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Strategic Engagement and Legal Pluralism: Navigating Knowledge and Expertise in Mining Disputes

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Abstract

This article explores how community and civil society actors in mining conflicts strategically engage with legal and technical vocabularies to assert legitimacy, contest exclusion, and influence mining governance. Drawing on an empirical case study of Thailand’s Chatree gold mine, the article analyzes how affected groups navigate overlapping normative systems, such as state law, transnational norms, and technocratic discourses, through informal learning and strategic appropriation of expert language. Framed through the conceptual lens of legal pluralism, the study highlights how actors interpret and mobilize diverse normative orders to articulate grievances, shape narratives, and attempt to gain access to decision-making spaces. These engagements unfold across scalar dimensions, from local to international levels, reflecting both selective alignment with, and resistance to, dominant legal and institutional frameworks. By foregrounding norm contestation and plural authority, the article contributes to socio-legal scholarship on resource conflict, illustrating how actors operate in contexts of institutional distrust to advance alternative visions of justice, development, and legitimacy in sites of mineral resource development.

Keywords: *Strategic Legal Engagement, Mining, Mining Conflict, Legal Pluralism, Knowledge Politics, Resource Governance*

1. Introduction

This article explores how actors involved in mining conflicts strategically engage with technical and professional vocabularies, such as legal language and/or mining technologies, as a pathway to social recognition and political visibility. The socio-legal approach used here focuses on how law and norms are experienced, interpreted, and practiced in everyday life and in governance contexts. This article does not present a legal taxonomy but rather seeks to understand how actors navigate and engage with multiple, sometimes competing, normative sources and authorities. To that end, the article focuses on community and civil society’s strategic engagement with knowledge and the language of expertise from a social science perspective, recognizing law as a

contested and plural space shaped by multiple actors with differing forms of authority, knowledge, and access. Through this lens, the article examines how affected communities, civil society, and other actor groups adopt or adapt to vocabularies and technological discourses to articulate grievances and assert claims. The analysis is rooted in a socio-legal approach that draws on legal pluralism to interrogate the multiplicity of normative orders and frameworks that structure resource development. Legal pluralism is used here to highlight how multiple normative systems, such as those of the state and international economic structures, work to shape the behavior and strategies of actors engaged in resource conflicts.

A legal pluralism perspective is useful for understanding how community and civil society actors engage with the language of professional and technical expertise, not simply as a communication tool but as a strategy for navigating overlapping normative systems. In mining conflicts, various forms of expert language can function as strategic tools for gaining recognition, asserting legitimacy, and accessing otherwise restricted decision-making spaces. By learning and using these forms of knowledge, actors seek to gain access to information while also strategically engaging with, and sometimes resisting, the power dynamics embedded in legal, economic, and scientific systems. Here, legal pluralism provides a framework for analyzing these engagements as part of a broader struggle over legitimacy, visibility, and access to decision-making. Through this conceptual and empirical lens, strategic appropriation of expert discourse is revealed as a mode of norm contestation, illuminating the dynamic and contested nature of authority in mineral resource governance.

As alluded to above, mining conflicts are not merely technical disputes over land use or environmental harm. They are sites of normative and political struggle in which actors draw on diverse, sometimes competing, sources of legitimacy. By focusing on vernacular expressions of professional and technical knowledge, that is, how actors “speak” about topics such as law and technology, the article seeks to understand how these forms of knowledge emerge and influence conflict dynamics over time. The article also addresses the scalar dimensions of these normative engagements, revealing how actors navigate and employ professional and technical vocabularies across local, national, and international levels. Such scalar positioning is often deliberate, reflecting actor awareness of the strategic openings and limitations that exist within and across normative systems.

The case study of Thailand’s Chatree gold mine offers an illustration of these dynamics. Methodologically, the article draws on qualitative fieldwork conducted in central Thailand between 2021 and 2022 and on subsequent qualitative and quantitative analysis undertaken in conjunction with the doctoral project and dissertation entitled “The implications of legal pluralism to understanding mining conflicts: a case study of Thailand’s Chatree gold mine.” The fieldwork encompassed semi-structured individual and focus group interviews with six different actor groups, including civil society and community members living near the Chatree gold mine (hereafter referred to as mining communities). A background description of the case study is provided in section 2 below. While the case study is focused on one site, the article highlights broader patterns in

how certain actors mobilize professional and technical discourse to respond to perceived environmental, health, and livelihood harms. By situating these processes within a framework that foregrounds legal pluralism, scalar strategy, and vernacular knowledge, the paper contributes to scholarly debates on strategic engagement approaches, power, and grassroots mobilizations related to extractive industry governance. It also contributes to the growth of interdisciplinary work on global mining conflict.

Although the broader research project on which this article builds addressed multiple normative dimensions of the Chatree gold mine conflict, including interactions across six different actor groups, this article focuses more specifically on civil society and community actors. It examines these actors' strategic use of legal and technical vocabularies as a means of navigating plural normative systems, thereby offering insight into how legitimacy and authority are contested in the context of mineral resource development. The article thus endeavors to do the following: (1) examine how actors involved in mining conflicts strategically engage with professional and technical language in their various advocacy efforts; (2) explore the scalar strategies actors use to navigate normative and institutional frameworks across local, national, and international levels; and (3) contribute to socio-legal scholarship by highlighting how norms and rules are experienced, interpreted, and contested in resource governance conflicts. The article does not aim to provide a comprehensive account of all conflict dimensions but rather contributes to socio-legal scholarship through a targeted exploration of norm engagement and plural authority by demonstrating how actors in mining contexts engage legal and technocratic vocabularies to pursue redress and construct legitimacy across plural normative orders.

