



**ELAW**  
Environmental  
Law  
Alliance  
Worldwide

# advocate

SUMMER 2010

Connecting Communities  
Protecting the Planet

## Impact of the Gulf Spill Felt Around the World

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**The waters  
off Belize are  
still pristine.  
Meanwhile,  
oil companies  
have petroleum  
contracts for most  
of the sea floor.**



PHOTO: Mark Lewis

Around the world, people are watching the impacts of the BP/Deepwater Horizon catastrophe in the Gulf of Mexico. They are concerned about how a similar incident might unfold along their shores. In Belize, for example, a color-coded petroleum contracts map reveals that nearly every inch offshore is already charted for oil development.

In the midst of the economic recession, governments such as Belize are desperate for revenue to provide basic services, and natural resource exploitation is a "cheap fix" in the short-term. Oil consumption by the developed world is driving multinationals to explore for oil under every rock and reef.

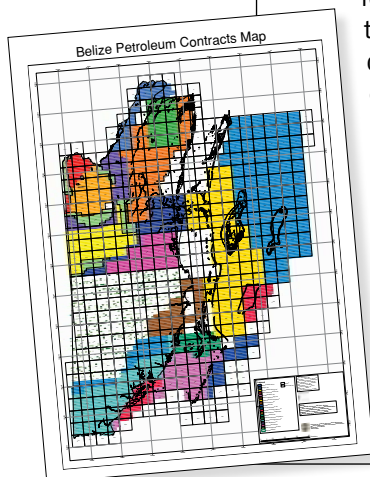
The good news is that ELAW partners in Belize have captured the moment and joined an alliance of more than 40 organizations seeking a moratorium on oil drilling offshore and in protected areas. The Belize Coalition to Save Our Natural Heritage will draw lessons from Costa Rica and other places where public interest lawyers have effectively deterred oil development in fragile marine ecosystems.

"Right now, Belize lacks the regulatory and emergency response infrastructure to manage oil development on this scale," says Lori Maddox, ELAW Associate Director. "When regulatory systems fail, everyone suffers. We see this unfolding now in the Gulf of Mexico. In Belize, an oil spill would paralyze the economy and destroy the country's only real hope for building a solid revenue stream for the future - locally-based, sustainable tourism."

Natural resource management agencies in Belize are weak because they lack adequate funding to monitor and enforce environmental laws. ELAW has made an intensive investment of training, organizational development, and legal and scientific support to help public interest lawyers and citizens across Mesoamerica do their part to force accountability and more responsible development.

Communities in Belize are now learning about plans for large-scale oil development in their country, and about their rights to object. "*Stand Up Speak Up*," a community participation handbook produced by ELAW partners, will be a vital tool in oil workshops across Belize.

(CONTINUED ON PG. 2)



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The Environmental Law Alliance Worldwide (ELAW) is a network that facilitates the development and practice of public interest environmental law throughout the world. The network of ELAW advocates exchanges legal, scientific and technical information, ideas, precedents, and strategies across national boundaries in support of grassroots, public interest environmental law.

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**"We are all vulnerable to these accidents. Whether we live in Pakistan or the U.S., we are in the same fragile ecology boat."**

**Tanveer Arif**  
Society for Conservation and Protection of Environment  
Karachi, Pakistan

## Facts About Off-Shore Drilling: Belize and Beyond

- Offshore drilling concessions in the sea off Belize include the entire length of Belize's coastline.
- Over its lifetime, a single oil rig can dump more than 90,000 metric tons of drilling fluid and metal cuttings into the ocean, including 25,000 pounds of toxic metals, such as lead, chromium, and mercury.
- To find offshore oil reserves, seismic waves are sent into the ground, which disorient marine life. This can lead to beachings of whales and hearing loss in dolphins.
- The majority of rigs are located close to shore. Oil spills and seepage are common and move quickly on the water.
- Belize currently gets \$38 million in oil revenues each year, while tourism brings in \$210 million each year. Tourism and fisheries employ about 24,000 people while approximately 3,000 people would get jobs if every single oil concession found oil (based on employment figures from Belize Natural Energy).
- Hurricanes Katrina in 2005 and Ike in 2008 each caused the release of more than a half-million gallons of oil from off-shore rigs and pipelines.
- Studies by the U.S. Geological Survey published in the October 2009 edition of GEOLOGY indicate that oil drilling can actually set off earthquakes by creating fractures and pressure in the hard rock inside the earth.

