



ELAW

SPRING 2021

advocate

CELEBRATING
30
YEARS
OF ELAW

1412 Pearl Street | Eugene, Oregon 97401 | USA | (541) 687-8454 | elawus@elaw.org | www.elaw.org

Dear ELAW Supporters,

In **1991**, grassroots advocates from 10 countries agreed to help each other protect communities and the environment through law. They launched ELAW. Today, we collaborate with hundreds of grassroots advocates in more than 80 countries, helping them win lasting victories against environmental abuse and build a just future.

Join me in celebrating the 30th Anniversary of the Environmental Law Alliance Worldwide!

Meena Raman, President of Sahabat Alam Malaysia, has been collaborating with ELAW from the very beginning. She wrote to us recently: "ELAW played a critical role in my journey as a young lawyer, representing local communities and grassroots groups facing big corporations supported by government."

In **1992**, Meena helped villagers protect their community from radioactive waste. Ten years of courageous legal work closed down a polluting rare-earth processing operation run by Japanese multinational Mitsubishi Chemicals, and a local Malaysian company, Asian Rare Earth.

"This was a major environmental victory for us, and was only possible due to international support from scientists and public interest groups like ELAW and friends in Japan, U.S. and Canada," says Meena.

ELAW provided Meena with the latest science on radiation in the U.S. and helped expose the lack of credibility of a Johns Hopkins scientist who testified on behalf of the company.

We are inspired by ELAW advocates around the world who have worked for decades to build a sustainable, just future.

Please enjoy the following profiles of our early members and their high impact achievements.

Bern Johnson
ELAW Executive Director



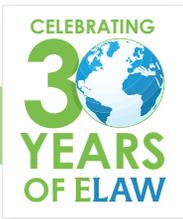
Meena Raman, 1998 ELAW Annual Meeting

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ELAW U.S. Team

- Bern Johnson
Executive Director
- Lori Maddox
Associate Director
- Mark Chernaik
Staff Scientist
- Killian Doherty
Law Associate
- Paola Eisner
Law Associate
- Jennifer Gleason
Law Program Director
- Karen Guillory
Outreach Coordinator
- Colleen Keane
Project Manager
- Maggie Keenan
Communications Director
- Pedro León Gutiérrez
Attorney
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Staff Scientist
- Liz Mitchell
Staff Attorney
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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 ELAW U.S. and does not represent the views of ELAW partners around the world.

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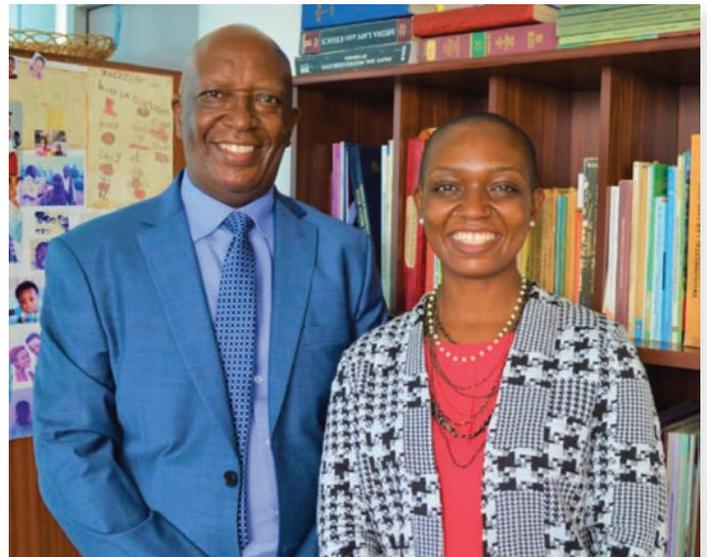
Kenneth Kakuru & Samantha Atukunda Kakuru Mwesigwa, UGANDA

In 2000, ELAW Law Program Director Jen Gleason traveled to Uganda to meet with **Kenneth Kakuru**, the founder of Greenwatch. His team was challenging the use of herbicides to kill water hyacinth in Lake Victoria and making progress prohibiting the manufacture, use, sale, and disposal of thin polythene plastic bags. In 2013, Kenneth was appointed Justice of the Court of Appeal of Uganda.

Kenneth’s daughter, **Samantha Atukunda Kakuru Mwesigwa**, is now the Director and Legal Counsel at Greenwatch. She interned with Greenwatch in 2005 while studying for a Bachelor of Laws Degree at Uganda Christian University (Mukono) and later earned a Masters of Laws in Environmental and Natural Resources from the University of Oregon School of Law.