2. Background

2.1 Mining and development: a brief overview

Mining is a multifaceted and complex enterprise, and while this article centers on a specific case study of gold mining and related conflict, the insights it generates are relevant to a broader spectrum of mining disputes. This is not to suggest that all mining conflicts are identical, but rather, they frequently exhibit analogous features. Commonalities emerge in the types of actors involved, the nature of the harms experienced (e.g., environmental degradation, health risks, and threats to livelihoods), the underlying power asymmetries, and the strategies mobilized by different groups. These similarities persist across divergent cultural, geographic, and political settings. Indeed, mining and the extraction of mineral resources more broadly hold distinct value and meaning across levels of governance, academic disciplines, and actor perspectives. As a result, mining often becomes a site of normative contestation, where competing interests and visions for the future converge, and where actors struggle for influence, power, and in some instances, survival.

The significance of mining has intensified in the era of climate change, as mineral-rich countries are increasingly called upon to supply the resources essential to renewable energy systems and low-carbon technologies. As the World Economic Forum (2021, 35). noted in 2021, these mined "materials are

generally produced in developing countries, and sometimes in challenging environmental and social conditions.” Despite these challenges, both scholarly and policy literature have increasingly framed mining as a central component of sustainable development and climate action. Herrmann and Mann (n.d., 2) observe that “mining can be critical to achieving the development aspirations of many developing countries.” Bastida (2020, 8, emphasis in original) similarly argues for “shifting from a focus on *extractives* towards their role in *transformative* outcomes for sustainable futures and the just resource transition.” Hodge (2014, 30) goes further, describing mining as “a powerful engine for society to achieve the ends it wishes in the context of the values that are at play . . . [serving] as a bridge to the future.” Echoing this optimism, a 2021 United Nations policy brief emphasized the “immense potential” of the extractive sector to “drive growth, support sustainable development, and reduce poverty in developing countries” (United Nations 2021, 3). Similar aspirations for mining are evident in efforts to align the industry with the United Nations Sustainable Development Goals (SDGs), such as the Columbia Center on Sustainable Investment’s 2016 “Mapping Mining to the Sustainable Development Goals: An Atlas.”

The SDGs have been characterized as a comprehensive global framework aimed at advancing “social inclusion, environmental sustainability, and economic development” (Columbia Center on Sustainable Investment et al. 2016, 11). Comprising 17 interrelated goals, all 193 United Nations member states endorsed the SDG agenda, which is intended to be universally applicable; that is, relevant to states and a wide range of non-state actors (UN General Assembly 2015). In the mining sector, the SDGs are often interpreted as a synthesis of normative benchmarks that closely mirror contemporary corporate social responsibility (CSR) standards. While each goal can be mapped onto various dimensions of mining activity (see Columbia Center on Sustainable Investment et al. 2016, 5), their universal application may also function to reinforce entrenched power hierarchies and sustain prevailing operational models. This risk is frequently linked to the SDGs’ emphasis on economic growth as a core pillar of sustainable development (see UN General Assembly 2015, para. 3), raising concerns about trade-offs that Gupta and Vegelin (2016, 440) argue “favour . . . growth over social and ecological issues.” Such trade-offs also point to questions of inclusion and power distribution—issues fundamental to equitable resource development and governance. As Haapanen and Tapio (2016, 3) caution, “positioning economic growth as a constituent of sustainable development . . . narrows down the selection of means by which sustainability is pursued,” with potential ripple effects across sectors, including mining. This is particularly salient in the context of climate change mitigation strategies that depend on scaling up mining for renewable energy technologies, an approach premised on the assumption that the sector can be fully aligned with the SDG agenda.

These narratives of mining’s promise sit uneasily alongside persistent conflict, human rights violations, and environmental harm associated with the sector (see e.g., Mogul 2024; International Council on Mining and Metals 2015). While new climate accountability mechanisms are emerging, questions related

to justice and equity, which are central to a just energy transition, remain. By aligning mineral extraction with climate mitigation and green industrial policy, climate-centered discourses may obscure deeper governance challenges and reinforce existing structural inequalities. As some scholars have noted, there appears to be a paradox in which improvements in companies' social and environmental practices have been accompanied by an increase in conflict (Hodge 2014). Bebbington (2014, 34) observes that "in some strange way, mine sites have become locales in which populations can have discussions about the meaning of development and good living that they are less able to have with their own national elites." These sites of contention, Bebbington (2014, 34) argues, are becoming spaces where "fundamental questions about democracy, rights and ecology are being fought out."

