



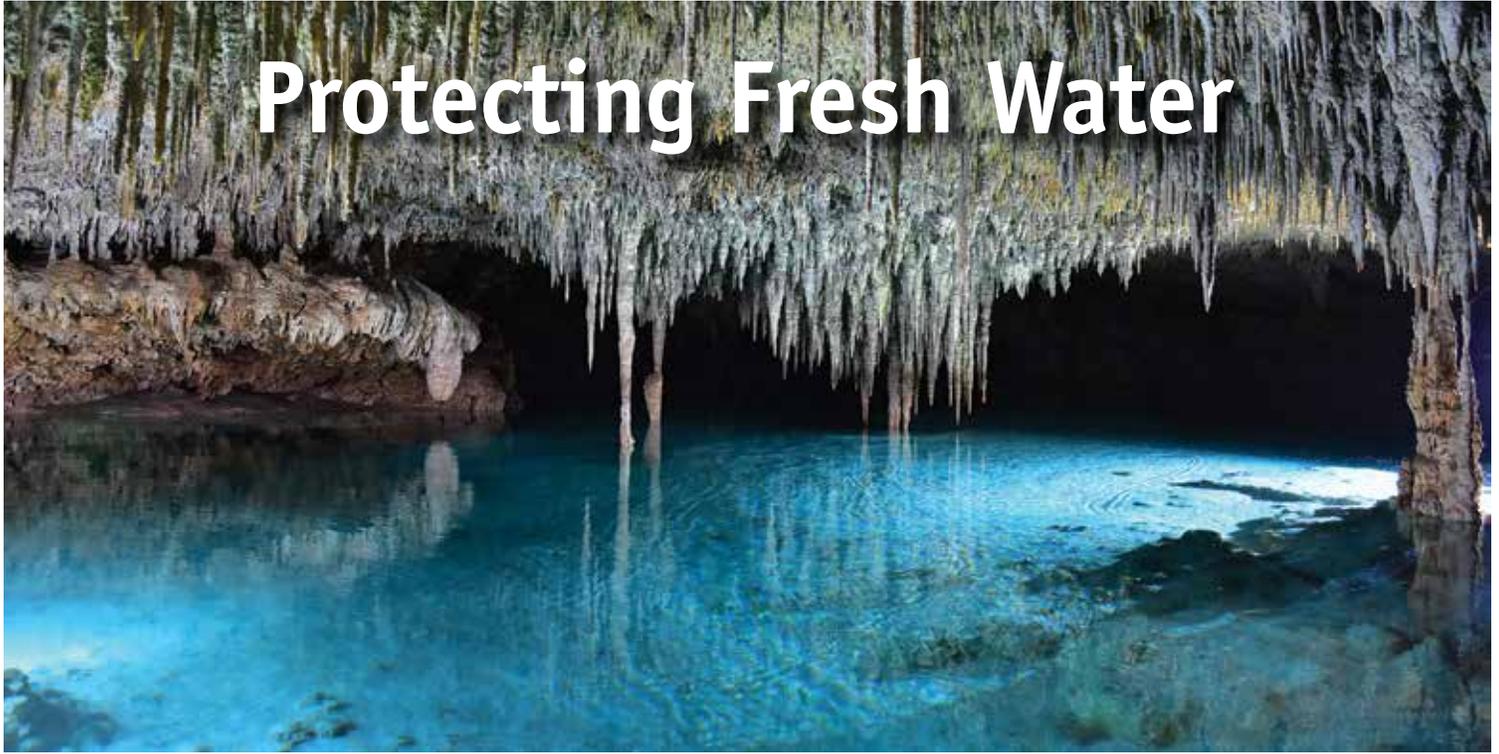
**ELAW**

SPRING 2020

# advocate

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## Protecting Fresh Water



Underground cave, Quintana Roo, Mexico. PHOTO: Centinelas del Agua A.C.

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We all need clean fresh water, but poor waste management, polluting industries, paving wetlands, and the climate crisis are leading to severe water shortages in India, South Africa, and beyond. All over the world, citizens are speaking out for clean fresh water.

