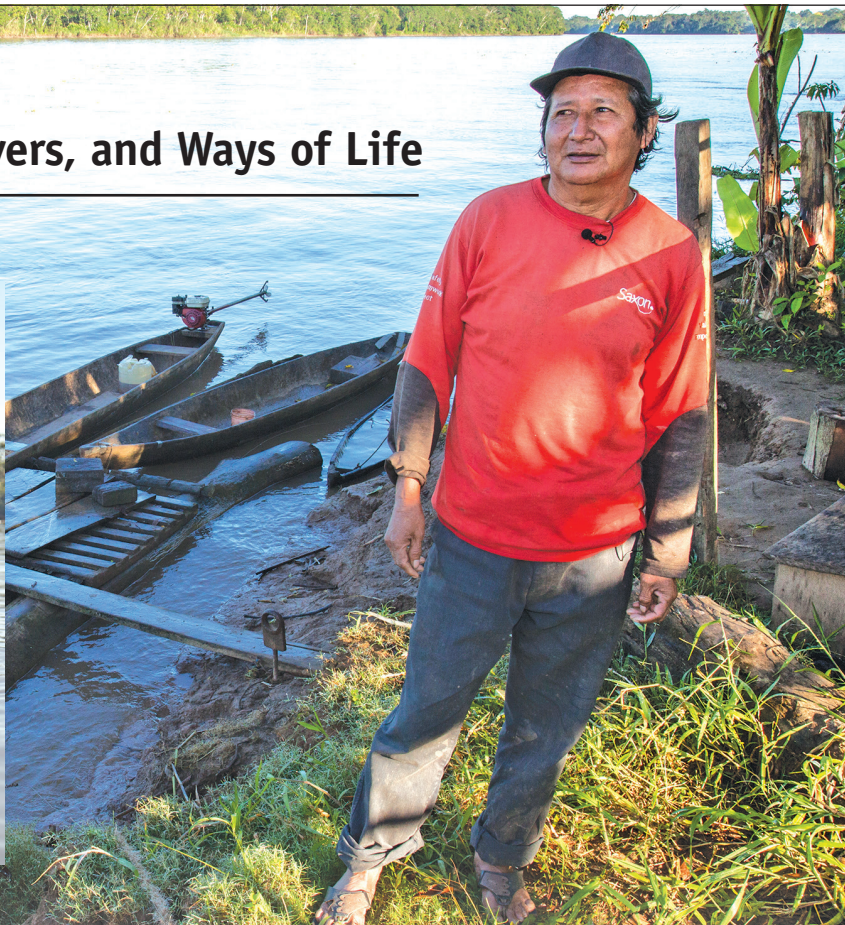


**ELAW**

AUTUMN 2019

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## Peruvian Amazon Defending Human Rights, Rivers, and Ways of Life



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Alfonso Gomez from Santa Isabel fishes in the Huallaga River, in Loreto. PHOTO: R. Mondragon/DAR.

Indigenous peoples in the Peruvian Amazon are concerned that the \$95 million Amazon Waterway Project (Hidrovia Amazónica), proposed by the Peruvian Chinese consortium COHIDRO, will forever change the Amazon River Basin and local ways of life. The project includes dredging the Ucayali, Huallaga, Amazon, and Marañon rivers as part of a regional infrastructure strategy to facilitate international trade with Brazil. Public hearings are now being held, offering the only opportunity for citizens to participate in the environmental impact assessment (EIA) process.

"Dredging and dumping millions of cubic meters of sediments in the rivers could have serious impacts on the ecosystem," says ELAW Staff Scientist Dr. Meche Lu. "The Amazon Basin rivers and rainforests are rich with irreplaceable biodiversity. They are also a vital source of food and water for the local people."

Meche traveled to Peru in June 2019 to share her scientific expertise and raise awareness about the potential impacts of the project. She participated in public events

with local leaders in the capital city, Lima, and traveled to the Amazonian cities of Pucallpa and Iquitos for events hosted by ELAW partners at Derecho, Ambiente y Recursos Naturales (Law, Environment and Natural Resources, DAR) and the indigenous peoples' organizations AIDESEP, ORPIO, CORPI, and ORAU.

Meche was joined by ELAW partner Jingjing Zhang, from the China Accountability Project, who shared her expertise on Chinese law and the Belt and Road Initiative (BRI). The BRI is a global development strategy adopted by the Chinese government involving infrastructure development and investment in 152 countries and international organizations in Asia, Europe, Africa, the Middle East, and the Americas.

Local indigenous organizations representing 424 Amazonian communities in the project area have raised serious concerns about the project.

