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# advocate

SPRING 2011

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## Nuclear Power

### A new chapter

#### **Our hearts go out to the people of Japan who are struggling**

to recover from the twin blows of an earthquake and tsunami on March 11. The disaster around the failure of the Fukushima nuclear facility continues to unfold. The recovery effort will continue for decades.

We have worked with partners in Japan for many years, to protect communities and the environment. We recently contacted a few of these partners, to extend a hand and express our sorrow. The responses we received moved us, deeply. **Naoki Ikeda**, an attorney at the Osaka Branch of the Japan Environmental Lawyers Federation, gave us permission to share his response.

Naoki has collaborated with the ELAW network since 1995. ELAW helped Naoki work to protect dugong habitat off Okinawa, and Naoki has collaborated with ELAW partners around the world at ELAW Annual Meetings.

April 14, 2011

I live near Kobe, where we experienced a big earthquake in 1995 with 6,000 casualties. We were safe, even though I could feel the earthquake when I was in my office.

On March 13th, two days after the disaster, I began a fund raising campaign with Nippon Volunteer Network Active in Disaster (NVNAD) and helped send volunteers to the devastated area, twice.

Now we are shifting from rescue issues to environmental issues. One is, of course, about the nuclear power plant and radiation pollution in Fukushima. The Japan Environmental Lawyers Federation will have a symposium in May about this issue. We will also hold a workshop about earthquakes and environmental problems, with a focus on how heavy amounts of construction debris and waste are impacting our environment.

My concern is how to balance the victims' needs and rights to reestablish their lives in the area, and the environmental impact that will be caused in the course of rehabilitation of the cities, towns, and communities.

An optimistic view is that this disaster will facilitate the shift of energy policy to natural, sustainable sources, like solar power, and more money will be spent on public projects based on a philosophy of sustainable communities. Meanwhile, power companies have announced that they will continue to construct more nuclear plants with

stricter safety standards (perhaps they will set up 100 foot high "tsunami proof" walls?)

We anticipate more lawsuits and local fights against nuclear power plants, which are not easy to win under our current legal system, even after this catastrophic accident in Fukushima. But at least they need to reassess safety standards and we will try to temporarily stop construction, if they continue construction as planned. We will invite several lawyers who specialize in this area to our workshops.

I am now teaching law while managing my law office. My students have become lawyers and they are

**The sea is sometimes wild and cruel . . .  
we Japanese have to live together  
with nature regardless.**

now helping me on the above projects. My office has a small branch in a small southern island called Amami (near Okinawa) where we can see endangered black rabbits.

The sea is sometimes wild and cruel, but the sea is at other times peaceful and beautiful. On small islands with so many natural disasters from ancient times, we Japanese have to live together with nature regardless.

I believe what we need is to remind ourselves of our ancestors' wisdom and philosophy.

**Naoki Ikeda**

Japan Environmental Lawyers Federation, Osaka Branch



(CONTINUED ON PG. 2)

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Bookkeeper

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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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# Nuclear Power: A new chapter (CONTINUED)

## Lessons from Fukushima

By **Mark Chernaik**

The tragedy in Japan should teach us two important lessons about how nuclear power plants can impact public safety, health, and the environment. The first lesson is that nuclear power plants located in coastal areas are vulnerable to tsunamis. The Fukushima Daiichi nuclear power plant withstood a powerful earthquake, but a tsunami knocked out pumps that cooled the facility. Without sufficient cooling, the reactors overheated, causing the buildup of steam and hydrogen gas, resulting in explosions and structural damage that released radioactivity.

We must not allow new nuclear facilities to be located in tsunami zones. And we must examine whether existing plants located in coastal zones require additional protection from tsunamis.

