



ELAW

advocate

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Connecting Communities
Protecting the Planet

Victories Around the World for Clean Air, Clean Water, a Stable Climate, and a Healthy Planet

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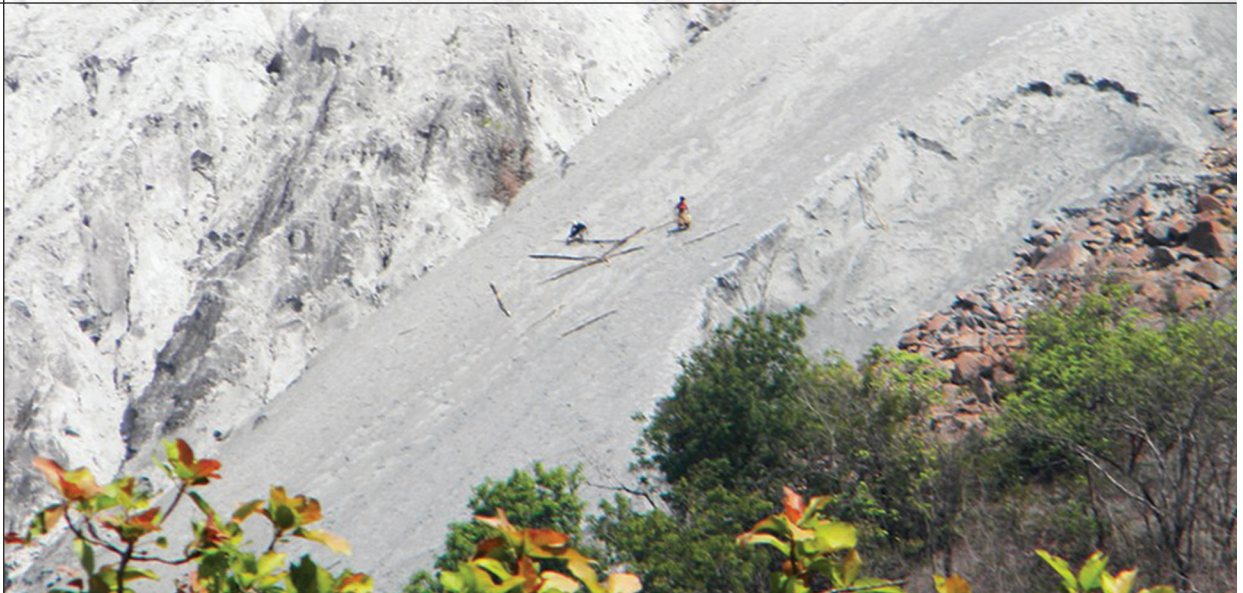
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Towering piles of asbestos in the Roro Hills.

PHOTO: Shweta Narayan

ELAW made great progress in 2018 on two key goals: winning victories for the environment and building lasting, local capacity to defend the global environment. ELAW collaborated with local partners on dozens of projects to protect communities and the environment, and celebrated victories in India, Mexico, Uganda, South Africa, Kenya, Nepal, Czech Republic, Chile, and Panama.

We are pleased to share highlights of our winning collaboration with the world's leading grassroots advocates.

Victory Over Asbestos in India

For decades, children played in towering piles of asbestos waste dumped near tribal communities in the Roro Hills in Jharkand State, eastern India. In August 2018, India's National Green Tribunal (NGT) ordered prompt remediation of the site.

ELAW partners have diligently followed up with local officials, including the District Magistrate, to ensure that the order is fully implemented.

This big victory took years of hard work. Hindustan Industries Ltd. abandoned hundreds of tons of waste when asbestos mining in the Roro Hills was halted in 1983. In 2012, ELAW partner Shweta Narayan traveled to the Roro Hills to collect soil samples that documented dangerous levels of asbestos exposure. Even small amounts of asbestos can cause severe health problems, including lung cancer.

"Sometimes the wheels of environmental justice turn very slowly," says Dr. Mark Chernaik, ELAW Staff Scientist.

The NGT ordered a committee of government officials to submit a plan that includes placing a fiber mat, soil, and seeds of local plants on top of the asbestos dump and implementing other measures so the dump no longer threatens nearby communities. The NGT relied on the Polluter Pays Principle to order the company to pay the costs of remediation. The NGT also set up a claim procedure so that villagers suffering the impacts of asbestos exposure can be compensated.

