions of violated rights.

At the same time, the *arpilleras* provoke the law. In Figure 3, the women say: "Those who have not stepped into the mud cannot decide", questioning these decision-making spaces, drawing attention to the participation of affected women and their diversity. In the same *arpillera*, the territory appears more prominently, with elements such as fields and flowerbeds, clarifying the body-territory relations integrated into the production of subjectivities.



Figure 3. Women Affected in the state of Rio Grande do Sul. 2017. Title of the work: Em defesa do Petróleo e da Petrobrás [Defending Oil and Petrobrás].¹⁵

Source: Katya R. Isaguirre-Torres, 2023. Personal collection.

15. Available at: <https://mab.org.br/arpilleras-do-mab/em-defesa-do-petroleo-e-da-petrobras>. Accessed on: March 11, 2024.

Thus, *arpilleras* engage in a dialogue with environmental justice, unveiling alternative representations of territory and nature within their intricate tapestries. They inform the field of research on the imperative of daily exploration for alternative epistememes. These epistememes of resistance are deeply ingrained in the experiences of numerous collectives, peoples, and social movements, underscoring the necessity to break with the modern matrix of thought, which acknowledges the State as the sole legitimate locus of normative production, and as the arbiter of human rights definitions.

The disputes over the recognition of rights are present throughout socio-environmental conflicts, from deterritorialization to resistance strategies. When these conflicts become judicialized, some demands may be acknowledged. However, should be highlighted that the study of conflicts, rooted in practice, as demonstrated by the attentive observation of the *arpilleras*, reveals a potential for ruptures with the theoretical abstractions of human rights and negotiated solutions stemming from a reality that does not experience the day-to-day life in the territories. The art of weaving reminds us that human rights are constantly evolving, emphasizing the desire for emancipation and asserting the living territory as a legitimate space for normative construction.

Conclusions

The drive by transnational companies to extract minerals in Brazil has ignited socio-environmental conflicts. These conflicts have fundamentally reshaped legal battlegrounds. Resolution mechanisms are now being implemented that mirror the language of corporations, prioritizing concepts such as “corporate social responsibility” and “negotiated solutions.”, which often override existing legislation designed to protect fundamental rights. This shift has taken place worldwide, marked by the adoption of voluntary guidelines and reforms to justice systems.

The conclusion of these studies points toward the construction of a corporate hegemony that favors the transfer of the logic of conflict (adversary) to that of consensus (harmony), built on completely asymmetrical power relations. These business responses are more associated with concerns for the company’s reputation capital than actually meeting the needs of victims. In short, these are narrative changes to maintain or reestablish the “social license to operate”.

Throughout the article we have explored some of the effects of such policies in producing the deterritorialization of communities, especially the consequences for bodies-territory of women. Extractive activities such as transnational mining do need to externalize social and environmental costs from surrounding communities to ensure their profitability rates. It is no coincidence that the invisibilization of

women's bodies-territories has occurred, which are embodied expressions of the effects of the production model, since their recognition would imply assuming violations of human rights. Thus, the violent webs of corporate power intertwine with patriarchy and male domination, using these structures to produce and reproduce absences.

Women who dare to resist and organize suffer pressure, both from corporate power and from the field of law, to decide on their future and rebuild their lives in a short space of time after the violations, and very often, even before all the damage has been completely identified. Marginalized, the affected women have nowhere to turn, and ultimately accept negotiations. Even with the presence of the State, through justice institutions, we still detect the presence of a power asymmetry between State entities and corporations, which does not allow for better responses to communities.

The living presence of resistance has been documented in the textile embroidery of the *arpilleras*, in which women weave their realities, highlighting in the threads and seams the practical effects of the materiality of rights. The practice of women meeting and collective embroidery has served as a space for exchange, sharing and complicity, enhancing denaturalizing narratives of violence, while with the sensitivity of art, outlining discourses and practices that question the hegemonic development model. Embroidery, formerly called "subversive rugs" in Chile, as a creative process, transcends the boundaries of the field of law, and opens the way for women's bodies-territories, expropriated in conflicts, to be made visible in narrative disputes.

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