ELAW is working with grassroots leaders around the world to help communities safeguard access to fresh water. We are pleased to share the following examples of our work protecting lakes, rivers, and groundwater in Bangladesh, the Democratic Republic of the Congo, Jamaica, Mexico, South Africa, and Uganda.

### Improving Water Quality in Quintana Roo, Mexico

The Yucatán Peninsula's Quintana Roo is famous for its white sand beaches, from the Yum Balam protected area north of Cancún, to Playa del Carmen, Akumal, Tulum, and the Belize border. ELAW partners at Centinelas del Agua A.C. (Water Sentinels) are working to protect freshwater supplies in this region. This Caribbean coast has a sewage system and septic plants, but the area's geology poses special challenges and the sewage system is flawed.

The dissolution of calcium carbonate rock and plate tectonics have formed Quintana Roo's porous "karstic" landscape. Channels, faults, and fractures allow rapid infiltration of rainwater. Due to the porosity of the aquifer, there are many routes where pollutants – such as pesticides, herbicides, heavy metals, and coliforms – are discharged without treatment, and contaminating fresh water and harming marine ecosystems.

ELAW partners at Centinelas del Agua are examining local water and sanitation services, and measuring pollution levels at 40 sites along the coast to identify pollution hot spots. This analysis will guide efforts to enforce and strengthen wastewater regulations.

"This year we educated community members in Playa del Carmen and Puerto Morelos about proposed changes to Mexico's General Water Law," says Alejandro López Tamayo, General Director at Centinelas del Agua. "We talked about cenotes and how these special underground caves that draw many visitors are especially vulnerable to pollutants."

ELAW is working with Centinelas del Agua and Centro Mexicano de Derecho Ambiental (Mexican Center for Environmental Law, CEMDA) to improve water quality in fragile ecosystems that affect the health of the Mesoamerican Reef.

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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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## Defending Lake Chapala Watershed



IDEA hosted the 2002 ELAW Annual International Meeting. Sixty-five participants from 34 countries witnessed firsthand the critical state of Lake Chapala.

Mexico’s Lerma River winds its way to Lake Chapala, which empties into the Santiago River on its way to the Pacific Coast. This watershed is the largest freshwater basin in Mexico, extending more than 750 miles and crossing six states. ELAW partners at the Instituto de Derecho Ambiental (IDEA), based in Guadalajara, have worked for decades to protect this vital source of fresh water for the area’s roughly 15 million people.

IDEA celebrated in February when the Inter American Commission on Human Rights (IACHR) called on Mexico to protect the health of people in two municipalities adjacent to the Santiago River and one near Lake Chapala who have suffered for years due to the river’s contaminated waters.

IDEA’s founder, Dr. Raquel Nájera Gutiérrez, writes: “These measures have strong national and regional impacts, and open the opportunity for comprehensive solutions on the federal, state, and municipal levels.”

Poorly treated sewage and runoff from industry and agriculture have threatened the watershed for years, including pollutants from many industries -- meat, dairy, produce, beverages, pulp and paper, leather goods, petrochemical, and more. Public pressure in the 1990s led to the construction of wastewater treatment plants, but contamination levels continued to be alarming.

IDEA and ELAW have a long history of collaboration to clean up the watershed. In 2002, IDEA hosted the ELAW Annual International Meeting and 65 participants from 34 countries witnessed firsthand the critical state of Lake Chapala. ELAW Staff Scientist Dr. Meche Lu joined IDEA staff in 2004 for a Día de los Muertos (Day of the Dead) event that officially declared the Santiago River dead.



Pollution in the Santiago River. PHOTO: Dr. Meche Lu

“The river was foaming and there was a dead cow on the riverbank,” says Meche.

In 2003, Raquel provided legal support to the residents of Arcediano, including Guadalupe Lara, who were threatened by plans to dam the Santiago River to supply water to Guadalajara city. The proposed dam would have flooded the town of Arcediano. After six years of litigation with the technical support of ELAW, IDEA celebrated in 2009 when the Mexican Government revoked authorization for the dam based on the high levels of contamination in the Santiago River.

Following this victory, a consortium of local NGOs, a scientific advisory group, and Guadalupe convinced the government of Jalisco to consult with the Pan American Health Organization (PAHO) about the water quality of the Santiago River. PAHO issued a report finding the Santiago River was unfit for human consumption.