2.2 The Chatree gold mine case study: an introduction

This dynamic—where extractive sites become flashpoints for contesting development paradigms and asserting rights—finds a concrete example in the conflict surrounding the Chatree gold mine in central Thailand. Overlapping the provinces of Phichit, Phetchabun, and Phitsanulok, the mine became the center of a high-profile dispute between the Government of Thailand and the mine's owner, Kingsgate Consolidated Limited (Kingsgate), a multinational Australian Securities Exchange-listed company. The dispute resulted in mining operations being temporarily shut down, with the mine placed in a care and maintenance status in January 2017 (Kingsgate Consolidated Limited 2019). At the heart of the dispute were allegations that operations at the Chatree gold mine had caused adverse environmental and health impacts in nearby villages. The mine is operated by Akara Resources Public Company Limited (Akara), the Thai subsidiary of Kingsgate (Akara Resources n.d.).

In late 2016, Thailand's then-military government, the National Council for Peace and Order (NCPO), ordered Akara Resources to suspend its gold mining operations at the Chatree site (Government of Thailand 2016). The order cited environmental degradation and public health risks, and was issued under section 44 of the 2014 interim constitution (Phoonphongphiphat 2018; see also, Government of Thailand 2014; Rujivanarom 2017). Section 44, a widely criticized constitutional provision (see e.g., Amnesty International 2016; Human Rights Watch 2018), conferred broad authority to the head of the NCPO to "order, restrain, or perform any act," declaring such actions to be "lawful and constitutional" regardless of "whether such an act [had] legislative, executive, or judicial force" (Government of Thailand 2014, 25, sec. 44)

At the time of writing, the Chatree gold mine is again operational. On 17 March 2023, Kingsgate issued a press release announcing that Akara would resume operations by processing stockpiled ore and undertaking plant refurbishments (Pierce 2023). The announcement followed several years of negotiations with the Thai government, which occurred alongside arbitration proceedings between the two parties. Although the arbitration has not yet reached a formal resolution and detailed records remain confidential, the core arguments advanced by each side have been made public. In its 2019 annual

report, Kingsgate stated that it had initiated arbitral proceedings “in order to recover the substantial losses that it has suffered . . . as a result of the unlawful expropriation of the Chatree gold mine by the Thai Government” (Kingsgate Consolidated Limited 2019, 5). Conversely, the Thai government defended the mine’s closure as a lawful act, with then Permanent Secretary of the Ministry of Industry, Pasu Lahachun asserting that the government’s closure of the mine was “legitimate because it was aimed at protecting the environment and residents’ quality of life and was in accordance with the United Nations’ Sustainable Development Goals” (The Nation 2017)

The Chatree gold mine case presents a set of complex and multidimensional challenges that extend beyond investor-state arbitration and into the realm of community-level conflict, the full dimensions of which cannot be fully explored in this article. In interviews with local residents, researchers Pimpa and Moore (2015) found that many villagers felt disempowered and ill-equipped to address their concerns regarding the mine’s adverse impacts. Pimpa and Moore (2015) observed that “[t]he systematic lack of engagement of all villagers . . . to actively participate in decision-making has led to frustration and dissatisfaction, contributing to the current crisis.” Despite these experiences of exclusion, the researchers noted that most community members expressed a desire for mining to continue, albeit under the direction of a company perceived as “trustworthy and [one that] systematically demonstrates strong commitment to environmental protection” (Pimpa and Moore 2015). Reflecting on the mine’s reopening in 2023, Pimpa characterized the events as a “lesson in failed community management” while also noting signs that the company had begun “to engage deeply with the community” (Agence France-Presse 2023).

3. Methodology

3.1 Research design and data collection

As introduced in section 1 above, data and excerpts from individual and focus group interviews presented herein are gleaned from research conducted for the fieldwork component of the doctoral project, “The implications of legal pluralism to understanding mining conflicts: a socio-legal study of Thailand’s Chatree gold mine,” carried out under the auspices of the Doctor of Philosophy in International Development program at Chulalongkorn University’s Faculty of Political Science. A total of 22 individual and/or focus group interviews were conducted, encompassing 36 research participants. Data were collected to saturation, given certain limitations related to the COVID-19 pandemic and ongoing arbitral dispute between state and company actors, an overview of which is provided below. Interviews were conducted in Thai and English, with two interpreters providing services in the field and one interpreter when virtual interviews were carried out.

3.2 Actor group focus and ethical considerations

While six actor groups were interviewed as part of the larger doctoral study, including (1) academia; (2) civil society; (3) government actors (national); (4) journalists; (5) mining communities; and (6) the private sector, this article focuses primarily on civil society and community actors due to the richness of their

engagement with legal and technical vocabularies in the context of strategic resistance. In particular, leaders from a resource reform civil society organization (hereafter referred to as CS6) provided detailed insights into how legal knowledge was cultivated and strategically deployed to assert legitimacy and gain entry into decision-making spaces. Other actor groups are referenced selectively to provide broader context or contrast where relevant.

While many participants were willing to engage in dialogue about the issues, several also expressed concern that doing so could entail professional, personal, or other forms of risk. To address these concerns, the analysis is presented in aggregated form by actor group. This decision, grounded in both ethical and methodological considerations, was not seen to undermine the analytical aims of the original research. Grouping responses by actor category served to protect participant anonymity while also facilitating the identification of broader patterns across heterogeneous yet internally complex constituencies. Consistent with qualitative socio-legal methodologies and ethical research practice, this approach provided a secure and analytically coherent means of presenting participant perspectives without compromising individual identities or safety. For clarity and consistency, each interview or focus group is referenced by an alphanumeric identifier indicating the actor group and interview sequence (e.g., CS6 refers to the sixth civil society interview, MC3 to the third mining community interview, and so forth). These identifiers are used throughout to maintain transparency while protecting participant anonymity.

