



Legal Advocacy to Protect Marine and Coastal Resources in the MAR

RG-OAK-ELAW-2017

Report by Lori Maddox, ELAW Associate Director

1412 Pearl Street

Eugene, Oregon 97401

USA

Report period: June 2017 - July 2019

Executive summary to date:

This report covers the period June 2017 - July 2019. During this period, ELAW US staff worked closely with lawyers in the Mesoamerican Reef Region toward the following objectives:

1. To reduce impacts of coastal development projects 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 No Take Zones throughout the region.

With few exceptions, ELAW and our regional allies achieved 100% of the impacts that we predicted at the outset of this project.

During the project period, the ELAW US team worked on over 90 requests from lawyers in Mexico, Guatemala, Belize and Honduras working to protect the Mesoamerican Reef. A spreadsheet of those requests is attached as **Appendix A. MAR Requests**, and further detail is available upon request.

ELAW partners from the region participated in ELAW International Annual Meetings in Tanzania in 2018 and in Oregon in 2019. The ELAW International Annual Meetings are a combination of small, tailored working groups and larger skillshares among experts on a variety of topics. In 2019 the skillshares focused on plastic (including plastic pollution in marine ecosystems), climate litigation, personal and organizational protection and resilience.

Zahira Flores of Belize, Pilar Diez of Mexico, Jeanette de Noack, Estuardo Noack, and Mara Bocaletti of Guatemala, and Laura Palmese of Honduras participated in the 2019 meeting and worked together on regional projects under way, as well as ideas for future work. ELAW provides continuity for public interest law organizations as they plan for and experience staff transitions. Zahira and Pilar are new to the project, and the opportunity for them to work with colleagues face-to-face was valuable for this project and for their integration into a strong, experienced regional team of lawyers who are working to protect the Reef.

Objectives:

- General objective

The objective of this project is to promote a healthy Mesoamerican Reef, through 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 coastal development projects 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 No Take Zones throughout the region.

Project progress:

With few exceptions, ELAW and our regional allies achieved 100% of what we hoped to achieve with this project. We were not able to drive municipalities to mandate improvements to wastewater treatment in Roatán. Our partner in water quality testing, BICA, has elected not to release the results of the water quality tests, because they think it would damage their relationships and good will with hotels on the island. Since we do not know the results of the water quality tests, we have no way to evaluate whether actions the hotels are taking are improving water quality.

Although we did not achieve all of the impacts we hoped for in the time frame we outlined, we continue to think the strategies we outlined will achieve the intended results over the longer term.

In addition to work advancing the specific objectives defined below, ELAW's work to support public interest lawyers in the region advances our shared vision of a healthy Mesoamerican Reef.

Objective #1: To reduce impacts of coastal development projects by enforcing EIA rules in Quintana Roo, Mexico.

CEMDA staff reviews the *Environmental Gazette* published by the Ministry of the Environment (SEMARNAT) each week to identify projects that have the potential to harm the environment, and to inform allies about projects proposed in their communities. CEMDA prepares documents and submits requests to open public consultation which are signed by residents of each of the specific communities, submits comments on behalf of CEMDA and advices and coordinates submissions of more comments by allies.

It should be mentioned, that CEMDA also conducts overflights over the coastline of Quintana Roo (approximately 6 every year), and we invite staff members of the National Commission of Natural Protected Areas and with the Ministry of Environment of the State of Quintana Roo to participate in the overflights and the analysis of the aerial photographs. In this period CEMDA formalized this work through agreements with both institutions (CONANP and SEMA) and worked with them to analyze changes in land use. CEMDA finished a report on changes of the use of land in the Natural Protected Area of Yum Balam which includes an analysis of all the aerial photography material

