



ELAW advocate

AUTUMN 2023

1412 Pearl Street, Eugene, Oregon 97401 | (541) 687-8454 | elawus@elaw.org | www.elaw.org

IN THIS ISSUE:

Protecting the Ocean & Coasts

(pgs. 1-5)

ELAW Growing Stronger

(pg. 6)

Kenyan Advocate Joins ELAW for Killian O. Doherty Environmental Justice Fellowship

(pg. 6)

ELAW Annual Meeting in Cebu, Philippines

(pg. 7)

ELAW Visiting Scholar

(pg. 7)

ELAW Receives Major Gift in Memory of Emily Claire Goldman

(pg. 8)



Swedish environmental activist Greta Thunberg (center) joins Rosebank protest, London, July 28, 2023. PHOTO: Angela Christofilou

"A massive oil field like Rosebank is simply a slap in the face to the millions already suffering the consequences of the climate crisis."

Greta Thunberg

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 build a sustainable, just future.

More than 70% of the Earth's surface is covered with a linked body of salt water that provides food, medicine, energy, jobs, and recreation, and helps protect the climate. We need a healthy ocean to avoid catastrophic climate change, but the ocean is threatened by coastal development, pollution, overfishing, unsustainable aquaculture, mining, oil drilling, high levels of mercury from burning fossil fuels, and more.

ELAW is working with grassroots advocates and coastal communities around the world to protect ocean and coastal ecosystems for future generations. We are pleased to share some examples of our work in more than 20 countries in Asia, Africa, the Americas, the Caribbean, and Europe.

Protecting the North Sea from Offshore Oil

Plans by Norway's Equinor to drill for offshore oil in the North Sea threaten the climate and the Faroe-Shetland Sponge Belt Marine Protected Area. A decision by the U.K. government on whether to approve the short-sighted oil development west of the Shetland Islands was delayed in July over concerns about the climate impacts.

"The proposed drilling area is the largest undeveloped field on the UK continental shelf," says Brook Dambacher, Policy Lead at Uplift. Brook and her team are working with ELAW Scientists to assess the project's likely impacts on the climate and the marine environment, including the Sponge Belt.

"Releasing carbon from deep-sea sediments that would be disturbed by the drilling and pipeline construction would have a significant impact on the climate," says ELAW Scientist Dr. Heidi Weiskel, who provided Uplift lawyers with expert opinions about likely ecological impacts as well as comments specific to climate issues. "The project footprint is large, laying the pipelines and concrete mattresses, and the drilling itself will harm not only corals, sponges, and ocean quahog species, but the delicate sediment that has not been disturbed for decades to millennia."

Swedish environmental activist Greta Thunberg joined the Stop Rosebank campaign in July, posting on Instagram:

"When the emissions of CO2 are still on the rise during an escalating climate emergency, rich countries like the UK and Norway cannot even be considering opening up any more fossil fuel projects. Meanwhile, oil and gas companies are making record-breaking profits by causing record-breaking temperatures across the world.

A massive oil field like Rosebank is simply a slap in the face to the millions already suffering the consequences of the climate crisis. Adding new reserves, like Rosebank, will push us closer to passing potential tipping points beyond human control. It would blow through our already flawed climate targets."

(CONTINUED ON Pg.2)

ELAW Team

Bern Johnson
Executive Director
Lori Maddox
Associate Director

Law Team

Jennifer Gleason
Law Program Director
Pedro León Gutiérrez
Law Program Associate Director
Leticia Aleixo
Attorney
Érick Kassongo
Attorney
Anya Mintz
Law Associate
Genee Mislang-Tomboc
Attorney
Liz Mitchell
Attorney
Bernard Ngalim
Africa Law Associate
Alejandra Serrano Pavón
Attorney, Marine and Coastal Co-Lead

Science Team

Dr. Mark Chernaik
Science Program Director
Dr. Melissa Garren
Marine Biology
Dr. Rye Howard
Public Health
Dr. Meche Lu
Human Geography,
Environmental Monitoring Lead
Dr. Heidi Weiskel
Marine Ecology, Marine and
Coastal Co-Lead
Dr. Gilles Wendling
Hydrogeology