The second lesson is that on-site storage of spent nuclear fuel poses a separate and perhaps greater risk than nuclear fuel in the reactor core itself. Japan and the United States lack facilities for the long-term storage of nuclear waste, so spent nuclear fuel rods accumulate on-site in pools of water. These spent fuel rods, which contain a more toxic mixture of radioisotopes than new nuclear fuel, are not stored inside the thick concrete containment vessel that surrounds a nuclear reactor. Damage to the Fukushima I nuclear power plant resulted in the loss of cooling for spent fuel rod pools at more than one reactor, causing these fuel rods to meltdown and release radioactivity.

We must not allow new nuclear facilities to accumulate spent fuel rods outside of a containment facility. And we must examine whether pools of spent fuel rods at existing power plants need additional

protection from a loss of cooling accident.

Shortly after the disaster at the Fukushima Daiichi nuclear power plant, ELAW partners in India asked me to re-evaluate the Environmental Impact Assessment (EIA) for a proposed nuclear power facility near Jaitapur, on the west coast of India, south of Mumbai. I had analyzed this plan back in May 2010 and found several flaws. Looking at it again, I found that the EIA misstated the maximum height of a tsunami as three meters, when in fact they can be 15 to 30 meters high. I also discovered that hundreds of spent fuel assemblies would be placed in a storage bay outside of the plant's containment structures. India's Minister of the Environment and one of India's former Presidents has now called for a reexamination of the project.

Going forward, we must remember these lessons from Japan as we consider nuclear power. Above and beyond the obvious safety issues described above, two other factors weigh against a future with nuclear energy. First, nuclear power plants take too long to construct compared to other energy facilities. The last four nuclear power plants constructed in the U.S. took more than 10 years to go from the proposal stage to generating electricity. By comparison, a new wind energy facility can be up and running in less than two years. Second, nuclear power plants cost too much money to build and entail huge financial risks. New nuclear power plants typically cost more than \$10 billion to construct and almost always require government subsidies. We would be wiser to use these funds for clean, renewable energy sources, and improving energy efficiency.



**Mark Chernaik** holds a PhD in Biochemistry from Johns Hopkins (1990) and a law degree from the University of Oregon School of Law (1993). He has served as Staff Scientist at the Environmental Law Alliance Worldwide since 1992.

PHOTO: Greenpeace



**“Many in my generation have died of thyroid cancer. We had no idea there was any danger.”**

Olena Kravchenko

## Reflections on Three Mile Island and Chernobyl

By **Maggie Keenan**

On March 28, 1979, I was heading to class. I was a student at Franklin & Marshall College, less than 30 miles from the Three Mile Island Nuclear Power Plant.

Early that morning, a malfunctioning pump, a stuck valve and a series of operator errors led to a core meltdown and the worst accident in the history of the U.S. commercial nuclear power industry.

I bumped into an anthropology professor that morning. I was horrified when she told me about the accident. It was a quiet spring morning and nuclear fallout was the farthest thing from my mind. She urged me not to wait for the college to decide whether to close. She said I should leave town right away because I was “of childbearing age.”

I ran home and called my father in New York City who said he would hire a plane or whatever it would take to get me out of there. I took the train instead, from Lancaster to Philadelphia. The train was full of women and children, and many of the women were pregnant. Philadelphia Station, where I changed trains for New York, was also filled with women and children.



Olena Kravchenko, 1986

Within days, Franklin & Marshall closed and there was full-scale panic. Residents were urged to stay indoors, farmers were warned to keep their animals under cover, and the headlines of the New York Post read something like: “Nuke Moms Flee.”

Within one week the crisis was over and I was back at school. I had always felt that nuclear power was short-sighted, but after the terror of that day, I was convinced.

### Chernobyl

Twenty-five years ago, a steam explosion at the Chernobyl nuclear power plant sent a plume of radioactivity over the western Soviet Union, Europe, and the eastern U.S. Large areas in Ukraine, Belarus, and Russia were badly contaminated.