Ethical considerations were addressed through measures designed to protect participant confidentiality, minimize risks of identification, and ensure the responsible handling of interview data. Participants' names and identifying details are not disclosed in this article. Instead, interviewees and focus group participants are referred to by anonymized alphanumeric codes indicating actor group and interview sequence. Interview materials are cited in the text by code, interview type, and date only, and are not included in the Reference List because the underlying transcripts and recordings are confidential and not publicly accessible. These measures were adopted in accordance with research ethics requirements and applicable data protection considerations.

3.3 Conceptual approach and analytical framing

The research approach draws on the socio-legal insights of Boer et al. (2016), Cotterrell (1995, 2006), Cowan and Wincott (2016), Feenan (2013), Riles (2005), Tamanaha (1993, 2008, 2010, 2012, 2015), Twining (2012), Wheeler (2020), and Wheeler and Thomas (2000). The "socio" is understood in the manner expressed by Wheeler and Thomas (2000, 271) and further promoted by Feenan (2013): "The 'socio' in socio-legal studies means to us an interface with a context within which law exists, be that a sociological, historical, economic, geographical or other context." "Legal" is understood in the way that Cotterrell (1995, 311) has expressed it, encompassing not only law in its formal sense (for example, doctrine, statutes, regulation, rules), but also "as a field of social experience structured by problems of government, social control, and social order." Cotterrell (2006, 24-25) sees the law as something reciprocal to other

phenomena, which is described as “law’s constitutive power,” or “its ability actually to create the social (not just for immediate regulatory purposes but also in the wider consciousness of all who participate in social life).”

To further aid accessibility, this article selectively pulls from Tamanaha’s (2008) typology of systems of normative orderings to illustrate how different systems of norms are interpreted. These systems, which include formal law, economic rules, and community practices, help translate theory into empirical insights about how actors understand and navigate mining governance. The typology encompasses: “(i) official legal systems; (ii) customary/cultural normative systems; (iii) religious/cultural normative systems; (iv) economic/capitalist normative systems; (v) functional normative systems; [and] (vi) community/cultural normative systems” (Tamanaha 2008, 397). Not all of the aforementioned normative orderings are relevant to this article’s discussion; however, a brief overview of each category is warranted for purposes of clarity. Given that this article is more narrowly scoped than the original research project, the systems of normative ordering most relevant to the discussion herein include official legal and economic/capitalist systems. Still, as a general background, the normative orderings described below provide additional insight into how the original data were analyzed, which is relevant to the research findings expressed in the following sections.

Official legal systems are described as those positive systems “linked to an institutional apparatus of some kind,” while customary/cultural systems are representative of “shared social rules and customs” (Tamanaha 2008, 397). The article refers to official legal systems interchangeably as formal law or rules. Religious normative systems are defined by religious norms that possess recognized authority and mechanisms for enforcement and adherence. Economic/capitalist systems refer to the formal and informal norms that structure market activity and govern interactions among private-sector actors (Tamanaha 2008). Under this economic/capitalist category fall alternative dispute resolution mechanisms, such as investor-state arbitration (a form of investor-state dispute settlement), which function independently of formal state-centered judicial systems. This category also includes norms associated with corporate social responsibility and nonbinding frameworks for mining governance, as well as those emerging from transgovernmental regulatory bodies. Functional normative systems refer to norms that are “organised and arranged in connection with the pursuit of a particular function” (Tamanaha 2008, 399). Examples include the rules and norms that govern institutions such as universities, hospitals, sports leagues, and similar entities. Tamanaha (2008, 399) characterizes community/cultural normative systems as “the vaguest category,” defining them as a group’s “imagined identification . . . of a common way of life, usually tied to a common language and history and contained within geographical boundaries of some kind.” Tamanaha (2008, 399) defines this category broadly, emphasizing “the shared norms of interaction” among individuals who see themselves as a community, irrespective of the group’s specific composition or structure.

While the original study did not explicitly code professional or technical language, close attention was paid to how actors referenced and invoked formal legal frameworks, scientific procedures, and regulatory standards in the course of articulating grievances or claims. These expressions were understood as evidence of engagement with distinct normative orderings. For example, references to laws, litigation, and constitutional rights were interpreted as aligning with formal legal systems, while views and opinions on investor-state arbitration, corporate responsibility, and voluntary standards were interpreted as signaling engagement with economic/capitalist frameworks. These expressions were not treated as descriptive content but as strategic acts of norm navigation. As discussed further in the sections below, civil society actor groups' self-taught legal knowledge and efforts to draft legislation reflected an intentional engagement with official legal systems to assert legitimacy and shape development outcomes. At the same time, their rejection of arbitration as unjust, despite its institutional backing, illustrated a deliberate distancing from economic/capitalist normative systems. Thus, legal pluralism was operationalized through the identification of coexisting normative systems and also via an interpretive focus on how actors strategically referenced or embodied these systems in their narratives and practices.

