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Justice in Extractivism Related Socio-environmental Conflicts from a Decolonial and Restorative Lens: The Agua Zarca case in Honduras

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Abstract

This article investigates the potential of the restorative justice approach to address socio-environmental conflicts resulting from extractivism by employing as a case study the Agua Zarca hydroelectric dam on the Gualcarque River in Honduras. Based on interviews with victims from the affected Lenca community, environmental defenders, and local practitioners, this research shows that harms caused by extractivism are both multi-dimensional and multi-level. We argue that restorative justice represents a viable option for the Agua Zarca case because it offers a kind of justice that is in many ways close to what constitutes a meaningful justice for the Lenca people. However, due to the context of impunity in Honduras, meaningful justice also requires the prosecution of aggressors through the traditional judicial system in addition to structural changes that address colonial legacies such as historical injustices, systemic discrimination, and power asymmetries. Overall, this research shows the importance of a synergy of restorative justice with the decolonial theory that allows bottom-up strategies for restoring justice on an intra-community as well as a structural level and implementing strategies that transform conflicts in Indigenous territories.

Keywords

Extractivism, restorative justice, socio-environmental conflicts, decolonial theory, Indigenous territories

Introduction

According to the Global Atlas of Environmental Justice (EJAtlas) by 2023 there are 3871 socio-environmental conflicts across 169 countries related to extractive practices and industries detrimental to the environment affecting largely Indigenous people. Indigenous peoples and their territories are frequently violated by national and multinational corporations, whose activities are endorsed and supported by states and even by international organisations like the World Bank (Cupples, 2022, p. 93). Consequently, corruption and impunity prevail as social and environmental harms go unpunished. Extractivism is a complex phenomenon that encompasses several dimensions including economic, political, and social (Svampa, 2019). In practice, its far-reaching consequences affect both society and the environment (Farthing & Fabricant, 2018; Bolivar et al., 2022, p. 569). For example, across Latin America, there are multinational mining projects causing massive harm to rural and coastal people, such as forced evictions and environmental destruction (Cupples, 2022, p. 92).

For this reason, people who are currently being threatened by extractivism have no other option except to protest against it and try to stop it (Cupples, 2022, p. 92; Rodriguez, 2022, p. 532). This has led to courageous forms of resistance of local communities and environmental defenders leading to tragic consequences for Indigenous peoples who are "the hardest-hit-group" (Hill, 2015) due to the fact that their activism threatens capitalist accumulation (Cupples, 2022, p. 94), which affects powerful economic and political interests (Montoya, 2022). Honduras, in particular, has been identified as the deadliest country in the world for environmental activism by Global Witness (2017). In 2016, high-profile environmental defender Berta Cáceres was murdered for opposing the internationally sponsored Agua Zarca hydroelectric dam on the Gualcarque River where the Lenca community lives (Lakhani, 2017a). Years later, several people involved with the murder were prosecuted, however, the Lenca community claimed that only "partial justice" has been delivered as the main authors have escaped accountability and the dam that has cost lives has not been permanently stopped (Carasik, 2018; COPINH, 2023).

This demonstrates that environmental conflicts rarely find a satisfactory solution through only traditional judiciary procedures (Minguet, 2022, p. 61). In fact, the punitive-focused reaction to harm in which the current justice system is embedded has failed to adequately repair or prevent future environmental harm (Forsyth et al., 2022, p. 2). This relates to the fact that states and corporations do not acknowledge harm until it is too late, that is after irreparable harms have already been done. The other issue is that, in the absence of effective judicial remediation mechanisms after business-related human rights violations, companies themselves are expected to establish remediation procedures for affected victims and communities (Schormair & Gerlach, 2020).

It has been argued that restorative justice may foster non-punitive responses to harm aiming for accountability, healing, and transformation while preventing the continuation of violence and domination (Llewellyn, 2021; Rasmussen & Shah, 2022). Exploring the potential of restorative justice is therefore relevant because allowing the voices of the victims in the context of extractivism can generate a meaningful impact on the affected communities. However, the application of restorative justice to environmental issues comes with a number of unique difficulties, some of which are particularly related to the situations in which environmental harm occurs (Forsyth et al., 2022, p. 14). The fundamental problem is that restorative approaches have seldom been applied to address socio-environmental conflicts, hence, there is limited empirical evidence that restorative justice can be effective in extractivist contexts. Furthermore, it is also uncertain if restorative approaches can effectively address situations involving ingrained power imbalances, historical inequalities, and oppression due to the particularities and complexities surrounding harm in the context of extractivism (Bolivar et al., 2022, p. 587).

Our research addresses these issues by researching the extent to which restorative justice can address socio-environmental conflicts resulting from extractivism in the case of the Agua Zarca hydroelectric dam on the Gualcarque River in Honduras. In what follows, we first provide a context for the case of Honduras by describing the features of extractivism and the socio-environmental conflicts they create. Next we elaborate on restorative justice and its potential role in these conflicts. In the following two sections we describe the methodology and introduce the case study. In section 6 we discuss our findings in terms of the implications of the conflict from the affected community perspective, and in section 7, we discuss the value of restorative justice to address socio-environmental conflicts considering the harms and injustices in the Agua Zarca case. We conclude by arguing that despite its limitations, restorative justice remains a viable option for the Agua Zarca case because it offers a comprehensive justice that in many ways is close to what constitutes a meaningful justice for the Lenca people.