(CONTINUED ON PGS. 4-5)



## ELAW Fellow: Natasha Lisitcyna

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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.

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### Natasha Lisitcyna

Yuzhno-Sakhalinsk, Russia

June 18 – August 31, 2019

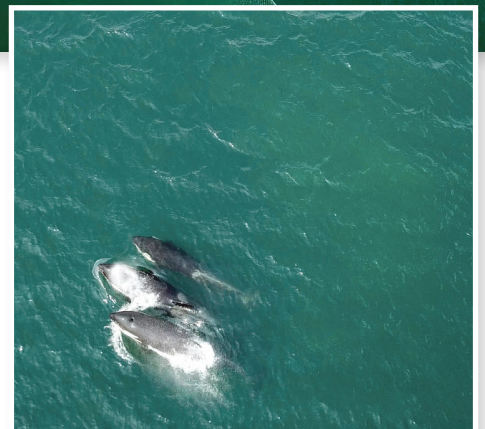
ELAW Fellow **Natasha Lisitcyna** works to defend the unique flora and fauna of the Russian Far East where she is a lawyer at Sakhalin Environment Watch, based in Sakhalin Island. She spent her summer at ELAW collaborating on work to protect killer whales and belugas, defend the Arctic from oil spills, and protect salmon spawning grounds from polluting gold mining operations. She was also a Director's Distinction Scholar at the University of Oregon American English Institute (AEI), where she completed the Intensive English Program.

Sakhalin Environment Watch played a critical role in a recent victory freeing whales from "whale jail" where they were locked up in a scheme to sell whales to China for marine parks.

While Natasha was in Eugene, eight orcas and six beluga whales were freed into the Sea of Okhotsk.

"Two orcas and 81 beluga whales remain in jail," said Natasha. "For the first time, independent observers are monitoring the release process. There is not much time left until winter and there are a lot of belugas. In order to have time to release all the whales this year, the Russian Federal Research Institute for Fisheries and Oceanography (VNIRO) will have to work very hard. We hope everything works out!"

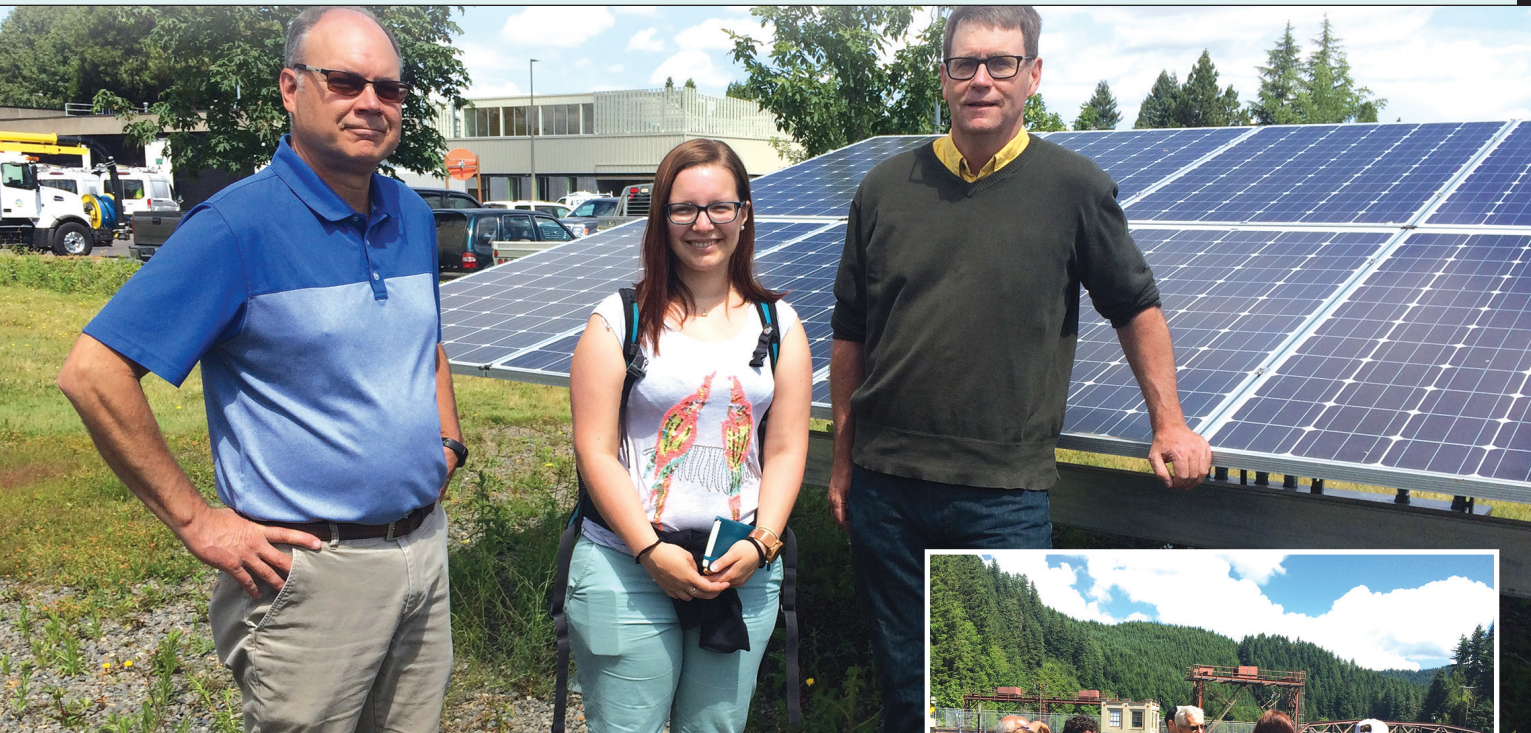
Many thanks to the Trust for Mutual Understanding and AEI for making Natasha's ELAW Fellowship possible. And thanks to ELAW Host Family Ginnie Lo and Paul Nicholson.



