

**ELAW**

AUTUMN 2017

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Protecting the Planet

Protecting the Environment Through Law Across Africa

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The key to our strategy is locating strong advocates who are committed to protecting communities and the environment in their home countries.



PHOTO: CER / James Oatway

Community members protest in front of Pretoria High Court, South Africa (see pg. 3-4).

ELAW's work in Africa began nearly 25 years ago. Since then, we have helped young lawyers in Tanzania, Kenya, Liberia, and Zimbabwe launch their nations' first environmental law organizations, and helped lawyers in 26 nations strengthen or enforce environmental laws to protect the rights of local communities.

ELAW gives its partners the tools and resources they need to protect air, soil, water, and ecosystems, and builds a worldwide corps of skilled advocates working to protect ecosystems and public health for generations to come.

The key to our strategy is locating strong advocates who are committed to protecting communities and the environment in their home countries. By collaborating with these advocates and providing legal and scientific tools, we achieve substantial impact around the globe.

Decades of work building the corps of grassroots advocates in Africa is having a big impact:

Partners in **Liberia** advanced their nation's first framework environmental law, partners in **South Africa** ensured that corporations must share information about pollution, partners in **Kenya** are waging a historic battle to halt what would be East Africa's first coal-fired power plant, partners in **Ghana** are fearlessly standing up to mining industry giants to ensure that natural resource extraction benefits local communities, and a new partner in **Sierra Leone** is launching his nation's first public interest environmental law organization.

Since 1995, ELAW has hosted dozens of Fellows from across the continent, including Fellows this past year from countries new to the ELAW network: **Morocco** and the **Democratic Republic of the Congo**. Earlier this year, 25 grassroots attorneys from 14 African nations participated in the 2017 ELAW Annual International Meeting.

Enjoy the following highlights of our work with partners in Africa.

Protecting the Environment Through Law Across Africa (CONTINUED)

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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 the ELAW U.S. and does not represent the views of ELAW partners around the world.

EDITOR: MAGGIE KEENAN
NEWSLETTER LAYOUT: HELIOS CREATIVE
PRINTED BY: CENTRAL PRINT

USING: **SOY BASED INKS**
UNBLEACHED 100%
POST-CONSUMER
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The Beginning

In 1994, ELAW Staff Attorney Jennifer Gleason took her first outreach trip to Africa to meet with grassroots attorneys and connect them with their colleagues on the continent and around the world. "Environmental law was a nascent, but growing field of public interest law," says Jennifer.

In **Tanzania**, she met Rugemeleza Nshala, a young professor at the University of Dar es Salaam. He worried that critical biodiversity was threatened by those seeking to extract Tanzania's copper, gold, silver, diamonds, gemstones, and natural gas.

Tanzania did not have attorneys focused on environmental issues, so Rugemeleza joined colleagues to launch East Africa's first public interest law firm, the Lawyers' Environmental Action Team (LEAT).

In 1995, Rugemeleza traveled to Eugene to attend the Public Interest Environmental Law Conference (PIELC). During a session run by ELAW Board Member John Bonine, Rugemeleza was surprised to hear himself introduced. John spoke about Tanzania's rich biodiversity and its unique environmental challenges — increased mining, pollution of waterways, poaching, loss of habitat, extreme poverty. And then he passed the hat.

Rugemeleza went home with \$1,600 in startup money.

"We also got funding from the Ford Foundation, and we took it from there," says Rugemeleza. "Our formation inspired the formation of similar organizations in Uganda, Zimbabwe, Liberia, and Kenya."

"The seed that was planted in Tanzania germinated in so many other places."

Rugemeleza Nshala



Rugemeleza Nshala, LEAT founder.

- **Lawyers' Environmental Action Team (LEAT)**, Tanzania
Founded 1994
- **Greenwatch**, Uganda
Founded 1995
- **Green Advocates**, Liberia
Founded 1997
- **Zimbabwe Environmental Law Association (ZELA)**
Founded 2000
- **Institute for Law and Environmental Governance (ILEG)**, Kenya
Founded 2002

“Environmental disasters in Sierra Leone can be attributed to the reckless manner in which the environment is handled. Massive deforestation is taking place as people fight to make ends meet.”