Extractivism, socio-environmental conflicts and coloniality

In Latin America (LATAM), the conquest and colonisation at the outset of European capitalism are the roots of extractivism, the model through which the region entered the global economy (Svampa 2019; Acosta, 2012). Thus, for centuries, LATAM has been plagued by extractivism. From 16th-century silver mines in the mountains of Potosí to 21st-century oil fields in Yasuní's Amazon, extractive industries have long been embedded in colonial exploitation, com-

modification, and dispossession (Picq, 2020). Extractivism essentially refers to the expropriation of natural resources for export and is both a historical and contemporary development model as well as an economic activity (Alimonda, 2011). However, the term extractivism is much broader as it includes high-intensity of resource extraction, the high concentration of value chains, the exportation of raw materials or products with minimal processing, environmental degradation, the rise in violence against indigenous people, and environmental activism (Gudynas, 2015).

In practice, extractivism is a mechanism that enables looting and colonial and neocolonial appropriation which in turn exacerbates inequalities by the way in which natural resources are extracted and the profits are distributed (Acosta, 2012), and the increasingly involving state-multinational partnership (Cupples, 2022; Svampa, 2019). Additionally, it "interrupts territorial integrity, disrupts local economies, destroys environments, and undermines local decision-making" (Farthing & Fabricant, 2018, p. 10). Moreover, extractivism frequently occurs in areas with vulnerable populations and fragile ecosystems, increasing poverty, marginalisation, and inequality (Bolivar et al., 2022; Farthing & Fabricant, 2018) and it has also directly contributed to numerous issues, such as landslides, flooding, drought, deforestation, soil erosion, food insecurity, and hunger (Cupples, 2022, p. 81). Overall, the effects of extractivism vary depending on the location, however, its impact affects both people and the environment. As a result, people are generating courageous resistances, notably, those led by women, afro-descendants, and Indigenous peoples (ibid., p. 83).

The ongoing socio-environmental conflicts linked to the exploitation of strategic raw resources remain a significant aspect of globalisation and the continuation of the rampant extractivist development model solely based on the exploitation of natural resources (Svampa, 2019). This global trend has shifted responsibilities for the socio-environmental harm done, hence activists across the world are struggling over who will be held accountable for structural injustices (Goodhart, 2022). Socio-environmental conflicts refer to conflicts over control and access to territory and natural resources, they involve opposing actors with conflicting interests and values in a context of a huge power asymmetry (Svampa, 2019, p. 3). Although the environment plays a role in these conflicts, they go beyond environmental issues because they encompass the defense of land, livelihoods, territories, culture, health, and food sovereignty (Cupples, 2022, p. 83). They differ from the environmental conflicts in the Global North in that they also include defending ways of life and ways of knowing (ibid.).

Globally, about a third of socio-environmental conflicts involve repression and violence against local communities who find themselves at the frontline of the struggle over natural resources (Raftopoulos, 2017, p. 388).

In this context, Indigenous peoples and environmental defenders oppose extractive industries that devastate ecosystems and seize land for mining, hydroelectric dams, oil drilling, and agribusiness, converting nature into a source of wealth on the global market (Picq, 2020). And therefore, the violent suppression of (often Indigenous) protests against extractivist activities are often linked to colonial patterns (Amnesty International, 2019). Because most social movements and uprisings throughout the previous 500 years could be categorised as opposition to extractivism (Cupples, 2022, p. 83), resistance against extractivism is inextricably linked with resistance to ongoing forms of colonialism, and alternatives for post-extractivist embedded with claims of self-determination (Picq, 2020).

Coloniality underpins capitalist modernity. It refers to the hierarchical power relations constituting the colonial matrix, that shape and define global ideals, culture, aspirations, notions of rationality, and modernity (Quijano, 2000). There is a colonial element inherently in extractivism that is sometimes overlooked (Cupples, 2022, p. 92). To illustrate, the decolonial struggle to challenge extractivism emerged from the understanding that the colonial violence that underpins the Lenca struggle results from the linkage between extractivism and the logic of coloniality. Extractivism is undoubtedly a colonial practice, one that "continues the practice of terra nullis by rendering empty the place it occupies and making absent the worlds that make those places" (Blaser & de la Cadena, 2018, p. 3 cited in Cupples, 2022, p. 92). Under this colonial logic the violence against Indigenous peoples is both "necessary and justifiable" (ibid, p. 97).

According to decolonial theory, although "colonialism" came to an end with the political independence of countries in the Global South, "coloniality" endures because of the predominate colonial/modern values and worldviews that are institutionalised and reproduced through media, education, state-sanctioned languages, and social norms (Rodriguez & Inturias, 2018, p. 92). As a result, "coloniality" is a form of power that oppresses underprivileged groups in society, such as Indigenous peoples, by devaluing, marginalising, and stigmatising their alternative viewpoints regarding development and conservation practices (ibid.). Overall, decolonial thought identifies social and environmental injustices driven by the project of modernity and the continuous reproduction of European cultural values (ibid., pp. 92-93). For instance, in Honduras, while the elite may view extractive projects as modern development, The Lenca people however view this type of "development" as a continuation of their century-old resistance against colonialism thus in their perspective, colonialism did not end with the Spanish rule but continues today (Phillips, 2019, p. 344). This perspective holds that to accomplish emancipation and social/environmental justice, coloniality is a specific mechanism and form of misrecognition that must be challenged (Rodriguez, 2022, p. 535).

Restorative justice as meaningful justice?