Over the last 25 years, Greenwatch and its partners have published definitive handbooks on environmental law in Uganda and trained judicial officers, law enforcement officers, government officials, and lawyers on environmental rights, enforcement of these rights, and more. They have been at the forefront of groundbreaking public interest litigation to protect chimpanzees and pangolins, and challenge single-use plastic.

Greenwatch celebrated a recent victory for transparency in government when the High Court ruled that contracts signed between the Government of Uganda and oil companies should be made available to the public.



“Years ago, through ELAW, my dad had the opportunity to be a part of the Public Interest Environmental Law Conference at the University of Oregon School of Law. He advised that I join their LLM program and I later served as an extern at ELAW. Through the ELAW network, I have developed lasting partnerships, learned from the experiences of colleagues around the world, and been re-energized at ELAW Annual Meetings. The ELAW network is growing and we are constantly learning from each other.”

Samantha Atukunda Kakuru Mwesigwa

Prakash Mani Sharma, NEPAL

Prakash Mani Sharma was a corporate lawyer, then in 1989 took on a career-changing case against a marble company whose quarry operations were severely damaging the local landscape. He convinced the Nepal Supreme Court that there should be a “right to life” enshrined in the constitution, and that polluters infringed this fundamental right. Prakash launched Pro Public in 1991 and the organization has now initiated more than 100 public interest environmental cases in the Supreme Court.

Prakash was an ELAW Fellow in 1997 and says ELAW has provided support on nearly every Pro Public case since then. Prakash helped land many Supreme Court victories, including a final win over the destructive marble mine (2015), sparing Pokhara Valley from a private company’s cable car scheme (2018), protecting the Lumbini Buddhist pilgrimage UNESCO World Heritage site from polluting cement plants and brick kilns (2019), and wins for communities over forest destruction, medical waste dumping, and harmful extraction of groundwater.



“ELAW has been instrumental.”

Prakash Mani Sharma

ELAW@30

Clarisa Vega Molina & Laura Palmese-Hernandez, HONDURAS

When we first met **Clarisa Vega Molina** in **1993**, she was working with NGO colleagues across Central America to protect the Mesoamerican Biological Corridor. In **2004**, she traveled to Eugene as an ELAW Fellow and in **2005** she launched the Instituto de Derecho Ambiental de Honduras (Environmental Law Institute of Honduras, IDAMHO). Clarisa has worked for years to protect reefs and coastal watersheds, enforce laws protecting fish, train judges, and help Hondurans who are marginalized by powerful entities that value profit over people.

In **2020**, Clarisa passed leadership at IDAMHO to a new generation when she named **Laura Palmese-Hernandez** the new Executive Director.

Laura has collaborated with ELAW for years to protect coastlines in Roatán and the Bay Islands. She came to Eugene in **2013** as an ELAW Fellow and completed a Master of Laws (LLM) in **2015** at the University of Oregon School of Law, with a focus on environmental and natural resources law. Laura returned home to work with the Bay Islands Technical Committee, the Bay Islands Tourism Bureau, and the Roatán Reef Guardians. She is an expert on waste management and legislation in Honduras and has helped keep plastic off Roatán's beaches.

In **2018**, Irish President Mary Robinson presented Laura with a **2018** Climate Justice Award at the One Young World Summit in The Hague.



Clarisa Vega Molina



Laura Palmese-Hernandez

“Women in Honduras face terrific obstacles and there has traditionally been little space for women lawyers. Clarisa and I were both trained by ELAW and this helped open the space for women defending human rights and nature. Support from ELAW has been transformative, helping citizens here value IDAMHO as an organization that advances environmental justice. In most communities where we have worked, new grassroots organizations have emerged and they continue advocating for citizens.”

A victory that makes us proud was the closing of a polluting gold mining operation in the Siria Valley. This followed a Supreme Court order that declared 13 articles in our General Mining Law unconstitutional. Many things came together at the same time: the law was ruled unconstitutional, the community exerted terrific pressure, and the international price of gold dropped.

After the mine closed, a reforestation program was launched and a tourist hotel was built. We hope this mine closure discourages giving unfair advantage to polluting mines.”

Laura Palmese-Hernandez

ELAW Fellow Elected President of Slovakia

Grassroots attorney and **2016** Goldman Prize winner **Zuzana Caputova** was elected President of Slovakia in **2019**. Zuzana traveled to Eugene for 10 weeks in **2017** for an ELAW Fellowship. She won a **2016** Goldman Environmental Prize for her work leading a campaign that shut down a toxic waste dump that was poisoning the land, air, and water in her community.



