



# ELAW advocate

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

## Challenging Fossil Fuels & Industry Abuses



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CRADESC partnered with ELAW to hold a 2-day forum at the Palmarin Town Council (April 9-10, 2021): "Stakes and challenges in preserving the marine and coastal ecosystem of the Saloum Delta in the face of petroleum exploitation in the SNE bloc."

Coal, oil, and gas are not renewable. These fossil fuels hammer the climate and harm nearby communities and ecosystems.

ELAW is helping partners working in their home countries challenge fossil fuel abuses and advocate for more affordable, cleaner, renewable energy.

ELAW has helped partners enforce clean water and clean air laws, contest improper permits, and defend human rights threatened by fossil fuel abuses.

We are pleased to share recent examples of our work in Senegal, South Africa, Czech Republic, and Poland.

### Protecting Senegal's Coast from Offshore Oil

In 2014, London-based Cairn Energy made that year's largest oil discovery off the coast of Senegal. The Sangomar field, 100 kilometres south of Dakar, would be Senegal's first offshore oil development. In 2020, Cairn Energy sold its stake in the project to Australia's Woodside Energy. "If the project moves forward, it poses serious environmental risks to the coastal nations of West Africa," says Fatima Diallo, Executive Director of the Center for Research and Action on Economic, Social and Cultural Rights (CRADESC) and representative on the Global Council of Publish What You Pay.

Fatima and the CRADESC team expressed concern about the risks that oil extraction could pose to the fragile ecosystem of an area that has been named a UNESCO World Heritage site. (CONTINUED ON PG.4)



**ELAW U.S. Team**

- Bern Johnson  
Executive Director
- Lori Maddox  
Associate Director
- Mark Chernaik  
Staff Scientist
- Paola Eisner  
Law Associate
- Melissa Garren  
Scientist
- Jennifer Gleason  
Law Program Director
- Karen Guillory  
Outreach Coordinator
- Riley Howard  
Staff Scientist
- Colleen Keane  
Project Manager
- Maggie Keenan  
Communications Director
- Pedro León Gutiérrez  
Attorney
- Mercedes Lu  
Staff Scientist
- Liz Mitchell  
Staff Attorney
- Bernard Ngalm  
Africa Law Associate
- Amanda Parkes  
Bookkeeper
- Matt Pugh  
IT Coordinator
- Alejandra Serrano Pavón  
Attorney
- Carlos Soria  
Attorney
- Heidi Weiskel  
Staff Scientist

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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 ELAW U.S. and does not represent the views of ELAW partners around the world.

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# Killian, we miss you!

**Killian Bryan O. Doherty**  
1983 – 2021

## A Tribute to a Remarkable Man

We recently lost a beloved member of the ELAW US team. ELAW Law Associate Killian Doherty passed away on February 23 at the age of 37. Killian had been fighting a rare and aggressive cancer since late 2019. He put up a brave fight — working full time with ELAW and spending time with family and friends between treatments.

Unfortunately, his condition worsened rapidly in late February, and his family brought him to spend his final days surrounded by loved ones at his favorite place on earth, Lake Crescent on the Olympic Peninsula.

Killian was a beloved member of the team at ELAW, where he used his legal skills to collaborate with lawyers around the world protecting communities and the environment. Killian was passionate about defending the rights of Indigenous communities and enjoyed collaborating with Indigenous lawyers. Killian spoke Spanish and Portuguese and worked closely with partners across Latin America. Killian worked tirelessly for justice and made a lasting impact. His absence is felt deeply by the ELAW team and the many close friends that he made through his work around the world.

At the request of Killian’s family, and with a generous gift from them, we have established **The Killian Doherty Legacy Fund**. Find details on the back page about this opportunity to help law students and new lawyers to pursue a career protecting communities and ecosystems around the world.

Killian, we miss you!

**Bern Johnson**, *ELAW Executive Director*



The Allpahuayo-Mishana National Reserve (RNAM) is a protected area in the Peruvian Amazon, 14 miles southwest of Iquitos, in the province of Maynas, region of Loreto.