obtained in the last 9 years and the projects authorized by SEMARNAT at this point; as a result, we have exactly mapped legal and illegal projects and deforestation in the area, characterized as a most important Natural Protected Area in terms of mangroves and seagrasses in the State of Quintana Roo and we have shared the information with all the relevant authorities (SEMARNAT, CONANP, PROFEPA, SEMA, SEDETUS, PROFEPA and the specific Municipality) which considered it highly useful for their work. Additionally, since CEMDA has now the most complete documental archive on aerial photographs of the coastline and all the data regarding projects authorized, we are expecting to use it in coordination with the relevant authorities to exactly map illegal deforestation and projects, and as a baseline on further studies regarding climate change. This shows that the work in this project has resulted on beyond expected beneficial impacts useful for the work of other relevant actors in the State of Quintana Roo and the protection of mangroves, seagrass, sand dunes and reefs threatened by the cumulative impacts of massive tourism, which continues to grow exponentially in the area while at the same time, it should be mentioned, the budget of all environmental authorities has been significantly reduced and, for that reason, it has been important for NGOs to collaborate with authorities.

Specifically, from July 2017 to July 2019, SEMARNAT received 381 proposals for projects in Quintana Roo.¹ Of that total, CEMDA requested that SEMARNAT open 248 projects for public consultation. In 23 of those matters, SEMARNAT concluded that CEMDA (more specifically the signers of each specific community) failed to adequately document legal standing to participate in the consultations. CEMDA attorneys reported that SEMARNAT had substantially 'raised the bar' for standing in some of these cases.

Once public consultations were opened, CEMDA provided comments and recommendations for 83 projects related to marine projects, hotels, artificial reefs, coastal restoration projects and residential developments that were likely to cause significant impacts on protected areas and sensitive ecosystems (mangroves, seagrasses, dunes and reefs). From June 2017 to July 2019, of the projects CEMDA commented on, SEMARNAT denied licenses for 16, conditionally authorized 20, requested higher quality data for 14, are still evaluating 17, and in four cases project proponents withdrew their projects from consideration following the environmental impact assessment procedure. Among the projects denied during the implementation of the project, the most significant wins are six hotel projects in the Natural Protected Area of Yum Balam, the Caribe Mexicano Biosphere Reserve and the Sian Ka'an Biosphere Reserve denied. In addition, four destructive housing developments were denied including "Ciudad Muyil" located 1 km. from the Sian Ka'an Biosphere Reserve. Three artificial reef projects intended to create artificial lagoons for the construction of overwater structures were denied, and two overwater structures in critical habitat areas were denied too.

Over the last six months, CEMDA observed a significant increase in projects submitted for environmental impact assessments to SEMARNAT. Compared to the same period in 2017-2018,

¹ Information available at: <http://www.CEMDA.org.mx/como-solicitar-una-consulta-publica-en-materia-ambiental/>

43% more projects were proposed, many in the Municipality of Tulum. CEMDA attributes the increase to the change of federal and municipal administrations at the end of 2018.

Toward the end of 2018, two new protected area management programs were finalized: Yum Balam Flora and Fauna Protection Area and Caribe Mexicano Biosphere Reserve. CEMDA provided comments and recommendations throughout the process, most recently about the impacts of wastewater from hotel and residential projects on mangroves and the need to strictly implement and enforce water treatment requirements before discharge.

CEMDA is amplifying citizens' voices in decisions about tourist developments and helping to stop some of the worst proposed projects. Citizens lodge complaints with the federal environmental prosecutor's office (PROFEPA), and PROFEPA is legally bound to follow up on those complaints. Photos of CEMDA workshops are attached as **Appendix B. Quintana Roo Workshops**.

CEMDA filed an 'amparo' (claim for violation of constitutional rights) against PROFEPA, the Federal Environmental Prosecutor's office, for failure to adequately process citizen complaints. CEMDA documented this failure in forty citizen complaints and their corresponding administrative processes (23 concerning mangroves, 1 sea grass, 1 reef).

On September 11, 2018, the Federal District Court ruled in favor of CEMDA, ordering PROFEPA to follow through on these citizen complaints. PROFEPA has since complied, and ordered sanctions for damages in 14 of those cases. CEMDA has requested documentation of the specific sanctions, and is awaiting a response from PROFEPA. Although this is a clear win, CEMDA appealed the order in part to try to reform agency practice over the long term, and force better compliance with environmental law principles.

On April 11, 2019, the Circuit Court affirmed the decision declaring that PROFEPA had been negligent. The decision states that PROFEPA acted in violation of the precautionary principle, and referred the matter to the federal Ministry of Environment.

