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# advocate

WINTER 2014

Connecting Communities  
Protecting the Planet

## Marine Protected Areas for Haiti

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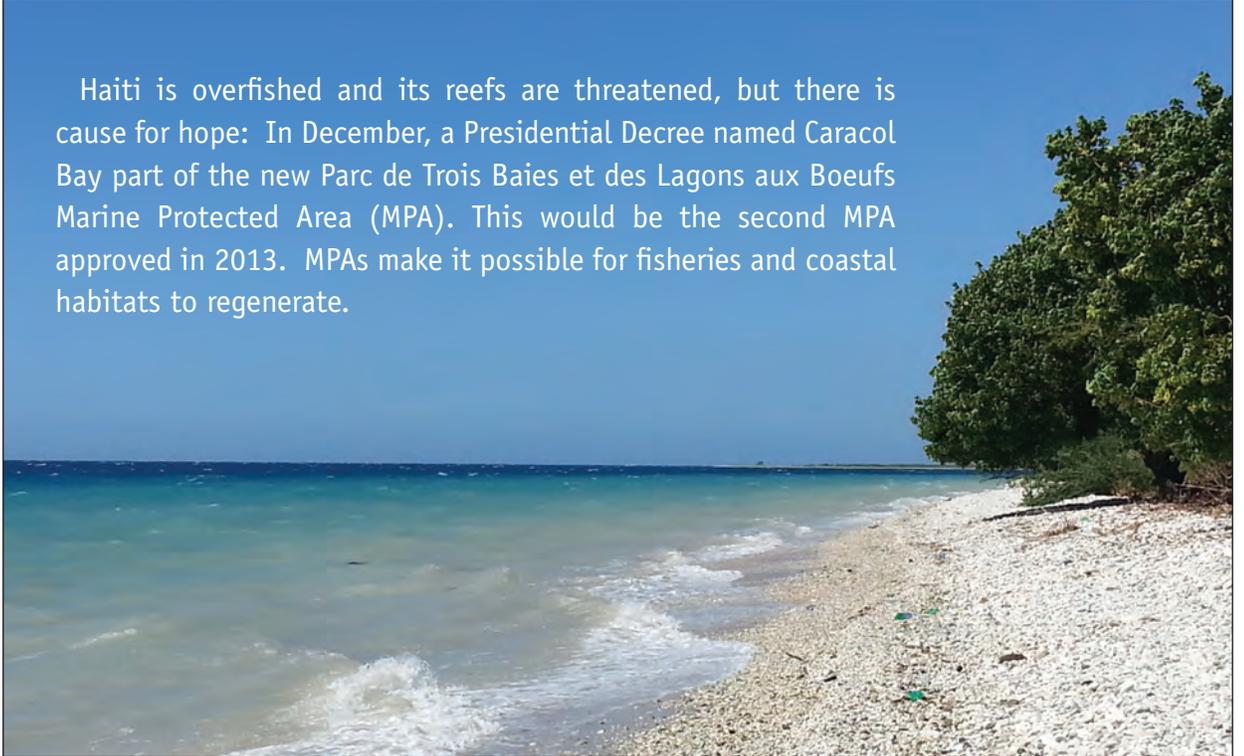
**Thank You, Volunteers!**

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**“Our partners are dedicated to making sure that Caracol’s designation as an MPA leads to real protection.”**

Jennifer Gleason,  
ELAW Staff Attorney

Haiti is overfished and its reefs are threatened, but there is cause for hope: In December, a Presidential Decree named Caracol Bay part of the new Parc de Trois Baies et des Lagons aux Boeufs Marine Protected Area (MPA). This would be the second MPA approved in 2013. MPAs make it possible for fisheries and coastal habitats to regenerate.



Jean André Victor and his colleagues at the Association Haïtienne de Droit de l’Environnement (AHDEN) have been working with local communities to build support for MPAs in Haiti. Jean André drafted a decree for the Caracol MPA when he was a consultant to the Ministry of the Environment.

