

Victories in India and the Philippines

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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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INDIA

Cleaning up the Ganges



The NGT closed a polluting factory and ordered the inspection of 956 others.

Untreated wastewater from Simbhaoli Sugar Mills Ltd. flows through the Phuldera drain en route to the Ganges River in Uttar Pradesh.

PHOTO: India's National Green Tribunal

India's National Green Tribunal (NGT) has closed a polluting sugar mill and distillery in Uttar Pradesh and ordered the inspection of 956 other factories that release effluents into India's most sacred waterway.

"Mark was a great help," says ELAW partner Rahul Choudhary. "Now he will help prioritize which of the factories on the list are the worst polluters, to maximize the impact of future NGT orders."

Mark Chernaik, ELAW Staff Scientist, analyzed dozens of water quality reports and revealed that Simbhaoli Sugar Mill and Distillery was discharging wastes far in excess of Indian environmental standards.

"Waste treatment systems at the factories were frequently broken but the company continued to operate at full capacity," says Mark.

Mark helped Rahul convince members of the NGT to conduct an onsite inspection of the facility, to see the pollution first hand. The Tribunal later wrote in its order that Simbhaoli "has been causing pollution for the last 40 years after the preventive pollution laws came into force. For all these years it has violated the prescribed standards."

The 956 factories on the inspection list include tanneries, paper mills, pesticide manufacturers, sugar mills, distilleries, and more. The Central Pollution Control Board, Uttar Pradesh Pollution Control Board, and National Ganga River Basin Authority are responsible for the inspections.

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 both judges and expert scientific members, as specialized courts to hear environmental cases.

The NGT was established in 2010. Today, ELAW partners Rahul Choudhary and Ritwick Dutta are lead counsel on more than 150 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.

Recent news from India says the NGT may become a victim of its own success. Preliminary discussions are underway on plans by the Government of India to amend the National Green Tribunal Act to dilute the NGT's powers. ELAW partners stand ready to challenge this shortsighted move.



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Victories (CONTINUED)



“ELAW has been a tremendous ally and partner and a major source of assistance and support to us in the struggle for environmental justice, especially to the most vulnerable sectors who are largely without any voice to defend their non-negotiable rights to a good quality of life, health, livelihood, and a healthful and balanced ecology. We are most grateful.”

Golly Ramos
Oceana, VP
Philippines

Philippines: Saying No to Coal Ash Dumping

ELAW partners in the Philippines rejoiced when local government officials shelved plans to allow a company to dump coal ash on beachfront property in Naga City, Cebu.

Coal ash is a toxic byproduct of coal-fired power plants. Coal ash contaminants such as mercury, cadmium, and arsenic pose a significant threat to water resources.

ELAW partners Gloria Estenzo Ramos and Benjamin Cabrido at the Philippine Earth Justice Center called on ELAW's science team in 2011 for help evaluating whether plans for the dump included adequate pollution mitigation technology to keep local residents safe.

ELAW's science team reviewed the plans and found that the coal ash landfill would have been located in a floodplain and did not allow enough distance between the liner, a barrier intended to prevent groundwater contamination, and groundwater, violating the requirements of the Philippine Ecological Solid Waste Management Act.

Using this information, Gloria and Benjamin successfully argued that the site is not a good place for a dump.



Defending Community Rights in East Africa



The push for land, oil, and minerals threatens communities across East Africa. ELAW Staff Attorney Jennifer Gleason and board member John Bonine joined 45 lawyers from Uganda, Kenya and Tanzania this summer to discuss best practices for defending the rights of communities in the region threatened by a push for natural resources. ELAW partnered with Greenwatch in Uganda to host the “Regional Symposium on Public Interest Environmental Litigation for lawyers in East Africa” June 17-20 in Entebbe. ELAW Partners at the Institute for Law and Environmental Governance (ILEG) in Kenya and the Lawyers' Environmental Action Team (LEAT) in Tanzania helped organize the workshop. Many thanks to the Ford Foundation for making this work possible.