



LAW

Environmental
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AUTUMN 2012

Connecting Communities
Protecting the Planet

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worst air
pollution in
the world."**

Bern Johnson
ELAW Executive Director

Saying No to Coal



As the U.S. market for coal shrinks, big coal companies are looking to ship their coal overseas. ELAW is helping partners around the world protect communities, ecosystems, and the climate from the scourge of coal.

When cigarette sales finally started dropping in the U.S., cigarette companies looked to ramp up sales in places with weak anti-tobacco laws, like Uganda. ELAW helped partners around the world strengthen anti-tobacco laws and protect citizens. Now, coal companies are trying the same trick. Demand for coal in the U.S. is shrinking, so coal companies are looking to sell coal to China, India, and other countries.

"Coal is an obsolete, dirty fuel. Natural gas is much cheaper and cleaner, so U.S. coal plants are closing and the market for coal in the U.S. is dwindling," says Bern Johnson, ELAW Executive Director. "Shipping U.S. coal overseas to burn it there is a horrible idea—we should not be exporting this menace."

ELAW is helping grassroots leaders in India, Mongolia, Thailand, Laos, and other countries say **NO** to coal. ELAW helps its partners identify the true impacts of mining and burning coal, identifies cleaner energy sources, and crafts policies to protect communities and the environment from polluting coal projects.

We are making good progress in India, where communities working with ELAW partners have obtained court orders shutting down or halting plans for coal-fired power plants in Himachal Pradesh, Tamil Nadu, and Andhra Pradesh. In Chhattisgarh, home to magnificent water falls, mountains, forests, and wildlife, the National Green Tribunal shut down Jindal Steel and Power's plans to mine coal. ELAW partners Ritwick Dutta and Rahul Choudhary brought the community's case, and won.

"The devastating impacts of coal begin when it is stripped out of the ground, leaving behind denuded land prone to acid mine drainage. When burned, it generates greenhouse gases, toxic pollutants, and piles of ash," says Mark Chernaik, ELAW Staff Scientist.

The world's largest untapped coal deposit, in Tavan Tolgoi, is contributing to a mining frenzy in Mongolia, where minerals are expected to rise to 95% of exports.

Power plants at the Oyu Tolgoi copper and gold mine in the Gobi Desert will burn massive amounts of coal.

"Mongolians already know the scourge of coal. Flying into Ulaanbaatar, you can see coal plants around the city. In the winter, Ulaanbaatar has some of the worst air pollution in the world" says Bern.



(CONTINUED ON PG. 2)

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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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Saying No to Coal

(COVER STORY CONTINUED)

ELAW lawyers and scientists reviewed the environmental impact assessment for Oyu Tolgoi and determined that almost all of the CO₂ emissions from the project are from coal-fired power plants. Unfortunately, the Australian and British mining giants behind the project have not disclosed the monetary costs of those carbon emissions. ELAW estimates that the true cost to public health, the climate, agriculture and more would be \$1.5 billion.

ELAW partners will use this information to ensure that international financial institutions, such as the World Bank and the European Bank for Reconstruction and Development, weigh the true cost in their decision to fund the project.

ELAW is leveling the playing field for communities in David and Goliath battles with Big Coal. We help identify the health impacts of coal-fired power plants, identify air pollution control technologies, and compare emissions from oil-fired and coal-fired power plants. We have worked to prevent acid mine drainage at coal mines and refuted claims about "clean coal." We have drafted standards for open pit coal mining and coal-fired power plants, and shared model standards for mercury releases.

ELAW is now joining forces with partners in Thailand and Laos to challenge a proposed lignite mine and power plant that would destroy forested hillsides at the Lao-Thai border. Lignite, the dirtiest form of coal, has caused widespread environmental damage in Southeast Asia.

As the U.S. moves beyond coal, we should not dump this toxic menace on our neighbors. We all share the same climate, and we cannot afford to burn more coal.

