



Connecting Communities
Protecting the Planet

Protecting Coastlines Around the World

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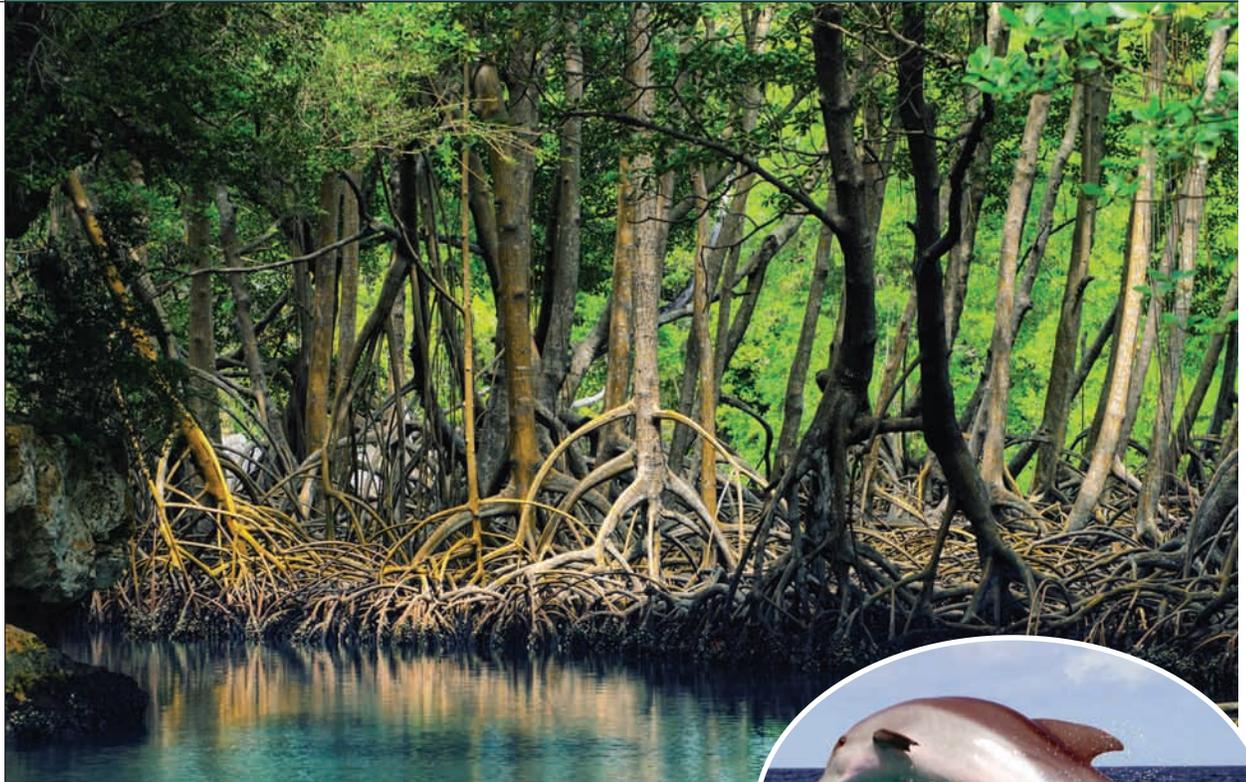
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Mangroves in Los Haitises National Park, Dominican Republic.



PHOTO: Wikimedia Commons, Anton Bielousov

“We can’t afford to continue to develop our coastlines, pollute our nearshore waters, and turn our backs on justice for local communities.”

Dr. Heidi Weiskel
ELAW Staff Scientist

Coastal zones are among the world's most productive, valuable, ecosystems. They are also among the most vulnerable. Coal ports, nuclear power plants, liquid natural gas terminals, desalination plants, cruise ship piers, offshore oil and gas development, aquaculture, seabed mining, agricultural run-off, garbage, and tourist development all threaten coastal communities and ecosystems.

Climate change means more frequent and powerful storms, and rising sea levels, but governments and developers continue to propose new projects that threaten already stressed coastal and marine habitats.