Talking about understanding harm and victims in the context of environmental issues is complex. Harm can be understood as multi-dimensional harm, which encompasses social, and physical harm to individuals and communities as well as harm to nature (Bolivar et al., 2022, p. 576). In most cases, the harm to people and the environment tends to be silent and invisible until the passage of time reveals its seriousness, and therefore, harm can be difficult to identify because often the effects on the environment are indirect and long-lasting (Aertsen, 2018). Besides the serious harm caused to vulnerable ecosystems, studies show that harm surrounds negative effects at diverse aspects such as cultural, social, and well-being with a great risk of affecting future generations (Bolivar et al., 2022, pp. 576-577). In the Honduran context, the victims of environmental harm are usually communities that share specific characteristics. These victims usually belong to Indigenous communities that share cultural backgrounds that differ from the dominant culture (Loperena, 2017). Moreover, they live in rural areas that have been historically segregated or marginalised from the economic, political, and cultural activity of the country since colonial rule (Acuña, 2015, p. 90).

In a post-colonial context, true justice requires much more than the successful prosecution of aggressors. Dismantling entire histories, legacies, and systems of racism and discrimination against minority communities are essential to achieving meaningful justice (Llewellyn, 2021, p. 376). Besides adjudicating and sentencing, the current justice system fails to address the harm that has already occurred, neglecting to provide for the healing and reparation of the impacted individuals and communities (Davis, 2021). Davis (2021) identifies four elements to foster restorative justice principles namely: (1) recognising harm, (2) taking responsibility for the harm (3) making reparations proportional to the harm and, (4) preventing recurrence. This framework is relevant because it is inspired by truth processes drawing on Indigenous wisdom about humanity, collectivity, responsibility, and living in harmony with the Earth (ibid.). Thus, a forward-looking justice establishes an inclusive accountability process that is driven by those who have been most negatively impacted and pursued through radically respectful, democratic, and relational ways (ibid.). Above all, the restorative justice approach offers an alternative to the traditional justice system which is crucial given the difficulties in proving accountability for environmental harm and human rights violations in the context of violence surrounding extractivism (Minguet, 2021; Bolivar et al., 2022).

Because environmental harm is extremely complex, its causes and effects are intertwined, and any justice response that is of a purely technical or reductive nature is inherently limited in its transformative potential (Forsyth et

al., 2021, p. 3). Thus, this transformative aspect of restorative justice must focus on transforming structures and social relations as well as relations of domination (Rasmussen & Shah, 2022; Llewellyn, 2021) which are expressed through a process of cultural violence that seeks to erode knowledge and identities (Rodriguez, 2022, p. 540). In Honduras, for example, in Indigenous communities whose resistance and defense of their rights and survival depend largely on their unity as a people, the question of identity is often critical (Phillips, 2019, p. 359). Therefore, resisting such a process through cultural reaffirmation is crucial to achieving meaningful justice (Rodriguez, 2022, p. 533). It requires endogenous processes of cultural revitalisation, including actions required to address invisible forms of violence such as structural, cultural, and cognitive or epistemic violence, a kind of violence faced by Indigenous people that is rarely discussed in environmental justice literature (ibid.).

When environmental conflicts arise within communities and between generations, they can restrict Indigenous people's ability to respond to outside threats and pressures to their culture and territories in a clear, consistent, and unified manner (Rodriguez & Inturias, 2018, p. 96). In many instances, the failure to achieve justice and restore environmental harms is related to intricate processes of cultural and social deterioration brought about by coloniality and the modernisation logic (Rodriguez, 2022, p. 532). Hence the relevance of restorative approaches such as environmental restorative justice (ERJ) which focuses on environmental harm and simultaneously draws attention to the past and the future (Forsyth et al., 2022, pp. 3-4). It calls for the acknowledgment and repair of previous harms committed against communities, and the environment (ibid., p. 4), and establishes the need to ensure the non-occurrence of harm by building or rebuilding a relational and ethical framework that prevents harm, to both present and future generations (ibid.). Overall, this approach is "both healing and reparative because it can be both preventive and proactive." (ibid). It can do this by preventing harm, fostering strong relationships, establishing trust, encouraging dialogues, and leaning on one another for support (ibid.).

Decolonial theory enriches the restorative justice approach because it expands its scope by not only acknowledging the historical legacies of colonialism in efforts for environmental justice but also emphasising the persistence of colonialism embedded in extractivism as a root of current injustices and violence and the necessity of confronting it. Hence, true transformation not only requires changing the political or social domains because if the dominant economic rationale remains unchanged it would not result in the decolonization of power (Rodriguez, 2022, p. 537). Overall, restorative justice in synergy with decolonial theory enables a longer peacebuilding timeframe that goes beyond the traditional restorative process that can be applied to undo wrongs done to humans and non-humans during environmental conflicts but also pays

attention to historical reconstructions and public truth-telling, which is crucial for renegotiating a social group's identity and can strengthen its position for imagining and creating a more equitable future (ibid., p. 542).

Methodology

This exploratory research relied mainly on semi-structured interviews and primary and secondary sources including reports from organisations and think tanks, in addition to paper-reviewed journals, books, as well as public-oriented publications such as investigative journalism, magazine coverage, and news reporting.

The respondents for the semi-structured interviews were identified following a purposive sampling based on exploratory talks with the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), based on their knowledge and experience about the case. Overall ten semi-structured interviews were conducted between April and May 2023[1]: two interviews with community members, three with environmental and land defenders from Lenca communities, and five interviews with practitioners from organisations that support the struggle of the Lenca people. The aim was to have a broad view about what would constitute justice in Agua Zarca case from different perspectives. The interviews with practitioners aimed to explore the potential and limitations of restorative justice in the context of socio-environmental conflict in Honduras, whereas the interviews with community members and defenders aimed to hear the voices of the victims and understand their needs and how they envision the justice process to be.