Mark worked closely with Rahul Choudhary at the Legal Initiative for Forest and Environment and other Indian advocates to prepare three reports that the NGT considered in rendering its order.

"Indeed this case was challenging," says Rahul. "But we survived it all. Thanks to Mark for giving us hope and valuable inputs."

The NGT also ordered clean up at asbestos mines in Rajasthan, Karnataka, and Andhra Pradesh.

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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.

The ELAW Advocate is a publication of the ELAW U.S. and does not represent the views of ELAW partners around the world.



Bahia Magdalena, an area which would be impacted by the proposed project in Mexico.

PHOTO: Fernando Ochoa, DAN

Mexico Seabed Saved from Mining Scheme

Hard work paid off! The Don Diego underwater phosphate mine project, proposed for a seabed near Magdalena Bay in Baja California Sur, was rejected in October by Mexico's Secretary of Environment and Natural Resources (SEMARNAT).

The proposed project of Florida-based Odyssey Marine Explorations would have dredged more than 200,000 acres of seabed, for 50 years.

"SEMARNAT did the right thing," said ELAW partner Fernando Ochoa, director of Defensa Ambiental del Noroeste (DAN). "It was important to protect the gray whales, the sea turtles, and the Gulf of Ulloa ecosystem. We congratulate the Mexican government because this decision sets a global example to reject seabed mining projects."

This was the second time SEMARNAT denied authorization to Odyssey.

ELAW Staff Scientist Dr. Heidi Weiskel provided extensive support to DAN. She analyzed the original environmental impact assessment (EIA) for the project, noting gaps and inconsistencies in the project description, inaccuracies in how impacts were assessed, and weaknesses in the proposed mitigation plan. Also, Heidi highlighted how dredging could adversely impact fisheries.

"The information provided by ELAW analyzing the EIA was of great help," says Fernando. "We were able to complement the analysis provided by other scientists and submit comments in the public consultation period which was important to support SEMARNAT's decision to deny the environmental permit."

Uranium Mine Shelved in South African Karoo

Australian mining giant Peninsula Energy set its sights on the semi-desert South African Karoo for an open-pit uranium mining project, which posed the threat of radioactive contamination of groundwater and air. Citizens celebrated in May 2018 when Peninsula Energy informed its shareholders that it had withdrawn from the project.

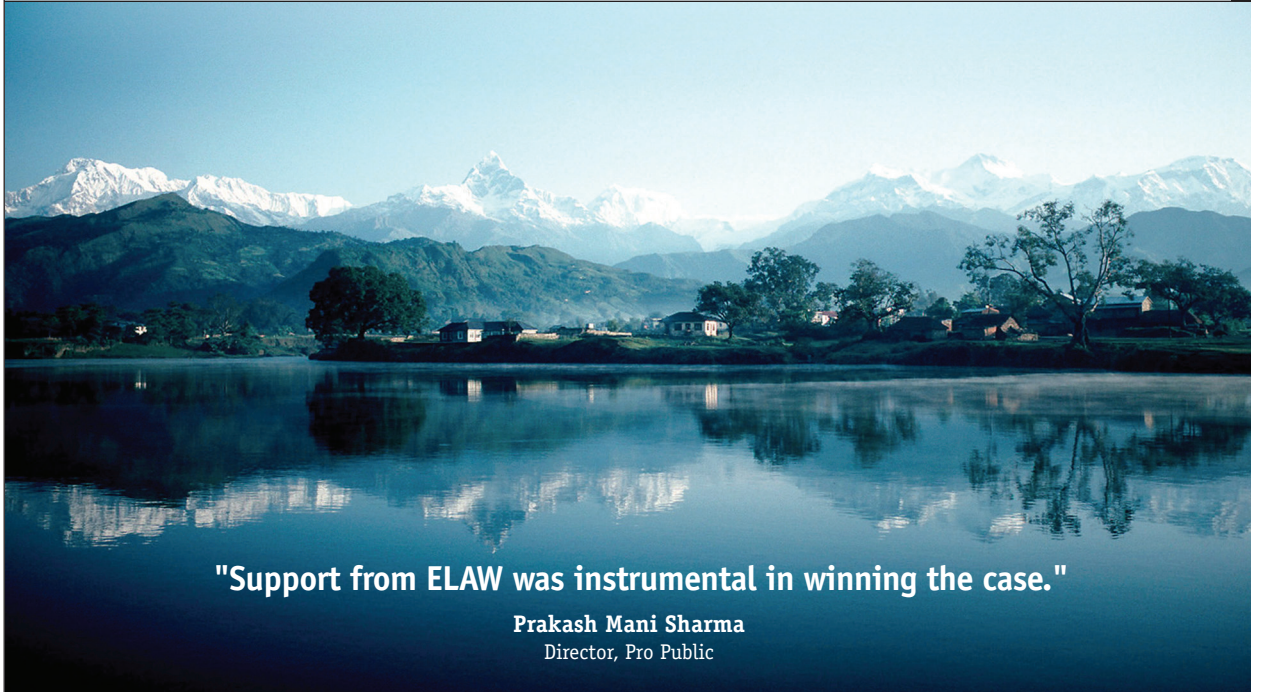
"For now, uranium mining in the Karoo is dead," writes Dr. Stefan Cramer, Science Advisor with The Southern African Faith Communities' Environment Institute.

