

## Chapter 5. Transnational advocacy campaigns

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Wednesday, 3 May 2017

*Delivery of judgment in the case of Máxima Acuña and her family.*

*I arrive at the Palacio de la Justicia shortly before eight in the morning. As usual at this time of the year, thick gray clouds hang over Lima. The traffic in front of the Supreme Court is not yet as crowded and noisy as it will be a few hours later. On Facebook, Amnesty International and several national NGOs have called for a plantón, a rally, to which about seventy people announced their participation and about 260 people showed their “interest.” However, at 8 a.m. only two members of Amnesty International are there. They brought signs with them that say, “Máxima no está sola – Máxima is not alone,” and positioned themselves by the fountain across the street from the courthouse. A few reporters are standing on the other side of the street and wait with cameras. They immediately start filming when a taxi stops at the sidewalk and Máxima Acuña, her husband Jaime Chaupe, and Elías, their son-in-law, arrive. The three quickly get out of the taxi and enter the courthouse through a side entrance. I enter the building through the visitors’ entrance. Via a narrow staircase I reach the upper floor and cross a populous hall with a high ceiling.*

*In front of the entrance to the actual courtroom, there are already many people standing around, mostly elegantly dressed people over fifty – men in dark suits and women in two-pieces. The Chaupe family sits on a wooden bench to the right of the entrance to the courtroom, somewhat separated from the crowd of other people. María Elena Foronda, a Member of Parliament of the leftist party Frente Amplio, is with them, later joined by Mirtha, the lawyer working with Grufides, and Hugo Blanco, the icon of the Peruvian campesino movement. Rocío Silva Santisteban, the former executive secretary of the Coordinadora, and Marco Arana, the former priest and founder of Grufides, who is now a member of Congress for the Cajamarca region, appear and talk to the family. Juliana from EarthRights International also arrives and joins the group. The Peruvian human rights movement seems to have sent its most important figures to the court hearing. Several reporters and photographers stay with the group constantly, taking pictures and filming.*

*Shortly after 8:30 a.m. the crowd becomes restless as the entrance to the hall is opened. A few people, primarily those directly involved in the court case and their lawyers, are called up*

and let in. The remaining people start following them; a crowd develops because the entrance is narrow, and space – and especially places to sit – in the courtroom is limited. I make it in and get a seat on the right side of the hall in one of the back rows. The Chaupe family and their supporters sit on the left side. Reporters with cameras have taken up position between the two rows of chairs, completely blocking the view to the left and to the front.

A judge opens the hearings and begins to make a statement in the most complicated official language. I hardly understand anything, only that the trial or the decision has been postponed again. The young woman sitting next to me and I look at each other confused. “¿Otra vez?” we wonder. Is the decision seriously being postponed again? Did Máxima and her family travel to Lima again in vain? Suddenly, however, it becomes clear that this first pronouncement concerns a different court case. The judge then moves on to the Chaupe family’s case and asks the lawyers of the two parties to introduce themselves. Mirtha steps forward, takes a seat, and states her name and her registration number as a lawyer at the Colegio de Abogados in Cajamarca. The judge announces that the court has reached a decision and asks the clerk to read it out loud. The clerk presents the decision of the court and reads the ruling so quickly that I again hardly understand anything. However, my neighbor confirms that the decision is positive: Máxima and her family have definitively won the legal battle against Minera Yanacocha.

As with the sentencing in Cajamarca in the Sorochuco case, the uncertainty in the courtroom as to whether to applaud or not is noticeable. The room is filled with beaming faces, but no one dares to cheer or applaud in this formal and disciplined courtroom environment. The judge ends the hearing with the ringing of a bell. Then the hustle and bustle at the door starts again but now in the other direction. Reporters with cameras surround the family and accompany them outside into the hall of the courthouse. Máxima and Mirtha are being interviewed, they are hardly visible behind all the media people. Jaime and Elías stand next to them; congressmen Marco Arana and María Elena Foronda remain next to them to be in the picture as well. From outside, chants and slogans come floating into the building. Apparently, more people have joined the rally. I notice a man in a suit standing around in the hall, who I believe I recognize from newspaper photos as a lawyer of Minera Yanacocha. He looks lost, and when none of the reporters turn to him, he walks away quickly.

I go down to the ground floor to be outside in front of the courthouse when Máxima and the others leave the court via the main staircase. However, I get hopelessly lost in the many corridors and rush past the many offices, which all look the same, up and down the corridors without finding the right exit. By the time I finally hurry out of the door, the others have already left the courthouse and have joined the supporters of the plantón on the other side of the street. The crowd has grown to about thirty or forty people. Other members of Amnesty International, activists from the women’s organization FENMUCARINAP<sup>1</sup> and from other NGOs and grassroots organizations have joined them. Many carry signs, posters, or flags. Milton is

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1 Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú, National Federation of Peasant, Artisan, Indigenous, Native and Wage-Earning Women of Peru.

also there, who traveled from Celendín to Lima for another event and came to show his support with the Chaupe family.

*Further interviews by the reporters with Máxima, Mirtha, but also with Marco Arana follow. Photos are taken with the different support groups, with the women's organization, and with Amnesty International. The activists and members of the NGOs take photos with their mobile phones. Everyone talks loudly and is excited. Using a megaphone, Máxima turns to the crowd and thanks them for the support. An NGO lawyer holds a mobile phone to her ear so that she can receive congratulations from afar. Amidst all this excitement, Máxima seems confused and probably cannot fully realize her victory yet. Amidst all the happy, beaming faces, she continues to look worried, and the whole scene just seems to be too much for her.*

## Introduction

With the pronouncement of the Supreme Court's judgment in Lima, a long-lasting legal dispute ended on May 3, 2017. The court case concerned the accusation by the mining company Minera Yanacocha that the *campesino* family of Máxima Acuña and Jaime Chaupe and their adult children had illegally occupied a plot of land in the Cajamarca region. At the local level, the family had initially been found guilty of this alleged crime and was sentenced in a local court. Later, an appeal body in Cajamarca had acquitted them. The company did not accept this judgment and took the case to the Supreme Court in the capital, where it was then finally concluded with a decision about the cassation appeal. The court case was part of a larger legal dispute that had been going on between the family and the mining company since 2011, and which has long been about much more than a simple land dispute. As I mentioned in the introduction, the disputed land is located in the area of the planned Conga Mine. In order for Minera Yanacocha to be able to realize this mining project, the family would need to leave the land. However, the Chaupes have argued that they never sold their land and that they will not leave it. On several occasions, the mining company attempted to evict the family from the land and allegedly committed human rights violations in doing so.

