



# ELAW advocate

AUTUMN 2021

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## Protecting Our Ocean



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PRINTED BY: QSL PRINTING

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More than 70 percent of the Earth's surface is covered with a continuous body of salt water. Our ocean and related seas, gulfs, and bays are endangered by human activities. Pollution, over-fishing, unsustainable aquaculture, oil drilling, high levels of mercury, sea temperature rise, and more threaten what scientists calculate to be 97 percent of Earth's water supply.

ELAW is working with grassroots advocates and coastal communities around the world to protect ocean ecosystems for future generations. The following are some examples of our work in Ecuador, Colombia, Spain, the Philippines, and Egypt.

### Ecuador: Saving Mangroves

Mangrove forests in estuaries on Ecuador's Pacific coast have come under siege from aquaculture development, including shrimp farming. These salt-tolerant shrubs and trees provide habitat for thousands of species, protect communities and coastlines from tsunamis and extreme weather events, and work to sequester and store carbon, to combat climate change.

"Mangroves are so important in Ecuador that the Constitution calls for their highest protection," says Ecuadorian attorney and 2019 ELAW Fellow Hugo Echeverría.

In 1991, Ecuador adopted a policy that only local, sustainable activities were allowed in mangrove areas. The results were positive, and areas degraded by industry were restored. (CONTINUED ON PG.2)

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**"The ocean provides half of the oxygen that we breathe and plays a huge role in regulating the global climate. Its health and sustainable use are of critical importance to every being on this planet, regardless of how near or far one lives from the coastline."**

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Dr. Melissa Garren, ELAW Scientist

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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.

The ELAW Advocate is a publication of ELAW U.S. and does not represent the views of ELAW partners around the world.

# Protecting Our Ocean



**Ecuador: Saving Mangroves (CONTINUED)**

But in 2018, a new environmental law (Código Orgánico del Ambiente) included a provision that allowed agroindustry back into mangrove areas. “This was in spite of the Constitution calling for highest protection of mangroves, and our Constitution recognizing the Rights of Nature,” says Hugo.

A Quito-based NGO, Coordinadora de Organizaciones para la Defensa de la Naturaleza y el Medio Ambiente (CEDENMA) challenged the new law in a petition to the Constitutional Court. Hugo submitted an amicus curiae brief this year, detailing how the new law violates provisions in Ecuador’s Constitution to protect mangroves and Rights of Nature. The new law also violates the principle of non-regression, included in the Constitution, which means constitutional protections cannot be weakened.

“Rights of Nature are constitutional rights in Ecuador, so the application of the non-regression principle can be extended to this emerging area, to protect mangroves,” says Hugo. “If mangroves win, it will be the first time that the principle of non-regression, a human rights’ principle, is extended to nature.”

Hugo says his 2019 ELAW Fellowship and engagement with ELAW’s Marine Working Group inspired and motivated him to submit the amicus brief. The case is pending.



Hugo Echeverría



[mangroves.elaw.org](http://mangroves.elaw.org)

Visit ELAW’s Mangrove Science Database, a global resource for lawyers and other professionals who are interested in the value of mangroves and their conservation.

**"If mangroves win, it will be the first time that the principle of non-regression, a human rights’ principle, is extended to nature."**

Hugo Echeverría, attorney and 2019 ELAW Fellow

# Protecting Our Ocean



## Colombia: Protecting Communities and Fisheries from Offshore Oil Development

Communities in Colombia are concerned about plans for offshore oil development. “Most projects are in the exploration phase, so there is still time to avoid environmental damage,” says Ana Lucía Maya-Aguirre, Director, Observatorio para la Gobernanza Marino Costera (Observatory for Marine and Coastal Governance).

Ana was a 2012 ELAW Fellow and says the experience changed her life. “The Fellowship allowed me to learn English and open my mind to different experiences of protecting the environment around the world.”

In 2016, Ana landed a Fulbright Scholarship and earned a master’s degree in environmental and energy law from Tulane University. She is active in the ELAW Marine Working Group, where she learned about the experience of other ELAW partners challenging offshore oil abuses in the Caribbean. This motivated her to research regulations and current contracts for offshore oil along Colombia’s Caribbean coast, to help communities understand the impacts.

