



ELAW

AUTUMN 2018

advocate

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ELAW in Africa

Building Capacity, Winning Victories & Making Connections Across Borders



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2018 ELAW Annual International Meeting Participants at Ngorongoro Conservation Area. The Goldman Environmental Prize brought 26 Prize winners to participate in the Arusha meetings and connect with ELAW partners. Many thanks to the Goldman Prize.

ELAW's work in Africa began 25 years ago. Since then, we have helped young lawyers in Tanzania, Liberia, and Zimbabwe launch their nations' first environmental law organizations, and collaborated with lawyers in 26 nations to strengthen and enforce environmental laws to protect the rights of local communities.

ELAW identifies lawyers working to protect communities and the environment, provides legal, scientific, and organizational support, and connects them with each other. These lawyers are giving voice to communities and NGOs, and they become stronger by sharing information and expertise.

More than 100 grassroots leaders from 42 countries participated in this year's ELAW Annual International Meeting, hosted by partners in Tanzania. This Advocate features our work in Africa, including reports on our Tanzania gathering, recent ELAW Fellow Brice Séverin Pongui from Congo-Brazzaville, and more work with grassroots leaders across Africa and around the world.

2018 ELAW Annual International Meeting, May 21 – 25, 2018

It was an epic gathering in Arusha, Tanzania. The world's leading environmental defenders from 42 countries shared successes, strategized about new challenges, and inspired each other with their work defending communities around the world.

ELAW Annual International Meetings build the bonds that make our network strong. Participants at this year's gathering worked together to protect communities from extractive industry abuses, move nations toward sustainable energy, and seek climate justice.

This year's meeting was co-hosted by the Lawyers' Environmental Action Team (LEAT, based in Dar es Salaam) and the Association for Law and Advocacy for Pastoralists (ALAPA, based in Arusha). LEAT and ALAPA held an inspired meeting and organized an unforgettable field trip to Ngorongoro Conservation Area. They also hosted the African Public Interest Environmental and Human Rights Law Conference, which followed the ELAW Annual International Meeting.

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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.

ELAW Fellow

Brice Séverin Pongui
 Republic of Congo (Congo-Brazzaville)
 June 21 – August 28, 2018

We welcomed Brice Séverin Pongui for a 10-week ELAW Fellowship this summer to strengthen his work protecting communities and the environment in Republic of Congo. Brice is Executive Director of Institut Cerveau Vert 2063, a leading non-profit organization in Central Africa. Brice says Institut Cerveau Vert 2063 (Green Brain Institute) seeks a prosperous Africa, based on good governance, respect for human rights, justice, and the rule of law – by 2063.

"We want a peaceful and secure Africa, with people-centered development that realizes the potential of women and youth," says Brice.

In 2016, Brice did not have connections with other public interest environmental lawyers in Africa. He was pleased to find ELAW! Brice is now connected with other lawyers, including ELAW attorney Erick Kassongo who works across the border in Kinshasa, Democratic Republic of Congo. Erick is Chair of the Centre Congolais pour le Droit du Développement Durable (CODED).