**LOCATION OF KILLIAN'S TREE IN RNAM**

Killian's tree was planted in the Allpahuayo-Mishana Natural Reserve on February 22nd, 2021.

Coordinates: S 03°58.682', W 073°25.342

Planted by Cristina López, a Peruvian biologist and coordinator of the office in Iquitos of the NGO Derecho, Ambiente y Recursos Naturales (DAR) [www.dar.org.pe](http://www.dar.org.pe).

ELAW colleagues in Peru planted a tree in the Peruvian Amazon in Killian's memory. People from the Wayúu Indigenous group in Colombia also planted tees in Killian's honor.

Killian's loved photographing street art. Here are some samples of his photos.



Manaus, Brazil

Rio de Janeiro, Brazil

## Defending Land, Indigenous, and Environmental Defenders

Every day, human rights defenders are harassed, threatened, and attacked as reprisal for their courageous work protecting clean air, water, soil, biodiversity, ecosystems, and land rights. ELAW partners in Mexico, the Democratic Republic of Congo (DRC), Tanzania, Philippines, Thailand, Colombia, Liberia, Nicaragua, South Africa, and more have been physically attacked, falsely charged with crimes, sued for civil damages, subjected to smear campaigns, and otherwise harassed for their work.

For example, Mexican attorney Eduardo Mosqueda Sanchez was detained for 10 months on false charges after he represented an Indigenous community challenging an illegal mining operation. Since then, the organization he worked for, and the environmental activists that organization represents, have been repeatedly harassed and threatened.

In response to the increasing frequency and severity of attacks on our partners, ELAW is building skills in our network and fighting back, case by case and country by country. In addition, ELAW joined with World Resources Institute (WRI), Global Witness, Hivos, International Land Coalition, and other international organizations to create the Alliance for Land, Indigenous and Environmental Defenders (ALLIED), formerly known as the Defending Land and Environmental Defenders Coalition or DD Coalition.

ALLIED brings together local, national, and international organizations, and individual defenders to fight the accelerating attacks on land and environmental defenders worldwide.

“Our primary aim is to learn from local defenders and use what we learn to flex our collective muscle to protect the people who protect the planet,” says Lori Maddox, ELAW Associate Director. Lori co-chairs the ALLIED Steering Committee with Carole Excell, Director, WRI Environmental Democracy Practice.

### ALLIED started work in late 2018 to:

- Reveal the scale, scope, origins and perpetrators of attacks.
- Connect defenders to governmental, nongovernmental, legal, financial, and other support resources.
- Use what we learn from local defenders to define and implement coordinated global strategies to achieve large-scale change.

In 2019-2020 ALLIED focused on four priority 'pilot' countries: **Colombia, Mexico, Kenya** and **Philippines**.

This year, ALLIED has expanded its focus to include activities in **Brazil, the DRC, and Guatemala**.



ALLIED was conceived in 2017-2018 by movement strategists from some of the organizations represented above. ALLIED now has more than 170 members. ELAW is a co-founder. To protect local defenders, not all members are represented here.

Thanks to ALLIED’s advocacy, the U.S. State Department created a hotline to connect defenders in danger with U.S. Embassy and Consulate staff in their countries. ELAW utilized this mechanism last year with a partner in DRC who reported that it was helpful.

Lori co-leads ALLIED’s Law and Advocacy Working Group with Kirk Herbertson, EarthRights International (ERI) Senior Policy Advisor. In April, ELAW and ERI co-facilitated a private consultation with the Inter-Agency Working Group on Environmental Defenders of the U.S. Government. Over 100 people attended and ELAW partners and allies in Mexico, DRC, Brazil, Philippines, Guinea, and Colombia shared chilling stories, offered their insights, and answered questions from diplomatic officials about how best to support environmental defenders in the field.

In the months ahead, ELAW, ERI, and Indigenous Peoples Rights International (IPRI) are working together to build skills across our networks to respond to cases of criminalization.

