



LAW

Environmental
Law
Alliance
Worldwide

advocate

WINTER 2013

Connecting Communities
Protecting the Planet

Cleaning up Klity Creek in Thailand

IN THIS ISSUE:

Cleaning up Lead in Thailand

(pg. 1)

ELAW Talks Mongolia Mining with World Bank

(pg. 2)

Rime of a Modern-Day Mariner

(pg. 3)

Victories and News Around the World

- INDIA
- MALAYSIA
- PAKISTAN
- PHILIPPINES
- SLOVAKIA
- SPAIN
- THAILAND
- TRINIDAD & TOBAGO

(pgs. 4-5)

Volunteers

(pg. 6)

ELAW Fellow

Alejandra Serrano, MEXICO
(pg. 7)



Above Left: Karen villagers at the Supreme Administrative Court in Bangkok.

For 15 years, toxic waste from a lead mine contaminated water, soil and aquatic wildlife in Klity Creek, the only water source for more than 300 ethnic Karen villagers in Kanchanaburi province, west of Bangkok. In January, a Thai court ordered the government to clean up the creek and compensate the villagers.

"The Pollution Control Department will remove 1,200 – 3,000 tons of lead remaining near the creek this year, which is a good start," says Mark Cherniak, ELAW Staff Scientist. "The villagers have waited far too long and a complete clean up will require more work."

The Environmental Law Alliance Worldwide provided Thai partners at EnLaw with information about the dangers of lead exposure and how to clean up lead contamination. In the year ahead, ELAW will help EnLaw develop, implement, and monitor an effective clean up.

The lead mine and ore processing facility, owned by Lead Concentrates Co., was established in 1967. In 1998, torrential rain caused the mine's tailings facility to rupture, releasing more than 800 metric tons of lead into the Klity creek watershed. The mine and processing facility was immediately shut down, and the Public Health Ministry prohibited using water from the creek and banned fishing.

A 2007 "Health Risk Assessment" by Burapha University reported villagers with IQ deficits and dangerous levels of lead in soil, vegetables, and meat.

The Associated Press reported:

"In making the ruling, which followed a nine-year legal battle, Judge Saneh Boontamanop said the department had 'neglected its duty as stated by law' by failing to draw up plans to solve the environmental problem, directly impacting villagers who were unable to use the creek in their daily lives."

The court awarded each of the 22 plaintiffs about 177,000 baht (\$5,800) in compensation to offset the loss of food and natural resources. The Pollution Control Department will have to pay the villagers within 90 days...

"The creek is our life. The money is actually not as important as bringing back our source of water," the village head, Yaseu Nasuansuan, said after the ruling. "And we're not moving anywhere because we aren't the problem. Pollution is the problem."

"Thai Government Ordered to Clean Up Polluted Creek," Associated Press, Bangkok, January 10, 2013.

"The creek is our life. The money is actually not as important as bringing back our source of water. And we're not moving anywhere because we aren't the problem. Pollution is the problem."

Yaseu Nasuansuan

Congratulations to everyone at EnLaw!

ELAW U.S. Staff

Bern Johnson
Executive Director

Lori Maddox
Associate Director

Mark Chernaik
Staff Scientist

Kalindi Devi-Dasi
Bookkeeper

Glenn Gillis
Information Technology Manager

Melanie Giangreco
Office Manager

Jennifer Gleason
Staff Attorney

Maggie Keenan
Communications Director

Michele Kuhnle
Donor Liaison

Pedro Leon
Attorney on Contract

Meche Lu
Staff Scientist

Liz Mitchell
Staff Attorney

Heidi Weiskel
Staff Scientist

ELAW U.S. Board

Cheryl Coon, Chair

Mike Axline

John Bonine

Elaine Chang

Maisie Grace

David Hunter

Bill Jaeger

Glenn Miller

Jim Offel

Scott Pope

Amy Shannon

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.

EDITOR: MAGGIE KEENAN

NEWSLETTER LAYOUT: ARIES CREATIVE

PRINTED BY: CLANCEY PRINTING CO.

USING: **SOY BASED INKS**
UNBLEACHED 100%
POST-CONSUMER
RECYCLED PAPER

ELAW Talks Mongolia Mining with World Bank

*The following is a January 30, 2013 post by
Jennifer Gleason on the ELAW blog:
elawspotlight.wordpress.com*

Mongolia has become the new frontier for mining, with the government issuing a reported 3,000 mining licenses for copper, coal, gold, silver, and uranium. The International Finance Corporation – the arm of the World Bank that provides financing to private enterprises – is one of several international financial institutions considering financing the development of Oyu Tolgoi.