Legal pluralism offers a particularly useful interpretive framework for the analysis herein because it reveals the tensions of overlapping, often conflicting normative systems in which actors operate. These systems can be based on state law and international arbitration regimes, on technocratic discourse, community-based norms, or even norms associated with activist networks. Unlike outcome-oriented approaches that assess success or failure in formal legal terms, legal pluralism here foregrounds how actors strategically navigate multiple sources of authority, construct legitimacy, and engage in norm contestation. In the context of the Chatree gold mine, where state decision-making, transnational legal processes, and civil society mobilization intersect, legal pluralism enables a more nuanced understanding of how legal meaning is produced and challenged across institutional boundaries. This perspective is particularly valuable for interpreting the strategic use of legal and technical vocabulary by civil society and community actors who, while frequently excluded from decision-making processes, nonetheless assert claims through plural normative repertoires.

4. Analysis and discussion

4.1 Strategic legal engagement and knowledge-building

Actor groups approached legal engagement and participatory strategies in distinct ways, reflecting different perceptions of risk, legitimacy, and influence. In a 15 December 2021 focus group interview with leaders of a resource reform civil society group (referenced above as CS6), participants began the conversation by affirming their view that the *"law is the sword of justice."* The group, dedicated to a moratorium on metals mining in Thailand, explained that learning the language of the law and how to engage with it represented a pathway to community-based influence and strategic legitimacy. As CS6 focus group participants noted: *"The people need to be strong and know how to use the*

law. The law is adequate, and we need to know it and learn how to use it.” For CS6 actors, such a viewpoint grew from observations of the law’s use by mining companies, in which litigation was employed as a tactic to obstruct community resistance to mining. These types of lawsuits are often characterized as SLAPPs, or Strategic Lawsuits Against Public Participation (see e.g., Anprasert 2021; Lee Prather 2023). In the context of mining in Thailand, CS6 asserted that lawsuits were used to drain capital resources from opposition mining communities, who would be forced to hire legal representation and engage in lengthy court proceedings. In addition to expressing distrust for hired legal representation, such a potential drain on resources served as motivation for CS6 leaders to learn the vernacular of the law, the mechanisms for its use, and how to engage with the technical legal aspects governing mining:

[Mining companies] use lawsuits as a way to stop people because if they keep having to fight lawsuits, they need more money to go to court. This is why we learned the law ourselves, so we could continue. I do everything on my own. If I couldn’t use the law, then I wouldn’t be able to do this work (CS6 focus group interview, December 15, 2021).

Capacities related to the law’s technical language and understandings thereof played an important role in CS6 leaders’ strategic approach to mining resistance. Prior to the CS6 organization’s inception, leaders found themselves in a situation in which land used by communities was no longer accessible due to the government’s allocation of mining licenses. CS6 leaders indicated that at the time they had very little knowledge related to mining concessions and the associated legal requirements, including rules governing notice and stakeholder engagement. As such, CS6 leaders had not been included in decision-making processes that led to an effective eviction from previously accessible government-owned land (CS6 focus group interview, December 15, 2021). It was this act of exclusion that spurred CS6 leaders to begin a years-long process of establishing an antimining community network across various Thai provinces. This network worked to enhance individual understandings of mining processes and their adverse health and environmental impacts, and to substantively engage with the law and the lawmaking process. CS6 leaders indicated that their knowledge of law stemmed from self-taught methods, perseverance, and a desire to operate independently, through a closed, trusted network (CS6 focus group interview, December 15, 2021).

CS6 leaders’ engagement with the law was unique from that of other actors interviewed in the case study. Although the organization viewed the law as a strategic tool for advancing its goals, CS6 interview participants did not see the law as a symbol of power in and of itself. Rather, the law was a tool used by those actor groups who already possessed power (namely, the government and mining companies) and thus, learning the language of the law, how it functioned, and how to use it, provided a strategic advantage that imbued CS6 members with legitimacy at a national level (CS6 focus group interview, December 15, 2021). As characterized by CS6 leaders, the organization used a “soft power” approach that involved, among other activities: drafting and lobbying for legislation to curtail metals mining operations in Thailand; working to ensure that all CS6 demon-

strations were legal and peaceful; gathering evidence of adverse environmental impacts through provincial community networks; and studying the country's mining laws and related regulations. CS6 research participants viewed the law as separate from politics and did not regard their organization as a political one. The organization's primary purpose was instead described as *"to stand up for our rights, our land ownership, and for the resources of 31 provinces in Thailand"* (CS6 focus group interview, December 15, 2021).

While it is difficult to measure the impact of CS6's efforts and strategic engagements, CS6 leaders repeatedly expressed their conviction that the law represented a vital instrument of justice. The above-referenced phrase *"the law is the sword of justice,"* shared in their focus group interview, was not merely rhetorical; it encapsulated a belief in the law's intrinsic value as a tool for asserting legitimacy and claim-making, even in the face of structural barriers. For CS6, legal knowledge offered a sense of agency and coherence in navigating a system they recognized as imperfect. While participants were fully aware of limitations in enforcement, procedural fairness, and the inaccessibility of certain legal forums, such as international arbitration (discussed further below), the group nonetheless viewed legal strategies as a way to build credibility, protect their communities, and influence public discourse. CS6's experience reveals a complex normative positioning regarding the law's actual accessibility, rule enforcement, and the parallel desire for legal reform. This suggests that for some civil society actors, the value of the law lies not only in its material outcomes, but in its symbolic and normative role in articulating visions of justice and rights.

