



Connecting Communities
Protecting the Planet

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Eduardo Mosqueda Sánchez is free!



Eduardo Mosqueda Sánchez and Dr. Raquel Gutiérrez Nájera

We are thrilled to report that Eduardo Mosqueda Sánchez was freed on May 12 after nearly 10 months in a Colima, Mexico, detention center where he was imprisoned on bogus charges while working to defend the Nahua people in Jalisco State.

A federal court upheld a lower court's ruling that there is no evidence to support the indictment against Eduardo. All charges were dropped.

Eduardo works for ELAW's partner organization, Instituto de Derecho Ambiental (IDEA), a grassroots organization in Guadalajara founded by award-winning attorney and longtime ELAW partner Dr. Raquel Gutiérrez Nájera. Eduardo's arrest was tied to IDEA's work on a lengthy land dispute that the Nahua people, in Ayotitlán, Cuatitlán, have with an iron mining company (Consortio Minero Benito Juárez Peña Colorada S.A.).

In 2013, the community filed a constitutional petition asking the court to recognize the community's rights over the land. A judge from the 4th District issued an injunction, granting community members free access to

all of the lands and suspending the mining company's use of the lands until the case is resolved.

On July 22, 2015, Eduardo and hundreds of community members toured the contested lands. Some community members, including women and children, were assaulted, and 33 community members and Eduardo were detained. The community members were soon released, but Eduardo was held without bail for many months.

"I am thrilled with Eduardo's release, but it is a grave injustice that he was imprisoned for almost 10 months on unfounded charges," says Bern Johnson, ELAW Executive Director. "I hope the people responsible for this injustice will be held accountable."



Instituto de Derecho Ambiental

Central Europe

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

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Protecting Communities from Toxic Waste and Coal Emissions



PHOTO: Goldman Environmental Prize

ELAW Partner Spotlight Zuzana Caputova, Slovakia 2016 Goldman Prize Winner

ELAW partner **Zuzana Caputova** has won a 2016 Goldman Environmental Prize for leading a successful campaign to protect her community from toxic waste.

The Goldman Prize is the world's highest honor for grassroots environmental activists.

Zuzana's community – Pezinok, Slovakia – was suffering the long-term effects of toxic waste that had poisoned the land, air, and water. Zuzana traveled to Eugene in 2007 as an ELAW Fellow to collaborate on her work to prevent toxic dumping in Pezinok. Zuzana works with Via Iuris, Slovakia's leading grassroots environmental law organization.

ELAW Staff Scientist Mark Chernaik "provided helpful U.S. studies on the health impacts of waste dumps and safe distances of dumps from residential areas," says Zuzana.

Slovakia's Supreme Court shelved the project following a ruling from the European Court of Justice that clarified that citizens have the right to participate in decisions about the environment.

Zuzana is one of a dozen ELAW partners who have been awarded a Goldman Prize.

A public interest lawyer and mother of two, Zuzana Caputova spearheaded a successful campaign that shut down a waste dump that poisoned the land, air, and water in her community, setting a precedent for public participation in post-communist Slovakia.



www.goldmanprize.org

#KeepItInTheGround

"My time with ELAW helped me see that we share similar obstacles to energy planning in the European Union."

Kristina Sabova



ELAW Fellow **Kristina Sabova** leads an international team of lawyers who are working to protect communities in Central Europe from polluting coal plants and advance green energy policy. She was in Eugene this spring for a 10-week Fellowship.

"I worked with the ELAW team to challenge industrial pollution and learn about developments in renewables," says Kristina, who works at the Frank Bold Society, the biggest watchdog organization in the Czech Republic.

They call themselves the Frank Bold Society, because they are "frank" about their reasons and "bold" about their actions.

Kristina's focus is the oldest and most polluting coal plants in the Czech Republic, Poland, and other European Union countries. Together with her colleagues, she works to hold polluters accountable, advocate for cleaner operations, advance air quality management plans,

enforce emissions standards, and help the EU transition from fossil fuels to clean and sustainable energy.

