



ELAW advocate

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Defending Climate Defenders

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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 build a sustainable, just future.

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Erlan Sleur and the oil spill in the Suriname River. PHOTO: ProBios

Protecting the climate is the leading challenge of our time. ELAW partners around the world are working to ensure that communities that are most impacted by the climate crisis have a voice at the table and the tools they need to defend their rights and protect local ecosystems.

Our lawyer colleagues and their community partners are under increasing attack for defending and advancing the human right to a healthy environment. Public interest lawyers are fighting back against these attempts to stifle local efforts to protect the climate.

The following are brief reports on ELAW's progress protecting the climate and defending climate defenders in Suriname, the Philippines, Australia, and the Dominican Republic. We also describe our growing Defending Defenders Program and its work countering Strategic Lawsuits Against Public Participation (SLAPPs), and other actions that aim to silence environmental defenders.

Oil Company's SLAPP in Suriname Shut Down

A state-owned petroleum company brought defamation charges against Erlan Sleur and his organization, ProBios, for speaking out about an oil spill Erlan alleged was caused by the company.

Since 2009, when Erlan launched ProBios, the

organization has investigated many environmental and human rights abuses in Suriname. In 2022, Erlan began investigating an oil spill in the Suriname River next to an oil refinery owned by Staatsolie Maatschappij Suriname. Several days prior, a national TV broadcaster announced that an oil spill had been detected in the river, with no blame assigned or suspects identified.

At a press conference in October 2022, Erlan spoke out about his findings, stating that it is reasonable to believe that the Staatsolie refinery was responsible for the incident as it was the only producer, transporter, and processor of crude oil in the country at that time.

Shortly after the conference, Staatsolie sued Erlan and ProBios and demanded a public apology and withdrawal of the allegations against the oil company.

Serena Muntslag-Essed, a local lawyer in Suriname, defended Erlan in the case. Serena requested assistance from ELAW regarding international case law and relevant international regulations that might be applicable to the case.

ELAW shared cases from Argentina, Brazil, the European Court of Human Rights, India, Malaysia, South Africa, and the United States, and collaborated with Serena on a legal strategy to defend Erlan and reveal that this was a SLAPP meant to silence the company's critics.

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Defending Climate Defenders

Oil Company's SLAPP (CONTINUED)

SLAPPs are a misuse of the legal system that impose costs on organizations and individuals working to protect communities and the environment. Defendants must waste time and resources fighting against false charges aimed at damaging their reputation. SLAPPs can have a chilling effect, dissuading other individuals and organizations from speaking out.

We are pleased to report that the court rejected the oil company's defamation claim, admonished it for making statements about its investigation into the spill without submitting evidence, and ordered it to pay the NGO's defense costs.

"I had a great experience with ELAW. The information, case law, and regulations provided significantly contributed to winning the case," says Serena.

We congratulate Serena and Erlan on defending against this spurious charge and applaud the court's decision. NGOs play a critical role in holding companies and governments accountable for environmental and human rights abuses in the fossil fuels sector.



Crude oil coats mangroves along the Suriname River. PHOTO: ProBios



Attorneys at ULAN prepare defenders for hearing.

Protecting Ecosystems and Communities in the Philippines

As the world struggles to transition away from fossil fuels, the minerals essential for that transition are in high demand. Governments are capitalizing on this demand, often at the expense of critical ecosystems and communities.

ELAW Partner Ron Gutiérrez of Upholding Life and Nature (ULAN) in the Philippines represents communities in Sibuyan Island that want to protect local biodiversity from the impacts of nickel mining. ELAW's Law, Science, and Defending Defenders teams have all supported ULAN and its community partners in this work.

Earlier in 2023, the mining company filed 19 charges of 'cyberlibel' against community members. ULAN rallied to protect its community partners, and ELAW facilitated a rapid response grant through the Environmental Defenders Collaborative (EDC) to support the defense by Ron and his colleagues. ULAN defended residents against false claims alleging robbery, grave coercion, physical injury, defamation, and more. In November 2023, the judge dismissed four of the five cases, identifying them as SLAPPs. Ron wrote, "We would not have been able to respond in an adequate and timely manner to the barrage of SLAPP suits that the company had filed against Sibuyan residents if not for the ELAW and EDC support."

