



Connecting Communities
Protecting the Planet

Protecting the Environment Through Law in Honduras

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Drainage channels from Agropor's pineapple plantation in El Provenir flow into the Coloradito River, now dry. The pollution winds its way past downstream communities along the Juan Lopez and Zacate Rivers, then into the Caribbean Sea.



El Porvenir, a small town near the Honduran port of La Ceiba, sits between the Caribbean Sea and thousands of hectares of Dole-owned pineapple plantations (Agropor). "These pineapples have a sour side," says Laura Palmese, Staff Attorney at the Honduran Institute for Environmental Law (IDAMHO).

Laura and her colleagues are working with community members who allege local waterways are contaminated with agrochemicals and drying up from overuse by pineapple operations.

El Porvenir's water flows from the mountains of Pico Bonito National Park to the Caribbean Sea and the Mesoamerican Reef. "The rivers surrounding the town are dry," says Laura. "The plantations use the water first, before it reaches the communities. The small amount of water that does reach them is not safe."

IDAMHO is calling on the Ministry of Energy, Natural Resources, Environment and Mines (MiAmbiente) to test the water for pesticides and chemicals used in pineapple washing that could threaten community health.

ELAW Staff Scientist Meche Lu worked with Laura to review the list of chemicals used and determine the best parameters for effective water quality analysis. Meche also reviewed a mitigation contract that Agropor signed with MiAmbiente and advised on more stringent measures to protect communities.

Laura and her colleagues traveled to El Porvenir in April to hold a workshop on the impacts of pesticides and meet with city officials and community leaders.

"We learned the company has been sued three times for not paying taxes," says Laura.

"The rivers surrounding the town are dry. The plantations use the water first, before it reaches the communities. The small amount of water that does reach them is not safe."

Laura Palmese
Staff Attorney, Honduran Institute for Environmental Law

"Community leaders complain that plantation workers have health problems and poor wages. They say the plantation is expanding, surrounding homes, and limiting the local graveyard. The community lacks water and the little water they have is polluted. The cost is too high. There are other ways to produce pineapples."

ELAW will continue to work with IDAMHO to seek justice and make voices heard in El Porvenir.



Honduras (CONTINUED)

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The Environmental Law Alliance Worldwide (ELAW) helps communities speak out for clean air, clean water, and a healthy planet. We are a global alliance of attorneys, scientists and other advocates collaborating across borders to promote grassroots efforts to build a sustainable, just future.

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Instituto de Derecho Ambiental de Honduras (IDAMHO) Environmental Law Institute of Honduras

Destructive logging and mining operations are devastating the interior of Honduras while short-sighted tourist development and unsustainable fishing threaten the coast and Mesoamerican Reef. The Environmental Law Institute of Honduras empowers citizens to protect natural resources and defend human rights.

IDAMHO:

- Files actions before administrative agencies and the Constitutional Chamber of the Supreme Court to defend basic rights to health, water, and public participation.
- Brings petitions to international mechanisms such as the Inter-American Commission on Human Rights and the Environmental Secretariat of the Central America Dominican Republic Free Trade Agreement (CAFTA-DR)
- to call attention to the rampant corruption and inefficiency in Honduras' natural resource management.
- Conducts trainings in citizen enforcement of environmental law for professional associations and committees of government.
- Works with journalists to raise awareness of environmental problems and solutions.

HONDURAS in Brief

Honduras is plagued by economic inequality. Malnutrition, poor housing and infant diseases are widespread. The damage was estimated at \$3bn, setting development back by decades.

The country has a young population; 50% of Hondurans are under the age of 19. But endemic poverty, chronic unemployment and the prospects offered by drug trafficking have contributed to a virulent crime wave conducted mainly by youth gangs known as "maras".

Honduras was devastated by Hurricane Mitch in 1998. At least 5,000 people were killed and 70% of

the country's crops were destroyed. The economy was dominated, until the mid-20th century, by foreign-owned banana companies that wielded outsized influence in politics and controlled wide swaths of land. Still a major exporter of the fruit, Honduras is also Central America's second biggest coffee producer.

