

# PROPOSAL FORMAT/RE-GRANTING PROJECTS

## PART I: PROJECT SUMMARY

**1. Project name** (15 words maximum)

Legal Advocacy to Protect Marine and Coastal Resources in the MAR

**2. Project location** (Specify as much as possible: Protected Area, Municipality, town, Village, City) Include a map of the area where the project will be developed.

ELAW will work with local advocates in México, Belize, Honduras, and Guatemala, with a special focus on the Motagua watershed in Guatemala and the Bay Islands in Honduras. A map of the Motagua watershed, created by our local partner, is attached.

**3. Beneficiary target group** (Please specify as much as possible: name(s) of organization(s), number of members, age and gender distribution, main economic occupation, etc.)

Alianza de Derecho Ambiental y Agua (ADA<sup>2</sup>), Guatemala  
Laura Palmese Hernandez, Attorney, Honduras  
Centro Mexicano de Derecho Ambiental (CEMDA), México  
Belize Institute for Environmental Law and Policy (BELPO) and other private attorneys  
and NGOs in Belize  
Citizens and communities represented by these organizations

**4. Summary of project** (100 words maximum)

ELAW will work with partner organizations in the region to advance legal solutions to environmental problems affecting the Mesoamerican Reef. We will challenge destructive development projects, work with local governments to implement waste solutions, and work with partner NGOs to define and create a regional system of No-Take Areas. We will review and improve assessment of environmental impacts before developments can be permitted, and strengthen the rule of law. We will empower communities with legal tools to protect natural resources, and work together across borders to harmonize laws and policies to protect critical ecosystems.

**5. Applicant organization/contact information**

Name of organization applying

Environmental Law Alliance Worldwide (ELAW)

Summarize your organization's mission (maximum 75 words)

The U.S. office of the Environmental Law Alliance Worldwide (ELAW) empowers communities to speak out for clean air, clean water, and a healthy planet by facilitating collaboration across borders and helping promote and protect public interest advocates around the world.

**6. Duration of project**

24 months

**7. Project continuity**

- a) *Is this proposal a continuation of a previous project granted by MAR Fund and/or Oak Foundation? \_\_\_ Yes*
- b) *What was the previous amount granted? \$300,000*
- c) *Briefly indicate the specific achievements/results obtained to date with the previous support (Add rows as necessary)*

1. Previous support has made it possible for ELAW to build and strengthen public interest organizations in the Mesoamerican Reef Region that protect the public interest and advance the rule of law. These organizations are named in the "Beneficiary" section above. In addition, ELAW supported the advocacy of independent attorneys in the region who represent communities seeking to protect natural resources. ELAW provided these attorneys with legal analysis, strategy, and scientific information to support their work with communities.

2. Working together with local partners, ELAW:

- Educated citizens about their rights to participate in decisions about natural resources.
- Educated judges, prosecutors, enforcement agents, attorneys, and citizens about environmental laws and regulations.
- Brought successful legal actions against destructive coastal developments, including the Dragon Mart commercial complex in Quintana Roo, the Infinity Bay Resort on Roatán, offshore oil development in Belize, and the Norwegian Cruise Lines port development in Belize. In each of these cases, ELAW US staff attorneys and scientists provided crucial legal analysis and scientific information to support litigation aimed at protecting marine resources.
- Improved assessment of environmental impacts by bringing strong scientific evidence to public consultation processes.

- Worked with executive agencies and local authorities to strengthen regulations and develop policies that protect marine resources and improve coastal development planning and practice, and promote better waste management practices.

## PART II: PROJECT DESCRIPTION

### 8. Introduction (350 words maximum)

*What is the topic or problem that your project will focus on? Why is it important? What previous or on-going efforts have also focused on this issue? (350 words maximum)*

All Mesoamerican Reef (MAR) countries face rapid development -- for tourism and infrastructure to support a growing population. The drive to industrialize for short-term profits destroys ecosystems on which long-term local, living economies might be built.