Network Support and Communications Team

Karen Guillory
Outreach Coordinator
Kate Holcombe
Managing Attorney, Defending
Defenders Program
Colleen Keane
Network Support Coordinator
Maggie Keenan
Communications Director &
Fellows Program Coordinator

Administrative Team

Bear Berry
Program Assistant
Amanda Parkes
Bookkeeper
Matt Pugh
IT Coordinator

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AUTUMN 2023

Protecting the Ocean & Coasts



Uplift Executive Director Tessa Khan (left) and Policy Lead Brook Dambacher. PHOTO: Angela Christofilou

North Sea (CONTINUED)

A decision by UK government regulators continues to be delayed amidst growing opposition from campaigners and politicians from all major parties. Equinor says it intends to make a final investment decision by September 2023, but has been shifting its timeline in response to decision delays. Uplift is scoping out a potential legal challenge to the decision if the oil exploitation is approved, which would include putting evidence ELAW Scientists have provided before the court.



Attorney Leslie Mendez

Cruise Ship Expansion Threatens Belize

Plans to expand the Port of Belize to accommodate “Oasis-class” cruise ships as well as cargo ships (the Waterloo project) are being challenged by local communities. The Oasis ships can hold up to 5,000 passengers and are “basically sky-scrapers cruising on the ocean... it’s no wonder that these types of vessels require 11 meters of depth, at the bare minimum, to safely dock—and in this proposal—right up to the Belize City shoreline,” reports the Ambergris Caye Forum.

ELAW’s Law and Science Teams are working with attorney Leslie Mendez, who is representing local fishing communities seeking a voice in the decision-making process. The government denied authorization for the project. Communities want to ensure that companies do not move ahead with port construction without meaningful engagement with residents who are potentially impacted by the project.

“Our Law Team provided Leslie with legal precedents from the Caribbean Court to establish standing in a judicial review and uphold community rights to participating in decisions about access to critical marine resources,” says ELAW Attorney Alejandra Serrano Pavón.

ELAW’s Science Team is reviewing the project’s Environmental and Social Impact Assessments to determine if the port developers have responded to government concerns about dredging, and more. Meanwhile, ELAW is also collaborating with Leslie as she builds a team of regional attorneys to help advance her work.

Protecting Thailand from Offshore Oil

For years, oil spills from underwater pipelines off the coast of Rayong Province have contaminated the Gulf of Thailand. In January 2022, a pipeline operated by Chevron subsidiary Star Petroleum Refining (SPRC) failed, causing damage to Mae Ramphueng Beach and the marine environment of Rayong Bay. The Bangkok Post reports that 47,000 liters of oil leaked into the ocean. Hundreds of small business owners in Rayong have filed suit for damages against SPRC, PTT Global Chemical (PTTGC, the co-owner of the pipeline), and government agencies.

ELAW is working with the Rayong Locality Fisher Folk Association and lawyers at Rising Sun Law, which is representing more than 800 complainants, including fishermen, tourism operators, and residents who claim that the companies did not adequately respond to the leak. They allege a lack of maintenance on the underwater pipeline and excessive use of dispersants to clean up the water. They are also calling for the rehabilitation of the marine ecosystem.

Rising Sun Law is convinced that data exist regarding the specific impact on marine species and ecosystem services in the affected area, based on court documents and media reports, but says the company has refused to share the data.

The Gulf of Thailand suffers from past oil spills and is degraded by poor oil spill management and failed cleanup efforts. Rising Sun Law says the devastation to marine species throughout the food web — including mammals, turtles, birds, fishes, corals, sea stars, and zooplankton — has been well-documented by local fishers.

ELAW's Science Team is working with the Rayong Locality Fisher Folk Association and Rising Sun Law to put forward strong science-based arguments that defendants must adequately compensate those affected by the oil spill and fully restore the damaged ecosystems.

