



**LAW**

Environmental  
Law  
Alliance  
Worldwide

# advocate

AUTUMN 2011

Connecting Communities  
Protecting the Planet

## Clean Water

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www.dar.org.pe

ELAW is working with partners in Peru to develop training materials in user-friendly formats that explain complex environmental health and legal topics (see pg. 2).

**C**lean, fresh water might be the most valuable resource on earth. Indeed, all living things need water. Yet, we do not have an infinite supply of water.

The world's six billion people are already using more than half of the planet's accessible freshwater, while industrial emissions, destruction of wetlands and forests, and water privatization schemes threaten freshwater all over the world. Ensuring that people and ecosystems have equitable, sustainable supplies of clean water may be the greatest environmental challenge we face.

**More than 5,000 children die every day as a result of diseases caused by unclean water and poor sanitation.**

ELAW is working with partners on every continent to ensure that communities have access to clean, potable water. Together we are cleaning up water supplies, protecting watersheds, and holding polluters accountable.

In some countries, laws and regulations governing water supplies are not strong enough. In others, the laws look good on paper, but they are not enforced.

Polluters abuse waterways and government agencies ignore their responsibility to keep freshwater safe and available.

One key to securing clean water is empowering local advocates to strengthen laws and policies protecting water resources, challenge unlawful polluting practices, and help citizens assert their right to clean water. ELAW is pleased with its work strengthening and enforcing laws that protect clean water around the world.

**A few recent examples of our work:**

**UKRAINE**

People living in the small town of Vilshyna, in eastern Ukraine, were suffering because a coal enrichment factory was contaminating local well water. Attorneys at Environment-People-Law called on ELAW to help identify the source of the contaminants. ELAW Staff Scientist Mark Chernaik helped establish that mercury and cadmium from factory emissions were the source of the problem. Our Ukrainian partners reported this information to the European Court of Human Rights. The Court ruled in favor of the residents and quoted Mark's report analyzing the health hazard.

(CONTINUED ON PG. 4)

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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.

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**Peru Trip Report**

**Protecting the Ucayali River Basin**



Meche Lu (left rear), Maria del Rosario Sevillano (center rear), Carlos Lima (red shirt), and Felix Rojas (between Mache and Carlos) join chiefs of native communities in Ucayali.

Oil and gas concessions in Peru have nearly tripled since 2000, with many blocks overlapping fragile rainforest ecosystems and indigenous territories. Indigenous people, such as the Shipibo in the Ucayali River Basin, complain that the Peruvian State has not respected their right to “prior, free and informed consultation” before making decisions that impact indigenous territories. ELAW Environmental Research Scientist Meche Lu recently traveled to this remote area of the Peruvian Amazon. She is working with a Peruvian NGO that has created a network of indigenous paralegals in the Ucayali River Basin. This area has been targeted by the Government of Peru for oil and gas development. Reaching out to these communities is extremely challenging. Infrastructure is rudimentary, with most communities only accessible by boat.

Meche reports:

*July 2011*

*Ulises Vasquez traveled for four days on the Pisqui River to join our group in Contamana. Ulises is a Shipibo leader from a native community far downstream. We traveled five hours together up the Ucayali and Pisqui Rivers, by motorized canoe. We were joined by another Shipibo leader, Felix Rojas, coordinator of the indigenous paralegals, and ELAW partners from Derecho Ambiente y Recursos Naturales (DAR): Maria del Rosario Sevillano (attorney) and Carlos Lima (anthropologist). Felix and Ulises are affiliated with ORAU – an indigenous organization that represents Ashaninka, Yine, Shipibo and other ethnic communities in the Ucayali region.*

*We sailed from Contamana to Santa Rosa to participate in a three-day workshop for 25 participants. Felix and Ulises facilitated the workshop in the Shipibo language. They focused on environmental law, indigenous rights, and the health and environmental impacts of oil and gas development. We held similar workshops in Canaan and Pucallpa.*

*Over the last three years, ELAW, DAR and ORAU have collaborated to help communities in the Peruvian Amazon avoid the “oil curse.” The Shipibo are now supporting each other and the people in their villages by providing legal support and monitoring the social and environmental impacts of oil development in the region.*

