



# ELAW

SPRING 2024

# advocate

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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.

EDITOR: MAGGIE KEENAN  
GRAPHIC DESIGN: HELIOS CREATIVE  
PRINTED BY: QSL PRINTING  
Printed on 100% post-consumer recycled paper with soy-based inks.



## Protecting the Climate

To prevent climate catastrophe, we need to move past burning fossil fuels.

Reuters reports that United Nations Secretary-General Antonio Guterres told world leaders at COP28 that the burning of fossil fuels must be stopped outright and a reduction or abatement in their use would not be enough to stop global warming.

*"We cannot save a burning planet with a fire hose of fossil fuels," Guterres said. "The 1.5-degree limit is only possible if we ultimately stop burning all fossil fuels. Not reduce. Not abate."* (Reuters, December 1, 2023)

ELAW partners are stepping forward to challenge short-sighted plans for coal, oil, and gas development. They are challenging permits for coal mines, power plants, and related infrastructure. ELAW partners are fighting pipelines and oil exploration both onshore and offshore, and challenging wasteful use of plastic, which consumes vast amounts of oil and gas.

### Keeping Carbon-Based Fuels in the Ground

Keeping coal, oil, and gas in the ground is critical to protecting the climate. We celebrated an enormous victory when partners in Indonesia helped shelve a coal-fired power plant proposed for West Java. ELAW Scientist Dr. Mark Chernaik provided Indonesian

partners with an expert statement on the likely climate impacts of the proposed plant. His findings showed that over its 30-year proposed life, the coal plant would emit more than 200 million metric tons of CO<sub>2</sub> at substantial economic and human cost.

Equally important to challenging coal is keeping oil and gas in the ground.

Scientists at Stanford University report that even in the U.S., where oil and gas well design and construction standards are relatively strict, dangerous levels of methane emissions are escaping from oil and gas wells across the U.S.

The findings are alarming: we are vastly undercounting methane emissions from oil and gas production, and these emissions are just as harmful to the climate as new coal mines.

ELAW is working with grassroots advocates in Chile, the Czech Republic, Democratic Republic of Congo, Dominican Republic, India, the Maldives, Peru, Uganda, and more to protect the climate. We are pleased to share a few examples of our work.

(CONTINUED ON Pg.2)

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## Protecting the Climate



The Fifth Judicial Training on Climate Justice, May 18, 2023, Mestil Hotel, Kampala (Samantha Atukunda in front row, far right).

### Uganda: Advancing Jurisprudence in Climate Change Law

Workshops for judges interested in climate issues and climate law are in high demand.

In Uganda, ELAW partners at Greenwatch are holding workshops to keep judges informed about environmental laws and regulations tied to climate change and the severe consequences a changing climate poses to humans and the environment.

Greenwatch, based in Kampala, has hosted workshops for dozens of judges since 2019. "A trained judiciary can result in well informed judgements that influence law and policy," says Samantha Atukunda K. Mwesigwa, Greenwatch Director and Legal Counsel.

Greenwatch has also trained journalists, helping them simplify the complexities of climate change and convey the nexus between human activities that induce climate change and effects on communities.

"We want to enhance Uganda's climate resilience and challenge short-sighted projects that threaten the climate," says Samantha, who has worked with ELAW's Science Team to make connections between loss of forest cover in Uganda and the changing climate.

**"Together, we are upholding the fundamental right  
to a clean and healthy environment."**

Samantha Atukunda K. Mwesigwa

### Peru: Fighting Back Against Oil and Gas Companies Eroding Protected Area Legislation

In Peru, oil, gas, and mining companies are taking advantage of political instability to rush through legislation that would weaken provisions of Peru's protected areas legislation and environmental impact assessment (EIA) legislation to allow more oil and gas projects.

For example, PERUPETRO, Peru's national oil firm, is pushing for amendments to Law 26384 (Ley de Áreas Naturales Protegidas – ANP). According to 2023 ELAW Fellow Hugo Che Piu, the draft amendments are on the oil and gas companies' Christmas lists. Hugo is the Executive Director of Derecho, Ambiente y Recursos Naturales (DAR).

