



ELAW

Environmental
Law
Alliance
Worldwide

advocate

SPRING 2013

Connecting Communities
Protecting the Planet

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Judge Oswald Legall



Protecting Communities and Ecosystems from Big Oil



PHOTO: Lori Maddox

Aggressive corporations pursuing oil and gas threaten communities and ecosystems all over the world. The push for oil imperils marine protected areas, fisheries, national parks, and ancient ways of life. ELAW partners are standing up to Big Oil. We are thrilled to report on a victory in Belize and share news from Uganda and Kenya.

For too long, governments have failed to enforce environmental laws and allowed corporations to exploit natural resources for short-term gains. Citizens have been frozen out of decisions about the environment and government agencies have ignored sound science.

ELAW partner, Oceana Attorney Audrey Matura from Belize, shows that perseverance pays.

In April, Audrey won a groundbreaking victory when Justice Oswald Legall of Belize's Supreme Court declared six offshore oil contracts null and void. These contracts threatened the Belize Barrier Reef, the Laughing Bird Caye National Park, and Half Moon Caye Natural Monument.

The Belize Barrier Reef is part of the Mesamerican Reef, the world's second largest reef after Australia's Great Barrier Reef. The Government of Belize entered into "Production Sharing Agreements" with companies that created concessions that covered the Belize Barrier Reef and the entire territory of Belize!

Oceana challenged six contracts that cover most of the offshore territory covered by these concessions. The judge found that the contracts violated Belize's Environmental Protection Act and that the government had also violated the Petroleum Act by awarding contracts without requiring oil companies

to demonstrate their ability to successfully carry out the contracts.

"Allowing oil exploration before any assessment of its effects on the environment is not only irresponsible, but reckless, especially in a situation where Belize may not be fully capable of handling effectively an oil spill," he wrote.

ELAW provided legal support to Audrey and the legal team in the court challenge representing Oceana, Citizens Organized for Liberty and Action, and the Belize Coalition to Save Our Natural Heritage.

Oil exploration is booming worldwide, and countries like Belize are desperate for revenue. The prospect of oil discovery translates to dollar signs in the eyes of politicians. But oil accidents cause irreparable environmental damage, and the debacle in the Gulf of Mexico caused by the Deepwater Horizon accident in 2010 illustrates for people around the world the perils of oil development.

When Belizeans learned that natural treasures critical to their tourist industry were vulnerable to that scale of destruction, they fought back.

Audrey's story is an inspiration to advocates from around the world who attended the 2013 ELAW Annual Meeting, including Kenneth Kakuru from Uganda and Ikal Angelei from Kenya.

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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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Victories in India



Dongria Kondh protesting Vedanta mining project

PHOTO: Survival International

Protecting Sacred Lands from Devastation Niyamgiri Hills

The tribal people of the Niyamgiri Hills in eastern India won a David and Goliath battle protecting their ancestral lands from a London-based mining giant in 2010 when authorities in Delhi revoked permission for Vedanta Resources to mine bauxite from hills in Orissa State, where the Dongria Kondh live as forest dwellers.

The company appealed and the community is again celebrating: India's Supreme Court ruled in April that local tribal councils would have the final say on whether the project should go ahead.

"The Dongria Kondh tribal community holds the Niyamgiri Hills sacred," says Mark Chernaik, ELAW Staff Scientist. "If the project moves ahead it will mean an irreversible loss of the rich biodiversity of the Niyamgiri hills and a centuries-old way of life."

Mark worked closely with Indian attorney Ritwick Dutta to critique three EIAs for the proposed mine and challenge Vedanta's shortsighted project. Ritwick is an attorney at the Delhi-based EIA Resource and Response Centre. He has represented petitioners before the Central Empowered Committee, the Supreme Court, the High Court and presently the National Green Tribunal.