Last week Staff Scientist Heidi Weiskel and I joined other NGO representatives to talk with World Bank representatives as they consider financing Oyu Tolgoi, a massive copper and gold mine in the South Gobi desert.

The project proponent (a Mongolian company, Oyu Tolgoi LLC, which is a joint-venture between Turquoise Hill Resources, Rio Tinto, and a Mongolian state-run company) published an environmental and social impact assessment (ESIA) for the project in 2012. ELAW staff scientists and attorneys worked with partners in Mongolia to evaluate the ESIA under IFC standards. We found the ESIA failed to meet IFC standards. We pointed out the following violations of IFC policy:

- The ESIA is incomplete;
- Many critical documents underlying the findings in the ESIA have not been made available to the public; and
- The project proponent inappropriately dismissed the application of the Indigenous Peoples Performance Standard.

We also identified several ways that the project could be improved to reduce its impact on the indigenous herders who live a traditional nomadic lifestyle. The herders' livelihoods and their land are likely to be destroyed forever if the project is implemented as proposed.

The most urgent concern about the project is its devastating impact on water resources in this arid land. Among other concerns, ELAW urged the IFC to ensure that the Undai River is not diverted and to require the company to employ dry tailings instead of the planned wet tailings. Tailings are the waste product produced from the ore extraction process and can either be stored in a massive, toxic

artificial pond near the mine or dried and back-filled into the areas of the mine where extraction has been completed. Storing the waste as dry tailings could reduce the water needed for processing by 90%.

Heidi and I joined Oyu Tolgoi Watch (a Mongolian NGO concerned about the impacts of the project), the Bank Information Center, Sierra Club, and the Accountability Counsel to talk with Executive Directors from the World Bank about problems with the project before the Directors decide whether to finance the project. Before these organizations addressed Executive Directors, we were able to hear directly from an indigenous herder whose family has been impacted by the mine. He spoke eloquently about the changes that have already come to the community and the fear that the mine could destroy their traditional lifestyles forever.

Heidi briefed the Directors about concerns related to water resource management. I focused on demonstrating that the IFC must apply its Indigenous Peoples' policy to this project.

ELAW will continue working with Mongolian lawyers and organizations to protect the communities and Mongolian environment.

Jennifer Gleason is an ELAW Staff Attorney



Mongolian herders in
Bulgan Province
PHOTO: Lori Maddox

Inside ELAW: Rime of a Modern-Day Mariner BY Linda Hall

*One of the most exhilarating things Heidi Weiskel hears before a business trip: **pack your boots**. That means fieldwork, and whether it's studying snails in San Francisco Bay or trying to protect endangered mangroves in Panama, the sights, sounds and science of habitat exploration and preservation are more mission than job for this marine ecologist.*

'A good way to spend a life' is how marine ecologist Heidi Weiskel describes her work to preserve the world's ecosystems.