Together, we hope to improve the security of environmental defenders around the world and protect the rights of citizens and NGOs to participate in governance.

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**“Our primary aim is to learn from local defenders and use what we learn to flex our collective muscle to protect the people who protect the planet.”**

Lori Maddox, ELAW Associate Director

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### ALLIED Steering Committee Members

Business and Human Rights Resource Centre  
 Center for Development Alternatives (Colombia)  
 EarthRights International  
 Environmental Law Alliance Worldwide  
 Green Advocates (Liberia)  
 Indigenous Peoples’ Rights International  
 International Land Coalition  
 Transparency International  
 World Resources Institute

# Challenging Fossil Fuels & Industry Abuses

## Protecting Senegal's Coast from Offshore Oil (CONTINUED)

“Oil development near the Saloum Delta might pose challenges to a wetland ecosystem with 200 islands and islets that hold relics of human habitation over millennia and was named a UNESCO site with exceptional cultural value” says Fatima. The Delta, which already faces the impacts of a changing climate, hosts a biosphere reserve and is the first transboundary Ramsar site in Africa, with the wetland shared between Senegal and The Gambia.

CRADESC organized a community forum on April 9 and 10 to educate members of community organizations about threats posed by oil development and how community members can make their voices heard. The forum provided an opportunity for an exchange of experiences between lawyers, environmental experts, and community members about protecting mangroves through law.

The gathering included state technicians from the Fatick region, civil society organizations, mayors of the communities potentially impacted by the Sangomar project, grassroots community organizations, local artisanal fishing councils, management committees for protected areas, federations of women who process fish, the press, and many more.

**“ELAW provided important scientific and financial support for this activity, which is part of a larger CRADESC project in collaboration with the Rosa Luxemburg Foundation for West Africa.”**

Fatima Diallo, Executive Director of CRADESC



Community members protest in front of Pretoria High Court. PHOTO: James Oatway for Centre for Environmental Rights, South Africa

## Saying No to Coal in South Africa

In November 2020, the South African High Court in Pretoria terminated plans to build the 1200 MW Thabametsi coal-fired power plant outside Lephalale in Limpopo province. The plant was first announced in 2015, and citizens and NGOs in South Africa have been challenging it ever since. In two consecutive court cases, ELAW partners at the Centre for Environmental Rights (CER) represented concerned NGOs in court, and the litigation (coupled with campaigning) finally killed plans for the plant in 2020. ELAW lawyers and scientists have collaborated with the CER lawyers from the start – and we are happy to celebrate this final victory!



Chvaletice coal-fired power plant, Czech Republic. PHOTO: Laura Otýpková, Frank Bold

## Victory in Czech Republic

For the second time, the Czech Ministry of the Environment has denied an application from the Chvaletice coal-fired power plant to discharge nitrogen oxides (NOx) and mercury (Hg) far above the legal limit. The requested emissions would have exceeded permitted mercury levels by more than 300%.

Laura Otýpková, a staff lawyer at Frank Bold, wrote to ELAW Staff Scientist Dr. Mark Chernaik:

“Thanks for all of your support throughout this case. I am very happy to share these results with you, even though it took more than two years to get here!”

Laura was an ELAW Fellow in the summer of 2019 and worked closely with Mark to assess the environmental impacts of the nitrogen oxides and mercury emissions, to substantiate Frank Bold's objections to the power plant's application.

The Chvaletice power plant is fueled by lignite, the dirtiest form of coal. Plant operators began requesting an exemption from emissions limits in January 2019. In November 2019, we celebrated when the Czech Ministry of Environment rejected the request for the first time.

In March, the Ministry of Environment quashed the exemption for the second time, after it had been granted again by the regional authority.

**“We stand with local partners seeking to move beyond costly, harmful, outdated forms of energy.”**

Dr. Mark Chernaik, ELAW Staff Scientist

## Poland Ordered to Shut Down Turów Coal Mine

ELAW partners at Frank Bold's Czech Republic office have worked for years to protect communities from the Turów lignite mine, the dirtiest form of coal. The Europe Beyond Coal campaign reports that this sprawling complex in southwest Poland pushes right up to the Czech and German borders and is depleting people's water supplies and undercutting houses in nearby communities.