Within the Conga conflict, the Chaupe family, and in particular Máxima Acuña, became central figures of resistance against Minera Yanacocha's mining project. Various national and international NGOs, but also local social movements and grassroots organizations ran solidarity campaigns to support them (Hoffman 2017, 59). In these campaigns, a recurring picture emerged relatively quickly, juxtaposing the *campesino* family, whose modest livelihood in subsistence agriculture is threatened, to the company Minera Yanacocha, which is attempting to deprive them of their *tierra*, their land. The resulting image was that of David against Goliath, an image that is well suited to publicly denounce transnational mining companies for human rights violations and environmental damages.

Furthermore, the support campaigns by national and international NGOs followed the typical patterns used by transnational advocacy networks to support local political struggles through international attention and external pressure. As mentioned in the introduction, such transnational advocacy networks are a frequently used means of accompanying legal struggles arising from social conflicts. Various authors have discussed this phenomenon in recent years in their research on transnational social movements, including, for example, Kirsch (2007, 2014, 2016), Rajagopal (2003), Nash (2012), and Santos (2005) and Rodríguez-Garavito (2005, Santos and Rodríguez-Garavito 2005). In their well-known book on “activists beyond borders,” Keck and Sikkink (1998) described the efforts of transnational advocacy networks as an attempt to create a “boomerang effect” by relying on allies abroad. Others described this phenomenon of transnational networking and alliance building as “counterglobalization” (Kirsch 2007), “globalization from below” (Santos 2015, 11), or “subaltern cosmopolitanism” (Nash 2012). Basically it is about local protest movements networking internationally and thereby strengthening their scope of action and their bargaining power.

This chapter is aimed at contributing to these discussions and seeks to analyze the example of the Chaupe family to shed light on how such transnational advocacy networks evolved in the Peruvian context. In doing so, I am interested in analyzing the relations between the support campaigns and the legal disputes at stake. In the first part, the chapter traces the land dispute between Minera Yanacocha and the Chaupe family and outlines the main points of the conflict and its judicialization into a legal dispute. In the second part, I then reflect on the transnational support campaigns in favor of the family and illustrate how these manifested themselves and had an impact at the local level. In doing so, I focus in particular on the campaign of Amnesty International and reflect on possible impacts of such a campaign on the legal proceedings that the family and Minera Yanacocha went through.

These considerations are linked to my analysis of legal mobilization *from below* and *from above*, respectively, and thus build on the discussions in the previous chapters. I am particularly interested in how hegemonic discourses are negotiated in a legal dispute at the local level in the face of the campaign of a transnational advocacy network. The “juridification of protests,” as Eckert *et al.* (2012a) called it, and the reference to international human rights discourses offer an ideal starting point for mobilizing international support.

## From a land dispute to legal disputes

The piece of land around which the conflict between Minera Yanacocha and the Chaupe family evolved is locally referred to as Tragadero Grande and belongs to the *comunidad campesina* of Sorochuco in the province of Celendín, Cajamarca. Jaime

Chaupe and Máxima Acuña acquired possessory rights to Tragadero Grande from a relative of Jaime in 1994 and have, as they claim, been using it for subsistence farming ever since (RESOLVE 2016, vii, 31–2, Hoffman 2017, 59).<sup>2</sup> With the purchase of the land, Jaime Chaupe and Máxima Acuña became members of the peasant community of Sorochuco (Vásquez 2016, 8).

In the late nineties, the company Minas Conga acquired land from the *comunidad campesina* to develop a mining project in the area. As I discussed earlier (see Chapter 1), there are particular legal requirements to purchase land owned by a *comunidad campesina*, which the mining corporation claimed to have fulfilled at that time. According to the Chaupes' view, the community, however, did not decide to sell all the land requested by the mining company, but only individual plots of land, the owners of which had agreed to sell. Jaime Chaupe and Máxima Acuña were not among those who had agreed to sell (Vásquez 2016, 8). In 2001, Minera Yanacocha acquired Minas Conga and all its assets, including the land titles, which, according to the company, also included the area of Tragadero Grande (RESOLVE 2016, 8, Vásquez 2016, 8). However, members of the Chaupe family insisted that they never sold their land (RESOLVE 2016, 18). Consequently, both the company and the Chaupe family claimed Tragadero Grande for themselves, and both sides claimed to have documents proving their ownership of the land.

In 2011, the mining company carried out infrastructure work in the area, which led to the first confrontations between corporate employees and family members. The conflict escalated in May 2011 when employees of Minera Yanacocha attempted to evict members of the family from the disputed land, burning down a hut they had built and destroying their potato fields (Li and Paredes Peñafiel 2019, 229). Three months later, the company made another attempt to clear the land. The family accused the company employees as well as the security forces accompanying the mine workers of threats and the use of physical violence (RESOLVE 2016, 22–3). In the years that followed, a number of other such clashes occurred, in which company employees allegedly threatened family members, used violence, destroyed the plantations in their fields, and tore down huts and animal shelters. In the early years, the

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2 In 2015 and 2016, the Washington-based U.S. NGO RESOLVE conducted what it claims was an “Independent Fact Finding Mission” in Cajamarca and summarized its observations on the conflict between the Chaupe family and Minera Yanacocha in a report (RESOLVE 2016). RESOLVE was commissioned and paid for by Minera Yanacocha’s parent company, Newmont Mining. Although the mission’s report was commissioned by the mining company itself, it recognized that in the context of the land rights dispute the mining company repeatedly violated human rights and internal corporate rules. The report provides an important basis for the description of the events in this chapter and was supplemented by data I collected during my field research in Cajamarca and information from other literature, NGO reports, and newspaper articles.

mine workers were accompanied by police officers who were later replaced by personnel from the private security company Securitas commissioned by the mining company.

In these interventions, the company argued that it was the legal owner of the land and therefore had a right to vacate it on its own. In doing so, Minera Yanacocha invoked its right to conduct an “*extrajudicial* defense of the property” (*defensa posesoria extrajudicial*, Minera Yanacocha 2015a, 2015b, 2016). Under the Peruvian Civil Code, a *defensa posesoria extrajudicial* constitutes a legal mechanism that allows an owner to evict another party which is unlawfully appropriating his or her property.<sup>3</sup> The addition of “*extrajudicial*” does not refer to the fact that the defense of property would take place outside the law, but only states that the action is taken without the involvement of judges and courts. In the land dispute, Minera Yanacocha explicitly invoked this fact to act in accordance with legal norms. It argued to have the right to protect its property and claimed that this right is encoded in Peruvian civil law. The Chaupe family, in turn, maintained that Tragadero Grande is their land and that they have a right to live there without being attacked by mine workers or security forces. By challenging the company’s property claims, they argued that the eviction attempts were a violation of law. The dispute about the piece of land consequently turned into a dispute about who has the law, and thus the truth, on their side.