Severe flooding in Chennai, India (pop. 8.5 million) during the 2015 monsoon should have been a wake up call for coastal cities everywhere that lack setback zones and suffer from haphazard development that compromises coastal drainage.

“At this point, we know enough about how the oceans are responding to climate change that we have an urgent obligation to protect nearshore marine habitats and communities along the coast,” says Dr. Heidi Weiskel, marine ecologist and ELAW Staff Scientist.

ELAW is working with grassroots advocates around the world to protect coasts for future generations. We halt destructive coast projects before they leave the drawing board, advocate for sustainable alternatives, and advance climate justice. Enjoy the following highlights of our work with partners protecting coastal ecosystems around the world.

Protecting Coastlines (CONTINUED)

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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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Veracruz Port, Mexico.

PHOTO: <http://www.puertodeveracruz.com.mx>

Massive Port Projects Threaten Coastlines

Proposed deepwater shipping ports threaten fishing communities and coastal ecosystems around the world. ELAW is working with partners in India, Jamaica, Kenya, and Mexico to help communities challenge ill-advised port projects and advocate for environmentally friendly alternatives.

Developers often propose enormous projects. For example, in Tamil Nadu, the Colachel trans-shipment port is proposed for 11 km of coastline between Colachel and Enayam, near **India's** southern tip. The port for international cargo bound for Europe, Africa and the U.S. would require massive dredging and construction of terminals and breakwaters. This work and construction of a related highway and railway would impact 20,000 families in nine villages, including 10,000 fishermen.

Residents fear the loss of traditional fishing and turtle nesting grounds, homes, religious sites, and agricultural land. Community groups have organized massive hunger strikes. Earlier this year, 40,000 people gathered for a protest at Enayam.

ELAW worked with environmental and human rights lawyer D. Naga Saila to review the Colachel port's Technical Feasibility Report. If the Ministry of the

Environment does not address community concerns, the communities will approach the National Green Tribunal.

A 2016 victory in **Jamaica** gives hope to Saila and ELAW partners around the world.

Chinese developers proposed a trans-shipment port and logistics hub for the Portland Bight Protected Area, near Jamaica's Goat Islands. The project was canceled due to threats of serious environmental damage.

ELAW's legal team helped the Jamaica Environment Trust (JET) defend Jamaicans' right to information about the proposed project and helped evaluate laws protecting citizens and the environment.

Meanwhile, ELAW partners in **Kenya** are working hard to help communities challenge a massive port project proposed for Lamu, a United Nations World Heritage Site and Kenya's first Swahili settlement. The large cargo and container port would service Lamu and what would be East Africa's first coal-fired power plant, planned for a nearby site at the mouth of an inlet rich in prawns, crabs, and fish. The port would facilitate the export of oil and other natural resources from East Africa. These projects are part of an enormous infrastructure project: the Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET).

"Ports can provide economic opportunity, but they bring health and environmental problems. The true costs of commerce should be made transparent to all stakeholders so that communities can make informed decisions."

Dr. Heidi Weiskel, ELAW Staff Scientist



PHOTO: www.savelamu.org

Massive Port Projects Threaten Coastlines (CONT.)

ELAW Staff Attorneys and Scientists are collaborating with partners at Save Lamu, the Katiba Institute, and Natural Justice to ensure the port project and coal plant do not devastate coastal communities, mangroves, coral reefs, and sea turtle habitat.

In a May 22 news report from Kenya's *The Star*, ELAW partner Waikwa Wanyoike from the Katiba Institute said: "The case is about the haphazard way the government has conceptualised and executed the LAPSSET project... The government conceptualised the project without fundamental consideration on its viability... The project started without a license and never considered the issues of climate change."

ELAW connected Kenyan partners with Ernie Niemi, an economist from Natural Resource Economics, Inc., who has traveled to the region repeatedly to help evaluate the economic arguments supporting the proposed port. Ernie and ELAW Staff Scientist Dr. Mark Chernaik traveled to Kenya in May to provide expert testimony at hearings at the Malindi High Court and the National Environmental Tribunal.

