

**ELAW**

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**advocate**

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## Protecting Communities and the Climate

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The Guayacanes Fishermen's Association met January 13, 2022, to discuss their complaint to the Environmental Prosecutor's Office demanding that compensation be paid and offshore oil exploration be suspended. They were joined by INSAPROMA President Euren Cuevas (center) and representatives of the Eastern Environmental Coalition and the National Committee to Fight Climate Change.

The impact of humans damaging the climate is clear – sea level rise, drought, heat waves, more frequent and destructive hurricanes and typhoons, and much more. Protecting the climate may be the single greatest challenge of our time. ELAW partners are rising to meet the challenge.

Together, we are working to reduce carbon emissions, increase carbon capture, and help communities adapt to the impacts of a changing climate.

We are collaborating to:

- Move past fossil fuels
- Advance alternative energy
- Protect coastlines
- Conserve forests and other carbon sinks
- Challenge single-use plastic

The following describes our recent work to protect communities and the climate in Canada, Democratic Republic of Congo, the Dominican Republic, Ecuador, India, Mexico, the Philippines, Uganda, and more.

#### Protecting the Caribbean from Offshore Oil Schemes

The multinational oil company APA Corporation is exploring for oil in the Caribbean Sea, offshore of San Pedro de Macoris Province, Dominican Republic. Fishing communities and others are challenging the short-sighted plans that threaten marine ecosystems and the global climate.

"The activities are illegal," says Euren Cuevas Medina, Executive Director of Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA), adding that APA has not submitted an environmental impact assessment or conducted a public hearing, as required by law.

In early December, the company ordered approximately 80 fishermen from Guayacanes to collect their buoys, pots, and other fishing gear from the offshore area to make room for APA's seismic exploration. "Throughout the Christmas and New Year holidays, the fishermen did not receive the promised compensation and were forcibly prevented from going out fishing to support their families during this period," says Euren.

(CONTINUED ON PAGE 2)

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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.

# Protecting Communities

## Protecting the Caribbean (CONTINUED)

In January, as the company was withdrawing from the area without providing the promised compensation, there was a public outcry. INSAPROMA joined hands with the Guayacanes Fishing Association, the Eastern Environmental Coalition, the National Committee for the Fight Against Climate Change (CNLCC), local authorities, and others to hold public forums seeking justice for the fishermen.

In February, following a seminar on the impacts of hydrocarbon exploration on tourism and the fishing industry, and another public forum demanding compensation for the fishermen, the compensation checks began arriving.

"This is a rare outcome for the Dominican Republic," says Euren. "It would not have been possible without the united effort of the local community, civil society organizations, and leaders from the province."

Moving forward, INSAPROMA will continue to challenge plans for offshore oil development and ensure that APA obeys the law if it proposes more drilling.

## Clean Green Energy for Congo

80 million people live in the Democratic Republic of Congo, but only 9% have access to electricity. Meanwhile, illegal logging for charcoal is decimating forests and impoverishing communities. ELAW partners in DRC are working hard to advance a national energy policy that meets this enormous need for power while protecting vital ecosystems.

ELAW partners Erick Kassongo, Executive Director of Congolese Center for Law and Sustainable Development (CODED) and Olivier Ndoole, Executive Director of Congolese Alert for the Environment and Human Rights (ACEDH), are learning about Congo's current energy portfolio and exploring the promise of a green energy future.

They are collaborating with a dozen Congolese organizations, including the Coalition of Civil Society Organizations for the Monitoring of Reforms and Public Action (CORAP), to build a Congolese-led vision for energy access.

At a December workshop in North Kivu Province, Olivier brought together dozens of stakeholders to explore how hydro, solar, wind, and biogas could meet Congo's electricity gap. This series of consultations in North Kivu is making community voices heard as critical decisions are being made about meeting energy needs in Congo. Erick provided technical assistance at these forums.

"Our aim is to influence energy policy at the national level," says Olivier. "We want a policy that protects the environment, respects human rights, and puts concerns of local communities at the center."

## Declaration for a Caribbean Sea Free of Oil Companies

In the lead up to the recent UN Climate Change Conference (COP 26), INSAPROMA and CNLCC teamed up with organizations across the Caribbean calling for a moratorium on oil and gas drilling in the Caribbean. These organizations from the Dominican Republic, The Bahamas, Belize, Colombia, Costa Rica, Haiti, Honduras, Jamaica, and Puerto Rico are calling for a just and sustainable transition away from fossil fuels.