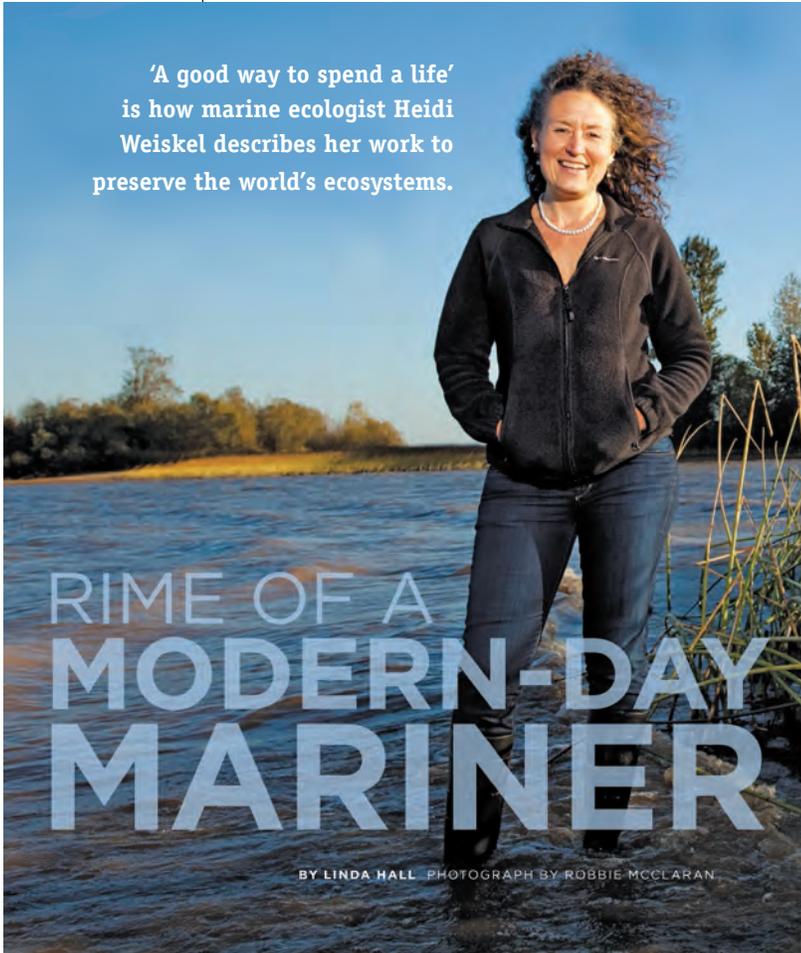


PHOTO: Robbie McClaran

A trip to Buenos Aires Province in 1999, while she was a graduate student at the Cummings School, was the hook. Weiskel joined a research team studying the impact of local fishing on Franciscana dolphins, a threatened species that were ensnared and killed by fishing nets. "That experience made me realize how much I love the detail of keeping data, doing background research, figuring out what a species is doing in its own habitat – and why," she says. "The fact that you could have an entire career out with these animals and in these habitats – it seemed like a gift."

After graduating from Tufts with a master's degree in animals and public policy in 2002, Weiskel quickly decided she "wanted to be the scientist offering the expert opinion." She earned a Ph.D. in ecology at the University of California, Davis, and in 2012 started

work as one of three scientists at the Environmental Law Alliance Worldwide (elaw.org), a nonprofit based in Eugene, Oregon, that provides science-based evidence and legal advice to lawyers and activists in 70 countries working to protect endangered environments and the people who depend on them.

Already Weiskel has traveled from Baja to Belize to Panama. In Baja she advocated for measures to protect marine organisms from brine and cleaning substances that would have been discharged from a large desalination plant proposed to support mining operations.

In Belize she worked with a coalition trying to create a protected environmental corridor along the Mesoamerican Reef, a diverse ecosystem stretching 620 miles from Mexico's Yucatan Peninsula to the Gulf of Honduras that is threatened by development, pollution, tourism and overfishing.

In Panama, the environmental insults were perhaps most heartbreaking, she says. Rampant construction, both completed and planned, has ecologists alarmed – high-rises, luxury housing and tourism development projects that would destroy dwindling mangrove habitats, an elevated highway to be built across Panama Bay, and a massive open-pit copper mine to the north that could devastate 25 square miles of what Weiskel calls "spectacular rainforest" in the Mesoamerican corridor.

Just before Weiskel arrived in Panama last May, a high-court ruling on a lawsuit brought by developers stripped Panama Bay of its protected status, opening up to unfettered development what Weiskel calls "an exceptionally critical place environmentally." The bay, she says, is "one of the greatest places for birds to gather in the world," a life-supporting annual stopover for an estimated one to two million migratory birds that forage and rest there on their flights between North and South America.

Mangrove forests, with their labyrinths of roots, frame Panama Bay and offer protective nurseries for a diversity of marine species that sustain those migrating birds and other wildlife as well as the economically critical local fishing industry. Mangroves act as buffers against storms, floods and erosion, and they filter urban pollution before it enters the marine food chain.

An excerpt, published with permission,
Tufts Veterinary Medicine magazine, ©2013
You can read the entire interview on the Tufts Now website.
<http://now.tufts.edu/articles/rime-modern-day-mariner>

Victories & News

Around the World



INDIA

Cleaning up the air and water

Toxic pollution plagues one million people living near the New Okhla Industrial Development Authority complex outside New Delhi. ELAW helped its Indian partners petition the National Green Tribunal (NGT) and make the case that factory emissions are causing respiratory ailments. The NGT banned the expansion of existing factories and building new factories, and ordered the Pollution Control Board to track toxic pollutant releases and conduct surprise factory inspections.

Also in New Delhi, a polluting medical waste incinerator near a densely populated residential area was ordered to close. ELAW Staff Scientist Mark Chernaik provided community members with a letter that helped convince the court that sludge released from the incinerator contained toxic metals and should be classified as hazardous waste.