ELAW has provided critical support, including a comprehensive review of the port and coal plant's environmental and social impact assessments (ESIAs), and analysis of the coal plant's impact on Kenya's ability to meet its commitments under the Paris Agreement. ELAW also provided partners with resources for community workshops to help residents understand what a deepwater port looks like when completed.

Decisions about the fate of the proposed port and power plant are pending.

In **Mexico**, ELAW is supporting a challenge brought by partners at Centro Mexicano de Derecho Ambiental (CEMDA) to the massive expansion of the Veracruz Port. CEMDA has called on ELAW Staff Scientist Dr. Heidi Weiskel to provide expert testimony at court hearings this summer about the importance of conducting cumulative impact assessments for projects of this magnitude. Government plans for the port endanger fisheries and the Veracruz Coral Reef System National Park, which includes the largest coral ecosystem in the Gulf of Mexico.

"Ports can provide economic opportunity, but they bring health and environmental problems," says Heidi. "The true costs of commerce should be made transparent to all stakeholders so that communities can make informed decisions."

Ports are important to move goods around the world, but sacrificing fisheries and coastal communities is short-sighted. ELAW is pleased with its work around the world ensuring that port development does not devastate the world's most productive and valuable ecosystems.



Mark Chernaik and Christine Nkonge from Katiba Institute.

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Protecting Coastlines Around the World

1 Mexico

Proposed seabed mining for phosphate sands threatens **Ulloa Bay** and the coastal ecosystem of Baja California Sur. ELAW Staff Scientist Heidi Weiskel reviewed two versions of the Don Diego project's EIA for Defensa Ambiental del Noroeste (DAN). SEMARNAT, Mexico's federal environmental authority, denied a license for the project last year, but the proponents appealed. The case is pending.

2 Guatemala

The Motagua River flows from Guatemala's highlands, collects waters of 29 major rivers, and drains to the **Gulf of Honduras**. Tons of domestic and industrial waste, untreated effluent, and sewage pollute the river. ELAW and the Environmental and Water Law Alliance (ADA2) are engaging citizens and government authorities in conservation strategies. This year, leaders from the watershed's three largest municipalities signed a formal agreement to share responsibility and work together to manage solid waste.

3 Honduras

ELAW partner Laura Palmese is working with ELAW scientists to conduct water quality tests in the **Bay Islands** to educate hotel owners and promote better wastewater treatment.

4 Panama

ELAW is working with Centro de Incidencia Ambiental (CIAM) to ensure that proposed on and offshore oil exploration does not harm marine species and destroy coastal resources. ELAW and CIAM are also working together to strengthen the co-management agreement between a local community and the government for a marine protected area off the **Azuero Peninsula**.

5 Jamaica

Plans for a trans-shipment port and logistics hub in the Portland Bight Protected Area near the **Goat Islands** were canceled due to threats of serious environmental damage. ELAW's legal team helped the Jamaica Environment Trust (JET) defend Jamaicans' right to information about the proposed project and helped evaluate laws protecting citizens and the environment.

A new wastewater treatment plant has opened in **Harbour View**. Before that, untreated human waste flowed directly into the sea. Partners at JET worked for 10 years to hold the government accountable and advocate for the new plant.

6 Spain

Eduardo Salazar-Ortuño and colleagues in Spain collaborated with ELAW to save 2,100 coastal hectares in **Murcia** from plans to build Marina de Cope, an enormous commercial and residential development with 9,000 homes, six golf courses, a marina, and hotels with 22,000 beds. ELAW Staff Attorneys and Scientists provided Eduardo with legal and scientific support. Eduardo also received valuable support from ELAW partners in Spain and Costa Rica, and professors at the University of Murcia.

7 Morocco

Morocco hopes to dramatically expand its aquaculture production off both its Mediterranean and Atlantic coastlines. Farms for algae, shrimp, finfish, and more are planned. ELAW is working with partners in Morocco to ensure that plans for aquaculture use sustainable practices that safeguard fragile marine resources and coastal communities.

8 Kenya

The coast of **Lamu** is threatened by a proposed 32-berth container port and what would be East Africa's first coal-fired power plant (see pages 2-3).

