



LAW

Environmental  
Law  
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Worldwide

# advocate

AUTUMN 2009

Connecting Communities  
Protecting the Planet

## Oil Catastrophe in Ecuador Pablo Fajardo Seeks Justice in the Amazon

**IN THIS ISSUE:**

**EMPOWERING  
COMMUNITIES IN:**

**Ecuador**  
(pgs. 1-3)

**Bangladesh**  
(pg. 4)

**India**  
(pg. 5)

**Climate Solutions**  
(pg.6)

**ELAW Fellows**  
(pg.7)



Pablo Fajardo with Cofan community members from Lago Agrio.

*When **Pablo Fajardo** was 14, his family moved to Shushufindi, one of a string of Texaco oil towns in the Ecuadorean Amazon. Pablo remembers: "Whatever step you took, walking around the jungle, you would actually get soiled with oil." The air was thick with black smoke from burning oil waste and rainwater was laced with soot. Livestock were dying from falling into petroleum pits and Pablo's neighbors were ill from contaminated water. Pablo was only a teenager, but he knew he had to do something.*

He became a leader of his community, started a local human rights group, and tried to get the government to act. Officials told him that the only way to get results was to hire a lawyer. Pablo worked as a manual laborer in the forests and oil fields to support his 12 siblings, and while working full time, earned his law degree.

Today, Pablo and two fellow attorneys are representing 30,000 Amazonian settlers and indigenous people in a lawsuit challenging ChevronTexaco to clean up 1,700 square miles of rain forest that may be one of the world's most contaminated industrial sites. In the 1950s the area was pristine uncharted wilderness; now it's a mess.

After Chevron Texaco fought for years to dismiss a class-action lawsuit filed against them in the U.S., the community's lawyers filed their case in Ecuador.

**"When someone is old or very poor, I do not feel above him. When someone is apparently superior, I do not feel below him. I realized that I was not inferior to the Chevron lawyers. In fact, I had one advantage over them: I know the problems as they really are, because I live here. I have lived here for more than half my life. I realized that if I took the case all I would have to think about is how to tell the truth."**

**Pablo Fajardo** in an interview with Vanity Fair's William Langewiesche (Jungle Law, May 2007)



CONTINUED ON PAGE 2

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The Environmental Law Alliance Worldwide (ELAW) is a network that facilitates the development and practice of public interest environmental law throughout the world. The network of ELAW advocates exchanges legal, scientific and technical information, ideas, precedents, and strategies across national boundaries in support of grassroots, public interest environmental law.

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**Oil Catastrophe in Ecuador** (CONTINUED)



Pablo Fajardo (right) with a villager from Secoya.

The plaintiffs want a thorough cleanup of the area and an assessment of the long-term health effects of the contamination. According to the claim, Texaco (later acquired by Chevron) dumped nearly 17 million gallons of crude oil and 20 billion gallons of drilling wastewater into the jungle.

“These companies should be held to the same responsible standards in all parts of the world,” says Pablo. Over the 17 years that Texaco operated a pipeline stretching from the Ecuadorean oil fields to the sea, the pipeline suffered 27 major breaks and spilled eight times more oil than the Alaska pipeline did over a similar period, says a report by Vanity Fair’s William Langewiesche (*Jungle Law*, May 2007).

If ChevronTexaco is found liable, it will be a victory for thousands of indigenous people whose lives have been damaged by careless oil exploitation.

**Pablo and the ELAW Network**

Pablo may be waging a lonely battle for a remote community, but he has worldwide support through the ELAW network. From his remote office in Ecuador, Pablo is able to obtain critical legal and scientific information from ELAW advocates in 70 countries. These advocates are the world’s leading grassroots defenders and include many other Goldman Prize

winners (Pablo won a Goldman in 2008). ELAW advocates draw on each other’s wealth of experience winning victories for disadvantaged communities.

This summer, ELAW advocates from 24 countries worked together to sign an Amicus “friend of the court” brief to the court in Ecuador. The brief explained how courts around the world have addressed some of the complex legal issues facing the Ecuadorean judge.

**ELAW Fellowship**

Pablo spent 10 weeks in Eugene this summer as an ELAW Fellow. He worked closely with ELAW scientists and lawyers, studied English at the University of Oregon’s American English Institute, and spoke to University of Oregon law students. The University’s Wayne Morse Center for Law and Politics provided valuable support for his Fellowship.

Margaret Hallock, Director of the Wayne Morse Center, was pleased to have Pablo share his inspiring work with the UO Law School and community members. Over the years she has welcomed many ELAW Fellows.



**“I am quite confident that without ELAW, many of these attorneys would have given up years ago. With the education and networking that ELAW provides, they have the skills and resources to continue their work.”**

Margaret Hallock  
 Director of the  
 Wayne Morse Center  
 for Law and Politics



Pablo counts Sting (in ELAW hat) as one of many fans of his work to clean up the Amazon and defend the rights of indigenous people.