The process was aided by an interview guide and the interviews were all conducted online or by phone, in Spanish and lasted between 45-90 minutes. Interviews were preceded by informed consent, which had also a confidentiality clause allowing them to choose which information would be made public and whether they wanted to remain anonymous. Given that some interviewees or people close to them have experienced harassment or are currently being persecuted, we took special care that the information about the participants and interviews are reported in ways that ensure their safety and anonymity.

1 The interviews were conducted by first author, a Honduran who grew up in the Intibucá region, where a significant portion of the Lenca community resides. She identifies as a non-Indigenous Honduran and only a small percentage of her family openly self-identifies as Lenca while the majority self-identifies as mestizos. She sympathizes with the Lenca struggle and has been advocating for social justice and human rights without discrimination for the past 12 years.

The consulted literature was in English and Spanish (Honduras' official language) and was collected by conducting a systematic search of relevant literature published between 2009 and 2023 through databases such as Google Scholar and UvA Catalogue Plus. This timeframe is relevant because, following the 2009 Coup against President Zelaya, the violence in the country was exacerbated. Next, the post-coup governments have deepened the extractivist model across the country. In 2016 the assassination of Berta Caceres occurs and finally, in 2022, there were important court rulings.

The analysis followed an interactive recursive process that includes moving back and forth between empirical data and theoretical literature (Haverland & Yanow, 2012, p. 405). For this reason, we began the research with broad concepts from relevant literature that guided the initial investigation of empirical data and then we reconceptualised them throughout the analysis process.

Although a case study provides nuances and context-dependent knowledge which enhances internal validity, it is crucial to acknowledge the limitations of this study, especially due to the small sample for the interviews. In addition, we cannot ensure that the perceptions of the community members we spoke to represent the view of the community they belong to so further research may benefit from using a larger and more diverse sample of community members. For these reasons, the results may not be easily generalisable to other contexts because of the unique historical-political power dynamics configuration existing in Honduras.

In the remaining sections of this article, we first describe the Agua Zarca case, then analyse our data with regards to the implications of the harm on the Lenca community, and the possibilities of a restorative approach.

The Agua Zarca case

In Honduras, the violent rupture in democratic rule caused by the 2009 coup against Manuel Zelaya facilitated the expansion of extractivism in its networks throughout the national territory and hastened the Honduran oligarchy's efforts to exploit natural resources (Loperna, 2017, p. 803). Since the 2009 coup, violence has increased dramatically and the successive right-wing government had made the environmentally detrimental mining, agriculture, tourist, and energy projects the backbone of the nation's economic development agenda (Lakhani, 2017b). One of the notorious mechanisms that enabled the expansion of the extractivist model is when the National Congress passed the General Water Law, which allowed for the country's water resources to be granted to third parties, which Indigenous activists from the Civic Council of Popular

and Indigenous Organizations of Honduras (COPINH) vehemently opposed (Loperna, 2017, p. 803). Ignoring the opposition to the General Water Law, in 2010 the National Congress approved 47 hydroelectric dam concessions in just one law, without consulting the Indigenous and *campesino* communities which rely on the rivers for food and water (Lakhani, 2013).

The Agua Zarca project was planned to be located on the Gualcarque River in the Lenca community of Rio Blanco, Western Honduras, an area of profound spiritual, economic, and social significance for the Lenca people.

Figure 1. Location of the Gualcarque River in Rio Blanco, Intibucá (Lakhani, 2017a).

If constructed, the project would have far-reaching environmental impacts and fundamentally reconfigure Lenca relationships to their land and territory (Loperana, 2017, p. 805; Global Witness, 2017). Although, the Lenca community's collective ownership of the land in the Rio Blanco is supported by government records and the legally binding ILO Convention 169 requires governments to safeguard Indigenous peoples' lands, natural resources, and culture (Lakhani, 2013). Yet, in 2011 the Agua Zarca project was granted a concession run by a Honduran company, Desarrollos Energeticos SA (DESA) with investment from Chinese company Sinohydro (Global Witness, 2017, p. 13).

Given the cultural relevance of this location, it led to the resistance of the Lenca people led by Berta Caceres who had been campaigning for years against the construction of the hydroelectric dam. As the co-founder and gen-

eral coordinator of COPINH, Berta received international recognition for her work in defense of Indigenous rights, environmental justice, and gender equality. Her determination to these issues within a racist, patriarchal, and highly unequal society brought her into direct conflict with the national elite as well as with the national government, private investors, and international financial institutions (IFIs) (Loperna, 2017, p. 805), a conflict that eventually led to her murder.

The construction of the Agua Zarca dam had various international private and public investors, including a loan from the Central American Bank for Economic Integration (CABEI) which has capital investment from the US government and other countries from outside the region (Lakhani, 2013). For example, the Dutch Development Bank (FMO), together with the Finnish government-owned Finnfund were financing DESA's project. After the killing of Caceres, funds for the dam were suspended and FMO and Finnfund announced their withdrawal (Lakhani, 2017a). Due to the scope of this research which focuses primarily on the role of national actors and affected communities, not much attention will be given to the IFIs. However, it is important to acknowledge the role IFIs played because the Agua Zarca project is a good example of how IFIs and development banks are implicated in the corruption and human rights abuses that take place in Honduras.

Berta Caceres's killing investigations show that DESA's links with the Honduran military are up to the highest levels within the "de facto power" network which encompasses diverse sectors such as economic, political, military, social, intellectual, and media (CESPAD, 2019). According to Global Witness (2017), some of Honduras' most well-connected business and political elites are on the DESA's board, demonstrating the involvement of national elites as well as the military. This investigation led to the most emblematic corruption case in the country known as the "Fraude del Gualcarque", presented in 2019 which involves DESA and its link with the killing of Berta Cáceres. This is the very first case that acknowledges institutional corruption linked to extractivist projects and reveals the infiltration of the governmental apparatus to enable the approval of the concession in the Lenca territory overlooking environmental and social impacts (CESPAD, 2019). However, the case is still inconclusive thus whether justice will be delivered remains to be seen.