In 2017, IDEA and ELAW co-hosted “United for Chapala” with the U.S. Consulate. This conference shared lessons learned cleaning up the Chesapeake Bay with citizens and scientists working to clean up Lake Chapala.

# Mexico's Largest Freshwater Basin



Boats on Lake Chapala.



**On February 5, 2020, the IACHR issued the following precautionary measures to Mexico:**

1. Preserve life, personal integrity and health of the people living within 5 km of the Santiago River in the municipalities of Juanacatlán, El Santo, as well as the people of San Pedro Itzicán, Agua Caliente, Chalpicote and Mezcala in the municipality of Poncitlán;
2. Provide specialized medical diagnoses, focused on river pollution;
3. Provide the beneficiaries with adequate, accessible, and quality medical care;
4. Implement measures to protect the local populations; and
5. Report the measures taken to mitigate the sources of risk.

Raquel pursued a new approach in 2019 and worked with students at the University of Guadalajara's International Human Rights Clinic to seek precautionary measures from the IACHR. This international body, based in Washington, D.C., offers civil society an opportunity to hold their nations in the Americas accountable for human rights abuses, including those suffered by communities forced to rely on the contaminated Santiago River. Raquel traveled to D.C. in July 2019 and personally presented the request to the IACHR lawyers.

In February this year, Raquel was thrilled to share IACHR's precautionary measures, which improved on her team's request for improved domestic wastewater treatment.

"Protecting our region's waterways has always been IDEA's focus," says Raquel. "ELAW stood by us through all the years."

Following the announcement of the precautionary measures, IDEA and the law clinic began a new chapter. They are now conducting meetings at local high schools, gathering residents of Poncitlán, El Salto, and Juanacatlán, and creating a field brigade to move the measures forward.

"I will call on ELAW to help ensure that Mexico complies," says Raquel.

**"Protecting our region's waterways has always been IDEA's focus. ELAW stood by us through all the years."**

**Dr. Raquel Nájera Gutiérrez**  
IDEA's founder



In the late 1990s, ELAW met an inspiring public interest attorney, Dr. Raquel Nájera Gutiérrez, and helped her create the Instituto de Derecho Ambiental (IDEA). Raquel was awarded the Ecological Merit Award (2001) from Mexico's Secretary of Environment and Natural Resources. She has mentored students of environmental law and young lawyers for years. Her efforts are paying off as her protégées move on to work with communities or within the government to help Mexico protect its natural resources from short-sighted development.

Portrait in pencil on 9x12" on paper by ELAW Staff Scientist Dr. Meche Lu, 2017.

## Protecting Wetlands in Uganda and Around the World

Wetlands play a critical role in healthy ecosystems – purifying water, buffering storm runoff, cycling nutrients, stabilizing shorelines, and supporting plants and wildlife. ELAW is working with grassroots advocates around the world to protect wetlands and safeguard fresh water.

Communities throughout Uganda’s Lake Victoria basin depend on healthy wetlands. Frank Tumusiime, Coordinator and Senior Research Fellow at Advocates for Natural Resources (ANARDE), based in Kampala, is helping communities protect the Lwera wetlands from sand mining operations. The Lwera wetlands are a catchment area for several rivers that flow into Lake Victoria, the largest lake in Africa.

**"Land originally used for grazing and cultivation has been reduced to pits and ponds that are a threat to humans and cattle, and unsuitable for cultivation."**