**When Pablo completed his ELAW fellowship, he wrote:**

“This has been my longest trip, not because of the distance but because of the amount of time I have been away from my jungle. For more than ten years, I haven’t stayed in one place for more than five days. I have done that now, which is an achievement.

It’s been a pleasure to learn from all of you. I have confirmed that everywhere in the world there exists people who love life and justice. I hope that our network gets much stronger and together we can win battles for life, the environment, and justice.”

FROM FILMMAKER JOE BERLINGER (*BROTHER’S KEEPER, PARADISE LOST*)

# CRUDE

THE REAL PRICE OF OIL

The feature length documentary *Crude: The Real Price of Oil* ([www.crudethemovie.com](http://www.crudethemovie.com)) was released with premiers in New York and Los Angeles in September. The film has won many awards, and was recently nominated for an Imagen Award (<http://www.imagen.org/awards/2008>.) It will be shown in Eugene at the Bijou Theater in late November. Watch for information about an ELAW event at the Bijou.

**“Too many filmmakers seem to think that a noble cause, a good heart and a digital video camera are all that is required for an effective documentary. Luckily, Mr. Berlinger has both a strong narrative instinct and a keen eye for incongruous, evocative and powerful images.”**

**A.O. Scott**  
 The New York Times Film Critic

[www.crudethemovie.com](http://www.crudethemovie.com)



## Victories and Steps Along the Way

### BANGLADESH Relief in Sight for Families in Hazaribagh

The Bangladesh High Court has ruled that more than 1,000 polluting tanneries and other industries in Bangladesh will be closed if they do not put pollution control systems in place by February 2010.

"The people of Hazaribagh have been complaining about the tanneries for so long that they almost gave up hope. They will celebrate when the pollution stops," says **Rizwana Hasan**, Executive Director of the Bangladesh Environmental Lawyers Association (BELA).

"The ground water is contaminated and lung disease, intestinal disease, and chronic skin conditions are common," says Rizwana. "The Burignaga River, which flows through Dhaka, is so contaminated that it has been declared 'biologically dead.'"

BELA filed the original case in 1994. In 2001, the High Court ordered existing factories to install pollution control devices and that no new industry be set up without pollution control systems in place. A recent report from the Bangladesh Department of Environment showed that 478 factories in the Hazaribagh area, including 183 tanneries, are still operating without effluent treatment plants.

Rizwana and her organization have taken on Bangladesh's most notorious polluters and this is another example of their great work.



In April, Rizwana was awarded a 2009 Goldman Environmental Prize for her work defending laborers in the shipbreaking industry and for helping to ensure that Bangladesh doesn't continue to be a dumping ground for the world's polluted ships.

In September, TIME Magazine honored Rizwana with a 2009 Hero of the Environment award. ELAW partners from Sri Lanka, Spain, Belize, Mexico, India, Guatemala, Slovakia and Colombia sent congratulations through the ELAW network.

Carla Garcia Zendejas from Mexico wrote: "*Marvelous to read about your great work on behalf of these young men. It is always the issue of jobs, and improving quality of life, but we cannot forego the health and safety of people whose lives will be cut short because of these terrible working conditions. Bravo my dear!*"

Congratulations Rizwana and everyone at BELA for this inspiring work!

**"The people of Hazaribagh have been complaining about the tanneries for so long that they almost gave up hope. They will celebrate when the pollution stops."**

Rizwana Hasan

PHOTO COURTESY OF: Tom Dusenbery on behalf of the Goldman Environmental Prize





## INDIA Pollution Control Board Pulls the Plug on Worst Offenders

Paint, pesticide and pharmaceutical manufacturers at the government-owned SIPCOT industrial complex in Cuddalore, Tamil Nadu, India, are endangering residents with toxic emissions.

ELAW is working closely with local community organizations to challenge the abuse and call for clean air.

ELAW scientists helped community advocates understand the real danger by comparing air quality data from Cuddalore with U.S. Environmental Protection Agency emissions standards for the same industries.

In August, the Tamil Nadu Pollution Control Board literally pulled the plug on two of the worst offenders: Tagros Chemicals and Shasun Drugs and Chemicals Ltd. The Pollution Control Board cited repeated failures by these companies to comply with the law, issued closure notices, and shut off their electrical power!

**“After five years of documenting emissions and putting pressure on the industries, it’s encouraging to see real action that benefits local families.”**

Mark Chernaik  
ELAW Staff Scientist

“This sent a clear signal to polluters that local communities can have a significant influence on the Pollution Control Board,” says ELAW partner Nity Jayaramand. “Over the years, the Board has become more sensitive to community complaints about pollution, and more stringent towards polluters. This is a result of community pressure.”