The murder of Berta Cáceres occurred in March 2016 at her home in La Esperanza, Intibucá, however, this murder is not isolated but rather a series of killings associated with the Agua Zarca dam stretching throughout the years. In fact, in 2013, community activists, organised by COPINH, blocked the main access road to the construction site. The government responded to the conflict by militarising Rio Blanco and the surrounding area, through the use of deadly

force and criminalisation of activism (Loperna, 2017, p. 805). Consequently, in July 2013, COPINH member Tomas Garcia and his 17-year-old son were shot at close range by the Honduran military during a peaceful demonstration at the dam site. Tomas died instantly of his wounds, but his son Alan survived, despite being seriously injured (Global Witness, 2017). In the following years, there were several acts of torture, disappearances, harassment, and intimidation reported by the community members all ignored by the judicial system (ibid.). Although the court ruling found the military guilty of the murder of Tomas in 2023, the same aggressor was cleared of charges for Alan's case (COPINH, 2023).

In 2018, seven men were convicted of Berta's murder, the trial that charged suspects with ties to DESA and including two former members of the Honduran military had come to a contested conclusion (Carasik, 2018). The proceedings attracted intense international scrutiny and it became a test of the Honduran legal system's ability to uphold the rule of law and protect the rights of both victims and accused (ibid.). Years later in 2021, David Castillo DESA's president and a former military intelligence official was found guilty of co-author Berta's murder (Davies, 2021; Peace Brigades International, 2022). Despite the historical convictions, it is argued that justice has failed to hold accountable those powerful elites who exploit the land's resources without regard for environmental degradation, social conflict, or economic misery, and it is thus unclear whether the justice system will pursue the powerful (Carasik, 2018). Thus, unless they are remedied, these convictions will do little to uproot the corruption and insecurity that Indigenous people live in the country (Carasik, 2018; Global Witness, 2023).

The implications for the affected Lenca community

The resistance to the Agua Zarca project territory created the environmental justice movement led by Berta Cáceres which peacefully called for justice, both at the national and international levels. The Honduran government, in response, violently repressed the movement and militarised the community, for which the community accused the government of complicity with the DESA in threats and spreading terror in the community (COPINH, 2015a). Besides the environmental negative impact of the extractivist project, the Lenca community has faced several harms that include criminalisation and direct violence such as murders, as well as discrimination and racism, reproduced by the judicial system (COPINH, 2015b). In addition to grave human rights violations such as invading their ancestral land and denying the recognition of rights to which they are entitled such as the right to defend life, their sacred river, and nature (COPINH,

2016). Additionally, they have been denied the right to be consulted about the future of their territories as stipulated by Convention 169 (ibid.).

During the interviews, community members shared their concerns about the constant fear that something might happen to them as well as the return of the company to their community. They fear environmental destruction, water shortages, and losing the spiritual connection between the community and its ancestral territory. Furthermore, participants' narratives emphasise three key aspects that according to them have impacted their prospect to reach justice: Distrust for corporations and the state; Antagonistic views of development, and; The breakdown of the social fabric.

"Justice has never served the Lenca people": Distrust for corporations and the state

Often state officials do not create room for dialogue with communities, nor do they create a mechanism through which communities can be heard, oriented, or helped (Bolivar et al., 2022, p. 574). For this reason, community members emphasised their distrust of corporations and the government because, in their experience, governmental authorities are allied with corporations, increasing power imbalances. Although they acknowledge that the new government represents an opportunity to open the space for dialogue that was inconceivable under previous administrations, the huge power inequalities between companies and the Lenca community remain unchanged. The interviewees believed that companies are only interested in their own profit to the detriment of nature.

Companies in compliance with the state have failed to inform and consult them about the dam project and the possible implications. Moreover, narratives highlighted their perception that companies take advantage of a lack of information about administrative and legal resources that could be used to make their voices heard and their rights respected. Also, the fact that wealthy people often have connections in politics allows them to remain in impunity. This creates a feeling of powerlessness and abandonment and views that instead of protecting citizens, the state is a collaborator of those who cause harm. As a practitioner of International Solidarity puts it,

> In Honduras, we always say that there is a justice system that goes in two speeds. Sometimes very fast to criminalise defenders and other times very slow when it needs to hold those responsible accountable for the aggression to the defenders.

Narratives of community members highlighted the persistent historical systemic discrimination that they have experienced, for example, in how the

judicial system has often failed to see them as the victims of violence but rather criminalised them because of the powerful interests that they touched when opposing the hydroelectric dam. According to a community member,

> In Honduras, there has never been a true justice. I think this is because the wealthy are always connected to the Judges for example. Very often companies are well connected with the people who work in the justice system and the government, so we see how the powerful use those connections to criminalise our work to defend the river instead of giving a favorable ruling for our cause. For this reason I said that justice has never served the Lenca People.

This view about the criminalisation of the Lenca people by the criminal justice system, and the impact this has on their trust in it was reinforced by a lawyer who told us,

> The judicial system itself often stigmatizes and discriminates and even persecutes people from the Lenca communities. In fact, sometimes they don't even want to receive their complaints and they tell that the Lenca's are problematic people. In several instances people who have been criminalised and imprisoned later reported to have suffered different forms of violence and being treated differently than others based on their ethnicity hence most people do not trust the mechanism because they don't see that they protect the victims.

