



**ELAW**

**advocate**

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Connecting Communities  
Protecting the Planet

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# Moving Beyond Coal

**Burning coal kills people.** According to reports, burning coal in the U.S. and the European Union may cause more than 10,000 premature deaths every year. In India, the numbers may exceed 100,000.

To end needless death around the world, we must stop burning coal!

U.S. Environmental Protection Agency data reveals that an average coal-fired power plant emits more carbon dioxide over one year than 700,000 cars.

To avoid catastrophic damage to our global climate, we must stop burning coal!

ELAW is collaborating with lawyers around the world to challenge proposed coal mining, coal transport, coal burning, and disposal of coal ash.

Coal mining releases large amounts of methane, a highly potent greenhouse gas. Burning coal releases huge amounts of greenhouse gases and also harms humans and ecosystems by using huge amounts of water and releasing carbon dioxide, mercury, sulphur dioxide, nitrogen oxides, particulate matter, and more.

Burning coal is completely unsustainable.

Cost-effective alternatives to coal are available and some countries have started to move past coal. But coal companies, utilities, industries,

and governments are determined to continue burning coal, mining coal, extending the life of coal-fired power plants, and building new plants.

All over the world, ELAW partners and communities are stepping forward to challenge short-sighted plans to mine and burn coal. ELAW partners are challenging permits for coal power plants, defending land rights, enforcing clean air and water laws that restrict coal plants, and empowering communities to speak out against coal.

In November, ELAW launched an internet-based tool for grassroots lawyers challenging proposals to build or expand coal-fired power plants. The new ELAW tool includes a description of legal strategies that have been used successfully around the world and a database of administrative and court decisions to help support legal arguments. We expect the arguments and database to grow as we learn about other successful cases and strategies.

Many thanks to the Philip Stoddard and Adele Smith Brown Foundation for making this Coal Litigation Strategies website possible.

[elaw.org/coal](http://elaw.org/coal)



# Moving Beyond Coal

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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.

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**"Support from ELAW is an invaluable asset. Having access to ELAW's expertise has increased my capacity as a lawyer, and helps shape our legal strategies for challenging coal."**

Kristina Sabova  
The Frank Bold Society, Czech Republic

**"ELAW's expertise is invaluable in our fight – on behalf of affected communities – against these new coal-fired power stations."**

Robyn Hugo  
Centre for Environmental Rights, South Africa

**"Coal is a dirty, outdated fuel. To protect our global climate, we must keep coal in the ground."**

Bern Johnson  
ELAW Executive Director

## Coal in the U.S.

- From 2015 to 2016, four publicly traded U.S. coal companies declared bankruptcy.
- Coal production is now at its lowest level in 35 years.
- In 2008, coal was the source of roughly half the electricity generated in the United States. This year, that figure has fallen to roughly 30 percent.

Source: Krauss, Clifford. "Coal Production Plummets to Lowest Level in 35 Years". New York Times. June 10, 2016.

## Coal Around the World

- In the Philippines, 25 coal-fired power plants are currently proposed.
- In India, more than 400 new coal-fired power plants are planned.
- The equivalent of 1,500 large coal plants around the world are in permitting or planning stages.

Building all these coal-fired power plants would devastate air quality and the global climate.

Source: "Why is PH building 25 more coal-powered plants?" Philippine Daily Inquirer, March 15, 2016; Vox, "Hundreds of coal plants are still being planned worldwide — enough to cook the planet," April 5, 2016.

## Defending the Defenders

Defenders of the environment and human rights face growing risks. Last year, ELAW partner **Eduardo Mosqueda Sánchez** was detained in Mexico on bogus charges, while working to defend the Nahua people in Jalisco State. Dozens of citizens were detained, as well. The citizens were released on bail and Eduardo was detained for many months.

ELAW has helped Eduardo and many partners respond to violent attacks, unjust detention, digital hacking, and threats. We work to empower our partners to take precautions and protect themselves, their data, their clients, and their organizations.

As front line advocates, our partners face direct threats against themselves and their organizations. Indeed, in some cases lawyers are the most attractive targets for those who want to silence dissent because grassroots lawyers give voice to communities and help citizens respond to threats.

In the year ahead, ELAW will provide training to our partners to make these grassroots leaders and the communities they work with more secure. Together, we will dissuade those who would attack defenders, and break the cycle of violence.



## Jamaica's Goat Islands Saved

**"We had much help and support from international partners, including ELAW, and I would like to thank everyone for that."**

Diana McCaulay  
JET CEO



PHOTO: Jeremy Francis

A plan for a trans-shipment port and logistics hub in the Portland Bight Protected Area near Jamaica's Goat Islands has been canceled because of the threat of serious environmental damage.