Rising Sun Law wants to ensure that SPRC and PTTGC accept responsibility and, together with the Thai government, take appropriate measures to restore ecosystems, prevent future oil spills, and compensate the local communities for damages.

We will keep you informed of Rising Sun's progress in this challenging case.



Plaintiffs wait for news near the Rayong Administrative Court, January 2023. Their blue shirts say: "Protect Rayong Sea." PHOTOS: Rising Sun Law.

ELAW Marine Working Group

ELAW's Marine Working Group (MWG) helps catalyze strategies for marine conservation around the world. Founded in 2019, the MWG has 75 members from 31 countries. Members come together to present their work, hear from outside experts, share lessons, research new legal strategies, and collaborate across borders.

This year, the MWG hosted a public webinar on Ocean Day: "Marine Justice: For the Ocean, For the People." Fifty guests from 17 countries participated.

ELAW Scientist Dr. Heidi Weiskel and ELAW Attorney Alejandra Serrano co-facilitate the group, with support from ELAW Scientist Dr. Melissa Garren.

Marine Justice: For the Ocean, For the People



ALBERTO GÓMEZ BARREIRO
Lawyer and Professor of Environmental Law and Human Rights, University of the Republic (Uruguay)



DR. ISABELA FIGUEROA
Associate Professor in the Faculty of Humanities, University of Magdalena (Colombia)



DIEGO ALONSO LILLO GOFFRERI
Lawyer, Ecosystems Program, Inter-American Association for Environmental Defense (Chile)



ANA LUCIA MAYA AGUIRRE
Lawyer, Director, and co-founder of the Observatory for Marine and Coastal Governance (Colombia)



VIVIENNE SOLIS RIVERA
Biologist, Coopsolidar R.L. (Costa Rica)

Please join ELAW's Marine Working Group for a panel discussion on Marine Justice and protecting our shared heritage in the ocean.

Facilitated by ELAW Marine & Coastal Co-leads, Dr. Heidi Weiskel & Atty. Alejandra Serrano Pavón



In 2023, the MWG explored many topics, including:

- Rights of Nature for Spain's Mar Menor
- Deep Sea Mining
- River Restoration in Israel
- The Biodiversity Beyond National Jurisdiction Treaty
- Fishing – Industrial and Small Scale
- Marine Justice
- The Common Heritage of Humankind
- Carbon Dioxide Removal



Protecting the Ocean & Coasts

Saloum Delta, Senegal

Africa

Cameroon: Foundation for Environment and Development (FEDEV) is working with communities in Limbe III and Tiko to protect mangroves threatened by deforestation. These coastal species play an important role in protecting coastal communities from the changing climate. ELAW scientists are working with FEDEV to help residents understand the role of mangroves in healthy ecosystems and how they can make their voices heard to protect them.

Egypt: Spring 2023 ELAW Fellow Ahmed Elseidi is working to clean up Egypt's Lake Mariout. Pollutants from pesticides and fertilizers in agricultural runoff, as well as wastewater from cement factories, petrochemical facilities, hospitals, gas stations, homes, and more contaminate the lake and, consequently, the Mediterranean Sea. Ahmed filed suit calling on the government to halt the polluting emissions from more than 40 companies. The court has asked a team of experts to identify the specific violations of each company. The case is pending.

Liberia: Green Advocates is working to clean up the Mesurado River, which flows through Monrovia to the North Atlantic Ocean, carrying industrial waste, trash, and poorly treated sewage. The area is home to one of the largest urban mangrove forests in Africa. Green Advocates called on ELAW to help identify specific potential pollution sources in

preparation for river water sampling and analysis. The Green Advocates team is making plans to use drones to survey pollution sources and sampling locations on the Mersurado to help protect the river, its mangrove forests, and a web of interconnected ecosystems.

Senegal: The Center for Research and Action on Social, Economic, and Culture Rights (CRADESC) is working to protect the Saloum Delta from offshore oil development. This area in southern Senegal includes a UNESCO World Heritage Site and a Ramsar Wetland of International Importance. Dr. Fatima Diallo, CRADESC Executive Director, was a 2023 ELAW Fellow. She is working closely with ELAW's Law and Science Teams to ensure that short-sighted oil development plans do not devastate local communities and the environment.