9 India

In 2011, a cargo ship sank off the coast of **Mumbai**, spilling 60,000 metric tons of coal and fuel oil that contaminated the ocean and coastal beaches. India's National Green Tribunal (NGT) ruled the sinking resulted from deliberate negligence and ordered the Qatar-based Delta Shipping Co. to pay approximately US \$15 million for causing marine pollution. Adani Enterprises was fined US \$700,000 for dumping coal on the seabed. ELAW partner Rahul Choudhary of Legal Initiative for Forest and Environment (LIFE) helped hold the polluters accountable and thanked ELAW for help identifying the harmful impacts of coal on the marine environment and providing information about international laws that protect the ocean.

10 Bangladesh

Shipbreaking on the coast of Bangladesh contaminates coastal waters and poses serious health hazards to 20,000 workers. ELAW partner and Goldman Prize winner Rizwana Hasan has worked for years to enforce court orders protecting workers and beaches.



11 Thailand

In 2013, a leaking pipeline owned by a Thai state-owned oil company dumped an estimated 50,000 liters of crude oil in **Rayong Gulf**. The oil and oil-spill dispersants contaminated the sea and coast of Rayong Province, including the shores of the popular Koh Samet Island. Fishermen complain that their fishing grounds have not recovered and the local tourism industry continues to suffer. Sor. Rattanamanee Polkla at the Community Resource Centre Foundation is seeking compensation for community members whose livelihoods have been damaged. Sor is working with ELAW scientists to determine the extent of the damage and how best to monitor and clean up the area.

12 Philippines

ELAW worked with Filipino lawyer Golly Ramos to win a Supreme Court order halting seismic oil exploration in the **Tañon Strait**, a protected area that provides habitat for 14 species of whales and dolphins, 26 species of mangroves, 70 species of fish and 20 species of crustaceans, as well as sustenance to fisherfolk communities along the shores of Negros and Cebu.

13 Indonesia

ELAW partners in Indonesia challenged a permit for a proposed expansion of a coal-fired power plant in **Cirebon**, West Java. Since the power station opened in 2012, fishing communities have complained about the impact of coal plant emissions on community health and local fisheries. ELAW partners called on ELAW to analyze the project's EIA. ELAW Staff Scientist Dr. Mark Chernaik prepared an expert statement that the court accepted as evidence. His statement described deficiencies in the EIA tied to air quality, external costs of CO₂ emissions, and impacts to marine life getting sucked into the power plant's cooling system. The court cancelled the permit!

14 Papua New Guinea

Canada's Nautilus Minerals announced in April that equipment for the world's first seabed mining operation had arrived for a project near **Port Moresby**, for testing prior to deployment. ELAW worked with Effrey Dademo at Act Now PNG to review the project's Cost Benefit Analysis and found project plans lacked critical information on environment impacts. ELAW also provided legal opinion on the application of the Precautionary Principle to deep seabed mining, which Effrey distributed to country leaders in the South Pacific region at an economic forum. Seabed mining is untested and threatens to devastate marine ecosystems.

South African Nuclear Agreements Set Aside as Unlawful and Unconstitutional



Koeberg Nuclear Power Plant, South Africa.

PHOTO: Wikimedia Commons, Paul Scott

In April, civil society organizations represented by public interest lawyers celebrated a major victory: The Western Cape Division of the High Court of South Africa canceled nuclear agreements negotiated between South Africa and Russia, the U.S, and South Korea – as well as canceled calls for proposals to build new nuclear generation facilities issued in 2015 and 2016!

ELAW partner Adrian Pole, a South African attorney, conveyed his thanks to ELAW:

“I deeply appreciate ELAW’s help. Your input helped us greatly with our case development.”

