



# ELAW

SPRING 2025

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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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# Protecting Fresh Water



Aerial view of the Cobre Panamá copper mine in the rainforest in Panama's Donoso District. PHOTO: Dr. Gilles Wendling

*We all need clean fresh water, but poor waste management, polluting mines, destruction of watersheds, and much more are leading to contaminated water supplies and water shortages around the world.*

*ELAW is working with grassroots leaders around the world to help citizens speak out for the human right to clean fresh water. We are pleased to share the following examples of our work protecting rivers and groundwater in Panama, Guatemala, Pakistan, and Kenya.*

## Panama: Protecting Communities & Water Supplies from a Polluting Mine

Cobre Panamá, a sprawling open-pit copper mine in a rainforest 12 miles from the Caribbean, in Panama's Donoso District, threatens critical water supplies. ELAW has worked for years with partners at Centro de Incidencia Ambiental Panamá (CIAM) to protect communities and hold polluters accountable.

In 2009, CIAM filed a lawsuit before Panama's Supreme Court of Justice, challenging the legitimacy of the original mining concession, which was awarded in 1997. CIAM contended that the concession was granted without a public tender, rendering it illegal. This legal challenge set the stage for subsequent judicial scrutiny.

In 2017, the Supreme Court ruled the mining concession unconstitutional but allowed operations to continue in a state of legal uncertainty. In 2023, public demonstrations brought tens of thousands of protesters to the streets.

In November 2023, the Supreme Court declared Law 406 of October 20, 2023, unconstitutional. This law approved the mining concession contract between the State and Minera Panamá, S.A.

This unanimous decision led to the closure of the Cobre Panamá mine.

Last November, ELAW Science Program Director Dr. Mark Chernaik and ELAW Scientist Dr. Gilles Wendling traveled to Panama to participate in a public event that drew 150 participants to commemorate the court ruling.

Dr. Wendling toured the mine by helicopter before the event and took photos. At the event, Drs. Wendling and Chernaik presented their findings, showing that the company operating the mine is failing to ensure the stability of the vast tailings impoundment and failing to prevent acid mine drainage, which could imperil surface waters for many kilometers downstream.

With mining suspended for over 15 months, Panama is now at a crossroads. Should Panama change the law and allow mining to resume, or close the mine permanently, requiring the company to develop and follow a detailed mine reclamation plan?

ELAW is helping partners in Panama demonstrate that if Panama wants to protect water resources and biodiversity, remediation of the mine should begin now.

(Protecting Fresh Water CONTINUED ON PAGE 2)



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## Protecting Fresh Water



Alejandra Serrano, ELAW Attorney, presents at the “Strengthening Capacity for Community Water Quality Monitoring” binational workshop.

### Clean Water for Guatemala & Honduras

The highly polluted Motagua River flows from the Guatemalan highlands to the Caribbean Sea. Household waste, industrial waste, and untreated sewage are dumped into the Motagua, resulting in serious environmental and public health problems across the Motagua River Basin.

Some of the municipalities most impacted by the contaminated water are near the mouth of the river in Amates, Puerto Barrios, and Morales, Guatemala, and along the coast of Omoa, Honduras.

ELAW has worked for years with the Environmental Law Institute of Honduras (IDAMHO) and the Alianza de Derecho Ambiental y Agua (Environmental Law and Water Alliance, ADA2) to address the contamination and protect the Mesoamerican Reef from the effects of pollutants discharged from the river into the sea.

Last November, ELAW Attorney Alejandra Serrano joined ELAW Scientist Dr. Meche Lu in Puerto Barrios for the “Strengthening Capacity for Community Water Quality Monitoring” binational workshop, hosted by Agua Nuestro Derecho (Water, Our Right, AND).

Dozens of community members participated, including Hondurans from nearby border communities. ADA2 joined ELAW and partners at IDAMHO and the Interamerican Association for Environmental Defense (AIDA) to help workshop participants strategize on protecting regional water supplies.

“Participants shared the challenges they face in protecting their human rights to water and sanitation, and how they advocate in their communities to advance these rights,” says Alejandra.

The workshop is an activity of the AND Motagua Working Group, which has been working for two years to evaluate strategies and alliances for the health of the Motagua River, the communities that depend on it, and the Mesoamerican Reef.

Many thanks to the Summit Foundation for supporting this work!



Solid waste litters the banks of the Motagua River.



Red line maps the path of the Motagua River.