Dirty Facts about Coal

In an average year, a typical coal-fired power plant generates:

- 3,700,000 tons of carbon dioxide (CO₂), the primary human cause of global warming – as much carbon dioxide as cutting down 161 million trees.
- 10,000 tons of sulfur dioxide (SO₂), which causes acid rain that damages forests, lakes, and buildings, and forms small airborne particles that can penetrate deep into lungs.
- 500 tons of small airborne particles, which can cause chronic bronchitis, aggravated asthma, and premature death, as well as haze obstructing visibility.
- 10,200 tons of nitrogen oxide (NO_x), as much as would be emitted by half a million late-model cars. NO_x leads to formation of ozone (smog) which inflames the lungs, burning through lung tissue making people more susceptible to respiratory illness.
- 720 tons of carbon monoxide (CO), which causes headaches and places additional stress on people with heart disease.
- 220 tons of hydrocarbons, volatile organic compounds (VOC), which form ozone.
- 170 pounds of mercury, where just 1/70th of a teaspoon deposited on a 25-acre lake can make the fish unsafe to eat.
- 225 pounds of arsenic, which will cause cancer in one out of 100 people who drink water containing 50 parts per billion.
- 114 pounds of lead, 4 pounds of cadmium, other toxic heavy metals, and trace amounts of uranium.

Source: Union of Concerned Scientists



Mark your calendars! Friday, January 25, 2013

ELAW is the 2013 beneficiary of the 19th Annual Dance for a Reason. Help us fill the Hult Center for the Performing Arts, in Eugene, Oregon!

www.danceforareason.com

Inside ELAW

"I am impressed by the humility and unity of the ELAW team, each member working with joy and dedication."

Emilio D'Cuire
ELAW Fellow



Emilio D'Cuire, ELAW Fellow

Honduran Environmental Law Institute

Emilio arrived in Eugene in late September for a 10-week ELAW Fellowship. This is his first visit to the United States. Back home in Honduras, Emilio is protecting the Mesoamerican Reef and the way of life for small fishing communities. He and his co-workers at the Honduran Environmental Law Institute (IDAMHO) are taking on short-sighted tourism development schemes and empowering communities to participate in decisions that impact the local environment.

Emilio is working one-on-one with ELAW staff to strengthen IDAMHO's work while building English skills at the University of Oregon's American English Institute (AEI). Many thanks to the Summit Foundation and AEI for making Emilio's visit possible.

Here Emilio reflects on his first few weeks in Eugene:

"My days pass between meetings with the ELAW team, English classes at the University of Oregon, talks, conferences, and more. Everything is framed by the city of Eugene with its abundant flowers, green areas, and beautiful sunsets. I am impressed by the humility and unity of the ELAW team, each member working with joy and dedication, while leaving time for a happy and healthy family life. This gives me hope that if we work together we can face the challenge of providing human beings around the world with a just and better world."



www.elaw.org/eialaws

ELAW is pleased to announce ELM – the EIA Law Matrix – a new online resource that provides access to EIA laws and regulations from dozens of countries around the world.

Most countries have laws requiring an environmental impact assessment (EIA) before issuing a permit for a major project, such as a hydroelectric dam, a mine, or an oil drilling operation. EIA laws should help us make better decisions about the environment and development. They promote transparency and public participation by providing opportunities for the public to learn about projects that may affect their communities and to express their support or concerns to decisionmakers.

However, some EIA laws are poorly written or not implemented well. Also, EIA laws have come under legislative attack in countries where powerful private interests are exerting pressure on government officials to fast-track unsustainable and destructive development projects without considering impacts and public input.

ELM is a powerful tool that is helping grassroots advocates around the world defend EIA laws, see global and regional EIA trends, and identify laws that contain model language that could strengthen laws at home. ELAW launched the site in July and visitors from more than 30 countries have already visited.

ELAW's legal team has recently helped partners in Cambodia, Mongolia, Jamaica, Panama, and Pakistan strengthen and improve EIA processes. ELAW's science team has reviewed and critiqued scores of EIA documents, deciphering complex proposals and uncovering critical flaws. ELM provides yet another resource for grassroots advocates building sustainable communities.

Many thanks to ELAW partners around the world who contributed to the ELM database, and to The Philip Stoddard Brown and Adele Smith Brown Foundation.