Defending Climate Defenders

Australia: Communities Challenge Offshore Gas Drilling

The Burrup Hub threatens a deeply sacred place in Northwestern Australia that contains the largest collection of rock art in the world and includes the oldest known depiction of a human face, along with depictions of megafauna alive during the last ice age. Researchers believe emissions from the Burrup Hub are damaging the carvings.



ELAW partners at the Environmental Defenders Office (EDO) are supporting environmental defenders in Western Australia who oppose a massive offshore natural gas drilling project called Burrup Hub. Activists and campaigners opposed to Burrup have faced retaliation at the hands of Australian security forces as well as Woodside, a global energy company.

The project would produce around six billion metric tons of carbon pollution over its lifetime, impacting dozens of threatened marine species in marine parks and sensitive reefs. "The project's impact on the climate would be enormous," says Julia Grix, Managing Lawyer of the EDO Defenders Program.

Julia traveled to Oregon in October 2023 to meet with the ELAW Team, share EDO's work, and strengthen collaboration.

Julia shared that, in February 2023, the homes and vehicles of campaigners were raided by counter-terror police and their electronic devices were seized. Some campaigners were criminally charged and issued repressive bail conditions that bar them from associating. In addition, Woodside obtained restraining orders against some activists that prohibit them from making any reference to Woodside's CEO by any electronic means.

In addition to the escalation in the severity of the charges faced by protestors, Woodside has recently threatened to commence civil litigation against individual protesters. Further, Australia's national broadcaster, the ABC, has faced police demands to hand over footage of activists captured by journalists during a television report. Such

tactics contribute to the shrinking of civic space, not only in Australia but in democratic societies throughout the world.

EDO's Defenders Program is crucial in providing legal defense for many Australian defenders facing criminal charges. ELAW is pleased to partner with EDO to share victories across borders and empower ELAW partners around the world working to protect the climate from polluting fossil fuel projects and other short-sighted schemes.

EDO shared good news in September 2023: Australia's Federal Court invalidated approval for Woodside to conduct seismic blasting for its \$12 billion Scarborough Gas Project (part of Burrup Hub) on the grounds that the offshore regulator had unlawfully accepted Woodside's plans when it knew the company had not completed its required consultation with Traditional Owners.

This followed a legal challenge by a Traditional Custodian, Raelene Cooper, an Indigenous Mardudhunera woman represented by EDO. Ms. Cooper is deeply concerned about the seismic activity's impact on Songlines, whales, and turtles, which are of high cultural importance.

"Many groups have denounced these prosecutions and restraining orders as the persecution of peaceful protest and gross violations of activists' free expression rights."

Julia Grix

Strategic Lawsuits Against Public Participation (SLAPP)

Helping lawyers defend against SLAPPs is a key part of ELAW's work defending defenders.

SLAPPs are criminal or civil lawsuits filed by powerful public or private actors against those who are working to protect the environment and related human rights. The effect of these lawsuits is to punish environmental rights defenders for their work, and to discourage further criticism or opposition. SLAPPs often involve direct or indirect violations of defenders' civil and political rights. Research shows that SLAPPs in the Global South are often brought as criminal proceedings, while SLAPPs in the Global North are typically filed as civil suits.

In both cases, the party who has filed the SLAPP uses its superior economic and political power to weaponize the criminal or civil legal process against the defender, generating a wide range of serious risks, costs, and harms that can be devastating to the defender personally, and to their work.

Both civil and criminal SLAPPs try to isolate and stigmatize defenders, turning them into public targets which may put them at risk of further reprisals. For example, defenders might be labeled as terrorists or anti-state.

The ELAW Defending Defenders Team provides legal strategy support to our lawyer colleagues to prevent and defend against SLAPPs, and helps partners access the resources, support, networks, and expertise they need.