ELAW worked closely with attorney Angela Andrews at the Legal Resources Centre to evaluate EIAs for the proposed project.

"There were serious deficiencies," says Dr. Mark Chernaik, ELAW Staff Scientist. "The company failed to assess how water-intensive uranium mining would threaten the fragility of strained groundwater resources in the arid Karoo region."

Angela has collaborated with ELAW for many years. After Peninsula Energy announced its withdrawal, she wrote: "Well done once again for the incredible insights of Mark, who turned the tables!"

the World



"Support from ELAW was instrumental in winning the case."

Prakash Mani Sharma
Director, Pro Public

Phewa Lake, Nepal.

PHOTO: Wolfgang Beyer, GFDL from Wikimedia Commons

Nepal's Pokhara Valley Protected

Phewa Lake in Nepal's Pokhara Valley is a UN World Heritage Site, famous for its stunning reflection of majestic peaks in the Annapurna Himalayas. We are thrilled to report that ELAW partners at the Kathmandu-based Pro Public saved this natural wonder from a private company's scheme to operate a cable car from Basundhara Park, at the lake's edge, to the World Peace Pagoda at Pumdibhumdi.

"It would have destroyed the scenic beauty of Phewa Lake and the mountain reflection," says Prakash Mani Sharma, Pro Public Director. "Trees needed to be felled and it would have destroyed the habitat of butterflies and birds."

Nepal's Supreme Court shelved the project in April 2018. ELAW's law and science teams collaborated with Pro Public, providing materials showing how construction could cause landslides and how tectonic activity threatened the entire operation. ELAW also provided peer-reviewed studies showing that cable cars can reduce tourism revenue by destroying the natural beauty that draws the tourists.

"Support from ELAW was instrumental in winning the case," says Prakash.

Prakash and his team at Pro Public are tireless environmental advocates for communities and the environment in Nepal. For 25 years, Prakash led a campaign to protect the Phulchowki Hills in Kathmandu Valley from the harmful impacts of marble mining. Smoke and dust from one of the world's largest marble mines devastated the region's rich biodiversity, and communities suffered from contaminated water and blasting at the mine site.

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

Throughout the 25 year fight, ELAW provided Prakash with legal and scientific support.

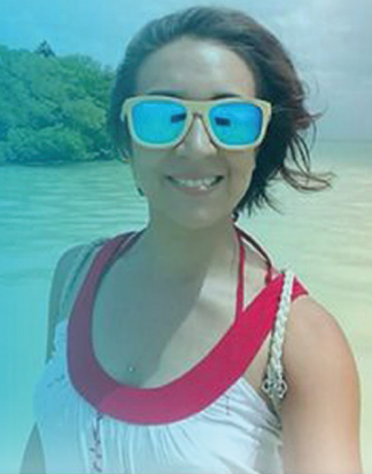
"Prakash's tenacious pursuit of these amazing victories is an inspiring example of what can be accomplished through devotion and hard work for the environment," says Dr. Mark Chernaik, ELAW Staff Scientist.



ELAW partner Prakash Mani Sharma.

