



Connecting Communities
Protecting the Planet

Señora Lara's Victory Protecting a home and the Santiago River

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HEALTHY
WATERWAYS**

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Lupita Lara's home stood in the way of plans by the government of Mexico to dam the Santiago River, near Guadalajara City. The government of Mexico claimed that damming the Santiago River near the Arcediano bridge would provide drinking water to Guadalajara and the surrounding areas. Unfortunately, the Santiago River is highly polluted, the dam was proposed for a protected area, and the reservoir it would have created would have flooded the community of Arcediano.

Señora Lara called on ELAW partner **Raquel Gutierrez** to help protect her home and the village of Arcediano, and won!

Throughout the approval process, the Mexican government worked to push the inhabitants of Arcediano off their lands. Señora Lara, her sister, and her elderly mother had the road to their home barricaded and phones and electricity cut off. Many homes and a chapel in Arcediano were destroyed.

Arcediano has been the subject of national and international outrage because of the scope of the environmental and human rights impacts, and because Señora Lara persisted. As she watched the homes around her destroyed, she refused to leave her own home.

Señora Lara found an ally in Raquel Gutierrez, an attorney with the grassroots



Arcediano Bridge (top photo). Señora Lara's home (above).

environmental law organization, Instituto de Derecho Ambiental (IDEA). Raquel has worked for years to protect Lake Chapala and the entire watershed near Guadalajara.

Raquel worked with the community and Señora Lara and challenged the project in every tribunal and agency with potential influence on the process. Early on, she enlisted ELAW attorneys and scientists to help build her arguments.

Despite concerns about the project, the dam was given preliminary approval in 2003.

In 2004, ELAW Environmental Research Scientist Meche Lu traveled to the area to meet with Raquel, Señora Lara, and community members. Meche reviewed the Environmental Impact Assessment of the proposed dam and found major flaws – it failed to adequately assess the environmental and public health risks associated with damming the Santiago River.

For six years, Señora Lara and IDEA continued battling. On December 11, 2009, the Mexican Secretary of Environment and Natural Resources revoked its 2003 authorization for the project.

When Señora Lara heard the news, "she didn't believe it," says Raquel, who is now working to move Señora Lara back home.

This is a huge victory for Señora Lara, IDEA, ELAW and, most importantly, the people of Mexico!

Congratulations to Señora Lara and Raquel for their patience and perseverance.



Señora Lara

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The Environmental Law Alliance Worldwide (ELAW) is a network that facilitates the development and practice of public interest environmental law throughout the world. The network of ELAW advocates exchanges legal, scientific and technical information, ideas, precedents, and strategies across national boundaries in support of grassroots, public interest environmental law.

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INDIA: Saving Tribal Lands and Athirapally Falls

ELAW partners in India are making big strides protecting tribal homelands and critical biodiversity. For years, authorities in India have sought to build a hydroelectric dam on a remote stretch of the Chalakudy River, in the southern state of Kerala. Athirapally Falls is a major tourist attraction and the area is home to more than 50 tribal families. The dam would destroy the falls and create a reservoir that would inundate ancestral homelands, rare wildlife habitat, and the migration paths of Asian Elephants.

Patience and perseverance are paying off. ELAW partner **P.B. Krishnan** says his father worked on the case, then retired, and if necessary he will pass the case to his daughter! But it appears that won't be necessary.

On January 4, 2010, the Indian Ministry of Environment and Forests initiated proceedings to revoke clearance for the proposed dam, citing the danger it posed to the Kadar tribes and the area's valuable biodiversity. It is expected that the High Court of Kerala will soon issue a judgment stating the same.

ELAW has worked with partners in India for 10 years to protect Athirapally Falls. We helped partners win a High Court case in 2001 that put the dam on hold because authorities never convened a public hearing, as required by Indian law. After this precedent-setting judgment, project proponents submitted an Environmental Impact Assessment and a public hearing was held in 2006. Authorities again granted clearance for the project. ELAW partners again went to court to halt the project. The January ruling may be the end of a long and hard fought struggle.

Congratulations to P.B. Krishnan and everyone in India who has worked for many years to protect India's natural beauty and ancient heritage.