Cleaning up Polluted Places Korba District

Villagers in Korba are suffering from polluting coal mines, coal-fired power plants, and aluminum smelters in one of India's most polluted places. The Ministry of Environment and Forests declared a moratorium on new industrial development in the Korba District in 2010, but five days later issued a permit for a new coal-fired power plant!

ELAW partner Ritwick Dutta and his colleague, Srilekha Sridhar, challenged the permit before the National Green Tribunal on behalf of two villagers. They focused on the Ministry's failure to examine the cumulative negative impacts of emissions from the new power plant when combined with the many existing polluting industries in the area.

ELAW Staff Attorneys provided Ritwick with court decisions from countries around the world to help him make the case that agencies must look at cumulative impacts in environmental decisionmaking.

In mid-April, the National Green Tribunal canceled the permit, saying the Ministry failed to anticipate the "probable ill impact of the project, in conjunction with the pollution level caused due to the other projects already existing in the surrounding area."

Congratulations to Ritwick and Srilekha for this tremendous victory for clean air, clean water, and communities!

2013 ELAW Annual International Meeting



Calvin Sandborn
CANADA
Calvin has practiced environmental law in British Columbia for over 30 years and drafted the first endowment trust bill ever presented to the British Columbia legislature. He is the Legal Director of the University of Victoria's Environmental Law Clinic and has successfully advocated for British Columbia's first forest worker health and safety regulations. BC Hydro's Power Smart program, Vancouver's Integrated Food Management policy, British Columbia's progressive climate change legislation, banning of tobacco harvesting, and more.

Delphine Djiraibe
CHAD
In the final years of the dictatorship of Hissène Habré, Delphine was studying law in Congo Brazzaville. After Habré was overthrown, Delphine returned to Chad and saw widespread poverty among her people. This motivated her to become a human rights activist and found the Chad Association for the Promotion and Defense of Human Rights. She is now Chief Attorney at the Public Interest Law Center (PILC). In 2004, she was awarded the Robert Kennedy Human Rights Award for her work calling for World Bank accountability and corporate responsibility in the development of oil reserves.

Ezio Costa Cordella
CHILE
Ezio is the Executive Director of Fiscalía del Medio Ambiente (FOMA). He has worked to protect Patagonia from ill-advised dams and helped win a key victory protecting the area. He serves as President of

Fernando Dougnac
CHILE
Fernando is known around the world for taking on multinational exploiters of natural resources, and winning. In 1985, he was Chile's first environmental lawyer, protecting a Mapuche Reserve from destruction by Chile's military government. In 1996, he founded Fiscalía del Medio Ambiente (FOMA), Chile's premier public interest environmental law organization. Following a FOMA legal challenge, Chile's Congress enacted laws to protect the first indigenous growth forests. Fernando was the first environmental lawyer to sue Chile's constitutional rights to a healthy environment to protect the ancient forests in Tierra del Fuego. Fernando works to defend the rights of the Mapuche indigenous people of southern Chile and the Mapuche of Easter Island.

Wang Canfa
CHINA
Canfa is a full-time lawyer to impoverished citizens in rural China who have fallen victim to China's economic boom and now suffer due to polluting industries. Time Magazine named Canfa a "Hero of the Environment" in 2007 and the New York Times featured his inspiring work in the documentary "The Day After Tomorrow." Canfa founded the Beijing-based Center for Legal Assistance to Pollution Victims in 1995 and set up a senior professor at the China University of Political Science and Law and practices law part-time at the Beijing Huashu Law Firm.

Euren Cuevas
DOMINICAN REPUBLIC
Euren is a founding member and Partner in a founding member and President of the Institute of Lawyers for the Protection of the Environment (IDIAE). He has worked to conserve "Punta de las Calabres," a marine protected area.

Zhu Xiaolin
CHINA
Xiaolin is the director of the Tsinghua University Law School Center for Environmental and Energy Law. She is currently a Fulbright Fellow at Harvard Law School where she is conducting a comparative study of environmental public interest litigation in the U.S. and China.