ELAW's Law and Science Teams are helping DAR and other organizations fight back by detailing the likely environmental and social harms that would result from weakening Peru's protected areas legislation.

"This attempt to weaken the legal framework of ANP is not an exception," says Hugo, "It is part of several attempts to take advantage of the weakness of the country's democratic governance to introduce changes in the legal framework that reduce or eliminate social-environmental safeguards."

Hugo says the proposed amendments are the latest in a series of attempts to weaken the regulatory framework for forestry, mining, and the protection of Indigenous peoples in voluntary isolation.



# Protecting the Climate

## Challenging an LNG Pipeline in Northwest Mexico

Communities in Mexico are challenging plans to build a 500 mile long “Sierra Madre” pipeline which would transport fracked gas from the Permian Basin in Texas, across northern Mexico, to a proposed liquification facility in Puerto Libertad on the Gulf of California, for export to Asian markets.

The short-sighted plans threaten the climate, communities, and ecosystems across northern Mexico, as well as marine life in whale breeding grounds in the Gulf of California.

ELAW partners in Mexico are working with ELAW’s Science Team to debunk the myth that gas pipelines are harmless, and sharing the Team’s findings in public campaigns.

Dr. Mark Chernaik, ELAW Scientist, says the term “natural gas” is misleading. This volatile fossil fuel emits significant amounts of greenhouse gases (GHG) into the atmosphere, due to pipeline leakages of methane, which has much worse warming potential than CO<sub>2</sub>.

“Underground high-pressure fossil gas transport pipelines leak methane at an estimated rate of 627 tons per kilometer per year,” says Dr. Chernaik. “Over a 100-year period, the global warming potential of methane is 21 times greater than that of CO<sub>2</sub>.”

The proposed project is contrary to agreements signed by the Mexican State regarding the reduction of GHG emissions, the transition to clean energy, and the fight against climate change, say ELAW partners in Mexico.

ELAW partners shared their independent analysis of the environmental impact assessment (EIA), filed before the Mexican authority by the developers, and identified key omissions:

- No information on river crossings and impacts on water quality
- The significance of emissions associated with the loss of carbon capture/sequestration not assessed.
- Operational emissions not evaluated
- Indirect GHG emissions not assessed
- Stranded asset risk not evaluated.
- No consideration of vegetation to be removed along the entire length of the pipeline.

Moving forward, ELAW partners will continue to share the truth about the impacts of fossil gas and methane and counter the false narrative of the oil and gas industry. They will also share the truth about the irregularities of the industry in regards to the permits and authorizations they have been granted by the federal government, and educate the public about the risks of not fighting climate change and failing to transition to a clean energy regime.

**Sierra Madre's annual indirect CO<sub>2</sub> emissions would be the equivalent of permitting the construction and operation of nearly eight new 1,000 megawatt coal-fired power plants in Mexico.**





# Protecting the Climate

## Legal Strategies for Busting Coal & Gas Projects

From the Battleground  
in Southern Africa

January 25 & February 1, 2024



Centre for  
Environmental Rights  
Advancing Environmental Rights in South Africa



LEGAL  
RESOURCES  
CENTRE



ELAW organized a two-part webinar series in early 2024 to share lessons from a coalition of civil society organizations that have successfully challenged coal and gas projects in Southern Africa.

In the first session, Legal Strategies for Busting Coal Projects, **Melissa Fourie**, ELAW Attorney and former Executive Director of the Centre of Environmental Rights (CER) shared lessons from the experience of a coalition of civil society organizations that worked to challenge new and existing coal projects, protect air and water quality, and promote a just energy transition in Southern Africa.

Melissa welcomed a panel of lawyers who worked on the coal cases highlighted in the webinar to share their observations and lessons learned.

Melissa Fourie is an environmental lawyer and activist from South Africa. From 2010-2023, she was the Executive Director of CER, a public interest environmental law organization in South Africa. Together with environmental justice organizations groundWork and Earthlife Africa, CER has used a range of legal strategies – including litigation – to discourage new investment in fossil fuels in South Africa, accelerate the retirement of its enormous coal power fleet and coal mines, and enable a just transition.