**“The best thing one can do to secure the future of her children is to leave behind a livable earth – a place that allows us to breathe, dream, evolve, assist and when necessary, resist.”**

Rizwana Hasan

## What are we breathing? Ask pDR-1000



When the air smells bad and the nearby factory is pumping out smoke, citizens ask: Is this dangerous to our health? ELAW scientists are helping partners around the world find out.

ELAW is shipping its pDR-1000 handheld airborne particulate meter around the world to help ELAW partners clear the air.

In the Philippines, **Ipat Luna** worked with school groups in Lipa City to test air quality near piles of burning garbage in school

neighborhoods. Instant readings showed high levels of particulate matter, which leads to respiratory diseases and other problems. This prompted pledges from Lipa City Junior Jaycees and other youth groups to snuff out garbage fires.

The pDR-1000's next stop is Panama, to help communities worried about emissions from a local power plant.

**“The PM meter is an extremely effective tool for grassroots groups who want to enforce air quality standards. Particulate pollution causes serious health problems, including premature death in people with heart and lung disease.”**

Meche Lu  
ELAW scientist

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# Climate Solutions

*The Environmental Law Alliance Worldwide is working with partners around the world to meet the challenge of protecting our global climate.*

**“We are taking winning solutions from Europe and spreading them around the world.”**

Jen Gleason  
ELAW Staff Attorney

## ELAW IS HELPING:

- **Challenge proposed developments** – such as coal-fired power plants – that would pump out too much greenhouse gas.
- **Craft policies** that move us toward a carbon-neutral future.
- **Protect forests** that absorb carbon from the atmosphere.
- **Provide the scientific resources that our partners need** to make the case for protecting the climate.

## Good news from Germany

Germany has made exciting progress reducing global greenhouse gas emissions. Part of Germany’s secret is a FIT, or Feed-in-Tariff. Germany adopted a FIT to help promote cleaner energy technologies such as wind power, biomass, hydropower, geothermal power, and solar photovoltaics. Germany’s FIT has helped Germany surpass its renewable energy goals and put Germany on its way to dramatically reducing its greenhouse gas emissions.

“We are taking winning solutions from Europe and spreading them around the world,” says **Jen Gleason**, ELAW Staff Attorney.

Jen serves on the steering committee of the Alliance for Renewable Energy, to promote FIT policies in North America. She also teaches energy law at the University of Oregon School of Law. Jen is helping people in the U.S. and ELAW partners around the world learn from Germany’s success.

## IFIs and Climate Change

International financial institutions (IFIs), such as the World Bank, could play a strong role in helping protect our climate. Citizens need to play a role in encouraging IFIs to protect the climate. Many IFIs have created accountability mechanisms, which enable citizens to challenge actions of the IFIs. These accountability mechanisms could provide a tool for citizens to use to move the IFIs toward a climate friendly future.

ELAW Staff Attorney Jennifer Gleason and ELAW Director David Hunter have written a chapter for a new book, “Adjudicating Climate Change.” In that chapter, they explore ways citizens can bring claims to accountability mechanisms to encourage IFIs to protect the climate.



*“Closer review of the World Bank shows the influence of the banks and their connection to climate change. In addition to its direct financing, the World Bank is also an implementing agency of the Global Environment Facility (GEF), which among other roles, acts as the financial mechanism for the United Nations Framework Convention on Climate Change (UNFCCC). Through its Carbon Finance Unit, the Bank supports the global carbon market by financing the purchase of emission credits under the Kyoto Protocol’s Clean Development Mechanism, and in 2008, the World Bank launched its \$6 billion Climate Investment Fund to support the long-term transition to low-carbon energy systems. The Bank’s influence is expanded further by coordinating other donors; mobilizing bilateral, and increasingly, private-sector financing; conducting policy research; and providing technical assistance to borrowing countries.”*

Gleason and Hunter, “Bringing Climate Change Claims to the Accountability Mechanisms of International Financial Institutions,” in “Adjudicating Climate Change: State, National and International Approaches,” by William C.G. Burns and Hari M. Osofsky, Cambridge University Press, 2009.

**Malte Schmidthals** (right) traveled to Eugene this summer to work with ELAW and learn about U.S. efforts to educate young people and schools about climate change and energy conservation. Malte chairs the Climate Change and Education Department at the Berlin-based Independent Institute of Environmental Concerns (UfU). He is photographed here with Julia Harvey, a biology teacher at South Eugene High School. Malte has been involved in energy education since 1992. He exchanged teaching materials with Julia and other educators across the U.S.