The case established that PROFEPA's systematic failure to investigate environmental impacts violates the right to a healthy environment. The decision will change agency practices and should result in better decisions. CONANP (the National Protected Areas Commission) informed CEMDA that other citizen complaints submitted in Tulum and Holbox have been attended to promptly in 2019, as a result of this ruling.

However, this case is not over: PROFEPA is preparing a final report to submit to the Federal District Court and SEMARNAT, and even though we requested information about the concrete sanctions imposed that information has not been produced. It should be pointed out that, in this period, PROFEPA's budget and resources have been considerably diminished, the Delegate in Quintana Roo resigned and the federal government has announced that there will not be further State Delegates appointed in Mexico. In addition, 14 people have been dismissed without replacements and only two people are following up on numerous citizen complaints with such limited financial resources that many times they cannot carry out inspection visits.

To summarize, the impact indicator on EIA was achieved. CEMDA requested public consultation in 65% of the projects submitted in Quintana Roo -- all of the projects which had the potential to impact the coastline, mangroves, corals, and seagrasses, and projects located in protected areas and RAMSAR sites. CEMDA provided technical expertise and recommendations on 33% of the projects proposed, and the majority of those projects were not approved. The few that were approved were approved with conditions for improvement. CEMDA exceeded the indicator for this objective - over 80% of the projects that CEMDA commented on were either denied or improved as a result of CEMDA's interventions.

Objective #2: Develop and implement integrated solid waste management plans, in the municipalities of Puerto Barrios, Los Amates, and Morales, Guatemala.

Over the last two years, ADA² supported the Mancomunidad de Izabal (the commonwealth created to manage waste) and the three Municipalities. A list of activities and photos related to this work is attached as **Appendix C. Informe Final sobre Seguimiento con la Mancomunidad de Izabal**. ADA² supported a waste audit in the first year of the project to establish baseline data. That document is attached as **Appendix D. Caracterización de Residuos y Desechos Sólidos**.

The environmental management departments (UGAM) of the three municipalities that comprise the Mancomunidad report that within one year they will have achieved a 50% reduction in waste going into illegal landfills. Although the Mancomunidad has not begun to systematically collect, process and analyze data, they estimate that between 75% of recyclable materials in urban areas of the three municipalities are now being collected and sold to private recyclers.

Citizens have received training in separating compost. ADA² determined from UGAM technical working documents that in rural areas, 100% of kitchen waste is being separated out from other solid waste, which is roughly 60% of the total compostable waste in the area. The Municipality of Los Amates is the only one of the three municipalities that manages waste as a public entity. Puerto Barrios and Morales outsource this service to private companies in long-term contracts.

In addition to these results, ADA² has supported the Mancomunidad on the following initiatives:

- a) Finalized a new model regulation for integrated management of solid waste, which was subsequently approved by the Mancomunidad;
- b) Working to implement the recommended regulation in each municipality - crafting municipal level bans on single use plastic and styrofoam, establishing procedures for sanctions, and achieving approval by the Mancomunidad and independently by each municipality (attached as **Appendix E1. Puerto Barrios, E2. Los Amates, and E3. Morales**);
- c) Incorporating the coordinators of the water offices from each of the three municipalities into the Mancomunidad team. Although the coordinators had promoted the idea of a national law creating Offices for Water and Sanitation for each municipality, this vision has not been realized. Instead, the water offices in each municipality are a link to the Mancomunidad.

d) Awarding three small prizes to family businesses in Puerto Barrios for demonstrating good practices to reduce plastics, (we expect that in the future the awards will go to businesses in the other municipalities;

e) Executing public education campaigns in the three municipalities targeting citizens, businesses, and students, to promote separation and recycling (attached as **Appendix F. Video**);

f) Promoting enforcement of rules regarding landfills to make sure that illegal landfills are expeditiously closed, working closely with the Environmental Management Units of each municipality, who are responsible for tracking illegal landfills;

g) Training citizens to manage compost at the household level: in Puerto Barrios, 50 households were trained, in Morales, 200 students were trained, and in Los Amates 60 market vendors were trained; and

h) Working with media to highlight best recycling, composting, and waste disposal practices at the household level through public education campaigns in Puerto Barrios and Morales;

Photos of workshops during this time period are attached as **Appendix G. Guatemala Workshops**.