PHOTO: Goldman Prize

ELAW@30

Mutuso Dhiwayo, ZIMBABWE

“ELAW played a catalytic role in my journey as a grassroots advocate. And it was through ELAW that I connected with other grassroots advocates in Africa, and globally. It was ELAW that donated the first laptop to the Zimbabwe Environmental Law Association (ZELA) and collaborated on our first funded project.

I travelled to Eugene in **2002** as an ELAW Fellow and learned about resources and networks for environmental justice. There were other ELAW fellows in Eugene at that time and we exchanged ideas, which helped ZELA grow strong. ELAW laid a strong foundation for my personal growth as a grassroots advocate and for ZELA as a grassroots organization using legal tools to advocate for environmental and social justice.

Over the years, ZELA advocated for the enactment of the 2003 Environmental Management Act and built on those provisions in our **2009** National Environmental Policy and Strategies, advancing sustainable development, environmental rights as human rights, access to information, and citizen participation in decision-making. In **2013**, environmental rights were further strengthened as human rights in a new provision under our Bill of Rights. As a result, we have seen growing jurisprudence in Zimbabwe as communities, civil society organizations, and local stakeholders defend community rights.”



“Whenever I conduct research on legal and policy issues, ELAW is, and always has been, a critical source of information. Environmental advocates around the globe need ELAW’s support.”

Mutuso Dhiwayo, Executive Director, Zimbabwe Environmental Law Association

“ELAW helped us understand that we face similar challenges and can benefit from networking and collaboration.”

Olya Melen-Zabramna, Environment-People-Law



Olya Melen-Zabramna, UKRAINE

Olya Melen-Zabramna began collaborating with ELAW in **2002**, when she traveled to Eugene for the ELAW Annual Meeting. She was a new attorney at Environment-People-Law (EPL), a leading grassroots organization in Ukraine. She was inspired at that meeting by stories shared by ELAW partners from around the world, about their courageous first days in court. She returned to Ukraine and her work protecting the Danube Delta led to a **2006** Goldman Environmental Prize.

Today, Olya leads EPL’s legal department and together with her colleagues has celebrated many groundbreaking victories, including a recent case protecting the village of Byliky from a polluting pig farm (see page 7).

“Over the years, Ukraine has seen real progress protecting the environment through law. Courts are more progressive and now accept citizens and NGOs as applicants in environmental cases. EPL has won precedent-setting decisions from the Supreme Court and pushed adoption of important Environmental Impact Assessment laws that prevent environmental damage. We’ve seen positive change and won some incredible victories.”

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Alfred Brownell, LIBERIA

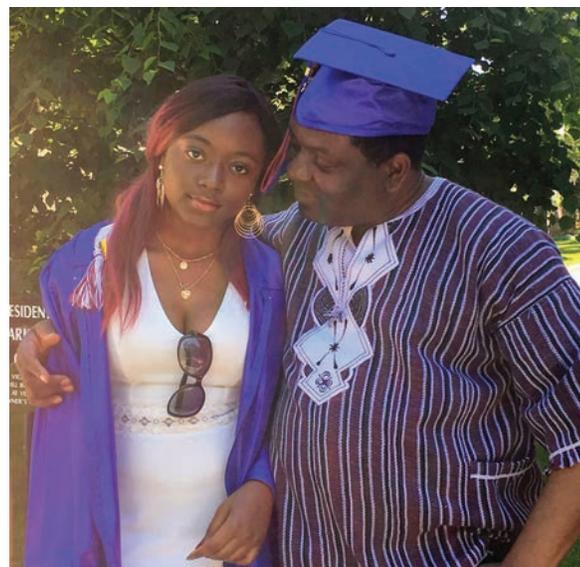
In 2000, a young Liberian lawyer, **Alfred Brownell**, contacted ELAW to ask for help launching Green Advocates, Liberia’s first public interest environmental law organization. Alfred traveled to Eugene for an ELAW Fellowship in 2001 and called on ELAW for help drafting Liberia’s first framework environmental law. That framework law created Liberia’s Environmental Protection Agency (EPA) and Alfred is credited as one of the founding fathers.

In 2006, Alfred traveled to Eugene for an ELAW Fellowship. Returning home, with support from ELAW, Alfred led a process to reform Liberia’s forestry laws which resulted in the cancellation of more than 70 timber concessions and the enactment of the 2006 Reform Forestry laws, which Alfred co-wrote. In 2009, ELAW Staff Attorney Liz Mitchell travelled to Liberia to support Alfred as he embarked on drafting comprehensive Community Rights laws with respect to forest lands. In late 2009, the Liberian legislature enacted the 2009 Community Rights law which, for the first time, granted Free Prior Informed Consent to Liberian forest communities.