The disputes over the land underwent a process of judicialization as confrontations between family members and corporate actors occurring in Tragadero Grande resulted in various criminal charges, which the family and the company filed against each other. In these legal cases, the Chaupe family received legal assistance from *Grufides*, the local NGO from Cajamarca. Mirtha, the NGO lawyer involved in the Sorochuco case, which I analyzed in the previous chapter, became the family’s main attorney. In addition, the family was represented by at least two other lawyers who worked in *Grufides*’ legal team.

### The Chaupe family’s mobilization “from below”

The Chaupe family contributed to the judicialization of the land dispute by filing criminal charges after every “*extrajudicial* defense of property” that the company undertook. Most of these complaints concerned usurpation, damage to property, or offenses such as physical and psychological violence and threats against family members. As Mirtha and another *Grufides* lawyer with whom I discussed the case told me, the complaints were filed against the security forces and corporate employees directly involved, but also against the superiors of the latter, who had presumably ordered the interventions. At the time of writing, only a few of the criminal charges lodged by the family have led to the opening of a criminal investigation, and none

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3 Article 920, Peruvian Civil Code.

of these investigations have resulted in an indictment, as the lawyers told me (see also: Amnesty International 2018, 30–1). Thus, from a legal point of view, efforts to pursue human rights litigation have been unsuccessful in this case.

Reasons for this failure include several of the aspects I have already described in Chapter 3 regarding the hurdles and difficulties faced by complainants in the Peruvian judicial system. These include the difficulty of gathering evidence of the abuses that were accepted by the judicial authorities as well as the lack of will on the part of the prosecutorial authorities to investigate allegations. In some cases, the complaints lodged by the Chaupe family were disregarded right away; in others, the public prosecutor's office initiated preparatory investigations, but later discontinued them, mostly because of a lack of evidence, as the authorities argued. On several occasions, the Chaupe family recorded the abuses with a mobile phone. However, these video recordings were not admitted as evidence by the public prosecutor's office (Li and Paredes Peñafiel 2019, 229). In our conversations, the *Grufides* lawyers argued that the accusations were not investigated with the necessary care because the authorities lack the political will to take action against an economic actor such as Minera Yanacocha. In this context, there have been repeated accusations that the public prosecutor's office has been corrupted by the company and would therefore protect it from criminal proceedings. However, these allegations could not be substantiated in the past.

In addition to all these hurdles, the legal work on behalf of the family was obstructed by defamation and harassment from mine supporters and other local actors. The family and the staff of the NGO *Grufides* have been repeatedly insulted in public by local journalists and have been called “troublemakers” and “radicals” who would prevent the region's economic development with their opposition to the Conga project (Li and Paredes Peñafiel 2019, 229). Mirtha and her own family were repeatedly threatened by unknown persons, which she explained as a response to her work as the Chauptes' attorney. Mirtha's house was broken into without anything valuable being stolen, and there were signs that she was being shadowed (Silva Santisteban 2017, 93).<sup>4</sup> For several years, Mirtha lived under police protection and was accom-

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4 By 2006, in the context of an earlier mining conflict, *Grufides* had already been affected by a systematic surveillance campaign allegedly ordered by Minera Yanacocha to infiltrate and intimidate the civil society organization and its staff. Under the code name *Operación Diablo*, Operation Devil, members of *Grufides* were observed by the private security company Forza; the NGO's telephones were tapped and its members were harassed, threatened, and intimidated. When the operation came to light and *Grufides* filed a criminal complaint, the prosecutorial authorities only reluctantly followed up on the allegations. Later, the investigation was dropped. Thus, it could not be legally proven that Minera Yanacocha had commissioned the operation from the security company Forza, with which it had worked closely for years. For a detailed discussion of the *Operación Diablo*, see the work by Charis Kamphuis (2011, 79–80, 2012b, 233–9, 2012a, 550–1).

panied by a police officer in her daily life. At the end of 2017, she decided that the situation was no longer bearable for her family and that there was no other option but to move to Lima, where she continued her work as attorney of the Chaupe family.<sup>5</sup>

Because the filing of criminal charges did not lead to the judicial authorities taking action and intervening in the dispute, *Grufides* searched for other legal actions that could provide relief and access to justice for the family. Mirtha filed two *habeas corpus* actions with the judicial authorities in Celendín, i.e. she invoked constitutional mechanisms that require the state to guarantee certain fundamental rights (Silva Santisteban 2017, 161).<sup>6</sup> With these lawsuits the family's attorney demanded that Minera Yanacocha grant them access (*libre tránsito*) to their own property. Both claims were rejected by the judicial authorities in Celendín (Newmont Mining Corporation 2015, Franciscans International and Grufides 2017, 4, 9, 22). In addition, *Grufides*, together with the women's rights organization DEMUS<sup>7</sup>, demanded the protection of Máxima from violent attacks by Minera Yanacocha on the basis of a specific law regarding protection against gendered violence in social conflicts. However, this complaint was rejected by the judicial authorities as well (DEMUS, 2017). As the mechanisms of the national judicial system had thereby been exhausted, the NGOs referred the case to the IACHR, where a final decision was still pending at the time of writing (Machacuay 2017, Wayka.pe (online) 2020).