Olivier Ndoole, ACEDH Executive Director, speaks at the December workshop.

Olivier supports a local private operator's solar hybrid project in Goma that aims to serve 5 million people by 2024. He also promotes the use of clean cooking based on renewable energy among women in vulnerable neighborhoods in Goma.

Meanwhile, ELAW is working closely with Erick Kassongo and his colleagues at CODED to study energy laws from other jurisdictions to craft best practices for Congo. "This is an effort to identify options for a strong legal framework for renewable energy, which currently does not exist," says Erick. He adds that the sector has grown since liberalization and opening to private operators.

Many thanks to The 11th Hour Project for making this vital work possible.



## and the Climate

### Seeking Justice for Oil Spill Victims in Ecuador

In April 2020, a massive oil spill struck Indigenous territories along the Napo and Coca rivers in the headwaters region of Ecuador's Amazon. Three oil pipelines broke and released more than 15,000 barrels of crude and fuel oil, leaving thousands of Kichwa people without access to safe water and food and at risk of new pipeline ruptures. In late January 2022, another pipeline ruptured near the site of the previous oil spill, contaminating five acres of a nature reserve in Cayambe-Coca National Park and again polluting the Coca River.

ELAW is supporting Alianza por los Derechos Humanos (Alliance for Human Rights) as it seeks justice for the Kichwa communities that have suffered from the repeated oil disasters.

Last year, impacted communities filed suit against the companies and authorities involved, to protect their human rights and demand reparations. Unfortunately, the case was dismissed. The Court found that the pipelines broke because of an "Act of God"!

Local communities appealed the decision before Ecuador's Constitutional Court and ELAW filed an amicus brief, asking the Court to reject the "Act of God" defense. "We asked the court to assess whether the oil spill was indeed caused by unforeseeable and irresistible events, or events that could have been prevented," says ELAW Attorney Pedro León.

Vivian Idrovo, a member of Alianza por los Derechos Humanos, visited affected Kichwa communities last year and again in February. She verified the loss of crops and trees, and the lack of food and water that continues to affect women, children, and elders.

"We asked the Constitutional Court for urgent justice," she said. We will keep you posted as the case proceeds.



An oil spill in January 2022 polluted the Coca River. PHOTO: Emilio Bermeo, Alianza Ceibo

### Protecting Forests and the Climate in Uganda



Greenwatch staff conduct a site visit to Mabira Central Forest Reserve.

Forests are shrinking in Uganda. In the 1980s, 30% of the nation was forest. Today, forests cover less than 8%.

In response to the alarming rate of deforestation, ELAW partners at Greenwatch filed suit in 2021 demanding that the Attorney General, the National Forestry Authority, and the National Environment Management Authority carry out their mandate to protect and preserve Uganda's forests.

"Our forests provide critical habitat, protect water quality, provide livelihood for Indigenous and other communities, and are an important carbon sink, which is integral to climate change mitigation," says Samantha Atukunda K. Mwesigwa, director and legal counsel at Greenwatch.

Samantha and her staff have witnessed the local effects of climate change: rising water levels in Lake Victoria; unprecedented rainfall, floods, and landslides; and long periods of drought. These changes

are due to the tremendous loss of forest cover and the changing climate, says Samantha.

To make their case, Greenwatch is calling on community members in Kasese to share their experiences in court about how forest loss has affected their lives and community livelihoods.

Greenwatch also called on the ELAW science team to use geographic tools to assess the forest cover loss in priority forest reserves over 30 years (1990-2015), including: Bubulo, Bugoma, Budongo, Zoka, Wambabya, and Kagombe.

ELAW Staff Scientist Dr. Meche Lu connected Greenwatch with Dr. Paulo Murillo-Sandoval, an expert in remote sensing and geographic information science. Dr. Murillo-Sandoval reviewed forest reports and then analyzed high resolution satellite images and historical Landsat imagery to assess the forest cover changes in Uganda.

His report noted: "Deforestation is constantly increasing within and outside of Central Forest Reserves in Uganda . . . putting at risk the maintenance of ecosystem services for the local communities that depend on them."

Dr. Murillo-Sandoval's study also concluded that: "Forest areas within reserves can quickly disappear in the coming years if specific policies are not well-articulated at local and national levels . . . Local governments should establish specific agreements with the communities and other stakeholders to support forest conservation."

ELAW also connected Greenwatch to economic analyst Ernie Niemi who provided research showing how intact ecosystems provide valuable services to Ugandans.