Emily J. Yozell
COSTA RICA
Emily is a U.S. attorney who moved to Costa Rica to denounce human rights abuses during the 1980s and in 1996 co-founded the public interest environmental litigation NGO, Justicia para la Naturaleza. Emily teaches and advocates on behalf of local communities for land and resource rights, in a civil society participation, local clean energy, and in a successful campaign to declare Costa Rica free from all development and business Carbon Neutral by 2021. She advocates and advises communities and workers affected by agrochemicals, including Latin American banana farmers, including U.S. multinationals in U.S. courts for toxic tort injuries caused by pesticides.

Environmental leaders from around the world traveled to Eugene in February for the 2013 ELAW Annual Meeting. Participants arrived from Chad, the Dominican Republic, Uruguay, Mongolia, Kenya, Pakistan, Ecuador, and 20 other countries.

We traveled to a conference site on the McKenzie River for five days of working together using law, science, and economics to protect communities and the environment. We explored old growth forests, learned about local efforts to defend ecosystems, and cooked great meals together.

Longtime partner Kenneth Kakuru from Uganda said, "This is a pilgrimage. I come to renew my zeal."

The ELAW Annual Meeting was followed by the 31st Annual Public Interest Environmental Law Conference at the University of Oregon. ELAW partners participated on panels and Thuli Makama (Swaziland) and Nnimmo Bassey (Nigeria) were honored as keynote speakers, and Raquel Najera Gutierrez (Mexico) received the Svetlana Kravchenko Environmental Rights Award for her work protecting the Lake Chapala watershed.



ELAW Fellows Program

Nataliya Horodetska
Lviv, Ukraine

ELAW Fellow Nataliya Horodetska is Legal Advisor at Environment-People-Law, Ukraine's leading public interest environmental law organization. She is in Eugene for 10 weeks, building skills to protect communities while improving her English at the University of Oregon's American English Institute.

Ukrainian authorities are fast tracking energy development and leaving communities out of the decisions. The government has been exploring hydraulic fracturing (fracking) for more than a year, but has not released environmental assessments to the public. Authorities are also planning to

build hundreds of small-sized hydropower plants in the Carpathian Mountains, even though these hydroelectric plants would disturb the natural hydrological regimes of rivers and lead to loss of water for communities and the economy.

Nataliya is working to ensure that communities in Ukraine have access to information about energy schemes and sustainable alternatives.

Many thanks to the Trust for Mutual Understanding and the American English Institute for supporting Nataliya's Fellowship!

(CONTINUED FROM PG. 1)

PHOTO: Goldman Environmental Prize



The “oil curse” in Nigeria and unmet promises of offshore oil development in Ghana make communities in East Africa nervous.

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) recently published a study with a succinct overview of the recent growth of Big Oil in East Africa:

After initial discoveries in 2006, Uganda alone is estimated to control some 2.5 billion barrels of oil, which would make it one of the top 50 oil producing-countries on the planet. In neighbouring Kenya, oil has been discovered in the Turkana region of the country, and offshore exploration has commenced and continues to offer potential for large discoveries . . . East Africa’s coastal region is sitting on large deposits of natural gas, some 441.1 trillion cubic feet of it, holding the potential for billions of dollars in investment.

EHAHRDP, “Only the Brave Talk About Oil”
Human Rights Defenders and the Resource Extraction
Industries in Uganda and Tanzania (December 2012)

In Uganda, national parks and protected areas are not off-limits in the search for oil. U.K.-based Tullow Oil holds test wells inside Murchison Falls National Park, which is teeming with wildlife, including lions, African buffaloes, elephants, leopards, and giraffes. The famous Murchison Falls is where the Nile River explodes through a narrow cleft in the Rift Valley escarpment, plunging into Lake Albert.