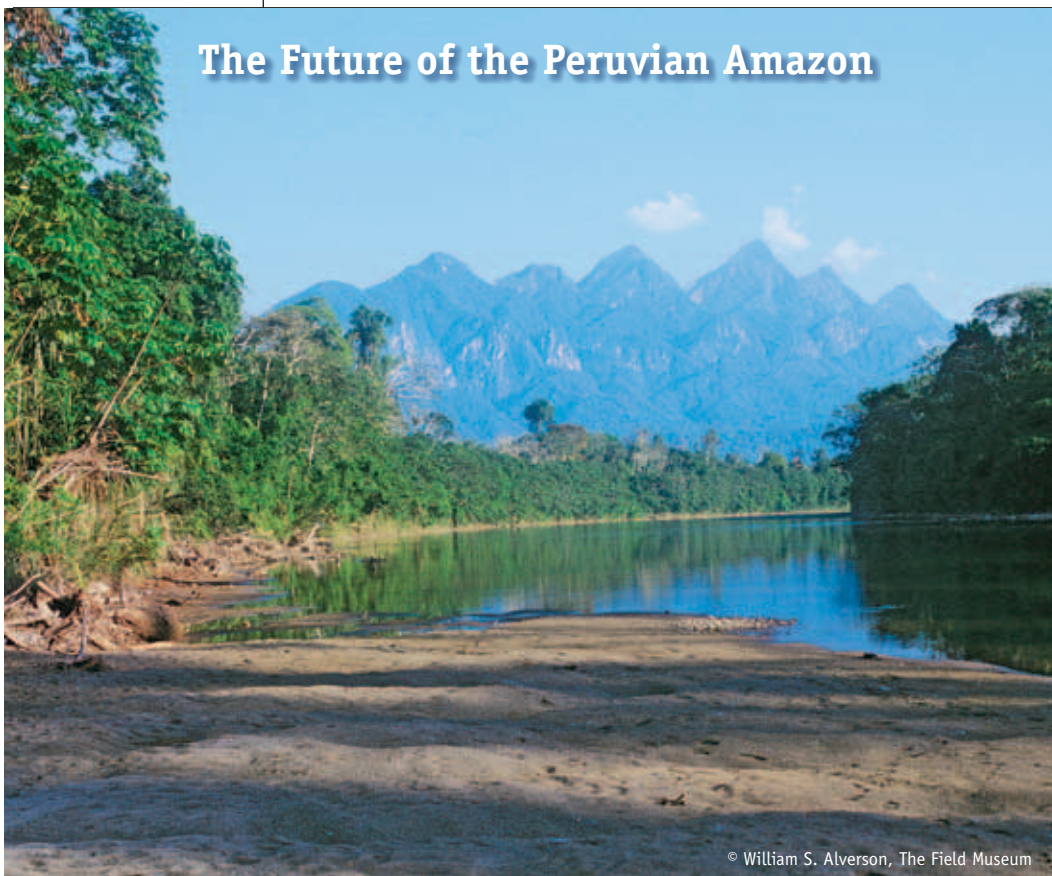


P.B. Krishnan



Athirapally Falls

PHOTO: Eashwar Natarajan



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Cordillera Azul National Park includes pristine tropical forests with dramatic rock escarpments, mountain ridges, lowland valleys, high-altitude lakes, and marshlands. The Peruvian Amazon is the world's second largest tropical forest, next to the Brazilian rainforest.

The Future of the Peruvian Amazon

ELAW is working with partners in Peru to ensure that “development” of the Amazon does not destroy waterways, the world’s second largest jungle, and the lives of ancient communities.

The dense tropical rainforest of the Peruvian Amazon is one of the most biologically diverse places on earth. Sadly, dozens of enormous projects – including hydroelectric dams, inter-oceanic roads, mines, and oil and gas development – have been approved by the government of Peru and now threaten ecosystems and the lives of indigenous peoples.

More than half of the Peruvian Amazon has been divided into oil and gas concession blocks, with corresponding licensing contracts. At least 19 of these blocks include lands of indigenous communities, protected areas, and protected area buffer zones.

“The Environmental Impact Assessment process in Peru’s mining and energy sector is flawed,” says Meche Lu, ELAW Environmental Research Scientist. “Decisions are made based on fragmented and incomplete assessments, without adequate public participation or consultation with the local people.”