ELAW partners at Jamaica Environment Trust (JET) worked tirelessly on a three-year campaign to save the Goat Islands. The Portland Bight Protected Area is home to coral reefs, mangroves, and sea grass beds. The proposed port would have disturbed marine life in a large portion of the protected area.

In September, Jamaica's Prime Minister announced on Twitter that the government would not allow the proposed port at the Goat Islands.

JET's CEO Diana McCaulay writes, "We had much help and support from international partners, including ELAW, and I would like to thank everyone for that."

ELAW's legal team helped JET defend Jamaica's right to information about the proposed project and helped evaluate laws protecting citizens and the environment.

Congratulations to JET on this huge victory!

# Taking on the Coal Ma

*Responding to requests for help from our partners over the past three years, ELAW has collaborated with lawyers in 16 countries to take on all parts of the coal machine.*

AUSTRALIA  
CANADA  
COLOMBIA  
CZECH REPUBLIC  
DOMINICAN  
REPUBLIC  
EGYPT  
INDIA  
JAMAICA  
KENYA  
PAKISTAN  
PHILIPPINES  
POLAND  
SOUTH AFRICA  
SRI LANKA  
THAILAND  
TURKEY

## 1 Tricomalee, Sri Lanka

A 500 MW coal-fired power plant was proposed for the coast, near Tricomalee. ELAW partners at the Centre for Environmental Justice requested help analyzing the 737-page Environmental Impact Assessment (EIA). ELAW scientists found the EIA failed to assess alternatives to the project, such as using natural gas or generating power from renewable sources. The EIA also ignored the fate of aquatic life in Koddigar Bay that would be sucked into the intake pipe and destroyed. The government shelved the project and will look to natural gas or other alternatives to generate electricity.

## 2 Cuddalore, India

A 1320 MW coal-fired power plant was proposed for the coast, near Cuddalore. ELAW partners at Community Environmental Monitoring requested help analyzing the EIA. ELAW scientists revealed that the EIA vastly underestimated the quantity of hazardous emissions, including mercury, which would jeopardize the health of local community members. Facing public opposition, the local utility shelved the project.

## 3 Korba, India

A 3 X 350 MW coal-fired power plant was proposed for Korba, an area already declared "critically polluted." ELAW scientists helped ELAW partners in India identify the toxic impacts of adding emissions from another coal-fired power plant to the region's already compromised air. Plans for the power plant were scaled down.

## 4 St. Elizabeth Parish, Jamaica

A Chinese company proposes to build Jamaica's first coal-fired power plant. This 1000 MW plant would be the center of a major industrial complex already plagued by water shortages and pollution from bauxite refining. ELAW attorneys and scientists are working with the Jamaica Environment Trust to demonstrate how this scheme is bad for the global climate, and contrary to Jamaica's National Energy Policy and commitments made in the Paris Agreement.

## 5 Lamu, Kenya

A coal plant proposed for the coast near Lamu would emit nearly 9 million metric tons of carbon dioxide per year. "This is inconsistent with Kenya's commitment under the 2015 Paris Agreement," says Dr. Mark Chernaik, ELAW Staff Scientist. ELAW's law and science teams are working with partners at Save Lamu and Natural Justice to ensure the power plant and associated pier and infrastructure do not devastate communities, mangroves, and sea turtle habitat.

## 6 Mpumalanga, South Africa

Nearly 60% of South Africa's Mpumalanga Province has been licensed for mine prospecting and development – primarily for coal to be burned in power plants. ELAW partners at the Centre for Environmental Rights (CER) are educating communities about what is at stake and helping them make their voices heard in decisions about mining. ELAW supported CER to publish a guidebook: "Zero Hour: Poor Governance of Mining and the Violation of Environment Rights in Mpumalanga." Thanks to the Irwin Andrew Porter Foundation for making this publication possible.