ELAW partner Kenneth Kakuru at GreenWatch is working with communities to protect Uganda’s national treasures and to ensure sustainable development of natural resources. ELAW has provided Kenneth with international best practices for oil exploration and production which he is sharing with communities, civil society, and the oil companies. Greenwatch currently chairs the Civil Society Coalition on Oil.

“Transparency is critical,” says Kenneth. “Citizens have a right to know what agreements are being made with oil companies. The law only permits activities in national parks that benefit wildlife management. Therefore, Tullow Oil’s activities contravene the law as it stands.”

Tullow Oil is also prospecting for oil in Kenya’s Lake Turkana Basin. Turkana is the largest desert lake in the world and an archeological site where some of the oldest human fossils have been found. The Basin’s thriving ecosystem represents a lifeline to the hundreds of thousands of indigenous farmers, herders

Big Oil : The Cost of Oil in East Africa

“That oil is safer in the ground than being extracted without the necessary safeguards in place to protect nature and communities. A healthy ecology is a healthy economy.”

Ikal Angelei, Kenya
2012 Goldman Prize winner

and fishermen who live around it.

Former Kenyan President Kibaki announced last year that Tullow struck oil, and *The Daily Nation* reported that a company associated with a Cabinet minister sold the block where the oil was found for \$10 million (*Daily Nation*, March 27, 2012).

ELAW is working with Goldman Prize winner Ikal Angelei to seek justice and protect villagers in the Lake Turkana Basin from environmental abuses of the oil industry. Ikal has called on ELAW's science team to review Environmental Impact Assessments for proposed oil drilling in the Basin. ELAW scientists will identify the true impacts of that drilling and steps to protect the environment.

“We should not be in any hurry to get the oil out of the ground, if we do not have strong legal and environmental safeguard policies,” says Ikal. “That oil is safer in the ground than being extracted without the necessary safeguards in place to protect nature and communities. A healthy ecology is a healthy economy.”

ELAW congratulates Audrey Matura for her great victory in Belize and celebrates the courage of our partners in Uganda and Kenya for challenging the environmental abuses of the oil industry.



U.K. based Tullow Oil is prospecting for oil in Uganda's Murchison Falls National Park.

“Transparency is critical. Citizens have a right to know what agreements are being made with oil companies. The law only permits activities in national parks that benefit wildlife management.”

Kenneth Kakuru
ELAW Partner/GreenWatch

Awash in Waste in the Gulf of Honduras



“Waste management in Belize, Guatemala and Honduras is not just an aesthetic issue, it is a serious public health and environmental problem.”

Meche Lu
ELAW Staff Scientist

Cigarettes, plastic bags, food containers, caps, plastic bottles, and more litter the beaches in Belize, Guatemala, and Honduras. Inadequate management of waste at the local level poses a regional challenge.

“Waste management in Belize, Guatemala, and Honduras is not just an aesthetic issue, it is a serious public health and environmental problem, says Meche Lu, ELAW Staff Scientist. “Data from Belize indicate that approximately half of the waste there is not collected. Much of it is burned or disposed in waterways.”

Elito Arceo, Chairman of Ambergris Caye Citizens for Sustainable Development (ACCSD) in Belize, concurs: “The amount of garbage that ends up on our beaches and reef is unbelievable. This is not what our tourists come here to see.”

ELAW recently published: “Ocean Waste in the Gulf of Honduras: Where it goes and what to do about it.” The report was a collaborative effort with organizations in Belize, Honduras, and Guatemala working to turn the tide on ocean waste.

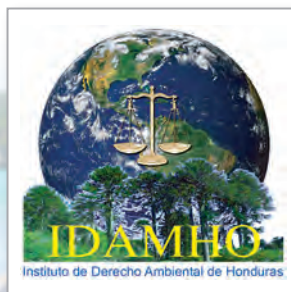
“This report shows that first of all we need to take responsibility for our own garbage,” says Arceo. “It’s time for all of us to change our habits. Education is

going to be the key.”

