



LAW

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Connecting Communities
Protecting the Planet

Protecting Panama

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Mangroves and high rises vie for space in Panama City.

**Panama City
is the only
capital in the
world that has
a rain forest
within its
city limits.**

Panama is a small country that casts a big shadow. Home to roughly 4 million people, it is also home to unique plants and animals. It forms the land bridge linking the diverse ecosystems of North and South America, and its lush forests and wetlands support unique animals, plants, and birds. The Panama Canal makes Panama a key player in the global economy, as thousands of ships use the Canal to pass between the Atlantic and Pacific oceans every year. Indeed, Panama is now working to build an even bigger canal.

Much of Panama remains unspoiled, and Panama is home to five World Heritage Sites that recognize the country's unique cultural and environmental treasures. Indigenous people make up roughly 5% of the population, and many of them live traditional lifestyles.

ELAW works with strong partners in Panama, and they are facing big challenges now. Developers are destroying critical mangroves, piling fill on fragile ecosystems, and building high rises. Mining companies seem to have an insatiable appetite for exploiting Panama's resources, and are currently proposing a huge open pit copper mine—Mina de Cobre Panama—that would destroy 25 square miles of irreplaceable tropical forests. The government is pursuing plans to build an elevated highway through the ocean surrounding the historic Casco Viejo neighborhood of Panama City. The U.N. World Heritage Committee has

called on the government to stop work on the "Cinta Costera II and III," saying the massive highway would irreversibly damage the outstanding universal value of the site.

ELAW Executive Director Bern Johnson and Staff Scientist Heidi Weiskel traveled to Panama to work with ELAW partners and help them meet these challenges. The following is an excerpt from Heidi's trip report.

Panamá vale más, sin minería

"Panama is worth more without mining" is emblazoned in Spanish on t-shirts given to us by our colleagues at CIAM. The phrase rings true for more than the campaign against Minera Panama's proposal to construct a massive open-pit copper mine that will devastate more than 25 square miles of spectacular rainforest.

ELAW partners CIAM, CEALP and MarViva are all working to communicate the extraordinary value of keeping Panama's natural environment intact. The following are some of the challenges they are taking on to preserve Panama for future generations.

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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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Panama (CONTINUED FROM PAGE 1)



The ELAW team joins Panamanian partners outside MarViva's offices.

Casco Viejo

We walked along the seawall in Casco Viejo and tried to picture the Cinta Costera III – a ring highway slated to run through Panama Bay. It would cut through the open water, disrupt currents, disturb marine habitat, and create a permanent, loud, polluting eyesore in front of the historic neighborhood of Casco Viejo. This World Heritage Site is a fortified city built in 1673 after pirate Henry Morgan burned its predecessor to the ground.

We climbed the tower in Panama Viejo and tried to imagine the green mangroves below turned to concrete, with skyscrapers and luxury apartments. Work on the Cinta Costera III has already begun, despite national and international resistance. The UNESCO World Heritage Committee has called on the government of Panama to stop work on this highway project.

Copper mine in a rainforest

The rainforest slated for destruction by Minera Panama for its proposed open-pit copper mine in the Donoso Region has long been recognized as one of Central America's most valuable protected areas. It is part of the Mesoamerican Biological Corridor, established to protect 106 critically endangered species. A recent court decision lifted this region's protected status. The project's environmental impact statement is critically flawed and many groups are actively challenging the project.

Mangroves at risk

Panama Bay is an internationally-protected wetland and home to millions of migrating birds and rich fisheries. A recent court decision removed protection for this mangrove habitat. CIAM arranged a fieldtrip for us to see the destruction firsthand. Fiddler crabs are trying to survive in mangrove forests that have been fragmented by roads and coastal development. Crabs, fish, and birds that depend on intertidal habitat are all being pushed out. Massive structures are planned for these wetlands, which are being filled with municipal waste. As a marine ecologist, it is difficult for me to witness this intense and permanent habitat destruction.

ELAW's partners in Panama face a difficult challenge: Conveying the value of Panama's rainforest and intact coastal ecosystems in the face of promised mining revenues, luxury apartments, and quick fixes to Panama City's traffic woes. ELAW partners are engaging the public in critical discussions: Is Panama wise about its resource use? Is it respectful of its indigenous peoples? Is it planning a sustainable future? Is it a global citizen, protecting its part of the Mesoamerican Biological Corridor?