## 7 Naga City, Philippines

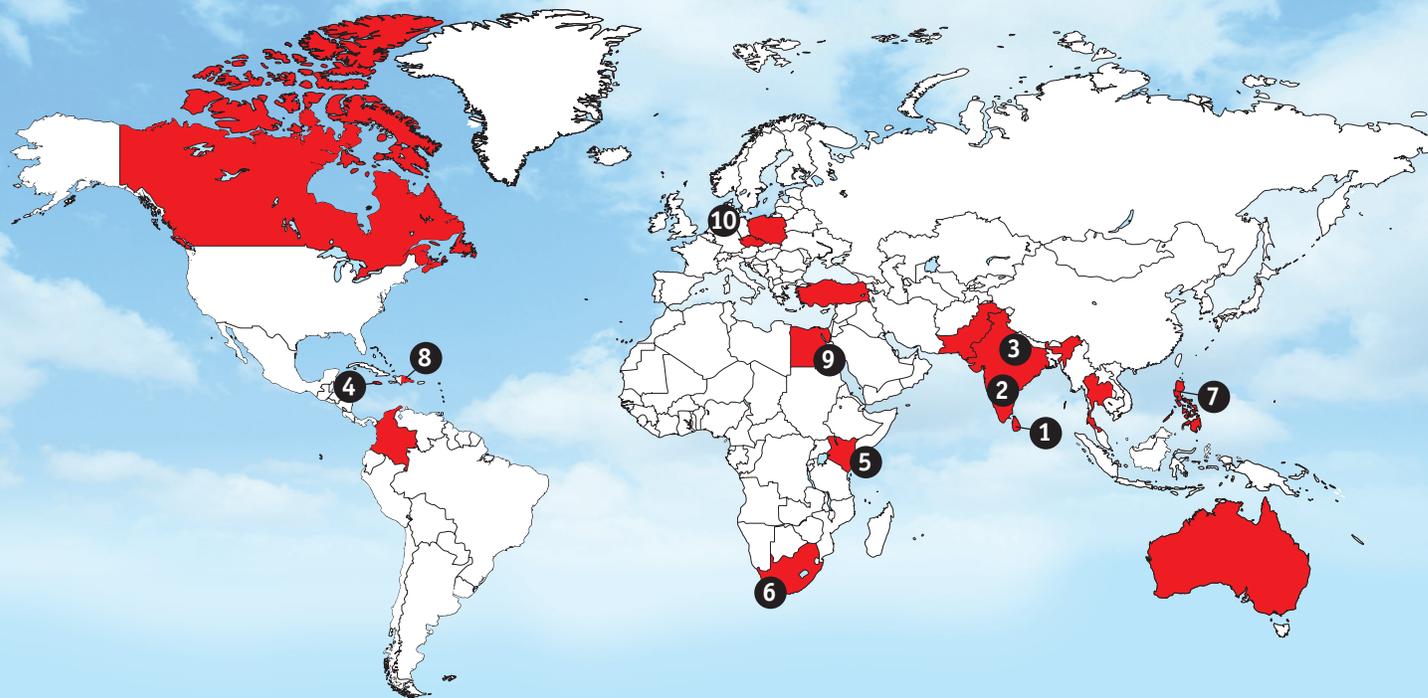
ELAW partners at the Philippine Earth Justice Center helped convince government officials to deny permission to dump toxic coal ash on beachfront property in Cebu. ELAW scientists reviewed the plans and found that the coal ash landfill would have been located in a floodplain and did not allow enough distance between the landfill liner and groundwater, violating the Philippine Ecological Solid Waste Management Act.

## 8 Punta Catalina, Dominican Republic

A 700 MW coal-fired power plant proposed for Punta Catalina threatens air quality and ecosystems. ELAW partners at Instituto de Abogados para la Proteccion del Medio Ambiente (INSAPROMA) worked to protect communities from the polluting project. ELAW attorneys analyzed INSAPROMA's complaint and provided cases from around the world to help argue the coal plant's EIA is legally defective and the emissions will violate the rights of local communities to a healthy environment. The project was mired in scandal and faced sustained protests, but the government moved forward. Now, the project is in jeopardy because the original funder - the Brazil State-owned bank BNDES - has pulled out.



# China in 16 Countries



■ 16 countries where ELAW has recently collaborated with lawyers to challenge coal

## 9 Alexandria, Egypt

The Alexandria Portland Cement Company, located in the densely populated Wadi al-Qamar neighborhood, received permission to switch from natural gas to coal to power its plant. ELAW partners at the Egyptian Initiative for Personal Rights (EIPR) filed an appeal to overturn that approval. Dr. Mark Chernaik, ELAW Staff Scientist, prepared an affidavit for EIPR showing that if Portland Cement is allowed to switch from natural gas to coal, the social cost of the increased CO<sub>2</sub> emissions would be as high as \$143 million per year in 2020, rising to \$176 million per year by 2030. Dr. Chernaik's affidavit has been submitted to the court and the case is pending.

## 10 Brno, Czech Republic

ELAW partners at the Frank Bold Society are working to challenge long-term re-licensing of coal-fired power plants in Central and Eastern Europe. Their focus is aging plants in the Czech Republic, including the 820 MW Chvaletice Power Station, which is seeking a long-term extension of its expiring license. ELAW is helping show that the plant would not be able to comply with EU environmental standards that are coming into force, and the plant should not be re-licensed.

## Communications Training Workshop in Ukraine



Left to right: Hanna Khomechko, Sofia Shutiak, Liubomyra Harasym, Maggie Keenan, Nazar Shparyk, Olha Melen'-Zabramna, Alla Voytsikhovska, Marta Pankevych, Iryna Vasylakiy, Natalia Kuts

ELAW Communications Director **Maggie Keenan** traveled to Lviv in September to conduct a communications training for staff attorneys and scientists at Environment People Law (EPL). Maggie helped EPL staff attorneys and scientists identify effective ways to share their courageous work with the international media – through email, Facebook, Twitter, and more. Together, they drafted news reports and pitched stories by Skype to veteran television news producer Mary Beth Durkin, and strengthened EPL's communications team.