Links to information about the Mancomunidad and progress to reduce waste are attached as **Appendix H. Links**.

Table 1 demonstrates summary data related to illegal landfills in the Mancomunidad.

Mancomunidad de Izabal Fortalecimiento de Capacidades para la Gestión Integrada de Desechos Sólidos			
Intervenciones en los botaderos clandestinos identificados en el territorio de la Mancomunidad de Izabal para su eliminación			
Guatemala, 6 de septiembre de 2019			
Parámetro	Morales	Puerto Barrios	Amates
Número de botaderos clandestinos identificados	22	15	18
Número de botaderos intervenidos por la UGAM	4	15	4
% de intervención	17.39%	100.00%	21.05%
% de éxito en las intervenciones	100%	80%	25%

% de éxito total	17.39%	10%	5.26%
Volumen de desechos retirados de los botaderos	120 m3	210 m3	150 m3
Inversión	Q20,000.00	Q16,000.00	Q15,000.00
Acciones desarrolladas en las intervenciones	Se limpió, rotuló, y capacitó a las comunidades y se hizo monitoreo en las 4 intervenciones. Los 4 botaderos se han mantenido limpios y no se ha reincidido.	Únicamente un basurero de los que se ha intentado clausurar permanece en las condiciones óptimas. En el resto la población ha reincidido por lo que se continúa limpiando y monitoreando	Se intervino en 4 botaderos, pero solo 1 fue 100% exitoso, los otros 3 volvieron a ser usados, por lo que se sigue trabajando en ello. El que fue exitoso se dejó rotulado y en los otros 3 se instalaron carteles. (falta de fondos municipales)
Caracterización de desechos sólidos en botaderos clandestinos	50% Material orgánico 25% Material reciclable 25% de Material sin valor	43% Material Orgánico 34% Material reciclable 23% Material inorgánico no reciclable	40% material orgánico 45% material reciclable 15% de material sin valor
Expectativas para lograr un nivel de cobertura y de éxito de cierre de botaderos clandestinos	1 año	1 año	1 año. Se espera un nivel de éxito del 50%, debido a que se ha identificado que los reincidentes son vecinos de otras comunidades que no pertenecen al municipio.

Table No 1: Resultados de las intervenciones municipales en botaderos ilegales de los municipios mancomunados

Reporte por Indicador de impacto:

By the end of 2019, 50% of the total organic waste produced in the Mancomunidad from Izabal (currently 29,710 metric tons per year is produced) is delivered to a centralized composting facility. Although this indicator has been achieved, unfortunately the municipal facilities are inadequate to manage the waste and have exceeded their physical capacity. New sites will be identified and purchased in 2020.

By the end of 2019, 70% of the total of PET bottles used in the Mancomunidad de Izabal (currently 9,000 metric tons per year is produced) are separated and sent to recycling facilities.

According to records of the Environmental Management Units (UGAM), between 70 and 80% of PET bottles are collected by recycling businesses. The remaining bottles are not accepted because the material is degraded.

By the end of 2019, 70% of the total of cardboard used in the Mancomunidad of Izabal (currently 4,500 metric tons per year is produced) is separated and sent to a recycling facility.

According to the UGAM, 75% of the cardboard is currently collected by recycling businesses. The remaining material is discarded because it has not been adequately cleaned to be recycled.

By the end of 2019, 70% of non-recyclable waste is disposed in a managed sanitary landfill.

According to the UGAM, 70% of non-recyclable waste is delivered to municipal facilities, but as stated previously the capacity of these facilities has been exceeded and new sites are required to be able to achieve true responsible management of these wastes.

By the end of 2020, 50% of the total solid waste (recycling, compost and waste) that today ends up in illegal landfills (currently 55,000 metric tons per year) will be sent to a managed sanitary landfill.

The UGAMs report that one year more will be required to fully achieve this objective. All the material that cannot be recycled or sold currently is dumped into the municipal landfill as waste with no value and this causes landfill collapse.