The Yine, Shipibo-Conibo, and other communities living near Cordillera Azul National Park have asked for help responding to the arrival of the oil and gas industry. Grassroots advocates at Derecho Ambiente y Recursos Naturales (DAR) are working with ELAW to provide the training and resources these communities need.

Meche, who hails from Peru, is working closely with DAR to provide information for community workshops in Ucayali Province, in the Loreto Region. These materials include community guidelines to better participate in decisions about proposed energy projects, best practices for oil industry activities in tropical ecosystems, and the environmental and health impacts of oil and gas development. DAR is working to create a community-based system to help enforce environmental protection laws.

ELAW partners are sharing examples of best practices from around the world with DAR through ELAW’s international network. ELAW partners at ECOLEX in Ecuador, for example, have a successful program providing paralegal training to indigenous communities in Ecuador. ECOLEX staff will travel to Peru soon to collaborate with DAR on paralegal training in Ucayali.

Many thanks to the John D. and Catherine T. MacArthur Foundation for making this work possible.

For more information, see: www.dar.org.pe/que_proyectos_macarthur.html

“Indigenous communities know more about their rights than people think. There is a legal framework that protects them and they ask that we respect these laws.”

Maria del Rosario Sevillano
DAR legal specialist



Report from Jamaica:

A plane crashes. The passengers are rescued. What about clean up?



*American Airlines flight 333 touched down in heavy rain at Norman Manley International Airport in Kingston, Jamaica, on December 22, 2009 – but failed to stop. The Boeing 737 broke through the airport perimeter fence, crossed Port Royal Road, and pancaked onto the beach. Another 15 feet and it would have been in the sea. Fortunately, all 148 passengers and six crew escaped with their lives. More than 1,500 gallons of jet fuel, engine oil and fire retardant sprays were left behind. ELAW partner **Diana McCaulay** began work immediately to protect the beach and sea from contamination. She called on ELAW for help. Diana is the Director of the Jamaica Environment Trust (JET) and has worked with ELAW since 2003. The following is Diana's report.*

“It is clear that no one really understands what to do about environmental clean up following a plane crash.”

Diana McCaulay

December 23, 2009

JET learns of the crash via newspaper headlines early on the 23rd. We immediately contact the National Environment and Planning Agency (NEPA) and ask about clean up plans. They tell us they have visited the scene and thought it was “fine.” There is a suggestion that the jet fuel could have evaporated. Access to the site is severely limited by the ongoing crash investigation, so we cannot see for ourselves. We recommend that the contaminated area be bermed immediately, to prevent the spilled fuel from running into the sea. There are no berms available. Norman Manley International Airport is located in the Palisadoes/Port Royal Protected Area.

December 28, 2009

Following considerable follow up by JET, regulators are now paying attention. JET calls on ELAW for help

and within hours we receive the names of people in key clean up and response institutions in the U.S., copies of clean up reports and sampling protocols, websites for berms and other materials, and suggestions for responses suitable for Jamaica. JET provides these to NEPA.

December 30, 2009

JET is invited to a meeting with American Airlines, their local environmental consultants, other government agencies, and a large group from NEPA. The body of the plane has been moved from the beach and is in a hangar at the airport. No meeting papers are officially circulated beforehand, but JET knows that environmental consultants have been selected and obtains a copy of their report. JET again asks the ELAW network for help and receives information on best practices for dealing with contaminated soil.

December 31, 2009

Diana attends the meeting armed with concrete proposals for a clean up. The country director for American Airlines says American is conscious of the impact of the crash on the natural environment and will not shirk their responsibilities. She says American stands ready and able to do whatever is required by the Government of Jamaica (which is still unclear). The environmental consultant presents his recommendations for sampling and clean up.

During the meeting, Diana uses her Blackberry to consult with members of the ELAW network and receives instant responses. Diana fears that Blackberries will be banned from future government meetings!

It is agreed that no final decision can be made about clean up of the contaminated soil without understanding the scope of the problem. Sampling is set to begin immediately, along with fencing, covering, and berming the affected area. The Ministry of Health will carry out a health assessment of airport workers and citizens living nearby. Information will be provided by American about what exactly could have been released to the environment at the crash site.