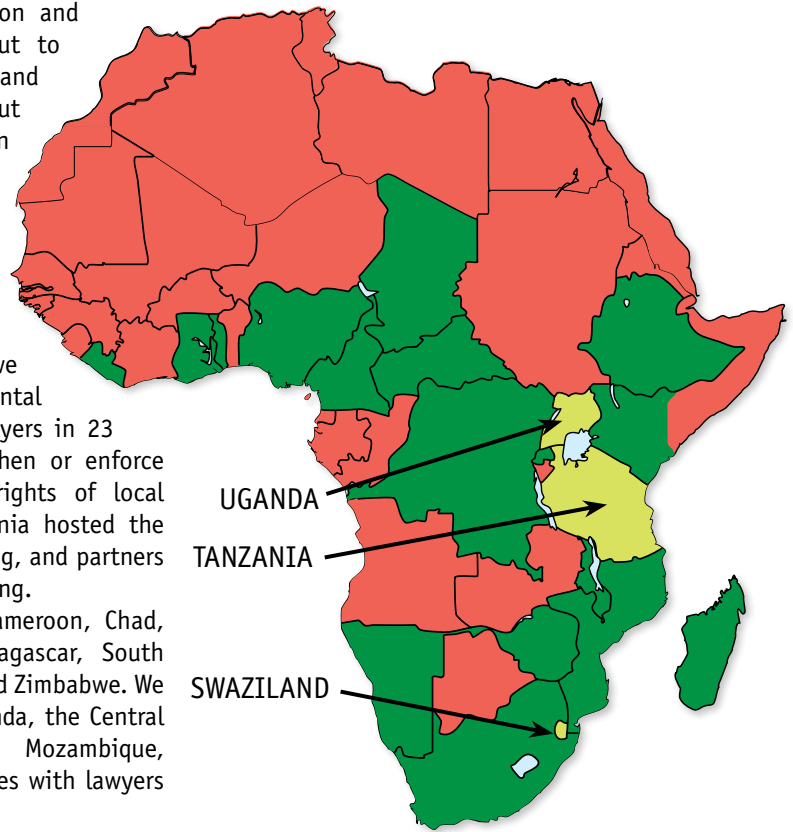
ELAW in Africa

“Citizens accused of violating conservation laws must have a fair trial. They cannot be beaten and killed by those who take justice into their own hands.”

Thuli Makama

ELAW’s work in Africa began in 1993. With support from the MacArthur Foundation and the Goldman Fund, ELAW reached out to hundreds of environmental advocates and organizations in Africa, to learn about ongoing work or future interests in protecting the environment through law. ELAW Staff Attorney Jennifer Gleason spent a month or more each year traveling to meet lawyers and strengthen ties to ELAW’s international network. ELAW helped young lawyers in Tanzania, Liberia, and Zimbabwe launch their nations’ first environmental law organizations, and has helped lawyers in 23 Sub-Saharan African countries strengthen or enforce environmental laws to protect the rights of local communities. ELAW partners in Tanzania hosted the 2000 ELAW Annual International Meeting, and partners in Kenya hosted the 2008 Annual Meeting.

We now have strong partners in Cameroon, Chad, Ghana, Kenya, Liberia, Nigeria, Madagascar, South Africa, Swaziland, Tanzania, Uganda, and Zimbabwe. We have also worked with lawyers in Rwanda, the Central African Republic, Ethiopia, Malawi, Mozambique, Namibia, and Togo, and are building ties with lawyers in the Democratic Republic of Congo.



Thuli Brilliance Makama, Swaziland

Thuli has collaborated with ELAW for 10 years and her commitment to community rights landed her a Goldman Environmental Prize in 2010. She is with ELAW this summer for an extended Fellowship.

“Thuli is energized to strengthen ties with lawyers throughout Africa, and build connections between them and between the various networks that she participates in. I am thrilled to have her here with us at ELAW and excited about the work we can do together,” says Jennifer.

