



# ELAW advocate

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## Protecting the Planet Through Law

**ELAW collaborates with public interest lawyers around the world to protect communities and the environment.** The environmental and human rights lawyers ELAW works with are committed local advocates who are addressing complicated problems through work with local communities that can include litigation, law reform, and other advocacy. "These lawyers can call on ELAW's legal team to access decisions from courts in other countries, international court decisions that support novel legal arguments, and inspiration from their colleagues' victories in other parts of the world," says **Jennifer Gleason, Law Program Director.**

### The Law Team

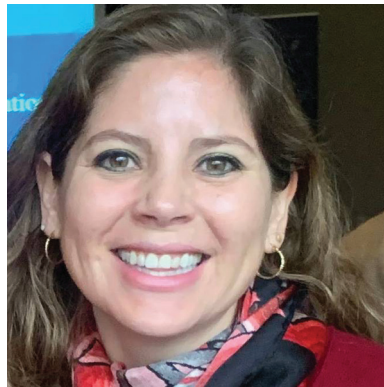
ELAW has assembled a passionate and skilled team of nine lawyers with diverse legal experience and training, and an impressive span of language skills. Most of the lawyers on ELAW's law team previously worked with local NGOs and have a deep understanding of the challenges our partners face and how ELAW can help.

ELAW Attorneys learn from the work of our partners around the world and help share that learning across borders. The team brings lawyers together across jurisdictions to develop new legal strategies to tackle complex problems, such as climate change, and provides legal research to support these developing areas of law. "Environmental problems cross national boundaries," says Jennifer. "When lawyers can work together across borders, proposed solutions are stronger."

Grassroots lawyers call on ELAW Attorneys to share strong and innovative legal provisions from other jurisdictions and to connect them with lawyers doing similar work in other countries. For example, ELAW Attorney **Alejandra "Ale" Serrano Pavón** is working with lawyers in Belize, Colombia, Guatemala, Honduras, Mexico, and Nicaragua to improve the legal framework for water quality in the coastal regions and defend the human right to water and sanitation. "We strengthen the work of local partners by connecting them to each other and sharing strong laws from other jurisdictions," Ale says.

**"We strengthen the work of local partners by connecting them to each other and sharing strong laws from other jurisdictions."**

"Ale" Serrano Pavón  
ELAW Attorney



### The Plastic Peril

Environmental problems are complex, and complex problems can require an innovative, multi-pronged approach. The law team is supporting lawyers around the world who are addressing complex problems associated with plastic manufacture, use, trade, and disposal. ELAW Attorneys review laws, policies, and court decisions from around the world to stay informed about new legal innovations and document the growing trend in banning plastic. This learning is shared in English, French, and Spanish on ELAW's Plastic Law website that helps lawyers new to the issue quickly learn about plastic laws and understand where legal action can have the greatest impact.

**Bernard Ngalim** is leading work with partners in Africa to address plastic and other environmental and human rights issues by encouraging cross-border cooperation on law reform and more. (CONTINUED ON PAGE 2)

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.

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**The Plastic Peril** (CONTINUED)

*“Our partners complain that corporations are flooding Africa with single-use plastic, piling up as waste, and creating so many problems. Governments and communities are left with waste that will last forever. Lawyers across the continent are learning more about the plastic problem and standing up to stop this injustice and help communities address the problem.”*

Bernard Ngalim, Africa Law Associate

ELAW Attorney **Maria Generosa “Genee” Mislang-Tomboc** is collaborating with lawyers in Asia to share lessons, identify strategic legal approaches, and learn whether certain proposed solutions, such as biodegradable plastic, are true solutions. Genee and others at ELAW worked with lawyers representing Oceana, Filipino youth, fisherfolk, lawmakers, NGOs, and others who asked a court to require the National Solid Waste Management Commission and state agencies to fulfill their mandates, to reduce plastic pollution at its source, and to ban single-use plastics in the Philippines. ELAW Attorneys shared waste laws from other countries with the lawyers developing the case in the Philippines.