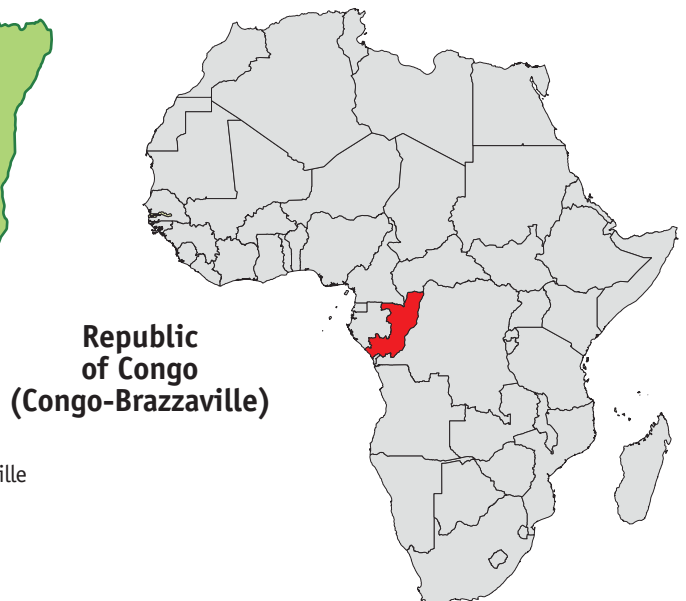
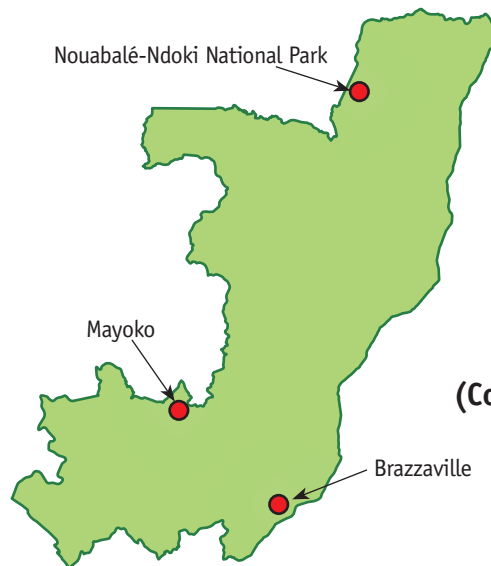
One strength of the ELAW network is connecting grassroots advocates across borders to share experience and replicate victories. Erick traveled to Brazzaville to meet Brice in person and participate in a community forum on land rights.

"ELAW is now working with Brice to build the capacity of riverside communities near Nouabalé-Ndoki National Park," says Erick. "There are conflicts with park guards and residents mistaken as poachers are subjected to summary trials. We are also helping Brice monitor mining activity in Congo-Brazzaville."

During his ELAW Fellowship, Brice worked one-on-one with the ELAW team to advance his work protecting forest communities and build the capacity of his organization. He also completed the Intensive English Program at the University of Oregon's American English Institute (AEI), where he was provided a Director's Distinction Scholarship. Many thanks to AEI for supporting the ELAW Fellows Program!



ELAW Fellow Brice Séverin Pongui visits the Dee Wright Observatory in the Willamette National Forest, Oregon.





Nouabalé-Ndoki National Park.

Protecting Forest Communities in the Republic of Congo

Nouabalé-Ndoki National Park in northwest Republic of Congo is home to pristine tropical rainforests with elephants, gorillas, chimpanzees, bongos, giant pangolins, leopards, and hundreds of bird species. The park, established in 1993, includes a Ramsar wetland of international importance.

Brice is working with local NGOs to mediate conflict in this remote area, including helping communities understand that poaching is not a good job – it comes with great risk and only the traffickers profit.

Nouabalé-Ndoki National Park is off limits to hunting, fishing, logging, and agriculture, but Brice says communities are unclear about park boundaries and details of the park's management plan. Brice has plans to make the park's management plan available in the local language (Lingala) and in a format that residents can understand.

"Conflict can be avoided if communities have access to information about the management of natural resources and land use law," says Brice. "We want to have a dialogue, and help citizens defend their economic, social and environmental rights."

In the Mayoko District of southwest Congo, Brice is beginning work with forest communities near the Mayoko iron ore project. The exploration permit for the project was granted in 2013, for 25 years. The current project owner is Congolese mining giant Sapro. Business Day reports that Sapro has expansion plans to raise production by 150-million tons, with exports being shipped through Pointe Noire and a port at Owendo in neighboring Gabon. This would place Republic of Congo among the world's top iron ore producers (May 17, 2018).

Brice wants to work with local communities to ensure that the air, water, and soil near the massive open pit Mayoko mine is not contaminated. He plans to work with ELAW Staff Scientists to analyze the project's environmental management plan and support community-based monitoring.

ELAW will help Brice draw on the experience of partners in other countries who have successfully organized community-based monitoring and help develop indicators that community members and local NGOs can use for reporting.