Government officials fail to enforce laws and policies aimed at protecting natural resources. Officials in Guatemala and Honduras have been implicated in fraud and acts of violence against citizens. In their rush to generate profits for a few, officials jeopardize society's most basic needs: clean water, clean air, healthy food, long-term livelihoods, and safe communities.

Public interest advocates and civil society organizations play a critical role in enforcing the law and protecting long-term natural assets. Civil society has gained strength over the last decade, and has created a window of opportunity to drive lasting change. Natural resources will be the battleground, because citizens want to protect this region's abundant natural resources, while others want to exploit these resources for short-term gains.

Systemic change requires time, tenacity, and a relentless pursuit of justice. ELAW's work drives long-term change by strengthening the rule of law and holding governments and corporations accountable.

To achieve systemic change, civil society actors must bring pressure to bear on a number of fronts. They must raise awareness among citizens about the root causes of injustice and their power to challenge it. They must work with government agencies to help them do their jobs more effectively. And above all, they must doggedly challenge individual violations of the law. Public interest lawyers in the region are pushing on all fronts, and ELAW brings vital resources to the fight.

Skilled public interest environmental lawyers, representing local communities, are the most effective agents to protect natural resources through law. ELAW has helped launch and build a network of public interest attorneys in the countries that share the MAR. These individuals and their organizations are working to protect the MAR and coastal watersheds from pollution and inappropriate development, and to empower local communities to participate effectively in decisions about the environment.

## 9. Justification

a) *Identification of the main threats, needs and/or issues in the area (200 words maximum)*

Throughout the region, unrestrained coastal development, inadequate waste management, and pollution from industrial and agricultural sources threaten marine and coastal resources.

In recent years, the following specific threats have evolved into acute crises:

1. Solid waste originating in Guatemala's Motagua watershed -- probably the single largest contributor to solid waste in the ocean in the MAR Region.
2. Wastewater discharge from tourist developments in the Bay Islands, Honduras.
3. Declining fisheries from habitat destruction, overfishing, and pollution.
4. Tourism development in Quintana Roo, Mexico.

b) *Project relevance for addressing these threats, needs and/or issues (200 words maximum)*

ELAW advocates respond to community needs and natural resource challenges. We bring legal and scientific tools to bear to protect natural treasures, as well as expertise to building legal and regulatory infrastructure to support conservation initiatives. In the coming two years, in addition to responding to new threats as they emerge, we will focus on these four areas:

1. In Guatemala -- Cleaning up waste originating in the Motagua watershed. We aim to ban the most persistent pollutants (some plastics), reduce the amount of solid waste reaching the sea, and create an inter-agency, inter-community foundation upon which other waste reduction collaborations can be built.
2. In Honduras -- Reducing wastewater discharge from tourist developments in the Bay Islands through municipal regulation, fines, and collaboration with developers. We will work with local authorities to design and implement water testing protocols, and enforce laws requiring that all tourism developments are subject to Category IV Environmental Impact Assessments (EIAs), and must integrate wastewater treatment plans into their EIAs.
3. In Mexico -- Monitoring new development activity, enforcing environmental laws, improving coastal zone planning, and improving assessment of environmental impacts before development begins.
4. Across the MAR Region -- Improving reporting of violations and enforcement of laws and regulations that protect fisheries; reviewing laws and harmonizing statutory definitions of No-Take Areas, and working with partners to expand the network of No-Take Areas throughout the region.

## 10. Site characterization

### a) *Total area of MPA*

ELAW uses law as a tool for conservation throughout the region, and has helped build local environmental law organizations to serve the needs of the conservation community in all four countries that share the Reef.

### b) *Brief history of conservation efforts regarding the topic of **this** proposal at this location (5 years), please include key successes and failures, current barriers to conservation and efforts that have been made to overcome these barriers (350 words maximum)*

The key to project success is advancing solid waste management, promoting No-Take (fishing) Areas, and ensuring sustainable coastal development. The following summarizes our recent work, successes, and challenges:

**Solid Waste:** In 2013, ELAW published a report summarizing the sources of solid waste and waste transport patterns in the Gulf of Honduras. The biggest problem, and most strategic intervention point, is management of waste at its source. All four countries have inadequate waste management and treatment infrastructure.