Panama City is the only capital city in the world that has a rain forest within its city limits. Its proximity to mountains, ocean, and jungle is highly unusual. In a single afternoon, you can swim in the Caribbean Sea and the Pacific Ocean. Unlike the rest of the Caribbean, Panama is off the path of most hurricanes. Panama is lucky indeed and we are proud to support our partners' work to preserve its natural treasures for future generations.

ELAW partners in Panama

- **Centro de Incidencia Ambiental de Panamá (CIAM)** www.ciampanama.org
- **Centro de Asistencia Legal Popular (CEALP)**
- **MarViva** www.marviva.net



Inside ELAW

Svitlana Kravchenko
1949-2012

Svitlana Kravchenko was an inspiration to the global ELAW family for 17 years. She founded and directed Environment People Law (EPL), Ukraine’s first public interest environmental law firm, where she mentored a new generation of grassroots advocates.

Svitlana had a joyful spirit and a warm, caring embrace. She challenged injustice and greed, and she never became cynical or hardened. She survived cancer. She lived through Chernobyl. She made it through Soviet times. These three things would make almost anyone cynical. But not Svitlana. She kept her joy. She stayed optimistic. She kept moving us toward beauty and generosity.

We miss you Svitlana.

Bern Johnson
Executive Director
ELAW



Meche Makes Public Impact

The University of Oregon Graduate School has awarded ELAW Staff Scientist Meche Lu two grants to further her work exploring the impact of oil development in the Peruvian Amazon.

The Public Impact Fellowship recognizes and supports the work of UO graduate students whose research has the potential to have a significant impact on society. Meche also received a Global Oregon Summer Research Award.



Svitlana’s organization, Environment People Law, hosted the 2004 ELAW Annual International Meeting in Ukraine.

Svitlana Kravchenko was a pioneer in environmental litigation in Eastern Europe. In 1994 she founded Ukraine’s first public interest environmental law firm, and continued to serve as its President after moving to Oregon in 2001. She also served as an adviser to the Parliament and the Ministry of Environment of Ukraine and as a Vice-Chair of the Commission of Environmental Law of the World Conservation Union (IUCN).

Svitlana was the Director of the LL.M. program at the University of Oregon School of Law. Before coming to Oregon she taught environmental law for 29 years at Lviv National University. She published nearly 190 articles, including twelve books and book chapters in English, Ukrainian, and Russian. Svitlana was a citizen negotiator in United Nations bodies and then became elected Vice-Chair of the Compliance Committee of the Aarhus Public Participation Convention for 10 years.

In 2011, Svitlana received the Senior Scholar Award of the IUCN Academy of Environmental Law. This year, she was posthumously awarded the American Bar Association Award for Distinguished Achievement in Environmental Law and Policy.

Good News from India

Goa 2012

ELAW Annual International Meetings build the bonds that make the ELAW network strong. Every other year, our meeting is hosted by an ELAW partner overseas. ELAW partners in India will host this year's meeting. Grassroots advocates from around the world will gather in Goa, November 27-30, to collaborate on their work helping communities speak out for clean air, clean water, and a healthy planet. Past Annual Meetings have been hosted by ELAW partners in Tanzania, Mexico, Ukraine, Chile, Costa Rica, Kenya, Philippines, Israel, and Australia.

India's new National Green Tribunal has issued winning verdicts this year on polluting coal-fired power plants and mines, a land fill scheme, and an out-sized steel mill operation. "I am grateful to ELAW," says Ritwick Dutta, who worked closely with Rahul Choudhary and ELAW staff on these and dozens of cases seeking justice for citizens in India. This exciting work in India is inspiring ELAW partners around the world.

A Saying No to Coal

Jindal Steel and Power has targeted one of India's most biodiverse states as the site of a proposed coal mine. Citizens in the remote Raigarh District in Central India's Chhattisgarh State had no opportunity to voice their disapproval and sought help from ELAW partners Ritwick Dutta and Rahul Choudhary. Chhattisgarh is blessed with magnificent water falls, mountains, forests, and wildlife.

Ritwick and Rahul brought the community's case before the National Green Tribunal, and won. The NGT found that the public hearing held to allow citizens to comment on the proposed mine was a "mockery" and a "farce."

According to the Tribunal's judgment, the meeting was held in a remote village far from the project site and was interrupted when local thugs began pelting citizens with stones and breaking chairs. Most community members left, but the District Magistrate continued to hold the meeting. Supporters of the project, who appeared to be bribed by the proponent, were the only ones left to give testimony.