*From Roots and Reef, June 22, 2010.*

A publication of Peninsula Citizens for Sustainable Development, Placencia, Belize

### (OIL Continued from page 1)

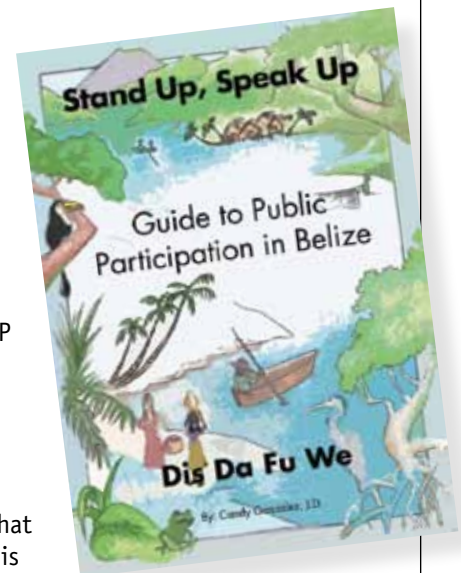
In Ecuador, ELAW partner Pablo Fajardo has been fighting for decades to force the clean up of damage by ChevronTexaco – an oil disaster of even larger magnitude than that unfolding in the Gulf. At the end of June, Ecuadorian leaders went to the Gulf Coast to meet with Native American elders. They toured the coastal communities impacted by the BP disaster and shared stories and ideas about how to hold oil companies accountable.

In *The Guardian* (June 19, 2010), award-winning journalist Naomi Klein writes:

*The experience of following the oil's progress through the ecosystem is a kind of crash course in deep ecology. Every day we learn more about how what seems to be a terrible problem in one isolated part of the world actually radiates out in ways most of us could never have imagined. One day we learn that the oil could reach Cuba – then Europe. Next we hear that fishermen all the way up the Atlantic in Prince Edward Island, Canada, are worried because the Bluefin tuna they catch off their shores are born thousands of miles away in those oil-stained Gulf waters. And we learn, too, that for birds, the Gulf coast wetlands are the equivalent of a busy airport hub – everyone seems to have a stopover: 110 species of migratory songbirds and 75% of all migratory US waterfowl.*

It is this interconnectedness of the world's environment and ecology that binds ELAW's partners. "We work together as friends and colleagues, and ensure that when environmental degradation happens in one area of the world, advocates in other areas are aware of, and can work to stop, disastrous impacts in their communities," says Lori.

ELAW partners are not just discussing the worldwide implications of the Gulf catastrophe, but working in solidarity to ensure that oil companies like BP and Chevron are held accountable for the damage caused by their business of oil extraction, and that the environment is restored.



*Stand Up, Speak Up: Guide to Public Participation in Belize* was published by ELAW partners at the Belize Institute of Environmental Law and Policy.

## ELAW Partnership in Belize

# Saving Fish Habitat

Bonefish, permit, and tarpon thrive in the lagoons, estuaries, inlets, and mouths of many rivers in Belize. This is prime fly fishing territory. Unfortunately, shortsighted developers don't seem to care about fish habitat or the health of the marine environment.



### Critical habitat has been destroyed and more abusive projects are being planned:

- The proposed South Beach mega-resort on Ambergris Caye would destroy roughly 500 acres of mangroves near Hol Chan Marine Reserve – essential habitat for bonefish that live and breed in the area.
- In southern Belize, a proposed development on Big and Little Channel Cayes in the Southwater Marine Reserve, a World Heritage Site, would destroy mangrove, coral, and seagrass beds.
- Prime tarpon habitat has already been destroyed by dredging and construction on Rendezvous Caye off the Placencia Peninsula.