**Frank Tumusiime**

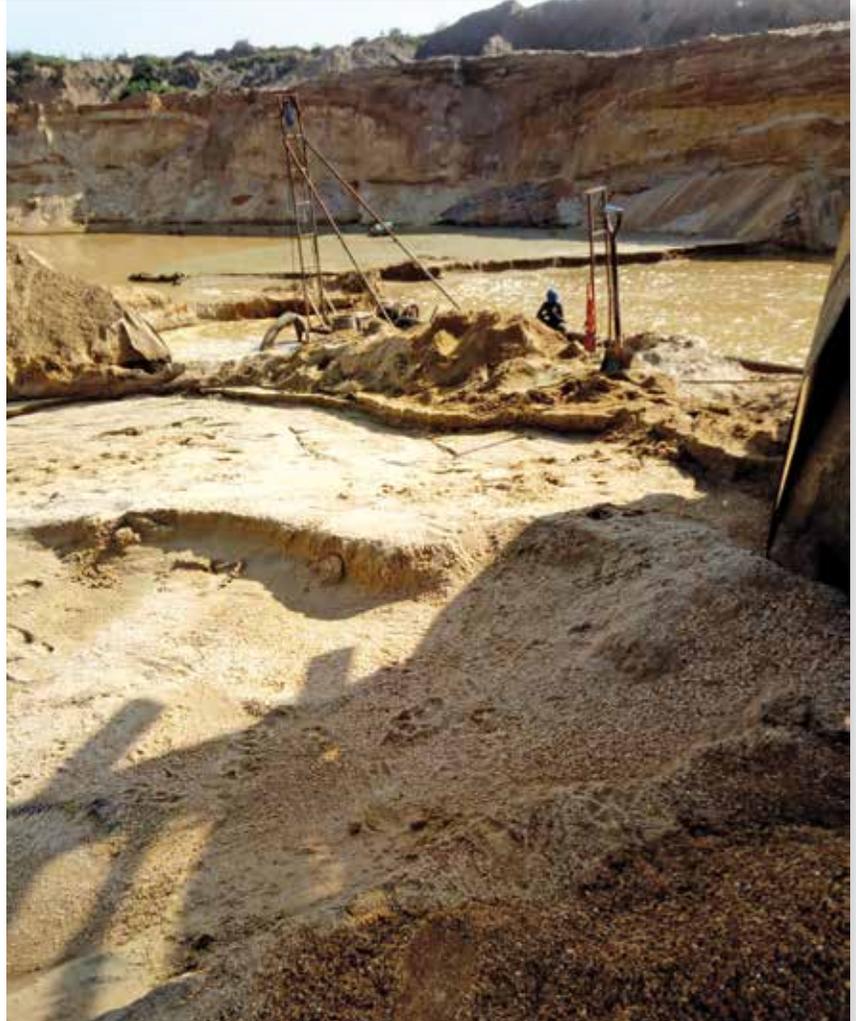
Coordinator and Senior Research Fellow  
Advocates for Natural Resources (ANARDE)

"The Lwera wetlands are of immense socio-economic and ecological importance," says Frank.

Communities in the Masaka, Kalungu, and Mpigi Districts, as well as Wakiso District, which includes Entebbe and Kampala, depend on these intact ecosystems. Frank says sand mining has disfigured the lake bed, which destroys this feeding hub for young fish.

"The traditional fishing village, Kamaliba, is surrounded by three mining companies and has been ravaged by the activities of the miners," says Frank. "The village has lost shelter, toilets, access roads, recreation land, and land for cultivation, as some of the developers have expanded their mines beyond the permitted boundaries. Land originally used for grazing and cultivation has been reduced to pits and ponds that are a threat to humans and cattle, and unsuitable for cultivation."

Frank reached out to ELAW Staff Scientist Dr. Mark Chernaik for scientific support to make the case to protect the wetlands from proposed expanded sand mining operations. Mark identified wetlands experts in East Africa whom Frank contacted for technical assistance, to help halt and reverse the damage caused by sand mining in the Lwera wetlands.



Sand mining in Lwera wetlands, Uganda. PHOTOS: ANARDE



# Wetlands



Flamingoes in the Yum Balam Flora and Fauna Protected Area, Quintana Roo, Mexico.

Around the world, more advocates are calling on ELAW to help protect wetlands:

**Mexico:** ELAW has collaborated with partners at Centro Mexicano de Derecho Ambiental (Mexican Center for Environmental Law, CEMDA) to defend the fragile wetlands of Isla Holbox, home of the Yum Balam Flora and Fauna Protected Area in Quintana Roo. Over the past year, CEMDA challenged six hotels proposed in protected areas, including Yum Balam, a Ramsar Wetland of International Importance. The permits for these six hotels were denied.

