

VICTORIES



JAMAICA Fixing a Leaking Sewage Plant

Who spends time thinking about what happens when you flush the toilet? A visit to the Harbour View Sewage Treatment Plant back in the 1980s prompted ELAW partner Diana McCaulay to leave her work in the insurance industry and launch the Jamaica Environment Trust.

"The sewage flowed everywhere, foamy and malodorous, carrying condoms and sanitary pad liners and untreated human excrement right into the sea," says Diana.

Now, more than 20 years later, residents of Harbour View, a seaside community west of Kingston, can rejoice: the court has ordered the National Water Commission to fix the leaking plant!

Diana writes in her EarthTalk blog: *"In 2005 we asked the community, Will you go to court with us? They thought about it. And they said no. Folks were afraid – they or their families worked for the Jamaican government, they feared victimization, they didn't trust the courts, and they knew it would take years. By then, it had become The Way it Was – if you lived in Harbour View, you smelled sewage, you didn't use the beach and if your kids disobeyed you and went into the sea, they got sick."*

In 2006, two Harbour View residents decided it was time to go to court – one had a son who got sick after swimming in the sea and the other was incensed when a representative of the National Water Commission said that sewage on the beach was not his concern.

The rest is history. Read more about the long road to this inspiring win in Diana's post at the Jamaica Environment Trust's EarthTalk blog: www.jamentrust.org.



SRI LANKA Getting the Lead Out

Paint being sold in Sri Lanka can have as much as 130,000 parts per million of lead-containing additives – that's more than 200 times the amount of lead allowed in U.S. paint! After close collaboration with ELAW staff, ELAW partners in Sri Lanka are on the verge of enacting new, more stringent standards. The new Sri Lankan standard will match the standards in the U.S., establish a system for testing paints prior to sale to consumers, and include safe standards for paint on toys and other children's accessories.

SOUTH AFRICA Banning a Dangerous Pesticide

Intensive collaboration with Angela Andrews at the Legal Resources Center in Johannesburg helped convince South Africa's Minister of Agriculture, Forestry and Fisheries to prohibit the sale of chlorpyrifos for residential use – a dangerous pesticide more commonly known as Dursban. Chlorpyrifos has been linked to neurodevelopment disorders in children and has been banned for residential use in the U.S. for nearly 10 years.



Clearing the Air

Industries in South Africa belching polluting emissions must now adhere to strict new standards. In March, South Africa adopted industry-specific air pollutant emission standards – the first of this type on the African continent. ELAW partner

Angela Andrews and other NGO representatives in South Africa worked for many years to put in place this critical protection for community health. The new standards will serve as a model for other countries across Africa.



BELIZE Protecting the Mesoamerican Reef

Last year, the Westerhaven cargo vessel smashed into the Mesoamerican Reef, near Caye Glory, damaging 6,000 square meters of pristine reef. In April, the Chief Justice ruled

that the reef is not property but a living thing, and the shipping company must pay \$11 million Belize dollars (U.S. \$5.5 million). ELAW staff provided legal and scientific support to partners in Belize, helping to set this fabulous precedent for grassroots advocates all over the world who are working to protect coral reefs.

Maya Land Rights

They have inhabited the area for centuries longer than the current government, but the Maya in southern Belize have had to battle for nearly two decades to re-gain their right to own and manage their lands. Antoinette Moore, the only attorney practicing law in southern Belize, has worked side by side with the Maya community for the last decade to secure this community's rights to property, equality and life.

for clean water, clean air, and healthy communities



Antoinette is part of an international legal team that has carried the Maya's cause through the Belize Courts, to the Organization of American State's Inter-American Commission on Human Rights, and back to the domestic tribunals in Belize. The initial victory in the Supreme Court of Belize came in 2007,

when the court decisively acknowledged two communities' customary land rights. In June, Chief Justice Abdulai Conteh issued a decision which extended his judgment to all 36 Maya communities in the Toledo District of Belize.

The decision has a potentially profound impact on development of mineral and petroleum resources in the area. "The Chief Justice affirmed that the Maya are the indigenous people of Belize and have rights to the lands that they have traditionally occupied for centuries. Although the government has subsurface rights throughout Belize, the Maya people will definitely have something to say with respect to the exploration of resources underneath their land," says Antoinette.



INDIA Wetlands Triumph Over Coal-Fired Power Plant

Villagers in Andhra Pradesh are challenging plans to build a coal-fired power plant in local wetlands – which an environmental impact assessment has categorized as "wastelands." On

July 14 things turned violent, with police firing on villagers, killing three people and injuring hundreds.

ELAW partner Ritwick Dutta was before the National Environmental Appellate Authority (NEAA), arguing the case for the villagers, when news of the violence reached the court in Delhi. The NEAA reacted swiftly, canceling governmental approval for the project, noting that the site of the proposed power plant is a wetland of great ecological significance, and the overwhelming opposition to the project by local people. In the 13-year history of the NEAA, this is the first time it provided instant relief to an affected community.

PAPUA NEW GUINEA No Dumping Mine Waste in Basamuk Bay

A bad plan to pipe toxic waste from the Ramu nickel mine into Basamuk Bay has been shelved. ELAW partners at the Papua New Guinea Eco-forestry Forum went to court in April, challenging the Chinese Metallurgical Construction Corporation and a large team of local and international lawyers. In a victory for community health, the National Court ordered a halt to plans for "sub-marine" disposal of mine waste.



HUNGARY Polluting Project Shelved

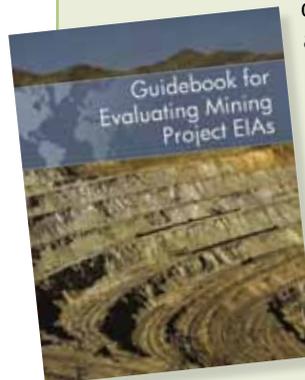
A state-owned company wants to build a 440-megawatt power plant near Visonta, close to a protected area. The power plant would be fueled by lignite, a soft brown fuel that falls somewhere between coal and peat. A lignite mine, serving a smaller power plant at the same location, has already depleted groundwater supplies. The current lignite powered plant is already Hungary's largest greenhouse gas emitter. The new plant would increase CO₂ emissions by 2.5 million tons/year.

ELAW partners at the Environmental Management Law Association (EMLA) send good news: Authorities have revoked permission to build the plant and have required a new environmental impact assessment. EMLA attorney Ágnes Gajdics was in the U.S. earlier this year on an ELAW Fellowship. She worked with ELAW staff to help strengthen the case against the power plant.

Holding Mining Companies Accountable

ELAW is pleased to announce the publication of *Guidebook for Evaluating Mining Project EIAs*. The Guidebook was produced by ELAW staff and reviewed by a team of experts, including ELAW Board Chair Glenn Miller, Director of the Graduate Program in Environmental Sciences and Health at the University of Nevada at Reno.

ELAW has helped partners around the world evaluate dozens of environmental impact assessments (EIAs) for proposed mining projects. The Guidebook consolidates what we have learned and points to critical resources, to help grassroots advocates and communities understand mining EIAs, identify flaws in mining project plans, and explore ways that mining companies can reduce the public health hazards associated with mining.



"This book is what I really need right now."

Ma Yan, Center for Legal Assistance to Pollution Victims, China

"Thanks for this marvelous piece of work. Its usefulness cannot be explained by words."

Rugemeleza Nshala, Lawyers Environmental Action Team, Tanzania

"This document is enormously useful for us."

Anthony Jo, Asociación Civil Labor, Peru

Available in English and Spanish at www.elaw.org/mining-eia-guidebook