GRAND  
SLAM  
ALLIANCE

### The Grand Slam Alliance is working to:

- Stop the destruction of flats, mangroves, coral, and seagrass beds that are critical for fish;
- Help craft master plans for coastal and island development that will protect valuable habitat;
- Strengthen and enforce laws and regulations aimed at protecting sportfish and their habitat;
- Educate communities about the importance of protecting habitat that is critical to the long-term survival of healthy fish populations; and
- Help communities speak out to protect fish and critical habitat.

**Learn more about the Grand Slam Alliance:**  
[www.grandslamalliance.org](http://www.grandslamalliance.org)

Fortunately, people who live in Belize are organizing to protect fish and fish habitat. Fishing guides, small hotel operators, and citizens are coming together to challenge environmental abuses and work toward a sustainable model of development that protects Belize's unique marine habitats.

The Ambergris Caye Citizens for Sustainable Development (ACCSA) in San Pedro and the Peninsula Citizens for Sustainable Development (PCSD) in Placencia are young organizations that want to chart a sustainable future for Belize. They have joined with ELAW to form the Grand Slam Alliance, to ensure that lessons learned protecting fish habitat in Belize are shared around the world through the ELAW network.

## Raising the Bar in Honduras

More than 100 lawyers, students, and community leaders in Honduras joined high government officials at a July 8 conference in Tegucigalpa, co-hosted by the Environmental Law Institute of Honduras (IDAMHO) and the Honduran Bar Association.

The conference explored the environmental challenges facing Honduras and how public interest environmental lawyers can ensure that large-scale investments bring sustainable development. ELAW partner Pablo Fajardo inspired participants with a description of his unprecedented lawsuit against Chevron for contamination of the Ecuadorian Amazon. ELAW Director David Hunter, from American University's Washington College of Law, shared lessons learned from BP's tragic Gulf oil spill. ELAW helped launch IDAMHO and is supporting their efforts to attract more lawyers to work on behalf of disadvantaged communities.



IDAMHO founder Clarisa Vega interviewed by media at the conference site.

# 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](http://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

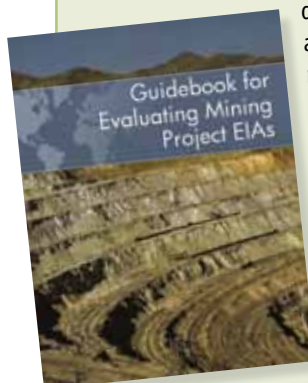
and peat. A lignite mine, serving a smaller power plant at the same location, has already depleted groundwater supplies. The current lignite powered plant is already Hungary's largest greenhouse gas emitter. The new plant would increase CO<sub>2</sub> emissions by 2.5 million tons/year.

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](http://www.elaw.org/mining-eia-guidebook)

## Protecting the Peruvian Amazon

### Oil Development Threatens Indigenous Communities

In the city of Pucallpa, on the banks of the Ucayali River, indigenous leaders gathered to discuss the future of lands tagged as oil concessions. "People are concerned about the impacts of extractive industries. There is a lot of tension due to a lack of public participation in decisions being made," says Meche Lu, ELAW Environmental Research Scientist.

Meche traveled to Pucallpa in April to participate in a workshop with leaders from the Yine, Shipibo-Conibo, and other indigenous communities living near Cordillera Azul National Park.

About 75 % of the Peruvian Amazon has been divided into oil and gas concession blocks. Many of these blocks include lands of indigenous communities, protected areas, and protected area buffer zones, including lands in and around Cordillera Azul National Park.

**"There are 21 leaders and some had to travel by boat for six days to get here. One boat tipped. Nobody was hurt, but they lost some belongings."**

Meche Lu  
Pucallpa travel log



Yarinacocha Lake

Communities that have lived in these remote areas for generations are asking for help responding to the arrival of the oil and gas industry. ELAW is working with partners at Derecho Ambiente y Recursos Naturales (DAR) to collaborate with these communities and ensure that oil development in the Amazon does not destroy waterways, the rainforest, biodiversity, and ancient ways of life.