## Protecting Fresh Water



A Sindh High Court Officer visited the affected site on directions to prepare a report.

### Pakistan: Protecting Community Water in the Thar Desert

Communities in Pakistan's Thar Desert region in Sindh province face tremendous challenges accessing the water they need for personal use and crops. The growing population puts stress on limited water supplies. Meanwhile, recently excavated large-scale lignite mines further threaten the availability of clean water. Lignite is one of the dirtiest forms of coal.

Dr. Mark Chernaik, ELAW Science Program Director, interpreted water quality data collected in June 2022 from Sinjhara, a village in Tharparkar district near the Thar coalfields.

Dr. Chernaik reported: "All of the drinking water samples were unfit for human consumption due to elevated levels of selenium, arsenic, mercury, chromium, and lead. The baseline data suggested that excessive levels of these toxic metals are associated with coal activities in the Thar."

Based on this water quality data, ELAW partners at the Alliance for Climate Justice and Clean Energy in Pakistan filed a lawsuit in the Sindh High Court seeking justice for communities suffering from contaminated groundwater.

In September 2024, the Sindh High Court ordered the lignite mining and power companies, and government agencies, to ensure compliance with water quality standards and the recommendations of a site inspection report that asked companies to "redress the grievances of the local communities on humanitarian grounds at the earliest possible time."

ELAW partners Syed Ghazenfur and Asad Farooq said ELAW's assistance proved consequential in the final order by the Sindh High Court. "The mining and power companies denied any pollution of underground water aquifers, and the environmental regulator supported this," says Syed. "Dr. Chernaik's analysis proved them wrong."

ELAW continues to work with its partners in Pakistan as they seek to ensure that the court order is enforced, water is cleaned up, and justice is served.

**"The mining and power companies denied any pollution of underground water aquifers, and the environmental regulator supported this. Dr. Chernaik's analysis proved them wrong."**

Syed Ghazenfur



## Protecting Fresh Water



ELAW partners in Kenya join community members and petitioners impacted by oil development in Turkana County.

### Kenya: Protecting Water in Turkana County

In Kenya, there are ambitions to exploit oil reserves in the South Lokichar Basin in Turkana County, a semi-arid region formerly called the Rift Valley Province. Oil in the Basin is so heavy that it is a wax at ambient temperatures and can only be exploited by constructing a network of heated pipelines.

One such project is proposed by Tullow Kenya B.V, a subsidiary of Tullow Oil based in the UK, for developing the Turkana Oil Field. “Project Oil Kenya” would extract 120,000 barrels of oil per day at its peak capacity.

In addition to the climate threat from carbon emissions, the project imperils water supplies in Turkana County, including groundwater and ephemeral streams that flow only when it rains, and for a short time after.

ELAW Scientists Drs. Gilles Wendling and Dr. Mark Chernaik worked with ELAW partner Anthony Mulekyo to review the project's environmental and social impact assessment, detailing its deficiencies concerning climate impacts and groundwater supplies.

Anthony is Lead Counsel at Mulekyo Company Advocates, based in Nairobi, where he works with Damaris Mumbua. They teamed up with John Mwariri at Kituo Cha Sheria (Legal Advice Centre), to represent Kituo, an NGO that serves marginalized communities in Kenya. They used ELAW's scientific expertise to build a case filed in the Lodwar Environment and Land Court against Tullow Oil and the government.

The lawsuit states that starting in 2013, Tullow's oil exploration activities in Turkana County contaminated local water supplies, causing mass die-offs of goats, sheep, and cattle that drank from boreholes near well pads operated by the company. The lawsuit demands that Tullow Oil remediate the contamination, monitor groundwater quality for five years, and compensate residents in Turkana County for the losses they have suffered.