“ELAW helped me build, not just Green Advocates, but a movement of activists and defenders of indigenous communities across West Africa. My ability to engage in grassroots organizing, community lawyering, evidence-based research, policy formulation, legal drafting, strategic litigation, media outreach, and grant writing were all skills learned from ELAW.”

Alfred Brownell, Green Advocates



Konah Brownell with her father Alfred Brownell.

Alfred Speaks Out on The Next Generation

"When I arrived at ELAW in 2001, my daughter Konah was not yet born. She is now a sophomore studying journalism and political science, and already talking about law school. I cannot win arguments with her because her views on rights, the environment, the climate crisis, democracy, gender, education, international relations, property rights, etc. are more progressive than mine. I am the one who backs down, then apologizes.

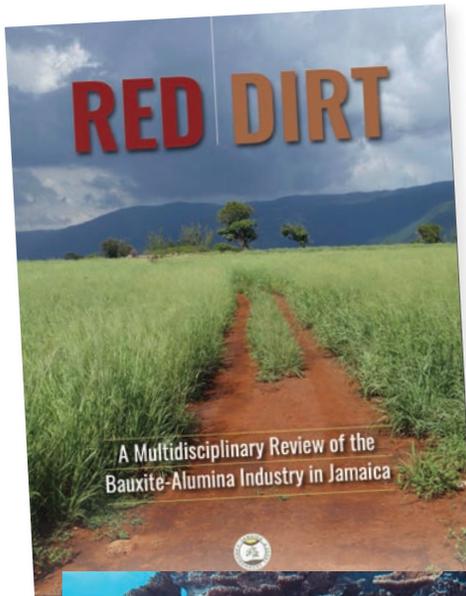
And she says: ‘Take it back Daddy!

I am the future of ELAW!’"



Just as we went to press, ELAW Law Associate **Killian Doherty** passed away on February 23rd at one of his most favorite places in all the world, his family cabin at Lake Crescent, WA. He was 37 years old. We will run a full tribute on this remarkable man's life and contribution to ELAW in our summer issue of the ELAW Advocate.

Collaborating Across Borders: Webinars, Judicial Trainings, & Online Discussions



Red Dirt

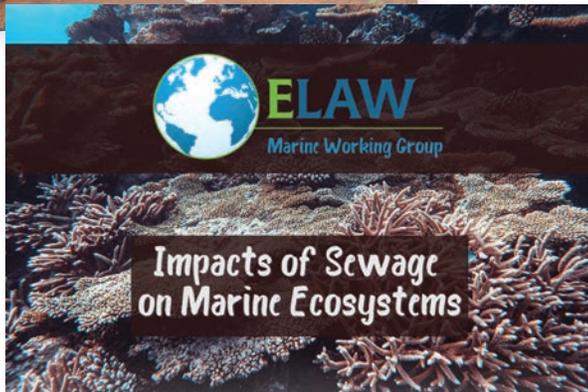
In January, ELAW partners at the Jamaica Environment Trust hosted a public online forum on the ground-breaking findings of: “Red Dirt: A Multidisciplinary Review of the Bauxite-Alumina Industry in Jamaica.”

This eye-opening publication takes a hard look at mining operations that have devastated Jamaican communities and landscapes since the 1950s.

“We have responded to concerns all over the island, for years, regarding the impacts of bauxite mining on health, quality of life, and small farmer livelihoods,” says JET Founder and Director Diana McCaulay.

JET collaborated with ELAW on the publication, and contracted with experts in public health, ecology, economics, and more to author chapters. Together, they reveal the bauxite-alumina industry’s history, regulatory framework, and economic, public health, social, and ecological impacts.

Cockpit Country, Jamaica’s largest remaining natural forest and home to the Maroons, is of key concern. JET’s Save Cockpit Country campaign is urging government to rethink issuing mining concessions within or near the proposed protected area, threatening rivers, streams, springs, upwellings, glades, and ponds which supply 40% of Western Jamaica’s fresh water.



Impacts of Sewage on Marine Ecosystems

Tackling sewage pollution is a priority issue for many ELAW partners working with coastal communities around the world. In February, ELAW's Marine Working Group welcomed dozens of grassroots advocates to an online presentation by marine ecologist Stephanie Wear on the science of sewage in the marine environment.

Dr. Wear, Senior Scientist and Strategy Advisor at The Nature Conservancy, said that sewage contaminated coastal waters are widespread, and shared a photo of an underwater pipe off the coast of Florida spewing waste. “That photo is hard to unsee,” she said.