PAKISTAN

Award winning partner

ELAW partner Qazi Ali Athar (right) wins an Achievement Award for the promotion of environmental laws in Pakistan. He receives the award from Chief Justice Iftikhar Muhammad Choudhry and Anwer Mansoor Khan, former Judge of the Sindh High Court.

MALAYSIA

Protecting communities from radiation

Australian mining company Lynas Corp. is attempting to export the dirty work of rare earth (lanthanide) processing to Malaysia. The project would generate huge quantities of waste that would remain near villages in Malaysia. ELAW critiqued the project and hopeful signs emerged when four ministers of Malaysia's cabinet threatened to revoke permission to operate the processing facility unless Lynas agrees to ship the 32,000 metric tons of highly radioactive wastes it would produce per year back to Australia.

SPAIN

A win for protected areas

Resort development on the coast of Murcia threatens Cape Cope Regional Park and other protected areas. ELAW helped partners win a victory in Constitutional Court making it illegal to open protected lands to development.



Left to right: EnLAW staff Songkrant Pongboonjun, Montana Duangprapa, and Surachai Trong-ngam participated in the 2012 ELAW Annual Meeting in Goa. Read about their work cleaning up a contaminated creek in Thailand on page one.

Thanks to the ELAW partners in India who hosted the 2012 ELAW Annual Meeting. It was a huge success!



PHILIPPINES

Supreme Court appointment

Former ELAW partner Marvic Leonen was appointed to the Supreme Court of the Philippines. At 49, the former dean of the University of the Philippines College of Law becomes the youngest member of the Supreme Court.

SLOVAKIA

Protection from landfill leachate

A waste dump in Pezinok is dangerously close to residential areas. Citizens challenged this dump and an investor's plans to build an even larger, regional landfill in this small Slovak town. ELAW provided partners at Via Iuris with information about the impact of landfills on human health and best practices for landfill waste management. The Supreme Court suspended the project. Our partners wrote: "As in many of our cases - ELAW helped in this one too!"

TRINIDAD & TOBAGO

Saying no to CAFOs

Residents in Piparo objected when authorities granted permission for a local Concentrated Animal Feeding Operation (CAFO), for 60,000 chickens, without an Environmental Impact Assessment. Chicken CAFOs are infamous for choking emissions of ammonia and other noxious gases which can cause respiratory illnesses. ELAW collaborated with partners on an affidavit for the High Court. The Environmental Management Agency shelved the project.

Thank You Volunteers!



ELAW volunteers contributed more than 1,800 hours in 2012 to help communities speak out for clean air, clean water, and a healthy planet. Volunteers translated documents and websites into multiple languages; completed data entry; spread the word about ELAW at community events; hosted ELAW Fellows at their homes and for day trips; and designed logos, websites, brochures, workshop materials, and much much more. Thank you ELAW volunteers! To get involved, visit www.elaw.org/getinvolved/volunteer.

Kenyon Acton provides Spanish/English translation. Her skills as an English as a Second Language (ESL) instructor help ELAW Fellows improve their English. Kenyon helped organize activities at ELAW's 2012 Earth Day Celebration booth and designed educational materials for communities suffering from environmental degradation.

**VOLUNTEER
POWER!**

Jane Dardine began volunteering with ELAW only a month after she moved to Eugene from China. She has translated numerous documents from English to Chinese, updated websites, researched environmental economics, and assisted with event planning. Jane is currently working towards a master's degree in economics at the University of Oregon.



Many thanks to 2012 ELAW volunteers:

Kenyon Acton | Maddie Allen | Sandra Baldwin | Austin Beaton | Dan Beltramo | Matias Bervejillo | Lauren Boucher | Courtney Brown | Vince Ceccacci | Bret Cypel | Jane Dardine | Claire Dewey | Killian Doherty | Ivan Dominguez | Kelly Edyburn | Bolormaa Enkhbat | Eileen Erdelt | Shannon Flowers | Snell Fontus | Niria Garcia | Hannah Harris | Zechariah Heck | Laura Hofer | Harper Johnson | Norm Kevern | Anna Koepke | Mary Kuhnle | Stephanie Larsen | Erica Alexia Ledesma | Xiaochen (Catherine) Liu | Willis Logsdon | Katherine Lund-Fry | Addie Maguire | Melissa McGlensey | Carla Mooney | Sheena Moore | Trevor Morse | Molly O'Connor | Serena Parcell | Gabriela Perez | Eric Robinson | Deb Sharpe | Evan Shenkin | Rachel Smith | Zane Smith | Joanna Sparano | Josh Vincent | Melia Wagner | Ryan Walsh | Ruth Weinberg | Zoe Weiss | Ashley White | Ken Wiggin | Kevin Wiggin | Sam Wilton | Quinn Yackulic

ELAW Fellow



Alejandra is working to mediate the community conflict and advocate for sustainable tourism.