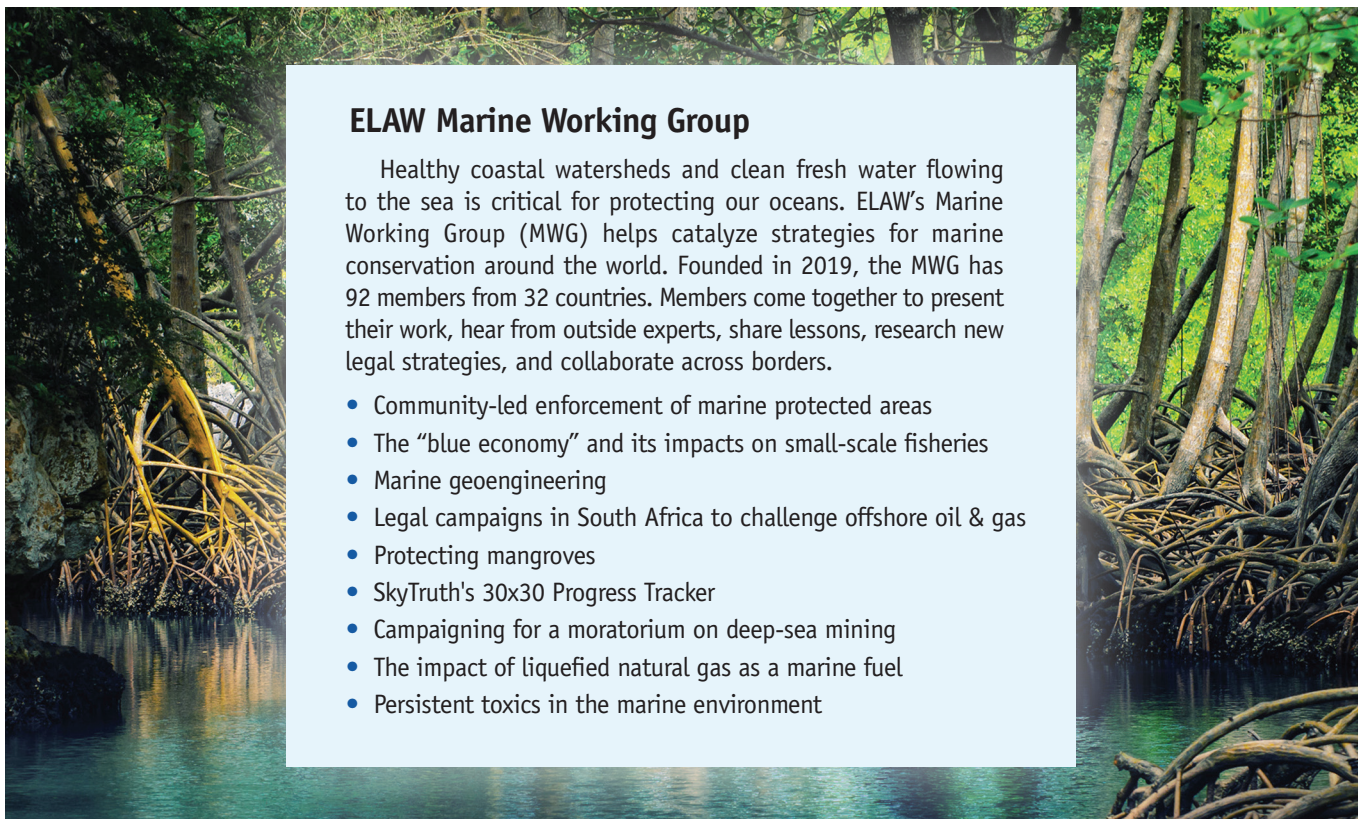
“The poor and marginalized in the Turkana community suffer from an environmental apocalypse,” says Anthony. “These violations of their rights, combined with poverty, spell gloom for future generations.”

The case is set for a pre-trial conference in March 2025.

### ELAW Marine Working Group

Healthy coastal watersheds and clean fresh water flowing to the sea is critical for protecting our oceans. ELAW's Marine Working Group (MWG) helps catalyze strategies for marine conservation around the world. Founded in 2019, the MWG has 92 members from 32 countries. Members come together to present their work, hear from outside experts, share lessons, research new legal strategies, and collaborate across borders.

- Community-led enforcement of marine protected areas
- The “blue economy” and its impacts on small-scale fisheries
- Marine geoengineering
- Legal campaigns in South Africa to challenge offshore oil & gas
- Protecting mangroves
- SkyTruth's 30x30 Progress Tracker
- Campaigning for a moratorium on deep-sea mining
- The impact of liquefied natural gas as a marine fuel
- Persistent toxics in the marine environment





## Protecting Fresh Water

### The Human Right to Water

By Alejandra Serrano Pavón



Water is a basic necessity for life, yet safeguarding and managing water supplies remain among the world's greatest challenges. According to the United Nations, 2.1 billion people lack access to safe, readily available water at home, and 4.5 billion people lack access to facilities that allow for safe disposal of human waste.