Kristina met one-on-one with ELAW Staff Attorneys and Staff Scientists, and explored the state of renewables with Ray Neff at Oregonians for Renewable Energy Progress (OREP) and Marcus Kauffman, Biomass Resource Specialist, Oregon Department of Forestry. She also participated in a University of Oregon Energy Law Conference in Portland and traveled to Seattle to tour Enwave's Steam Plant and meet with staff at Northwest SEED (Sustainable Energy for Economic Development), the Sierra Club, and Earthjustice.

Many thanks to University of Oregon's American English Institute for providing Kristina with a Director's Distinction Scholarship for the Intensive English Program. And thanks also to the Trust for Mutual Understanding for making Kristina's Fellowship possible.

Uganda: Building Capacity on the High Court



ELAW partner Frank Tumusiime (far left in photo), Coordinator, Advocates for Natural Resources and Development, co-hosted an environmental litigation workshop for Uganda High Court judges on May 6 with Avocats Sans Frontières (Lawyers Without Borders). The training was funded by the Democratic Governance Facility.

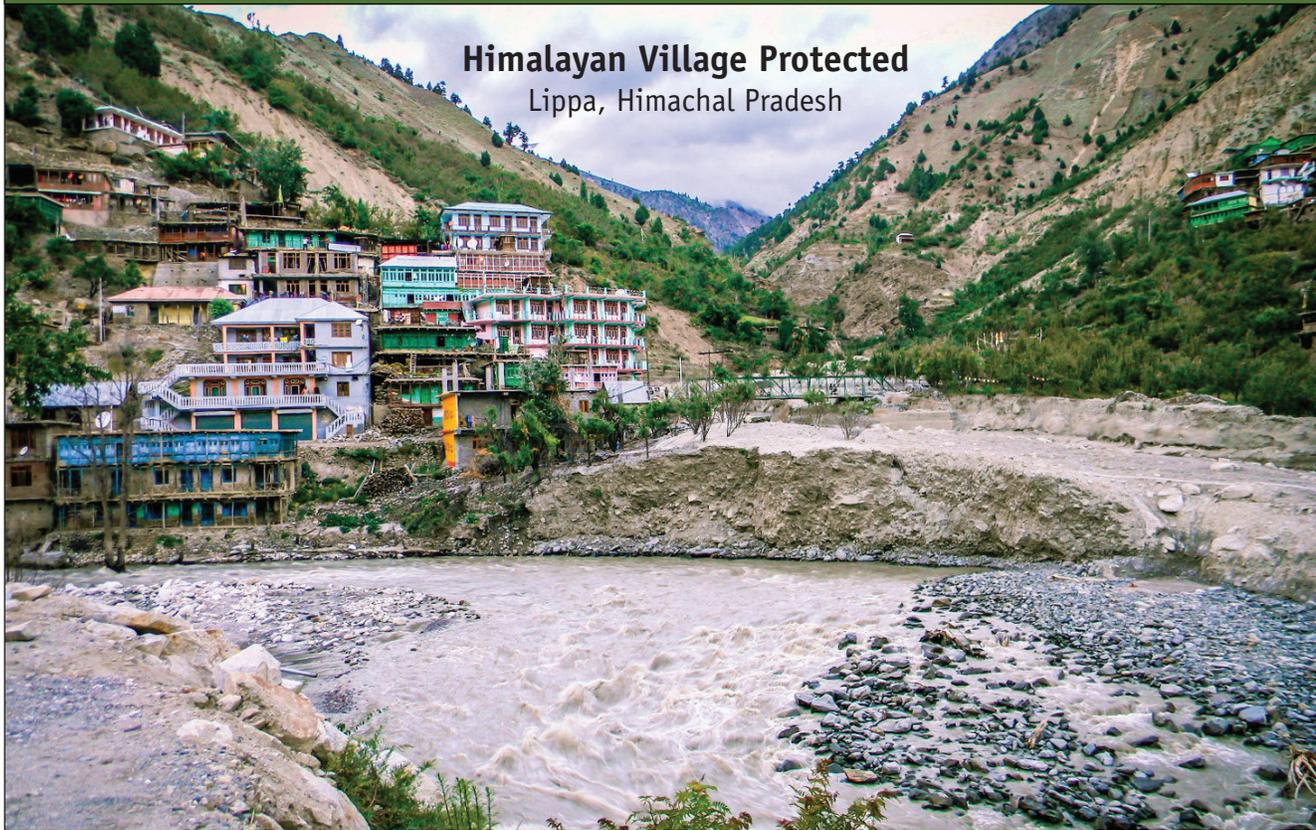
"My ELAW Fellowship last year and subsequent collaboration with ELAW staff helped me hone my judge's training session."