ELAW partner Clarisa Vega, Director of the Instituto de Derecho Ambiental de Honduras (Environmental Law Institute, IDAMHO) says public education needs to start at the local level: “We are holding community workshops to call attention to the problem. We are campaigning with schools to protect the reef from this pollution.”

At a forum on solid waste at the 2nd Annual Festival of the Sea in Puerto Barrios, Guatemala, Angelica Mendez, Head of Livingston’s Municipal Women’s Office said: “Waste is a problem we have to face as a society – central government, municipal government, civil society and citizens together. The lack of proper waste management is directly affecting our families and future generations.” Mendez is the manager of a Caribbean network of fishing communities.

“Waste is a problem with tangible, achievable solutions. It’s a problem we know how to solve,” says ELAW Associate Director Lori Maddox. “We’ve sounded the alarm, and ELAW advocates in the region will continue to push until their governments provide needed infrastructure to manage the problem.”



Creating Strategic Tools

Working with partners around the world enables ELAW to identify emerging environmental challenges and create strategic tools to help partners protect communities and threatened ecosystems worldwide:

EIA Law Matrix

www.elaw.org/eialaws

The EIA Law Matrix (ELM) helps advocates strengthen and enforce Environmental Impact Assessment (EIA) laws. ELM provides information about EIA laws from more than 40 countries. Users can view key features of a country's EIA laws and then evaluate these laws against 50 criteria. ELM makes it easy to compare EIA laws, and find specific excerpts of legislative provisions. ELM also includes EIA "country reports," which provide a concise summary of a country's EIA procedure.

Guidebook for Evaluating Mining Project EIAs

www.elaw.org/mining-eia-guidebook

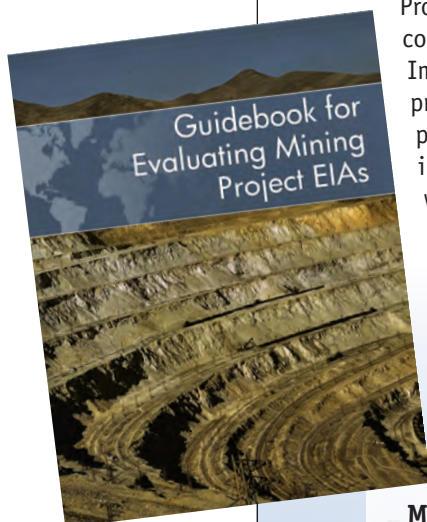
ELAW's Guidebook for Evaluating Mining Project EIAs helps grassroots advocates and communities understand Environmental Impact Assessments (EIAs) for mining projects, identify flaws in mining project plans, convince decisionmakers to reject ill-conceived mining projects, and propose ways to make proposed mining projects more socially and environmentally acceptable. The Guide is available in English, French, Spanish, and Russian.

Guide to Natural Resource Concession Contracts

Governments around the world use concession contracts to set the terms under which corporations are allowed to extract natural resources, such as minerals, timber, oil, or gas. We are working on ELAW's Guide to Natural Resource Concession Contracts, which will compile lessons learned from reviewing many natural resource concession contracts, to help our partners understand these complicated deals and advocate for stronger environmental, social, and fiscal provisions. We anticipate completing the guide in November 2013.