In earlier years, the legal NGOs had already approached international bodies and, in particular, the IACHR in search of support of Máxima and her family. In May 2014, the IACHR issued a so-called *medida cautelar*, a precautionary measure for the Chaupe family, along with more than fifty leaders, activists, and other key figures of the social movements against the Conga project (de la Puente 2014).<sup>8</sup> The group of beneficiaries also included both Milton and Mirtha. In December 2011, several na-

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- 5 After moving to Lima, Mirtha initially worked as a lawyer for the national legal NGO APRODEH. At the beginning of 2020, she was elected to the national congress for the left-wing party *Frente Amplio* as representative of the Cajamarca region. From October 2021 to the end of January 2022 she served as the country's prime minister under President Pedro Castillo. Thus, during the time of my research, Mirtha was still a lawyer who was known only in human rights circles in the Cajamarca region. Afterwards, she became a nationally known political figure.
- 6 Article 200, Peruvian Political Constitution of 1993; article 25, Peruvian Code of Constitutional Procedure.
- 7 *Estudio para la Defensa de los Derechos de la Mujer*, Study for the Defense of Women's Rights, a national NGO based in Lima.
- 8 *Comisión Interamericana de Derechos Humanos, Resolución 9/2014, Líderes y Líderas de Comunidades Campesinas y Rondas Campesinas de Cajamarca respecto de la República de Perú, Medida Cautelar No. 452–11, May 5, 2014*, document on file with author.

tional NGOs had submitted an application to the IACHR requesting this action.<sup>9</sup> The IACHR's resolution obliged the Peruvian state to take action to guarantee the safety and personal integrity of the beneficiaries (RESOLVE 2016, 2, 30–1). The measure was thus directly aimed at the state's responsibility to protect and guarantee the rights of its citizens. As with other decisions by international bodies, the difficulty lay in the fact that the resolution's implementation depended on the Peruvian state itself. Although the Ministry of Justice took initial steps to implement the resolution, in many cases it did not meet the demands of the involved beneficiaries.<sup>10</sup> In the case of *Máxima*, the action was found to be insufficient in protecting her from further attacks by the mining company, which continued after the IACHR's resolution. Thus, neither the use of domestic criminal or constitutional law, nor the invocation of international organizations could improve the situation of the Chaupe family through legal mobilization from below.

### Minera Yanacocha's legal mobilization "from above"

In recent years, several cases have revealed that corporations involved in extractive industries seem especially eager to strategically use legal means to counter criticism. The oil and gas company Chevron, for example, prominently used the Racketeer Influenced Corrupt Organizations (RICO) Act in the United States to sue those individuals and their attorneys who had filed a lawsuit against the corporation for environmental damages in Ecuador (Skinner 2014, 234). In a similar way, the corporation Ross Mining took legal action before the High Court of Solomon Islands against an Australian law firm for its involvement in a claim against the mining

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9 Formally, the application was submitted by the *Asociación Interétnica de la Selva Peruana* (AL-DESEP), the *Confederación Campesina del Perú* (CCP) and other indigenous and *campesino* organizations. However, as several activists in Celendín told me, the driving force behind the application was the *Instituto Internacional de Derecho y Sociedad* (IIDS, International Institute on Law and Society). IIDS is a national NGO based in Lima that works closely with several *rondas campesinas* in the Cajamarca region and supports them through legal assistance. The NGO has a rather dubious reputation within the Peruvian human rights movement. During fieldwork, I repeatedly heard the accusation that the NGO is obsessively attempting to persuade the *campesino* population in Cajamarca to identify as "indigenous," convincing them of their indigeneity to demand internationally recognized rights (see also: Santiago 2017, 65–6). In connection with the application to the IACHR, various activists in Celendín and Cajamarca argued that the members of IIDS, due to a lack of knowledge of local conditions, had requested protection measures for people who did not need or require them, while forgetting others who were actually threatened by the conflict.

10 One of the beneficiaries told me, for example, that as a result of the *medidas cautelares*, the Peruvian state offered to provide him with police protection. For this man, however, it was no option to be constantly accompanied by a police officer, because it was in his opinion the state itself that posed a danger to him.

company, as Kirsch (2018, 126) reported. In May 2017, mining corporation Glencore threatened the German NGO Facing Finance with a lawsuit because it had called, in a press release, for the cessation of credit and investment transactions with the mining company (Facing Finance 2017, *heute journal* 2017). This corporate use of law is often described as what Penelope Canan and George William Pring (1988, 1996) have called *Strategic Lawsuits Against Public Participation* (SLAPP).

Minera Yanacocha has also actively used the existing criminal law to enforce its interests. In contrast to the legal actions filed by the Chaupe family, the company's criminal charges led to proceedings that lasted several years. In August 2011, the company lodged a criminal charge against Máxima and her family for "aggravated usurpation" (Hoffman 2017, 59). In this complaint, the Chaupes were alleged to have illegally invaded and occupied Tragadero Grande. According to the company, the "aggravation" of the crime was asserted because members of the family had allegedly used violence against police officers and mine workers during the eviction attempts (Amnesty International 2018, 30).

In October 2012, only fourteen months after the complaint was filed, the family was found guilty of "aggravated usurpation" and sentenced to a conditional prison term of three years and a compensation payment (RESOLVE 2016, 27). The family appealed this judgment, whereupon the first judgment was overturned and a new criminal trial was ordered. The court in the second instance, however, confirmed the conviction in August 2014. In its ruling, the court reduced the prison sentence to two years and eight months of suspended imprisonment, but increased the compensation payment to 5,500 Nuevo Soles (approximately US\$ 1,900, El Comercio (online) 2014, Vásquez 2016, 10). The family again appealed this ruling and finally won in December 2014 when the Cajamarca High Court acquitted them and overturned the judgment of the lower court (Panorama Cajamarquino 2014a). As in the Sorochuco case, which I discussed in the previous chapter, Mirtha and her colleagues had thus succeeded in finally obtaining an acquittal in the case of the Chaupe family.

With the acquittal, the case would normally have been closed, as the highest court level had been reached. However, Minera Yanacocha managed to have the case transferred to the Supreme Court in Lima, where a judgment of cassation was handed down to decide on the ruling of the regional court. This transfer to the Supreme Court under the *recurso de casación*, the cassation appeal, is only allowed under restricted conditions in Peru. The New Criminal Procedure Code limits appeals in cassation to cases in which a superior court or the Supreme Court itself has given a judgment that is procedurally or substantively contrary to the constitution, to other legal norms, or to the existing jurisprudence.<sup>11</sup> Mirtha told me that in her view the Chaupe cases did not fulfill these requirements and alleged that Minera Yanacocha had exerted pressure on the judicial authorities to admit its appeal. In this way, the

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11 Article 429, New Peruvian Criminal Procedure Code.

legal dispute reached the Supreme Court of Lima, where the Chaupe family was finally acquitted in May 2017, as I described at the beginning of this chapter (see also: Romero 2017). However, the legal dispute has not yet been concluded, as Minería Yanacocha also filed a civil suit parallel to the criminal proceedings. This civil case is intended to clarify whether the Chaupe family or the mining company holds rightful possession documents proving ownership of Tragadero Grande. At the time of writing, this civil case is still ongoing.