*Through a series of community workshops, local leaders have learned about their legal rights and how they can participate in decisions about oil and gas development in the Ucayali Region.*

*This grassroots approach – training local leaders to conduct workshops in the local language – has proven effective. The community was thrilled that Shipibo leaders were running the training sessions in their native language.*

*I worked with DAR and ORAU to develop training materials explaining complex environmental health issues and legal topics in user-friendly formats. Communities are now using this legal and technical information in their discussions with authorities and private companies about sustainable use of natural resources in the Ucayali Region.*

Meche Lu has an M.A. in International Studies from the University of Oregon where she is pursuing a Ph.D. in Geography. She has a B.Sc. in Pharmacy and Biochemistry from the National University of San Marcos (Peru). Meche has traveled throughout Latin America and around the world to provide scientific support to ELAW partners.





## Degraded Area? Lush Forest? Ask Google Earth

**“Project proponents often mischaracterize an area as already ‘degraded’ in order to argue that their proposed project will result in minimal environmental impacts.”**

Mark Chernaik  
Staff Scientist

Google Earth’s online mapping application is helping ELAW evaluate proposed projects around the world, from our Eugene office. This tool helps determine the true impacts of proposed power plants, beach resorts, mines, logging operations, and other developments, without costly travel.

For example, partners in India called for help evaluating a proposed limestone mining project in Himachal Pradesh. The project’s draft Environmental Impact Assessment found the project site suitable for mining because “. . . the limestone deposit area shows scanty vegetation. . .”

ELAW Staff Scientist Mark Chernaik toured the proposed project site, with Google Earth, and found the area contained dense forests and vegetation.

Ritwick Dutta, coordinator of the New Delhi-based Lawyers Initiative for Forest and Environment (LIFE), used this information to convince his government to reject the proposed mine and protect the forests.

Ritwick wrote to Mark: “A big thanks for the critique which has helped in getting the approval revoked.”

In a similar case, ELAW partners at the Jamaica Environment Trust (JET) called for help evaluating the Environmental Impact Assessment (EIA) for a housing development proposed for a protected “green space.” The EIA contained a satellite image with the proposed construction site labeled “degraded forest.”

A Google Earth satellite image of the same location revealed that the forest was not degraded. In fact, it had a dense forest canopy. Mark shared this information with JET attorney Danielle Andrade, who

responded:

“Thank you for reviewing the EIA for us Mark. One of our biggest concerns is that the government has been permitting housing schemes in this area incrementally over the last 10 years and this area is supposed to be an OPEN space, according to our Development Order. I agree that the description of the site does not add up. I am from this community and I have a hard time thinking of where they say this development is to take place that is supposedly degraded.”

Danielle is now using the information to challenge the housing scheme and promote more environmentally friendly housing.

### ELAW scientists use Google Earth to:

- Identify the presence of wetlands, sand dunes, and other threatened ecological features.
- Find the distance between existing or proposed pollution sources – and residences, schools, and hospitals – to help enforce environmental regulations that impose a mandatory ‘setback’ between the pollutant source and the receptor.
- Determine whether a proposed logging concession, or road, or other particular feature, is within the boundary of a protected area.
- Verify or refute characterizations in Environmental Impact Assessments that an area is ecologically “degraded.”



A Google Earth image of the proposed project site reveals a dense forest canopy, not a degraded forest.

# Clean Water



**Many people around the world do not have access to the clean water they need. Ensuring that people and ecosystems have equitable, sustainable supplies of clean water may be the greatest environmental challenge we face.**



## MEXICO

Polluting industries are contaminating water supplies in Guadalajara. ELAW is working closely with Mexican attorney Pedro Leon to convince the Inter-American Commission on Human Rights to protect citizens from polluted surface water. The Government claims that its proposal to build the new El Ahogado wastewater treatment plant will solve water pollution in metropolitan Guadalajara. ELAW provided Pedro with documents showing that the proposed El Ahogado plant will have the capacity to treat only 20% of the city's wastewater and that the government will need to separate the combined storm water and sewage system so that it does not overwhelm the plant during periods of heavy rain. The petition is pending.

