Restorative Justice and Acequias

Gregor MacGregor
Acequia Assistance Project Director
Teaching Assistant Professor
Faculty Fellow
Restorative Justice and the Environment

• “Traditional” EJ: Disproportionate environmental burdens
  • 1982 – Warren County, North Carolina
  • 1987-200 – Development of “environmental racism” and critical race theory
Restorative Justice and the Environment II

- EJ and Natural Resources (Eds. Mutz, Bryner, Kenney)
  - Distributive Justice and Ethics
    - How do we distribute benefits and burdens equitably; how do we compensate for past injustices?
  - Social Justice
    - How do we address the interaction of economic, political, and social factors to address root causes of injustice?
Restorative Justice: “to repair harm to the victim, address the root cause of the crime [injustice], and ideally, transform unjust systems and structures in order to reduce or prevent future crime [injustice].”

• Easy to think about with a polluter.
• What if the cause of harm is the law itself? Is changing the law enough?
What is an Acequia?
Infrastructure, Governance, Culture

- Long Vara Strips
- Small land-holdings
- Gravity-fed irrigation
- One family, one vote
- Communal contribution of labor
- Comisión and Majordomo
- Distribution by equity
- Water sharing on and between acequias
Acequias in the New World
The Mexican-American War

- 1846-1848
- The United States Annexes most of the Southwest
- Ended with the Treaty of Guadalupe Hidalgo
  - Promises to respect Mexican property rights
One Community: Two Laws
New Mexico

- Kearny Code
- Acequias codified in law
- Operate as sub-units of the state
- Doesn’t mean there are no problems!
Colorado

- Explicit discrimination in the legislature.
- Failure to recognize acequias until 2009 Acequia Recognition Act and 2012 amendment.
- 133 years under the radar.
The Acequia Assistance Project, Contemporary Issues
By the Numbers

- Founded: 2012
- Students Attorneys: ~ 60-90 each year (new and returning)
- Pro Bono Supervising Attorneys: 15
- New cases per year: ~ 10
  - Filing for water rights
  - Writing by-laws
  - Title search and opinion
  - Public research and white papers
- Average value of legal services provided per year: $300,000
- ABA Awards: 1
Holistic Approaches
Yes, and...
Downtown Revival

• Montez Ditch Revitalization
  • Charlie Jacquez & Ronda Lobato

• Lupine Luna Project
  • Ronda Lobato

• San Luis People’s Market
  • Devon Peña and the Acequia Institute
Looking Ahead

• Gregor.MacGregor@colorado.edu