CER has been joined by other public interest environmental law organizations including Natural Justice, the Legal Resources Centre, and the Biodiversity Law Centre that are using legal strategies to resist a huge influx of new gas drilling and power projects, both on and offshore, in Southern Africa.

In 2023, Wandisa Phama became the new Executive Director of CER. Melissa continues to work closely with CER and many other civil society organizations in South Africa.



**Presenter**  
**MELISSA FOURIE**  
ELAW Attorney



**Moderator**  
**ÉRICK KASSONGO**  
ELAW Attorney

## Panelists: Legal Strategy for Challenging Coal Projects



**NICOLE  
LOSER**

Legal Consultant,  
Natural Justice



**BRANDON  
ABDINOR**

Climate Advocacy  
Lawyer, Centre for  
Environmental Rights



**MICHELLE  
SITHOLE**

Pollution and Climate  
Change Attorney, Centre  
for Environmental Rights



**NTOMBI  
MAPHOSA**

Pollution and Climate  
Change Attorney, Centre  
for Environmental Rights

In the second session, public interest lawyers from South Africa shared reflections on their legal challenges to new oil and gas projects, both on and offshore. Melissa provided an overview of the surge in new oil and gas development applications in Southern Africa in the past three years, including applications for seismic blasting in supporting exploration, applications for offshore drilling, applications for exploration and production of onshore gas, and applications for new gas to power plants and powerships. In addition, there are new policies and legislative changes underway to facilitate and enable a local gas industry for power generation and industrial use to replace coal.

**“Given South Africa’s international climate commitments, as well as advice from the International Energy Agency and the UNFCCC that there can be no new oil and gas fields developed if we are to keep to 1.5 degrees’ warming, public interest lawyers, activists, and coastal communities have been working on new campaigns to challenge this new gas industry,”**

Melissa Fourie

Coastal communities are particularly concerned about the risks these proposed projects pose to their livelihoods, already threatened by climate change. Building on the lessons learned from challenging new coal projects and coastal mining projects, the lawyers reflected on the successes and challenges of their legal strategies.

More than 50 lawyers working in 17 countries attended the sessions, including many working on current cases to help communities speak out against damaging coal, oil, and gas projects.

We are inspired by the fortitude of these advocates and the amazing work taking place across many sectors of society to defend human and environmental rights and hold governments and corporations accountable.

## Panelists: Legal Strategy for Busting Gas Projects



**MELISSA  
GROENINK**

Programme Manager,  
Defending Rights,  
Natural Justice



**WILMIËN  
WICOMB**

Attorney & Lead of  
Land Programme, Legal  
Resources Centre



**GABRIELLE  
KNOTT**

Attorney, Pollution &  
Climate Change, Centre for  
Environmental Rights



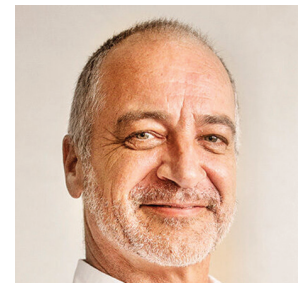
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**NICOLE  
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## ELAW Fellows Program



ELAW Fellow Roger Mavungu Kama (standing) met with Inga community members last year to raise awareness about dams and other large infrastructure projects.

### Q&A with ELAW Fellow Roger Mavungu Kama

Boma, Democratic Republic of Congo (DRC) | January 5 – March 21, 2024

**Roger Mavungu Kama** is an attorney and the Executive Secretary of Congo's Dynamique pour le Droit, la Démocratie et le Développement Durable (Dynamics for Law, Democracy and Sustainable Development, D5/ASBL). His work is in Kongo Central Province, the only province in DRC with an ocean coastline, where the Congo River flows into the Atlantic Ocean.

Roger's organization supports communities that were victims of land grabbing during construction of the Inga 1 and Inga 2 hydroelectric dams, and communities in Muanda on the Atlantic Coast that have legal disputes tied to oil exploitation. D5/ASBL is also tackling plastic waste and developing a network of Congolese lawyers who will defend the environment in Kongo Central Province.