Defending Defenders

Challenging Dirty Energy in the Dominican Republic

The 752 MW Punta Catalina power plant is the Dominican Republic's largest coal-fired power plant. Euren Cuevas at Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA) and Enrique de León at the NGO National Committee to Combat Climate Change (CNLCC) have worked for years to protect communities and the climate from this polluting project.

Euren and Enrique have worked closely with Ernie Niemi, President of Natural Resource Economics, to raise awareness among government and company decision-makers. "The risks associated with coal-fired power plants far outweigh the benefits," says Ernie.

Euren traveled to Geneva in September 2023 with a delegation of Dominican advocates (photo at right) to present a complaint to the UN Committee for the Rights of the Child, alleging that Punta Catalina is generating atmospheric pollution that violates the rights of affected children to life, development, and health, among others.

In response, the committee expressed concern about the severe impacts of the Punta Catalina power plant on human health and urged the Dominican government to take measures to reduce the pollution and protect the health of children impacted by the plant.

On the heels of this important advocacy work, the Executive VP of Punta Catalina threatened Enrique with a criminal defamation lawsuit, citing TV interviews he had done in early September about the submission to the UN.

"Enrique immediately reached out to allies to publicly denounce the lawsuit as a violation of free expression, freedom of opinion, and as an effort to impede scientific debate," says Charis Kamphuis, ELAW Attorney, who is working with ELAW's Defending Defenders Team to ensure that Enrique has the support he needs to respond to the threat and continue his important work.

Enrique cited two highly regarded scientific studies that support the concerns expressed about Punta Catalina. He declared that the lawsuit is an effort to intimidate and retaliate against the company's critics, and that it will not stop the movement from continuing to demand that the company meet with those who are affected and agree to reduce the pollution and pay reparations for the damage already caused to the environment and human health.



At the United Nations (left to right): Euren Cuevas, INSAPROMA; Dominica Virtudes Martínez, Coalición por la Salud y el Medio Ambiente de la provincia Peravia; Jimena Reyes, Federación Internacional de Derechos Humanos; and David Montedeoca, Coalición Ambiental del Este.

ELAW Defending Defenders Program

ELAW partners defend communities and ecosystems around the world. Attacks against these advocates are also attacks against the communities they represent. ELAW connects partners to resources and specialized personal and digital security services, and facilitates advocacy at local, regional, and international levels.

ELAW's Defending Defenders Program now has three attorneys with many years of experience defending human and environmental rights around the world (see profiles on page 5). Together, they:

- Respond when partners face legal or physical threats. This includes legal and strategic support, solidarity, and coordination, as well as connection to financial and other resources, allies, and organizations with specialized expertise.
- Build skills, awareness, and legal tools and resources for protection and resilience.
- Build alliances with other organizations and lawyers to strengthen the global movement that is advancing holistic protection strategies for environmental defenders.

By improving the security of our lawyer colleagues, ELAW also helps protect their community partners and the planet.



Left to right: Charis Kamphuis, Kate Holcombe, and Luciano Coco Pastrana.

Meet Our Defending Defenders Team

Kate Holcombe

Managing Attorney

Kate collaborates with allies around the world to support ELAW's partners in need of legal defense. She helps partners defend against SLAPPs, criminalization, and other threats. Kate served as the Assistant Director of two human rights initiatives at the American University Washington College of Law's Center for Human Rights & Humanitarian Law: The Kovler Project Against Torture and Strategic Human Rights Litigation. She received a JD from American University, Washington College of Law.

Luciano Coco Pastrana

Attorney

Luciano brings experience working on police violence, criminalization of protest, democratic security, intelligence, and privacy at the national level in Argentina and the broader Inter-American context. He holds a degree in international law from the University of Buenos Aires, and a criminal law specialization from the University Torcuato Di Tella in Buenos Aires. Luciano formerly worked as an attorney at the Center for Legal and Social Studies (CELS). He also researches and teaches in the human rights clinic of the University of Buenos Aires.