Frank Tumusiime

Victories Across India

"The local people were really committed and it was their dogged pursuit which made it possible to get this decision. The judgment is a victory for the local people."

Ritwick Dutta
ELAW Partner



Himalayan Village Protected
Lippa, Himachal Pradesh

The small Himalayan village of Lippa in far north Himachal Pradesh, India, won a David and Goliath battle against the State, which sought to move forward on a hydroelectric project that would destroy forest and likely bury Lippa village in a flood of silt.

The National Green Tribunal ordered that the Gram Sabha (village council) must have a voice in decisions made about the proposed Kashang Integrated Hydro Electric Project.

"It was a very long fight and involved arguing the case before multiple benches over the last four years," says ELAW partner Ritwick Dutta who represented the community-based organization Paryavaran Sanrakhsan

Sangrash Samiti in its May 4 victory before the National Green Tribunal in Delhi. "The local people were really committed and it was their dogged pursuit which made it possible to get this decision. The judgment is a victory for the local people."

ELAW Staff Scientist Heidi Weiskel helped Ritwick show that Himachal Pradesh Power Corporation Ltd. vastly understated the amount of total forested area that would be diverted, and failed to assess how the diversion of freshwater from the Kerang River would threaten communities downstream.

"Heidi's analysis was extremely helpful," says Ritwick.

Long-fought Steel Project Shelved

Jagatsinghpur, Odisha

A proposed port and steel manufacturing facility on the coast of Odisha would mean forced relocation of communities and significant deforestation. After a decade-long battle, multinational Korean steel giant POSCO informed the National Green Tribunal in April that they cannot meet conditions for environmental clearance and will shelve the project.

"This victory was possible because of the assistance of many," says ELAW partner Ritwick Dutta.

"Firstly, to the people in the villages who stood against the industrial giant, to the petitioner Prafulla Samantray, to Kanchi Kohli who assisted local groups in articulating the environmental concerns, and of course to Mark Chernaik and everyone at ELAW for their support in critiquing the EIA report."

Communities Make Their Voices Heard



A foam covered waterway near the paper mill.

Pulp and Paper Mill Must Clean Up Its Act Nainital, Uttarakhand

A paper mill on the Gola River, a tributary of the Ganges in the Himalayan peaks of Uttarakhand, has been ordered by the National Green Tribunal to pay a fine of three million Indian Rupees for failing to manage polluting effluents discharged into a local waterway. The National Green Tribunal ordered that the fine be used for restitution of the environment in the affected area.

The Times of India reports: “the bench also constituted a team of senior scientists to carry out a survey and study of the area and the Gola River to ascertain environmental degradation caused and also suggest remedial measures for restoration of environment” (May 8, 2016).

ELAW partner Rahul Choudhary of Legal Initiative for Forest and Environment (LIFE) argued the case on behalf of a local environmental activist. ELAW Staff Scientist Mark Chernaik helped Rahul use data from inspection reports to show the National Green Tribunal that the paper mill was discharging harmful quantities of pollutants, exceeding levels permitted by Indian law.

ELAW Staff Scientist Heidi Weiskel helped Ritwick show that Himachal Pradesh Power Corporation Ltd. vastly understated the amount of total forested area that would be diverted, and failed to assess how the diversion of freshwater from the Kerang River would threaten communities downstream.



Black-Necked Crane Saved Tawang, Arunachal Pradesh

The black-necked crane got a reprieve!

The National Green Tribunal suspended the approval granted for the 780 MW Nyamjangchu hydropower project on the Nyamjang Chhu River. The project would have inundated hundreds of acres of prime forest, which is habitat for vulnerable birds, including the black-necked cranes that migrate each winter from the Tibetan plateau to Tawang, Arunachal Pradesh.