A proposal to send the contaminated soil to the city dump gets a thumbs down. It is suggested that the contaminated soil be exported to a treatment facility in the U.S.

The meeting ends with Diana insisting that once the clean up is underway, another meeting must be held to put systems in place to ensure a quicker, more focused response in the future.

January 4, 2010

Two weeks have passed and so far, no clean up. The sites for soil testing have been identified by setting out a testing grid and a tarpaulin has been laid down, secured by stones. No final word on fencing or signage to warn people of any danger. Schematics showing where power and phone lines run underground have not yet been provided, so excavation cannot start. Rain could spell disaster, with toxic fuel, oil, and other chemicals running into the sea.

JET continues to press the Government of Jamaica and its regulatory bodies to start the clean up immediately, to protect the marine environment in one of the island's important natural areas.

January 16, 2010

A private jet, bound for the relief effort in Haiti, safely completes an emergency landing at Norman Manley International Airport, dumping fuel before landing. JET requests advice from the ELAW network on how to locate and treat fuel spilled in the sea.

January 17, 2010

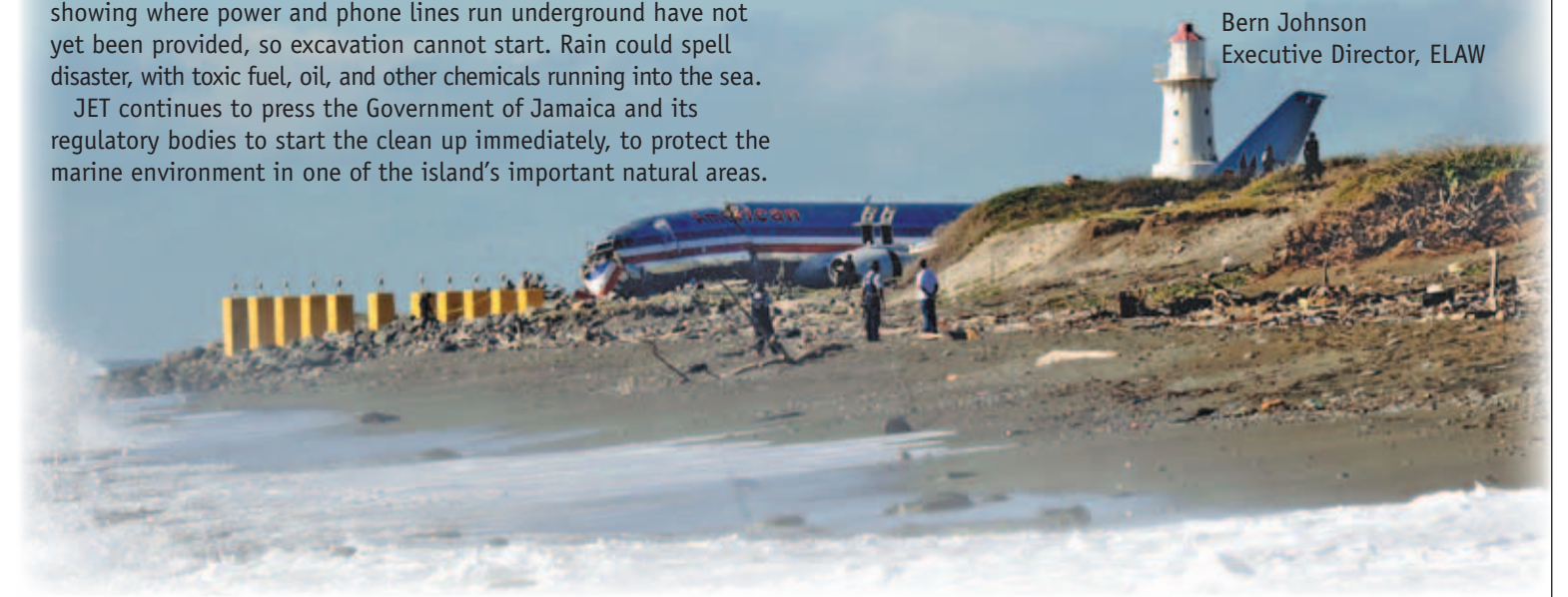
JET learns that the contaminated soil will be “land farmed” at a location close to the airport. Diana again contacts the ELAW network. An ELAW partner in Australia confirms that land farming volatile contaminants has worked well in Australia, and is preferable to dumping at a landfill.