Caracol Bay includes the country’s largest mangrove forest, a long coral reef, and an active fishery. It is home to endangered species such as the Atlantic leatherback sea turtle. The government is building an industrial park nearby, which means there is an urgent need to protect this MPA from new industrial facilities, an associated power plant, a proposed port, and an influx of people.

AHDEN is working to raise grassroots support for creating MPAs, by engaging municipalities and local communities across the country.

ELAW Staff Scientist Heidi Weiskel and ELAW Staff Attorney Jennifer Gleason traveled to Port-au-Prince in December to participate in a three-day workshop on MPAs, co-hosted by AHDEN and the Université d’Etat

d’Haiti. They were joined by ELAW partner Euren Cuevas Medina, a respected lawyer from Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA) in the Dominican Republic, who shared his experience protecting fisheries at home.

“Our partners are dedicated to making sure that Caracol’s designation as an MPA leads to real protection,” says Jen.

Many thanks to the Waitt Foundation and the Clinton Foundation for supporting this important work.

Attorneys Jean André Victor (right) in Haiti and Euren Cuevas Medina in the Dominican Republic collaborate to protect fisheries and coastal habitat.



# Oil Update from the Peruvian Amazon



## A conversation with Meche Lu

Mercedes "Meche" Lu has worked with ELAW for more than 20 years. A native of Peru, she recently traveled to Lima and Iquitos to conduct research for her doctoral dissertation in geography at the University of Oregon, which will focus on governance and oil extraction in the Peruvian Amazon. While in Peru, she met with ELAW partners and local organizations, providing onsite scientific support to advance environmental justice in the region.

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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.

EDITOR: MAGGIE KEENAN  
NEWSLETTER LAYOUT: ARIES CREATIVE  
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USING: **SOY BASED INKS**  
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### Q: Who is exploring for oil and gas in the Peruvian Amazon?

I have witnessed profound changes in the Peruvian Amazon over the past decade due to foreign investment in mining and oil operations. The area covered by oil concessions in this region increased from 15% in 2003 to approximately 75% in 2009. These concessions overlap with indigenous territories and protected areas.

### Q: What's at stake?

This highly diverse ecosystem has about 16 oil concessions overlapping with 12 natural protected areas. Oil concessions also overlap with the territories of hundreds of native communities. These communities are not adequately informed or consulted about the projects. The growth of oil and mining projects combined with poor public participation has sparked a sharp increase in local conflicts, many of them violent.

### Q: How are communities involved?

Communities are divided. Some are opposed to oil activities in their territories, while others seek to reach agreements with the oil companies in exchange for small economic benefits. The communities are desperate for access to information about the actual risks of the oil and gas activities in their territories. They are asking that their rights be respected, like all citizens, and they want fair distribution of benefits generated by resource extraction in their territories.

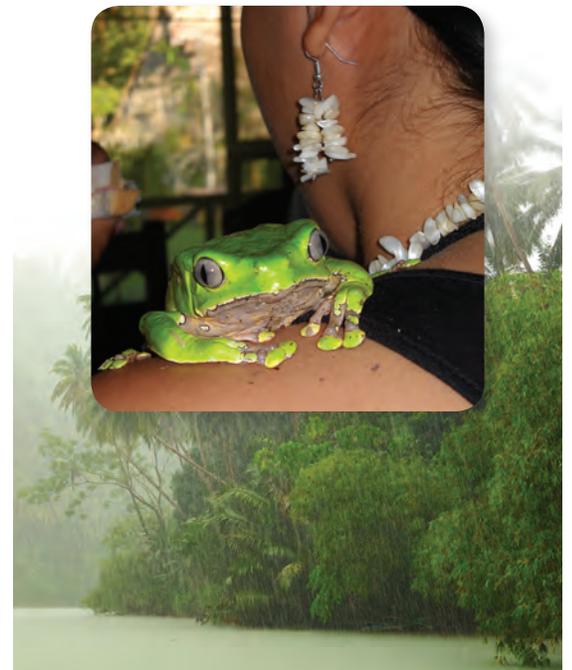
### Q: What is your role?