CS6's self-taught engagement with legal norms and regulatory frameworks represents a form of knowledge or discursive power in which actors seek to legitimize their actions through expertise and technical knowledge (see Phillips 2025, sec. 4.2.2). CS6 also viewed such knowledge as beneficial to future generations, stating that their efforts would serve as *"a case study for people in future generations to learn how to fight with a big conglomerate, international company."* Moreover, there was an expressed value in what the group had learned and accomplished: *"I only graduated from primary school in grade 6 and taught myself everything . . . I just want to protect our land and have food security . . . We have learned so much"* (CS6 focus group interview, December 15, 2021). In addition to the approaches referenced above, CS6 members described utilizing a range of strategies to engage legal and bureaucratic processes, including filing complaints and requests to government offices, legal petitions, litigation, lobbying, and collaborating with allied NGOs in various advocacy efforts. While these actions did not always result in formal victories, participants viewed them as essential components of a broader strategy to document harm, signal resistance, and build public awareness. In this way, law was used not only to seek redress but to strengthen their legitimacy within broader socio-political arenas.

A legal pluralism perspective on CS6's strategic use of legal knowledge and self-directed learning highlights how formal legal instruments can perpetuate values and social norms. In the Chatree gold mine case study, CS6 leaders engaged directly with the law, building independent legal capacities as a pathway toward recognition, legitimacy, and visibility. These efforts focused on leveraging

formal legal frameworks such as constitutional provisions and laws governing mining, forests, and land use, to support their advocacy and articulate their claims. This legal engagement formed a core part of the group's broader strategy to pursue a national moratorium on metals mining. While operating outside formal institutions of power, CS6's approach illustrates how marginalized actors navigate and appropriate legal norms to position themselves within contested governance arenas.

4.2 Technical vocabularies, rights discourses, and community engagement

Other actor groups also engaged with professional and technical vocabularies, though in ways distinct from those described above for CS6. For mining communities near the Chatree gold mine, there was an advanced understanding of mining processes and the vernacular associated with mining technologies. (Such technical proficiencies also existed for CS6 leaders, but CS6 participants focused primarily on their legal efforts in the focus group interview.) Similar to the self-actualized capacity-building of CS6 members, mining communities developed much of their knowledge through informal means. Communities learned out of necessity and in response to adverse environmental and health events, such as those related to alleged water contamination and resultant illness (Mining Community (MC)1 focus group interview, December 13, 2021). Mining communities also engaged with nongovernmental and legal organizations (acting pro bono) to glean insights into resistance and mobilization strategies (MC2 focus group interview, December 14, 2021). Such engagements also raised awareness among mining communities of existing procedural rights associated with environmental impact assessments (EIA) and environmental health impact assessments (EHIA) (MC3 focus group interview, December 14, 2021). Additionally, community leaders gained knowledge related to medical terminology to understand the results of blood tests conducted on community members to detect heavy metal contamination (MC3 focus group interview, December 14, 2021). Technical terms related to mining, such as "tailings pond," "overflow," "mining concession," and "high impact activity" were regularly used in interviews, as were other vocationally-specific vocabularies such as "baseline evidence," "basic human rights," "class action," and "liability" (MC1 focus group interview, December 13, 2021; MC2 focus group interview, December 14, 2021; MC3 focus group interview, December 14, 2021; MC4 focus group interview, December 14, 2021; MC5 focus group interview, December 14, 2021; MC6 individual interview, December 14, 2021).

While this study, as well as the original doctoral research, did not evaluate outcomes in a causal or results-based sense, such as whether community engagement with legal or scientific vocabularies directly led to improved bargaining power, legal victories, or shifts in institutional decision-making, it does examine how actors understand and strategically engage with multiple normative orders. The focus is on how technical and professional language is appropriated to assert legitimacy, navigate exclusion, and reinforce claims within contested governance spaces. From a socio-legal and legal pluralism perspective, these discursive practices are meaningful not because they necessarily produce

concrete results, but because they illuminate how marginalized actors interpret and mobilize norms, position themselves in relation to powerful institutions, and articulate grievances in ways that signal knowledge, credibility, and agency. Thus, the strategic use of expert vocabularies is understood here not as a direct measure of bargaining power, but as a mode of norm contestation and legitimacy-seeking within plural legal and institutional environments.

This dynamic is further illustrated by the fact that certain forms of normative language, such as human rights, were invoked less directly than others. Interestingly, the language of human rights was not expressed as directly as might have been expected on a mining conflict site. That is, how alleged violations of rights were expressed or how rights were claimed by mining communities was not reflective of the same technical vernacular used in other aspects of legal engagement. In an interview with a civil society representative from an international human rights and environmental organization based in Thailand, such a phenomenon could be partially explained by communities' understandings of rights versus how such rights exist in a formal legal sense:

"Human rights are pretty much individual rights and the exercise of those rights. But, on the opposite side, with the communities, human rights to them are something about collective rights". Something about how do they protect their homes. So, I found that the language that they speak when they are making arguments is not particularly *"Okay, these are our individual rights to clean water,"* but it's more like *"We are protecting our homes, we are protecting our communities, and we are defending our collective rights"* (Civil society (CS)5 individual interview, November 9, 2021).

