WATER EQUITY

and the Pursuit of Justice

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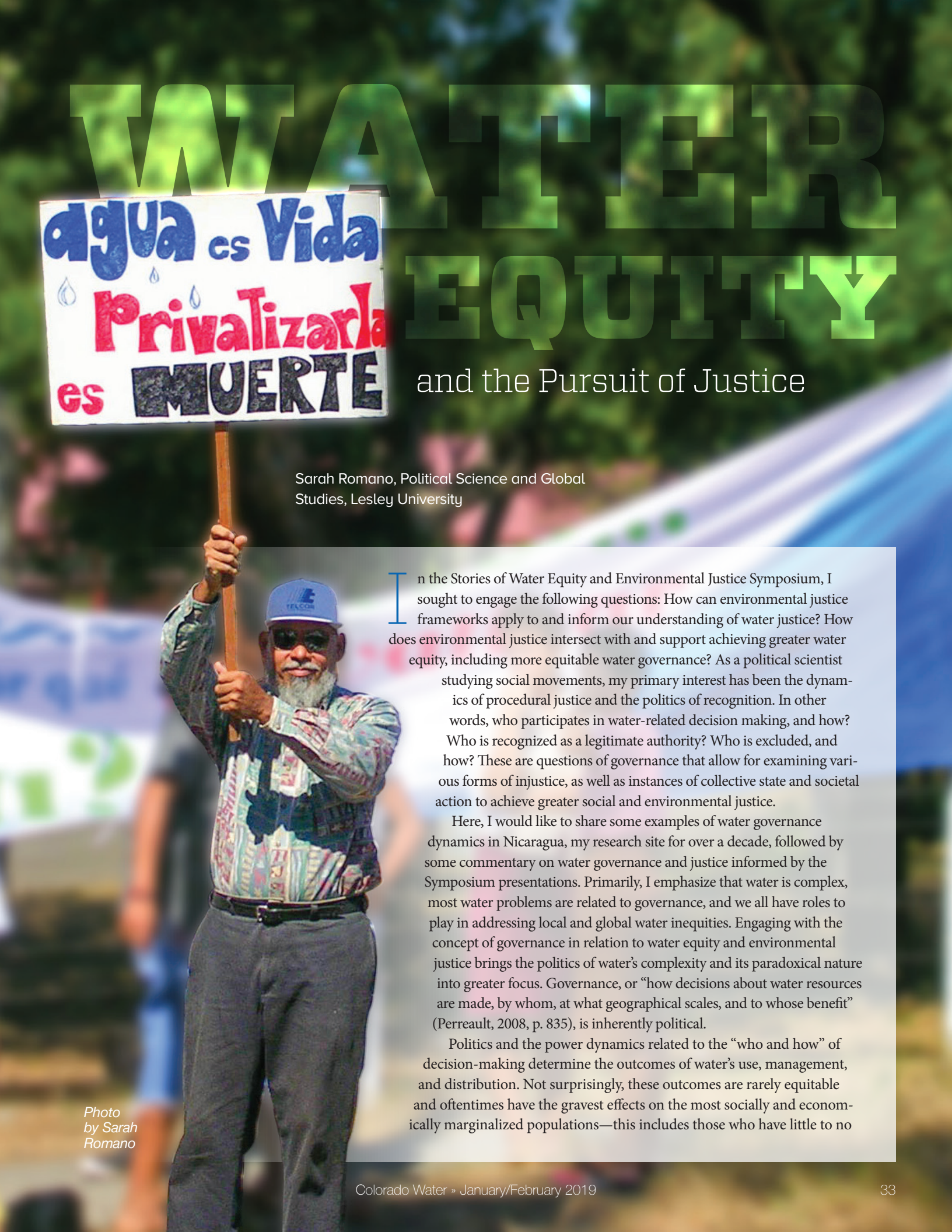


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In the Stories of Water Equity and Environmental Justice Symposium, I sought to engage the following questions: How can environmental justice frameworks apply to and inform our understanding of water justice? How does environmental justice intersect with and support achieving greater water equity, including more equitable water governance? As a political scientist studying social movements, my primary interest has been the dynamics of procedural justice and the politics of recognition. In other words, who participates in water-related decision making, and how? Who is recognized as a legitimate authority? Who is excluded, and how? These are questions of governance that allow for examining various forms of injustice, as well as instances of collective state and societal action to achieve greater social and environmental justice.