Victories Around the World for Clean Air, Clean

2018
 MARY ROBINSON
 CLIMATE JUSTICE AWARD
WINNER!



Laura Palmese Hernandez of Honduras

Tackling Plastic Waste in Honduras

Laura Palmese Hernandez wins Climate Justice Award

Former Irish President Mary Robinson presented Honduran attorney Laura Palmese Hernandez with a 2018 Climate Justice Award at the One Young World Summit in The Hague in October. The Climate Justice Award is presented to a young leader pioneering an innovative and impactful climate justice initiative that seeks to preserve the earth for future generations.

Laura's award-winning project, "Waste to Opportunity," empowers informal recyclers in municipal dumps around the Bay of Honduras. Laura seeks to organize workers, promote labor safety, and provide seed funds for innovative waste management. She hopes to enhance the wellbeing

and quality of life for waste pickers, while also enhancing recycling and waste management efforts.

Laura has worked with ELAW for many years to protect coastlines in Roatán and the Bay Islands. She works as a legal advisor to the Bay Islands Technical Committee, the Bay Islands Tourism Bureau, and the Roatán Reef Guardians. She is an expert on waste management and legislation in Honduras and is a member of the drafting group on a new National Waste Management Law and Policy. Laura has organized events and workshops in Roatán on waste management practices for teachers, students, and community leaders.



Former Irish President Mary Robinson with Laura Palmese Hernandez.



The Climate Justice Award
is presented to a young leader pioneering an innovative and impactful climate justice initiative that seeks to preserve the Earth for future generations.

Follow ELAW on Facebook and Twitter



Water, a Stable Climate, and a Healthy Planet

ELAW Fellow Milosz Jakubowski

Attorney
Frank Bold
Kraków, Poland



ArcelorMittal steelworks, Ostrava, Czech Republic. PHOTO: Gunther Bartos

Fighting for Clean Air in Central Europe

A border region shared by the Czech Republic, Poland, and Germany is called the Black Triangle because of its extreme air pollution from coal operations and other industries. ELAW partners at Frank Bold are working with communities in the region to demand clean air, and they are winning.

In early 2018, ELAW partner Kristína Sabova, an attorney at Frank Bold, wrote: “Finally, the courts have recognized the need for effective action against air pollution and delivered three great judgements.”

In Prague, and the Usti and Ostrava regions, courts ordered the Ministry of the Environment to prepare new Air Quality Management Plans that ensure that air quality meets European Union standards. Frank Bold worked closely with local communities to win these extraordinary victories, which will lead to cleaner air.

Kristína said ELAW Staff Scientist Dr. Mark Chernaik “helped us a lot with his patient responses to our never-ending questions about the air pollution and contribution of various sources.” Kristína was an ELAW Fellow in 2016.

Following up on this work, ELAW hosted attorney Milosz Jakubowski from Frank Bold’s Kraków, Poland office for a 3-week ELAW Fellowship in October. Milosz worked closely with ELAW’s law and science teams to continue the work to keep coal in the ground in Central Europe.

Poland is home to the world’s largest lignite-fired power plant - the dirtiest form of coal - and air pollution in Poland is among the worst in Europe. Milosz worked closely with ELAW staff to challenge plans to expand state-owned lignite mines and open new ones. He also explored climate litigation strategies around the world and learned about U.S. efforts to hold polluters accountable.

Before he returned to Kraków, Milosz shared his organization’s inspired work with an audience of more than 200 community members at a panel discussion: “Local and Global Climate Solutions,” co-hosted by ELAW at Temple Beth Israel, in Eugene.

Many thanks to the Trust for Mutual Understanding for making Kristína and Milosz’s ELAW Fellowships possible.



“Finally, the courts have recognized the need for effective action against air pollution and delivered three great judgements.”

Kristína Sabova
Attorney at Frank Bold

ELAW Fellow Hanna Khomechko



ELAW Fellow Hanna Khomechko
 September 18 – November 30, 2018
 Development Director
 Environment People Law
 Lviv, Ukraine

A resident of Kalush in the Ivano-Frankivsk region has called on Environment People Law for help holding polluters accountable for mining waste contamination. In this photo, he shows Hanna pollution from abandoned phosphate mines. The area includes enormous saline lakes, and polluted groundwater and soils.

ELAW has hosted roughly 200 environmental professionals for individually tailored ELAW Fellowships at our office in Eugene. Hanna Khomechko, Development Director at Environment People Law (EPL), joined us for 10 weeks this fall. She worked one-on-one with ELAW's development team to strengthen EPL, a leading NGO working since 1994 to protect the environment and defend human rights across Ukraine.