I attended meetings between indigenous communities and government officials, and presented the results of water, soil, and sediment analyses. I helped local people understand complex environmental quality reports, and how the activities could affect their health and livelihoods. I also conducted five workshops about the Environmental Impact Assessment (EIA) process with local organizations, authorities, and the general public.

### Q: How are decisions being made?

Environmental decision-making in Peru is still centralized in Lima, hundreds of miles away from the native communities in the Amazon. Important work has been done to create regional governments and decentralize power, but these efforts are still at an early stage. Currently, the Ministry of Energy and Mines wields most of the power in granting environmental permits. Soon, a new agency of the Ministry of the Environment will be in charge of EIA review. For now, information about the projects is managed by each government sector, without adequate transparency or participation of the communities. ELAW partners in Peru are working closely with local authorities, indigenous federations, and leaders to level the playing field and help local people participate in the environmental decision-making processes.

A biologist attends a workshop in Sinchicuy, Iquitos, with a wild frog.



## Nicaragua: Communities Weigh in on Offshore Oil Development



Communities on Nicaragua's Atlantic Coast have everything to lose if offshore oil development devastates fishing grounds. Miskito attorney Lottie Cunningham Wren is making sure communities participate effectively as decisions are made about oil development.

Lottie founded the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN). She has collaborated with ELAW for more than 10 years to defend the rights of Nicaragua's indigenous peoples.

Communities have cause for alarm. U.K. based Noble Energy is conducting seismic testing and exploratory drilling in Tyra and Isabel Banks, east of Little Corn Island. The island has 7,000 inhabitants and includes the Miskito Cays Biological Reserve, which is located about 20 km from the north end of the concession.

"Workshops are key to raising community awareness about the risks of offshore oil exploration and drilling," says Lottie. "We provide community members with strategies for engaging in the public participation process."

Lottie held workshops in Bilwi, Puerto Cabezas, for artisanal fishermen, lobster divers, pikineras (female fish mongers), and local leaders, to help them learn what's at stake when the government awards oil concessions, how Nicaraguan law regulates oil development, and how citizens there can make their voices heard.



Lottie Cunningham Wren, founder CEJUDHCAN

Communities are remote and the cost of travel is expensive, so it is difficult to organize indigenous communities on the Atlantic Coast of Nicaragua. Lottie reaches out to remote communities through radio. She has produced programs in the Miskito language on two local radio stations.

Using interviews with community members, Lottie's radio shows educate listeners about critical issues, including protecting ancestral lands, ensuring healthy fisheries, safeguarding sustainable tourism, and preventing conflict between community members who support the oil industry and those who do not. Her radio programs include interviews with workshop participants, which help connect community members across the region.

By reaching out to citizens in these remote communities and generating dialogue about their rights and the hazards of oil exploration, Lottie is helping Miskito communities chart a greener future.

Many thanks to the New England Biolabs Foundation for supporting this valuable work.

**Lottie produces radio programs to prevent conflict between community members who support the oil industry and those who do not.**

# Belize: Cruise Ships Bring Fleet of Problems

By Michele Kuhnle

Every year, more than 600,000 visitors come to Belize aboard cruise ships. The ships anchor offshore and passengers are ferried to docks in Belize City. Developers have proposed a mind boggling expansion which would double the number of cruise ship passengers visiting Belize. Royal Caribbean proposes a deep water port in Stake Bank and Norwegian Cruise Line proposes another in Harvest Caye. A wildlife sanctuary for endangered manatees would be sacrificed to make way for a causeway.

ELAW partners are concerned that this scheme would devastate coastal ecosystems and take a big bite out of the local tourism economy.

Before any damage is done, ELAW is working with partners to evaluate the Environmental Impact Assessments (EIAs) of the proposed ports, ensure that the government and developers follow the law, and empower community members to participate in the decision making process.