Daniel Johnson
ELAW Partner

Forum for Environmental Advocates, Sierra Leone, founded 2017

In August, more than 1,000 people were killed in a tragic landslide in Sierra Leone.

“It is not time for blame games, but collective effort is needed to save the country,” says ELAW partner Daniel Johnson (Newswatch, August 24, 2017).

In August, Daniel founded a promising new organization to help communities in Sierra Leone protect the nation from unprecedented deforestation, flooding, landslides, and more. The Forum for Environmental Advocates will advocate on behalf of the disadvantaged on issues tied to climate change, ecosystem management, protected areas, biodiversity, deforestation, and human rights.

“Environmental disasters in Sierra Leone can be attributed to the reckless manner in which the environment is handled,” says Daniel. “Massive deforestation is taking place as people fight to make ends meet.”

Daniel earned his master’s degree this year in International Environmental, Trade and Investment Law at American University’s Washington College of Law. His professor, ELAW Board Member David Hunter, encouraged Daniel to attend ELAW’s 2017 Annual International Meeting.

At this gathering, Daniel was inspired by grassroots advocates from 47 countries who are working with nonprofit organizations in their home countries and winning victories for communities and the environment.

On his return to Sierra Leone, Daniel founded the Forum for Environmental Advocates, the latest in a long line of courageous, smart ELAW partners launching organizations seeking justice and a sustainable future.

Good luck, Daniel!



South Africa: Victory for the Climate

South Africa is extremely vulnerable to climate change. Thanks to the good work of ELAW partners at the Centre for Environmental Rights (CER), the High Court has confirmed that South Africa’s government is required to assess the climate impacts of burning coal before issuing permits for new coal-fired power plants.

CER obtained a landmark decision in March from the North Gauteng Division of the High Court that requires the Minister of Environmental Affairs to reconsider the environmental authorization issued for the Thabametsi coal-fired power plant, and directs the Minister to consider climate impacts in evaluating proposed projects. The judgment is relevant for all future coal-fired power stations and other projects with potential significant climate impacts.

CER and Earthlife Africa Johannesburg worked closely with ELAW staff lawyers and staff scientists to reveal the staggering greenhouse gas emissions that would

be emitted should the Thabametsi coal-fired power plant move forward. Their analysis was submitted as comments on the proposed plant’s climate change impact assessment.

“The Department of Environmental Affairs could be giving the go-ahead for what will be one of the most greenhouse gas emission intensive coal-fired power stations, not only in South Africa, but in the world,” reports CER.

This climate change impact assessment, the first of its kind for a coal-fired power station in South Africa, looked – not only at the project’s anticipated greenhouse gas emissions – but also at the power station’s own resilience to the impacts of climate change, including the impact of the proposed power station on water supplies. Despite CER’s recommendations, the assessment has not adequately considered how the Thabametsi power station will exacerbate the impacts of climate change for the communities in the area where the plant will be based, and for the environment. The Minister’s decision is pending. (CONTINUED ON PG. 4)

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Protecting the Environment

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REPUBLIC OF
THE CONGO

EGYPT

EQUATORIAL
GUINEA

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REPUBLIC OF
THE CONGO

SIERRA LEONE

SOUTH AFRICA

SWAZILAND

TANZANIA

TOGO

UGANDA

ZAMBIA

ZIMBABWE

South Africa (CONTINUED FROM PG. 3)

"Thabametsi's climate change impact assessment shows that water availability and deteriorating water quality in the already water-stressed Lephalale area pose a high risk to the power station's operation over its intended 30 year lifespan, especially because planned industrial expansion in the area will make water increasingly scarce," reports CER.

ELAW will continue to support CER and its partners as they work to discourage investment in new coal-fired power stations and mines, accelerate the retirement of South Africa's coal infrastructure, and enable a just transition to renewable energy systems for the people of South Africa.