Excerpted from BBC News:
<http://news.bbc.co.uk/>



Honduras: People of IDAMHO

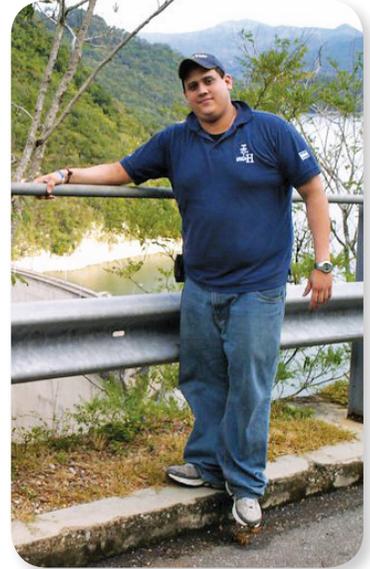
Clarisa Vega (bottom photo, third from left) is a veteran Honduran attorney. She served as environmental prosecutor before founding the Instituto de Derecho Ambiental de Honduras (IDAMHO). Clarisa works closely with **Laura Palmese**, IDAMHO Staff Attorney and participant in the 2014 Mesoamerican Reef Leadership Program, and attorney **Paul Zepeda Castro**, IDAMHO Board Secretary. Paul brings cases to ensure that development projects do not sacrifice the local environment and is working to advance the idea of a special Honduran environmental court.



Laura Palmese

Clarisa and Laura have both completed ELAW Fellowships. Paul will be ELAW's 2015 Laurie Prosser and Xiaoli Jiang Fellow. He will arrive for a 10-week Fellowship in late June, to work one on one with ELAW Staff Attorneys and Scientists, and improve his English through the Intensive English Program at the University of Oregon's American English Institute (AEI). Many thanks to AEI for providing Paul with a Director's Distinction Scholarship.

Laura will travel to Eugene this fall to pursue a masters in natural resources law (LLM) at the University of Oregon School of Law.



Paul Zepeda Castro



MAR LEADERSHIP

Mesoamerican Reef Leadership Program

Conservation Advocacy for the Mesoamerican Reef

ELAW Associate Director Lori Maddox provided a 2-day training in Conservation Advocacy to participants in the Mesoamerican Reef (MAR) Leadership Program. Each year, the Program selects 12 leaders between the ages of 25 and 35, for professional development trainings and active mentorship by professionals in their thematic area. These leaders are working on issues of solid waste management in the MAR region. ELAW published a report in 2013 titled: "Ocean Waste in the Gulf of Honduras: Where it Goes and What to do about it" that informed the development of this year's group.

Lori and colleagues from the region guided the participants in developing campaign strategies for their individual projects, learning from case studies of successful campaigns in the region.

Following the training, Lori presented at a public symposium about waste management in the capital city of Belmopan, Belize, and facilitated a strategy session of ELAW's Mesoamerican Legal Strategy Group.



Advocates from Guatemala, Mexico, Honduras, Belize and the US are working together to protect the reef and coastal watersheds in the MAR region.



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Tanzania: Managing Waste

Irene Fugara was a baby when her family moved to Tanzania’s capital, Dar es Salaam, Africa’s third fastest growing city. “We struggle with polluting industries and poor waste management,” says Irene. “We receive many complaints from citizens about these public health hazards. There are laws in place, but they are new to judges and authorities are reluctant to identify offenders.”



Irene looks out at Short Mountain Landfill, the resting place for Eugene and Springfield’s trash. Her tour was courtesy of Brett Jacobs at Bring Recycling.

Irene is Staff Attorney at the Lawyers’ Environmental Action Team (LEAT). She traveled to Eugene in May for an ELAW Fellowship. She worked with ELAW Staff Attorneys and Scientists to learn about model waste management laws and practices around the world, and explore how Lane County protects wetlands and treats solid waste and sewage. Her ELAW Fellowship

will help her weigh in on Tanzania’s National Waste Management Strategy and regulations on solid and hazardous wastes.

She toured the West Eugene Wetlands and observed how the wetlands coexist with nearby industries. She toured the Glenwood Transfer Station, Short Mountain landfill, and the regional wastewater treatment plant. She also toured NextStep Recycling, a national model for electronics recycling, and Forrest Paint, a highly regulated manufacturer of paint products. Finally, she met with Terry McDonald, Executive Director of St. Vincent de Paul. Terry shared his experience turning discarded clothing scraps into blankets and other items for re-sale.