“The damage to marine ecosystems can be severe, even irreversible,” she said. “There can be damage to fauna and flora, alteration of sediment in the water column, effects on marine acoustics, and more.”

In Colombia, regulations are weak, authorities are permissive with developers, and access to information is a challenge. Ana has requested information from environmental authorities on environmental impact assessments and licenses for ongoing oil development projects, but the information is slow in coming.

“This information is public and should be easily accessible to the community,” she says.

ELAW is working with Ana to fill the information gap. In the months ahead, Ana will share her research through virtual workshops with community members, academics, and civil society organizations seeking to have their voices heard in decision-making processes tied to current oil licenses and future oil concessions.

### Protecting Coastal Communities from the Changing Climate

In November 2020, category 4 Hurricane Iota destroyed most of Colombia’s Providencia Island, making it one of the worst and strongest cyclones to impact Colombia. Ana is working with organizations that

support vulnerable communities seeking environmental justice as part of the plan to rebuild after the disaster through a case filed before the Tribunal of the Island. Local communities want to ensure that the government response respects their way of life and considers the changing climate.

ELAW attorneys Alejandra Serrano and Carlos Soria provided Ana with case law from around the world requiring governments to consult and involve communities in disaster response and reconstruction plans, and facilitate access to disaster relief from international organizations. Ana used this information in an amicus brief to the tribunal. The amicus addressed the vulnerability of communities that inhabit the coastal and insular territory in Colombia in the face of a changing climate, and the consequent need for reinforced protections based on environmental justice.

The case is pending selection for review by the Constitutional Court.



Ana Lucía Maya-Aguirre conducted workshops for the La Barra community (above) on the Pacific coast about fisheries management and mangrove protection. She says she drew inspiration from ELAW’s Marine Working Group to promote “ocean literacy” in this artisanal fishing community. “We are building bridges between traditional knowledge and marine science to protect coastal ecosystems,” she says.

## Spain: Protecting the Mar Menor

The Mar Menor is the largest lagoon on Spain’s Mediterranean coast. It was prized for its clear waters until tourism expanded massively in the 1970’s. The Canal del Estacio was opened for large boats to pass through, and a sand bar called La Manga, that separates the salty lagoon from the Mediterranean Sea, was covered with buildings. Mar Menor now has more marinas per square kilometer than anywhere on the Spanish Mediterranean. Meanwhile, agricultural operations are washing water contaminated with fertilizers and pesticides into the lagoon and aquifers, causing eutrophication.

“It is an ecological disaster,” says ELAW partner Eduardo Salazar. Eduardo is working with Pacto por el Mar Menor and other Spanish NGOs on a criminal case to hold powerful agricultural companies accountable. The companies desalinate water before using it in irrigated fields, but the ecological impacts of the desalination process are unclear.

The judge in the criminal case called for an ecotoxicology report on the impact of desalination plants on groundwater and the use of pesticides near the lagoon. Eduardo called on ELAW to help him review the report, to shed light on its strengths as well as opportunities to better assess the scope of damages. While the initial report assessed the damages caused to the Public Hydraulic Domain, its narrow focus excluded the ecological and socio-economic impacts of the damages caused to the Mar Menor. (CONTINUED ON PG.4)

# Protecting Our Ocean



La Manga in Mar Menor

Fish kill in Mar Menor

## Spain: Protecting the Mar Menor (CONTINUED)

“ELAW’s insight was crucial,” says ELAW partner Eduardo Salazar. “It helped me realize we needed to take a different approach.” Work to clean up the Mar Menor is challenging. “There are many stakeholders with economic interests, and politicians have sowed confusion about the source of the pollutants,” says Eduardo.

Together with his colleagues, Eduardo is working on initiatives to enforce current EU laws designed to protect the Mar Menor, drafting stronger laws, and seeking public access to environmental information. He is also promoting a popular legal initiative seeking “Rights of Nature” for the Mar Menor. “If this advances, the Mar Menor will be the first ecosystem in Europe with this recognition,” says Eduardo.

## Philippines: Taking on Red Tide

Red Tide, a type of harmful algal bloom (HAB), is a chronic problem in the Philippines. ELAW partners at the Philippine Earth Justice Center, Inc. (PEJC) are taking on this menace which causes massive fish kills and threatens the health and safety of marine species and human consumers.