**"This powerful decision sends a message around the world:
we can't authorize burning more coal without first examining the
climate impacts of burning that coal. This case should help move
us past coal and protect the climate."**

Jennifer Gleason, ELAW Staff Attorney

Protecting Communities in Democratic Republic of the Congo



Erick Kassongo (left) in Kipushi, Katanga, DRC.

The Democratic Republic of the Congo (DRC) proposes building an enormous hydropower scheme for the Congo River, known as the Grand Inga. Former plans for the first phase of the project, Inga 3, included a dam and hydroelectric plant at Inga Falls. Inga 3 threatened to displace 30,000 people in seven villages, jeopardize public health, and disrupt local ecosystems.

"Only 15% of Congolese have electricity, but smaller, local plants might be a better solution," says Erick Kassongo at the Congolese Center for Sustainable Development (CODED).

ELAW is working with CODED to inform local communities about Inga 3, what is at stake, and how citizens can make their voices heard. In the year ahead, CODED will hold community workshops to help citizens better understand the potential environmental impacts of hydropower schemes.

In July, Erick met with community members in Matadi and Inga. "They are under constant threat of relocation, without compensation," says Erick. "They want to be involved in decisions about the project, including protection of cemeteries, hills, forests, and fishing grounds."

Through Law Across Africa



(CONTINUED FROM PG. 4)

The original \$14 billion, 4,800 MW project is not expected to begin producing power until 2024 or 2025. That project struggled to attract financing and now a consortium of developers, led by China and Spain, propose a 11,700 MW project all in a single phase. The power is earmarked for South Africa, Congo's mining sector, and domestic distribution.

"We aim for our collaboration to bear lasting fruit," says Erick. "We will provide scientific, legal and sustainable solutions to meet expressed needs, and aim for a more responsible discourse based on universally accepted best practices."

Erick participated in an ELAW Fellowship in Oregon in 2016 and returned to the U.S. in February 2017 for the ELAW Annual International Meeting. This project is the next step in a new partnership between ELAW, CODED, and grassroots leaders in DRC.

“We will provide scientific, legal and sustainable solutions to meet expressed needs, and aim for a more responsible discourse based on universally accepted best practices.”

Erick Kassongo, CODED

Protecting the Environment Through Law Across Africa (CONTINUED)



The central organizers of the first-ever Sustainable Aquaculture Workshop in Dakhla, Morocco: Dr. Samyra Idllalène (in sunglasses), ELAW Staff Scientist Dr. Heidi Weiskel (in red scarf), and the head of Association Assalam, Mr. Cheikh El Mami Ahmed Bazaïd (2nd from left).

Sustainable Aquaculture for Morocco

There are rumors that hundreds of investors are angling to secure leases to develop new aquaculture projects in the Bay of Dakhla, a unique coastal-desert habitat in southern Morocco.

What does sustainable aquaculture mean for coastal residents? What rights do citizens have to determine how their coastlines are used? What projects is Morocco considering? Can Morocco balance growing aquaculture with protecting critical marine environments?

These are just a few of many questions addressed in a community workshop hosted in July by ELAW partner Dr. Samyra Idllalène and the local non-profit organization, Association Assalam.

ELAW Staff Scientist Dr. Heidi Weiskel has worked closely with Dr. Idllalène to understand the environmental risks of aquaculture development and how to ensure sustainable practices. She traveled to Morocco to attend the workshop and share her expertise.

"I described aquaculture projects from the United States, Panama, Scotland, and Bangladesh that offered positive examples and cautionary tales," says Dr. Weiskel.

Part of the Bay of Dakhla is protected by the Ramsar Convention, an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands

and their resources. Commercial developments, such as unsustainable aquaculture operations, are prohibited in Ramsar sites.

"Coastal aquaculture is arriving quickly in Morocco, which presents both risks and opportunities," says Dr. Weiskel. "If aquaculture projects are not properly sited and operated, they can have substantial impacts on nearshore marine habitats, fisheries, and local communities. Moroccans have an opportunity to demand strong environmental protections from their government and the aquaculture industry."