Project proponents say the bird is not in the project area, but locals report that the cranes, which they call Thung-Thung Karmo, have visited the valley since time immemorial. Using scientific studies, the petitioner (Save Mon Region Federation) convinced the National Green Tribunal that the Environmental Impact Assessment consultant concealed this vital information.

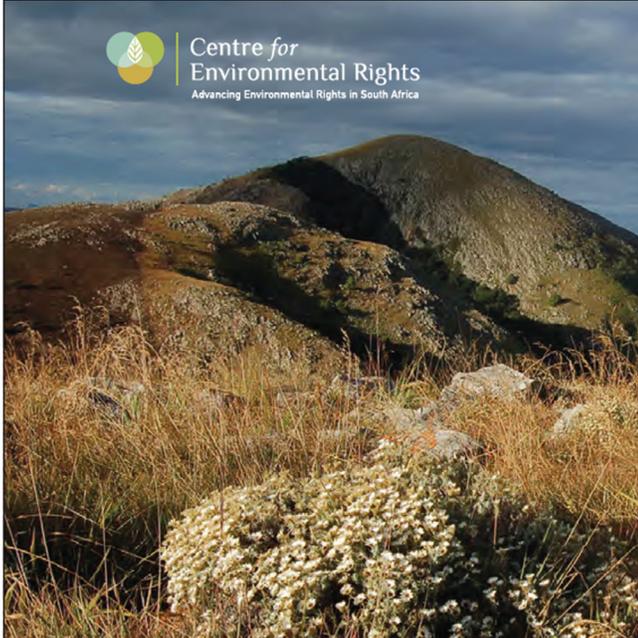
Developers are rushing to construct hydroelectric projects in remote areas of India where there would be significant and permanent impacts to unique ecosystems. The National Green Tribunal ordered new studies and public consultation on black-necked cranes, to ensure that communities participate in local decisions.

ELAW partner Ritwick Dutta of Legal Initiative for Forest and Environment (LIFE) argued the case on behalf of the local community. Ritwick says this is the first time that an Indian court has stopped a project purely on wildlife grounds.

Challenging Polluting Mines in South Africa and Mexico

“This report comes at what CER calls the ‘zero hour’ for communities and the environment in Mpumalanga province and will undoubtedly be an important catalyst for change.”

Liz Mitchell
ELAW Staff Attorney



 Centre for Environmental Rights
Advancing Environmental Rights in South Africa

ZERO HOUR

Poor Governance of Mining and the Violation of Environmental Rights in Mpumalanga

May 2016

Large-scale operations seeking gold in fragile landscapes in Baja California, Mexico, and coal in the grasslands of Mpumalanga, South Africa, threaten communities and ecosystems. ELAW partners are educating communities about what is at stake and helping them make their voices heard in decisions about proposed and ongoing mining operations.

The Centre for Environmental Rights (CER), based in Cape Town, has published a new report, "Zero Hour: Poor Governance of Mining and the Violation of Environmental Rights in Mpumalanga." The report calls attention to urgent threats posed by widespread mining in the Mpumalanga highlands, an area rich in biodiversity that is the source of water to some of South Africa's most vital rivers.

The report estimates that nearly 60 percent of Mpumalanga Province has been licensed for mine prospecting and development - primarily for coal that will be burned in nearby coal-fired power plants.

Mining is causing severe air pollution, depleting precious water supplies, and transforming Mpumalanga's once rich soils into barren land that cannot be farmed. The report spotlights government agencies responsible for overseeing licensing decisions, arguing that their lax oversight and ineffective enforcement violates environmental rights enshrined in South Africa's Constitution.

With support provided in part by the Irwin Andrew Porter Foundation, CER conducted extensive research and produced comprehensive recommendations for better governance of the mining sector in Mpumalanga.

"This report comes at what CER calls the 'zero hour' for communities and the environment in Mpumalanga province and will undoubtedly be an important catalyst for change," says Liz Mitchell, ELAW Staff Attorney.



