



ELAW

AUTUMN 2016

advocate

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Connecting Communities
Protecting the Planet

Climate Justice

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Rabab Ali (left) is a youth petitioner in Pakistan seeking climate justice. She is shown here with her brother (see pg. 3).

The National Oceanic and Atmospheric Administration reports that July was the hottest month ever recorded and marked the 15th consecutive warmest month on record. Alarming heat records, sea level rise, damaging wildfires, and extreme weather events are sending us a clear message: We need to stop damaging the climate.

"The core purpose of legal systems is to prevent injustice," says Bern Johnson, ELAW Executive Director. "Destroying our global climate would be a massive injustice. We need to engage legal systems to protect the climate and prevent this injustice."

ELAW is collaborating with partners around the world to protect the climate. We are challenging polluting coal-fired power plants, advancing clean energy policies, promoting alternative energy sources, and holding corporations liable for climate damages.

The following are some highlights of our work.

#KeepItInTheGround

Coal is a dirty, outdated fuel. To protect the climate, we must keep coal in the ground. With the decline of coal-fired power in the U.S., coal companies are determined to keep mining and export more coal. Coal proponents want to build hundreds of coal-fired power plants all over the world.

Lawyers in more than 20 countries have called on ELAW to help them challenge the coal machine:

In **India**, ELAW partners convinced the National Green Tribunal to block plans for a huge proposed coal plant complex on the coast of Tamil Nadu. Developers failed to consider the impacts of building a plant in an area already plagued by air pollution.

In the **Philippines**, local advocates in Cebu helped convince government officials to deny permission to dump toxic coal ash on beachfront property in a floodplain.

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Climate Justice

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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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The cost of utility-scale solar power operations is plummeting, offering a cost effective alternative energy source to coal.

#KeepItInTheGround CONTINUED

In **Jamaica**, ELAW is working with partners at the Jamaica Environment Trust (JET) to challenge plans announced in July for a 1000MW coal-fired plant to be built by a Chinese company. This power plant could potentially become the center of a major industrial complex in St. Elizabeth Parish, which is already plagued by water shortages and pollution from bauxite refining.

JET's Diana McCaulay has called on ELAW for information about the impacts of coal, feasible alternatives to coal-fired power, and the impact of constructing the proposed plant.

Diana writes:

"The Government of Jamaica seems to have no new ideas about economic growth. Both parties negotiate from a position of investment desperation -- a foreign investor shows up, pitches an idea, and regardless of stated policy positions, externalized costs, legal protection of areas of land and sea, long-term existential threats to Jamaica and to the entire planet, and the known inadequacies of environmental monitoring and enforcement in Jamaica, the GOJ is instantly at a head table calling a press conference to announce thousands of jobs."

ELAW will work with JET to demonstrate how this coal-fired power plant scheme is bad for Jamaica, bad for the global climate, and contrary to Jamaica's National Energy Policy and commitments made in the Paris Agreement.

In **South Africa**, ELAW helped partners at the Centre for Environmental Rights challenge a proposed coal-fired power plant by arguing that the Environmental Impact

Assessment for the project is inadequate because it does not take into account climate impacts. We also collaborated to publish a guide for educating communities in Mpumalanga Province about the threat of proposed coal mines: *"Zero Hour: Poor Governance of Mining and the Violation of Environmental Rights in Mpumalanga."*

Clean Energy Policy and Alternative Energy

To move beyond coal, we need to advance sustainable energy policies and make the case for energy sources that do not damage the climate.

ELAW helped lawyers in **South Africa** review a proposed carbon tax and make recommendations to ensure it will have the intended effect of reducing emissions and promoting alternative energy sources.

Partners in **Kenya** called on ELAW to review plans for a coal-fired power plant and evaluate the cost of alternatives. ELAW Staff Scientist Mark Chernaik revealed that the cost of utility-scale solar power operations are plummeting and would match the cost of electricity generated by coal.

In the **Czech Republic**, we are working with partners at the Frank Bold Society to make the case for energy efficient transport and new alternative energy technologies.



PHOTO: Ipat Luna

Batangas Province, Philippines

Holding Corporations Accountable & Pursuing Climate Justice

While corporations continue to profit from pumping out more oil and digging up more coal, communities around the world are suffering the consequences of climate change.

ELAW is working with partners in **Pakistan** and around the world to hold corporations accountable for damaging the climate. Together with our global network of advocates, we have evaluated the best prospects for successful climate damages cases and published our findings: "Holding Corporations Accountable for Damaging the Climate" (2014).

A court in **Pakistan** recently acknowledged: "[E]xisting jurisprudence has to be fashioned to meet the needs of . . . Climate Change. From Environmental Justice, which was largely localized and limited to our own ecosystems and biodiversity, we need to move to Climate Change Justice."