Community collectivist understandings of rights are worth considering alongside more formalized approaches to environmental human rights. Recent scholarship on the newly recognized right to a healthy environment elucidates that individual and collective rights "are not necessarily in conflict with each other, but rather they can co-exist or even complement each other" (Chalabi 2023, 13). Indeed, such rights can also be extended to the international level, where there is arguably a "'global interest' to protect the environment from the detrimental effects of global warming and climate change" (Chalabi 2023, 15). Thus, to some extent, legal vernacular is playing catch-up with existing expressions of rights that are increasingly significant in the context of environmental conflicts.

4.3 Scalar dimensions and transnational norm contestation

In a scalar sense, meaning here those legal systems that include provincial, national, and international levels, it is interesting to note CS6's valuation of international normative systems. In the focus group interview, CS6 leaders emphasized the importance of international advocacy, with examples of such efforts including the group's demonstration outside the United Nations building in Bangkok, Thailand as a signal to other countries that the then-ruling military junta NCPO's order to shutter the Chatree gold mine operations was a decision supported by many in the country's civil society (CS6 focus group interview, December 15, 2021). These efforts were juxtaposed against CS6's partial

rejection of norms related to international trade and commerce, particularly those that entailed extrajudicial processes such as arbitration (part of the economic/capitalist normative systems, according to Tamanaha's (2008) groupings). CS6 research participants felt that the ongoing arbitration between Kingsgate and the Thai government was "*separate to us*," though still reiterated that "*rights and concerns about our health*" should be respected by government and company actors (CS6 focus group interview, December 15, 2021). According to CS6 leaders, the Thailand-Australia Free Trade Agreement (TAFTA) was legitimate, but there was an organizational consensus that the trade agreement's dispute-resolution mechanisms were unjust in the Chatree gold mining case (CS6 focus group interview, December 15, 2021). CS6 thus sought recognition, legitimacy, and visibility from state actors in an international context while also rejecting norms perpetuated by state-supported institutional actors, such as the United Nations. These norms are those related to instruments such as the United Nations Commission on International Trade Law Arbitration Rules (UNCITRAL 2021), a widely adopted set of rules governing arbitration that is widely adopted in investor-state trade agreements.

The role of institutional norms in mining conflicts, particularly in disputes subject to investor-state arbitration, warrants additional consideration here. While no research participants questioned the legitimacy of Thailand's free trade arrangement with Australia, many actors, including those in government and the private sector, lamented the arbitration that resulted from the trade agreement's alleged breach (Government (G)1 individual interview, October 6, 2021; Private sector (P)1 individual interview, March 7, 2022). For some in civil society, a loss in arbitration proceedings was expected to increase mining communities' vulnerabilities, as it was believed the government would be forced to make additional concessions to Kingsgate (CS2 individual interview, March 8, 2022). While CS6 leaders indicated a certain disconnect from the arbitration proceedings (see above), the organization expressed frustration that the alleged adverse environmental and health impacts associated with the Chatree gold mine did not sufficiently justify the government's section 44 decision. To CS6, the arbitration represented a violation of state sovereignty over natural resources, which was deeply troubling to the organization's leadership (CS6 focus group interview, December 15, 2021).

From a strategic engagement perspective, economic/capitalist norms, such as arbitration, can pose a challenge. For actors like CS6 who are well-organized and versed in the language of the law, access to investor-state proceedings may still be impossible. Indeed, arbitral proceedings between Thailand and Kingsgate are closed, and thus, decision-making processes associated therewith remain opaque to outside actors. Hence, whatever decisions are made through negotiations between the parties, which may have reverberative impacts on mining communities, remain impenetrable. These characteristics raise important questions about the extent to which strategic legal engagement by mining communities and civil society can meaningfully challenge or reshape entrenched power asymmetries that often define the mining landscape. In this scenario, the state's role as a participant in closed arbitral proceedings also carries important

legal and policy implications. The state is not a private actor, and when it engages in closed arbitration, it diminishes democratic processes and accountability (see, e.g., Choudhury 2008) and potentially undermines important protections for its citizenry, such as those associated with environmental decision-making. It raises the question of whether it is good public policy to allow states to act as private actors in investor-state disputes.

The Thai government's use of section 44 to shut down the mine and Kingsgate's subsequent initiation of investor-state arbitration under the TAFTA were pivotal in shaping the contours of legal engagement by affected communities and civil society (Government of Thailand 2014; 2016, Kingsgate Consolidated Limited 2019). These events underscored a structural reality: that no matter how proficiently actors mobilized legal and technical vocabularies, whether through constitutional arguments, environmental assessments, or formal petitions, the arbitration process remained inaccessible and unaccountable to them. This disjuncture exemplifies the plural legal terrain in which actors operate. While domestic legal systems and public regulatory processes offer at least nominal entry points for contestation, transnational dispute systems, such as investor-state arbitration, operate in parallel, often insulated from public input or normative challenges. This exclusion may drive civil society actors to seek legitimacy and visibility through more accessible normative systems.