DAR is conducting workshops across the region with local groups, focusing on indigenous and environmental rights related to oil development. The workshop agenda includes sharing community guidelines to better participate in decisions about proposed energy projects, details on the environmental impact assessment process, community based monitoring programs, and the environmental and health impacts of oil and gas development. This work is made possible thanks to a grant from the John D. and Catherine T. MacArthur Foundation.

#### Excerpt from Meche's travel log April 15, 2010

*I have been in Pucallpa since Monday evening. The workshop is excellent. The staff from DAR are doing an outstanding job. I did three presentations on the health and environmental impacts of oil; environmental impact studies; and community based monitoring.*

*DAR's team has wonderful techniques for communicating complex environmental law and science topics in ways everyone can understand. In all of the workshops that I've participated in with indigenous communities, these methods are the best.*

*It is over 100 degrees Fahrenheit – too hot! The city is full of motorcycle taxis and it is an adventure to move around. The Ucayali River, a major tributary of the Amazon, is huge. It is inspiring to see the commitment of these local leaders to defend their social and environmental rights.*

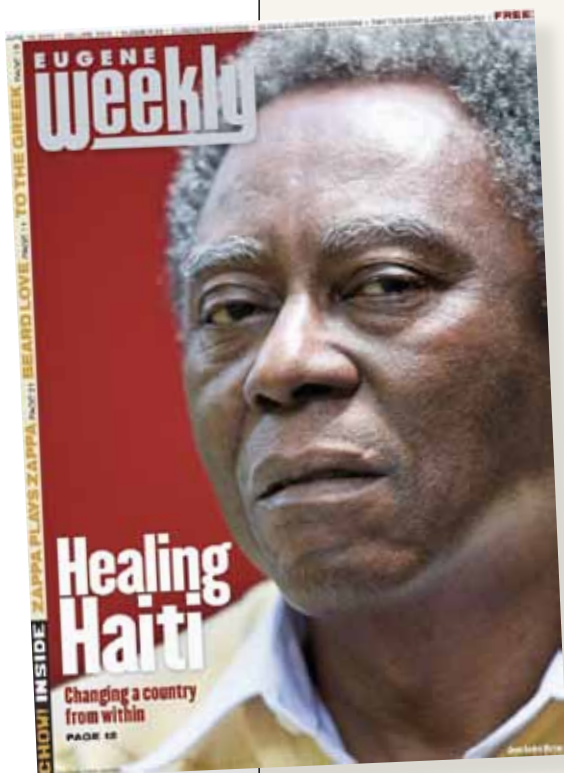


At the Pucallpa workshop, participants drew pictures of their ideal village and talked about how things would change if oil companies came.



Left to right: S. Rivadeneira (Ecolex, Ecuador), A. Santillan, M del R Sevillano (DAR), Mayer Sanchez (Diobamba community), Meche Lu (ELAW)

## Inside ELAW



**"I have mixed feelings going back to my country. Happy to go back home, but sad to leave home."**

Jean André Victor  
ELAW guestbook

### ELAW Fellow Jean André Victor

*"For more than 20 years, Jean André Victor worked as an agronomist in Haiti, trying to solve the riddle of how to fix the centuries of environmental degradation and poverty that has kept Haiti from developing a self sustaining economy and food supply. But, 'the main problem is that you can't solve the degradation of Haiti with projects,' says Victor.*

*"This spring, at the age of 68, Victor came to Eugene to discuss law and policy with scientists and other attorneys, write the first textbook on environmental law in Haiti and learn English at*

*the University of Oregon's American English Institute. He came through the help of the Environmental Law Alliance Worldwide . . .*

*"He will return to Haiti this summer – a country that was struggling even before the devastating January earthquake that killed thousands of Haitians, including Victor's mother – and try to change his country from within."*

Excerpt from "Healing Haiti: Changing a Country from Within," by Camilla Mortensen, Eugene Weekly, June 10, 2010. ([www.eugeneweekly.com/2010/06/10/coverstory.html](http://www.eugeneweekly.com/2010/06/10/coverstory.html) )

ELAW hosted Jean André Victor from Haiti for a three-month ELAW Fellowship (March 29 – June 29). Jean André is an environmental attorney and an agronomist.