LEAT was founded more than 20 years ago by visionary leader Rugemeleza Nshala. It was the first organization of lawyers in East Africa’s Great Lakes region to defend the environment and rights of communities. Irene works with LEAT to clean up polluting industries in Dar es Salaam and advance better waste management practices. She also works with village women to ensure that their voices are heard when developers threaten agricultural lands.

ELAW Fellowships have proven very effective and ELAW has hosted more than 160 environmental professionals from around the world. If you are interested in supporting an ELAW Fellow or getting involved with the ELAW Host Family Program, please contact Maggie Keenan, ELAW Fellows Program Coordinator (maggie@elaw.org).

“I had productive meetings and inspiring and educational field trips. I will put into practice what I learned.”

Irene Fugara



Irene and ELAW Volunteer Elzbieta Kubok (right) joined Diane Steeck (left) for a tour of the West Eugene Wetlands. Diane is Wetland Ecologist for the City of Eugene.

and Getting the Lead Out of Paint

Lead in paint is a potent neurological toxin. Most industrialized countries have recognized the harm caused by childhood exposure to lead and enacted strict regulations to prohibit the use of lead in consumer products, especially paints. In Tanzania, regulations are only voluntary and children continue being exposed to lead. ELAW worked with Tanzanian partners at the Lawyers' Environmental Action Team (LEAT) to test paint samples from commonly purchased paints in Dar es Salaam. The results were frightening: all samples included lead levels far above international standards. LEAT has called on the government to enforce its lead regulations and protect citizens from lead poisoning. ELAW reviewed the complaint and helped formulate legal strategy. The case is pending.

ELAW is now working with Irene Fugara and her colleagues at LEAT to:

- Eliminate lead in paint sold at stores.
- Prohibit the production and import of contaminated paint.
- Enact robust testing of manufactured and/or imported paint by government inspectors to ensure that consumer paints do not contain toxic metals.

In 2011, ELAW partners in Sri Lanka won a tremendous victory protecting children from toxic lead paint. We aim to build on that victory and help ELAW partners in Tanzania do the same!



Irene toured Eugene/Springfield's regional wastewater treatment plant with Matt Stouder (right) and Dave Breitenstein. Matt is General Manager at the Metropolitan Wastewater Management Commission and Dave is Wastewater Plant Manager.



Irene learned about environmental precautions at the Eugene-based Forrest Paint.

ELAW Partner in Nepal Wins 25 Year Fight for Nature

Prakash Mani Sharma is a tireless environmental advocate for communities in Nepal. Prakash and his organization, the Forum for Protection of Public Interest (Pro Public) have fought for decades to protect Nepal's unique landscapes, including the glaciers of Mount Everest, the sacred Bagmati River, and Kathmandu's Balkhu -- one of the few public parks in the densely populated capital city.



PHOTO: Ashley White, ELAW

Prakash has fought to protect glaciers on the world's highest peak, Mt. Everest.

For 25 years, Prakash led a determined campaign to protect the Phulchowki Hills from the harmful impacts of marble mining. In addition to providing fresh water for communities, the Phulchowki Hills are an important part of the country's ecological heritage, home to hundreds of diverse bird, butterfly, and plant species. However, smoke and dust from one of the world's largest marble mines devastated the region's rich biodiversity, and communities suffered from contaminated water and blasting at the mine site.

In 1992, Prakash filed a case in the Supreme Court of Nepal to close the marble mine. Though the Court determined that Nepal's constitutional right to life included the right to a healthy environment, the Court did not stop mining. In 2001, Prakash initiated a new case against the government to shut down the mine, a struggle that would carry out in Nepal's courts for the next 15 years.

On April 16, 2015, the Supreme Court of Nepal rewarded Prakash for his perseverance by cancelling the mining lease and ordering the government to suspend marble mining in the Phulchowki Hills. The Court's decision marks one of Nepal's most significant victories for the environment.

Throughout the 25 year fight, ELAW provided Prakash with legal and scientific support to help protect the Phulchowki Hills. "Prakash's tenacious pursuit of this amazing victory for wildlife and

communities in the Kathmandu Valley is an inspiring example of what can be accomplished through devotion and hard work for the environment," says ELAW Staff Scientist Mark Chernaik.