PEJC first became concerned when they saw frequent Shellfish Bulletins posted on the Bureau of Fisheries and Aquatic Resources’ (BFAR) Facebook page warning residents not to buy, sell, harvest, or eat shellfish. “Many of the incidents occur in the Eastern Visayas Region, specifically in areas surrounding the Carigara Bay in Leyte, leading up to the Biliran Strait, and in Maqueda Bay and Samar Sea,” says Kristine Joy Argallon, PEJC’s Litigation and Advocacy Officer. “We were alarmed,” she says.

Dangerous levels of paralytic shellfish poison (PSP) is what prompted the BFAR alerts. PSP is a naturally occurring marine biotoxin that is produced by some species of microscopic algae. Shellfish eat the algae and can retain the PSP. The Washington State Department of Health states: “People can become ill from eating shellfish contaminated with PSP ... This biotoxin affects the nervous system and paralyzes muscles, thus the term “paralytic” shellfish poison. High levels of Paralytic Shellfish Poison can cause severe illness and death.”

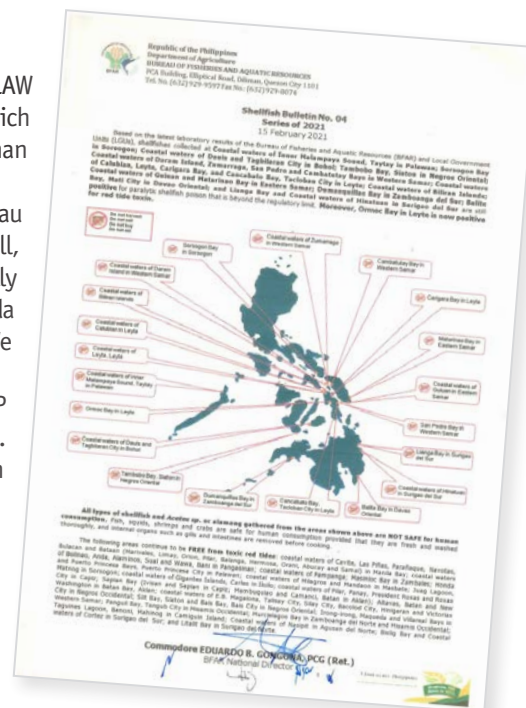
“If Red Tides are not addressed, the lives and livelihoods of many people are at stake,” says Joy.

In April, ELAW Scientist Dr. Melissa Garren reviewed current scientific literature and provided PEJC with extensive information on HABs. “A key take-home message is that reducing nutrient pollution is critical to mitigating and managing the impact, frequency, and duration of HAB events,” says Melissa.

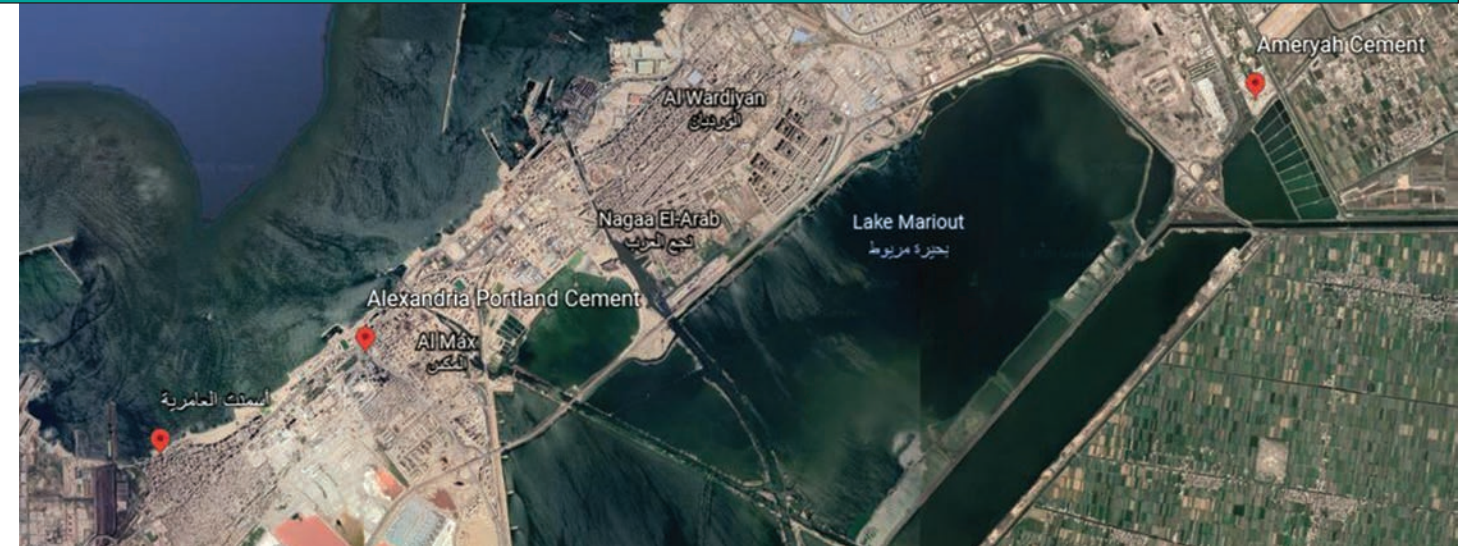
BFAR had suggested the events were naturally occurring, but the scientific literature shows otherwise.