Tanzania: The coast of Tanzania is threatened by plans for the 1,443 km heated East African Crude Oil Pipeline (EACOP) Project, which aims to transport crude oil from Uganda to Tanzania's port of Tanga at the Indian Ocean. The threat of oil spills poses a real danger to coastal ecosystems. Economic Analyst Ernie Niemi has helped ELAW partners better understand economic issues with proposed development of oil-export facilities at the coast, to challenge the short-sighted project.

Europe



Spain: Fertilizers, pesticides, sewage, old mining contaminants, and pig waste contaminate one of Europe's largest saltwater lagoons, the Mar Menor in southern Spain. Thanks to work by civil society, including ELAW partner Eduardo Salazar, Spain's Senate granted special protection to the Mar Menor in 2022, recognizing the lagoon as a legal "person" that can be protected and preserved by the European Union, the Spanish government, and residents. ELAW provided Eduardo with legal, scientific, and economics support. Now, Eduardo and his colleagues are advocating for stronger laws protecting the lagoon and taking legal action to halt pollution and advance restoration.

The Americas

Colombia: Ana Lucía Maya-Aguirre of the Observatory for Marine and Coastal Governance is working with fishing communities to improve fisheries management and mangrove protection. She has held workshops for the La Barra Afro-descendant rural community and fishers' associations in Buenaventura city. ELAW Attorney Alejandra Serrano participated in the workshops in La Barra and introduced the "Agua, Nuestro Derecho" (Water, Our Right) initiative. Meanwhile, the Observatory was active at this year's UN Ocean Conference, leading a civil society initiative and hosting a side event on a local approach to ocean literacy and the right to science.



La Barra, Colombia.

Honduras: IDAMHO is working to protect the Chamelecón River, which flows to the Caribbean Sea, carrying sewage, industrial effluents, and agricultural runoff. IDAMHO Executive Director Laura Palmese and ELAW scientists looked at local water quality test results to better understand the sources of the pollution, levels of contamination, and the need for stronger test parameters. Now, IDAMHO is forming a citizen science group — Water Sentinels — that will monitor river pollution, look for solutions, and demand clean-up.

Mexico: The ELAW Team is working with Agua, Nuestro Derecho to protect the human right to water and sanitation. Partners at Centinelas del Agua (Water Sentinels) in Quintana Roo, worked with authorities in Yum Balam to install biodigesters and build toilets, which will prevent thousands of liters of sewage from entering the aquifer each year. Now, authorities will build a new water treatment plant for Isla Chica, Holbox. Water quality data obtained through this collaboration prevented the development of short-sighted golf course and desalination plant projects in Chemuyil, a fragile coastal zone. ELAW attorneys reviewed draft water protection laws and regulations, and ELAW scientists provided best practices for desalination plants.

Panama: ELAW partners at Centro de Incidencia Ambiental in Panama are challenging short-sighted plans to build the Baru Port within the Gulf of Chiriqui National Marine Park and the David District's Protected Mangrove Coastal Zone. ELAW scientists reviewed the environmental and social impact assessment and revealed likely negative impacts on marine biodiversity. ELAW scientists also reviewed plans for sand mining offshore from Farallón Island that threaten the coastal ecosystem. The cases are pending.

Asia

India: Two fishing harbors are proposed in the Yedayanthittu estuary, forming part of the Kaluveli wetlands in Tamil Nadu, where more than 170 species of migratory birds are seen each season. The project threatens coastal ecosystems and jeopardizes nesting areas for olive ridley turtles. Increased commercial harbor traffic would interfere with local fishers who depend on the estuary to sustain their families. ELAW Scientist Dr. Heidi Weiskel worked with a partner in Chennai to evaluate the project's likely impact on sea turtles and the livelihoods of local fishers. In August, the National Green Tribunal rejected the project.