"Conflict can be avoided if communities have access to information about the management of natural resources and land use law. We want to have a dialogue, and help citizens defend their economic, social and environmental rights."

Brice Séverin Pongui

Executive Director of Institut Cerveau Vert 2063

ELAW In Africa : 2018 ELAW

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Sharing Victories



L to R: Samantha Atukunda, Greenwatch Uganda, and Jingjing Zhang, Chinese attorney.

We enjoy learning from each other's successes. ELAW partners at the Centre for Environmental Law (CER) in South Africa shared a huge victory – a court ruled that the government must assess the climate impacts of a proposed coal-fired power plant before issuing permits. Advocates from around the world are now working to replicate this ground-breaking precedent to challenge projects that would damage the climate.

Economic analyst Ernie Niemi gave an impressive presentation on the importance of incorporating economics in cases to protect the environment and human health. Ernie is now working with advocates who attended his talk to determine the true costs of proposed development projects.

ELAW partners at the Katiba Institute shared their stunning victory for communities in Lamu, Kenya. In April, the government was ordered to pay more than \$17 million USD to 4,600 fishermen for damages caused by an enormous infrastructure project: the Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET). The High Court declared that the project proponents "failed to carry out a Strategic Environmental Assessment (SEA) before embarking on the individual components of the LAPSSET Project as they were duty-bound to do." The Court also ordered the government to "draw up a Management Plan to preserve Lamu Island as a UNESCO World Heritage Site."

ELAW Staff Attorneys and Staff Scientists collaborated with the Katiba Institute, Natural Justice, and Save Lamu to ensure the port project does not devastate coastal communities, mangroves, coral reefs, and sea turtle habitat.

Annual meeting participants worked hard to replicate successful strategies and collaborate for greater impact. We were inspired to see that in all corners of the globe, skilled and committed advocates are working to build a greener future. By linking across borders and working together, we become stronger and win more victories.



"Our lawyers are meeting with the Lamu Community to explain the High Court Judgment on LAPSSET." Katiba Institute tweet (@katibainstitute, May 2, 2018)

Protecting the Climate in Uganda

ELAW partners Samantha Atukunda and Frank Tumusiime are representing Greenwatch and four youth asking the Ugandan government to protect the rights of Ugandans that are impacted by climate change. When we saw them at the meeting in Arusha, Samantha and Frank were preparing for a hearing in June, but that hearing has been rescheduled for 14 November 2018. Check back for updates!

Kenya Outreach

En route to the 2018 ELAW Annual International Meeting, ELAW Staff Attorney Jennifer Gleason spent a few days in Nairobi working with local partners at Kituo Cha Sheria, Kenya's oldest public interest law organization, as well as a few young lawyers just starting careers in environmental law, including Mary Muthoni Morrison working with Wildlife Direct. ELAW looks forward to future work with these lawyers.

ELAW has collaborated with lawyers in 26 African nations to strengthen or enforce environmental laws to protect the rights of local communities.

- CAMEROON
- CENTRAL AFRICAN REPUBLIC
- CHAD
- DEMOCRATIC REPUBLIC OF CONGO
- EGYPT
- ETHIOPIA
- GAMBIA
- GHANA
- GUINEA
- KENYA
- LIBERIA
- MADAGASCAR
- MALAWI
- MAURITIUS
- MOROCCO
- NAMIBIA
- NIGERIA
- REPUBLIC OF CONGO (BRAZZAVILLE)
- SIERRA LEONE
- SOUTH AFRICA
- SWAZILAND
- TANZANIA
- TOGO
- UGANDA
- ZAMBIA
- ZIMBABWE

Annual International Meeting



The following Prize-winning ELAW partners attended the 2018 ELAW Annual International Meeting:

Ikal Angelei, Kenya, 2012
Friends of Lake Turkana (FoLT)

Thuli Makama, Swaziland, 2010
Senior Advisor for Africa,
Oil Change International

Syeda Rizwana Hasan, Bangladesh, 2009
Bangladesh Environmental Lawyers Association
(BELA)

