

**ELAW**

SPRING 2019

advocate1412 Pearl Street | Eugene, Oregon 97401 | USA | (541) 687-8454 | elawus@elaw.org | www.elaw.org

Grassroots Advocates Collaborate to Protect the Planet 2019 ELAW Annual International Meeting



In spite of record snowfall the week of the 2019 ELAW Annual Meeting, participants found a dry spot for this group photo.

IN THIS ISSUE:

2019 ELAW Annual International Meeting
(pgs. 1, 4-5)

Victories Around the World
(pgs. 2-3)

ELAW Fellow Issiaga Keita
(pg. 6)

ELAW Fellow Bernis Cunningham
(pg. 7)

We Did It! ELAW Capital Campaign a Success
(pg. 8)

Climate justice, breaking free from plastic, and defending land and environmental defenders took center stage at this year's ELAW Annual International Meeting. More than 80 of the world's leading grassroots advocates from 40 countries gathered in Eugene to replicate victories, gain skills, and collaborate to build a green, sustainable future.

"When we gather, we learn that we are not alone," said Rugemeleza Nshala, Executive Director of the Lawyers' Environmental Action Team (LEAT), based in Dar es Salaam, Tanzania. "We get energized. We are renewed. We are able to soldier on."

Rugemeleza co-founded LEAT 25 years ago. He credits an early ELAW Annual Meeting for giving him the inspiration and support to launch Tanzania's first non-profit organization to protect the environment through law. LEAT has scored lasting victories for Tanzania. Now, Rugemeleza participates in ELAW Annual Meetings to collaborate with colleagues and mentor a new generation of environmental defenders.

"The seed that was planted in Tanzania has germinated in so many other places," says Rugemeleza whose organization co-hosted the 2018 Annual Meeting in Arusha.

ELAW partners traveled from around the globe to collaborate for clean air, clean water, and a healthy planet.

Annual Meeting participants also spoke at the University of Oregon Public Interest Environmental Law Conference (PIELC), where they shared news of inspiring victories (see pgs. 2-3).

"When we gather, we learn that we are not alone. We get energized. We are renewed. We are able to soldier on."

Rugemeleza Nshala
Lawyers' Environmental Action Team

ELAW U.S. Staff

Bern Johnson
Executive Director

Lori Maddox
Associate Director

Mark Chernaik
Staff Scientist

Lien De Brouckere
Attorney

Killian Doherty
Law Associate

Jennifer Gleason
Staff Attorney

Karen Guillory
Program Assistant

Erick Kassongo
Attorney

Colleen Keane
Office Manager

Maggie Keenan
Communications Director

Mercedes Lu
Staff Scientist

Liz Mitchell
Staff Attorney

David Pugh
Web Developer

Alejandra Serrano Pavón
Attorney

Krista Shennum
Community Liaison

Heidi Weiskel
Staff Scientist

ELAW U.S. Board

David Hunter, Chair

Mike Axline

John Bonine

Maxine Burkett

Bill Jaeger

Glenn Miller

Cleven Mmari

Jim Offel

Scott Pope

Amy Shannon

Mick Westrick

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.



Gloucester residents Julie Lyford, Sue Kingston, EDO NSW solicitor Matt Flora, and Pippa Robinson.

Australia: Landmark Coal Victory

In February, the Environmental Defenders Office in New South Wales (EDO NSW) won an enormous victory for communities and the climate. BeomJin Kim, International Program Manager at EDO NSW, shared the victory with the ELAW network:

"Our client, Groundswell Gloucester, received a historic judgment in the Land and Environment Court of New South Wales. The Court refused the proposed Rocky Hill open-cut coal mine project, located in Gloucester, 220 km north of Sydney, saying that the project would be 'in the wrong place at the wrong time'. Wrong time because of its cumulative contribution to climate change at a time when 'rapid and deep' decreases in global GHG emissions are required to meet international targets.

This case will have implications for all new coal projects in Australia and we hope internationally. The judgment is the culmination of the tireless efforts of all those who have campaigned and litigated against coal over the last 20 years - and is a huge victory for us all!"

India: Protecting Communities and the Climate from Coal

Tackling coal-fired power plants and other polluters in India is a serious challenge. According to some estimates, nine of the ten most polluted cities in the world are in India.

ELAW partners in India are working hard to hold polluters accountable and advance clean air solutions, and they are making good progress.

Last year, an enormous coal-fired power station in North Chennai, Tamil Nadu, was closed permanently. The Ennore Power Station was built more than 40 years ago. Now, TANGEDCO, the state-owned utility, has proposed two new 660MW coal-fired power plants as replacements.