Here, I would like to share some examples of water governance dynamics in Nicaragua, my research site for over a decade, followed by some commentary on water governance and justice informed by the Symposium presentations. Primarily, I emphasize that water is complex, most water problems are related to governance, and we all have roles to play in addressing local and global water inequities. Engaging with the concept of governance in relation to water equity and environmental justice brings the politics of water's complexity and its paradoxical nature into greater focus. Governance, or "how decisions about water resources are made, by whom, at what geographical scales, and to whose benefit" (Perreault, 2008, p. 835), is inherently political.

Politics and the power dynamics related to the "who and how" of decision-making determine the outcomes of water's use, management, and distribution. Not surprisingly, these outcomes are rarely equitable and oftentimes have the gravest effects on the most socially and economically marginalized populations—this includes those who have little to no



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"official" decision-making power. Governance thus politicizes water in ways that produce environmental injustice.

In Nicaragua, water is paradoxical. Known as the "country of lakes and volcanoes," Nicaragua has abundant surface and underground freshwater, but over 30% of the population lacks access to "improved" or piped water sources. Moreover, many water sources suffer from contamination. This results from industrial processes (e.g., mining and livestock production), domestic uses (e.g., clothes washing and bathing), and natural occurrences of toxins like arsenic. Extreme storms and flooding also compromise water quality through turbidity and can eliminate water access when distribution systems themselves are damaged or destroyed. Lastly, situated in one of the regions most vulnerable to global climate change, Nicaragua experiences climatic variation that is worsening its regular bouts of severe drought. All of this means that access to clean water for essential daily uses can be elusive.

Confronting these difficult and complex circumstances in Nicaragua's rural areas are the residents themselves. Organized into community-based Potable Water and Sanitation Committees (CAPS), residents have taken on the task of constructing, managing, and maintaining small-scale water systems like wells and gravity-fed systems for themselves and their neighbors. CAPS, however, have operated outside of formal legal frameworks since they started to emerge in the 1970s and hence occupy a legal gray area, despite securing water access for over one million Nicaraguans.

Anti-water privatization protests in the early- to mid-2000s in Nicaragua prompted new collaborations between and amongst CAPS, nongovernmental organizations (NGOs), and international agencies—such as multilateral organizations like the United Nations Children's Fund (UNICEF). Supported by their urban-based allies, CAPS began to mobilize across their communities to assert their right to inclusion in policy processes, in addition to their legal recognition as water managers and service providers. A 2007 regional water forum in the northern highlands city of Matagalpa illuminated some of these dynamics, as CAPS and their allies engaged with local government officials and national policy makers. Water committee members who presented at the forum were especially interested in contesting their exclusion from the development of a new comprehensive freshwater law.

Undoubtedly to the surprise of lawmakers, rural residents were more familiar with the text of the draft water legislation than elected officials. As de facto water managers, CAPS were deeply invested in the evolution of the legal framework for water management in Nicaragua and had been studying the proposed legislation with their NGO and international allies for months. Yet they had not been invited to participate in ongoing consultations on the law (most of which took place in the capital, Managua), nor were they substantively integrated into the text of the law as water managers and service providers. CAPS' sense of exclusion from formal, state-controlled water governance processes demonstrates that governance is contested, and that legitimate experts and sources of knowledge and authority may be different in practice than on paper. Passing new laws without the involvement of water managers produces water equity and justice issues—both procedurally and in terms of water management outcomes.