PEJC is using the information in follow up meetings with government representatives and researchers to determine whether a lack of sewage treatment and other pollution controls are a source of the problem. Effluent from aquaculture farms is one suspect, as are river systems that feed into Carigara Bay with high residential populations and lack of pollution controls.

We will keep you informed of PEJC’s work protecting fragile marine areas from Red Tide.



A BFAR Shellfish Bulletin from February warns residents not to buy, sell, harvest, or eat shellfish.



Cement companies and other industrial facilities line Lake Mariout.

## Egypt: Protecting Lake Mariout & the Mediterranean Sea

ELAW is working with partners in Egypt to clean up Lake Mariout, a brackish lake near the city of Alexandria. Lake Mariout feeds into the Mediterranean Sea via the El Max pumping station in the northwest delta of the Nile River. The pumping station is part of the wastewater disposal system in Egypt. Overflow waters from Lake Mariout also feed into the Mediterranean through the Al Max Bay which is lined with many factories.

“All industrial untreated wastewater goes to the sea through this lake,” says Ahmed ElSeidi of ElSeidi Law Firm.

While doing research on a case to protect Alexandria’s waterfront, Ahmed was surprised to learn that fishermen had been complaining since 2015 about pollution in Lake Mariout. Pollutants from pesticides and fertilizers in agricultural runoff, as well as wastewater from cement factories, petrochemical facilities, hospitals, gas stations, homes, and more contaminate the lake and consequently the Mediterranean Sea.

“It’s a persistent threat to public health and there has been a severe decline in catch of sea bass and bream, a critical source of income for local communities,” says Ahmed.

Ahmed called on ELAW for help. ELAW Law Associate Anya Mintz provided decisions from courts in other countries that help explain that the environmental impact assessment (EIA) process is critical to protecting the constitutional right to a healthy environment. ELAW staff are continuing to provide other support.

ElSeidi Law Firm has since called on many of Egypt’s public ministries, agencies, and water regulators to ensure that polluting operations that line Lake Mariout and El Max Bay are held accountable. They submitted documents seeking information about licenses to dispense liquid waste and results of wastewater testing and filed two lawsuits.

While the lawsuits are pending, Ahmed shared news of his progress: “We made sure, officially, that these factories were not issued any licenses to dump liquid waste into the lake. Violations were issued against many of them!”

Congratulations Ahmed and ElSeidi Law Firm for your good work protecting Lake Mariout and the Mediterranean Sea.

## Marine Working Group



Two years ago, ELAW launched the Marine Working Group (MWG) to facilitate the work of ELAW partners and elevate the profile of legal strategies for marine conservation around the world.

We are now more than 65 advocates strong, representing 25 countries.

MWG partners are challenging water pollution in the Mediterranean Sea; cleaning up rivers that are dumping plastic, industrial pollution, and sewage waste into the coastal waters of Liberia; creating opportunities for fisherwomen in Costa Rica; building inspiring examples of coastal restoration in Canada; and more. (CONTINUED ON PG.6)

**“We collaborate on an enormous range of issues. In India our partners are addressing sea level rise and the threats of climate change to communities living in the Sundarbans. In Guyana, they are challenging offshore oil extraction. In Colombia, they are strengthening the connections between ocean protection and human rights.”**

Alejandra Serrano, ELAW Attorney

# Protecting Our Ocean

## Marine Working Group (CONTINUED)

ELAW Attorney Alejandra Serrano and ELAW Staff Scientist Dr. Heidi Weiskel are MWG Co-facilitators.