Three orcas are transported for release into the Sea of Okhotsk.  
PHOTOS: Greenpeace Russia.



## ELAW Fellow: Laura Haiselova



Laura tours a solar array installed by Advanced Energy Systems (AES) at the Eugene/Springfield wastewater treatment plant with Eric Nill from AES (right) and David Breitenstein, Wastewater Operations Manager for the City of Eugene.

### Laura Haiselova

Brno, Czech Republic

June 16 – July 3, 2019

**Laura Haiselova** is an attorney on the Responsible Energy team at ELAW's partner organization, Frank Bold. Her ELAW Fellowship focused on cleaning up some of Europe's most polluting coal-fired power plants.

Laura began her ELAW Fellowship in New York City, joining ELAW Staff Scientist Dr. Mark Chernaik at the 2019 Institute for Energy Economics and Financial Analysis (IEEFA) Conference. In Eugene, she met one-on-one with ELAW staff lawyers and scientists, presented her work at an ELAW Global Community Conversation, and met with renewable energy experts.

Before heading home, she wrote:

"I have enjoyed every minute of the Fellowship. I have learned so much about the law, economy, science... And most importantly I was very lucky to meet so many great people who reminded me about the bigger picture of the environmental fights that we all share. You all are such a great inspiration and motivation!"

Many thanks to the Trust for Mutual Understanding for making Laura's ELAW Fellowship possible. And thanks to ELAW Host Family Lenny and Susie Feuer, and to Mountain Rose Herbs for supporting Laura's participation in an ELAW Global Community Conversation.

**"I was very lucky to meet so many great people who reminded me about the bigger picture of the environmental fights that we all share. You all are such a great inspiration and motivation!"**

Laura Haiselova  
ELAW Fellow



Laura met with Mike McCann (in orange vest), Electricity Generation Manager, Eugene Water and Electric Board (EWEB), to learn where Eugene's electricity comes from. She then joined ELAW staff and others for a tour of Leaburg Dam (see photo) and the Waltherville Powerhouse.



Laura traveled to Salem, Oregon, for a public hearing at the Public Utility Commission (PUC) and a meeting with PUC staff to discuss decommissioning coal plants and alternative energy. Left to right: Steve Storm, Senior Utility Analyst; ELAW Fellow Laura Haiselova; John Crider, Division Administrator – Energy, Rates Finance and Audit; Jason Eisdorfer, Utility Program Director; Rose Anderson, Senior Utility Analyst; and Natascha Smith, Utility Analyst.



"Dredging and dumping millions of cubic meters of sediments in the rivers could have serious impacts on the ecosystem. The Amazon Basin rivers and rainforests are rich with irreplaceable biodiversity. They are also a vital source of food and water for the local people."

Dr. Meche Lu  
ELAW Staff Scientist

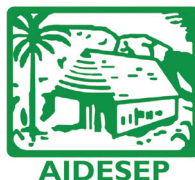
## The Waterway Rivers

*Marañón y Amazonas Rivers, Saramiriza – Iquitos – Santa Rosa section*  
*Huallaga River, Yurimaguas – Marañón confluence section*  
*Ucayali River, Pucallpa – Marañón confluence section*



SOURCE: DAR

"We do not know who will benefit," said Lizardo Cauper, President of La Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP), at a press conference in Lima in June. "Our ancestors, our sages, are worried because the dredging they want to do affects our territory, the Amazon." AIDESEP is the largest indigenous organization in the Peruvian Amazon, representing 1,809 communities throughout the country.