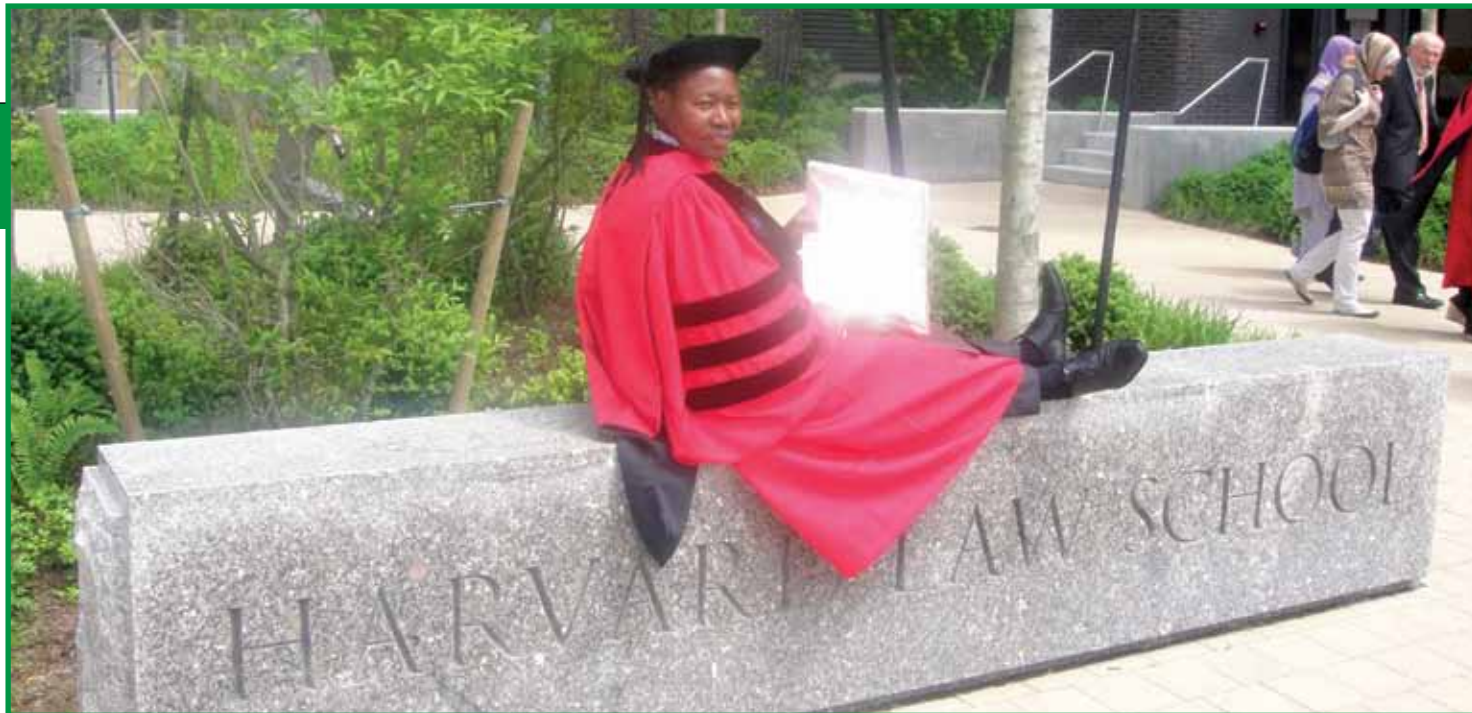
Community members in Swaziland are being harassed and killed in the name of wildlife conservation. Thuli represents the impoverished victims of these gross human rights abuses, while at the same time seeking to reform her nation’s Game Act.

“Citizens accused of violating conservation laws must have a fair trial. They cannot be beaten and killed by those who take justice into their own hands,” says Thuli.

Defending the disenfranchised can be lonely, difficult, and dangerous. The power of ELAW is connecting Thuli

and other grassroots leaders in Africa, and around the world, to share their expertise and experience, and level the playing field in David and Goliath battles for community justice.





Rugemeleza Nshala, Tanzania

Rugemeleza Nshala is a leader and a visionary. He first connected with ELAW on an outreach trip that ELAW Staff Attorney Jennifer Gleason made to Africa in 1994. Rugemeleza joined colleagues that year to found the Lawyers' Environmental Action Team (LEAT), based in Dar es Salaam. LEAT was the first organization of lawyers in the Great Lakes region of Africa dedicated to defending the environment and the rights of communities.

A group of three strong leaders, Rugemeleza, Vincent Shauri, and Tundu Lissu, grew this organization into a well-respected organization working to protect the environment in Tanzania. Sadly, Vincent passed away before turning 40 – cutting short his life and career as an environmental leader. Tundu Lissu is now a respected Member of Parliament, representing Singida East. He advocates for the rights of communities suffering from polluting mining operations.

Rugemeleza recently earned a Masters of Environmental Management at Yale School of Forestry and Environmental Studies and a Doctorate in Juridical Sciences in International Investment Law from Harvard Law School. He continues to work with LEAT as a member of the board and has launched a new organization, Kituo Cha Mazingira (Center for the Environment).