Just five days later, unaware of the danger, ELAW partner Olena Kravchenko marched with hundreds of children in a May Day parade near Kyiv. She marched again on May 9, to celebrate a Soviet victory in World War II. The Soviet government did nothing to prevent these large gatherings so close — in both time and distance — to the contamination site.

“Many in my generation have died of thyroid cancer. We had no idea there was any danger,” said Olena.

The Soviet government didn’t even admit there had been an accident until radiation set off alarms in Sweden. Residents of Prypiat, the site of the reactor, were evacuated but no one else was given cause for alarm. Olena’s father traveled to Prypiat and helped rescue 100 children.

Olena is now leading the charge for environmental justice in Ukraine as Executive Director of Ukraine’s most effective public interest environmental law organization, Environment-People-Law, based in Lviv.

I am inspired by Olena and ELAW partners around the world who are working to protect young people from the terror of nuclear contamination.



**Maggie Keenan** is ELAW Communications Director. She holds an MPS in International Agriculture and Rural Development from Cornell University. She

was a Peace Corps Volunteer in the Philippines and worked with non-profits in Uganda. She has served with ELAW since 1999.

Front Row (L to R):  
Mas Achmed Santosa  
Matthew Baird  
Jorge Gutierrez  
Mary O'Brien  
John Bonine  
Back row (L to R):  
Mike Axline  
Boedhi Widarjo  
Thayalan Muniandy  
Ipat Luna  
Mari Elisa Christie  
Byron Real  
David Mossup  
Lori Maddox  
Bern Johnson  
Camena Guneratne  
Gus Gatmaytan



Public interest lawyers from 10 countries founded ELAW in 1989. These lawyers were working together at the University of Oregon's Public Interest Environmental Law Conference. As they talked, they discovered that communities in their countries were facing similar environmental challenges. They realized that if they could share strategies and legal and scientific information across borders, they could promote environmental protection more effectively. A start up

grant from the W. Alton Jones Foundation helped ELAW open its office in Eugene, Oregon, in 1991 – the same office it holds today.

Work began in the early days of email. ELAW brought the first email service to public interest advocates in Indonesia and Mongolia. Today, the ELAW network empowers more than 300 grassroots advocates from 70 countries to challenge environmental abuses and build a sustainable future.

**We have  
helped win  
countless  
victories and  
prevented  
irreversible  
environmental  
degradation.**

## **Reflections, New Challenges**

By **Bern Johnson**, ELAW Executive Director

When ELAW opened its doors 20 years ago, the U.S. was cold warring with the U.S.S.R., the World Wide Web had not launched, the World Trade Center was standing tall in Lower Manhattan, and Barack Obama was a law student.

Much has changed over the past 20 years, but one key thing remains the same: People of all nations, all religions, all races, and all incomes still want to breathe clean air and drink clean water. They want their children to be safe from toxic contamination. They want to know that the rivers and forests that have sustained them for generations will sustain generations to come. They want to have a voice in decisions about their communities and the environment. They want strong laws protecting the environment and they want those laws enforced. They want to protect the global climate, which supports all life on earth.

I am proud of ELAW's work. We have helped thousands of citizens all over the world speak out for the environment. We have built electronic links connecting grassroots advocates across borders. We have helped win countless victories and prevented irreversible environmental degradation. We have teamed up with hundreds of courageous advocates to help them gain skills and build strong organizations dedicated to crafting a sustainable future. We have helped strengthen the rule of law and ensure that we rely on sound science while making decisions about the environment.

Much work remains and we face major challenges ahead. We will rise to meet those challenges, drawing strength and inspiration from knowing that people all over the world want to protect the environment and build a cleaner, greener future.