Soil testing has identified the worst areas, but NEPA has refused any excavation, pending completion of soil testing. JET urges them to move the contaminated soil to the lined, bermed area further inland while testing continues. Bad weather pounds the north coast of Jamaica, but so far, the south coast has not had rain or heavy seas. Water quality tests do not show contaminants in the sea, but the clean up is taking far too long.

JET continues to push for a multi-agency planning meeting to discuss the slowness of the response to the crash and to identify gaps and future protocols. ELAW continues to give technical advice. JET hopes to be involved, with support from ELAW, in the development of a new disaster response plan for the environment at both major airports in Jamaica.

“Diana is making this clean up happen. I’m thrilled that ELAW could give her the scientific support she needed.”

Bern Johnson
Executive Director, ELAW



Inside ELAW



From Budapest to Eugene: ELAW Fellow Agnes Gajdics

She hikes, she ice skates, she blogs — but most importantly, **Agnes Gajdics** works long hours to protect the people and environment in her native Hungary.

Agnes is our current ELAW Fellow. She is collaborating with ELAW staff to protect communities in

Hungary from polluting coal mines, hazardous waste, and other environmental abuses. She is also studying English at the University of Oregon's American English Institute.

Agnes was selected for an ELAW Fellowship by Hungary's strongest public interest environmental law organization, the Environmental Management and Law Association (EMLA), where she has worked since January 2009. EMLA provides critical legal assistance to disadvantaged community groups and citizens in Hungary, winning victories to protect forests, parks, and wetlands. EMLA celebrated recently when a natural protected area was eliminated as a potential site for a discarded car battery recycling facility!

Agnes will travel around the Pacific Northwest to learn about local environmental protection. She will also participate in the 28th Annual Public Interest Environmental Law Conference at the University of Oregon, February 25 – 28.

Many thanks to the Trust for Mutual Understanding and the American English Institute for supporting Agnes and the ELAW Fellowship program.

Find out more about Agnes and her ELAW Fellowship at her blog: <http://agnesatelaw.blog.hu/>

Meet Elaine

ELAW welcomes **Elaine Chang**, our newest board member. Elaine is the Strategic Advisor at the World Affairs Council in Seattle. Prior to joining the Council, she was Assistant Dean of the Evans School of Public Affairs at the University of Washington, where she launched and directed the Marc Lindenberg Center for Humanitarian Action, International Development and Global Citizenship. She has also been a lecturer at Janus Pannonius University in Hungary for the Soros Foundation's Civic Education Project, a translator on the Greenpeace ship Rainbow Warrior, and a program manager for King County's Waste Reduction and Recycling Program.



Volunteers and interns contributed hundreds of hours in 2009 to make ELAW's work possible. They conducted scientific and legal research, translated communications, fixed computers, helped manage data, helped put on the 2009 ELAW Annual Meeting, and much more. Many many thanks to all of our volunteers. We couldn't do it without you!

Chu "Cassie" Chen is ELAW's Program Associate. She volunteers full time! Cassie is strengthening ties with ELAW partners in China, providing Chinese translation of legal and scientific resources, and helping to administer the ELAW Fellows program. She has a masters degree in environmental studies from the University of Oregon and a masters degree in environmental literature from Xiamen University in China. Cassie is a native of Wenzhou, Zhejiang, China.

Jake Abrahams | Raquel Aufderheide | Amanda Bettman | Leigh Brissenden | Meagan Campbell | Lacy Clark | Joey Corcoran | Taylor Coronel | Lucy Durst | Margo Faulk | Mara Finkelstein | Kassidee Fisher | Angela Gailinas | Morgan Heckman | James Heun-Weaver | Laura Hofer | Harper Johnson | Chloe Jones | Melanie LaDuca | Han Le | Rita Mensinger | Zoe Muellner | Ashley Ordway | Vittal Patel | Apurva Pawashe | Bethany Peshek | Melissa Pope | Sherwood, Jolaine & Eli Reese | Lindsay Riddell | Eric Robinson | Katie Robinson | Rita Santibañez | Kaegan Scully-Engelmeyer | Katie Slayden | Kyla Thompson | Audrey Troch | Ranfis Villatoro | Simone Walter | Callie Wheeler | Margot Wheeler | Larken Yackulic

Cleaning up Pesticide Dumps

Hundreds of thousands of tons of obsolete pesticides are stockpiled around the world, many in rotting, rusting containers or bags that were discarded decades ago. These chemicals spill and leach from their containers, threatening water supplies and the world's poorest communities. ELAW is working with partners in Nepal, Ukraine, and South Africa to protect communities from this toxic contamination.