KCM has teamed up with ELAW to launch initiatives that will help prevent biodiversity loss, protect ecosystems against degradation, and enhance ecosystem benefits to local communities and residents in the basins of Lake Victoria, Lake Tanganyika and Lake Nyasa/Malawi. Together, we hope to work with communities throughout the region to empower them to protect their lands and resource rights.

Samantha Atukunda, Uganda

A New Generation

Uganda has a grassroots advocate with new skills to protect and conserve the environment. In May, Samantha Atukunda earned a Masters Degree in Environmental Law from the University of Oregon School of Law. She is currently volunteering at the Centre for Environmental Rights in Capetown, South Africa. In December, she will return home to Kampala to work at Greenwatch, a non profit organization founded by her father, longtime ELAW partner Kenneth Kakuru.

"Uganda has very good environmental laws, but we lack enforcement," says Samantha. "I am passionate about bringing Uganda's environmental laws to life and leaving the earth a better place for future generations."

While in Eugene, Samantha served as an ELAW extern. This earned her academic credit at the same time that she sharpened her research skills. She reviewed environmental impact assessment laws from Uganda, Tanzania, and Malawi; identified how land law in Uganda regulates customary land rights; conducted research on mangroves legislation in Africa; and more.

At the end of her externship, she wrote: "I really enjoyed my externship experience at ELAW. Each research assignment was both informative and educative. I was able to mature intellectually, acquire new skills, and develop my old skills. I am grateful for the experience. It was one of the best choices I made this semester."



Victories Around the World

Papua New Guinea: Seabed mining

A license has been issued to a Canadian company for Solwara I, the first ever seabed mining project in the Pacific Islands. The company seeks to mine gold and copper from the floor of the Bismarck Sea, off Papua New Guinea. ELAW partner Effrey Dademo in PNG is on the front line of efforts to protect the region's vital ocean resources and coastal communities from the rush to mine the sea floor.

Effrey and regional political leaders brought their conservation message to the Pacific Islands Forum, a meeting held in August in the Cook Islands. Act Now!, the Pacific Network on Globalisation, and the Pacific Conference of Churches presented leaders with a petition signed by more than 8,000 people supporting a moratorium on seabed mining. The petition urged leaders to employ a precautionary approach and defer decisions on seabed mining until the environmental impacts of this new technology are more clearly understood.

Their message was heard!

In September, PNG's Minister for Environment and Conservation, John Pundari, called for a public debate: "I want these experts in oceanography, sedimentology, volcanologists, fisheries and marine ecology – including organizations such as universities, national research institutions, international and national NGOs, and other experts and leaders – to come together, present their cases, and debate the facts on aspects of the Solwara I project so we can all determine whether the government's decision to approve the project was a good or bad decision."

Uganda: Plastics

Kenneth Kakuru and his team at Greenwatch are celebrating a victory after 10 years of work fighting the scourge of micro-thin plastic bags in Uganda. In October, the High Court of Kampala ruled that polythene/plastic bags, commonly referred to as "Kaveera," violate the right of citizens to a clean and healthy environment. The Court ordered that a bill be drafted "expeditiously" to regulate the use of all plastics less than 100 microns. "Most of the scientific information contained in the pleadings to substantiate the arguments was obtained from ELAW," says Kenneth. "This is a major milestone in the environment landscape in Uganda considering the menace that polythene bags have caused over time."

Honduras: Mesoamerican Reef

The Bay Islands in Honduras sit at the southernmost end of the Mesoamerican Reef, a 600-mile barrier reef that is shared by Mexico, Belize, Guatemala, and Honduras. Roatán, the largest of the Bay Islands, is a popular destination for divers, but the pace of development around Roatán threatens the Reef. ELAW advocates at the Honduran Environmental Law Institute (IDAMHO) have been working for years to convince the government to enforce laws designed to protect the Reef, to no avail. IDAMHO filed a petition with the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), stating that the Honduran agency charged with protecting natural resources was not doing its job. In late September, the CAFTA-DR Council of Ministers agreed to open a factual

record in the case. For the first time, an independent third party will take a hard look at Honduras' failures to enforce its environmental laws. This is great news, and could lead to a reform of agency practices that will benefit all of Honduras.