The criminal trial and the almost six-year-long procedure caused great psychological strain for the Chaupes. Criminalization means a great loss of time and money for those concerned, but also a psychological burden that they have had to bear through law's domination. Máxima and her family had to live for a long time with the fear of having to leave their piece of land due to the first two court rulings. In addition, the court proceedings themselves were a great burden because they necessitated many trips to the regional courts and later to the Supreme Court in Lima. One example of this was a court hearing in April 2017, for which the family traveled from Tragadero Grande to Lima for the pronouncement of the ruling on the cassation appeal. They only found out while being in the courtroom that, due to the absence of individual judges, no decision had yet been made on their case. The family and the attorneys had not been informed about the suspension of the appointment beforehand and had therefore made the long journey in vain (Observatorio de Conflictos Mineros en el Perú 2017). For Máxima and her relatives, such experiences led to resignation and a feeling of not being taken seriously by the judicial authorities. In this situation, their lawyers had the task of convincing them to continue to believe in the law.

When standing in front of the courthouse in May 2017, Mirtha said to a group of journalists that the decision of the Supreme Court was a great satisfaction for her because it confirmed the innocence of Máxima and her family. In Mirtha's view, the acquittal put an end to the misuse of the criminal law by the mining company. She noted that the acquittal was "legally speaking, the logical thing to do (*que era lo lógico, jurídicamente hablando*)."

Furthermore, she added that the acquittal confirmed that "the poor and the weak also have rights that must be respected". Mirtha had thus succeeded in putting an end to the misuse of the law and the criminalization of mining opponents by invoking the law. Whether she was thereby able to restore the faith in the law of the persons she represented in court remains uncertain, however. Immediately after the judgment was pronounced, Máxima said in front of her supporters that she was happy that "justice had been done here in the capital, too," and she thanked the authorities for ruling in her favor. She added that she was now asking the company to let her and her family live in peace in Tragadero Grande and not to make any further attempts to evict her from the land.

With this demand, Máxima responded to the fact that even during the court proceedings the company had not relied solely on the strategy of legal mobilization.

When we take a closer look at the trajectory of the criminal case, the chronology of the events reveals that there was a sharp increase in the company's interventions in Tragadero Grande following the acquittal of the family by the Cajamarca High Court in December 2014. Between February 2015 and October 2016, there were at least twelve "extrajudicial defenses of property" by the company.<sup>12</sup> Eviction attempts occurred almost monthly, and the family's agricultural fields were repeatedly destroyed. For the Chaupe family, this meant that although they were acquitted in court, they could not live in peace.

Furthermore, as the company was defeated in court, Minera Yanacocha subsequently adopted other strategies, which critics of the company described as intimidation attempts. In 2015, Minera Yanacocha built a pasture for alpacas next to Tragadero Grande, which was guarded by ten police officers and secured with a fence that also restricted the family's freedom of movement (RESOLVE 2016, 17). As activists in Celendín told me, the police officers were obviously not present to guard the alpacas, but to control the family. These allegations were strengthened when a drone flew over the Chaupe's house at the beginning of 2016, probably also to monitor them, as the activists told me. In the perspective of the family and their supporters, these were clear indications that the mining company sought to intimidate and harass them after losing in court. Thus, as soon as the law offered no or limited possibilities for Minera Yanacocha to obtain the land, the company resorted to other means.

With regard to Minera Yanacocha's legal mobilization from above, we can conclude that although the company finally did not succeed before court, the proceedings became a great burden for the Chaupe family. Even though Máxima and her family remained in Tragadero Grande, the price they paid during the legal dispute was extremely high. The support they received from national and international solidarity networks and NGOs could only offer limited mitigation, as I argue in the following sections.

## Advocacy campaigns at home and abroad

### "We stand with Máxima!"

I have a clear memory of the time when the Superior Court in Cajamarca pronounced its judgment on the criminal case against the Chaupe family in December 2014. About eight months before, I had been in Cajamarca doing fieldwork for an earlier

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12 This counting is based on Minera Yanacocha's press releases published on the company's website for each its interventions in Tragadero Grande (see, for example: Minera Yanacocha 2015a, 2015b, 2016, see also: RESOLVE 2016, 28).

research. On the day when the judgment was passed, activists in Lima set up an on-line radio program, in which the judicial decision was transmitted to the capital and, from there, broadcasted worldwide. Giovanni, an Italian volunteer in development cooperation who worked in Cajamarca at that time, reported from the courtroom via telephone and informed about the family's acquittal. In the background, a large crowd of people, who had gone to the courtroom to express their solidarity with the family, could be heard. Mirtha, Milton, and other activists were brought to the phone and shared their joy at the victory over Minera Yanacocha. The next day, the front page of the local newspaper *Panorama Cajamarquino* featured the headline "*Absuelven a Familia Chaupe*" (Panorama Cajamarquino 2014b). A full-page photo showed the crowded courtroom, the defendants and complainants sitting with their lawyers in the front row; behind them, the room was filled with reporters, activists, European volunteers, and NGO staff. The national and international campaigns in support of Máxima and her family reached a first peak at that time. A transnational community euphorically celebrated the legal victory over the mining company.

The strategy of publicly demonstrating support for the Chaupe family's case to strengthen their position in the legal dispute was thus not only applied in the Supreme Court in Lima in May 2017. Since the conflict with the mining company started being carried out in the courtrooms, the family has been closely accompanied by various NGOs and grassroots organizations. International and foreign NGOs such as EarthRights International, Amnesty International, Front Line Defenders, Oxfam International, Earthworks, the Latin American Women Union (*Unión Latinoamericana de Mujeres*, ULAM), CATAPA, and the Society for Threatened Peoples launched campaigns that addressed the family's dispute with the mining company. At the national level, Máxima and her family received support from the PIC, the *Coordinadora*, the national women's rights organization DEMUS, the Peruvian section of Amnesty International, and especially from *Grufides*, the NGO in Cajamarca, which provided them with long-term legal assistance. These campaigns resulted in a great wave of solidarity for the Chaupes at home, as well as abroad. As soon as Minera Yanacocha again intervened in Tragadero Grande, the news spread quickly through social and traditional media and triggered a wave of public protest.