Pablo Fajardo Mendoza, Ecuador, 2008
Unión de Afectados y Afectadas por las Operaciones
Petroleras de Texaco
(UDAPT) and Servicios Fromboliere

Samuel Nguiffo, Cameroon, 1999
Center for Environment and Development (CED)

Albena Simeonova, Bulgaria, 1996
Foundation for Environment and Agriculture
(FEABG)

Harrison Ngau, Malaysia, 1990
Borneo Resources Institute
(BRIMAS)



L to R: 1999 Goldman Environmental Prize winner Samuel Nguiffo (Cameroon), Erick Kassongo (Democratic Republic of Congo), and Augustine Niber (Ghana).

The Goldman Environmental Prize is the world's most important prize for grassroots environmentalists. Founded in 1990 by Richard and Rhoda Goldman, each year the Goldman Environmental Prize honors one environmental hero from each of the world's six inhabited continents.

The Goldman Prize has been awarded to 12 ELAW partners for their outstanding work protecting the environment, human rights, and communities.

The Goldman Prize brought 26 Prize winners to participate in the Arusha meetings and connect with ELAW partners. Many thanks to the Goldman Prize.



ELAW advocates from 11 countries take a lunch break during a field trip to Ngorongoro Conservation Area.

Outreach to Francophone Africa

Earlier this year, ELAW contracted with francophone lawyers to help ELAW provide more robust support to lawyers in French-speaking Africa. ELAW launched its work to reach more francophone lawyers at the Tanzania meeting.

ELAW recently learned about a public interest law organization in Guinea – Les Mêmes Droits pour Tous (MDT). We brought an MDT lawyer, Adrien Tossa Montcho, to Arusha, where we learned about MDT, found ways for ELAW to support MDT's work, and connected MDT lawyers to other lawyers in Africa.

We also built ties between anglophone and francophone African lawyers. We have been communicating for years, by email, with lawyers at the Foundation for Environment and Development (FEDEV) from the anglophone portion of Cameroon. When the FEDEV team learned we would be in Arusha, they sent Akwen Njue, head of FEDEV litigation. Akwen shared FEDEV's experience defending rights of communities in Cameroon. We were thrilled to build stronger ties with FEDEV.

Protecting the Rights of Indigenous Peoples in Nepal



Residents of Lamjung District discussing the environmental and social assessment of the Marsyangdi Corridor.

PHOTO: Accountability Counsel, 2018

Indigenous communities in Nepal's Lamjung District are concerned about plans to build the 220 kV Marsyangdi Corridor transmission line and other hydropower generation projects and transmission lines that would cut through the Himalayas, including through Nepal's largest protected area – the Anapurna Conservation Area.

The proposed power line passes over forests, community resources, homes, structures, and private lands.

The *Kathmandu Post* reports: "Locals are upset that the project is constructing the power line without providing them adequate information about its environmental, social and economic impacts" (August 10, 2018).

Community members called on the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP).

ELAW Staff Scientist Dr. Mark Chernaik consulted with Advocate Shankar Limbu at LAHURNIP, and Mr. Siddharth Akali at the Accountability Counsel, and analyzed the Initial Environmental Examination (IEE) for the proposed "Marsyangdi Corridor (Udipur - New Bharatpur) 220 kV Double Circuit Transmission Line."

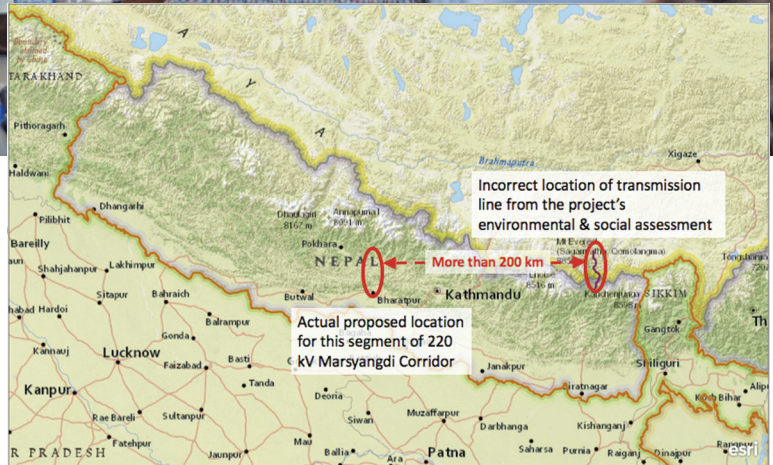
Mark revealed that the IEE had incorrect geographic coordinates, which placed the project 200 km from its proposed location! Mark's report identified many other problems with project plans, including:

- The safety risks to citizens are understated.
- Stakeholders who live along the project path were not consulted.
- Wildlife within the project area were not adequately assessed.
- The assessment of impacts on forests is not adequate.
- Geographic coordinates provided for the transmission line were incorrect.
- No measures are in place to prevent the electrocution of rhesus monkeys that could climb transmission towers.
- The project is part of a much larger transmission line project, but no analysis is made of the cumulative impact as required by Nepalese law.

Siddharth wrote to Mark:

"Thank you for this detailed and insightful analysis. This is tremendously helpful! LAHURNIP and Accountability Counsel shared your analysis with the communities. The communities felt empowered by your analysis and kept referring to it. LAHURNIP and Accountability Counsel have had an extended summary translated for the communities. The communities said it's going to play a cornerstone role in their advocacy."

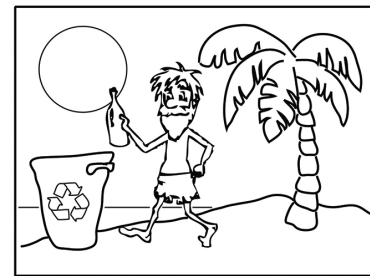
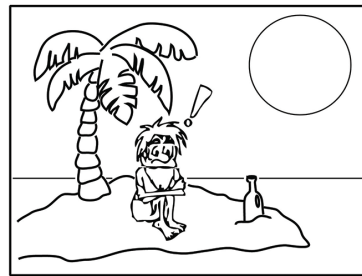
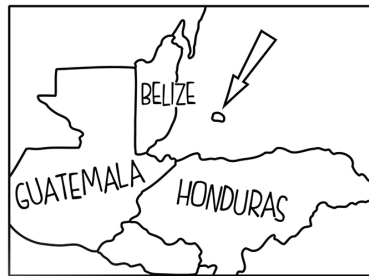
The 220 kV Marsyangdi Corridor transmission line project is being funded by the European Investment Bank (EIB) as part of the Nepal Power System Expansion Plan. Community members are worried that this and related hydropower sector projects in the area are not following EIB's environmental and social rules that require Free Prior Informed Consent (FPIC) from affected Indigenous Peoples.



Map comparing the actual location of the 220kV Marsyangdi Corridor to the incorrect geographic coordinates provided in the environmental assessment.

Tackling Plastic Waste Around the World

Illustration by
Josh Vincent in
"Ocean Waste in the Gulf
of Honduras: Where it goes
and what to do about it,"
ELAW, January 2013.



Over the past 10 years, ELAW has worked with partners around the world seeking to regulate plastic bags in 12 countries.

- AUSTRALIA
- ECUADOR
- GUATEMALA
- INDIA
- KENYA
- MEXICO
- NEPAL
- NICARAGUA
- NIGERIA
- PHILIPPINES
- SIERRA LEONE
- SOUTH AFRICA

The world is responding to the scourge of single-use plastics: Seattle banned plastic straws as of July 1, Vanuatu announced plans to ban single-use plastics this year, and Costa Rica seeks a ban on most single-use plastics by 2021.

In **Honduras**, ELAW partner Laura Palmese is working to ban straws and all single-use plastics in Roatán, a popular tourist island on the southern edge of the Mesoamerican Barrier Reef.

"Although some restrictions are in place, they are weak and poorly enforced," says Laura. "Plastic waste in Roatán is a serious, growing problem."