He worked one-on-one with ELAW staff to advance his work to protect biodiversity in Haiti, including launching projects involving tree planting and fuel-efficient cookstoves. He completed a first draft of the first book of Haiti's environmental laws and participated in a ten-week intensive English program at the University of Oregon's American English Institute. Many thanks to the John D. and Catherine T. MacArthur Foundation, and the American English Institute, for supporting Jean Andre's Fellowship.

### Summer Legal Interns

*ELAW receives many applications from promising law students who want to volunteer as summer Legal Interns. This summer we are pleased to have **Joanna Reilly-Brown** and **Ashley White** working with us.*

#### Joanna (on right)

I am a rising third-year law student in the University of Florida's Levin College of Law Environmental and Land Use Law certificate program. I am fascinated by the interaction between humans, culture, and the natural environment.

Last summer I spent two months in Costa Rica studying international environmental law and comparative watershed management. This year, I spent the first two weeks of May in Belize working on a project through the UF Law Conservation Clinic involving small farmers converting to more sustainable farming practices in the buffer zone of a protected area.



#### Ashley

I am a third year student at Willamette University College of Law. I am in the process of completing a certificate in International and Comparative Law. I am interested in contemporary global environmental issues, rights, and environmental compliance.

I worked and studied in China in 2005 and 2007 – including teaching English at the Shanghai Migant Workers School. I will travel to China later this year to study environmental law. My research on the environmental impact of China's economic rise served as my primary motivation for attending law school.



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FROM FILMMAKER JOE BERLINGER (BROTHER'S KEEPER, PARADISE LOST)

# CRUDE

THE REAL PRICE OF OIL

## An Update on CRUDE and the Chevron case in Ecuador

ELAW Partner Pablo Fajardo continues in his quest to hold Chevron accountable for the devastation to the Ecuadorian Amazon. According to Pablo and his colleagues, at least 345 million gallons of pure crude oil was purposely dumped via 'produced water' in the region, and Chevron's policy of allowing produced water to spill into surrounding land and water was "a deliberate production decision to maximize profits."

To give some perspective, as of mid July, government estimates of the total BP spill are in the range of 48 to 140 million gallons. Unlike BP, which has continually asserted that they will pay "all legitimate claims," Chevron continues to deny responsibility, and continues to fight all efforts to hold it accountable.

In addition, Chevron has subpoenaed more than 600 hours of documentary filmmaker Joe Berlinger's 'outtakes' – the film footage that he produced but did not use when making his award winning documentary CRUDE: The Real Price of Oil. A Federal District Court judge required that the film footage be released, however an appellate court stayed that order until the appeal is decided. Oral arguments on the appeal were heard in mid-July and it is expected that the appellate court will issue a ruling soon. Filmmakers and news organizations from all over the country – including Robert Redford, Bill Moyers, Michael Moore and Ric Burns, the Director's Guild of America, the Writer's Guild of America, as well as the NY Times, LA Times, CBS, NBC, ABC, Associated Press, Dow Jones, and HBO – have opposed Chevron's action in court.

CRUDE: The Real Price of Oil is now available on DVD. If you would like to consider having a house party to show the film, please contact our Outreach Director Rita Radostitz ([rita@elaw.org](mailto:rita@elaw.org)).



## THINK GLOBALLY. ACT GLOBALLY.

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ELAW invites you to become an Environmental Hero by making a donation to ELAW. Please send a check or credit card donation in the enclosed envelope. Or, you can make a charitable gift by gifting a security. Consult with your tax and investment advisors about the amount and types of securities you wish to give and then call ELAW at 541-687-8454.