# Environmental Law Alliance Worldwide Celebrating 20 Years!



**Clarisa Vega** (Honduras)  
Instituto de Derecho Ambiental de Honduras

*"Our judicial systems and our societies have realized that we now have lawyers who hold people accountable for environmental damages, and validate the principles of sustainable development, constitutional rights, international agreements, and the rights of persons and communities. We team up with community groups and solve environmental challenges. This promotes real dialogue and advances a new society empowered to take on big challenges: global warming, human rights, hunger, poverty. ELAW gives us wings."*

**Rugemeleza Nshala** (Tanzania)  
Lawyers Environmental Action Team

In the past 20 years ELAW has grown to cover all continents of the world, except Antarctica, even though its lawyers and scientists are working to protect that part of the world in many climate change initiatives. It is no longer a fringe organization that used email and snail mail to communicate. It deploys all means of communication to champion environmental protection all over the world. Environmental challenges are many and even more complex. ELAW plays a big role, to ensure that these problems are solved.



## Celebrating 20 Years! (CONTINUED)

### The Promise of a New Generation

By **Fernando Dougnac** (Chile)

**"Then came the miracle – being in touch with much younger people . . . with the courage that only youth can have because they do not fear the future."**

I remember when I first met John Bonine in Chile. He had this idea about creating an association of lawyers who would communicate through a new system that allowed for instant contact and mutual transmission of the findings, principles, new laws, challenges, etc. to those who were determined to defend the environment and make our world a better place. It really was new to me, a resident of the "tercer mundo" (third world).

In my country there was no Internet as we know it today. This was magic. I remember he gave me a device with which he said I could communicate with the world . . . but it was the same as giving someone a radio if that person has no electricity, no batteries and there are no stations to listen to. I thanked him for the gift and the gadget collected dust somewhere in my office.

Discovering my problem, John thought we could communicate via fax. This did not work either. It was slow and unreliable. It took several years before the Internet became popular in Chile and I could actually enter the world of environmental lawyers. And then it was as if a thick veil was lifted and suddenly I could know what was happening in the United States, Europe, Asia, and around the world.

I was given hope, fellowship and incentive in knowing I was not alone in this endless fight. Every day, I saw the number of members grow. New blood was filling our forces. I saw how I was getting old and a bit stuck in my antiquated knowledge. Then came the miracle — being in touch with much younger people, with other perspectives



on life, and with the courage that only youth can have because they do not fear the future. I was infused, slowly, by their daring, their impetuosity, and a desire to not only change my country but the whole world. I understood that without a joint effort it is impossible to save the planet, and that the law sometimes sprang with the most strength and vigor in places I did not even imagine existed.

ELAW has been my home away from home and its members, my friends, often disembodied but sometimes closer than those who are at my side. I think John had a prophetic vision, the visualization "of things to come," and in that sense he managed to make a fraternity of members who support each other and exchange experiences, triumphs, and defeats, but who every day make more progress. The contribution of ELAW to environmental law has been irreplaceable, remarkable, and invaluable. Long live ELAW!

*Fernando Dougnac founded Fiscalia del Medio Ambiente.*

### Needed Now More Than Ever

By **Ipat Luna** (Philippines), ELAW partner since 1992

ELAW is a virtual law firm, without the power play and politics. There are close personal ties among lawyers thousands of kilometers away and a feeling of community — that we are not alone in this sometimes thankless work. Outpourings of assistance are commonplace when there is something to celebrate. It's the same when someone in the network is in trouble.

Threats to the planet have increased over the past two decades. In response, the ELAW network has grown bigger and bigger. It became obvious that some of these threats are universal. Common threads appeared. As the network grew, it started to attack problems more systematically and with more international collaboration. But it was still the community victories that inspired our work.

ELAW is more relevant today than ever. There are global threats that can only be addressed globally. Governments are still using GNP as a bottom line for decision-making and corporations continue to exert political influence over third world governments.

With ELAW we ensure that things that may not have a book value, but ensure the survival of the planet, will be here for future generations.