In May, the European Court of Justice ruled that mining at Turów must cease while the court processes a Czech government lawsuit against Poland for illegally operating the mine.

Europe Beyond Coal reports: “The mine is located in Poland's Bogatynia region and is endangering access to safe drinking water for thousands of families on the Czech side of the border and causing subsidence that could damage houses around the German city of Zittau. PGE [Poland's largest energy sector company] plans to extend the mine to within 70 metres of the Czech border in 2022.”

ELAW worked with Kristína Šabová, Head of Frank Bold's Responsible Energy Section, to document the transboundary harm caused to groundwater and air quality by the Turów lignite mine, and helped show that proposed measures to mitigate lowering of the groundwater table caused by mine pit dewatering were untested and likely ineffective.

Poland is defying the order to close the Turów lignite mine, and is instead offering to finance projects to replenish groundwater if the Czech Republic withdraws its lawsuit.

# Challenging Fossil Fuels & Industry Abuses

## Advancing Green Energy

ELAW partners are also advocating for truly renewable energy, such as wind and solar. These green energy alternatives are proving more affordable than fossil fuels, and their future has never been more promising.



Twenty companies produce more than half of all single-use plastic waste in the world, fueling the climate crisis. “These global businesses... are both state-owned and multinational corporations, including oil and gas giants and chemical companies,” reports *The Guardian* (“Twenty firms produce 55% of world’s plastic waste, report reveals,” 5/17/21).

As colleagues at the Center for International Environmental Law report, “Nearly every piece of plastic begins as a fossil fuel, and greenhouse gases are emitted at each stage of the plastic lifecycle: 1) fossil fuel extraction and transport, 2) plastic refining and manufacture, 3) managing plastic waste, and 4) its ongoing impact in our oceans, waterways, and landscape.” (Plastic & Climate: The Hidden Costs of a Plastic Planet, CIEL, May 2019).

As petroleum companies see a future with reduced dependence on fossil fuels for energy, the manufacture and use of single-use plastic seems to be escalating. There is a major expansion of petrochemical facilities underway. ELAW is working with partners across the globe to promote and enforce laws that reduce dependence on single-use plastic products and packaging and encourage a return to sustainable practices such as refillable systems. As part of this work, ELAW recently launched its Plastic Law site: [elaw.org/plastic](http://elaw.org/plastic).

### Czech Republic

ELAW Staff Scientist Dr. Chernaik is helping Czech lawyers explain how renewable energy can power a stable, reliable grid. These partners are seeking to influence the decisions of the Czech Coal Commission, which is determining the date of the country’s exit from coal. The information shared from Dr. Chernaik shows that if configured properly, with energy storage and power inverters, solar and wind installations improve the reliability of electrical grids, countering the argument that some coal is needed for maintaining grid stability.

### Democratic Republic of Congo

ELAW Africa Law Associate, Bernard Ngalim, is collaborating closely with lawyers in the Democratic Republic of Congo who are helping civil society organizations understand existing laws governing the energy sector and the barriers to more sustainable energy choices, as the government develops a new energy policy.

**Nearly every piece of plastic begins as a fossil fuel, and greenhouse gases are emitted at each stage of the plastic lifecycle.**

# Inside ELAW



Dr. Riley "Rye" Howard

## Two Scientists and a Lawyer Join the ELAW Team

### Dr. Riley "Rye" Howard | Staff Scientist

Rye helps ELAW partners around the world understand the impacts of toxic substances, especially plastic pollution, on public health. They earned a doctorate in Environmental Health from the Boston University School of Public Health, and have held many teaching positions. Rye has consulted with NGOs and European government agencies to better regulate toxic substances, including polyfluoroalkyl substances (PFAS), flame retardants, and other ubiquitous toxic chemicals. In 2019-20, Rye was based in Dhaka, Bangladesh, helping NGOs address environmental health problems, conducting environmental monitoring of PFAS in Bangladesh's waterways, and traveling thousands of kilometers across India by bicycle.