## ELAW Fellows: Making a Difference

**“ELAW staff have a profound capacity to embrace attorneys who would otherwise be working alone, and completely upgrade and improve our way of doing everything. I was empowered and re-energized, taking home a multitude of ideas to improve my effectiveness.”**

Carla Garcia Zendejas  
former ELAW Fellow  
Tijuana, Mexico

Many grassroots advocates work in isolation, without access to the legal and scientific tools they need to protect communities and the environment. ELAW Fellowships provide ELAW partners with critical skills and resources, and enhance international collaboration so they no longer feel so alone. More than 100 grassroots advocates have traveled to Eugene to work with ELAW as Fellows.

### Euren Cuevas | DOMINICAN REPUBLIC

Throughout the Caribbean, communities face similar problems: Developers interested in quick profits pollute and destroy fragile marine areas.

“When I listened to Danielle describe her work in Jamaica, I could have been listening to my co-workers here in the Dominican Republic,” says Euren Cuevas, an ELAW Fellow in Eugene until early December.

Danielle is an attorney with the Jamaica Environment Trust. She traveled to the Dominican Republic last year with ELAW Staff Attorney Jen Gleason, to share her work in Jamaica with Euren and his colleagues at the Institute of Lawyers for the Protection of the Environment (INSAPROMA).

Euren is a founding member and President of INSAPROMA. He has worked to conserve “Dunas do las Caldera,” a marine protected area, and challenged the illegal dumping of coal ash waste and installation of chemical storage tanks on Dominican beaches. He has also fought the illegal extraction of aggregates from Dominican riverbeds.

Support from the John D. and Catherine T. MacArthur Foundation is making it possible to protect biodiversity in the insular Caribbean by

building collaboration between the Caribbean’s leading grassroots advocates. These advocates and the communities they serve face similar challenges. By collaborating across borders, ELAW duplicates victories and levels the playing field for disadvantaged communities.

**AEI** | American English Institute  
University of Oregon

The University of Oregon’s American English Institute provides tuition-free scholarships to ELAW Fellows who want to strengthen their English skills through AEI’s 10-week Intensive English Program. This program has proven extremely valuable for many environmental leaders in the ELAW network.

This summer, ELAW Fellows **Pablo Fajardo** from Ecuador and **Mara Bocaletti** from Guatemala studied English at AEI. **Euren Cuevas** from Dominican Republic began his English program in October. Many thanks to Martine Wigham, Peggy Dame, and everyone at AEI for their generous support of ELAW’s Fellowship Program.

### Mara Bocaletti | Guatemala

*“In a young democracy like Guatemala, human rights must be constantly reinforced. That is how I became interested in environmental law. Most indigenous people live in extreme poverty, and careless exploitation of natural resources makes them even more vulnerable.*

*We are trying to change this dynamic of domination and exploitation. We are choosing solidarity, awareness of diversity, respect, and collective participation. We are bringing to the table the communities that are most directly impacted by climate change, the greenhouse effect, massive migrations, and desertification. We want to give them a voice.”*

Mara Bocaletti is the co-founder of the Environmental and Water Law Alliance (ADA2) in Guatemala. She leads judicial trainings and provides environmental law support to attorneys and community organizations. She teaches law at Rafael Landivar University and environmental law and conflict resolution at University del Valle.



Mara and her son at a workshop in Huehuetenango.





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## Hero for the Environment: Leslie Brockelbank

Long-time ELAW supporter **Leslie Brockelbank** died of cancer Aug. 31<sup>st</sup> at the age of 85. Her lively spirit and commitment to making the world a better place will be greatly missed.

The Eugene Weekly honored her contributions through a cover article that gathered remembrances from colleagues and friends from all over the community. ELAW was honored to provide a tribute to Leslie, a true environmental hero!

*Leslie Brockelbank is a local hero and a global hero. Leslie never accepted the world as “good enough.” She was always striving to make things better: to bring more peace to the world, to empower communities to shape their future, to protect human rights, and to craft a sustainable future. When you look behind the scenes of many great organizations, causes, and events in Eugene, you find Leslie’s legacy. She provided quiet, strong support and invaluable wisdom.*

*Leslie supported the Environmental Law Alliance Worldwide when it was little more than an idea that people should work together across borders to protect our global environment. She provided financial support and moral support, and introduced friends to ELAW. She helped ELAW thrive and I thank her on behalf of the global ELAW network. Her positive, progressive impact is truly felt all over the world.*

**Bern Johnson** | Executive Director | Environmental Law Alliance Worldwide



Left to right: David Piercy, Eugene Mayor Kitty Piercy and Leslie Brockelbank. PHOTO COURTESY OF: McKenzie River Gathering

## THINK GLOBALLY. GIVE LOCALLY.

Please visit [www.elaw.org/give](http://www.elaw.org/give) to make a secure, online donation.

ELAW invites you to become an **Environmental Hero** by making a donation to ELAW. Please send a check or credit card donation in the enclosed envelope. Or, you can make a charitable gift by gifting a security. Consult with your tax and investment advisors about the amount and types of securities you wish to give and then call ELAW at 541-687-8454.