The case is pending. We will keep you informed of our progress.

# Protecting Communi

## Protecting Coastlines in India and Mexico

### Victory in the Sundarbans

ELAW partners at the Legal Initiative for Forest and Environment (LIFE) announced an enormous victory in February: The National Green Tribunal found that the Amlamethi Hill Resort was constructed illegally, in violation of the Coastal Regulation Zone Law. The resort is being demolished and destroyed mangroves re-planted. The “eco-resort” was being constructed on nearly 25 acres in the Sundarbans, displacing fishing communities and illegally diverting public funds.

“This remarkable case is precedent setting,” says Ritwick Dutta, LIFE co-founder. “Mangrove forests are critical for insulating coastal areas from cyclones. These large-scale illegal constructions destroy mangroves and cause immense disturbance to the tigers and other wildlife that inhabit the Sundarbans Tiger Reserve.”

The Sundarbans is home to one of the largest mangrove forests in the world. This delta, shared by India and Bangladesh at the confluence of the Ganges, Brahmaputra and Meghna Rivers, has four protected areas listed as UNESCO World Heritage Sites.

Much of the Sundarbans coastline is designated a “Coastal Regulation Zone,” to ensure that infrastructure activities do not destroy mangroves and other marine resources that provide livelihood for local communities as well as protection from sea level rise and more frequent and powerful cyclones.

Ritwick represented a local fishing association in the winning case. “We will continue to work to protect this valuable ecosystem from illegal construction,” he said.

**Right Livelihood**  
AWARD 2021



Sundarbans, West Bengal, India. PHOTO: Unsplash

**“The Sundarbans has hundreds of islands. We traveled to the village of Gosaba where residents are building embankments to hold back the sea water The town will likely be submerged within a few years”.**

Rahul Choudhary, LIFE co-founder



Ritwick Dutta (right) and Rahul Choudhary of The Legal Initiative for Forest and Environment won a 2021 Right Livelihood Award “for their innovative legal work empowering communities to protect their resources in the pursuit of environmental democracy in India.”

### Victory for Reefs and Wetlands in Veracruz

ELAW partners at the Mexican Center for Environmental Law (CEMDA) announced a stunning victory in February, protecting a critical coral reef system in Veracruz from short-sighted plans to expand the Veracruz Port. Mexico’s Supreme Court canceled the environmental authorizations for the port expansion project, sending developers back to the drawing board.

“The court decision is fantastic!” says Xavier Martinez, CEMDA Technical Operations Director.

Last year, ELAW, the Inter-American Association for Environmental Defense (AIDA), and Earthjustice submitted amicus curiae briefs. In the amicus, ELAW Scientist Dr. Melissa Garren described the critical role coral reefs play in a healthy ecosystem and ELAW Staff Scientist Dr. Heidi Weiskel highlighted the plight of thousands of fishers who depend on the Veracruz Reef System for their livelihoods and food security.

ELAW attorneys Pedro León and Alejandra Serrano Pavón shared examples from countries around the world where courts and legislatures have recognized that people and civil society organizations can initiate a legal action to protect the environment.

The Veracruz Reef System has been resilient, but climate change threatens its ability to provide fish habitat, food security, and shoreline protection to the people of Veracruz. The reefs slow incoming waves kicked up by the famous “nortes” winds, but climate change now brings stronger storms, warmer waters, sea level rise, and higher acidity.

“CEMDA’s Supreme Court victory is a critical step in protecting the remaining reef system in a rapidly changing climate, so that it can continue to provide the ecosystem services Veracruzanos depend on,” says Dr. Weiskel.



# ties and the Climate

## Challenging Single-Use Plastic in the Philippines, Canada, and across Africa

Plastic production has become a key growth area for the oil industry as it sees the slow shift away from fossil fuels for transportation and energy. Given current trajectories, plastics are expected to drive nearly half of oil demand growth by midcentury, according to the International Energy Agency. This major expansion of petrochemical facilities to feed plastics production poses a serious challenge to meeting decarbonization goals to protect the global climate.

ELAW is working with partners across the globe to promote and enforce laws that reduce dependence on single-use plastic products and packaging and encourage a return to sustainable practices such as refillable systems. Less plastic means less polluting fossil fuels.

**The following are examples of recent work challenging single-use plastic in the Philippines, across Sub-Saharan Africa, and Canada.**

### Banning Single-use Plastic in the Philippines

The Philippines is drowning in plastic. A 2021 report by the Oxford University's Our World in Data showed that approximately 81 percent of global ocean plastic comes from Asian rivers, and the Philippines alone contributes more than a third of the global total.