## INDIA

Thousands of villagers in Tuticorin, Tamil Nadu, are at risk from contaminated water supplies. A Sterlite Industries copper smelter generates large quantities of solid wastes, including slag and gypsum, which it disposes in massive landfills surrounding its facility in Tuticorin. The High Court of Madras ordered Sterlite to close the smelter because it is violating environmental laws, but Sterlite has appealed to the Supreme Court. ELAW is helping partners in India present evidence in the Supreme Court showing that wastes from Sterlite are responsible for rendering groundwater near the facility unfit for human consumption. The case is pending.

## PHILIPPINES

Taal Lake in Batangas, south of Manila, is a freshwater "caldera" formed by volcanic eruptions. It covers more than 90 square miles and provides critical habitat for fish and wildlife. The lake is now threatened by overfishing, shoreline development, and pollution. ELAW is helping local partners strengthen and implement provisions of the "Taal Volcano Protected Landscape Management Plan," a democratic, decentralized, and community-based approach to protecting the natural quality of Taal Lake.

## EL SALVADOR

The Rio Sucio once provided clean drinking water in the San Andres Valley. Now, more than 100 industries and municipal treatment plants discharging partially treated wastewater have rendered the Rio Sucio unfit for human use. ELAW is working with local partners to interpret water quality reports and help identify the worst polluters and require them to comply with El Salvador's water quality laws.

## PANAMA

ELAW is working closely with El Centro de Incidencia Ambiental (CIAM), Panama's leading grassroots environmental law organization, to challenge mining projects that threaten critical water supplies. For example, the proposed Cobre Panama copper mine threatens surface and groundwater. ELAW is helping CIAM review the project's environmental management plan.

## PERU

Asbestos in aging pipelines and pollution in the Rimac River leave low-income areas of Lima without enough potable water. ELAW is working with partners to analyze water quality studies and pinpoint pollution sources, which include upstream mining operations and municipal waste. ELAW is also working to ensure that oil development planned for the Ucayali River Basin does not sacrifice pristine waterways in the Peruvian Amazon (see page 2).

## MESOAMERICA

ELAW is building the capacity of local organizations in Mexico, Belize, Honduras, and Guatemala to protect the Mesoamerican Reef, and the watersheds that flow to the Reef. By providing targeted legal and scientific information and organizational development support, ELAW is helping these organizations serve citizens throughout the region who seek to protect natural treasures.