ADA<sup>2</sup> recognized that the Motagua-Polochic-Ulúa watersheds contribute disproportionately high amounts of waste in the region. They began working with community leaders, Community Water Association (Juntas de Agua) managers, and municipal leaders, to develop a [Manual of Good Water Governance](#). The Manual identified the keys to effective implementation of municipal water and sanitation services.

**No-Take Areas:** A regional consortium of NGOs and civil society actors, including Healthy Reefs Initiative, Center for Marine Studies, and others is working to expand No-Take Areas throughout the region. At their recent meeting in Guatemala, a legal commission was constituted and populated with ELAW advocates from the region and ELAW U.S. This commission has been asked to research legal frameworks in the four countries and analyze opportunities to establish consistent and harmonized legal standards to govern No-Take Areas.

### **Coastal Development:**

In **Mexico**, CEMDA's work has led to greater scrutiny of EIAs, more data analysis, and improved project proposals that integrate protection for ecosystems. From June 2015 to June 2016, 16% of proposed projects in Quintana Roo were denied permits for failure to comply with environmental legislation and threats to ecosystems and people – an increase of 4% from the prior year.

In **Honduras**, the Environmental Law Institute of Honduras (IDAMHO) has challenged tourist developments that threaten the Mesoamerican Reef. These challenges have advanced through national and regional administrative agencies and courts, and IFI accountability mechanisms, but the rule of law is weak and agencies are slow to implement court orders. IDAMHO is educating judges and a coalition of conservation NGOs to hold polluters accountable, motivate municipalities to regulate and enforce, and

support wastewater treatment solutions as a model of best practices in the area. Laura Palmese Hernandez, an attorney trained by IDAMHO and ELAW, has relocated to Roatán to provide a local legal presence to NGOs working on marine and coastal conservation in the Bay Islands.

c) *Applicant organization history in working at this site (if applicable) (200 words maximum)*

ELAW began work in this region in 1992. Since 2004, ELAW has focused on providing extensive support to a dozen environmental law and citizens' groups in the MAR Region, which have in turn helped local people fight for their right to a healthy environment.

ELAW's grassroots partners in Guatemala, Honduras, and Mexico work to enforce the law and empower citizens to protect vital marine and coastal resources. These include the Environmental Law and Water Alliance (ADA<sup>2</sup>) in Guatemala, the Mexican Center for Environmental Law (CEMDA), and the Environmental Law Institute of Honduras (IDAMHO).

These organizations use legal tools to win victories for conservation and human rights. They educate judges, prosecutors, and other government workers about law enforcement; show communities how to advocate for conservation; and advise public agencies and local governments how to fulfill their duties to protect people and natural resources. When necessary, and when government fails to enforce the law, they litigate. These organizations are a training ground for young advocates who seek to bring legal tools to bear on conservation challenges.

## 11. Objectives

*State the general and specific objectives.*

- **General objective (100 words maximum)**

To seek a healthy Mesoamerican Reef, with better waste management, reduced illegal fishing, healthy No-Take Areas, effective wastewater management, strengthened rule of law, and citizens participating effectively in decisions about the environment in the region.

- **Specific objectives**

1. To reduce impacts of tourist developments by enforcing EIA rules in Quintana Roo, Mexico.
2. To develop and implement integrated solid waste management plans in the municipalities of Puerto Barrios, Los Amates, and Morales, Guatemala.
3. To reduce illegal fishing by building skills among artisanal fishers in the Guatemalan Gulf of Honduras, including how to document violations and present credible complaints.
4. To reduce impacts of tourist developments in the Bay Islands by enforcing EIA rules and treating wastewater in Honduras.
5. To standardize legal definitions for the No Take Zones through the region.