Law Associate **Anya Mintz** is working with lawyers to engage in a new treaty negotiation process launched by the United Nations Environment Assembly (UNEA) to address the plastic pollution problem by 2024. Anya recently hosted discussions with the Center for International Environmental Law (CIEL) and ELAW partners challenging plastics in their home countries to connect the domestic work with parallel efforts at the international level.

“The number of governments banning single-use plastic products and packaging is growing fast,” says Anya. “It is great that UNEA recognizes the problems created across the lifecycle of plastic, from production, manufacture, and transport to use and disposal of single-use plastics. We hope UNEA will draw on strong laws around the world to craft a strong treaty.”



Maria Generosa “Genee” Mislang-Tomboc

**Keep It In The Ground**

The law team is also collaborating with lawyers around the world working with local communities to keep fossil fuels in the ground and convince governments to address climate change. ELAW also supports partners who are defending communities unjustly suffering from the push for renewable energy and development of new technologies.

Judges are prepared to remedy injustice, but the issues before them are novel and complex. When called on by local lawyers, ELAW Attorneys can share decisions from



Liz Mitchell

courts in other jurisdictions that demonstrate how another court, faced with similar issues, addressed the situation. By sharing court decisions across borders, we provide lawyers with decisions

that support their arguments when local courts have not yet addressed the issue.

Local lawyers are experts in their own laws and they know best what is appropriate to share with their courts, but receiving decisions from courts in other countries can provide arguments they need, or new inspiration for their work.

In addition, when ELAW knows of important international law or relevant decisions from courts in other countries, we may choose to file amicus curiae briefs directly with the court. **Pedro León Gutiérrez**, Law Program Associate Director, is often working on expert reports and “friend of the court” briefs that help inform the judiciary about international legal trends and influential cases. Pedro led the drafting of a submission to the Constitutional Court of Ecuador explaining that the foreseeable change in conditions that led to an oil spill should not be characterized as an “Act of God” that would absolve the oil company of any responsibility for cleanup.

**Liz Mitchell**, ELAW Attorney, also works on amicus briefs and helps partners understand the impact of foreign



## Through Law

investment contracts and treaties that govern petroleum and mineral extraction, and often directly undermine environmental and human rights laws. Liz prepared a guide for lawyers and community members new to these contracts and also keeps tabs on worldwide developments in environmental impact assessment law, another key tool for lawyers and communities fighting to keep fossil fuels in the ground.



ELAW Attorney Érick Kassongo joined the law team in June. He works to support lawyers around the world, particularly in sub-Saharan Africa.

**Érick Kassongo** knows firsthand, having worked with local communities in the Democratic Republic of Congo, that addressing climate change as a global issue in its mitigation or adaptation aspects can have unintended consequences,

particularly in less developed countries. In the era of energy transition, the promotion of renewable energy can be accompanied by serious violations of laws guaranteeing the right to a clean environment and proposals for unsustainable energy projects including large hydroelectricity or the mining of strategic minerals such as lithium, coltan, cobalt, and other resources.



Jennifer Gleason

including two websites: ELAW Coal Litigation Strategies and ELAW Climate Litigation Strategies.

ELAW sits in a unique position, hearing from lawyers in approximately 80 countries about their legal victories. ELAW partners are eager for news about legal advances, and the law team shares these in the online ELAW Digest.

**Letícia Soares Peixoto Aleixo** is the newest addition to the law team. Letícia is already sharing information about important decisions from courts in her home country of Brazil in the ELAW Digest, including a recent decision from the Supreme Court recognizing that environmental treaties are human rights treaties and that climate change is a constitutional matter in Brazil, falling under the right to an ecologically balanced environment.