Objective #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.

In 2017, together with the Fisheries Department of Guatemala, ADA² developed an App that fishers will be able to use to report illegal fishing. During 2017, a total of 55 complaints were made to DIPESCA. In 2018, there were 35 and 2019: 75. The complaints about illegal fishing have been primarily made by phone and WhatsApp directly to the Fisheries Inspectors in the region. The App should simplify this process and enable DIPESCA to more easily follow up.

In addition, ADA² engaged a web developer to develop a web-based catch reporting tool for important fisheries in the Gulf of Honduras. The tool will enable fishers to upload catch data directly to the Fisheries Direction's web server. Both Apps are available and functional. The prototype of the App to upload catch can be viewed here:

complaints app: <http://186.151.201.29:5>
catch reporting: <http://186.151.201.29:6>

For Apps to be successful, gauging 'user experience' is important. Over the course of the project, over 100 fishers participated in designing and refining the apps. Following that, the developer transferred the code and the ownership to DIPESCA, and it is now running on DIPESCA servers. DIPESCA should be able to more fluidly generate data collected through the 'catch' app, once the registration by fishers has been completed for 2019.

Achieving this objective was limited because the integrating the Apps into the government servers required approval by the Ministry of Agriculture and Ranching, which in turn involved a lengthy administrative process.

In July 2019 en Puerto Barrios, Izabal, 20 fishers and agency representatives from DIPESCA and COCODES were trained to use the App and uploaded test data.

ADA² held 16 workshops and technical working groups - 10 in Livingstone and Puerto Barrios and six with DIPESCA. See **Appendix I. Workshops for details**. ADA2 worked with the Artisanal Fisheries Network of the Caribbean of Guatemala and Lake Izabal, COCODES of Santa Isabel and La Graciosa, ASOPESCA, COCODE of Quetzalito, ASOPELIV, the Fisheries Committee of Sarstun, APABA, and Defenders of Nature, as well as directly with representatives of affected communities. In the capital city, they worked with DIPESCA, the National Protected Areas Committee, and the Ministry of Environment and Natural Resources. Detail of ADA's work on fisheries over the two years is attached as **Appendix J. ADA2 Work on Fisheries**.

DIPESCA will end 2019 by granting logbooks to fishers to formally begin the data collection phase, and will start 2020 with a new dataset.

Objective #4: To reduce impacts of tourist developments in the Bay Islands by enforcing EIA rules and treating wastewater in Honduras.

A number of activities were developed to reduce impacts of tourism developments, with special focus on West Bay hotels. We had trainings on better practices in day to day hotel operation, the Blue Economy and waste management plans. During the course of the project, Mayan Princess Hotel and Paradise Beach Resort invested in their wastewater plants and improved significantly their waste management, by separating recyclables from trash.

Two EIAs were reviewed with particular attention to wastewater management plans. One was the Oyster Bed Lagoon Resort in Utila and the other one was the Port of Roatán Expansion in Roatán. Both documents were weak in describing their wastewater systems, the first one including a table of criteria for wastewater systems for industrialized and non-industrialized countries, and an argument for the selection of a system based on operation costs, not so much the efficiency. The Port of Roatán Expansion project proposal simply affirmed the plan to connect to the wastewater system of the community, which does not exist.

As part of the training on the Blue Economy, hotels participated in water quality monitoring and received the results. They were invited to join a voluntary water quality monitoring program along with the Bay Islands Conservation Association (BICA) which is the organization that has been performing the analysis on a monthly basis. Although we learned that the Paradise Beach Resort shared the results with its employees and Bananarama Resort replied that they would get in contact with BICA, there was no further action from hotels to join a voluntary program to improve water quality.