On the international level, the human right to safe drinking water was first recognized in 2010 as part of international law by the United Nations General Assembly and the Human Rights Council. Unfortunately, many countries have not recognized this basic human right or established adequate legal frameworks to enforce it.

For many years, ELAW has worked with partners to protect this human right. We have helped partners take cases to court, advocate for recognition at the constitutional level, promote better standards for the protection of human and ecosystem health, and more. For example, in Mexico, we helped advance improved water discharge standards that now protect waterways in karst areas of the Yucatan Peninsula.

In 2019, the Agua Nuestro Derecho alliance (Water, Our Right, AND) was launched in Mexico. In 2021, it was expanded to include partners in Latin America and the Caribbean. AND brings

together citizens, academics, and civil society organizations committed to recognizing and defending the human rights to water, sanitation, and a healthy environment. AND's goal is for the human rights to water and a healthy environment to be guaranteed in the legal framework of each participating member's country, and for the protection of these rights to be achieved through active participation of citizens. AND members work to communicate, educate, and advocate for best practices and legislation that protect these human rights.

Last November, I joined ELAW Scientist Dr. Meche Lu in Puerto Barrios, Guatemala, at a citizen workshop hosted by AND for community members from Guatemala and nearby border communities in Honduras. Together, we strategized on protecting regional water supplies (see related report, page 2).

Everyone needs clean water. We must all work together to ensure that the right to water is recognized and protected so that everyone has access to the water they need.

**"AND's goal is for the human rights to water and a healthy environment to be guaranteed in the legal framework of each participating member's country, and for the protection of these rights to be achieved through active participation of citizens."**

Alejandra Serrano Pavón



*ELAW Attorney Alejandra Serrano Pavón brings expertise on marine and coastal legal issues to the Law Team, with an emphasis on the Mesoamerican Reef region. She is based in Mexico.*



## ELAW Global Exchange Fellow Samadhi Hansani



Samadhi Hansani (center) with BELA lawyers at the Supreme Court of Bangladesh.

We are pleased to announce our new ELAW “Global Exchange” Fellows Program!

Sri Lankan attorney **Samadhi Hansani** successfully completed our inaugural Global Exchange Fellowship in January. She traveled from Colombo, Sri Lanka, to Dhaka, Bangladesh, and spent two weeks working with ELAW partners at the Bangladesh Environmental Lawyers Association (BELA).

“It was life-changing to be an eyewitness to environmental struggles in Bangladesh and BELA’s impressive work,” said Samadhi, who has served as Legal Officer at the Centre for Environmental Justice (CEJ) since 2021.

An ELAW Global Exchange Fellowship makes it possible for ELAW partners to visit each other’s offices, share experiences, build alliances, and strengthen work to protect communities and the environment through law.

BELA’s Acting Chief Executive, Taslima Islam, worked closely with Samadhi and ELAW to create a program to meet Samadhi’s needs.

Samadhi’s Fellowship began with participation in BELA’s annual review and planning meeting, joining more than 40 BELA officials from all eight divisions.

“Our team enjoyed learning about CEJ’s work,” said Taslima, who assigned team members to accompany Samadhi and engage in discussions about BELA’s legal strategies and dozens of legal cases.

Samadhi had an insightful tour of critical environmental areas in and around Dhaka. She learned about pressing urban issues, including air, water, river, and industrial pollution, and protecting parks and playgrounds. She also saw unauthorized housing projects, including Modhumoti Model Town, the site of a major BELA court victory defeating land grabbers and protecting flood zones and wetlands.

Her visits along the Buriganga and Bongshi rivers and surrounding canals enriched her understanding of BELA’s legal battles to protect rivers and wetlands. She also visited the nearby district of Manikganj to tour the Prackritic Krishi sustainable farm operation.

In Sylhet, a city in eastern Bangladesh renowned for its tea gardens, hills, and tropical forests, Samadhi participated in a public hearing with community members, government officials, NGOs, media representatives, and legal experts discussing the challenges of hill cutting. During the event, she had the opportunity to address the audience, sharing insights from Sri Lanka and the legal framework used in Sri Lanka to tackle similar problems.

She also visited unauthorized stone-crushing units and the Jafong (Dawki-Piain) River, an Ecologically Critical Area, where she gained valuable perspectives from BELA team members on their ongoing efforts to combat destructive environmental activities.