*"ELAW started with a small group of public interest lawyers from around the world. They were facing similar challenges in their work protecting communities and the environment, and realized the value of sharing their experiences and expertise. Creating spaces to bring lawyers*

*together and connecting lawyers with one another remains an essential part of our work."*

Pedro León Gutiérrez, Law Program Associate Director

Finally, and perhaps most importantly, ELAW creates spaces where lawyers around the world come together to work on issues important in their region, or to address topics common to lawyers worldwide. For example, Ale helps convene ELAW's Marine Working Group which brings together lawyers to discuss emerging issues and develop new approaches to protect the marine environment. Genee and Bernard are convening regional meetings to address plastic pollution in Asia and Africa respectively. These conversations spark new initiatives and create lasting partnerships between lawyers working on similar issues miles apart.

The law team's work keeps growing, along with the work of grassroots lawyers across the globe. The law team is growing to meet the demand. We are pleased to be able to offer support from a team of nine lawyers that bring diverse skills and experience to their work.



*"I am enjoying learning how lawyers around the world are protecting the environment and strategizing about how we can build on each other's work. It is a pleasure to share my experience in Brazil and learn about how lawyers address these issues elsewhere."*

Letícia Soares Peixoto Aleixo, ELAW Attorney

## Q&A with ELAW Fellow

Macuxi lawyer **Ivo Cípio Aureliano** lived in Eugene for 10 weeks this summer. He collaborated with ELAW staff and other experts to advance his work protecting the rights of Indigenous peoples in the Brazilian Amazon. He also studied English at the University of Oregon's American English Institute (AEI). Ivo's ELAW Fellowship was funded by generous support from the Gordon and Betty Moore Foundation and a Janet Hughes Mersereau Scholarship provided by AEI. Many thanks to Lauren Herbert, Kenny Watkins, Magnus Persmark, and Rosie Hammond for sharing their homes with Ivo through the ELAW Host Family Program.



Ivo (on left) with Joe Scott, Takelma/Siletz, Traditional Ecological Inquiry Program.

### **Q. Who are the Macuxi and what is their relationship to the Brazilian Amazon?**

The Macuxi are the Indigenous people who live in the border region between Brazil, Guyana, and Venezuela. Most Macuxi live in the Brazilian State of Roraima in the northern part of the Amazon. Approximately 50,000 Macuxi are living on their traditional lands.

Our relation to the Brazilian Amazon is not only physical, but also spiritual. It is our home and where we get everything we need to live. We cannot imagine the forest without us because we have been living here for centuries without destroying the forest. Now, those seeking to exploit natural resources are threatening our lands. We must protect these lands for current and future generations. And we understand that protecting the land is important not only for us, but for all humans on the planet.

### **Q. When did you become a lawyer, and why?**

I became a Lawyer in 2018. Before then, I volunteered at one of the Indigenous organizations in Boa Vista. I saw the difficulty that Indigenous people had asserting their basic rights. I realized that if I studied law, I could be of more help. After I graduated, I worked as a legal advisor at Conselho Indígena de Roraima (Indigenous Council of Roraima, CIR). Now I have bigger challenges – to defend Indigenous rights at all levels, including the Federal Prosecutor's Office, the Supreme Court of Brazil, and the United Nations High Commissioner for Human Rights. Defending Indigenous rights in Brazil is very difficult work.

### **Q. What is CIR?**

CIR is one of the oldest Indigenous organizations in Brazil. It was founded in 1971. Today, CIR works with more than 300 Indigenous communities from all tribes in the State of Roraima, totaling more than 70,000 people. I provide training and capacity building for new leaders and try to be a role model for Indigenous youth as they stand up for their rights.

### **Q. What are the biggest challenges facing the Macuxi?**

Our biggest challenge is stopping invasions by illegal miners. These outsiders pose a serious threat to the well-being of our community.

### **Q. Why did you come to Eugene as an ELAW Fellow?**

I wanted to work closely with ELAW's experts, especially to learn about the impact of mining and dams on Indigenous lands around the world. I also wanted to exchange experiences with other lawyers in the ELAW network. Finally, I wanted to improve my English, to better participate in international discussions and defend the human rights of Indigenous peoples at the global level.