The MWG gathers online, every month. Participants learn from each other and from other experts in the field. The following are a few examples of recent meetings.

### Cartagena Convention (April 29)

The MWG hosted Christopher Corbin and Ileana Lopez from the Cartagena Convention Secretariat. They spoke about opportunities to improve water quality and protect biodiversity in the Caribbean. They were joined by Dr. Darryl Banjoo, Institute of Marine Affairs, Cartagena Regional Activity Center for Land Based Protocols, and Fadilah Ali, Gulf and Caribbean Fisheries Institute.



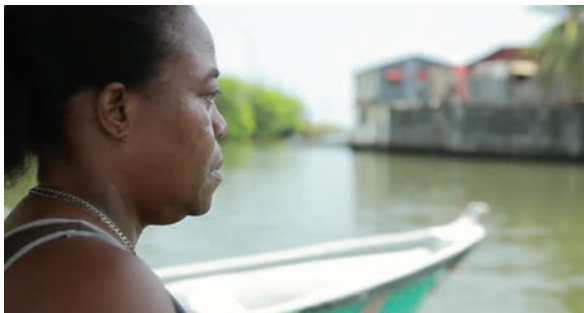
### Closing Loopholes to Protect Clean Water (June 24)

The MWG hosted David Henkin, a senior attorney in the Mid-Pacific Office of Earthjustice. In April 2020, David secured a landmark decision from the United States Supreme Court, which affirmed that the Clean Water Act regulates discharges of pollutants that travel through groundwater before reaching surface waters such as the ocean, rivers, and lakes. David shared details of his case, and then participants strategized on combatting sewage and industrial pollution in coastal zones in their home countries.

## World Ocean Day 2021

ELAW Marine Working Group partners celebrated World Ocean Day 2021 with video vignettes of their inspired and challenging work in Costa Rica, Canada, Spain, Liberia, Colombia, Guyana, and India.

Enjoy the videos here: [elaw.org/reflecting-world-ocean-day](http://elaw.org/reflecting-world-ocean-day)

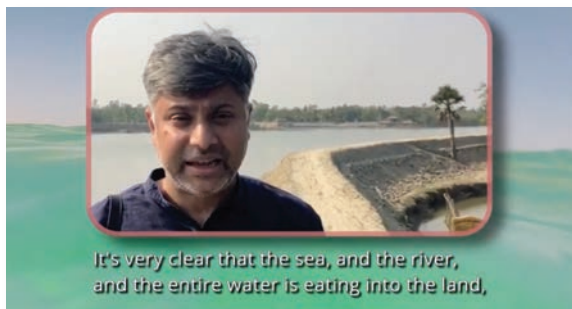


"Here, there is only the sea to provide work. What would we do without the fish?" From "Un Mar de Mujeres (A Sea of Women)," **Costa Rica**



Liberia's Atlantic Ocean is being polluted on a daily basis

Untreated wastewater and refuse flows into the ocean from an open canal through Sonewein, Central Monrovia, **Liberia**. Green Advocates International is campaigning for wastewater treatment and proper disposal of plastic and other waste, and hazardous substances.



It's very clear that the sea, and the river, and the entire water is eating into the land,

**India's** Sundarbans is a mangrove area in the delta formed by the confluence of the Ganges, Brahmaputra, and Meghna Rivers in the Bay of Bengal. Communities here are scrambling to save their homes and livelihoods from sea level rise. "Because of the rapid change happening over the last 10 years, the very presence of humans in this landscape is doubtful," says Ritwick Dutta, Legal Initiative for Forest and Environment.



"**Guyana** cannot cope with the effects of climate change. As sea level rises, no sea wall is going to stop the mighty Atlantic from covering Guyana's coast," says Melinda Janki who is challenging offshore oil development and helped file the region's first climate case.