In an early phase of the dispute, Máxima traveled abroad as part of these advocacy campaigns. She went to the United States and France, for example, where she met with NGOs and other allies. Various documentaries dealt with her unequal fight against the transnational mining company. NGOs launched online petitions and protest letters in her favor directed at the Peruvian government, prosecutors, judges, and other state authorities, as well as to Minera Yanacocha and its U.S. parent company, Newmont Mining. The case was presented to the IACHR, and Máxima met with the commission's representatives several times. Furthermore, during its visit to Peru, a delegation of the United Nations Working Group on Business and Human Rights paid special attention to the family's case (United Nations Working

Group on Business and Human Rights 2017). In addition, as I describe in Chapter 6, EarthRights International filed a transnational lawsuit against the parent company Newmont Mining on behalf of the Chaupe family in 2017. The case thus exemplified how the NGO community directed all the spotlights on a specific, emblematic case thereby seeking to influence the underlying legal dispute.

The international NGOs' campaigns addressed the issue of criminalization but also the issue of corporate impunity. The human rights violations that the Chaupes had suffered, both through criminalization and through the attacks on their property, were the center of attention. This reference to human rights discourses was particularly well suited for advocacy campaigns aimed at an international audience. The NGOs exploited a "global human rights consciousness" (Chimni 2007, 207) and invoked the "universal logic of rights" (Brinks *et al.* 2015, 290). This universal logic of rights enables transnational social movements to advance rights-based claims. The fact that the land dispute had turned into a legal dispute benefited the NGO campaigns because through being framed within a human rights discourse, the claims of the Chaupe family became generally comprehensible. In this sense, human rights discourses create a common language that is understood both at the local level as well as transnationally and thus transcends spatial boundaries (Merry 2006b, 42). The juridification of the dispute was a crucial precondition in this respect (see also: Eckert *et al.* 2012a).

With regard to the political mobilization against the Ok Tedi mine in Papua New Guinea, Kirsch (2006, 17, 2007, 2014, 2016, 2018) described the development of a similar transnational solidarity campaign. Kirsch concluded that the "strategy of counterglobalization has both advantages and disadvantages" (2007, 304) for local movements. In his view, transnational campaigns can, on the one hand, "replicate the geographic distribution of capital" (*ibid.*) and allow pressure to be put on the different entities of a transnational corporation. We can observe several of these aspects in the Chaupe case, too. Because the parent company, Newmont Mining, is based in Denver, various NGOs supporting the Chaupe family have targeted their campaigns toward a U.S. audience. Protest meetings were held outside the U.S. headquarters. The campaign by the Society for Threatened Peoples in Switzerland, in turn, was directed at the locally based refinery Valcambi, which processed gold mined by Minera Yanacocha (GfbV 2016). The different NGOs thus highlighted and made use of the global entanglement inherent in the conflict. In doing so, they addressed the "chains of action" or "*Handlungsketten*," as Eckert (2016, 253) framed it, on which the dispute between the mine and the family was based.

Furthermore, to bring political claims abroad also allows for the production of external pressure on the domestic actors. This is what Keck and Sikkink (1998, 12) described as the "boomerang effect" of transnational advocacy networks. They wrote that in cases of human rights struggles in which channels to negotiate with state authorities are blocked, "domestic NGOs bypass their state and directly search out

international allies to try to bring pressure on their states from outside" (*ibid.*). Keck and Sikkink (1998, 16) define different types of activities applied by transnational advocacy networks, which include rapid and broad dissemination of information, symbolic and leveraged politics, and a clear attribution of accountability. We can observe a variety of these aspects in the transnational campaign in favor of Máxima as well.

From the perspective of the Peruvian human rights lawyers who represented the Chaupe family, the pressure from abroad was aimed at supporting their position and argumentation in the courtroom. As I pointed out above, regarding the criminalization of protest, criminal trials discursively revolve around what behavior is permissible or criminal in a society. In the courtroom, Mirtha sought to deconstruct, through legal arguments, the hegemonic image with which the activists and the Chaupe family were portrayed as criminals. The transnational advocacy campaigns sought to foster them discursively and to strengthen Mirtha's counterhegemonic argumentation. Thus the campaigns were aimed at strengthening the Chaupe family's legal opportunity structure. By using the campaign of Amnesty International as an example, I discuss the prospects of this approach in the following section.

### **Amnesty International's campaign "Máxima is not alone!"**

Samuel Moyn wrote that, within the global human rights movement, Amnesty International is the organization that "almost alone [...] invented grassroots human rights advocacy" (2010, 129). Various authors have described the organization's leading role in the evolution of a global human rights movement (see, for example: Moyn 2010, 129–33, 146–9, Sikkink 2011, 36–41). In Peru, the organization contributed significantly to the establishment of a national human rights movement during the internal armed conflict (Youngers 2003, 89–90, González-Ocantos 2017, 145). To date, Amnesty International has remained an important force within the national human rights movement, being an important political ally and a close partner of the *Coordinadora* and of other national NGOs and grassroots organizations.

The Peruvian section of Amnesty International has accompanied Máxima and her family since 2011, i.e. since the very beginning of the dispute with Minera Yanacocha. The NGO's campaign was developed by the national office in Lima and disseminated internationally by other country sections. As part of its global campaign, Amnesty International carried out at least six so-called *Urgent Actions*, in which activists of the worldwide network wrote protest letters in favor of the family to the Peruvian Ministry of the Interior, the responsible police chief, and the public prosecutor's office. The authorities were urged to initiate a judicial investigation into the intimidation and eviction attempts that the mining company had made against the family and to bring the persons responsible to justice. In this way, Amnesty International attempted to strengthen the Chaupe family's counterhegemonic struggles

in court. The campaign's goal was to urge the Peruvian State to guarantee that the family will not be forcibly evicted nor further harassed as long as there is no judicial decision determining who is legally entitled to Tragadero Grande, as one of Amnesty International's representatives told me. Arguably, the campaign was thus directed at the state as the guarantor of rights and not at the company as the perpetrators of the alleged abuses. The campaign clearly focused on the responsibility of the state.

Later, Máxima and her family became beneficiaries of Amnesty International's annual campaign *Write for Rights*. Every year on International Human Rights Day, the organization brings attention to ten cases of human rights defenders with this campaign (Amnesty International 2016, 17). The NGO's followers are invited to write letters of solidarity to these ten personalities and to strengthen them in their fight for human rights. The campaign builds on the worldwide "juridification of social protests" (Eckert *et al.* 2012a) and is based on universally understandable human rights discourses. As I discussed above, this is an approach often used in transnational advocacy campaigns. In spring 2017, as a result of Amnesty International's global appeal, Máxima received more than 150,000 letters and cards (Amnesty International 2017). People from all over the world expressed their solidarity with their claims for justice. As part of the same campaign, several thousand letters were also directed to Marisol Pérez Tello, Peru's then Minister of Justice. In these letters, the minister was asked to become active in protecting the Chaupe's rights. Amnesty International Peru also arranged for Marisol Pérez Tello to visit Tragadero Grande, where she publicly promised to support the family (Andina (online) 2017).