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**"Our relation to the Brazilian Amazon is not only physical, but also spiritual. It is our home, where we get everything we need to live. We cannot imagine the forest without us."**



# Law Ivo Cípio Aurelino



Ivo (second from left) and University of Oregon Professor Howard Arnett (left) meet with Laurie Jordan and Rob Lothrop (right), staff attorneys at the Columbia River Inter-Tribal Fish Commission (CRITFC) They are standing in front of the flags of the four tribes that comprise CRITFC: Warm Springs, Yakama, Umatilla, and Nez Perce.

**“The biggest problem facing our communities is land rights,” says Ivo, who notes that mining operations of international companies pose enormous problems for local communities. Ivo has defended Indigenous peoples’ rights before Brazil’s Supreme Court.**

**Q. *What activities have you participated in?***

I traveled to Portland, Oregon, and met with the Columbia River Inter-Tribal Fish Commission. I learned about the negative impacts that dams have made on local tribes and their way of life, and how these Indigenous people have been facing those challenges. I learned about their fishing rights and treaties. I also visited the Warm Springs Indian Reservation to learn how they are organized and how they protect their land from fires. Here in Eugene, I met language and culture bearer Joe Scott (Takelma/Siletz), who runs a Traditional Ecological Inquiry Program housed within the Long Tom Watershed Council.

**Q. *Have you visited Oregon's great outdoors?***

Oregon is a beautiful state and Eugene is a wonderful city. I visited the Deschutes National Forest and saw an amazing landscape with forests, rivers, and crystal blue lakes. I’ve hiked in the Cascade Mountains and enjoyed the Oregon Coast. In the Eugene area, I’ve hiked Mt. Pisgah, Spencer Butte, floated down the Willamette River, and visited the Cascades Raptor Center.



# Defending Defenders



ELAW partner Dang Dinh Bach at his appeal hearing on August 11, 2022.

## Defending Defenders Program at ELAW

By Lori Maddox, ELAW Associate Director

Environmental defenders should be applauded and thanked. We should honor the climate protesters, environmental lawyers, journalists, scientists, and people who are protecting their land and striving for justice. Too often, however, environmental defenders are being attacked for their work. Civil society organizations and UN experts tell us that environmental defenders face diverse and numerous threats and violations, including violence, threats to their families, forced disappearances, illegal surveillance, blackmail, sexual harassment, and judicial harassment.

Trends of rising violence and intimidation are affecting ELAW partners too. In June of 2021, police entered the home of a lawyer colleague in Vietnam, confiscated his computer and phones, and arrested him. His wife, parents, and two-week old infant watched in shock as he was taken away. Two weeks passed before he was informed of the charges against him — and nearly eight months passed before he was tried and sentenced to five years in prison. Though he maintains his innocence, his lawyer was not allowed to mount a defense at trial, or at his appeal hearing last month. Fourteen months later, he remains in incommunicado detention, unable to meet, speak, or even receive written communications from his family.

Often, we choose not to publish details of attacks on our partners, erring on the side of caution. Nonetheless, we want our supporters to know this truth: As our partners stand up against powerful interests and stand up for people and the planet, we stand in solidarity with them. This solidarity is mission critical, and woven into the fabric of our work. We know that we and others cannot fully enjoy our rights to life, health, food, water, and housing, without a healthy environment. We are working to defend our partners, build protection strategies and resiliency, and fight back against attempts to silence people who are working for environmental justice.

We are thrilled to welcome Kate Holcombe as Managing Attorney of ELAW's Defending Defenders Program. Kate oversees the Defending Defenders legal strategy at local, regional, and international levels and collaborates with lawyers around the world to support ELAW's partners in need of legal defense. She also works with allies to develop protection resources and comprehensive security strategies to protect ELAW partners.

Prior to joining ELAW, Kate served as the Assistant Director of two human rights initiatives at American University Washington College of Law's Center for Human Rights & Humanitarian Law: the Kovler Project Against Torture and the Impact Litigation Project. She has held positions at Human Rights First, the U.S. Department of Justice, and the Public International Law & Policy Group. She received her B.A. in English from California State University, Chico, her M.A. in EU Public Policy from the University of Kent, and her J.D. from American University Washington College of Law. Welcome Kate!