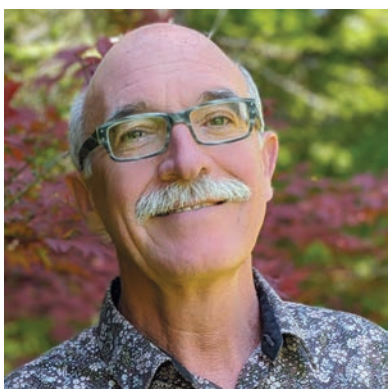
## Inside ELAW



Photo by Anya Mintz



Maria Generosa "Genee" Mislang-Tomboc



Dr. Gilles Wendling

### Two Lawyers and a Scientist Join the ELAW Team

ELAW is growing our team and diversifying our areas of expertise to better support community advocates around the world in their work. We are pleased to welcome Anya, Genee, and Gilles! Their skills and experience will help protect communities from the impacts of extractive industries, including oil and gas development, coal mining, and plastic production and disposal. All of our new colleagues also bring language skills to expand our capacity to collaborate with lawyers in their own languages.

#### **Anya Mintz** Law Associate

Anya supports the legal team in providing assistance to environmental and human rights advocates around the world. She holds a J.D. from Vanderbilt University and has practiced environmental law as a clerk at the Environmental Protection Agency, and international humanitarian and human rights law with Global Rights Compliance and the Irish Centre for Human Rights. While at Vanderbilt, she worked with Vanderbilt's International Practice Lab to create an evidence collection and prosecution primer for the crime of genocide, and with the Vanderbilt Immigration Practice Clinic to obtain humanitarian relief for unaccompanied alien children. She is also a published poet.

#### **Maria Generosa "Genee" Mislang-Tomboc** Staff Attorney

Genee collaborates with lawyers around the world. She brings years of experience as a lawyer representing communities in the Philippines to her work with ELAW. Genee worked for nearly 20 years at Tanggol Kalikasan (Defense of Nature) providing legal services to fisherfolk, farmers, upland dwellers, urban poor, and Indigenous peoples. She conducted paralegal trainings and environmental legal education for communities, law enforcement, judges, prosecutors, and more. In 2018, she was named National Coordinator at the Alternative Law Groups. She received both a Bachelor of Science in physics and a Juris Doctor degree from the Ateneo de Manila University. She also earned a Master of Laws (LL.M.) in Public Service Law from New York University School of Law. Genee has taught Environment and Natural Resources Law at Ateneo de Manila School of Law for many years.

#### **Dr. Gilles Wendling** Scientist on contract

Gilles grew up in France where he earned a degree in geotechnical engineering from Grenoble University. He received his Master's (Geotechnics) and Ph.D. (Hydrogeology) from the Ecole Polytechnique, University of Montreal, Canada. He consulted in western and northern Canada for the mining and petroleum industries, addressing groundwater contamination associated with their activities. He then shifted from working for parties responsible for water contamination to protecting aquifers and watersheds. In 2005, he started his own firm, GW Solutions, specializing in watershed protection. Gilles predominantly works with First Nations, supporting them as they assert their rights through the UN Declaration on the Rights of Indigenous Peoples, and other mechanisms. He is co-author of "Canada's Groundwater Resources," (Rivera et al., 2013) and an advisor for Living Lakes Canada.

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## ELAW Receives 100/100 Score from Charity Navigator for Accountability and Transparency

**"The exceptional charities on this list execute their missions in a fiscally responsible way while adhering to good governance and other best practices. Less than one percent of the thousands of charities rated by Charity Navigator have earned perfect scores."**

Charity Navigator

We are proud that ELAW has received this recognition for good governance practices and transparent and effective financial management! ELAW's model leverages a relatively small budget and staff into a very high level of positive and vitally important impact in the world.

Please consider a gift to help ELAW collaborate with partners around the world to protect coastal and marine ecosystems and elevate communities' work to chart a brighter future.

**Jim Offel**

Chair of ELAW Governance Committee, Supporter for 28 years

**Scott Pope**

Chair of ELAW Finance Committee, Supporter for 16 years

### THINK GLOBALLY. ACT GLOBALLY.



Charity Navigator and GuideStar give ELAW their highest rating for financial management, accountability, and transparency. To make a gift to ELAW, please visit [elaw.org/give](http://elaw.org/give) or use the enclosed envelope. Please contact Karen Guillory, ELAW Outreach Coordinator, with any questions.

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