ELAW worked with Hanna on all aspects of building a strong non-profit organization – from strategic planning to board development to fundraising. We helped her connect with U.S.-based funders and travel to meet supporters in San Francisco, Seattle, Washington,

D.C., and New York. She was also a Director's Distinction Scholar at the University of Oregon's American English Institute, where she completed the Intensive English Program.

"In Ukraine, a strong civil society with strong NGOs is a prerequisite for effective environmental protection," says Hanna. "The opportunity to work closely with ELAW staff and travel to meet with funders was a once-in-a-lifetime opportunity."

Many thanks to the Trust for Mutual Understanding and the American English Institute for making Hanna's ELAW Fellowship possible.

Protecting the Amazon Basin

South America's Amazon is the largest, most diverse tropical rainforest on Earth. This verdant "lungs of the planet" is home to more than half the world's species of plants and animals. Sadly, the Amazon Basin is under more threat than ever from extractive industries and infrastructure projects.

ELAW Staff Scientist Dr. Meche Lu traveled to Peru and Colombia in October to share her expertise evaluating environmental impact assessment processes for projects proposed for the Amazon Basin. She participated in events in Lima and Bogota hosted by ELAW partners at Derecho, Ambiente y Recursos Naturales (DAR, Peru) and Asociacion Ambiental Sociedad (Colombia). Dozens of grassroots advocates from Peru, Colombia, Bolivia, and Brazil participated in the Seminario Internacional in Bogota, sponsored by Rainforest Foundation Norway, Open Society Foundations, and the Charles Stewart Mott Foundation.

"It is important to collaborate to review best practices to protect native lands and the fragile ecosystems of the Amazon Basin," says Meche.





ELAW interns and an ELAW volunteer outside the Wayne Lyman Morse U.S. Courthouse in Eugene, after oral arguments for *Juliana vs. United States*, July 18, 2018. Left to right: Haley Nicholson, Zoe Grant, Logan Van de Water (volunteer), Bren Catt, and Mohammad Alserheed.

Volunteers and interns help ELAW provide the legal and scientific tools partners need to protect the environment and advance human rights. We appreciate the people who contributed time and expertise in 2018 to support grassroots advocates working around the world to build a sustainable, just future.

Mohammad Alserheed • Kabitanjali Amatya • Tyeer Atkin Maddox • Katherine Bragg • Bren Catt • Grace Clark • Peggy Dame • Koren Fowler Quincy Gill • Zoe Grant • Jessica Hetzel • Harper Johnson • Scott Johnson • Jaclyn Kellon • Joseph Losner • Abraham Leudtke Corina MacWilliams • Alden McWayne • Alejandra Miranda • Haley Nicholson • Juste Sylvain Obouonombele • Rye Oommen • Rebecca Polich Byron Riggins • Julia Schnoll • Jennifer Sherlock • Jessica Sumner • Rachel Tarbet • Logan Van de Water

Defend the Defenders Coalition: Protection, Deterrence, Resilience



ELAW has helped launch a global Defend the Defenders Coalition (DDC) in partnership with nearly 40 organizations that are working to support land and environmental defenders. The DDC met in Mexico City in October to coordinate advocacy strategies and share skills for protecting defenders. In addition to murders and physical violence, land and environmental defenders are falsely charged with crimes, imprisoned, sued, defamed, and threatened every day. The DDC is working to amplify the work being done by each of its members to stem the tide of attacks.

ELAW works to support the safety of ELAW partners, so they can protect themselves and their clients and allies.

Protection

ELAW trains partners to assess risks and improve their personal, organizational, and digital security.

Deterrence

ELAW helps partners become less attractive targets by raising their profiles through domestic and international media, and engaging domestic, regional, and international human rights protection mechanisms.

Resilience

ELAW works with partners to build robust organizations and support community allies, so they can stay strong in the face of sustained pressure.



ELAW

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ELAW is thrilled to receive GuideStar and Charity Navigator’s highest ratings for fiscal management, accountability, and transparency. And, thanks to great reviews from our volunteers and supporters, we have been recognized as a ***Top-Rated Nonprofit by GreatNonprofits for 3 years in a row!***

To support ELAW’s high-impact work protecting the environment and communities around the world, please visit: www.elaw.org/give or contact ELAW Community Liaison Krista Shennum, krista@elaw.org.