ELAW Staff Scientist Dr. Mark Chernaik evaluated the Environmental Impact Assessment (EIA) for one of the replacement plants and interpreted pollutant levels in air and water samples from Ennore, and found serious public health and environmental hazards.

In late December, the Ministry of Environment and Forests rejected the project proponent's request for an extension of the deadline for clearance and asked them to redo all Environmental Impact Assessments, which also includes conducting a base line study of health in the region and a cumulative impact assessment in the 10 km radius of these plants. These projects would also require a fresh public hearing.

Victories Around

"This is the first time an Australian court has refused a coal mine on climate change grounds."

BeomJin Kim

Environmental Defenders Office
in New South Wales (EDO NSW)



Coal-fired pollution.

PHOTO: Amirtharaj Stephen

the World

“Nearly half of the world’s plastic waste is packaging. That means the world’s longest lasting material is used for the shortest duration use.”

Nicky Davies

Program Director,
Plastic Solutions Fund



PHOTO: Wikimedia Commons

We Cannot Recycle Our Way Out of the Plastic Peril

The world is awash in plastic waste. As of 2015, more than seven million metric tons have been produced globally and that figure is expected to double by 2050. Fast moving consumer goods companies are making enormous profits selling their wares, while their single-use plastic packaging is dumped in the global south, in nations with limited capacity to manage the waste.

Research shows plastic is harmful at every stage of its life cycle, from its extraction as a fossil fuel to its widespread use as a packaging for food, and on through the waste-management process.

ELAW is helping partners work to strengthen laws banning the wasteful use of plastic. For example, ELAW partner Laura Palmese wants to end the plastic menace in Roatan Island, a popular tourist destination in Honduras. Laura was an ELAW Fellow in 2013 and toured the Lane County landfill. Reflecting back on her Fellowship, she said “my life changed forever.”

Former Irish President Mary Robinson presented Laura with a 2018 Climate Justice Award for her work tackling plastic waste in Roatan, and Laura participates in the drafting group for a new National Waste Management Law and Policy in Honduras.

ELAW is helping lawyers develop cases to rein in plastic. The High Court in Uganda has recognized the right to a healthy environment requires the elimination of thin plastic bags known locally as *kaveera*. Uganda’s president has directed security forces to enforce a ban on the menacing plastic bags.

Lawyers have been calling on ELAW for help fighting plastic since ELAW began work in 1991 – when a lawyer from Sri Lanka called on ELAW to collaborate to challenge pollution from a plastic manufacturing facility. In recent years, more lawyers are calling on ELAW for help challenging plastic, including crafting laws that limit the use of plastic, bringing cases calling on governments to reduce plastic, and developing legal theories to stop the manufacture of plastic and hold polluters accountable.

We will continue collaborating with partners around the world to pursue law reform and litigation that moves us past plastic. ELAW’s law and science teams are helping ELAW partners learn about the perils of plastic, challenge government inaction, and hold polluters accountable.



Good News for Dolphins in Ukraine

Dolphins are traumatized for entertainment and profit at dolphinariums around the world. ELAW partners at Ukraine’s Environment People Law (EPL) have won a big victory for these charismatic mammals.

In January, Ukraine’s Supreme Court acknowledged that the Government of Ukraine is not adequately protecting wild animals used for entertainment. The court ordered that dolphins, and other Ukraine Red Data Book species, not be used for profit.

“People see dolphins and think they are smiling and feeling good in captivity,” says Olena Kravcheko, EPL Executive Director. “There are 20 dolphinariums in Ukraine that hold at least 60 captive dolphins. They are in small pools of artificial salted water, enslaved by food, and suffering endlessly.”

EPL Scientist Kateryna Polyanska, and EPL lawyers Nataliia Kuts, Olha Melen-Zabramna, and Sofiya Shutiak continue to work on this case and to adopt a national ban on dolphinariums. They are also working on a center to rehabilitate dolphins in captivity, so they can be returned to the wild.

ELAW marine ecologist Dr. Heidi Weiskel and Law Associate Killian Doherty provided EPL with model laws and policies around the world that protect dolphins, and information about banned dolphinariums and the myth of dolphin-assisted therapy.

ELAW partners in Mexico, the Dominican Republic, and Jamaica are also working to protect dolphins. Congratulations EPL!