Roger was in Eugene for 10 weeks to collaborate on his work with the ELAW Team and strengthen his English skills through participation in the University of Oregon's American English Institute (AEI) Intensive English Program. Many thanks to AEI for providing Roger with a Janet Hughes Mersereau Scholarship. And thanks to Michael Kresko and Shannon Micheel for serving as Roger's host family.

#### Are the communities you work with concerned about climate change?

Most people in Kongo Central make their living from agriculture. The changing climate is having a big impact on local livelihoods. The problems our communities experience include difficulty finding appropriate times to plant, extreme heat, and torrential rains. All of these are tied to a changing climate.

#### Are you working with communities to protect the climate?

Congo is responsible for only a small amount of global greenhouse emissions, but we still need to help communities adapt to the changing climate and keep fossil fuels in the ground. D5/ASBL raises awareness among communities about the urgency of planting trees. We also discourage slash and burn agriculture, and speak out about the dangers of incinerating plastics. Moving forward, we advocate that Congo move away from fossil fuels and short-sighted large dam projects and embrace truly sustainable solar and wind energy.

#### What did you accomplish during your ELAW Fellowship?

I worked with ELAW's Law, Science, and Defending Defenders Teams, and other experts, on a full range of environmental topics. We discussed the environmental impacts of hydroelectric dams, realistic approaches to waste management, and how to help communities understand the true environmental and human costs of proposed projects. For example, communities near the Inga 1 and Inga 2 dams were removed from their ancestral lands without compensation.

ELAW provided guidance on legal tools for seeking justice and how to assess the environmental impacts of large dams, as well as gas exploitation, and gas flaring.

The Defending Defenders Team provided orientation on keeping my team members safe, including international mechanisms that protect human rights.



ELAW Fellow Roger Mavungu Kama with his host family (left to right): Shannon Micheel, son Aidan, Michael Kresko.

**"My ELAW Fellowship was an opportunity to gain practical skills to help myself and my team challenge short-sighted exploitation of natural resources and protect the environment in Kongo Central Province."**

Roger Mavungu Kama

## Inside ELAW

### The ELAW Science Team is Growing

We are pleased to welcome two new additions to the ELAW Science Team. Drs. Fernanda Salinas and Bree Yednock will work from their homes in Santiago, Chile, and on the Oregon Coast, respectively.



Dr. Fernanda Salinas

#### **Dr. Fernanda Salinas** Ecology

Fernanda brings experience with environmental impact assessment in Chile and a passion for informing environmental decision-making with sound science. She holds a doctorate in ecology and evolutionary biology and a degree in environmental biology from the University of Chile, where she also lectured. Fernanda collaborated with ELAW partners at the Fiscalía del Medio Ambiente (FIMA) for years, serving as an expert witness in cases involving biodiversity, climate change, public health, and paleontological heritage in a broad range of ecosystems, including wetlands, forests, and coastal and marine environments.

#### **Dr. Bree Yednock** Marine Ecology

Bree brings experience in marine and coastal ecosystem assessment, research, and protection. She managed the South Slough National Estuarine Research Reserve on the southern Oregon Coast, where she worked on habitat conservation, biodiversity assessment, and research and monitoring of climate impacts on the coastal environment. Bree holds a doctorate in environmental and evolutionary biology from the University of Louisiana, a master's in coastal, marine, and wetland studies from Coastal Carolina University, and a bachelor's in environmental studies from the University of Oregon. She has testified before Oregon's legislature and worked closely with attorneys on legislative reform.

ELAW's Science Team provides multi-disciplinary assistance to ELAW partners, including critiquing environmental impact assessments, submitting expert testimony to courts, helping partners educate communities, developing environmental monitoring systems, and recommending sustainable solutions.

We are thrilled to have new skills and expertise on our team to advance our collaboration with partners in more than 80 countries to defend communities and ecosystems.



Dr. Bree Yednock





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## Support Climate Defenders Around the World

Communities around the world are stepping up to demand climate justice and chart a path to a livable future.

Please consider making a gift today to support ELAW's work with advocates around the world to defend communities and the climate. 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](http://elaw.org/give) to make a tax-deductible gift.