Dr. Melissa Garren

### Dr. Melissa Garren | Scientist on contract

Melissa brings diverse experience in public interest science to our team. She provides research and strategy support to our work with partners around the world to protect coastal and marine ecosystems. Melissa earned a bachelor's degree in molecular biology from Yale, and a master's and a doctorate in marine biology from Scripps Institution of Oceanography focusing on environmental threats to the integrity of coral reefs. Melissa is the principal at Working Ocean Strategies LLC, and has worked at the intersection of ocean and coastal environmental issues with an array of scientific disciplines, including engineering, water quality, microbiology and biotechnology, disease, aquaculture and fisheries, and social issues.

### Dr. Carlos Soria | Attorney on contract

Carlos has worked since 1988 to protect the environment and Indigenous peoples in Latin America and around the world. Based in Peru, he has served as consultant for the Amazon Cooperation Treaty Organization, FAO, Helvetas, CONDESAN, USAID, the International Center for Forest Research (CIFOR), among others. He worked with the REDD MOZFIP project in Mozambique from 2018 to 2020. He earned a law degree at Pontificia Universidad Católica del Perú PUCP, a Master in Social Sciences with a focus on Amazonian Studies from the Latin American Faculty of Social Sciences (FLACSO), and a Doctor of Philosophy from Flinders University of South Australia.



Dr. Carlos Soria

## ELAW Legal Interns: Next Generation Advocates



Mary Muthoni Morrison



Carolina "Inka" Boehm



Nils Green

We are pleased to welcome summer Legal Interns **Mary Muthoni Morrison**, **Carolina "Inka" Boehm**, and **Nils Green**. ELAW collaborates with each student to tailor their internship to meet their academic interests while advancing ELAW's work. Interns complete short and long-term projects on a wide range of legal topics, including climate change, plastic pollution, fossil fuel extraction, and marine protection.

Mary is an environmental attorney, based in Kenya, currently pursuing a Master of Laws in Environment and Natural Resources at the University of Oregon. She has a rich professional background as Legal Manager in Kenya where she monitored wildlife crime in 121 courts in Kenya, advocated for environmental protection, and strengthened environmental policy through promoting effective engagement with government and communities. She speaks English and Swahili.

Inka is a rising 3L at American University Washington College of Law. She believes that environmental justice is critical in the broader defense of human rights. She has worked at Amnesty International, the American Civil Liberties Union, and the War Crimes Research Office at American University. She speaks English, Polish, and some French.

Nils is a rising 3L at the University of Oregon studying environmental law. Nils brings strong skills researching case law, administrative law, and legislative history to his internship at ELAW. He has worked in a public defender's office, the immigration division of a law firm, and with asylum seekers in Tijuana. He speaks English, Swedish, and some Arabic and Spanish.



# ELAW

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## Environmental Law Alliance Worldwide

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## Building on Killian’s Legacy

In honor of Killian Doherty and his contribution to ELAW and to the pursuit of environmental justice through public interest law, ELAW has established **The Killian Doherty Legacy Fund**.

This fund will support a short-term, paid position at ELAW each year for a law student or attorney based in the US or around the world. Initially, the Intern or Fellow will focus on comparative Indigenous rights and jurisprudence, an area that Killian studied to better support Indigenous communities fighting for land rights and environmental justice.

To help build on Killian’s legacy and create opportunities for early career lawyers and law students to advance environmental justice through public interest law, please visit [elaw.org/killianfund](http://elaw.org/killianfund), or donate using the enclosed envelope, with a note that your contribution is meant for The Killian Doherty Legacy Fund.



Killian was lead speaker at a May 2019 public climate conference in Brasilia, "Brazil: Dialogue 7: Climate Litigation." His presentation, "Climate Litigation around the World," set the stage for discussion between government and civil society representatives on how legal instruments can help protect the climate.

### THINK GLOBALLY. ACT GLOBALLY.