Kate Holcombe, Managing Attorney of ELAW's Defending Defenders Program.

# Webinars & Online Training

*Webinars and online training play a growing role in ELAW's work to protect communities and ecosystems around the world. We are pleased to share the following recent examples.*



## Legal Strategies for Mitigating Short-Lived Climate Pollutants

The window of time is rapidly diminishing to effectively bend the warming curve that threatens to push our planet toward irreversible climate disaster.

In early July, ELAW welcomed a panel of experts from the Institute for Governance and Sustainable Development (IGSD) to equip litigators working on climate issues with the latest science on the near-term risks posed by self-reinforcing climate feedbacks and irreversible climate tipping points, the role of short-lived climate pollutants (SLCPs) in driving climate change, and the incredible capacity of SLCP reductions to curb dangerous anthropogenic climate change in the short-term while we simultaneously decarbonize.

Panelists included IGSD's President Durwood Zaelke, Chief Scientist Dr. Gabrielle Dreyfus, Paris Office Director and Climate Litigation Program Counsel Maxime Beaugrand, and Senior Policy Analyst Romina Picolotti.

We had an engaging discussion with 34 participants from 15 countries: Belgium, Brazil, Colombia, Estonia, France, Germany, Ghana, Honduras, Ireland, Italy, Mexico, the Netherlands, Nicaragua, the United Kingdom, and the United States.



## Understanding a Fragile Marine Environment

In mid-July, ELAW Staff Scientist Dr. Heidi Weiskel joined a webinar hosted by the Wildlife Conservation Society-India: "Understanding a Fragile Marine Environment." She spoke about the blue economy and an emerging fatalism in marine conservation that she is observing through her work at ELAW. She also presented three marine conservation cases that she has worked on in India: preventing a coal-fired power plant, cleaning up a ship-breaking yard, and halting the proposed development of two fishing harbors.

Dr. Weiskel is a marine ecologist who spent her summers on the islands off the coast of New England. She has a BA from Harvard University, an MS from Tufts University, and a PhD from the University of California, Davis.

## Engagement Toward a Global Plastics Treaty

Negotiations for a global plastics treaty are set to begin in November 2022. While the specific provisions and terms of the treaty will be set by these negotiations through 2024, implementation of the treaty will require strong legislation at the national level.

In August, ELAW was pleased to collaborate with the Center for International Environmental Law (CIEL) to host two discussions about how ELAW partners challenging plastics at the local and national level can learn about, engage in, and inform the work at the international level.

ELAW's Law Team was joined by members of the treaty support team from CIEL: Jane Patton, Campaign Manager for Plastics and Petrochemicals; Rachel Radvany, Program Associate for Plastics; David Azoulay, Director for Environmental Health; and Andrés del Castillo, Senior Attorney for the Environmental Health Program.

This work was made possible through the support of Plastic Solutions Fund, a sponsored project of Rockefeller Philanthropy Advisors.







# ELAW

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## Environmental Law Alliance Worldwide

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Sylvie and Scott Pope.

Please contact Karen Guillory,  
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## Increasing the Impact of Your Giving

You may be able to increase the impact of your charitable giving by donating appreciated securities instead of cash.

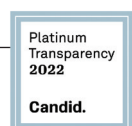
If your assets have appreciated in value, donating securities held for more than one year directly to a charity may allow you to increase the amount of your gift and increase your tax deduction.

It is easy to donate securities — talk to your tax advisor to see if this makes sense for you!

*"Sylvie and I have made some rewarding investments in technology companies, and we have been able to increase our giving by contributing appreciated stocks. We are proud to support ELAW!"*

Scott Pope, ELAW Treasurer

### THINK GLOBALLY. ACT GLOBALLY.



Charity Navigator and Candid 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.