Dr. Meche Lu  
ELAW Staff Scientist

Meche critiqued the project's EIA and identified many flaws:

- More than 50% of the river sediment samples show high levels of arsenic. Other potentially dangerous substances have been found, such as lead, mercury, and oil pollution. The EIA does not assess whether dredging would increase exposure to these substances and what impact that might have on public health and food security. The rivers are home to dozens of species of fish that communities in the project area depend on for food.
- The environmental management plan budget allocates only \$1,500/year to protect aquatic species that will be affected by dredging along the 1,670-mile waterway. The plan is limited to hiring only 13 locals to alert authorities when they see fish migrating along the entire length of the waterway.
- The EIA does not consider the dynamic nature of the rivers, with sedimentation patterns and morphology changing constantly.
- The ecological and social effects of dredging and disposing an estimated 34 million cubic meters of dredged sediments back into the rivers is uncertain over time.
- There is no analysis of impacts on the complex interactions of aquatic and terrestrial species, wetlands, and how this will evolve over the two decades of the project.



# Human Rights, Rivers, and Ways of Life

The proposed project would impact approximately 60,000 people in 424 indigenous communities.

These communities participated in a prior consultation process in 2015, but the agreements made in that process have not been fully honored.

## The indigenous groups represented include:

*Achuar, Asháninka, Awajún, Bora, Capanahua, Kichwa, Kukama Kukamiria, Murui Muinani, Shawi, Shipibo Konibo, Tikuna, Urarina, Yagua y Yine.*

## Protected Areas at Risk

Pacaya-Samiria National Reserve and buffer Zone

Cordillera Azul National Park buffer zone

Tamshiyacu-Tahuayo Communal

Regional Conservation Area buffer zone

Sierra del Divisor Reserved Area



The application for an environmental license for the Amazon Waterway Project is being reviewed by Peru's national environmental licensing agency, SENACE. A decision is expected in late 2019.

ELAW would like to thank DAR for supporting Meche's travel to Peru and work on this project. ELAW would also like to thank EarthRights International for covering Meche's travel expenses.

We will keep you informed of our progress working with partners in Peru to advance sustainable development and promote indigenous rights in the Amazon.



Amazon Basin rivers that would be affected by the proposed Amazon Waterway Project. PHOTOS: R. Mondragon/DAR



## Welcome New Members of the ELAW Team



### **Bernard Ngalim** | Africa Program Fellow

In August, we welcomed a new member to our ELAW legal team. Bernard Ngalim brings many years of legal experience championing human rights in Cameroon and across Africa. His passion is protecting the rights of citizens affected by extractive industries, infrastructure development, and agribusiness. He worked with Forêts et Développement Rural (FODER) to challenge extractive industry abuses in Cameroon and as a pro bono human rights lawyer representing aggrieved workers. He served as a human rights consultant with Africans Rising (Kenya) and the Arch Diocese of Bertoua (Cameroon). He earned a Master of Laws (LLM) specializing in Human Rights at Northeastern University School of Law, a Master of Laws in International Law at Zhongnan University of Economics and Law (China), and a law degree (BA) at the University of Yaounde 2 (Cameroon). He is fluent in English and French.



### **Karen Guillory** | Outreach Coordinator

We were thrilled to work with Karen Guillory to help make our 2019 Annual International Meeting a big success. Now, Karen has joined the ELAW team as Outreach Coordinator. She connects with individuals and local businesses that help ELAW win victories for communities and the environment around the world. She graduated from the University of South Carolina in 2011, where she studied Economics and International Business and worked at the Learning Center for Sustainable Futures. Karen has valuable experience in organizations building a brighter future.



### **Roanne Bank** | ELAW Director

Roanne Bank is a Certified Public Accountant in private practice in Eugene, Oregon, with a focus on tax preparation and consulting for individuals, small businesses, trusts, and estates. She is also co-founder and business manager of Six Degrees Construction Company, which specializes in custom residential projects using sustainable building practices. She previously served on the board of Pacific Rivers Council.