"Development does not mean to destroy what we have": Antagonist views of development

Community members had the perception that their worldview about what development constitutes for them is fundamentally antagonist to those views of the state and the companies. In their views, companies and the state tend to highlight several benefits that the hydroelectric dam could bring to national development. However, for the community, there are no benefits in such a project, in fact, they believe that it might bring more harm than good. They argue that while the national discourse focuses on the economic benefits (e.g., increasing employment), this is not enough. In their perception companies and the state have a limited understanding of development because cultural, and environmental aspects, as well as social aspects, are more important than money.

Further, in their narratives, they expressed that throughout the time they did not see interest whatsoever from the state or companies in seeking to understand their culture and cosmovision, as well as their relationship with the river. This was seen as disrespectful and disregarded from their worldview leading to companies being favored by the state, despite the community's resistance. In their views, the state and companies often deem Indigenous knowledge as inferior and that idea leads to portraying them as "anti-development" for wanting to protect the environment. As a community member told us,

> They come here and say that they will bring development but that is not true because what they propose is to take nature, the air, the water, and bring destruction. That is why we say that development for us does not mean destroying what we have. Rather for us development is living in dignity in our territory and with our sacred Rio Gualcarque. And is for that reason that they called us anti-development so they can convince others to be against our resistance.

Despite all this, they feel proud that their resistance made a difference and stopped the project, hoping to inspire other Indigenous communities to protect their rivers and land. A community member said,

> I feel proud of this resistance because we are defending our sacred river, nature, the mountains, and our territory. To me is a privilege to have our river and is a victory that they have closed temporarily but we are still waiting for the permanent cancelation of the concession because only then we will stop this struggle when we know our sacred river Gualcarque is saved so it can run free and is not trapped in a dam.

"The companies come here and take advantage": The breakdown of the social fabric

During the interviews, it became evident that community members are unevenly involved in environmental struggles. The participants shared that achieving goals at the local level seems highly complex and dangerous, which makes some of the members more prone to negotiate or accept benefits from the companies which leads to intra-community conflicts and exacerbates tension in the community and sometimes even within families. According to a community member,

> The issue with these companies is that they come, and they offer projects such as to build houses, schools, hospitals everything we lack here in Rio Blanco in our community but to receive these benefits the people here need to be in favor of these projects and therefore they need to be against the community resistance.

However, they said that most of the Rio Blanco community is against the privatisation of the Gualcarque River, which the Lencas have relied upon for fishing, drinking, washing, and bathing for thousands of years. Families grow maize, rice, beans, and coffee on the fertile land irrigated by the river. However, a small number of families, who believe the dam will bring much-needed development, jobs, and public services to the isolated community, are supportive (Lakhani, 2013).

Corporations set up in such sites make promises about possible benefits to communities that either give rise to expectations that are not fulfilled or that are too insignificant compared to the harm caused (Bolivar et al., 2022, p. 574).

From the community's perception, the communities were divided because companies saw that they have been deprived of basic human rights and public services -such as access to health, education, etc-, and the company offered to build streets, schools, and even hospitals or material incentives to some of the inhabitants to encourage them to convince others about the project, affecting relationships among community members. In participants' narratives, they see the negative impact of community division because it not only affects social cohesion but also negatively impacts the Lenca resistance making it even more difficult to achieve justice. As a community member puts it,

> All these strong division in the community has led even to the division of families. And these affect us because with these divisions our resistance loose strength and it also affects us emotionally because you know being in a constant fight with the neighbors and family is stressful and generate fear of being attacked.

The Agua Zarca case from a restorative justice perspective

So far, the article has illustrated that the harms resulting from extractivism are multi-level because they include the intra-community conflict and the conflict between the community and the company with its economic-political alliance. They are also multidimensional because the harms encapsulate both environmental and social dimensions. In what follows, we examine the applicability of the restorative justice approach in synergy with decolonial theory in the Agua Zarca case considering what the community members considered to be meaningful justice.

From the narratives of community members and environmental defenders, justice can be understood in a holistic view that includes social and environmental justice. In their worldview, justice means that their human rights and the environment are respected, and discrimination and racism are not allowed to flourish. They acknowledged that there are harms that can be repaired and others that cannot, thus for those that can be repaired such as the relationships, the damage to the river, and their land they demand reparations such as the revendication of their ancestral collective land. Furthermore, the murders are harms that cannot be repaired, they expect the judicial system to deliver full justice in which all the responsible are held accountable in addition to financial reparations to the families and victims of the different forms of violence. And from the state, they demand that they acknowledge their responsibility for granting the concession without consulting and provide a public apology to the Lenca people of Rio Blanco for all the harm and violence in addition to the permanent cancellation of the concession in the Gualcarque River and the eradication of extractivist system as a guarantee of non-recurrence. The

interviewees' narratives reveal that the kind of meaningful justice that they are aiming at is closely related to the following four key principles of restorative justice: recognising the harm, taking responsibility, repairing the harm, and preventing recurrence.

Recognising the harm

The restorative justice approach enables the public expression of a narrative: at the restorative oriented meeting, the parties share their stories and discuss how they perceive harm and its effects. Participants are allowed to express their feelings through these interactions and narratives, which may be difficult for them to do in courtrooms and tribunals (Minguet, 2022, p. 75). This is especially pertinent in the Agua Zarca case because, according to the practitioners' narratives, only witnesses and attorneys are permitted into the courts, leaving everyone else waiting outside.