Expanding on this, the use of section 44 to close the mine functioned as a catalyst for investor-state arbitration, revealing underlying tensions between national and transnational normative regimes. Through the unfolding arbitration process, the dynamics between competing legal frameworks, particularly the elevation of investor protection over domestic legal and participatory processes, became apparent. Such an example highlights the coexistence and contestation of normative orders across different scales: national constitutional and environmental law frameworks on one hand, and transnational investment law on the other. Arbitration introduced a normative ordering rooted in private property, investor expectations, and market rationality, which contrasted with the justice claims advanced primarily by affected communities and civil society. These developments reveal how actors may find themselves subject to overlapping systems of authority, often without recourse, further uncovering power asymmetries embedded in global economic governance.

The complex actor dynamics and issues in the Chatree gold mine conflict are readily analogous to other mining contexts. While each dispute is site-specific, with its own unique set of actor relationships and environmental and health considerations, certain parallels exist in power dynamics and company-community struggles across various geographical locales. As mining operations and their impacts continue to generate significant attention, understanding these dynamics remains crucial. Moreover, as different actor groups employ the language of the law and learned understandings of mining technologies in the claim-making process, transparency, exclusion, and barriers to justice remain.

5 Conclusion

The use of legal engagement as a strategy for influence and resistance in the context of mining governance, as exemplified by the CS6 case in Thailand, underscores the complexity of navigating legal and institutional systems in environmental conflicts. From a socio-legal perspective, the experiences of CS6 and other community actors demonstrate how strategic engagement with legal knowledge and processes can serve as a pathway to recognition and legitimacy, even when those involved are marginalized or excluded from formal decision-making spaces. CS6 leaders' decision to learn the language of the law was motivated by the recognition that mining companies often wield legal instruments as tools to shape the development lifecycle. The notion that the law is "the sword of justice" reflects a belief that mastering the legal system is key to challenging dominant actors in the mining space. By understanding the vernacular of the law, CS6 leaders gained the capacity to advocate for their cause and seek redress in a system that had traditionally excluded them. This reflects an emerging strategy among marginalized communities to engage legal tools to contest dominant power structures and advance alternative forms of legitimacy.

Additionally, CS6's above-described strategies illustrate the role that formal legal instruments play in both reinforcing and potentially altering social norms. This legal engagement was seen as an essential step in achieving CS6's goal of a mining moratorium. However, CS6's attitude toward economic/capitalist norms, particularly the rejection of arbitration processes, points to a deeper disillusionment with the mechanisms that often work against the interests of communities. Their partial rejection of international trade norms, despite participating in international advocacy efforts, underscores a critical stance toward investor-state dispute settlement mechanisms, which they view as unjust and contrary to the rights and interests of local communities. The complexity of CS6's position illustrates a broader tension in civil society strategies: the coexistence of a desire for recognition and visibility with formal international institutions that often reinforce norms contrary to their interests, while simultaneously seeking space to contest the inequities embedded in those same global legal frameworks. This duality reflects the challenges of reconciling local community interests with the broader political and economic structures in which they are situated.

Furthermore, the community responses at the Chatree gold mine site reveal how mining communities must engage with the law out of necessity. Mining communities often develop legal and technical knowledge through informal networks and in reaction to environmental and health crises. Indeed, the governance of mining highlights the tension between economic development goals and the rights of local communities. This case study underscores the complexities of legal and normative engagement in mining conflicts and highlights the critical role of law in shaping community resistance, strategy, and participation. It also raises broader questions about the adequacy of international legal frameworks and the interplay between economic, environmental, and social justice in mining governance.

Such questions are integral to an understanding of mining in the context of international development studies, the context within which this research falls. This case contributes to contemporary development studies by illuminating how legal knowledge and norm engagement operate as forms of political agency within contested governance spaces. Rather than framing communities as passive recipients of top-down development, the CS6 experience described above highlights how marginalized actors endeavor to strategically shape institutional interactions. Their engagement reflects a re-politicization of development, where the governance of mineral resources becomes a site of contestation over legitimacy, accountability, and rights. The article also raises critical questions about inclusion in transnational legal regimes and the uneven capacity of different actors to influence outcomes, particularly in contexts shaped by policy narratives linked to sustainability and global economic norms.

To that end and in light of the analysis above, several policy implications emerge. First, the article's findings underscore the need to formalize (or institutionalize) mechanisms that ensure meaningful community participation in mining governance, beyond instruments such as EIAs, EHIAs, and community development agreements. This could include such undertakings as guaranteeing affected communities equitable access to legal support, independent environmental expertise, and rights education. Second, where constitutional or statutory protections exist, domestic legal systems should be equipped to offer effective remedies for harms such as environmental degradation, health impacts, and rights violations. Strengthening these systems may reduce the need for transnational dispute resolution. Third, investor-state dispute settlement mechanisms, such as arbitration, require critical review to address structural issues of accountability and transparency, as well as the exclusion of affected communities from decision-making processes. Finally, greater recognition of community-led knowledge production, including environmental and health monitoring, would support the legitimacy of these efforts in regulatory and legal forums and promote more inclusive approaches to evidence and accountability.

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