Generous support from the Trust for Mutual Understanding made this work possible.



## News From ELAW Partners

### TANZANIA

#### **Dr. Elifuraha Laltaika Appointed to UN Permanent Forum on Indigenous Issues**

ELAW partner **Elifuraha Laltaika** will bring his expertise advocating for the rights of pastoralists in East Africa to his new appointment to the UN Permanent Forum on Indigenous Issues. Eli has collaborated with ELAW for many years. He is the Executive Director of the Association for Law and Advocacy for Pastoralists (ALAPA) in Tanzania. Eli teaches law at Tumaini University Makumira (Arusha) and was a visiting scholar at Harvard Law School. He holds a Doctorate in Law from the University of Arizona.



PHOTO: Trask Bedortha, Eugene Weekly



### PHILIPPINES

#### **Ipat Luna Named Undersecretary, Department of Environment and Natural Resources**

ELAW partner **Ipat Luna** has been named Undersecretary, Department of Environment and Natural Resources. Ipat has collaborated with ELAW for more than 20 years. She has managed several foundations and organizations for the conservation of the environment, built local consensus on important policy decisions affecting natural resources and habitats, and published numerous works in these fields.

## Volunteer Power

Volunteers, interns, and pro bono experts help ELAW provide the legal and scientific tools partners need. We appreciate the people who contribute their time and expertise to support grassroots advocates working around the world to build a sustainable, just future.

*In 2009, I was a junior at the University of Oregon, and I volunteered at ELAW. This was my first real introduction to the environmental justice movement. During my time at ELAW, I learned so much about international environmental politics, and development. I was inspired to change my academic focus from pre-law to political ecology and natural resource economics. Working at ELAW motivated me to pursue my interest in the Peace Corps, and it was the first time that I learned about the U.S. Environmental Protection Agency.*

*Nine years later, I am a Returned Peace Corps Volunteer, having served in Madagascar as an Agribusiness volunteer, and I work for the EPA. I am so grateful for the opportunity that ELAW provided.*

**Simone R. Walter**, Communications Specialist  
U.S. Environmental Protection Agency  
Office of Environmental Justice



Former ELAW Intern Simone Walter (center) as a Peace Corps Volunteer in Madagascar



### Michael Fuller Encore Fellow

Michael is volunteering with ELAW for one year thanks to the Encore Program, which matches seasoned professionals with local nonprofits and is administered through the Portland office of Social Venture Partners.

Michael will work on several projects with ELAW staff, and will focus on improving ELAW's use of technology tools.

Michael retired from Intel Corporation in 2016 after 19 years with the company. While at Intel, he held management positions in IT, Manufacturing, Product Development, and Open Source Software R&D. His last position was Director of Enterprise Cloud Engineering in Intel's Open Source Technology Center.

### Thank you 2016 ELAW Volunteers

Kenyon Acton | John Brown | Natasha Compton | Taylor Coronel | Kay Crider | Laoni Davis | Alexander Erwig  
Lauren Finkelstein | Dalton Fusco | Alan Gray | Tyler Gray | Raina Kamrat | Camille Kaynor | Ashley Lyons  
Sasha Marlan-Librett | Kaley McCarty | Jean Meyer-Fero | Sophia MonDragon | Hap Ponedel | Noshin Rahman  
Che Ruth-Cheff | Sugam Singh | Jenna-Marie Smallwood | Olga Turner

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## Environmental Law Alliance Worldwide

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## Walking the Walk

ELAW is *walking the walk* of environmental sustainability.

Thanks to a generous donation from the University of Oregon's Solarize U program, a 3.5kW solar array was installed on the roof of ELAW's new home, a 102-year old historic Eugene building.

"We want to take care of the climate, and we are thrilled to reduce our carbon footprint through solar power," says Bern Johnson, ELAW Executive Director. "We will save money on our electric bill and help protect the climate while producing clean, renewable energy."

Did you know ELAW's Eugene office is carbon neutral? This year, ELAW offset its operating carbon emissions through the Bonneville Environmental Foundation, which funds the Red Hills Wind Farm in Elk City, Oklahoma. The Farm's 82 turbines create 123MW of electricity. The area gets most of its power from coal, so wind power reduces greenhouse gas emissions from burning coal.



Left to right:  
ELAW Director Scott Pope;  
ELAW Executive Director Bern Johnson;  
ELAW Associate Director Lori Maddox;  
Solar Assist's Newt Loken



## 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](http://www.elaw.org/give) to make a secure, online gift. Call Ashley White at **541.687.8454 x105** for more ways you can help ELAW protect the planet.