The value of this restorative principle is that it can be applied in both layers of the conflict, in the dialogue between the community with the state and companies as well as in the dialogue with neighbors and family members that accepted the material benefits offered by the companies. One of the restorative justice aspects considered vital in the case of environmental conflicts is the involvement of all stakeholders under the principle of non-domination, that is, the restorative justice process should ensure that parties involved have the "same weight" in terms of the decision-making, even though power imbalances are intrinsically in the nature of environmental crime (Bolivar et al., 2022, p. 579). This is important because vulnerabilities should be taken into consideration to provide a counterbalance mechanism (Pali & Aersten, 2021). However, Aertsen (2018, p. 245) argues that when it comes to environmental harm occurring in the Global South, "we enter into a world of systemic injustices, extreme power imbalances, and high victim vulnerability." In this case, restorative justice should be seen as "distance-reducing and power-sharing mechanisms," making the "offender more vulnerable and empowering the victim" (Pali & Aertsen, 2021, p. 6). This suggestion is highly relevant but it might be challenging in the Honduran context because of the structural and entrenched power disparities resulting from colonial eras. The question of taking responsibility and willingness to take part in the restorative justice process is ultimately related to this.

Taking responsibility

In the restorative justice process, it is required that the offender does not deny their responsibility (UNODC, 2020). However, "acknowledgment of the harm is not sufficient", the offender also needs to express responsibility and remorse

in addition to being able to make amends (Wood and Suzuki, 2020 cited in Bolivar et al., 2022, p. 578). Yet, nowadays the identification of responsibility is extremely difficult because it can involve a single or group of offenders, individuals or organisations, or multinationals (Minguet, 2022). Thus, the main obstacles that restorative justice still has to overcome in cases of environmental conflicts, include the "voluntary" participation of parties like businesses, and recognising responsibilities (ibid., p. 76). Even though their actions do not strictly violate the law, even if they are ethically questionable, many businesses nonetheless fail to recognise that they are offenders (or refuse to do so). In a similar vein, governments typically exhibit reluctance to engage in dialogue or accept their share of responsibility, particularly when this latter is indirect (Minguet, 2022, p. 76-77).

Therefore, accepting responsibility for environmental crimes entails more than just compensating for the immediate (short- and long-term) harm done. It also means restoring the environment that has been damaged, as well as restoring and reviving the landscape while "taking into account the unique histories, lore, values, inhabitants, and potentialities of each site" (Forsyth et al., 2021, p. 30). Additionally, it should guarantee non-recurrence and protection from further harm and here is where the role of the state is vital because of the imperative to stronger protective legislation, robust mechanism of control and accountability, and stable and permanent recognition of the importance of Indigenous cultures and heritage (Bolivar et al., 2022, p. 579). In the Agua Zarca case, the taking responsibility principle represents the main challenge because, during the trials, DESA officials not only denied any responsibility for the killings (Carasik, 2018) but also accused COPINH, the Lenca Communities of obstructing projects that could benefit the poor Hondurans and undermining clean and sustainable energy in the form of hydropower (Phillips, 2019, p. 360).

Repairing the harm

In restorative justice, the victim's reparation is essential, and it also includes the moral and emotional dimensions. Such an approach also makes it possible to extend the concept of victimhood to include entire communities and multi-generations for the plaintiffs in a lawsuit but also to those who cannot afford such a lawsuit (Minguet, 2021, p. 73). This viewpoint allowed for consideration of all victims, not just those who took part in the trials, but also the various harms brought on by extractivism.

Furthermore, restorative justice emphasises the offender's obligation to mend the harm done as well as the victim's needs. When it comes to environmental damage, just punishing the offender who harmed the environment or destroyed natural resources is useless if neither the environment nor the harm

done to humans is proportionately repaired. Nor is there any guarantee that this kind of behavior will not occur again (ibid., p. 74). Equally important to proportional repair is to consider that because the environment means something different for the three types of stakeholders involved in the Agua Zarca conflict: the state, the companies, and the citizens, for this reason, hearing the narrative of all parties is crucial. For the Rio Blanco community, it requires state willingness to investigate and prosecute the network implicated in the murders but it also means creating a mechanism to regulate the companies and ensure their compliance with providing proportional reparations that can be given to the victims and families for the harms including financial reparation.

However, it appears that prosecutions alone will never be sufficient to fully address socio-environmental issues as long as judicial systems are left unchanged, thus effectively responding to the demand of marginalised communities to be permitted to actively participate in political processes, control the natural resources on which they rely (ibid., p. 73), and maintain their cultural identities, they must be accompanied by structural changes (Rodriguez, 2022).

Preventing recurrence

As illustrated above, harm involving extractivism is multi-level because it affects the relationships within the community and families. The breakdown of the social fabric can be seen with the increase in violence that comes with the presence of extractive companies in the Lenca territories translating into changes in the peaceful way of living of the communities or the small levels of social conflicts and insecurity experienced in Rio Blanco. Hence, the restorative approach can provide a pathway to address the social division from a bottom-up perspective which is particularly relevant because strengthening their cultural identity can enhance their position to face external threats. Literature suggests that in many instances, the failure to achieve greater justice and repair environmental harm is related to intricate processes of cultural and social deterioration brought about by coloniality and the ongoing modernity project embedded in extractivism (Rodriguez, 2022, p. 532). Due to fast cultural change and decades of assimilation policies, Indigenous youth in many communities and territories are becoming more disconnected from nature and the local environment (Pilgrim & Pretty, 2010 cited in Rodriguez, 2022, p. 532).