In **Guatemala**, ELAW and ADA<sup>2</sup> are working together to address the problem of waste originating in the Motagua watershed, which may be the largest single contributor to solid waste in the ocean in the MAR Region. Three municipalities at the end of the watershed, where the estuary reaches the Gulf of Honduras, will serve as pilot projects. In these communities, we aim to ban the most persistent pollutants, clean up and eliminate illegal landfills, and create systems for collection, separation, reuse, recycling, and final waste disposal. This will reduce the amount of solid waste reaching the sea, and create an inter-agency, inter-community foundation upon which other collaborations can be built.

In **Honduras**, ELAW and Laura Palmese aim to reduce wastewater discharge from tourist developments in the Bay Islands through municipal regulation, fines, and collaboration with developers who have demonstrated the will to implement better wastewater treatment and discharge practices. We will bring legal action against the biggest polluters, and enforce laws requiring all tourism developments to integrate wastewater treatment plans into their EIAs.

In **Mexico**, we will work with CEMDA to advance integrated coastal management and challenge illegal authorizations for developments. In **Belize**, we will work with BELPO and with private attorneys engaged by citizens' organizations to challenge violations of law and protect natural resources.

Throughout the region, we seek to harmonize statutory definitions of No-Take Areas, and work with partners to expand the network of No-Take Areas.

## 12. Project description

*For each specific objective listed above, indicate the expected results.*

*Expected results (200 words maximum): are the products or outputs contributing to the achievement of the objectives through the activities implemented.*

(3-5 year expected results:)

### **Objective 1:**

1. With ELAW's legal support to EIA evaluators, the capacity for evaluation and quality of EIAs is improved.
2. The municipal and national authorities, through the complaints made by the citizens, act against the projects that do not comply with environmental law.

### **Objective 2:**

1. The amount of waste that reaches the sea has been reduced by cleaning up illegal dumpsites and creating the Mancomunidad which has established actions for the collection, separation, reuse, recycling and final disposal of wastes.

2. Actions against illegal fishing are strengthened through the use of technology, reporting directly to the Ministry of Agriculture and Livestock, Department of Fisheries (MAGA-DIPESCA) by fishermen.

**Objective 3:**

1. The integration of appropriate wastewater treatment plans for tourist developments of the Bay Islands in the EIAs has reduced the discharge of waste water without prior treatment.

**Objective 4:**

1. Harmonize statutory definitions for "No Take Zones" throughout the region.
2. The network of No Take Zones expanded with the support of different conservation partners.

**13. Monitoring and evaluation (500 words maximum)**

*Please indicate the means by which you will make sure the project is being developed as planned. How will you measure its success? What biological, social and governance indicators will you use, if applicable?*

Our primary method of tracking progress on this project will be our continuous communication with the project partners in the field. We will survey the partners to determine: Are they obtaining the legal and scientific tools and support they need; are they utilizing that support to pursue project objectives; and are they accomplishing those objectives?

In addition, we have established objective indicators within each of the areas addressed by the project and sources from which to collect data that will inform us about our progress toward those indicators.

This project covers solid waste management, illegal fishing, wastewater treatment by hotels, and Environmental Impact Assessment (EIA) practices. We provide more detail about monitoring and evaluation progress toward each of those objectives in Annex 1.

For example:

**Solid Waste Management:** We will collect information about the volume of waste that is recycled, composted or otherwise reclaimed, rather than disposed. We expect to see the volume of reclaimed waste increase as we develop and implement waste management plans and work with citizens to improve waste practices. We infer that this will represent a corresponding decrease in waste that is illegally disposed.

**Fisheries:** We will create a simple system for reporting violations of fisheries rules, including no-take seasons and no-take areas. We will help agencies educate users about the reporting system, and support agencies in imposing sanctions upon violators.



We expect that this will reduce the number of violations in the short- to medium-term and increase fish populations over time.

Wastewater treatment: We will work with three hotels on Roatán to implement voluntary wastewater treatment practices. We expect this will improve water quality in the area affected by these hotels, encourage municipal regulators to strengthen regulations that require this behavior, and set a good example for others to follow.

Environmental Impact Assessments: We will help communities provide scientifically grounded feedback on EIAs, and bring successful legal challenges against inadequate EIAs. We expect this will improve the quality of EIAs, because developers will be motivated to avoid challenges.