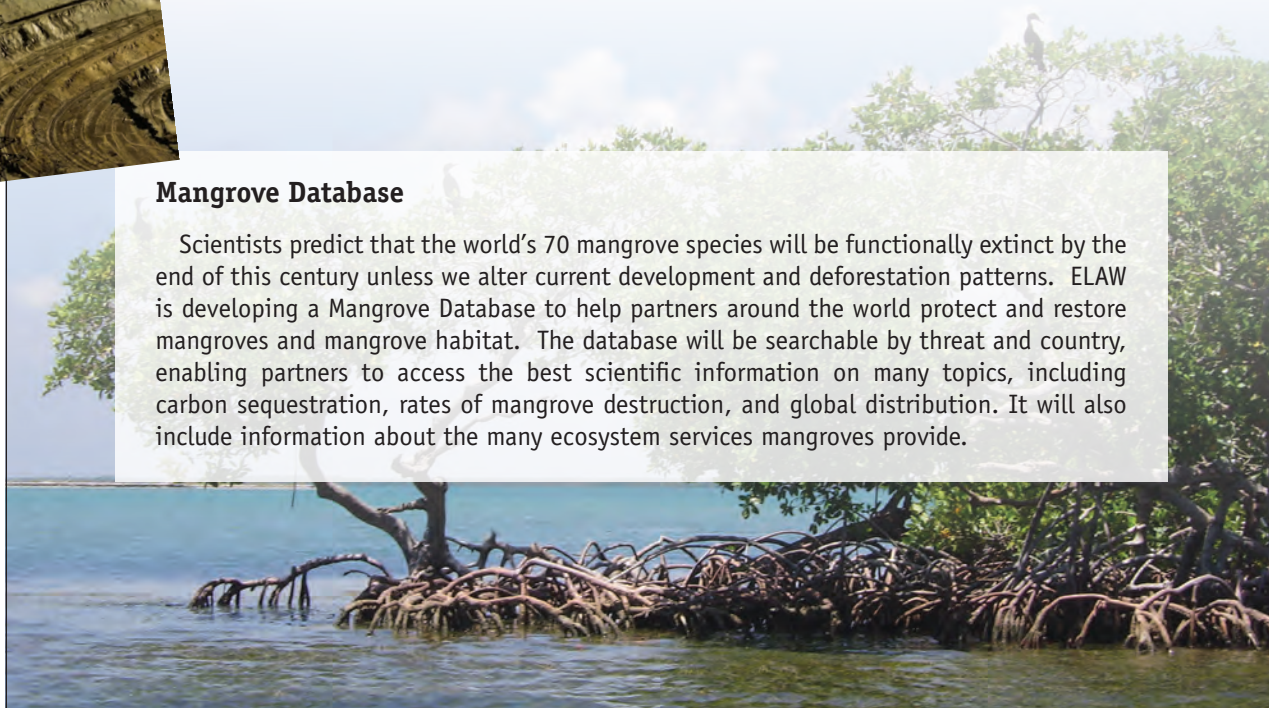
Advancing Rights-Based Protection for the Environment

The constitutions of many countries around the world guarantee citizens the right to live in a healthy environment. ELAW partners have also looked to the right to water, the right to a secure home, and more. ELAW partners are eager to advance rights-based protections, which hold the promise of sweeping change. In the year ahead, ELAW hopes to launch a web-based resource to help ELAW partners, courts, and legislators compare rights-based provisions in constitutions around the world and advance rights-based protections for the environment.



Mangrove Database

Scientists predict that the world's 70 mangrove species will be functionally extinct by the end of this century unless we alter current development and deforestation patterns. ELAW is developing a Mangrove Database to help partners around the world protect and restore mangroves and mangrove habitat. The database will be searchable by threat and country, enabling partners to access the best scientific information on many topics, including carbon sequestration, rates of mangrove destruction, and global distribution. It will also include information about the many ecosystem services mangroves provide.





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2013 ELAW Annual Meeting

ELAW thanks the following local businesses for their in-kind contributions to the 2013 ELAW Annual Meeting. These businesses are helping communities around the world speak out for clean air, clean water, and a healthy planet.

If you wish to support ELAW's work with an in-kind donation, please contact ELAW's Donor Liaison, Michele Kuhnle, at **541-687-8454 x14** or michele@elaw.org. We are currently seeking: computers, video equipment, translation services/equipment, and frequent flyer miles.



Thank you!



THINK GLOBALLY. ACT GLOBALLY.

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