Maldives: The government of the Maldives is dredging sand from the North Malé Atoll to create new land at Gulhifalhu lagoon for a massive commercial port. The plan includes "coral relocation" from the Gulhifalhu lagoon. ELAW scientists and lawyers are providing support to attorney Hasan Zaki, who is representing Humay Abdulghafoor (volunteer for the Save Maldives Campaign) in a case alleging the development has moved forward with an inadequate EIA process, contravening national laws. ELAW also provided Hasan and Humay with expert insight into the true economic and environmental costs of sand mining. The case has stalled in court, but the reclamation and dredging continue unabated. Hasan and Humay have vowed to fight on, recognizing that the case is critical to improve enforcement of environmental protection laws and EIA standards in the Maldives.

Philippines: The Philippines is threatened by the MT Princess Empress oil spill in Oriental Mindoro, nickel mining in Sibuyan, LNG power plants and import terminals in Batangas, seabed quarrying and reclamation projects in Manila Bay, and much more. ELAW has provided legal, scientific, and economics support to partners in the Philippines for decades. In Sibuyan Island, there is a standing suspension order against the mining company for multiple violations so the threat to the endemic species has eased temporarily, though SLAPP suits against local environmental defenders abound.

Sri Lanka: In May 2021, the X-Press Pearl container ship caught fire and sank off the coast of Sri Lanka, dumping 57,000 pounds of plastic pellets (nurdles), many of which remain buried in Sri Lankan beaches. The Supreme Court of Sri Lanka is reviewing a case filed by the Centre for Environmental Justice (CEJ) seeking clean-up efforts and compensation for fishing communities. CEJ also filed a petition to the Human Rights Commission, to hold the Singaporean shipping company and responsible government agencies accountable. CEJ called on the ELAW network for scientific support and for examples of damages sought in other marine disasters, and more. The case is pending.



Inside ELAW



Zachary Dolan



Luciano Coco Pastrana

ELAW Growing Stronger

ELAW is pleased to welcome a Finance Manager, and two lawyers to the Defending Defenders Program.

Zachary Dolan will manage ELAW's financial tracking and reporting. Zachary holds master's degrees in Nonprofit Management and Business Administration, and serves as a board member for McKenzie River Trust. He brings experience working with diverse organizations, including startups, nonprofits, and cooperatively owned businesses.

Charis Kamphuis and **Luciano Coco Pastrana** will join ELAW's Defending Defenders Program, expanding the Program's geographical reach and capacity to support ELAW partners to work without fear of reprisal, respond to threats, and build organizational resiliency.

Charis has a BA, LLB, LLM, and a Ph.D. from Osgoode Hall Law School in Toronto, Ontario. She co-founded the Justice and Corporate Accountability Project, a Canadian law clinic that works with civil society groups and communities concerned with industrial resource extraction in the Global South. She advocates before international courts and brings experience working with Indigenous communities and engaging with governmental and regulatory bodies.

Luciano holds a degree in International Law from the University of Buenos Aires and a Criminal Law specialization from the University Torcuato Di Tella in Buenos Aires. Luciano formerly worked as an attorney focused on police violence, criminalization of protest, democratic security, intelligence, and privacy at the Center for Legal and Social Studies (CELS). He also researches and teaches in the human rights clinic of the University of Buenos Aires.



Charis Kamphuis

Kenyan Advocate Joins ELAW for Killian O. Doherty Environmental Justice Fellowship

This year's Killian O. Doherty Environmental Justice Fellow is **Mark Odhiambo Odaga**, a human rights and environmental justice lawyer in Kenya. Mark was part of the successful community-led litigation and campaign that stopped a coal-fired power station proposed at the UNESCO world heritage site at Lamu. He is currently working with the Stop EACOP campaign and litigation to help communities defend their rights as the East African Crude Oil Pipeline presses onward.

Our team looks forward to collaborating with Mark as he launches a new legal practice that supports local and Indigenous communities using the law to protect the climate and remedy environmental injustice. For example, Mark will work with the ELAW Team to help fisherfolk seeking to safeguard access to their customary fishing sites in Lamu, a UN World Heritage site. Many thanks to the Doherty Family and all those whose generous support helped make this Killian Fellowship possible!