I traveled to Belize in December with ELAW Associate Director Lori Maddox. We worked with local organizations to develop strategies for communications, fundraising, community outreach, and legal advocacy to protect the fragile

beauty of the Belize coast.

The Stake Bank project would establish a deep-water port four miles southeast of Belize City, where cruise ships could dock and passengers could walk ashore. The Ocean GranView resort development on nearby North Drowned Caye would add to the footprint of the project.

Developers propose a causeway between the two cayes to make it easy for tourists to visit the resort's duty-free shops, boutiques, restaurants, and night-clubs. The project proponent has not completed an EIA for the causeway, which would cut through Swallow Caye Wildlife Sanctuary, home to the endangered American salt-water crocodile and Morelet's crocodile, as well as three species of sea turtle and the West Indian manatee.

The Harvest Caye project would take over two adjoining islands near the Placencia Peninsula in southern Belize; proponents want to build a floating pier, an island village, a marina, a lagoon for water sports, and a beach.

Cruise ships bring sewage, garbage, and incinerator and diesel emissions. The Harvest Caye project alone could double cruise ship traffic, which would double the impact on fragile water resources and double the amount of waste generated.

Colossal cruise ships can only travel in deep water. The sea floor would be dredged to make ports on Stake Bank and Harvest Caye viable. Removing whole sections of the sea bed changes the composition of the soil, increases water turbidity, brings up unwanted organisms and nutrients previously buried in the sea floor, and causes sea grasses to die. Then, of course, something must be done with the material removed from the bottom of the sea.

ELAW's science team is carefully reviewing the EIAs for these projects to help prevent irreparable harm to the Belize coast.

Belize's natural treasures draw visitors from around the world. Local tourism operators, hotels, restaurants, tour guides, dive shops, and others rely on intact coastal resources, and ecotourism is now the nation's second largest revenue source. Done right, sustainable tourism creates jobs for local people and protects natural resources for generations to come.

Our work to protect the Mesoamerican Reef is a regional effort that includes work with local advocates in Mexico, Belize, Guatemala, and Honduras. Many thanks to the Summit Foundation, the Oak Foundation, and the many individual donors who make this work possible.



**Michele Kuhnle** is ELAW's Donor Liaison. She has worked closely with partners in Mesoamerica to help them build strong non-profit organizations. She graduated from Mount Holyoke College with a B.A. in Critical Social Thought. Prior to joining the ELAW team, Michele worked with the Western Environmental Law Center.





Home to abundant natural treasures and historic cultural sites, Belize (pop. 325,000) welcomes hundreds of thousands of visitors every year. Belize is home to Mayan ruins, tropical rainforests, and a portion of the largest unbroken barrier reef in the Western Hemisphere: The Mesoamerican Reef. The Reef provides critical habitat for hundreds of fish species, turtles, and sharks. Along the coast, mangroves provide key habitat for fish and shorebirds and protect the coast from hurricanes and erosion. More than half of the country is considered subtropical jungle or rainforest. The forests and jungles are habitat for more than 4,000 tropical flower species and more than 250 varieties of orchids.



**Developers have proposed a mind boggling expansion which would double the number of cruise ship passengers visiting Belize.**

## Brazil: Holding the National Development Bank Accountable

All over the world, citizens are impacted by airports, roadways, dams, energy plants, factories, and other major development projects. These projects have the potential to disrupt vibrant communities, threaten critical ecosystems, and jeopardize basic human rights. Many of these projects are funded by national development banks, including one of the largest, the Brazilian Development Bank (BNDES).

"National development banks do not have a good record of transparency and citizen participation," says Jennifer Gleason, ELAW Staff Attorney. "The communities that stand to lose the most should be informed about proposed projects funded by national development banks, and have the opportunity to participate in decisions being made."

Jennifer and the ELAW legal team have been working with Mauro Figueiredo, co-founder of Aprender Entidade Ecológica (APRENDER) in Florianópolis, Brazil, to review laws that regulate BNDES and identify ways that communities around the world impacted by BNDES investments can learn about and influence those investments.