ELAW Staff Scientist Dr. Heidi Weiskel said: “Dr. Wear made a compelling argument that cleaning up our nearshore waters keeps our reefs and food supply healthy, and helps us prepare for climate change.”

“We think of reefs, marshes, and mangroves as buffers against storms and climate change impacts,” said Dr. Wear, “but when these habitats are polluted by sewage, reefs become diseased and mangroves and marshes become fragile and susceptible to erosion and die-off.”

Dr. Wear provided the latest research and valuable resources for ELAW partners working to clean up sewage pollution in Mexico, Honduras, Spain, and more. ELAW will host more webinars on nearshore water pollution and other topics in 2021.



Indigenous Guardian Network Initiative

In February, ELAW welcomed a distinguished panel of Indigenous leaders and legal experts who presented their 2020 report, *The Case for a Guardian Network Initiative*. This report reviews more than 70 Indigenous Guardian/Ranger/Watchmen programs in Canada and other countries and highlights how these programs provide opportunities for reconciliation, capacity building, land stewardship, and climate resilience.

Panelists included Calvin Sandborn, Q.C., report co-author, Legal Director at the Environmental Law Centre, University of Victoria; Dr. Frank Brown, Hereditary Chief of Heiltsuk Nation, Senior Advisor of the Indigenous Leadership Initiative in Canada; Dr. John Borrows, I.P.C., Canada Research Chair of Indigenous Law, founder of the UVic program that offers the world’s first combined law degree in Canadian Common Law (JD) and Indigenous Legal Orders (JID); and Ruben Tillman, report co-author, Ng Ariss Fong law firm.

Taking on Polluting Pig Farms in Ukraine



PHOTO: Pixabay

The people of Byliky in Central Ukraine celebrated a victory over a polluting pig farm. The farm, in the village in Poltava Oblast, had its land lease terminated in 2018, due to gross negligence. In December 2020, the newly elected village council voted to ban all polluting facilities within the limits of Byliky village, to ensure that vacated land and farm premises would not be taken over by new, polluting farms.

"Untreated liquid manure contaminates fields and groundwater, and with operations dangerously close to residential areas, odors and insects are unbearable, particularly in summer," says Olya Melen-Zabramna, head of the legal department at Environment-People-Law (EPL) and 2006 Goldman Prize winner (see page 4).

ELAW has collaborated with EPL for years to help communities challenge polluting pig farms, providing information on how pig feedlots are regulated in Europe and how U.S. environmental organizations draw attention to the environmental and health impacts of "factory farms." ELAW has also provided guidance on how to test soil samples to measure the impact of pig manure disposal, and how to estimate ammonia and greenhouse emissions from swine feedlots.

In December 2020, activists from Byliky joined more than 80 leaders of non-profit organizations in Ukraine for in-person and Zoom workshops to strengthen their organizations and better protect the environment. The workshops, held in the Carpathian Mountains, were hosted by EPL with support from the United Nations Democracy Fund.

ELAW Associate Director Lori Maddox and Communications Director Maggie Keenan participated in the workshops remotely, providing keys to strengthening nonprofit communications, and demystifying financial planning and reporting.

"Participants were pleased to learn from our expert team about how they can magnify their impact," says Olena Kravchenko, EPL Executive Director.

For example, Lidia Plyznyk from the NGO Swoja Zemlya (Our Land), based in Byliky, enjoyed the workshop and tapped expertise for community projects to monitor air quality and advance waste reform.

Congratulations to everyone at EPL for great work strengthening civil society and holding polluters accountable!



Lidia Plyznyk from the NGO Swoja Zemlya (Our Land) receives a certificate for participation in EPL's December workshops.



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The Idea of ELAW Was Born

"I was the head of the Environmental Defenders Office (EDO) in Australia when John Bonine and Mike Axline traveled here and invited me to the 1989 University of Oregon Public Interest Environmental Law Conference. Engaging with other public interest lawyers from around the world at that conference was inspiring because there were very few public interest environmental advocates in Australia.

Nicola Pain



Nicola Pain, AUSTRALIA

"Lawyers I met from the U.S., Sri Lanka, Malaysia, Indonesia, the Philippines, Peru, and Chile were equally inspired. Our meeting in **1989** was the birth of the ELAW idea, which was officially launched in **1991**.

Since then, I have worked for government in various environmental law and policy areas. For the last 19 years, I have been a judge on the specialist Land and Environment Court of New South Wales. Early in my career, I greatly benefited from terrific mentors such as John and Mike, and many others in the ELAW network."

THINK GLOBALLY. ACT GLOBALLY.