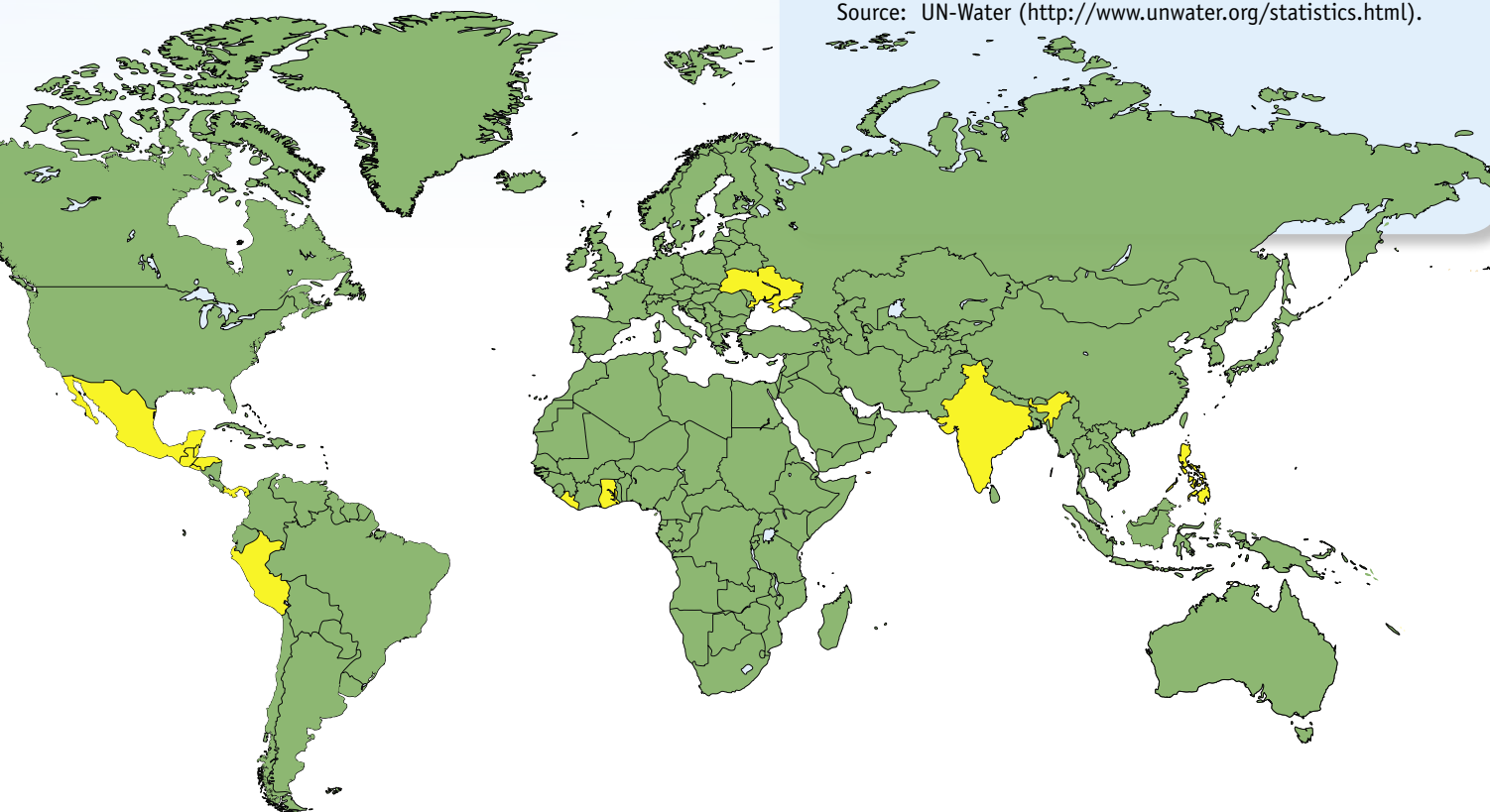
## Clean Water Facts

- Volume of water on Earth: 1.4 billion km<sup>3</sup>.
- Volume of freshwater: 2.5 % of the total volume.
- The world's 6 billion people are using more than half of all the accessible freshwater contained in rivers, lakes and underground aquifers.
- The UN estimates that each person needs 20-50 liters of safe freshwater, every day, for drinking, cooking, and cleaning.
- The daily drinking water requirement, per person, is 2-4 liters.
- It takes 2,000-5,000 liters of water to produce one person's daily food.
- In developing countries, 70% of industrial wastes are dumped, untreated, into waters where they pollute the usable water supply.

Source: UN-Water (<http://www.unwater.org/statistics.html>).

### LIBERIA & GHANA

Grassroots attorneys from Liberia and Ghana participated in ELAW Fellowships this past year to share strategies and gain expertise to promote sustainable mining, forestry, and climate policies. They are collaborating with ELAW to address contamination from abandoned mines, build the capacity of government agencies to enforce forestry laws and regulations, and identify sustainable practices for the extraction of oil and gas. Mining and oil/gas projects threaten the availability and quality of surface and groundwater. ELAW Fellows collaborated on clean water efforts and formed professional alliances and friendships that will last a lifetime.





## ELAW Fellowship Program

**“Environmental crimes have lasting impact. Awarding damages may not remedy the problem. Judges and prosecutors need environmental training.”**

Yimy Daniel Chirinos  
ELAW Fellow



Yimy arrived in Eugene in late September for a ten-week ELAW Fellowship. Back home, he explores the Mesoamerican Reef, off Roatán, Honduras, with a colleague from the Mesoamerican Reef Leadership Program.

*Many grassroots advocates are eager to travel to Eugene for individually-tailored Fellowships that empower them to collaborate and build skills to better protect communities and the environment.*

### ROATÁN, HONDURAS

Yimy Daniel Chirinos

ELAW Fellow Yimy Daniel Chirinos is eager to learn about environmental law. He is a newly appointed judge from Honduras who started his career as a prosecutor in the District Attorney’s office. Yimy is eager to learn about environmental law. His interest in the environment was piqued when he began prosecuting illegal development of the Honduran coast.