Also in Pakistan, the Supreme Court heard arguments from ELAW partner Qazi Ali Athar and ruled in favor of seven-year-old youth petitioner Rabab Ali - Ali's daughter, overturning an initial ruling from the Court's Registrar that the suit was inadmissible. The case will

now gain the full attention of Pakistan's highest court.

ELAW is pleased to collaborate with Our Children's Trust on this case to raise the voices of children around the world calling for climate justice

Rabab's suit asserts that dirty coal and other polluting fossil fuels violate the Public Trust Doctrine and the youngest generation's fundamental rights to life, liberty, property, human dignity, information, and equal protection under the law.

The Court allowed Rabab's climate case to proceed on behalf of present and future generations.

Ali told the local press: "I am invoking the ancient Public Trust Doctrine passed from the Romans into English common law. It's very simple and states that things like water, air and the seas, which belong to every citizen, have to be protected. The government, as the custodian of our natural resources, cannot exploit it."

With powerful science and mounting evidence of corporate deception, ELAW is teaming up with lawyers around the world to protect our climate.

"I am invoking the ancient Public Trust Doctrine passed from the Romans into English common law. It's very simple and states that things like water, air and the seas, which belong to every citizen, have to be protected. The government, as the custodian of our natural resources, cannot exploit it."

Qazi Ali Athar



ELAW Launches \$1.15



ELAW US new home.

As ELAW celebrates 25 years, we are thrilled to launch a \$1.15 million capital campaign to build on our work protecting communities and the environment around the world. ELAW's capital campaign aims to meet three needs: 1) securing ELAW's new office; 2) building the ELAW Fellows Program; and 3) enhancing ELAW's Defending the Defenders Program.

1 ELAW's New Home & Sustainability Fund

For the last 24 years, ELAW U.S. worked from a cramped, hidden office that we rented in Eugene. After years of searching, we found the perfect home for ELAW in a beautiful 100 year-old historic Eugene landmark at 1412 Pearl Street.

"We looked at dozens of buildings, and finally found a great deal for ELAW," said Bern Johnson, ELAW Executive Director. "We want to take good care of it, so it provides a great home for ELAW for years to come."

We are improving the building. Thanks to generous support from the University of Oregon's Solarize U program, ELAW will install donated 3.5 KW solar panels on the roof of our new office this fall. The capital campaign will pay for the building, and support needed repairs and maintenance. Reaching our campaign goal will enable us to devote more resources to ELAW's high impact work around the world.

2 ELAW Fellowships

Since 1991, ELAW has hosted more than 170 environmental professionals from roughly 60 countries around the world. ELAW Fellows are committed environmental and human rights advocates who help the world's most disadvantaged communities protect the environment through law. ELAW Fellows come to the United States to receive one-on-one support for their advocacy work back home. They gain skills, and we learn as much from them as they learn from us.

More advocates are requesting ELAW Fellowships than we can support. The capital campaign enables us to build our Fellows Program, so we can bring more environmental heroes to the U.S., and help them gain the skills they need to protect communities and ecosystems for years to come.

Million Capital Campaign

“We have never executed a capital campaign before, but we have loyal supporters and we are optimistic. Buying this building and enhancing key programs will be a huge step forward for ELAW as we enter our next quarter-century of work.”

Bern Johnson
ELAW Executive Director

3 ELAW Defending the Defenders

All over the world, we are seeing increasing threats against environmental and human rights advocates. These threats trample human rights, harm innocent people, undercut the rule of law, and jeopardize efforts to build a sustainable future. As highlighted in a recent Global Witness report, 2015 set the record for the deadliest year for environmental activists. Additionally, many countries such as Russia, India, and China have passed laws restricting the ability of civil society organizations to operate. These trends are alarming, as ELAW partners are facing more threats. ELAW works with our partners to push back against these threats, and helps elevate their profiles internationally to protect them.

We want to build ELAW’s Defending the Defenders Program to meet these growing threats. The capital campaign will enable ELAW to enhance our work with our partners to prevent physical, legal, and digital attacks.

Visit www.elaw.org/capital-campaign for more information!



ELAW Fellows Daena Rosa Lobo (Honduras, on left) and Samira Idllalène (Morocco).