2019 ELAW Annual International Meeting | Strength in Co

Countries represented
at the 2019
ELAW Annual Meeting

AUSTRALIA
AUSTRIA
BELIZE
BRAZIL
CAMEROON
CANADA
CHILE
COLOMBIA
CONGO-BRAZZAVILLE
DEMOCRATIC REPUBLIC
OF CONGO
GERMANY
GUATEMALA
GUINEA
HONDURAS
HUNGARY
INDIA
INDONESIA
ISRAEL
JAMAICA
JAPAN
KENYA
MEXICO
MONGOLIA
NICARAGUA
NIGERIA
PAKISTAN
PANAMA
PERU
PHILIPPINES
RUSSIA
SENEGAL
SOUTH AFRICA
SRI LANKA
TANZANIA
THAILAND
UGANDA
UKRAINE
UNITED KINGDOM
UNITED STATES
VIETNAM



"When we know about the experience of others, it gives us the courage and energy to keep on with our challenge."

Lottie Cunningham Wren
President

Nicaragua Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN)

"Thank you so much ELAW US for hosting this important conference, to share ideas from different parts of the world, to advance justice... Let us keep the fire burning in this important work of changing the world."

Saitoti Parmelo
Program Director

Association for Law and Advocacy for Pastoralists
Arusha, Tanzania



"Each day was full of knowledge, experience, emotions, and solidarity."

Marco Antonio Lazcano-Sahagun
Director, Environmental Litigation Program
Defensa Ambiental del Noreste (DAN)
Ensenada, Mexico



"I watched with admiration as rooms full of environmental warriors spoke about trying to save the planet. It was dramatic, humbling, and inspiring. I saw no sign whatsoever of giving up. To the contrary, I saw my friends more devoted, more eager, and braver than ever. In my mind, the world has a chance because we are here."

Fernando Ochoa
Executive Director
Defensa Ambiental del Noreste (DAN)
Ensenada, Mexico



Collaboration: ELAW Partners in Their Own Words

"Thanks to everyone for the time shared during the Annual Meeting. I admire your courage, your determination, and your dedication to protecting communities and the future of our world. You truly inspired me."

Fatima Diallo
Programme Manager: Extractives and Infrastructure
Natural Justice
Senegal



"I had productive meetings with ELAW members running organizations in Austria, Germany, Hungary, Nicaragua, Jamaica, Sri Lanka, and Tanzania. We discussed best practices for building the capacity of our organizations and our most pressing environmental concerns. My time in Eugene was invaluable."

Olena Kravchenko
Executive Director
Environment People Law
Lviv & Kyiv, Ukraine



"I helped alert people about what is happening in illiberal democracies, like Hungary. I learned about climate litigation and how plastic pollution can be managed by legal means. And I made new friends, outside Europe."

Csaba Kiss
Environmental Management and Law Association
Budapest, Hungary



"These meetings are not only inspirational and instrumental - they are actually life changing. Knowing that there is global solidarity behind our day-to-day struggles for a better environment in Israel, for protecting communities and legal mechanisms, is like recharging our power (with renewable energy of course). ELAW is a professional and personal tool like no other and I am privileged to be part of this network."

Tammy Gannot-Rosenstreich
Director of Policy and Strategy
Adam Teva V'Din – Israel Union for Environmental Defense (IUED)



ELAW partners at the 2019 Annual Meeting.

ELAW Fellow: Issiaga Keita, Guinea

ELAW is expanding its work protecting the environment through law in francophone Africa by reaching out to new, promising grassroots advocates in the region. ELAW was pleased to host Issiaga Keita from Conakry, Guinea, for an ELAW capacity building Fellowship.

Issiaga worked one-on-one with ELAW Staff Attorneys and Staff Scientists to advance his work defending communities that suffer from mining industry abuses. He was also a Director's Distinction Scholar in the Intensive English Program at the University of Oregon American English Institute (AEI).

ELAW's work in Africa began more than 25 years ago. We have helped young lawyers in Tanzania, Liberia, and Zimbabwe launch their nations' first environmental law organizations, and collaborated with lawyers in 26 African nations to protect the rights of local communities.

ELAW identifies lawyers working to protect communities and the environment, provides legal, scientific, and organizational support, and connects them with each other. These lawyers are giving voice to communities and civil society, and they become stronger by sharing information and expertise.

Many thanks to The 11th Hour Project and AEI for making Issiaga's Fellowship possible.



Q & A with Issiaga Keita

Why did you pursue public interest law?

This was a personal choice. I would like to be useful to my country and participate in its development. Climate change affects humanity, so environmental issues should be a concern for everyone.

What problems are you addressing?