### **Manuela Huso** | ELAW Director

Manuela is a Research Statistician with the US Geological Survey and has a courtesy appointment in the Statistics Department at Oregon State University (OSU). Her research is directed at developing statistical tools to accurately measure the effects of renewable energy development on wildlife and to design experiments to test novel approaches to reduce those impacts. Before joining the USGS, Manuela was a Peace Corps Volunteer in Burkina Faso and the director of a forestry project in eastern Chad, then spent more than 20 years as a consulting statistician in the college of Forestry at OSU.



## Victories in Kenya & India Keeping Coal in the Ground



Dhow race at Lamu, Kenya, during the Mawlid festival. PHOTO: FredD via Wikimedia Commons.

### LAMU, KENYA

#### License Revoked for Coal-Fired Power Plant

In a major victory for communities and the global climate, Kenya's National Environmental Tribunal revoked the license for a Chinese-backed coal-fired power plant, proposed for a UNESCO World Heritage site in Lamu, Kenya.

The June 26, 2019 ruling cited environmental concerns, a faulty environmental impact assessment (EIA), and lack of public participation in the decision making.

"Coal is a dirty, outdated fuel that threatens community health and destroys the climate," says ELAW Staff Attorney Jennifer Gleason. "Corporations and governments want to build and expand coal-fired power plants, but citizens want clean air and a healthy climate. Renewable energy is cheaper and cleaner, and citizen voices are prevailing."

ELAW partners at the Katiba Institute appealed to the five-member Tribunal, representing Save Lamu and working closely with Natural Justice, deCOALonize, and others.

ELAW Staff Scientist Dr. Mark Chernaik and Ernie Niemi, an economist from Natural Resource Economics, Inc., provided expert testimony before the Tribunal about how the EIA for the Lamu coal plant was faulty from scientific and economic perspectives.

"Katiba Institute appreciates its partnership with ELAW in challenging the construction of the coal-fired power plant," writes Christine Nkonge, Katiba Institute's Executive Director.

"We particularly want to thank Jen and Mark for sharing their time and expertise. Due to this partnership, the people of Lamu have successfully defended their rights to livelihood, culture, and a clean and healthy environment."

Congratulations Katiba Institute, Natural Justice, Save Lamu, deCOALonize, and the citizens who made this victory possible.

**"Due to this partnership with ELAW, the people of Lamu have successfully defended their rights to livelihood, culture, and a clean and healthy environment."**

**Christine Nkonge**

Executive Director, Katiba Institute

### RAIGARH, INDIA

#### Coal Mine Expansion on Hold

Residents near coal mines in Raigarh, Chhattisgarh, have spoken out for years about plans to open yet another mine: the proposed Gare Palma Sector II project. Facing strong opposition, the first public hearing scheduled for April 17, 2018 was postponed, and the rescheduled hearing for June 27, 2019 was also postponed.

"At a time when villagers in the district are up in arms against the project, the process of conducting a public hearing was legally challenged," reports The Business Standard (June 29, 2019).

ELAW Staff Scientist Dr. Mark Chernaik worked closely with local partner Shweta Narayan to critique the EIA for the proposed expansion. Community members translated Mark's critique into Hindi and shared it with residents and village councils. ELAW lawyers provided Shweta with cases from other countries in which courts required decision makers to evaluate the impacts of the eventual burning of the coal when permitting coal mines.

The Maharashtra State Power Generation Company Limited (MahaGenCo) was allotted the coal block in 2015 and planned to produce 23.6 million tonne per annum (mtpa) coal from the mine to feed its power plants at Koradi, Chandrapur, and Parli.

Plans for the new mine are on hold as long as the public hearing is not held.



A coal-fired power plant in Chhattisgarh, India. Photo: Shweta Narayan





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*"Being a public interest environmental attorney is demanding, and ELAW's international network is very inspiring, motivating, and an essential connection, especially in challenging times. I get back so much more than I give."*

**Elisabeth Holmes**

Attorney at Blue River Law, P.C. and  
Staff Attorney at Willamette Riverkeeper  
Eugene, OR

We need your help to raise the voices of citizens who are speaking out for communities, ecosystems, and the climate.

ELAW collaborates with partners around the world to defend communities and the environment against powerful interests.

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To extend your support so that we can take on greater challenges, please contact Karen Guillory, at [karen@elaw.org](mailto:karen@elaw.org) or **541.687.8454 x.105** or visit [elaw.org/give](http://elaw.org/give).

Thank you to all of our monthly donors!



*"With all of the environmental injustices in this world, I'm proud to support ELAW in being a champion in helping local communities fight for a sustainable world."*

**Casey Gifford**

Transportation Planner  
Seattle, WA

**THINK GLOBALLY. ACT GLOBALLY.**