ELAW has been collaborating closely with lawyers representing Oceana, Filipino youth, fisherfolk, and others who filed suit in October 2021 calling on the National Solid Waste Management Commission and state agencies to fulfill their mandates to reduce plastic pollution and ban single-use plastics in the Philippines.

At the request of ELAW partners, ELAW Staff Scientists Dr. Mark Chernaik and Dr. Riley Howard collaborated to provide the key Judicial Affidavit that makes the scientific case for why plastics are not environmentally acceptable. ELAW's legal team conducted research on relevant international treaties on marine pollution and plastic laws from other jurisdictions to help support the petition.

In December, the Supreme Court issued a "Writ of Kalikasan," providing protection of constitutional rights to a healthy environment. The court also issued a "Writ of Continuing Mandamus," compelling various government agencies to respond to the country's solid waste management crisis.

Oceana Vice President Gloria Ramos welcomed the Supreme Court's decision, saying it sets a "solid foundation" in battling the country's plastic problem (ABS/CBN News, 12/17/21).

The case is pending. We will keep you informed of our progress.

**"The most exciting part is that the Supreme Court of the Philippines is requiring the government to come to court and explain why it has not taken action to reduce plastic pollution at its source – in other words, banning single-use plastic."**

Maria Generosa Mislang-Tomboc, ELAW Staff Attorney

### Challenging Plastics in Africa

Communities across Africa are watching unnecessary single-use plastic products and packaging flooding into their countries, piling up as waste, filling drainage systems, collecting in waterways, migrating to lakes and oceans — and they want to push back.

Public interest lawyers in Africa are looking for solutions and calling on ELAW to support them as they develop cases, reform laws, and ensure enforcement of existing laws to accelerate the end of single-use plastic and related pollution.

In February, ELAW launched a series of six webinars to help African advocates gain skills and build a strong corps of African lawyers who will challenge plastic for years to come.

The series is organized and moderated by Bernard Ngaliim, ELAW Africa Law Associate.

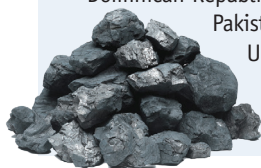


### Keeping Coal in the Ground

The world needs to move past coal. Coal kills people and is the largest source of CO2 emissions – we simply cannot continue burning coal if we hope to protect the climate.

Over the past three years, ELAW has worked to shut coal-fired power plants and shelve proposed coal-fired power plants and coal mines in Bangladesh, Bosnia and Herzegovina, Brazil, Canada, Colombia, Dominican Republic, Egypt, Guinea, India, Indonesia, Japan, Myanmar, Pakistan, Philippines, Poland, Senegal, Sri Lanka, Thailand, Ukraine, Vietnam, and Zimbabwe.

We are pleased with our victories, which have kept millions of metric tons of CO2 out of the atmosphere.



## Protecting Communities and the Climate

### Victory in Canada: Keurig Fined CA\$ 3 Million for False Advertising

The Environmental Law Centre (ELC) at the University of Victoria is winning big against plastic pollution in Canada. In January, A court ordered Keurig to pay a \$3-million penalty for making false and misleading claims that its single-use K-Cup pods can be recycled!

"Bronwyn Roe of Ecojustice joined in filing the Keurig complaint," says Calvin Sandborn, ELC Legal Director. "In addition to the fine, Keurig Canada was ordered to publish a series of large Notices acknowledging the deceptive marketing finding in major newspapers across Canada, on Twitter, Instagram, Facebook, and on the Keurig Canada website, and send emails to everyone in their database about the deceptive marketing decision."

Calvin has collaborated with ELAW for 15 years, inspiring grassroots advocates around the world.

Congratulations Calvin and the ELC team!

**"The information that we received from ELAW partners helped give us a greater understanding of the flaws in the recycling model for dealing with the plastics crisis, and the role of contamination in plastic recycling. This was extremely helpful in allowing us to take a critical eye to Keurig's claims about recyclability."**

Calvin Sandborn, ELC Legal Director

## Inaugural Killian O. Doherty Environmental Justice Fellow



Wirikuta sacred site.

ELAW's inaugural Killian O. Doherty Environmental Justice Fellow joined our team in January!