In January 2019, Dr. Heidi Weiskel and attorney Laura Palmese co-hosted a workshop on public participation in environmental matters and reviewing Environmental Impact Assessments (EIAs). Dr. Weiskel's powerpoint presentation is attached as **Appendix K. EIAs**. A total of 47 participants attended the workshop and formed a very diverse group including members of various neighborhood boards (patronatos), representatives from governmental institutions like the Municipality of Roatan, Secretary of Environment and Natural Resources (MiAmbiente), the Institute of Tourism (IHT), the Commission for the Free Trade Zone of the Bay Islands (ZOLITUR), the Department for the Merchant Marine (DGMM), the national and municipal police, and non-governmental organizations like Roatán Volunteers, Youth rescuing Youth, and BICA. The list of participants is attached as **Appendix L. Honduras Workshop Participants**. By training citizens to review EIAs and promoting public participation in EIA processes, we aim to reduce impacts of tourist developments in the Bay Islands. During the workshop, the participants reviewed the EIA for the expansion of the Port of Roatán and found many inconsistencies. Some of these inconsistencies were related to claims of inadequate tourism infrastructure in Roatan as an argument for the expansion. The only risks identified in the EIA were natural disasters - not impacts from the higher volume of tourism. Finally, the EIA refers to a municipal wastewater system that does not exist, and fails to detail construction materials to be used, thus rendering any potential analysis of impacts from construction materials moot.

With the support of MAR Alliance, Roatan Marine Park and Bay Islands Conservation Association (BICA), the group deployed 'Drift Cards' around the island to assess the origin of plastic waste reaching the shores. A total of 1369 drift cards were deployed and 139 were reported to be found within Roatan, Belize and Mexico.

In March, we participated in a community workshop with an ambassador from the International Maritime Organization (IMO) and one of the campaigners within government, Mrs. Laura Rivera, about compliance with the international obligations deriving from the ratification of the Cartagena Convention and Protocols. There were 19 participants, who were educated on the topic, concluding that the Government has failed to execute actions tending to comply with the obligations assumed. The participants were informed of mechanisms to denounce the government and apply for project funding to improve the capacity of the country to comply with obligations.

In April, Laura Palmese participated in water quality testing with BICA to measure enterococci bacteria. BICA has not yet provided the results of those tests, in spite of numerous requests by email and WhatsApp. We do not know the reason why BICA has not yet done so, and we have asked many times to be informed.

Although Laura has made significant progress working with local hotels such as the Mayan Princess Hotel and the Paradise Beach Resort, and the Bay Islands Tourism Bureau to improve separation and recycling of solid waste, few have expressed interest or motivation to treat wastewater. Although hotels have been educated and have a vested interest in improving water quality to sustain tourist engagement, we expect civil society organizations will need to continue to pressure hotels to take responsibility for their pollution. We do not anticipate that hotels will be reliably responsible for treating their own wastewater in the foreseeable future.

The results BICA could provide would enable us to compare the results of the impact indicator.

Objective #5: Standardize legal definitions for No-Take Zones through the region.

Currently, different countries have different ways of restricting catch to help fisheries recover. Some create 'no-take zones' (NTZ) within Marine Protected Areas (MPAs). Others restrict fishing in certain areas during certain times of the year (sometimes called 'no-take seasons'). Some create 'managed access areas' or 'fisheries recovery areas.'

ELAW partners throughout the region finalized a comparative legal analysis of laws impacting fisheries recovery and the efforts in the region to set aside certain areas, or certain times, when fishing would be restricted; attached as **Appendix M. NTZ final**. We made recommendations to improve those rules in each of the countries. For purposes of this report, we have used the term No-Take Zones as a broad term. Work to restrict catch and help fisheries recover in the region continues to take different shape depending on domestic regulatory framework.

Following our comparative analysis, ELAW hosted then Executive Director of CEM, Diana Vasquez, for a fellowship in our office to build skills to promote No-Take Zones in Honduras. Centro de Estudios Marinos (CEM) used the legal analysis to promote No-Take Zones within protected areas in Honduras.

In Guatemala the closed season (veda) dates are reviewed annually, and when agreement is reached DIPESCA issues a notice of the closed season. Fisheries recovery areas are declared pursuant to a ministerial agreement for a five year period.

Belize has a system of marine reserves coupled with 'managed access areas.'

We are not aware of progress standardizing legal definitions or mechanisms regionally. CEM reported that they were unable to secure the funding that they were hoping would enable the regional alliance of organizations to take next steps.