Finally, she visited the Supreme Court of Bangladesh. “This was a highlight,” said Samadhi, describing the valuable opportunity to learn about the country’s judicial system, its structure, and current cases. Before heading home, she had an opportunity to meet Syeda Rizwana Hasan, who now serves as an advisor to the Interim Government of Bangladesh for the Ministry of Environment, Forest & Climate Change and Ministry of Water Resources.

“In the year ahead, I hope to foster collaboration between CEJ and BELA to address critical issues, including plastic pollution, elephant deaths, sand mining, air pollution, deforestation, wetland conservation, river protection, and more,” said Samadhi.

Many thanks to BELA for hosting Samadhi. And thanks to Arcadia and Oceankind for making this Global Exchange Fellowship possible.

**“I will use the knowledge gained from the Global Exchange Fellowship to contribute to the conservation of nature in Sri Lanka.”**

Samadhi Hansani



## Inside ELAW

### Bern Johnson Wins 2025 David Brower Lifetime Achievement Award

Bern Johnson, ELAW Executive Director, was presented with the 2025 David Brower Lifetime Achievement Award at this year's Public Interest Environmental Law Conference. The award is presented to activists and attorneys who exemplify the spirit and accomplishments of Brower, one of the most important environmentalists of the second half of the 20th century. Brower served as Executive Director of the Sierra Club from 1952-1969 and won many victories protecting iconic U.S. landscapes before globalizing his focus and founding Friends of the Earth, which has become a force for good all over the world.

"In 1991, Bern left his law practice in Seattle and took a leap of faith that ELAW, then just a twinkle in the eye of the founders, would also become a global force for good," says Lori Maddox, ELAW Associate Director. "Over the last 34 years, ELAW has flourished thanks to Bern's leadership, calm hand, and the easy rapport he has with colleagues all over the world. Like Brower, Bern embodies vision, flexibility, creativity and kindness. We're fortunate to work with him!"

Congratulations Bern!



Bern enjoys floating the John Day River with his daughters Tatum (right) and Harper.



Paige Teron



Sara Wideman

### 2025 ELAW Interns

The Defending Defenders Team is pleased to have the support of two dedicated Canadian law student interns this academic term, from January to April. The Defenders Program is an excellent place for law students to learn and contribute.

**Paige Teron** and **Sara Wideman** are in the final term of a combined degree program with a law degree from the Hillary Rodham Clinton School of Law at Swansea University in Wales and a bachelor's in global development from Trent University in Ontario, Canada.

Paige and Sara are interning with ELAW as part of Trent University's global justice and human rights program. Before their work at ELAW, each received academic awards, including recognition for extensive work on the Miscarriage of Justice Project at Swansea University Law Clinic. Paige and Sara previously completed research to support projects on the intersectionality of international environmental human rights, climate justice, and international criminal matters.

Through their internship with ELAW, these students learn from the work of public interest lawyers and their Indigenous, land, and environmental defender clients who are fighting to secure a clean, healthy, and sustainable environment for all. They also see how powerful economic and political interests attempt to silence defenders through criminalization, stigmatization, surveillance, harassment, and threats, including specious criminal charges and civil actions (strategic lawsuits against public participation—SLAPP suits).

Most exciting for the students is the chance to collaborate with the Defenders Team to respond to requests from ELAW partners by providing direct legal support, information, and strategic advice. The student interns are making a valuable contribution to the Defenders Team. At the same time, the Defenders Team is helping cultivate the next generation of lawyers to carry the work forward to protect human rights and the environment.

We are pleased to welcome Paige and Sara to the team!





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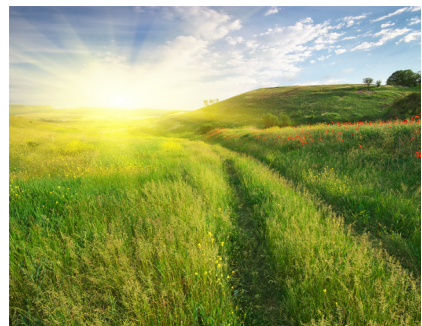


## Pressing Forward with Determination and Hope

Every day, we are inspired by the determination and courage of grassroots advocates we work with in more than 80 countries around the world.

We stand in solidarity with our partners who are working in difficult and dangerous settings. Public interest lawyers play a key role in holding governments and corporations accountable. ELAW is proud to work with these lawyers to help win cases, advance human rights and environmental protections, and overcome threats they face due to their advocacy.

Please consider making a gift to ELAW today to help us respond quickly when our partners call on us to help protect fresh water, defend key ecosystems, and chart a path to a brighter future.



## 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.