**Zimbabwe:** ELAW partners scored a big win last year for the Monavale wetlands, a seasonally flooded urban grassland in northwest Harare. This UN Ramsar site, designated as a Wetland of International Importance, was threatened by a developer's plans to build houses. Fiona Iliff, a lawyer with Zimbabwe Lawyers for Human Rights, shared the winning judgement. Fiona writes: "This is an international precedent for protecting wetlands, that you helped us win, so a huge thank you!"

**"Thank you Mark for all your support. It wouldn't have been possible without the help BELA received from you. Your report was attached to our supplementary affidavit."**

**Rizwana Hasan**  
Executive Director

Bangladesh Environmental Lawyers Association (BELA)

**Bangladesh:** Developers illegally filled 550 acres of Savar wetlands, near Dhaka, to build houses. The wetlands are protected because they are in a floodplain and play a key role in the ecology of the river catchment area around Dhaka. The Bangladesh Environmental Lawyers Association (BELA) filed its first legal challenge 16 years ago and in 2019 celebrated when the Supreme Court upheld an earlier verdict, directing authorities to remove the illegal fill and restore the wetlands. ELAW Staff Scientist Dr. Mark Chernaik provided BELA with an expert affidavit showing how the proposed housing development was contrary to recommendations of the UN Inter-Agency Secretariat of the International Strategy for Disaster Reduction and the World Bank Hazard Management Unit.

**South Africa:** The Constitutional Court slammed one door shut on plans to build a new coal mine inside Mpumalanga Protected Area. These vital grasslands are the source of water supplies to South Africa's largest urban centers and agricultural areas, and support downstream economies and ecosystems. This final victory follows a 2018 win in which a High Court in Gauteng voided Ministerial approvals for the coal mine. Melissa Fourie, Executive Director of the Centre for Environmental Rights, writes: "Thank you ELAW for your ongoing support."



Mpumalanga Wetlands, South Africa. PHOTO: James Oatway

## Protecting Jamaica's Water from Mining Industry Abuses

ELAW is working with partners around the world to hold industries accountable for polluting waterways, and halt polluting projects before they leave the drawing board.

In Jamaica, we are working with the Jamaica Environment Trust (JET) to protect Cockpit Country, the largest remaining natural forest in Jamaica. The freshwater stored in the aquifer beneath Cockpit Country supplies rivers, streams, springs, upwellings, glades and ponds which supply 40% of Western Jamaica's water. The area is also culturally unique – home to the Maroons, descendants of Africans who escaped from slavery and successfully fought the British to a treaty in 1738.

In 2017, Jamaican Prime Minister Andrew Holness ordered protection for Cockpit Country from mining and quarrying. He designated over 74,000 hectares of this unique, internationally recognized treasure to become the Cockpit Country Protected Area (CCPA).

But the struggle is not over. In 2018, a new mining lease was granted by the Jamaican Government which would allow a bauxite company to mine right up to the edge of the designated CCPA boundary in sections of Cockpit Country which have been left out of the protected area.

JET, other civil society groups, and Cockpit Country community leaders are advocating for the establishment of buffer zones around the CCPA which would also be closed to mining and quarrying, greater transparency around the ground-truthing of its boundary which is scheduled to be completed in December 2020, and the involvement of civil society and local communities in management planning for the protected area.

ELAW scientists generated maps of Cockpit Country, illustrating the government's proposed CCPA boundary and helped expose the real impacts of bauxite mining on Cockpit Country's aquifer.

In the year ahead, JET and ELAW will be collaborating with economists, sociologists, conservation scientists, and public health experts to co-author a multidisciplinary study on the impact of bauxite mining and processing in Jamaica.

"There is not enough being said in the public arena about the real impact of bauxite mining and processing on the Jamaican environment, society, and economy," said Suzanne Stanley, CEO of JET. "This study aims to inform decision makers and the public of the costs/benefits of bauxite mining in Jamaica, especially in the context of the protection of Cockpit Country."



Demonstration of water retention capacity of Cockpit Country soil at JET's "Save Cockpit Country"

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**"This study aims to inform decision makers and the public of the costs/benefits of bauxite mining in Jamaica, especially in the context of the protection of Cockpit Country."**

Suzanne Stanley  
JET CEO

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## Protecting Lake Kivu Democratic Republic of the Congo

Lake Kivu provides drinking water to the two million residents of Goma and the surrounding area, in North Kivu province in the eastern Democratic Republic of the Congo. The lake is one of the African Great Lakes in the Albertine Rift and is shared with Rwanda. Sadly, the lake is polluted and threatened by methane gas extraction projects.