To illustrate, the struggle of the Indigenous peoples in Honduras should be understood within a multi-ethnic country made up of different ethnic groups such as *mestizo* referring to an Indo-European racial mixture (Loperena, 2017, p. 802); the dominant racial group and eight officially recognised Indigenous groups (OHCHR, 2010, p. 3). The Lencas are Honduras' largest Indigenous group, numbering roughly 300,000 dispersed over a large area of the country's

western regions (Phillips, 2019, p. 355). The Lenca struggle against colonialism dates since the Spanish conquest of Central America (ibid.). During colonialism, the integration of Indigenous people into the nation took place through the ideology of *mestizaje*. The *mestizaje* formed the foundation for postcolonial national identity that continues to form a social/racial hierarchy putting the *mestizo* at the top and the Indigenous at the bottom, this hierarchy continues to bring stigmatisation to Indigenous people in Honduras (Loperena, 2017, p. 802). In this context, endogenous cultural revitalisation processes are required to support Indigenous people's own knowledge systems and cultural identities in order to implement environmental restorative justice (ibid.)

Environmental justice thinking explains social and environmental injustices arising from modernity and the ongoing expansion of European cultural values and worldviews. The decolonisation of knowledge and social relations is highlighted as one of the key challenges to overcoming the history of violent oppression and marginalisation in development and conservation practice in the Latin American region (Rodriguez, 2022, p. 534). Although it can be difficult, cultural revitalisation processes can be fragile when the structural relations of power remain unchanged. Such a process, however, can aid in the process of reawakening and regaining the sense of dignity that is required to imagine and generate aspirations for change and a just future. Changing the social consensus on norms and behavior within a social group is important for changing the circumstances around decision-making, both within the group and in their interactions with others. When the circumstances are ideal, this may eventually result in changes to the legal and political landscape that are essential for restoring justice on a more structural level (ibid., p. 555). Although the process of cultural revitalisation does not immediately restore justice at all levels, it can be an important catalyst for change on many levels (ibid., p. 556).

In the context of socio-environmental conflicts, reconstructing environmental counter-narratives and counter-histories is important to affirm history from a local perspective because it plays a critical role in resolving disputes over the environment. These counter-narratives and counter-histories can then help revalue and revitalize local knowledge and identities more broadly by changing the collective way of thinking and perceiving the environment (Rodriguez, 2022, pp. 543-544), which in turn can strengthen the Lenca resistance.

Conclusion

In this article, we explored the potential of restorative justice to address socio-environmental conflicts in Lenca territory in Honduras considering the extractivist context in which it develops. The analysis of the Agua Zarca case

has shown that the socio-environmental conflict in Rio Blanco reveals three fundamental aspects; (1) it is political and structural, (2) it was caused by the hegemonic position of the national elite within the Honduran state and (3) it was made possible because of the complicity of national corruption networks and the founding of international financial entities.

In this context, the applicability of the restorative justice approach requires having an awareness of the peculiarities of this socio-environmental conflict. As much literature asserts, many environmental conflicts involve much more than just a clash between corporations and local communities. In fact, they stem from the economic strategies of governments and international bodies and are linked to larger structural conflicts between governments and marginalized communities rooted in the colonial age (Minguet, 2022, p. 71). Considering the specific circumstances in which cases of environmental deterioration and human rights abuses occur, it seems that the traditional justice system has failed to repair the harm made to a whole community, especially when the well-being of future generations is at stake (Forsyth et al., 2021).

The analysis of the interviewees' narratives reveals that due to the specific characteristic of the Agua Zarca conflict restorative justice represents a viable option that can contribute to delivering meaningful justice for the Lenca people because it offers a pathway to justice that is in many ways close to their demand. However, in the context of impunity, the prosecution of aggressors through the traditional judicial system is a precondition to envision the restorative justice process. In addition, the restorative process requires structural changes in the country that addresses colonial legacies such as historical injustices, systemic discrimination, and power asymmetries. For this reason, the state can play a significant role since in reality, the state fosters or upholds the social injustices that the environmental conflicts are grafted onto (Minguet, 2022, p. 75; Bolivar et al., 2022).

Our research highlighted the need to create a synergy between restorative justice and decolonial theory particularly in post-colonial societies and also to expand the scope of restorative justice that not only looks at past offending but also resolves present and prevents future conflicts and harms by incorporating bottom-up initiatives to revitalise cultural identity to transform conflicts focusing on victim's voices. The transformative potential of restorative justice can happen on the extent that the four principles are met ; (1) recognising the harm; (2) assuming responsibility for the harm; (3) making reparations proportionate to the harm; and (4) preventing a recurrence. These components serve to guarantee that restorative justice processes are respectful, inclusive, relational, non-hierarchical, collaborative, and community-driven rather than top-down and system-dominated, which will result in a more just society (Davis, 2021).

However, as Forsyth et al (2021) asserts, for a process of restorative justice to be initiated at all, someone has to acknowledge and take responsibility for the caused harm. Because without acknowledgment the transformative potential of restorative justice may never be realised (Di Ronco & Chiaramonte, 2022, p. 441). In the analysis of the Agua Zarca case, acknowledging responsibilities represents a major challenge because of the complexity of extractivism and the actors involved such as the company and the state having both refused to acknowledge responsibilities. This raises conceptual challenges concerning what degree of offender acknowledgment of responsibility should be required in a restorative process and how to proceed if acknowledgment never occurs. Further research is needed to focus on the responsibilities of socio-environmental harm and injustices resulting from extractivism and how restorative justice can specifically contribute to this endeavor.

To conclude, the analysis of the Agua Zarca case has showed that restorative justice despite its limitations is very suitable to address socio-environmental conflicts because it aims at repairing multi-dimensional and multi-level harm with the collaboration of all stakeholders, but particularly it listens to the voices of the victims which are often neglected in traditional justice systems. It can also bring about a fundamental change in the relationship between the state, companies, and communities as well as nurturing intra-community relations which together can contribute to building justice and peace.

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