ELAW shared the results of our analysis and recommendations with RARE, who we understand is leading a new initiative to promote managed access and marine reserves across the region.

Obstacles: Indicate if there have been any obstacles to the development of the project that have prevented achieving the planned goals or complying with the timetable, and how you have solved or plan to solve the situation.

Guatemala

ADA² cites several specific obstacles to achieving the project objectives expeditiously:

1. The Mancomunidad was slower to act than we anticipated in approving the model regulation on Integrated Solid Waste Management because some of the members of the Board were involved in electoral politics during the same time frame.
2. Fifteen percent (15%) of the population of the Mancomunidad does not pay for garbage collection and dumps waste illegally.
3. The Municipalities have inadequate physical property to manage the volume of waste that they need to manage.

4. The Ministry of Agriculture and Ranching (MAGA), in which the Fisheries Department is located, took longer than we anticipated to approve the Apps and incorporate them into government servers.

Honduras

1. The inability to obtain results from BICA to the water quality testing makes it impossible to demonstrate the scale of the problem, and motivate action.
2. Hotels do not have incentives, either regulatory or by popular demand, to treat wastewater.

Mexico

1. As mentioned previously, SEMARNAT has made it more difficult for citizens and their lawyers to gain standing to request public consultations.
2. Some funders that previously supported CEMDA are no longer supporting legal advocacy. Funding is inadequate for CEMDA to meet the increasing need for their services.

Links with other organizations: Describe any alliances established as a result of the project development.

Across the region we work with the Healthy Reefs Initiative and the MAR Leaders Programme. ELAW has become an organizational member of Break Free From Plastic during the course of this project, and each of our MAR allies will benefit from that relationship moving forward.

In Guatemala, the strongest and most promising alliance is with the Mancomunidad de Izabal, comprised of municipal officers from Puerto Barrios, Morales, and Los Amates. The Mancomunidad is self-sustaining and will continue to work on the problem of waste, and be a model for similar collaboration around the region. Resources are scarce, however, so progress will likely be slow and incremental on this aspect of the project. ADA² has also forged an alliance with DIPESCA, but DIPESCA lacks independent institutional authority and is dependent on the Ministry of Agriculture and Ranching (MAGA) to approve action. It would be valuable for the Mancomunidad to deepen relationships with the private sector and academia to fully realize its waste management goals.

In Honduras, the partnership with the Bay Islands Conservation Association (BICA) has been important for water quality testing, but because BICA is unwilling to share the results of water quality tests, we have been limited in our ability to motivate hotel owners to take decisive action to clean up wastewater. Both Laura Palmese and the Environmental Law Institute of Honduras (IDAMHO) are interested in working to implement the Cartagena Convention and we hope and expect that this will create new alliances with UN and NGO contacts working on land-based sources of pollution pursuant to that Convention. Laura has worked to build a relationship with the Bay Islands Tourism Bureau, and with hotel owners on the island.

CEMDA has had a number of staffing changes during the course of this project and yet has successfully maintained and built relationships with agencies of government and NGOs working on conservation of the Reef. CEMDA's active organizational partnerships include the Alianza Kanaan Kay, Amigos de Sian Kaan, and a newer organization called Centinelas del Agua, focused on

treatment of wastewater in Quintana Roo. These relationships will persist and these organizations will continue to work together.

Description of activities for next period: Briefly describe the activities that will be undertaken in the next period.

ELAW does not have dedicated funding for this work in the year to come. Additional activities in the region will be dependent on new resources being available to ELAW and to local advocates working in the region. ADA² is committed to continuing to support the Mancomunidad, but will need additional funding to do that. The recent ratification of the Cartagena Convention by Honduras will provide a platform for action on wastewater in the future, and lawyers in Honduras will have an important role to play. During the course of the project links were created with organizations like BICA and Roatan Marine Park which can follow up on this. Laura Palmese will continue to be available, should funding be identified, to support community organizations in implementing the Cartagena Convention. CEMDA will continue working to review EIAs and work with local communities to submit comments on proposed projects affecting the Reef in Quintana Roo. CEMDA is embarking on a water quality initiative with Centinelas del Agua to clean up wastewater from hotels in Quintana Roo.