Laura 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 she is a member of the drafting group on a new National Waste Management Law and Policy. Laura has worked with ELAW to organize several events and workshops in Roatán on waste management practices for teachers, students, and community leaders.

"It's devastating to dive on coral reefs and see pieces of trash floating past," says ELAW Staff Scientist Dr. Heidi Weiskel. "And now we are discovering that many of the fish species we consume are filled with microplastics."

ELAW is working with partners around the world who are stepping up to challenge single-use plastics.

In **Guatemala**, ELAW partner Alianza de Derecho Ambiental y Agua (ADA2) is celebrating a critical milestone in its campaign to clean up trash in the ocean-flowing Motagua River watershed. ADA2 spearheaded a cooperative agreement to tackle trash among the three municipalities closest to the Gulf of Honduras, and led those three to design and implement bans on single-use plastics, straws, and styrofoam. New regulations were approved by all three in August. The ELAW team provided ADA2 with model regulations from the U.S., Australia, Chile, Peru, Rwanda, Kenya, Papua New Guinea, South Africa, and Uganda.

In **Canada**, Calvin Sandborn, legal director of the University of Victoria Environmental Law Centre, joined Margaret Atwood (author of *Handmaid's Tale*) to urge Canada to establish a national strategy to reinvent the plastic economy.

In **Uganda**, Greenwatch championed the case for a total ban on the use, import, and manufacture of micro-thin plastic bags called "kaveera." The High Court at Kampala pronounced that kaveera deprives Ugandans of their constitutional right to a clean and healthy environment, and the government should ban them.

ELAW is building on our work with partners to ban single-use plastics and prevent plastic pollution.





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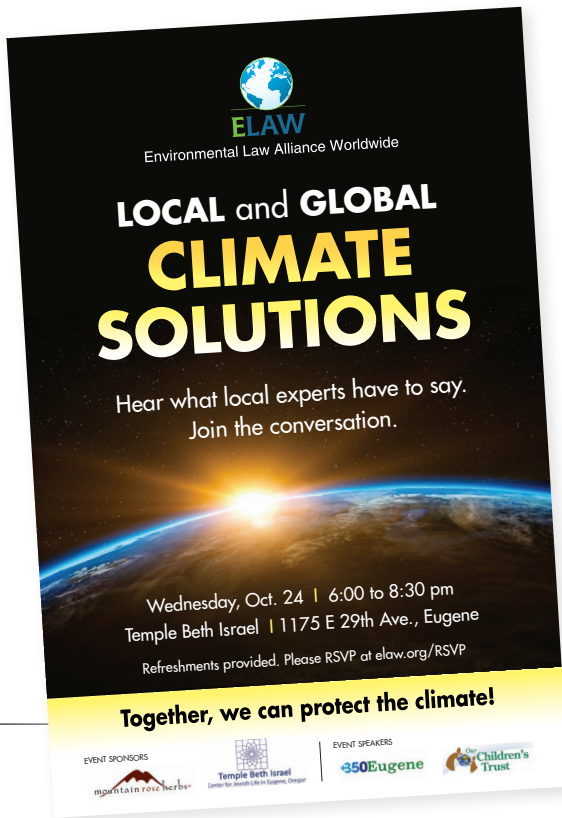
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Local and Global Climate Solutions

The damage that humans are doing to the global climate may be one of the gravest injustices of all time. ELAW is working with partners around the world to fight for climate justice.

On October 24, ELAW will convene local experts who are working to protect the climate to share local and global climate solutions with our Eugene community.

If you are in Eugene and are interested in attending this inspiring event, please RSVP at elaw.org/rsvp or contact ELAW Community Liaison Krista Shennum at krista@elaw.org.

THINK GLOBALLY. ACT GLOBALLY.



Charity Navigator and **GuideStar** give ELAW their highest rating for fiscal management, accountability, and transparency. To support our high impact work defending the environment and human rights in communities around the world visit www.elaw.org/give to make a secure, online gift.