**Nora Lorenzana** is a Mexican attorney based in Guadalajara. Her 10-week Killian O. Doherty Environmental Justice Fellowship will support her work to defend the Indigenous Wixárika people and their human rights and land rights.

Nora has worked with three Wixárika communities in the northern part of Jalisco since 2007. These communities organized the Wixárika Regional Council, which works to advance Wixarára advocacy. Nora is part of the council's legal team. They filed a lawsuit in 2011 to defend a sacred site called Wirikuta from silver mining, and in 2012 the judge granted a legal suspension of any mining activity until the final judgment is delivered on the case.

Wirikuta is in the southwest of the Chihuahuan desert, north of the Potosí plateau. It is the final destination of a 550-kilometer pilgrimage carried out since time immemorial by Wixárika people. Wixárika legend holds that during the creation of the world, their earliest ancestors traveled to the place where the sun was born. Their ritual recreation of this journey sustains the essence of life of the entire planet. In addition to being the foundation of their culture and identity, Wirikuta is also one of the most biodiverse deserts in the world and was declared a UNESCO Sacred Natural Site in 2001.

During her Killian O. Doherty Environmental Justice Fellowship, Nora will compile precedents from the Inter-American Court of Human Rights and from United Nations bodies that protect territorial rights, the cultural integrity of Indigenous peoples, and natural resources. This information is critical to bolster the advocacy efforts of the Wixárika and will be an asset to ELAW partners facing similar challenges in their work to defend Indigenous rights.

Many thanks to the Doherty family and all who generously supported the Killian O. Doherty Legacy Endowment and made this permanent Fellowship position at ELAW possible!



Nora Lorenzana





## ELAW Partners Then & Now

*Many thanks to our friends, supporters, and partners around the world who joined us this past year to celebrate the 30th Anniversary of the Environmental Law Alliance Worldwide!*

*Looking back over our three decades, we have celebrated high-impact wins that have helped protect the climate, advance environmental justice, defend biodiversity, and elevate communities' work to chart a sustainable future.*

*Over the years, we have seen the amazing trajectories of dedicated environmental defenders in the ELAW network. We share some of their stories here:*

**Meena Raman** has been collaborating with ELAW since 1989. Today, she is President of Sahabat Alam Malaysia (SAM), an award-winning organization protecting Indigenous peoples and tropical rainforests. "ELAW played a critical role in my journey as a young lawyer, representing local communities and grassroots groups facing big corporations supported by government."

**Maria Paz "Ipat" Luna** began collaborating with ELAW in 1992. She was an attorney working with one of the Philippines' first environmental organizations – Tanggol Kalikasan. Ipat conducted paralegal trainings for deputized forest and fisheries wardens, to protect them from threats. She was also a defense lawyer for fishermen falsely accused of many offenses in intimidating SLAPP suits. Ipat is currently Chief of Party with the Gerry Roxas Foundation on a project called: Investing in Sustainability and Partnerships for Inclusive Growth and Regenerative Ecosystems (INSPIRE).

**Mutuso Dhlwayo** was a 2002 ELAW Fellow. He is Executive Director of the Zimbabwe Environmental Law Association (ZELA). He says: "ELAW played a catalytic role in my journey as a grassroots advocate. And it was through ELAW that I connected with other grassroots advocates in Africa, and globally. It was ELAW that donated the first laptop to ZELA and collaborated on our first funded project."

**Mauro Figueiredo** was a 2001 ELAW Fellow. He is co-founder of APRENDER Ecologia Institute, based in Florianopolis. "Our partnership with ELAW has helped us to empower coastal communities during the development of a management plan for one of the only two marine biological reserves in Brazil, Reserva Biologica Marinha do Arvoredo. The ELAW network has given me strength and inspiration to keep working for a better planet."





# ELAW

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## Amy Shannon Elected ELAW Board Chair

We are pleased to announce that ELAW's Board of Directors has elected Amy Shannon as the new Chair of the Board. Many thanks to David Hunter for serving ELAW in this role for the past three years. His dedication and strategic leadership have helped ELAW meet challenges and achieve greater impact defending communities and ecosystems around the world. We look forward to building on our work with Amy's leadership in the years ahead!



**THINK GLOBALLY. ACT GLOBALLY.**



Charity Navigator and Candid give ELAW their highest rating for financial management, accountability, and transparency. To make a gift to ELAW, please visit [elaw.org/give](http://elaw.org/give) or use the enclosed envelope. Please contact Karen Guillory, ELAW Outreach Coordinator, with any questions.  
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