After watching footage of the hearing, the National Green Tribunal found it to be "a classic example of violation of the rules and the principles of natural justice to its brim." The National Green Tribunal revoked clearance for the project, which had been granted by the Ministry of Environment and Forests.

B Protecting Communities from Radiation

Radiation in coal ash threatens people's health. ELAW partner Ritwick Dutta called on ELAW Staff Scientists for help when he challenged coal before the National Green Tribunal. ELAW provided scientific studies on radiation associated with coal-fired power plants, and pledged to work with him to ensure that the new national standards truly protect public health.

The National Green Tribunal ordered the Ministry of the Environment to investigate radioactive emissions at a coal-fired plant in Maharashtra District, and establish, within one year, national standards that protect citizens and the environment from radiation. Ritwick wrote: "I am grateful to ELAW. The scientific papers were critical in convincing the court about the impacts of radiation."



Winning Justice at the National Green Tribunal

C Waste Plant Too Close to National Park

Communities near Guindy National Park, south of Chennai, are celebrating the March cancellation of a solid waste management plant proposed for their area. The National Green Tribunal found that the consultant who prepared the project's Environmental Impact Assessment falsified the distance from the landfill to the National Park.

Indian law requires that waste facilities proposed for sites near protected areas face closer scrutiny than facilities located elsewhere. By falsifying the distance to Guindy National Park, the consultant illegally avoided necessary scrutiny of the landfill location. The order from the National Green Tribunal will provide communities in Chennai with a new opportunity to put in place waste reduction strategies.

D Holding Corporations Accountable

By Mark Chernaik

In August 2010, when India's National Environmental Appellate Authority overturned a proposal by Lafarge, one of the world's largest cement companies, to mine for limestone over hills native communities in Himachal Pradesh hold sacred, I rejoiced.

But ELAW partners in India knew we had a larger test coming: What to do about a proposal from Korea's giant steel company (POSCO) to locate a port and steel manufacturing facility in the district of Jagatsinghpur? Like Lafarge's proposal, POSCO's proposal would destroy forests and force communities off land they have lived on for decades. However, POSCO's proposal would involve an investment of \$12 billion, the single largest foreign direct investment ever proposed in India. POSCO's proposal also involved discussions between high ranking members of the governments of India and Korea.

Could India turn down, on environmental grounds, a proposal involving such large amounts of money and political power?

At first, the answer seemed discouraging. The Ministry of Environment and Forests (MoEF) approved the project. Attention then turned to India's new National Green Tribunal, where local communities filed an appeal.

To my delight, the NGT suspended MoEF's clearance for the project, telling the world that in India, no amount of money or political power can shield a project from the necessity of complying with environmental standards and the rights of communities.

Congratulations to ELAW partners Ritwick Dutta and Rahul Choudhary, who argued the case before the NGT.



Green Tribunals

Many judges lack the scientific expertise they need to consider cases involving air, soil, water, ecosystems, and other environmental and public health issues. Countries around the world, including India, have set up "green tribunals," composed of judicial and expert scientific members, as specialized courts to try environmental cases.

India's National Green Tribunal (NGT) was established in 2010, but for months the Government failed to appoint judicial and expert members or provide it with courtrooms and staff. To make matters worse, the establishment of the NGT abolished the National Environmental Appellate Authority, leaving dozens of environmental petitions languishing with no court to rule on urgent matters.

A sustained effort by ELAW partner Ritwick Dutta before the Supreme Court of India forced the Government to breathe life into the NGT, which began hearing cases in July 2011.

One year later, Ritwick and his colleague Rahul Choudhary are lead counsel on more than 30 petitions before the NGT. These petitions seek to stop environmentally destructive projects such as new coal-fired power plants, and large hydroelectric dams in remote forested areas, in the States of Orissa, Tamil Nadu, Uttarakhand, Andhra Pradesh, Arunachal Pradesh, and Chhattisgarh.

Inside ELAW

Every year, ELAW brings committed environmental advocates to Eugene to hone skills they need to protect communities and the environment.



Summer Fellows from Colombia, Nicaragua, and Swaziland

We are pleased to host ELAW Fellows this summer from Colombia, Nicaragua, and Swaziland.

Goldman Prize winner Thuli Makama (right) from Swaziland, arrived in May and is working with us to build up ELAW's work in Africa.