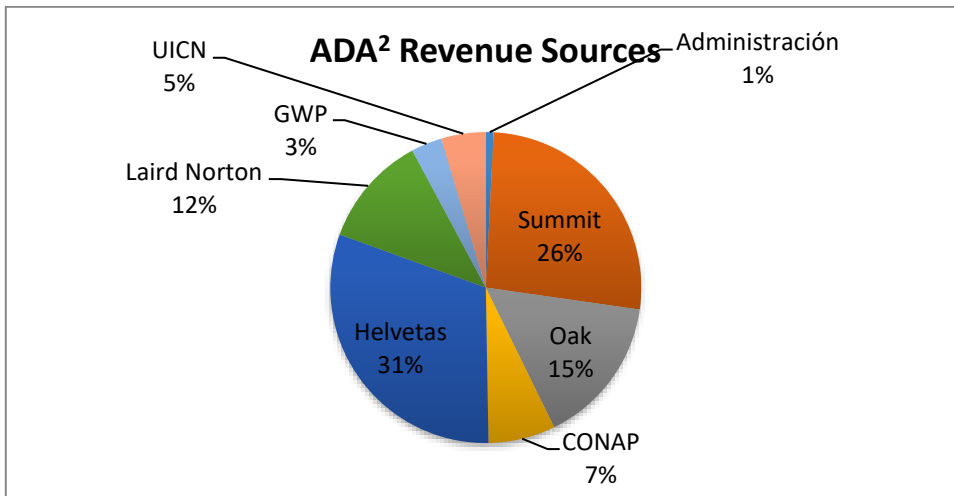
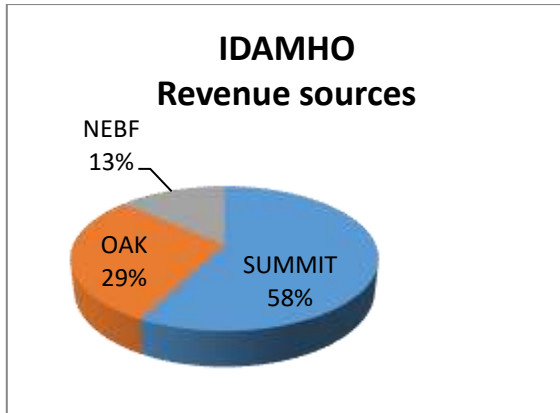
#### **14. Project Sustainability (300 words maximum)**

*Briefly indicate how the project or process will have continuity after the requested funding has been spent. Will this project contribute to create a new financing source that could pay for the cost of continuity of the activities supported with this project?*

ELAW has worked in this region for more than 20 years and we anticipate that we will continue building on this work after the requested funding has been spent. ELAW believes that strong public interest environmental advocates, with access to resources and collaboration, help achieve long-term conservation. Consequently, we work to build strong organizations to be watchdogs for the future. Organizations that we helped launch in the Mesoamerican Reef Region are growing and their impact is increasing. Funding is a significant challenge.

The lion's share of support for the groups in the region has come from the Oak and Summit Foundations. The Oak Foundation has wrapped up its grantmaking in the region and capitalized the MAR Fund to make expanded grants in the region. Unless the MAR Fund picks up where Oak leaves off with regard to environmental law groups, these groups will face significant financial challenges. Although IDAMHO and ADA<sup>2</sup> have diversified their sources of support over the years to include other foundation funders, those grants have been for specific project support and have not always been renewed. Few foundation donors support environmental law work in the region, and virtually none provide organizational support. In some cases, ELAW organizations in the region have augmented their primary foundation support with consultancies.

CEMDA, in Mexico, has a broader portfolio of support than the organizations in Guatemala and Honduras. In addition to this support from MAR Fund, CEMDA receives additional support for its enforcement program from the Summit Foundation. In Belize, we work with a variety of advocates. The following charts illustrate the 2015 revenue sources of ADA<sup>2</sup> in Guatemala and IDAMHO in Honduras, which have relied most heavily on Summit and Oak Foundation support.