ELAW Campaign Gifts Table

Campaign Total: \$1.15 million
5-Year Time Frame for Gifts

Gift Level	# Gifts Needed	Subtotal	Cumulative Total
\$250,000	1	\$250,000	\$250,000
\$125,000	1	\$125,000	\$375,000
\$100,000	1	\$100,000	\$475,000
\$75,000	2	\$150,000	\$625,000
\$50,000	3	\$150,000	\$775,000
\$25,000	6	\$150,000	\$925,000
\$20,000	4	\$80,000	\$1,005,000
\$10,000	5	\$50,000	\$1,055,000
\$5,000	8	\$40,000	\$1,095,000
\$2,500	10	\$25,000	\$1,120,000
\$1,000	16	\$16,000	\$1,136,000
\$500	14	\$8,000	\$1,144,000
Up to \$250	34	\$6,000	\$1,150,000
Total:	105		\$1,150,000

Thanks to generous ELAW supporters, we are roughly 65% of the way towards meeting our \$1.15 million goal. On October 19th, we will host a capital campaign launch party at the ELAW office! We hope you will join us from 5 PM-7 PM to celebrate. For questions about the launch party, or more information on how you can support ELAW’s campaign, contact Ashley White, ELAW Director of Philanthropy at ashley@elaw.org.

Victories for Communities, Coastlines, Waterways, & Groundwater



Negril beach.

JAMAICA Negril Coastline Saved

The Jamaican government has shelved a controversial multi-million dollar breakwater project that would have damaged the coast of Negril, a popular tourist destination in western Jamaica.

Negril beaches attract thousands of visitors every year, but those same beaches are threatened by degraded coral reefs, wetlands, and sea grass beds, as well as sand removal for coastal developments in other parts of the island.

In 2012, the Jamaican government proposed two breakwaters in Negril to curtail coastal erosion. Project proponents failed to inform community members that the required dredging and coastal reclamation would cause irreversible damage to marine ecosystems.

ELAW Partners at the Jamaica Environment Trust (JET) called on ELAW Staff Scientists Mark Chernaik and Heidi Weiskel to review the Environmental Impact Assessment for the proposed breakwaters. Mark and Heidi determined the project would jeopardize seagrasses and coral reefs that are integral for shoreline protection.

JET has worked with concerned citizens and the Negril Chamber of Commerce for years to protect Negril's marine environment.

"We were very encouraged by the cancellation of this project. We congratulate the Negril stakeholders, who worked long and hard to make sure it did not go ahead. We continue to work with them to find and implement solutions to the decades of damage in Negril caused by poor planning, weak enforcement and inadequate coastal zone management."

Diana McCaulay
CEO, Jamaica Environment Trust



(VICTORIES continued)



Unregulated wastewater pollution threatens communities around the world.

INDIA

Cleaning up the Ganges

The Ganges River, sacred to millions of Hindus in India and around the world, is contaminated by effluent from sugar refineries, distilleries, pulp and paper mills, tanneries, agricultural runoff, and sewage.

ELAW has worked closely with partners in India to review inspection reports and help identify which polluters are violating the law and harming the Ganges.

After decades of talk and little action, India's environmental court – the National Green Tribunal (NGT) – has issued orders this past year closing down more than 60 industries that had been operating without any wastewater pollution controls, including dozens of tanneries in the notorious Jajmau industrial district of Kanpur in Uttar Pradesh.

In the ancient pilgrimage city of Haridwar, Uttarakhand, the NGT ordered that a new 40 million liter-per-day effluent treatment plant be constructed and that all drains carrying untreated industrial waste in the city be dismantled and replaced with watertight pipes for conveying effluents to the new plant.

SOUTH AFRICA

Protecting Groundwater from Steel Plants and Fracking

ELAW partners with the Centre for Environmental Rights (CER) are working to clean up groundwater relied on by citizens living near steel plants operated by ArcelorMittal South Africa (AMSA). Once vibrant communities have faded away as massive piles of industrial waste have accumulated, contaminating groundwater.

In 2000, AMSA agreed to study the extent of the pollution and prepare a mitigation plan, but the company did not share this information with communities. After many years of intense legal effort, one of South Africa's highest courts directed AMSA to turn over its environmental records to the community.

Last year, the records were made available to the public. ELAW scientists helped CER study the data and found that the groundwater in the vicinity of AMSA showed high levels of cadmium, a potent causative agent of kidney disease. ELAW is now scrutinizing recently released technical documents to ensure that AMSA cleans up contaminated groundwater and soil.

CER has also called on ELAW's legal team to review draft regulations governing fracking in South Africa to ensure that they provide adequate protection for ground and surface water that might be impacted by fracking.

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ELAW

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Fredi Leaf ELAW Fellows House

Many thanks to Erika Leaf and her mother Fredi Leaf for providing a home for visiting ELAW Fellows.

ELAW Fellows Daena Rosa Lobo from Honduras and Samira Idllalène from Morocco are the first guests at the Fredi Leaf ELAW Fellows House.

The ELAW Fellows Program builds the capacity of ELAW partners to protect communities and the environment through law.

To learn more about how you can support ELAW Fellows, please contact: **Maggie Keenan, ELAW Fellows Program Coordinator, maggie@elaw.org**.

Erika Leaf (left) and Fredi Leaf in front of Fredi's Chicago home



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.