Liquid Justice: Stories from Bolivia and Costa Rica

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What is environmental justice? I will talk about it in two ways, as the discipline we are studying and as a social movement. How has it evolved from where it started to what we have now? I will then dig into water justice and share stories from two different places, one in Bolivia and one in Costa Rica. These are places where for many years I have been closely involved with environmental justice movements, bringing these ideas and theories into practice.

Let me give a brief introduction to what environmental justice is. Of its three most important aspects, the first is acknowledging that environmental issues and social justice are completely linked. When we talk about environmental justice, we are not only talking about the environment, climate, droughts, or floods; environmental justice is also about people and social issues. For example, what are the causes of a drought, who is being affected, why, and how? Those are the questions that I explore.

Second, environmental justice means equal access to decision-making in all processes behind environmental policies. Drafting environmental justice policy often involves only experts or technical people, but I think it should also include public participation. Everybody should be involved in environmental issues. That has been the expectation since the "Earth Summit" (the United Nations Conference on Environment and Development) held in Rio de Janeiro, Brazil, in 1992.

The third main concept of environmental justice stems from environmental racism, which refers to negative environmental outcomes that affect some people more than others. Historically, extractive industries or water treatment plants that produce toxic waste were built in poor communities and places with a higher minority population. In the US, we are talking about African American and Latin American communities. The environmental justice movement was started by social activists who said, "We have had enough. We shouldn't be suffering from negative environmental outcomes because we are poor or minorities."

It's important to mention that the early definition of environmental justice was only about objective measurements and comparisons across different cases. What do I mean by that? People were focused on, for example, measuring air pollution and determining who was affected by industrial

emissions. Systematic research showed again and again that the people most affected in the US were those in African American, Latin American, and Indigenous communities. In Bolivia, it is the same. In Costa Rica, it is the same. It is the same in Australia, where I did my Ph.D. and where I had the opportunity to start understanding environmental justice. It was the same story everywhere.

So, the concept of environmental justice started to evolve. In the beginning, there were only quantitative methods to provide empirical evidence of discrimination. Researchers replicated the same studies and reports in a very quantitative way. Then, they understood they had to make their work broader by using qualitative methods such as by doing interviews, talking to people, and documenting their stories. It was not only about numbers anymore. Ten thousand people may have been suffering from pollution, but the focus shifted to their stories to see how they were suffering, and why.

While this theory started in the 1980s, there was also an environmental movement that started in the US. I think that is something that all of you should be proud of, that in the US you still have a lot of thinking people who are trying to develop theories, but at the same time social movements that are pushing for what matters. That is what all these environmental and social aspects at least try to push for: some kind of equity. As I said, the movement and scholarship officially started in the 1980s, but historically, oppressed groups have long fought for environmental wellbeing. What is new is that they began to document and have different methods of interpretation.

In the nineties and at the beginning of the 2000s, researchers began to be transdisciplinary. They included non-academic actors and had people with unique backgrounds join in the conversation. It was not only about me as a lawyer, or my colleague who is a chemist, or an environmental engineer. There were other types of experts, not just academic actors, we also wanted to hear from. Only this way can we understand other ways of knowledge.

Then, things continued to evolve and with the expansion of environmental justice movements and scholarship, many other movements around the world identified themselves with justice. For example, we see the Indigenous justice movement, food justice movement, energy justice, and climate justice. I think most of you know that climate justice is not only about droughts and floods, but it's also about the social impact. Who is having these problems and why? If you are well off and have a lot of money, you will have insurance that will pay for your flooded house, and then you will buy a new one. But if you don't have any insurance, you will never get your house back, or your crops, or your livelihood. It will leave you completely broken, having nothing.

My research focuses on this idea of water justice. Water justice also started in the nineties, mainly about the struggles concerning water privatization. However, over time, it has evolved, and now it's not only about water privatization but about the whole environment. The water justice movement also

includes redistributive justice, cultural justice, and representational justice. Who has justice and how, and who does not? Who is excluded from this system or from access to courts and legal claims? That is redistributive justice. Cultural justice recognizes that we don't have only one culture in the world; we have many different cultures, and we must acknowledge that these differences all have a voice. Finally, representational justice is for all types of people to have a place in the decision-making process concerning water. For example, where are we going to build a dam? Where are we going to build water supply infrastructure? Who is at that decision-making table?

The main question I address concerns how processes of environmental change work to reallocate income. Who has the money, the resources, the land and water, and the power? I think it is often not the case that we all have the same power. We all have some type of power, but it's very asymmetrical. You cannot compare the power I have with a company like DuPont or Dole or the ones we were fighting against when I was working in Costa Rica as an environmental lawyer.

In the case of Bolivia, that's what happened. In Cochabamba, the government was providing for only 57% of the population. There were a lot of problems, like water rationing. The first idea, of course, that the government had was to privatize it. I want to tell you about this case because it's emblematic of the water justice movement. The administration of the water supply was given to Aguas del Tunari, which is a subsidiary of Bechtel, a French corporation.

The first thing that happened was the tariff was raised by 35%. But there was no improvement in the service. So, a water movement emerged, led by the Coordinadora. Civil society started to organize itself, and people agreed that they had to protest. They started demonstrating, setting up roadblocks, and calling strikes. There was civil unrest, and people were in the streets complaining. Of course, the government sent in the police. And that, of course, seldom helps. There were riots, and people were injured and arrested. In the end, after a year of this, the government ended the privatization. Bechtel sued the Bolivian government for US$50 million, they eventually settled the whole thing for two pesos, which is about fifty cents.

The community managed to organize itself and learned that it had power. The power was difficult for the community to wield, and it was a long process, but it succeeded and also got international support. That's when I met them. Now, Cochabamba's water supply is back in public hands. But there are a lot of problems; I'm not saying it's perfect—not at all—but that's a story for another day.

The second case study is in Guanacaste, Costa Rica. I am from Costa Rica and when I was younger and working as an environmental lawyer, the people asked me to please help them because this region is the driest area of the country. Eighty percent of the water comes from groundwater, and in summer the people have very little water. Because Guanacaste is in a coastal area, there is a lot of

intensive tourism and real estate development, but it has very poor water infrastructure. The country is developing, but the communities are struggling to get water. Some people don't have any access to water, or it's rationed and they only have water four hours per day. On the other hand, you see the hotels with golf courses, swimming pools, and cruises. It's not about water availability; it's about a problem of water injustice, water governance, and poor distribution.

Very similar to what happened in Bolivia, a social justice movement emerged. These were very poor, rural communities, and the people had very little higher education. Again, you see minorities or poor communities being seen as an easy target for the government to do anything it wanted to do, without thinking about the wellbeing of these communities. Yes, some kind of development was maybe needed, but at what cost? The same people are always affected. But they responded with the same organizational process, with protests and roadblocks. The community demanded that the Ministry of Environment say no to another water allocation request. They claimed to have a human right to water. In the end, they succeeded in getting the government to deny a Spanish hotel's water allocation request. Again, community organization is a good thing. They gained a lot of information and knowledge, and with a lot of hard work, they realized they had power.