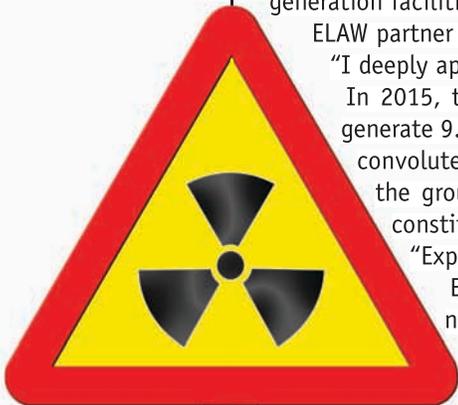
In 2015, the South African government worked to procure a fleet of nuclear power plants that would generate 9.6 GW of electricity at a cost that could well exceed US \$7 billion. The procurement process was convoluted. *The Guardian* reported that the process included a nuclear agreement with Russia that laid the groundwork for government-to-government contracting that appeared designed to sidestep the constitutional requirement for open and competitive tendering. (*The Guardian*, February 15, 2015, “Exposed: Scary details of SA’s secret Russian nuke deal.”)

ELAW Staff Attorneys helped lawyers in South Africa challenge the illegal and unconstitutional nuclear procurement process. This work included research on international law and information about nuclear procurement processes in other countries.

South Africa is likely to attempt to renegotiate the canceled deals, but they will have to do it with the public participation that the court required. This time, these deals cannot be negotiated behind closed doors. South African public interest lawyers are gearing up to actively participate in the process.

Congratulations to Adrian, who brought the case with support from lawyers at the Legal Resources Centre (LRC). LRC brought the case on behalf of Earthlife Africa Johannesburg (ELA-JHB) and the Southern African Faith Communities’ Environment Institute (SAFCEI).

This is a tremendous victory for the environment and communities in South Africa!



ELAW Fellow



ELAW

Western Europe's Garbage Dumped in Slovakia: The People Say No More!

A Global Community Conversation
with **Zuzana Čaputová**

2016 Goldman Environmental Prize winner



"Now, I know that new mothers and people in my home town will not have to worry like I did about the dump affecting their families' health."

Zuzana Caputova, Pezinok, Slovakia, March 29 – June 11, 2017

ELAW Fellow Zuzana Caputova spoke in Eugene on May 24, 2017. Zuzana is an attorney at Via Iuris, Slovakia's leading grassroots environmental organization. She won a 2016 Goldman Environmental Prize for leading a successful campaign to shut down a waste dump that was poisoning the land, air, and water in her community. She began remarks by describing her prize-winning case to close down the dump:

When I first decided to take on this case 18 years ago, I was a young lawyer and soon to be a new mother. I remembered playing in the old Pezinok landfill when I was a child. Then, we didn't know it was dangerous. But people in Pezinok were getting cancer at a rate much higher than in other parts of Slovakia. My friends were getting cancer. I was fearful for my daughters. Now, we were faced with developers wanting to build another waste dump even closer to our community. It was to be 12 football fields in area and four stories high. We could not let this happen.

With the help of Mark Chernaik, an ELAW Staff Scientist, and the network of ELAW partners around the world, we were able to use scientific evidence to help our argument in court. This helped us win the case.

In Slovakia, we have learned about democracy and how citizens can participate in decision-making. But we are still learning how to make it work in real life. Environmental issues have never been in the spotlight. Now, because of the Goldman prize, Slovaks better understand how they can participate to solve environmental problems. We know what victory feels like, and we are proud that our story has impacted all European countries. This case led the European Court of Justice in Luxembourg to clarify legal procedures regarding public participation that all European countries must follow.

Many thanks to Mountain Rose Herbs for sponsoring 2017 ELAW Global Community Conversations. And thanks to the Trust for Mutual Understanding and the University of Oregon American English Institute for making Zuzana's ELAW Fellowship possible.

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Ginnie Lo (L)
with
Kristina Sabova
(Czech Republic)

Paul Nicholson (R) with Tamas Borcsok (Hungary)



Thank you Ginnie and Paul!

Ginnie Lo and Paul Nicholson are longtime ELAW supporters. They have provided bicycles to visitors from the Czech Republic, Hungary, Spain, and Slovakia, and volunteer their time to help ELAW connect communities and protect the planet.

“Lawyers trained by ELAW have stopped environmentally destructive projects around the world. For this reason, our entire family donates time and money to this indispensable local organization.”

Paul Nicholson

For more information about the ELAW Host Family Program, please contact: maggie@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.