Mexico: Watershed protection

Award-winning attorney Raquel Gutierrez-Nájera has dedicated her life to protecting Mexico's ecosystems and the communities that depend on them. Raquel's team at the Instituto de Derecho Ambiental (IDEA, Institute for Environmental Law) is celebrating with communities in the Santiago River watershed, near Guadalajara. Mexico's Secretary of Environment and Natural Resources has rejected requests for a land use change for the watershed's Zapopan protected area, to store 178 tons of sludge per day generated by a water treatment plant. IDEA consulted with public service officials who were concerned that the sludge could pose a threat to water quality and biodiversity within the protected area. Raquel hopes that this victory will set a precedent for protecting the natural environment in Mexico.



"Scientific information from ELAW, and judgments from other jurisdictions where ELAW partners operate has continuously been of great help to Greenwatch winning major court battles in Uganda."

Kenneth Kakuru



Barranca del Río Santiago in Zapopan

India: Tiger Reserve

ELAW partner Ritwick Dutta is winning the battle to protect Kaziranga National Park, a Tiger Reserve and UNESCO World Heritage Site at the eastern edge of the Himalayas. In 1996, the Ministry of the Environment and Forests (MoEF) declared the area around Kaziranga a "No Development Zone." Despite this protection, quarries, stone-crushers, and brick kilns have been operating illegally, threatening tigers, rhinos, elephants, buffalo, swamp-deer and other wildlife. Ritwick brought the case to protect the park to the National Green Tribunal (NGT). In September, the NGT found that MoEF



and the government of Assam were failing to protect the park and ordered the MoEF and government of Assam to close or relocate most of the polluting facilities.

ELAW Partners in India Host Goa 2012

This year's ELAW Annual International Meeting will be hosted by ELAW partners in India, November 27-30. Ritwick Dutta at the Legal Initiative for Forest and Environment (LIFE) leads the organizing committee. Dozens of grassroots advocates from around the world will gather in Goa to collaborate on their efforts to build a sustainable future. Every other year, ELAW partners outside the U.S. host the annual meeting. Past meetings have been hosted by partners in Australia, Philippines, Palestine/Israel, Tanzania, Mexico, Chile, Ukraine, Kenya, and Costa Rica. Many thanks to the Coon Family Foundation for making it possible for the world's leading grassroots advocates to participate in Goa 2012.



Protecting Glaciers

Clean fresh water may be the planet's most valuable resource. We all need clean, fresh water.

"Only two to three percent of the world's water is fresh water and 70 percent of that fresh water is in glaciers," says ELAW partner **Daniel Taillant**, who is ringing alarm bells about climate change and mining and other threats to the world's glaciers.

Daniel is the Executive Director of Centro de Derechos Humano y Ambiente (the Center for Human Rights and Environment, CEDHA) in Argentina. One glacier in Argentina – El Porto – produces enough fresh water for the whole country. Thanks in part to work by CEDHA, Argentina is the only country with a law protecting glaciers.

Daniel traveled to Oregon in September to speak at "New Directions for Human Rights and the Environment," a two-day international symposium held at the University of Oregon School of Law to honor the late Svitlana Kravchenko. Daniel met with ELAW staff to collaborate on his work to protect the world's largest repository of fresh water.

L to R: Mark Chernaik, Daniel Taillant, Meche Lu, and Heidi Weiskel. Mark, Meche and Heidi are ELAW Staff Scientists.

Glaciers play a critical role in the climate and the hydrological cycle. Dust from road construction and mining coats glaciers, causing them to absorb sunlight and melt. When glaciers melt, sea levels rise and the planet grows warmer.

In 2007, ELAW worked with partners in Peru, Nepal, and Belize who filed petitions urging the UNESCO World Heritage Committee to protect glaciers in the Himalayas and the Andes, and coral reefs off the coast of Belize from the disastrous impacts of climate change. Responding to these petitions, the Committee agreed that climate change "does" pose a threat to natural and cultural heritage sites and the Committee would move forward to investigate the impact. ELAW looks forward to collaborating with CEDHA to continue this good work.





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"Every year, we give our friends holiday gifts we know they will love – a donation to ELAW in their name. We know they care about protecting the planet as much as we do, and they appreciate our thoughtful gift. We don't have to wrap or ship anything, and we know it's the right size! We get a receipt for our donation and our friends get a beautiful card from ELAW!"

- Ward and Shotsy Johnson

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