We face many problems. There is no reclamation at old mining sites and our natural environment is abused and contaminated by ongoing mining and logging operations. And cement factories are polluting the air. Communities are greatly concerned by the destruction of flora and fauna. There is a proliferation of plastic waste. Our government has not passed laws or clear policies to protect the environment. Domestic garbage is not collected, and citizens dump it in canals and throw it in the streets. Burning garbage is causing respiratory and skin problems in our communities. Overall, we lack good laws and law enforcement.

What did you accomplish during your ELAW Fellowship?

Coming to Eugene was an excellent professional opportunity. I met with ELAW staff, shared the work of MDT and made plans for how ELAW will collaborate with us in the year ahead. I met with natural resource economist Ernie Niemi more than once. He helped me understand the real economic value of natural resources and helped me organize arguments for my pleadings. I participated in the ELAW Annual Meeting and the Public Interest Environmental Law Conference, where I met many lawyers and scientists willing to collaborate with us.

Studying English has been a big help, to better communicate with colleagues who do not speak French, to conduct research, and advocate in forums where French is not the official language.

What is your hope for Guinea?

I hope that my new skills will help me better defend communities seeking to protect the environment. I plan to connect with our environmental institutions and make plans for educational events to sensitize the public about the need for action.

Many thanks for this opportunity!

ELAW Fellow Issiaga Keita

January 4 – March 15, 2019

Attorney

Les Mêmes Droits pour Tous

(The Same Rights for All, MDT)

ELAW Fellow: Bernis Cunningham, Nicaragua



Bernis at the 2018 United Nations Climate Change Conference in Katowice, Poland.

PHOTO: Réseau Alternatif des Jeunes-Tunisie (RAJ)

ELAW Fellow Bernis Cunningham

Executive Director, Nicaragua Center of Environmental Conservation

Nicaraguan attorney Bernis Cunningham comes from a new generation of environmental defenders working to protect the climate. Reflecting on his trip to Poland last year to participate in the 2018 United Nations Climate Change Conference (COP24), he said: "Mobilizing young people is the key to protecting the climate. We refuse to debate the science of climate change. We are done with that."

Bernis is also working to tackle plastic waste. He and his colleagues urged businesses in Granada to ban single-use plastics, and "we had businesses voluntarily on board before the city enacted its legal ban," he said.

Bernis traveled to Eugene for his first time in February, to work one-on-one with ELAW staff and participate in the 2019 ELAW Annual Meeting and PIELC.

"The ELAW meeting was inspirational," he said. "The best part was the amazing environmental lawyers. Their work and commitment to protecting the environment gives me hope for a better tomorrow."

While in Eugene, Bernis met with David Atkin, the Founder and Director of the Center for Nonprofit Law. David spoke with Bernis about non-profit law in the U.S. and keys to strong non-profit organizations.

Many thanks to David for providing pro bono support and to Patty and Ralph Jaskowski for hosting Bernis through the ELAW Host Family Program.

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.





ELAW

(541) 687-8454 | elawus@elaw.org | www.elaw.org

Environmental Law Alliance Worldwide

1412 Pearl Street
Eugene, Oregon 97401
USA

Nonprofit
Organization
U.S. Postage
P a i d
Eugene, Oregon
Permit No. 686

Return Service Requested

Save resources – Switch to the electronic version of the **ELAW Advocate**. Just email us at elawus@elaw.org.



www.facebook.com/elaw.org



@elawus



@elawus

We did it! ELAW Capital Campaign a Success!

ELAW launched a \$1.15 million capital campaign in 2016. Thanks to the generosity of our supporters, ELAW reached its capital campaign goal in December 2018.

Reaching our campaign goal has enabled us to:

- 1) Secure our new home, a beautiful 100-year-old historic Eugene landmark (photo at right).
- 2) Bring more environmental heroes to the U.S. as ELAW Fellows.
- 3) Fight back against physical, legal, and digital attacks on our partners through the ELAW Defending Defenders Program.

We are thrilled to secure a permanent home for ELAW and build a future for ELAW's global environmental advocacy.

ELAW partner **Justice Nchunu**, Executive Director of the Foundation for Environment and Development (Yaounde, Cameroon), wrote the following after visiting the ELAW office in March:

"Permit me to take this opportunity to express my appreciation to the entire ELAW team for their assiduity, wisdom, and vision to have worked so hard to acquire such a magnificent structure for an office in the heart of Eugene. It is an invaluable achievement and ensures sustainability in the execution of ELAW's mission, both for present and future generations. I salute you all."