**15. National and/or Regional relation/linkage (300 words maximum)**

*Please indicate with what national and/or regional priorities, strategies, policies and/or plans this project aligns with or responds to.*

This project aligns with national interests in enforcing environmental laws and strengthening the rule of law.

Solid Waste: The work to clean up the Motagua watershed aligns with the recently approved National Policy for the Integrated Management of Waste and Solid Waste, Governmental Agreement 281-2015. (attached)

A Forum for the Motagua River is planned for November 30 and December 1 in the Gulf of Honduras, during which time ELAW Staff Scientist Dr. Meche Lu, primary author of ELAW's report (attached) on solid waste in the Gulf of Honduras, will support efforts by municipal leaders, ADA<sup>2</sup> and others to develop an Action Plan for cleaning up the watershed.

No-Take Zones (NTZ's): The expansion of No-Take Zones is a regional priority and initiative of several NGOs, including Healthy Reefs Initiative, Center for Marine Studies, The Nature Conservancy, and others. In July of 2016, at a workshop to discuss biophysical principles that must be considered in designing marine recovery areas,

several working groups were created to advance the expansion of NTZs in the region. Acknowledging that inconsistent legal tools and regulations across the region complicates enforcement, a legal committee was formed to do a comparative analysis of laws that affect NTZs and fisheries, and make recommendations for bringing those laws and regulations into better alignment to promote better enforcement. ELAW, CEMDA, ADA<sup>2</sup>, IDAMHO and BELPO lead that working group and are beginning to do the initial comparative legal analysis.

#### 16. **Cooperation** (max 350 words)

*Describe the level of cooperation with other organizations and networks and explain how this cooperation helps achieve your goals.*

The core of this project is fostering cooperation among advocacy groups in the MAR Region and ELAW U.S. ELAW is an international network of public interest environmental advocates operating in 80 countries around the world. Through the ELAW network, advocates share strategies and technical information to support each other's domestic legal work. In addition to the work shared among individual advocates in the ELAW network, ELAW U.S. leverages support from experts in the U.S. and around the world on technical and legal issues.

As advocates, we represent a diversity of client organizations, and cooperate with diverse interests. As experts in environmental law, we are called upon by government agencies in the MAR Region. Over the last 10 years, we have assembled the Mesoamerican Legal Strategy Group, comprised of attorneys from each of the four countries and representatives of the U.S. office of ELAW. The Strategy Group works to harmonize and align legal conservation strategies in the region, which makes each advocate's domestic strategies more broad and powerful.

#### 17. **Bibliography:**

##### **ELAW Advocate, Autumn 2015**

##### **Mexico: Protecting Quintana Roo**

[http://www.elaw.org/system/files/attachments/advocate/ELAW\\_Advocate\\_Autumn2015\\_pg\\_4and5.pdf](http://www.elaw.org/system/files/attachments/advocate/ELAW_Advocate_Autumn2015_pg_4and5.pdf)

##### **ELAW Advocate: Summer 2015**

##### **Cleaning up Polluted Rivers**

[http://www.elaw.org/system/files/attachments/advocate/1\\_2015\\_cleaning\\_up\\_polluted\\_rivers.pdf](http://www.elaw.org/system/files/attachments/advocate/1_2015_cleaning_up_polluted_rivers.pdf)

##### **Ocean Waste in the Gulf of Honduras: Where it goes and what to do about it January 2013**

[https://www.elaw.org/system/files/ELAW\\_Solid\\_Waste\\_and\\_Transport\\_Report.pdf](https://www.elaw.org/system/files/ELAW_Solid_Waste_and_Transport_Report.pdf)

##### **Manual para la Buena gobernanza hídrica en los municipios de la Cuenca Alta del Río Motagua, Guatemala**

[https://www.elaw.org/system/files/images\\_content/general\\_page\\_images/publications/ada\\_manual\\_de\\_gobernanza.pdf](https://www.elaw.org/system/files/images_content/general_page_images/publications/ada_manual_de_gobernanza.pdf)