In 2010, three years after the passing of the above-referenced comprehensive water law, a special CAPS law passed in Nicaragua. This law was the product of consultation between and amongst water committee members, NGOs, international agencies, and lawmakers. It recognized rural residents as water managers and service providers, bestowing new legal benefits like the ability to receive reduced energy tariffs and to open a bank account in a CAPS's name—providing an alternative to, as water committees have lamented, storing money "under beds."

Several years after the law's passing, water committees were experiencing the new CAPS law as a double-edged sword.

Meeting with rural development organization staff in Matagalpa in 2015, regional water committee leaders discussed many recurring issues and challenges of community-based water management, but much attention centered upon the new law's contradictory impacts. For example, it was a win in terms of official recognition and new legal rights, but a loss in terms of new burdens introduced, like cumbersome income-reporting requirements, which have been particularly challenging for those communities without internet access or who have CAPS leaders who are not literate. Moreover, the law did not address local-level conflict resolution, including "protection" of CAPS if they assert authority as service providers. This demonstrates that even when procedural justice is achieved, as was the case with water committee inclusion in policy formation, it does not guarantee greater equity. The new legal framework, although well-intentioned and collaboratively-produced, contributed to distributional injustice. This owes to the inequitable effects of the new law, including CAPS' varying capacities to take advantage of new benefits.

What is unique about water, and hence water equity and justice, in relation to environmental justice? Water is necessary for life and livelihoods for current and future generations; it is an integral and constituent component of ecological, cultural, and socio-political systems; and, across the globe, citizens and residents—as opposed to government actors—work as stewards and managers of their water sources. The question of "What is water justice?" must be answered through recognizing these important facets of water, as well as the notion of water itself having rights. Governing water in a way that supports equity and justice demands, for example, that we integrate community-based water managers into environmental policy processes and frameworks because of their unique expertise and knowledge of socio-ecological systems and dynamics. Equitable and just water governance also means looking beyond water as simply a resource—a common view in the U.S. and elsewhere—to recognize water's essential social and ecological functions.

In sum, we need to extend the concerns embedded in environmental justice research and activism to water. These concerns include the intersection of human and environmental protection and well-being. Taking this approach to water governance will require rethinking, reworking, and reframing our individual and societal relationship to water. For instance, developing legal frameworks that best protect water requires shifting our views of human rights in relation to non-human nature's rights—and recognizing that ecological "needs" co-constitute human needs.

Advancing climate change is heightening awareness of the complexities of water as it continues to produce detrimental impacts on water sources and users, most acutely in the Global South. In the U.S. and other Global North regions, the significance of freshwater—including what it means to have too much, too little, or compromised quality—is increasingly on the societal radar. Water is becoming visible in the U.S. in ways it often has not been seen or recognized before. The Flint water crisis illustrates this dynamic, as do similar crises unfolding across the country as localities grapple with the recognition and publicizing of, for instance, toxic drinking water flowing through city systems.

While many who work on the ground in intimate ways with water, like CAPS in Nicaragua, engage in the endeavor of linking water and environmental justice in their day-to-day work, there is more work to be done to stitch together the realms of research, policy, and activism that will support practical aspects of environmental justice. As researchers, continued exploration of water and environmental justice through a governance lens matters for creating change. Governance is malleable because there is potential for change in how people, organizations, laws and lawmakers, social structures, and institutions collectively shape water—including its use and misuse, distribution, conservation, and protection. We must continue to transcend a focus limited to outcomes like water quality and access to understand better the governance dynamics creating and perpetuating inequity and injustice. As researchers, we can also engage in public debates and policy making arenas, publish in open-access venues, and share our work in languages other than English.

As teacher-scholars, we can adjust our classroom teaching and engage in community-based teaching and learning as additional ways to make our justice-oriented work relevant and meaningful beyond the confines of the "ivory tower." Lastly, as concerned citizens and residents, we can leverage our voices through speaking up at city council meetings, calling or writing to public officials, and participating in actions and events in support of water and environmental justice. As academics, policy makers, concerned citizens, and activists concerned with achieving greater water equity and environmental justice, we all have a role to play in ensuring that dimensions of equity and justice pertaining to water are explored, recognized, and addressed.



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