Alejandra Serrano MEXICO

The fishing community on Holbox Island (pop.1,800) in Quintana Roo, Mexico, has lived peacefully for generations. The stunning landscape and rich fisheries provide local employment in fishing and small-scale sustainable tourism tied to whale shark tours and fly fishing. ELAW is working with Alejandra Serrano and her colleagues at El Centro Mexicano de Derecho Ambiental (CEMDA) to ensure that plans for a Cancun-style development proposed for Holbox does not destroy this idyllic community. Alejandra recently traveled to Eugene for an ELAW Fellowship to collaborate on this work.

Alejandra says, communities on Holbox are concerned about a developer's plans for hotels, villas, condominiums, offices, shopping plazas, roads, and a helicopter pad. The community would be dwarfed by the proposed "Ensenada" development, which would provide 2,450 rooms for visitors and cut channels through pristine mangroves to increase waterfront acreage.

The transformation of this tropical paradise threatens critical habitat for sea turtles, manatees, dolphins, whale sharks, lobsters, sharks, sea bass, bonefish, haddock, grouper, and octopus. Mexico depends on Holbox's vital fisheries for one third of Quintana Roo's fish production. The island's tortoises, snakes, hawks, herons, falcons, and flamingos are also threatened.

The strong arm of the developer has divided the community. Some families have decided to sell their property while others refuse. Alejandra is working to mediate the community conflict and advocate for sustainable tourism that benefits local residents.

Thousands of citizens have signed a petition to stop the Ensenada development and CEMDA has asked the President of Mexico and the minister of Mexico's Environmental Agency (SEMARNAT) to protect Holbox for future generations. With support from ELAW, CEMDA recently submitted comments on the Environmental Impact Assessment of the proposed development, flagging numerous technical and legal problems. CEMDA anticipates that authorization for the project will be denied.

CEMDA is making plans to convene a workshop on Holbox that would bring community leaders together with sustainable tourism experts to chart a course for the island. At the same time, CEMDA will continue to provide legal and technical analysis to the permitting authority to ensure that development plans comply with environmental laws.

ELAW Host Family Program

Every year, ELAW brings many committed environmental advocates to Eugene to hone skills they need to protect communities and the environment. These Fellows work with ELAW staff attorneys and scientists, meet with local nonprofits, and take English classes at the University of Oregon's American English Institute. During evenings and weekends, ELAW Fellows are eager to explore Oregon and connect with community members.

That's where we need your help!

Many people in Eugene, Portland, and Seattle generously host ELAW Fellows. If you are interested in hosting ELAW Fellows – for a meal, a day trip to the coast or Cascades, or a short home stay – please contact Maggie Keenan, ELAW Fellows Program Coordinator (maggie@elaw.org, tel. 541.687.8454, ext. 23).

Special thanks to Josette Green, Beth Hunt, and John Allcott for sharing their homes with Thuli Makama. Also, thanks to Terry and Anne Carter for sharing their home with Bazarsad Nanjindorj (see back cover).



LAW

Environmental
Law
Alliance
Worldwide

Phone: (541) 687-8454 Fax: (541) 687-0535 E-mail: elawus@elaw.org Web: www.elaw.org

1877 Garden Avenue
Eugene, Oregon 97403
USA

Nonprofit
Organization
U.S. Postage
P a i d
Eugene, Oregon
Permit No. 686

Return Service Requested

Save resources – Switch to the electronic version of the **ELAW Advocate**. Just email us at elawus@elaw.org.

Check out our blog: www.elaw.org/blog  www.facebook.com/elaw.org  twitter.com/ELAWUS



ELAW Fellow **Bazarsad Nanjindorj** looks forward to the evening meal with his host family Terry and Anne Carter. Bazarsad is from Ulaanbaatar, Mongolia, where he works to build a greener future.

Want to host an ELAW Fellow?
Contact Maggie Keenan, ELAW Fellowship Program Coordinator, at maggie@elaw.org.

THINK GLOBALLY. ACT GLOBALLY.

Please visit www.elaw.org/give to make a secure, online donation.

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 x14.