

## The challenges of access to justice and Indigenous peoples' strategies before mega-projects in Mexico: between legal pluralism and the *positivismo de combate*

Constitutional reforms in 2001 and 2011 brought important changes in the access to justice for the Indigenous peoples of Mexico. On the one hand, it brought changes in the framework of the state's commitments to Indigenous peoples (many of them present in the international human rights' system). On the other hand, constitutional reforms allowed the development of new principles, institutions, and public policies towards the construction of plural justice which is based on the recognition of legal pluralism due to the "multicultural composition of the Mexican nation."

Despite significant progress, Indigenous peoples in Mexico continue to suffer particularly challenging situations of inequality and exclusion, due to racism and structural discrimination. These situations extend to a territorial and natural resource dispossession made worse by policies encouraging foreign investments in mega-projects which exacerbates human rights violations against Indigenous peoples and their communities. Although there have been initiatives to address inequality enacted by the state, Indigenous peoples' attempts to gain the right to access justice have been largely unsuccessful. This may be because the initiatives have been fragmented and did not have the participation of Indigenous peoples. It is necessary to emphasize the importance of re-thinking public access to justice in connection with people' autonomy and legal pluralism.

Therefore, this article subscribes to an interdisciplinary approach: incorporating the Latin American socio-environmental perspective into the legal debate on the right of access to justice for Indigenous peoples and communities. It seeks to integrate legal anthropology into the community legal system (which uses assemblies as a form of decision-making), thus recognizing legal pluralism in Mexico. In this way, the work analyzes ef-

fective strategies for collective rights by studying Indigenous communities against the Morelos Integral Project (one of the main mega-projects in the state of Morelos that is responsible for countless socio-environmental conflicts in the region.) The article seeks to understand how conflicts caused by the mega-project are judicialized. The article will also examine how communities respond to challenges to access to justice by producing and applying community norms, thus guaranteeing the permanence of their ways of life in their territories.

By understanding the dynamics of the access to justice for communities who are defending themselves against the mega-project, the article concludes that such strategies are favorable to Indigenous rights' effectiveness and relevant sources of action and interpretation to ensure access to justice in multicultural societies.

**KEYWORDS:** *Access to justice; Indigenous peoples; Socio-environmental conflicts; Alternative use of law.*