Celebration of Prakash's victory was short-lived. On April 25, 2015, a magnitude 7.8 earthquake rocked Nepal's Kathmandu Valley, leaving thousands dead and impacting millions. After tense days awaiting news, we learned that all of ELAW's partners in Nepal survived the earthquake. In a twist of fate, in the days immediately following the disaster, Prakash and his family joined thousands of Nepalese seeking refuge in Balkhu – the same park Pro Public helped preserve nearly 20 years ago.

As the country reels from the impacts of earthquakes, we will keep you updated on ELAW partners' efforts to rebuild the country. Though it may take years, dedicated citizens like Prakash and his colleagues at Pro Public bring hope for recovery in Nepal.

China's Environmental Future:

Q&A with ELAW extern Meiling Zhang

by Ashley White, ELAW China Program Director



On January 1, 2015, China's newly amended Environmental Protection Law went into effect. These are the first amendments since the law was enacted in 1989, and they expand the ability of NGOs to bring public interest environmental lawsuits. It is too early to tell whether the new law will promote public interest environmental litigation in China. But the amendments are a positive step for addressing the enormous environmental challenges facing China.

This semester, ELAW hosted Meiling Zhang for a legal externship. Meiling hails from Guangdong, China, and is completing LL.M degrees from Xiamen University and the University of Oregon in Environmental and Natural Resources Law. In the final week of her externship, Meiling answered questions about her experience at ELAW and her impressions of China's environmental future.

How was your ELAW externship?

I have so many memorable experiences from my time at ELAW. I spent some of my semester researching Chinese overseas financing and development projects. One of my research projects looked into the background of a Chinese company that proposed a large tourist development in Mexico. Because there was little available information online, I felt like a detective pulling together fragmented reports and records to figure out the company's political ties and development experience, to provide information to ELAW's partners in Mexico.

I also enjoyed spending time with ELAW staff outside of the office, especially bowling. It was my first time bowling in my life, and I have since fallen in love with the sport!

ELAW's 2015 Annual Meeting took place during your semester at ELAW. Did you enjoy meeting environmental advocates from around the world?

ELAW's international network allowed me to connect with many environmental advocates from around the world. During my externship in ELAW, I participated in several meetings with ELAW partners from other countries including Russia, Kenya, Mexico, China, and Thailand. After hearing about all their professional experience, I feel strongly that most countries face similar environmental legal challenges, and ELAW should continue to help establish global connections and provide legal and scientific support.

In particular, I met Caidan Cao, an amazing attorney from China. Besides sharing her professional experience with me, Caidan provided practical advice for my career. I was really impressed by her independence, perspective and her enthusiasm for advocating for environmental protection in China.

What are your thoughts on China's recent environmental legal reforms and China's environmental future?

The newly revised Environmental Protection Law is credited as "the most stringent environmental law in Chinese history" because it reinforces the government's regulatory responsibilities, imposes tougher penalties on violators, and encourages public participation. Since the law went into effect on January 1, 2015, a number of Chinese environmental NGOs have filed public interest environmental cases. With the implementation of new environmental protection law and the increase of environmental public interest litigation, there is a need for more environmental legal professionals. And it's up to the government agencies to carry out their duty and enforce the law. As an environmental law student studying reports about my home country's environmental legal developments, I am really excited to return home and contribute to environmental protection in China.

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ELAW is working with the world's leading grassroots advocates to keep coal in the ground.

Coal Hard Facts

- Burning coal is a leading cause of smog, acid rain, and toxic air pollution.
- China, the U.S., India, Indonesia, Australia, Russia, South Africa, Germany, Poland, and Kazakhstan are the top 10 coal producers.
- China is the world's biggest coal consumer, followed by Japan and India.
- Coal use in China began to fall in 2014, for the first time this century.
- Coal generates 44% of U.S. electricity, and is the single biggest air polluter in the U.S.
- Coal plants are the top source of CO2 emissions in the U.S.
- The U.S. Department of Energy expects a 6% decrease in coal consumption in the electric power sector in 2015, despite a 1% increase in total electric power generation. Coal production is projected to be flat in 2016.

Sources: *World Coal Association, Climate Central, European Commission, Carbon Brief, Union of Concerned Scientists, and Greenpeace.*

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