Thus, Amnesty International sought to directly influence the Peruvian authorities and how they dealt with the Chaupe case. The NGO's broad international network of supporters served as a kind of threatening backdrop to make the judicial authorities understand that a global audience is closely watching how they deal with this one court case. The rally in front of the Supreme Court in Lima was also part of this strategy. As mentioned at the beginning of this chapter, during the court hearings in 2017, when the Supreme Court in Lima ruled on the cassation appeal, activists from Amnesty International Peru and other national NGOs gathered in front of the court building. Using the slogan "*¡Máxima no está sola!*" ("Máxima is not alone!"), they publicly demonstrated their solidarity with the family.

However, the organization not only exerted public pressure on the Peruvian judicial authorities, but was also active behind the scenes. As a representative of the Peruvian section told me, the NGO repeatedly demanded meetings with the Ministry of the Interior, the correspondent prosecutorial authorities, and the Ministry of Justice to discuss Máxima's case. At this point, Amnesty International benefited from the fact that it is both an international and a national organization. When I asked a U.S. lawyer involved in EarthRights International's campaign in favor of the Chaupe if she had intervened with the Peruvian judicial authorities, she replied that she could not afford to do so. As a lawyer from abroad, she did not feel entitled to make

such demands of foreign judicial authorities. For the members of the Peruvian section of Amnesty International, however, such interventions are an important part of their national campaign. As an organization that plays a leading role in national civil society, they clearly feel entitled to intervene directly with their authorities and to make demands.

Although the Ministry of the Interior refused to discuss the matter, Minister of Justice, Marisol Pérez Tello initiated a dialogue and visited the family in Tragadero Grande. Within the social movement in Celendín, the story circulated afterward that the Minister of Justice had been severely reprimanded by the government, especially by representatives of the Ministry of Finance, for her visit to Tragadero Grande. It also remains questionable to what extent the visit actually impacted the legal dispute between the family and the mine. However, the symbolic effect of the visit to Tragadero Grande was enormous. It exemplified how the NGO campaigns attempted to deconstruct the image of Máxima as the “criminal occupier” of Tragadero Grande. As a result of a member of government visiting the disputed plot of land and declaring her support for the family, the hegemonic picture drawn by the mining company in the criminal proceeding was challenged. Amnesty International’s campaign thus sought to underline the counterhegemonic discourse of the Chaupe family’s lawyers and their use of law from below.

Amnesty International Peru staff, activists on the ground, and lawyers of *Grufides* involved in the family’s legal defense all told me that, in their opinion, the campaign was a success for Máxima and her family. Many believe that without the international attention the family would have been effectively evicted from Tragadero Grande long ago. The acquittal before the Supreme Court in Lima confirmed them in their stance. In addition, several people who were in close contact with the family also told me that, for example, Amnesty International’s letter campaign had the effect of strengthening Máxima emotionally in her struggle by showing her that she was “not alone,” as the campaign slogan read. This emotional support was particularly relevant because, as I point out below, the transnational advocacy campaigns also entailed severe social costs for Máxima and her family.

Moreover, on closer inspection it also becomes clear that the support campaigns, by Amnesty International, but also by other NGOs, may have had a positive influence on the criminal case against the Chaupe family. Thus, international attention provided them with a certain protection against criminalization. At the same time, such an effect was largely absent from the criminal charges filed by the family for the abuses they experienced. These alleged abuses remained unpunished, and the attribution of legal responsibility to state and corporate actors failed. With regard to the question of whether transnational advocacy campaigns are able to support counterhegemonic discourse in legal mobilization from below, the Chaupe case therefore reveals clear limitations. It was possible to counteract criminalization but not to persuade the prosecutorial and judicial authorities to take action against powerful

actors. Moreover, the transnational advocacy campaigns also led to negative social impacts on the family, as I describe in the remaining part of this chapter.

### Effects of counter globalization

As mentioned above, Kirsch has identified both advantages and disadvantages when considering the effects of counter globalization. With regard to disadvantages, he argued that transnational advocacy campaigns on behalf of indigenous movements often rely on an “essentialist representation” (2007, 310) of the actors concerned. We can observe the same tendency in the case of Maxima. The personality and figure of Maxima was extraordinarily well suited for transnational campaigns: As a woman, a *campesina*, a mother and grandmother, a poor subsistence farmer living with and from nature, she represented an ideal image to appeal to an international audience. Strong images could be created with her clothes, the wide-brimmed hat and colorful skirts – typical for the *campesino* population of the Cajamarca region – and with her combative appearance. The fact that she is illiterate and lives in humble living conditions in a simple house in the middle of the *jalca*, the rough eco-zone of the Peruvian highlands, also suited the idea to be conveyed. Although the other members of the Chaupe family also actively opposed Minera Yanacocha, Maxima was given more exposure by various NGOs, in particular those directed toward a foreign audience.

Kirsch observed that international NGOs pursue their own political agendas with which they attempt to address their “constituencies” (2007, 304), i.e. their donors and supporters. In his view, this gives rise to the risk that demands and expectations will be made on partners in the Global South that cannot be fulfilled, for example in terms of the discourses on which social movements are supposed to rely. In the case of the Chaupe family, for example, this tendency became evident when foreign NGOs describe them as “indigenous,”<sup>13</sup> although the Chaupes, like the majority of the rural population in Cajamarca, define themselves as *campesinos* and *campesinas* (Bebbington, Humphreys Bebbington, *et al.* 2008, 2903). EarthRights International (2018a) called her a “matriarch” in its campaign, thereby referring to her role as a mother who defends her rights, her family, her plot of land, and the nature around her. Amnesty International, in turn, used the description of Maxima as a *campesina* and a “human rights defender.” The first label corresponded to Maxima’s self-perception and the latter to a definition used by Amnesty International to describe human rights activists regardless of their cultural or social background.