Mark Odaga meeting with a coastal fishing community.



Mark Odaga

Inside ELAW



2023 ELAW Annual Meeting

ELAW Annual Meeting in Cebu, Philippines

Grassroots advocates from 40 countries gathered in Cebu, Philippines, June 26-29 to collaborate on innovative work to protect the climate, defend Indigenous rights, safeguard biodiversity, challenge fossil fuels and single-use plastic, hold polluters accountable, and more.

This was the first ELAW Annual Meeting for Jimmy Munguriek Ufoy from Bunia in eastern Congo. "I learned that problems our communities face are similar to those faced by communities around the world," said Jimmy. "Learning how my new colleagues address these environmental threats was incredibly helpful."

ELAW Attorney Genee Mislang-Tomboc says highlights of this year's gathering were a field trip with local fishermen on the Bojo River, a visit to Hermit's Cove for a discussion about the nearby Tañon Strait Protected Landscape, meeting with community members, and a site visit near polluting coal-fired power plants in Toledo City.

Many thanks to all the individuals and organizations who made the 2023 ELAW Annual Meeting possible!

2023 ELAW Annual Meeting Co-Hosts

- Tanggol Kalikasan (TK, Defense of Nature)
- Oceana Philippines
- Environmental Legal Assistance Center (ELAC)
- Philippine Earth Justice Center (PEJC)
- Philippine Movement for Climate Justice (PM CJ)
- Upholding Life and Nature (ULAN)
- Asian Research Institute for Environmental Law (ARIEL)
- University of Cebu/UC College of Law/UC Legal Aid Clinic
- Dept. of Communications, Linguistics, and Literature, University of San Carlos

ELAW Visiting Scholar



Melissa Fourie (left) passed the reins to Wandisa Phama, the new Executive Director, Centre for Environmental Rights.

This summer, ELAW was pleased to host South African attorney **Melissa Fourie** as Visiting Scholar. In April, after 13 years as Executive Director of the Centre for Environmental Rights (CER), Melissa handed the leadership reins to her successor, Wandisa Phama.

As part of the executive transition at CER, Melissa worked for two months at ELAW's Eugene office recording lessons learned from her years at CER, during which the organization grew from a staff of one to more than 40 environmental professionals, winning many victories for communities and the environment. Melissa articulated lessons on leadership and organizational management, and how to build and sustain a resilient organization that can implement effective climate justice legal campaigns. She also recorded lessons on the strategic use of legal advocacy and litigation to discourage investment in new coal and gas developments in South Africa. Melissa will make these lessons available to other public interest environmental lawyers, including at the 2024 ELAW Annual Meeting to be held in Eugene in late February.

In 2020, Melissa was appointed to the South African Presidential Climate Commission as a civil society commissioner. She is a member of the Commission's Mitigation/Net Zero Pathways Working Group, and chair of the Commission's Monitoring and Evaluation Working Group. She holds an MSc (2003) from the London School of Economics and earlier this year participated in the London School's executive course: Climate Change: Economics and Governance.



ELAW

(541) 687-8454 | elawus@elaw.org | www.elaw.org

Environmental Law Alliance Worldwide

1412 Pearl Street
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Emily Claire Goldman

ELAW Receives Major Gift in Memory of Emily Claire Goldman, Champion of Human Rights

ELAW was honored to receive a generous donation in memory of Emily Claire Goldman, who passed away in December 2022. Emily advocated for corporate accountability, human rights, and environmental justice. Emily effectively “followed the money” as leverage in effectuating change, including convincing California’s pension investments (CalPERS) to divest from private prisons and pushing Cartier to alter its supply chain due to Myanmar’s abysmal human rights record.

This donation will help visiting ELAW Fellows strengthen their advocacy for human rights.

To support ELAW’s work in honor of a loved one, please visit: elaw.org/tributegifts

THINK GLOBALLY. ACT GLOBALLY.

Charity Navigator and Candid give ELAW their highest rating for financial management, accountability, and transparency.