Project development table: Complete the project development table for the period being reported by indicating percentage of accomplishment of indicators/ outcomes. Please add any new activities and their indicators/outcomes.

See **Appendix N. ELAW Project Development Table.**

Lessons learned: Emphasize, besides the technical issues, the social and administrative aspects that may be useful in future projects regarding the same topic or developed under similar conditions.

In Guatemala, municipal codes allow for municipalities to enter into agreements with other entities in order to pool funds and maximize value. ADA² used this legal construct to help the three municipalities create the Mancomunidad de Izabal, which is now advancing municipal strategies for waste management. This model could be replicated in Guatemala and potentially in other countries in the MAR.

Public interest lawyers amplify community voices by giving citizens access to tools that they can use to hold governments accountable. Public participation in environmental decisions drives better decisions. ADA²'s engagement with the Mancomunidad has included education for citizens about separation, recycling, and composting household waste. Those citizens are now requesting facilities from their municipalities for separation and recycling and composting, which will lead to the municipalities working together to meet that need.

In Honduras, we learned that the process to promote changes in hotel operations is long and that there has to be political momentum around the issue for real change to occur. For example, waste became a pressing issue because the dump was on fire and hotels were banned from sending trash. This, along with the workshops, helped generate change. With water quality, BICA has generated data but refuses to make it public. This could create the political momentum needed for a change.

In Mexico, the number of new projects is growing exponentially and some megaprojects are about to be carried out in the Yucatan Peninsula, CEMDA will have to redouble efforts and will probably not be able to review many of them, meanwhile, the resources of federal authorities have been significantly reduced, thus we are exploring a more collaborative way of work with those who have shown a consistent commitment towards protecting the environment in the State of Quintana Roo (such as in CONANP), meeting them personally and providing them with arguments, information and tools to help them enforce the law.

Effects of the project: Have the results of the project promoted environmental, social or economic changes? How was this determined/measured?

Outside the specific progress described above, anecdotal reports suggest that our work is building public participation, improving access to information, and improving access to justice in environmental matters.

For example:

CEMDA's work training citizens to participate in EIA and other public consultations is resulting in broader public participation and better environmental management.

CEMDA's legal work has driven PROFEPA to do a better job enforcing environmental laws.

ADA², through the creation and support of the Mancomunidad de Izabal, has facilitated the beginning of a realistic solid waste management strategy with aspirations toward zero waste cities and concrete progress. We observe that cleaning up waste and training citizens in waste management contributes to a higher quality of life for citizens of these communities.

The Mancomunidad of Izabal has agreed to acquire equipment, dedicate space and maintain a community composting facility to augment home composting in 2020. Given the high percentage of overall waste that is made up of waste that can be composting, this will have a positive impact on the community.

With regard to fisheries, ADA² worked with legal advisers at DIPESCA to analyze laws and regulations affecting No-Take Zones and define a legal process and construct by which to establish those zones. CONAP and DIPESCA establish a group of stakeholders, consult with those stakeholders, and reach agreement on specific times where catch is restricted by species.

In Honduras, a relationship was established with hotels to promote better waste management and at least two have improved significantly in this area.

Communication of results: What mechanisms have been used or will be used to communicate the results, and to what audiences?

ELAW, ADA², CEMDA, BELPO, and IDAMHO all have mailing lists, newsletters, and social media platforms to publish results. The Mancomunidad of Izabal publishes information about progress on solid waste management on the Puerto Barrios Municipality web site:
<http://munipuertobarrios.gob.gt/category/mancomunidad-izabal/>

Project continuity: Will the processes established by this project continue operating? How will it be done? Who will provide follow-up?

ELAW does not have dedicated funding after the end of this project to devote resources to this work. Organizations in the region will continue the work on strengthening and enforcing environmental laws to protect the Reef, and will need additional funding to do that work. ELAW will respond to the needs of our partners in the region.

Due diligence:

Please find attached:

- 1. Appendix O. ELAW US Board Roster**
- 2. Appendix P. 2017-2018 Audited Financial Statements**
- 3. Appendix Q. IRS Recognition Letter**