## Nuclear Power: A new chapter (CONTINUED)



### Invest in Renewables

By **Jennifer Gleason**

As the people of Japan try to cope with losses and destruction left behind by the recent earthquake and tsunami, and as we pass the first anniversary of the BP oil spill, we can only hope that these tragic incidents might be the catalyst for real change. These accidents are horrific reminders that using these energy sources can have devastating impacts today – impacts that will only increase as sea levels rise and our climate grows more unpredictable.

The tragedy in Japan illustrates that we have not solved the enormous hazards of nuclear power. Between human error, earthquakes, tsunamis, terrorism, and other dangers, we have not solved the risks posed by operating nuclear power plants. The waste generated by operating a nuclear power plant creates a separate, grave problem. This waste creates a lethal hazard that lasts for hundreds of years. The tragedy in Japan illustrates the folly of storing this waste on site, and storing it elsewhere creates more problems. We cannot saddle future generations with these toxic hazards.

We need real law reform that opens the door wide for clean, renewable energy sources. While recognizing

that no energy source is free of impacts, we need to invest in renewables. We need well-designed feed-in tariffs and strong renewable targets to end our cycle of dependence on traditional energy sources. We need investments in improving technology for energy storage, to address the intermittency concerns related to renewables. I can only hope that the disasters in Japan and the Gulf Coast – and all the pollution of groundwater from fracking and the other extreme measures we're using to obtain more fossil fuels – will be enough to make us finally do the right thing.



**Jennifer Gleason** holds a law degree from the University of Oregon School of Law (1993), where she teaches Energy and the Law. She has served as Staff Attorney at the Environmental Law Alliance Worldwide since 1993.

## Inside ELAW: Visitors from Around the World



ELAW Fellows from three continents were at ELAW in March. They worked one-on-one with ELAW staff to advance their work protecting communities and the environment. They participated in the 2011 Public Interest Environmental Law Conference, built ties with their colleagues around the world, toured NextStep Recycling – a national model for e-waste recycling here in Eugene – and traveled to the Oregon Coast.

For 20 years, the ELAW Fellowship Program has welcomed hundreds of grassroots advocates to Eugene for individually tailored opportunities to collaborate and build skills to better protect communities and the environment through law.

Special thanks to the Trust for Mutual Understanding, the International Community Foundation, and the U.S. State Department's Bureau of Educational and Cultural Affairs for supporting the ELAW Fellowship Program.

(Left to right) **Szilvia Szilágyi** from the Environmental Management and Law Association in Hungary, **Tania Arosemana** from the Environmental Advocacy Center in Panama, **Lovesta Brehun** from Green Advocates in Liberia, **Rockson Akugre** from the Center for Public Interest Law in Ghana, **Pedro Leon** from IDEA in Mexico, and **Kärt Vaarmari** from the Estonian Environmental Law Center.



# ELAW

Environmental  
Law  
Alliance  
Worldwide

Phone: (541) 687-8454 Fax: (541) 687-0535 E-mail: [elawus@elaw.org](mailto:elawus@elaw.org) Web: [www.elaw.org](http://www.elaw.org)

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Eugene, Oregon 97403  
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## Supporting Sustainable Solutions

In the aftermath of the recent disaster in Japan, ELAW partners are calling on us for help re-evaluating proposals for nuclear power plants in their home countries. In addition to providing scientific support to make the case against nuclear power, ELAW is also helping partners identify alternative, sustainable solutions to meet their future energy needs.

You too can be part of the solution. By supporting our Sustainable Solutions Fund, you can help ELAW advocates advance clean, sustainable solutions to environmental challenges.

To make a donation online, please visit our website: <http://www.elaw.org/give>

### THINK GLOBALLY. ACT GLOBALLY.

Please visit [www.elaw.org/give](http://www.elaw.org/give) to make a secure, online donation.

**ELAW invites you to become an Environmental Hero by making a donation to ELAW.** Please send a check or credit card donation in the enclosed envelope. Or, you can make a charitable gift by gifting a security. Consult with your tax and investment advisors about the amount and types of securities you wish to give and then call ELAW at 541-687-8454