As a staff member of the Peruvian section of Amnesty International explained to me, his NGO was very careful in defining how the Chaupe family was portrayed

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13 See, for example: Earthworks (2015) or EarthRights International in the civil complaint on behalf of the Chaupe family to the District Court of Delaware (U.S. District Court for the District of Delaware 2017).

within the campaign. Through direct contact with Maxima, her family, and the team of lawyers and activists supporting them, Amnesty International tried to achieve a representation in the campaign that was as close as possible to their own ideas. Since the research for the actual campaign was done by its Peruvian section, Amnesty International held a considerable advantage in meeting these demands. According to my observations, NGOs whose campaigns were planned abroad were much more likely to resort to essentialist stereotypes. Thus, the question of representation, as raised by Kirsch, also played a role in the transnational advocacy campaigns on behalf of the Chaupe family. As the example of Amnesty International reveals, however, it is possible to overcome these risks by ensuring a close cooperation with those directly affected.

Far more serious, however, were the negative effects of the transnational advocacy campaigns which the Chaupes experienced at the local level in the form of social envy and public defamation. As mentioned above, Maxima, her family, and their lawyers have long been publicly defamed by mining advocates and local journalists. Critics discredited them as “obstructors of economic development,” thereby referring to a discourse that the Peruvian human rights movement in general has long been confronted with. Other activists who have publicly spoken out against the Conga mining project have also been publicly defamed, as I discussed with regard to the criminalization case from Sorochuco (see Chapter 4).

In the case of the Chaupe family, however, this public criticism was further reinforced by the transnational advocacy campaigns. Critics complained that the family acted out of pure self-interest, that they received large sums of money from foreign organizations, and that they could thus enrich themselves personally. The trips abroad that members of the family made as part of the NGO campaigns were critically assessed and interpreted as for personal profit, too. In addition, rumors arose that the family would own other plots of land and would actually not be dependent on Tragadero Grande. These rumors were discussed and spread in the local media (see, for example: Uceda 2015, El Montonero (online) 2016). This criticism reached a climax when Maxima received the *Goldman Environmental Prize* for South and Central America in 2016. With this award, also known as the “Nobel Prize for Environmental Protection,” a U.S. philanthropic foundation honors environmental activists.<sup>14</sup> The large sum of prize money that accompanies this honor was proof for the critics that the Chaupe family was only interested in making a personal profit from the international campaigns.

At the local level, this award led to fierce controversy. People who had previously been critical of the Conga mining project began to be hostile toward Maxima. Even

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14 The two U.S.-based NGOs EarthRights International and Earthworks both belong to the group of organizations conducting the nominations for the Goldman Environmental Prizes (Goldman Environmental Foundation 2020).

within the social movement against the Conga project, people claimed that Maxima would only stand up for her own interests, that “she is not a real activist” and is “only committed to her own piece of land,” but is not active in the local *comunidad campesina*, for example. For these people it was not understandable why an individual was honored for a resistance in which, in their opinion, the population of the entire region had participated. During my stays in Cajamarca, these accusations were initially made sporadically by individuals and in private conversations. However, over time, they began being voiced in assemblies and meetings. Personal envy probably played a major role in these hostilities; many people felt left out and could not understand how foreign organizations could select and honor an individual. The boomerang of transnational advocacy networks thus returned with full force against the Chaupe family.

In this way, the NGO campaigns led to unintended consequences, while, at the same time, the company carried out further attempts to evict the family. Within the national human rights movement, the development of the case triggered discussions. Doubts arose regarding the extent to which visibility and international attention for a particular case could actually constitute protection for the persons concerned. Many activists became aware that the family and especially Maxima had been over-exposed. One example of this is the critique raised by a Lima-based lawyer who was not directly involved in the Chaupes’ case, but who knew the case quite well because of her close contact with *Grufides*. In a conversation I had with this lawyer, she argued that many national and foreign NGOs seemed to be unaware of how much they demand from the people they work with. She told me, “It is [they], the members of the Chaupe family, who persevere day after day under adverse circumstances and maintain their resistance to a powerful company. And it is [they] who must constantly fear interventions by the company.” One day, however, the campaigns of the international NGOs would come to an end, and the Chaupe family would then be at odds with all its neighbors and would remain socially isolated, as the lawyer told me.

This is the other “boomerang effect” a transnational advocacy campaign may involve. In Keck and Sikkink’s (1998, 12) use of the term, transnational advocacy campaigns lead to favorable effects on the ground. In communication psychology, however, the term “boomerang effect” has a different meaning, and this use describes the outcomes we observed in the Chaupe case. Psychologists use the term to describe an effect in a “direction opposite to the intention of the sender” (Wirtz 2014, 312, own translation). Launching a boomerang thus results in unintended, often negative consequences. Keck and Sikkink suggest that the senders of the boomerang, i.e. the local NGOs that rely on transnational advocacy networks, are able to achieve a positive effect with their collaboration with organizations from abroad. The impression is created that in transnational advocacy campaigns everything follows a fixed strategy and a clear plan. The consequences achieved are thus intended and positive from the point of view of the sender. However, the case of the Chaupe family shows

us that transnational advocacy campaigns can also have unintended, negative consequences on the ground.

## Conclusion

Pistor wrote that “[l]egal dispute settlement offers an alternative and perhaps more peaceful way to clarify priority rights, although the results can be as brutal as physical conquest” (2019, 24–5). In the case of the Chaupe family, legal NGOs sought to ease the land conflict with Minera Yanacocha through the judicialization of the dispute. By filing criminal complaints against the company, the aim was to protect the family from further eviction attempts. As I have pointed out in this chapter, however, this legal mobilization from below largely failed. *Grufides*’ lawyers did succeed in obtaining an acquittal in favor of Máxima and her family, freeing them from charges of illegal occupation of land. At the same time, however, the alleged human rights violations against family members went unpunished. Furthermore, after the company failed to get a conviction against the family in court, the attacks in Tragadero Grande increased considerably. This calls into question the extent to which the use of law has been effective in this specific case. In a similar sense, Pistor also acknowledged that “indeed, legal battles over land have often gone hand in hand with the battles on the ground” (2019, 25).

In addition to the question of the effectiveness of law in this specific example, this chapter focused above all on the role of transnational advocacy campaigns for such legal disputes. In May 2017, the Peruvian human rights movement celebrated the acquittal of the Chaupe family and their legal victory before the Supreme Court. At the same time, amidst all the hustle and bustle, Máxima demanded only one thing: to be able to live in peace with her family in Tragadero Grande. This chapter confirmed that transnational advocacy networks are particularly well suited to address the issue of TNCs’ responsibility and to put the spotlight on emblematic court cases dealing with human rights violations committed by TNCs. At the same time, the Chaupe case revealed that campaigns on behalf of an individual family can trigger unintended dynamics and that they can also be a burden for those concerned.