“My vision is to educate judges and prosecutors in coastal Honduras on fisheries law,” says Yimy. “Increased awareness and understanding of the region’s

ecological importance will lead to better management of natural resources, and ultimately the conservation of the Mesoamerican Reef.”

Yimy is working one-on-one with ELAW staff and building English skills through participating in the Intensive English Program at the University of Oregon’s American English Institute.

Many thanks to the Summit Foundation’s Mesomaerican Leadership Program and the American English Institute for making Yimy’s Fellowship possible.

## Congratulations Carlos!



Carlos Soria  
Secretary General  
Peruvian National Protected Areas Service

ELAW is pleased to announce that Carlos Soria has been named Secretary General of the Peruvian National Protected Areas Service (SERNANP). ELAW has worked with Carlos to protect the Peruvian Amazon since 2001. We helped Carlos call on the Inter-American Commission on Human Rights to protect the Cacataibo and their traditional lands from oil prospecting and worked with him to protect World Heritage Sites from global warming. Prior to his appointment at SERNANP, Carlos taught at Pontifical Catholic University of Peru and was a consultant at Instituto del Bien Común, in Lima.

Congratulations Carlos!

## Wangari Maathai (1940 – 2011) The Passing of a Hero

By Jen Gleason

When I started work at ELAW in 1993, I was thrilled to have the opportunity to spearhead our work with partners in Africa. I held a secret hope that I might one day meet Wangari Maathai. At the time, Wangari had just received the Goldman Environmental Prize for her success protecting Nairobi's most important green space – Uhuru Park.

One year later, we heard Wangari was suing the city of Nairobi and others to stop the sale of land that was currently used as part of a public market. We reached out to Wangari and sent her cases to support her legal arguments. She lost the case, but I had the chance to exchange faxes with her. As I continued working with ELAW, I met many people who, like Wangari, were fighting for a better world.

It is nearly 20 years since I sent that first fax to Wangari. I am sad that we have lost such a passionate advocate for environmental and human rights.

The good news is that Wangari's commitment to equity and justice is being carried forward by many others. The Green Belt Movement that she founded has grown into a major international organization and will continue to empower communities and achieve conservation.

In Wangari's own Kenya, her work is carried on by other strong advocates such as our friends at the Institute for Law and Environmental Governance (ILEG) in Nairobi and the Resource Conflict Institute (RECONCILE) in Nakuru.



Let's take time to remember Wangari Maathai and appreciate all that she has done for us – and thank her for inspiring so many people around the world, including those of us at ELAW, to stand up for environmental justice and human rights.

*Jennifer Gleason, ELAW Staff Attorney, holds a law degree from the University of Oregon School of Law (1993), where she teaches Energy and the Law. She has traveled throughout Africa to work with ELAW partners.*



## Victory in India

Radiation in coal ash threatens people's health. In October, India's National Green Tribunal ordered the Ministry of the Environment to investigate the impacts of a coal-fired plant in Maharashtra District and put national standards in place within one year. ELAW partner Ritwick Dutta argued the case on behalf of the local community and thanked ELAW for providing critical information.

Congratulations Ritwick!



# LAW

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# Do Good. Feel Good.

This year, make gifts that honor friends and family, while protecting the environment.

*"We have given our family members holiday gifts we know they will love – a donation to ELAW, in their name. We know they care about protecting the planet as much as we do, and they appreciate our thoughtful gift. We don't have to wrap or ship anything, and we know it's the right size! My in-laws were so pleased with the donation that it has become a holiday tradition. We get a receipt for our donation and our family members get a beautiful card from ELAW!"*

– Derek and Jennifer Snelling

For more information about making a gift to ELAW in the name of a loved one, please visit our website at [www.elaw.org/give](http://www.elaw.org/give) or contact ELAW's Donor Liaison, **Michele Kuhnle**, at 541-687-8454 x14 or [michele@elaw.org](mailto:michele@elaw.org)



## THINK GLOBALLY. ACT GLOBALLY.

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