School children in Nepal.

In **Nepal**, leaking containers of pesticides were stored next to a schoolyard in Amlekhgunj, south of Kathmandu. School children had to cross a field every day that was contaminated by the leaking containers. Many of these pesticides were banned in their country of origin because of harmful health impacts and were “donated” to Nepal long ago.

For years, parents, teachers, and students called for the removal of the pesticides. Students were suffering from skin rashes, vomiting, and fainting. The community knew that playing and studying next to the pesticide dump was bad for their children. But not much happened until ELAW partners at Pro Public – a public interest law firm in Kathmandu – took up the cause.

Prakash Mani Sharma directs Pro Public. He called on ELAW Staff Scientist Mark Chernaik to help make the case to clean up the pesticides. Prakash and Pro Public Staff Scientist **Ram Sah** took soil samples from the schoolyard and sent them to a lab for analysis. The lab report showed toxic levels of DDT and other chemicals in the soil where the children were playing.

In December 2006, Pro Public filed a lawsuit demanding that the 50 tons of obsolete pesticides be removed. In November 2009, Nepal’s Supreme Court ordered the government to clean up the mess and send the pesticides back to their countries of origin. The government of Nepal had procured the

pesticides from France, Germany, and other European countries with financial support from the Asian Development Bank some three decades ago.

In December, an online Nepal news service reported: “Amid rising fears of the possible catastrophic impact of a huge stockpile of pesticides stored at more than two dozen locations in Nepal, the German government has expressed readiness to take back the obsolete chemicals for disposal.” (Republica, December 9, 2009, <http://myrepublica.com>).

In Sianky, in western **Ukraine**, 134 tons of pesticides were abandoned more than 10 years ago. Mr. Vasylechko, head of the Sianky Village Council, had complained for years. ELAW partners at the Lviv-based Environment People Law worked with the government and the European Commission in 2008 and 2009 to identify the banned pesticides and have them shipped to Hamburg, Germany, for incineration.

EPL reported a similar victory in nearby Hnizdychiv, where 70 tons of pesticides were being stored in faulty containers. We reported last year that EPL helped the community challenge this abuse. The government has now promised to remove the pesticides this year. Meanwhile, EPL helped the community launch a new organization, to advocate for a clean environment.

In **South Africa**, ELAW is helping partners advocate for a ban on chlorpyrifos, a neurotoxic pesticide that can damage the nervous system. ELAW is also helping partners advance new standards in South Africa that restrict aerial application of pesticides and minimize pesticide drift.

These victories for a clean environment are shared around the world through the ELAW network, leveling the playing field for ELAW partners as they build a more just, sustainable planet.



Ram Sah, Pro Public Staff Scientist, inspecting for pesticides.



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Heroes for the Environment: Laura and John Hofer

Laura and John Hofer have been supporters of ELAW since 2005. They support ELAW because, as Laura put it, “ELAW met three criteria that are very important to us: you are an advocacy organization that is international, and you focus on environmental issues, including environmental racism.”

John was a Peace Corps volunteer in Morocco while Laura was a Vista volunteer in Columbus, Ohio. They have always been interested in international issues and protecting the environment. Also, Laura is a licensed clinical social worker and has worked for many years with people from a variety of cultures and countries around the world.

This past July, after she and John both retired, Laura began volunteering at ELAW. We asked her to help ELAW partners in Belize create a website for their organization, the Belize Institute of Environmental Law and Policy (BELPO). Laura took on the project with passion and created a website that is easy to navigate, crisp and clear, and full of information. The BELPO website went live this fall (www.belpo.org) and Laura has continued to make it better and keep it current.

People like Laura and John, who are committed to ELAW’s work, are true Environmental Heroes!



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