Charis Kamphuis

Attorney

Charis brings experience advocating before international courts, working with Indigenous communities, and engaging with governmental and regulatory bodies. She received an LLM and a PhD from Osgoode Hall Law School at York University in Toronto, Ontario. In 2011, Charis co-founded the Justice and Corporate Accountability Project, a Canadian national law clinic that works with civil society groups and communities concerned with industrial resource extraction in the Global South. She is an Associate Professor at Thompson Rivers University and has also worked at the Environmental Law Centre at the University of Victoria.

Collaborating Organizations

The Environmental Defenders Office (EDO) is the leading environmental law practice in the Australia Pacific Region. EDO is dedicated to protecting our climate, communities, and shared environment by providing access to justice, running ground-breaking litigation, and leading law reform advocacy.

Alliance for Land, Indigenous, and Environmental Defenders (ALLIED) works to empower defenders, encourage multi-stakeholder action, and drive systemic change to address threats and barriers to the work of defenders. ELAW is a founding member and participates in the ALLIED Steering Committee and Law & Advocacy Working Group. We recently co-hosted a virtual workshop with over 50 participants working to improve communication strategies to counter stigmatization and combat harmful narratives.

Environmental Defenders Collaborative (EDC) partners with ELAW to provide rapid response funding through Action Partnership grants for legal defense and legal skill-building initiatives. Action Partnership grants can reach partners within 48 hours. In 2022 and 2023, ELAW made 19 recommendations for Action Partnership grants.

Open Briefing has a "referral partnership" with ELAW, expediting requests for support on behalf of ELAW partners seeking Open Briefing expertise on risk assessment and security planning, digital and information security, and psychosocial and well-being services. Open Briefing also helps ELAW strengthen its own information security and share Open Briefing's tools and resources with ELAW partners around the world.

Global Climate Legal Defense (CliDef) is a new hybrid legal NGO and intermediary grant maker providing legal support — including funds for lawyers — for climate defenders in hot spots where high-impact fossil fuel projects combined with repressive or risky legal environments raise the stakes for climate activism. Liberian lawyer and Goldman Prize winner Alfred Brownell is the Founding President, and, along with executive director Betsy Apple, leads a team of lawyers who coordinate legal services and funds around key climate cases globally.

ELAW Fellows Program



Hugo Che Piu (on right) with Bruce Hoeft on the peak of Blue Mountain in the Olympic Peninsula National Park.

"The opportunity to meet with ELAW and other experts, while at the same time strengthening my English, was so valuable."

Hugo Che Piu

Hugo Che Piu

Lima, Peru

September 23 – December 2, 2023

Hugo Che Piu is an attorney and the founder of Derecho, Ambiente y Recursos Naturales (Law, Environment & Natural Resources; DAR). He is an innovative advocate for transparency in Peru's forestry sector. He works on combating environmental crimes in the Peruvian Amazon and takes the lead at DAR on governance and policy issues tied to illegal logging, wildlife trafficking, and illegal mining.

ELAW has collaborated with Hugo's organization for almost 20 years.

Hugo identified focus areas for his 10-week visit, including building DAR's organizational strength and enlisting the ELAW Team and other experts to participate in discussions and field trips tied to energy transition in the Amazon, forest protection, national policy to advance renewable energy, evaluating proposed infrastructure projects, advocating for good governance, protecting Indigenous environmental defenders, and more.

Hugo met with ELAW attorneys and scientists, economic analyst Ernie Niemi, energy consultant Mike McCann, Oregon Wild attorney Doug Heiken, and sat in on Professor Tim Simmons' Indian Law class at the University of Oregon School of Law.

Hugo also explored the Oregon Coast and the Olympic Peninsula, with stops at the S'Klallam Reservation at Sequim Bay and the Quileute Reservation in La Push where he met with Katie Krueger, an attorney with Quileute Natural Resources. Many thanks to Bruce Hoeft for hosting Hugo in Washington.

Hugo's Fellowship was wrapped around a busy schedule at the University of Oregon's American English Institute (AEI) where he participated in the Intensive English Program. Many thanks to AEI for providing Hugo with a Janet Hughes Mersereau Scholarship. And thanks to Dr. Lauren Herbert and Kenny Watkins for serving as Hugo's ELAW Host Family.