ELAW collaborated with the Ensenada-based Defensa Ambiental del Noroeste (DAN) to publish a public participation guide for communities concerned about mining: *Participacion Publica: Minería y Medio Ambiente*.

In April, ELAW attorney Pedro Leon joined DAN staff to share the Guidebook's findings at events for law students and community advocates at the Universidad Nacional Autonoma de Mexico in Mexico City and Universidad Iberoamericana in Puebla. DAN is helping communities in Baja California participate in decisions about proposed mining activities through workshops that use the Guidebook.

ELAW Annual International Meeting

“We shared different ways to solve problems. Exchanging these experiences helps us understand how communities in other parts of the world are defending their rights. This strengthens our network and our fight for human rights.”

Saitoti Parmelo
Association for Law and
Advocacy for Pastoralists
Tanzania



Saitoti Parmelo

May 16-20, 2016
San Miguel de los Bancos, Ecuador

Courageous advocates from around the world gathered in Quito and the cloud forest of Ecuador for ELAW's 2016 Annual International Meeting. Environmental defenders from 19 countries shared successes, strategized about new challenges, and inspired each other.

Two substantial earthquakes rattled the meeting site at Hosteria Sapos y Ranas in San Miguel de los Bancos, but did not stop participants from collaborating at an outstanding meeting.

Longtime ELAW partner Manolo Morales and his organization, Corporacion de Gestion y Derecho Ambiental (ECOLEX), hosted the meeting and did a great job. Pushing past challenges such as securing visas, tracking down lost luggage, and overcoming power outages, they took great care of all visitors.

We enjoyed learning about environmental successes: strong progress toward meeting Germany's goal of obtaining 80% of its energy from renewable sources by 2050; communities in Guatemala asserting their collective rights to prevent mining abuses; Mexican advocates protecting free-flowing rivers from short-sighted hydro projects, and more.

We also heard about new challenges: coastal communities in Honduras being forced to relocate because of rising seas; China's new law aimed at making it more difficult for organizations outside China to collaborate with Chinese partners; and the growing threat of attacks on ELAW partners around the world.

Participants worked hard to replicate successful strategies and collaborate for greater impact. We were inspired by seeing that in all corners of the globe, skilled and committed advocates are working to build a greener future. By linking across borders and working together, we become stronger and win more victories.

Thanks again to ECOLEX and participants in ELAW's 2016 Annual International Meeting!

ELAW Annual International Meetings build the bonds that make our network strong. Participants in ELAW Annual Meetings work together to meet the challenge of protecting our climate, defending critical ecosystems, and giving communities a voice in building a sustainable future.

Inside ELAW



Welcome Krista

ELAW welcomes Krista Shennum, our new Office Manager & Volunteer Coordinator. Krista graduated with a degree in Environmental Science and International Studies from the University of Oregon in 2014 and has since worked in the fields of conservation, sustainability, and environmental education. Krista is a former ELAW intern.

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ELAW

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Support ELAW Fellows

We seek matching funds for an ELAW Fellowship for **Erick Kassongo**, a public interest attorney based in Kinshasa, Democratic Republic of the Congo, who is working with communities threatened by the proposed Inga 3 dam project on the Congo River. As proposed, Inga 3 will not improve access to electricity for most communities in the DRC.

“We organize information seminars and training workshops for local communities, to inform them about their rights, with an aim to formulate better public policies,” says Erick. “Our goal is to reduce poverty and increase development opportunities through proposals that come from the people.”

Erick works closely with the Conseil National des ONG de Développement de la République Démocratique du Congo, the largest national network of DRC NGOs, with representatives in all DRC regions.

Can you help?

If you are interested in supporting a two-week Fellowship in Eugene for Erick, please contact:

Ashley White
Director of Philanthropy
ashley@elaw.org



THINK GLOBALLY. ACT GLOBALLY.

Charity Navigator and **GuideStar** give ELAW their highest rating for fiscal management, accountability, and transparency. To support our high impact work defending the environment and human rights in communities around the world visit www.elaw.org/give to make a secure, online gift. Call Ashley White at **541.687.8454 x105** for more ways you can help ELAW protect the planet.