Oliver Stuenkel, a non-resident fellow at the Global Public Policy Institute, writes:

*"[o]ver the past years, banks such as Brazil's National Development Bank have begun to lend more money than the World Bank, including outside of Brazil, raising important questions about the role of emerging power developing banks in the global economy"* ([www.postwesternworld.org](http://www.postwesternworld.org), April 18, 2013)

BNDES provides significant financing for projects across Latin America and increasingly in other parts of the world, including Africa. The Woodrow Wilson

International Center reports that in countries like Angola, Mozambique, Ghana, South Africa, and Equatorial Guinea, the bank is financing operations related to exports of Brazilian goods and services.

As BNDES and similar banks play a growing role in financing international development projects, ELAW is working with partners to ensure that these banks work transparently and facilitate real citizen participation.

In November, Mauro and Jennifer published "Transparency at BNDES." This review of Brazilian laws that require BNDES to provide access to information is helping ELAW partners around the world give voice to communities and access information. The paper is available on the ELAW website, in English and Portuguese.

ELAW will continue working with Mauro and ELAW partners around the world to ensure that banks like BNDES work transparently and design their investments to protect the environment and human rights.

**"National development banks do not have a good record of transparency and citizen participation."**

Jennifer Gleason  
ELAW Staff Attorney





## ELAW Fellow

**Baigalimaa Nyamdavaa**  
 ULAANBAATAR, MONGOLIA

Attorney **Baigalimaa Nyamdavaa** from Ulaanbaatar, Mongolia, is the first ELAW Fellow of 2014. This is her first visit to the United States.

Mongolia is the most sparsely populated country in the world. Sparse in people, but not minerals. The government has issued thousands of mining licenses and copper, coal, gold, silver, uranium and more are expected to rise to 95% of Mongolia's exports.

Baigalimaa is the Coordinator of the Strategic Human Rights Advocacy Program at the Centre for Human Rights and Development (CHRD). She is ELAW's third Fellow from Mongolia who is collaborating with us to protect remote communities and fragile ecosystems from mining abuses.

Baigalimaa was awarded a Director's Distinction Scholarship from the University of Oregon's American English Institute where she is participating in the Intensive English Program. English skills will help Baigalimaa better collaborate with her colleagues around the world and tap legal and scientific resources not available in Mongolian.

Welcome Baigalimaa!



**VOLUNTEER  
 POWER!**

## Many thanks to 2013 ELAW Volunteers & Interns

ELAW volunteers and interns contributed more than 3,000 hours in 2013 to help communities speak out for clean air, clean water, and a healthy planet. Interns conducted legal and scientific research, and more. Volunteers translated documents and websites into multiple languages; completed data entry; spread the word about ELAW at community events; hosted ELAW Fellows at their homes and for day trips; and designed logos, websites, brochures, workshop materials, and much much more. Thank you ELAW volunteers and interns! To get involved, visit [www.elaw.org/getinvolved/volunteer](http://www.elaw.org/getinvolved/volunteer).

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Diana Chen, ELAW Volunteer.



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Left to right: Brinda Narayan-Wold, ELAW Fellow Minerva Rosette, Keb Wold.

**“Spending a week with Minerva has shown me how much ELAW does to support young environmental leaders around the world. I am happy to provide a small hand in the work that you do!”**

Brinda Narayan-Wold

Many thanks to Brinda Narayan-Wold and Eric Wold for hosting ELAW Fellow Minerva Rosette. Minerva is an environmental engineer with the Cancun office of El Centro Mexicano de Derecho Ambiental (Mexican Center for Environmental Law, CEMDA). She critiques Environmental Impact Assessments for proposed developments and works to protect the Mesoamerican Reef. Before joining CEMDA, she worked with local communities to conserve the biodiversity of the Sierra Tarahuamara. A special thanks to Brinda and Eric for donating a bicycle to the ELAW Fellows Program!

## THINK GLOBALLY. ACT GLOBALLY.

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