Lottie Cunningham Wren (center), a Miskito attorney based in Puerto Cabezas, Nicaragua, arrived in June for her stay as the Laurie Prosser & Xiaoli Jiang Fellow. Indigenous and afro-descendant fishing communities on Nicaragua's Atlantic Coast are concerned that proposed off-shore oil operations will damage fisheries. Lottie is working with ELAW to help these communities have a voice in decisions about oil development. Lottie and her organization, CEJUDHCAN, have worked for many years to conserve biological diversity, sustain cultural practices, and advocate for sustainable fisheries.

Ana Lucia Maya Aguirre (left) is an attorney at Colombia's Latin American Institute for Society and Alternative Rights (Instituto Latinoamericano para

una Sociedad y un Derechos Alternativos, ILSA). Ana works with indigenous and afro-descendant communities on problems involving hydroelectric dams, mining, hydrocarbons, agro fuels, and more. She is participating in the Intensive English Program at the University of Oregon's American English Institute, and writing a book on reforms taking place in the Interamerican System of Human Rights.

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 agencies, and take English classes at the University of Oregon's American English Institute. During evenings and weekends, ELAW Fellows enjoy exploring Oregon and the Pacific Northwest.

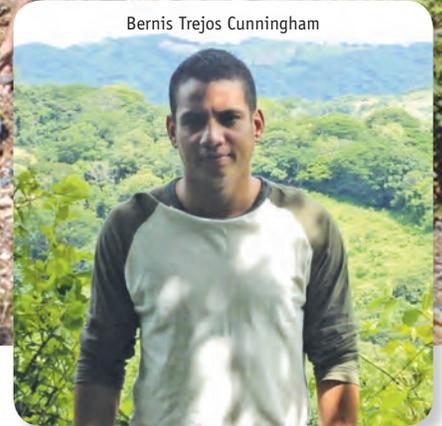
If you are interested in hosting ELAW Fellows – for a meal, a day trip, or a short home stay, please contact Maggie Keenan (maggie@elaw.org).

“Eco-Lógica realizes that young people are not the future; they are the present . . . If we don’t do something, who will? And if not now, when?”

Bernis Trejos Cunningham



Bernis Trejos Cunningham



Youth campaign to clean up trash in Nicaragua

Young people in Granada, Nicaragua, are fed up with seeing garbage on their streets and on the shores of Lake Cocibolca. They came together and launched Nicaragua Eco-Lógica, to raise environmental awareness and clean up the lake shore.

“Eco-Lógica realizes that young people are not the future; they are the present....If we don’t do something, who will? And if not now, when?” says Eco-Lógica founder Bernis Trejos Cunningham. Bernis is a lawyer and the nephew of long time ELAW partner Lottie Cunningham Wren.

Lottie was impressed by her nephew’s work galvanizing local youth. She connected Bernis with ELAW staff members who provided information about cities and countries throughout the world that have successfully banned plastic bags. Among these countries is Uganda, which banned thin plastic bags in 2009 following a court victory by ELAW partner Kenneth Kakuru and his organization, Greenwatch.

ELAW also sent resources with criteria for biodegradable and compostable products, best practices for waste management of biodegradable plastics, and environmental concerns about introducing single-use biodegradable plastics to the waste stream.

Bernis and his colleagues have drafted a law to establish a tax on single-use plastic bags. The proposed tax would raise the price of the bags so they would no longer be free to consumers, which in turn would deter consumption. “The tax would achieve three objectives,” says Bernis. “Funds that are collected could be invested in environmental education and clean technology, plastic bag consumption would decrease, and the environment would be protected.”

If approved, Nicaragua would follow other countries in Latin American that are regulating plastic bags, including Mexico, Brazil, Argentina, Bolivia, and Panama.



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Lottie Cunningham Wren

Laurie Prosser & Xiaoli Jiang Fellow

Each year, Laurie Prosser (left) and Xiaoli Jiang (right) sponsor an ELAW Fellowship for a grassroots environmental advocate. ELAW Fellows work with the ELAW team and gain vital skills and resources they need to win victories for communities and the environment. This year, Lottie Cunningham Wren (center) from Nicaragua is our Laurie Prosser & Xiaoli Jiang Fellow.

You too can make a world of difference for an environmental advocate! Please consider sponsoring a Fellowship, making a donation, or becoming an ELAW Host Family today.



“We help promising grassroots leaders make real strides at home while sharing lessons learned with the international ELAW network.”

Laurie Prosser

Want to help?
Contact Maggie Keenan,
ELAW Fellowship
Program Coordinator,
maggie@elaw.org.

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