"Waste management in Goma is a problem and this is one reason for the lake's poor water quality," says ELAW Fellow Olivier Ndoole, Executive Secretary at Alerte Congolaise pour l'Environnement et les Droits de l'Homme (Congolese Alert for the Environment and Human Rights, ACEDH).

Olivier says Goma does not have a landfill and much of its trash is dumped in the lake. Many residents do not have access to water through the public utility, Regideso, and get their drinking water directly from the lake.

Olivier and his team at ACEDH meet monthly with a UN team to discuss water governance and public/private initiatives to advance proper waste management in Goma. (Continued on pg. 7)

# ng Water

Meanwhile, a U.K.-based company has initiated a large-scale methane gas extraction project from the lake's floor, on the Rwanda side. Olivier is concerned that a similar project proposed for the Congo side may further harm the lake and threaten public safety.

"Vast amounts of carbon dioxide are associated with methane at the bottom of the lake," says ELAW Staff Scientist Dr. Mark Chernaik who helped Olivier understand ways to reduce impacts to water quality and the danger of a gas leak.

ACEDH works to protect community fishing and water rights. "Through this work, we educate communities about the threats posed by energy development," says Olivier. "This includes plans for methane gas extraction in Lake Kivu and plans for oil development near Lake Edward."

Olivier's 2020 ELAW Fellowship provided an opportunity for him to work with ELAW's legal team which provided model cases from around the world that show lakes are a public resource that need to be protected for public use.

"We want to help restore and protect the lakes," says Olivier. "If we can take care of these lakes, they can give us so much."

Women and children travel long distances to fetch water from Lake Kivu.  
PHOTO: ACEDH



## Welcome New ELAW Team Members



**PAOLA EISNER**  
Law Associate

In late November we welcomed Paola Eisner to ELAW's legal team. She joins us in working to support community-based environmental and human rights advocates around the world. Paola holds a J.D. from Harvard Law School, a B.A. from Brown University, and a B.F.A. from Rhode Island School of Design. She is a first-generation Argentinian American from Texas and speaks Spanish, French, and English. Before joining ELAW, Paola co-developed a machine learning tool to investigate crimes against environmental activists, taught environmental law at Boston College, worked with environmental organizations such as the NRDC and PEC, supported climate change negotiators at the UNFCCC, and managed USAID-funded climate change and biodiversity projects. Paola is the author and illustrator of *Fierce Femmes*, a feminist coloring book.



**MONICA MOORE**  
ELAW Director

Monica Moore serves as managing trustee for a small family trust, and advises non-profit and donor organizations. She recently stepped down as Program Director with the CS Fund, where she oversaw the emerging technologies portfolio, and supported social movement analyses and critiques of nanotechnology, synthetic biology, and geoengineering. Monica's extensive experience with environmental, agricultural, and social justice organizations includes co-founding the Pesticide Action Network (PAN) International, and establishing and leading the PAN North America regional office for 27 years. She has lived and worked in Latin America and Europe, and served on boards of organizations based in the US and internationally. Monica holds a Master's degree in wildlands resource science from the University of California at Berkeley, where she conducted research on biological pest control in Cuba.



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## Yo La Tengo Concert Benefits ELAW

Many thanks to Yo La Tengo for organizing and headlining a benefit concert for ELAW in December. We are grateful to all the artists who performed: Lucinda Williams, Fred Armisen, Janet Weiss, Lenny Kaye, Miriam Linna, Bruce Bennett, and Carly James (CJ the DJ), and the crew and staff at Yo La Tengo and the Bowery Ballroom in New York City who made the event a success.

**They raised \$16,837 for ELAW at the concert on December 23rd!**

Every year, Yo La Tengo organizes benefit concerts on the eight nights of Hanukkah and donates each night's proceeds to a different organization.

Thanks again to Yo La Tengo for supporting ELAW's work. This gift will help us collaborate with partners to keep coal in the ground, protect clean water, end plastic pollution, and advance environmental justice.



### THINK GLOBALLY. ACT GLOBALLY.