We are proud of the tremendous work and vision of Dr. Idllalène and are eager to continue supporting her efforts in collaboration with Association Assalam. Many thanks to the Paul M. Angell Family Foundation for its support of this important work.



Bay of Dakhla

PHOTO: Wikimedia Commons, Luis Filipe Gaspar

Inside ELAW

Welcome Cleven & Colleen

ELAW welcomes new Board Member **Cleven Mmari** and new Office Manager **Colleen Keane**.

Cleven is the Director of Information Technology Services at the University of Oregon's Division of Student Life. He has worked in higher education IT for 22 years, volunteers with the Network Startup Resource Center, and has conducted IT trainings across Africa and around the world. Cleven has hosted ELAW partners since the mid-90's.



Colleen is dedicated to environmental and social justice. Prior to joining ELAW, she worked for organizations committed to supporting communities and indigenous rights, including Global Greengrants Fund, Pacific Environment, and Alaska Community Action on Toxics. Colleen has a degree in Ecological Studies and is a Certified Clinical Herbalist.

Thank You Pedro

We bid a fond farewell to **Pedro León Gutiérrez** who has worked on contract for ELAW since 2011, providing legal assistance to environmental advocates around the world. Pedro is moving to Washington, D.C. to start a new job at the Independent Consultation and Investigation Mechanism of the Inter-American Development Bank.

ELAW Volunteers

Peggy Dame volunteers in the ELAW Fellows Program. Her winning personality and decades of experience working with thousands of international students at the University of Oregon's American English Institute makes Peggy's contribution invaluable! She communicates with Fellows before they arrive, meets them at the airport, provides orientation to Eugene, helps Fellows develop and practice public presentations, troubleshoots problems, hosts field trips, and tackles challenging requests with grace – such as lining up 10 weeks of public school for two teenagers who accompanied their ELAW Fellow mom to Eugene this spring.

Many thanks to ELAW's summer interns – **Renata Massion, Carmen Saab, Claire Reid Kiss, Gina Rosario, and Tom Allen** – for their hard work and dedication to protecting the environment and human rights!

ELAW's Internship Program helps undergraduate and law students get real world experience by developing skills and furthering ELAW's mission.

For more information about ELAW's Internship and Volunteer Program, please contact Krista Shennum, ELAW Community Liaison, krista@elaw.org.



Summer ELAW Fellow Diana Vasquez (left), Executive Director of the Center for Marine Studies in Honduras, with her husband Oswaldo, daughter Georgina, and ELAW Volunteer Peggy Dame.

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Miriam Aiken



1965

2017

Planned Giving

In 1961, President John F. Kennedy issued an executive order to establish the Peace Corps, to encourage mutual understanding between Americans and people of other nations and cultures. Miriam Aiken grew up in a small town in Ohio and had recently graduated from Bowling Green University in Ohio. She embraced JFK's challenge and in 1965 headed to the Philippines to teach English in a village in Miasmis Oriental, on the north coast of Mindanao.

We appreciate the leadership of ELAW donors like Miriam who choose to include ELAW in estate planning.

With support from people like Miriam, grassroots advocates around the world will be able to protect clean air, clean water, and a healthy planet for generations to come.

You can support ELAW's work connecting communities and protecting the planet with a gift through your will, trust, or life insurance plan.

Thank you, Miriam!

**"I am impressed by ELAW's global impact.
I share ELAW's values and am pleased to contribute."**

Miriam Aiken, Peace Corps Philippines Volunteer, 1965-66

For more information about planned giving, please contact:
Krista Shennum, ELAW Community Liaison, krista@elaw.org



THINK GLOBALLY. ACT GLOBALLY.

Charity Navigator and **GuideStar** give ELAW their highest rating for fiscal management, accountability, and transparency. To support our high impact work defending the environment and human rights in communities around the world visit www.elaw.org/give to make a secure, online gift. Call **Krista Shennum** at **541-687-8454 x105** for more ways you can help ELAW protect the planet.