New Resource to Tackle Plastic Pollution Globally

We are pleased to announce the launch of the **Global Plastic Laws** database. ELAW partnered with Plastic Pollution Coalition, Break Free From Plastic Europe, and The Surfrider Foundation U.S. to build this powerful new database.

Global Plastic Laws will be the most comprehensive tool to date to research plastic legislation that has been adopted around the world. The database will track legislation across the full life cycle of plastics and organize policies according to life cycle categories and key topics. Adopting laws to reduce plastic pollution on a global scale is widely recognized as a vital step to address this crisis and rein in the damage plastic pollution is doing to our communities, health, and environment. Following the adoption of the UN Plastics Treaty, this database will support and monitor implementation.

www.globalplasticlaws.org

ELAW Growing Stronger



William "BJ" Schulte



Jennifer Castello



Melissa Fourie

New Law Team Members

William "BJ" Schulte, Attorney, brings expertise in providing legal support and training to local communities, conducting research on emerging environmental law issues, and training public interest advocates. He will collaborate primarily with partners in Asia and help more lawyers in the region connect with ELAW. Most recently, BJ worked as the Mekong Region Policy and Legal Advisor at EarthRights International. He also served as Assistant Director and Adjunct Faculty for the US-Asia Partnerships for Environmental Law at Vermont Law School in the United States and spent a number of years litigating environmental cases in New Jersey. BJ earned law degrees from Rutgers University Law School – Newark and Vermont Law School.

Jennifer Castello, Attorney, brings experience in defending human rights and land rights, especially communal lands. She is well-versed in the EU legal system. Jen will focus on collaborating with partners in Africa. Previously, she served as Head of Law at Minority Rights Group, where she led a team of lawyers working on the protection of minorities and Indigenous peoples in Africa. She holds a master's in international relations from Paris-Panthéon-Assas University and an LLM in public international law from Westminster University in London.

Melissa Fourie, Attorney, was a Visiting Scholar in Eugene for the summer of 2023 and then agreed to work with ELAW through spring 2024 to share her extensive experience fighting fossil fuel projects and promoting a just energy transition with lawyers around the world. Melissa just finished a leadership transition at the Centre for Environmental Rights (CER), an organization she has been leading since she helped found it in 2010. She also previously served as Director of Enforcement in the national Department of Environment in South Africa. She holds a master's in environment and development from the London School of Economics and a law degree from the University of Stellenbosch in South Africa.

New Board Member

Kathy Mulvey is the Climate Accountability Campaign Director with the Union of Concerned Scientists. In this role, she leads strategic campaign development, conducts research and analysis, builds national and international coalitions, and mobilizes experts and supporters to hold the fossil fuel industry accountable for climate damages and deception. Kathy has more than three decades of experience in campaigning, organizing, advocacy, research, and policy analysis on a range of corporate accountability, environmental, human rights, and public health issues. She has led organizations including Corporate Accountability and EIRIS Conflict Risk Network and served as chair of the Investment Committee of the Unitarian Universalist Association and as a board member of Grassroots International.



Kathy Mulvey



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Stand with Climate Defenders Around the World

We are ramping up our work with partners around the world to protect the climate and help communities forge pathways to a livable future. Unfortunately, we are also responding to more attacks against our partners as powerful interests try to silence them. We need your help.

Please make a gift today to support ELAW's work with advocates fighting for climate justice and protecting communities.

Your gift helps us provide:

- Legal support partners need to strengthen and enforce climate protections and hold polluters accountable.
- Scientific analysis and expertise to make the case for moving past fossil fuels and adopting cleaner alternatives.
- Resources and support to help advocates stay safe so they can do their crucial work defending communities and advancing climate justice.

MAKE A GIFT TODAY!



Charity Navigator and Candid give ELAW their highest rating for financial management, accountability, and transparency. You can be confident that your gift helps advance our mission of helping communities speak out for clean air, clean water, and a healthy planet. Please visit elaw.org/give to make a tax-deductible gift.