



LAW

Environmental
Law
Alliance
Worldwide

advocate

SUMMER 2014

1877 Garden Avenue | Eugene, Oregon 97403 | USA | Phone (541) 687-8454 | Fax (541) 687-0535 | Email elawus@elaw.org | www.elaw.org

Connecting Communities
Protecting the Planet

IN THIS ISSUE:

Google Earth for Justice

MEXICO
INDIA
HONDURAS
PHILIPPINES
JAMAICA

(pg. 1)

Victories in India and the Philippines

(pgs. 2-3)

Defending Community Rights in East Africa

(pg. 3)

Cleaning up the air in South Africa

(pgs. 4-5)

Defending the Defenders

(pg. 6)

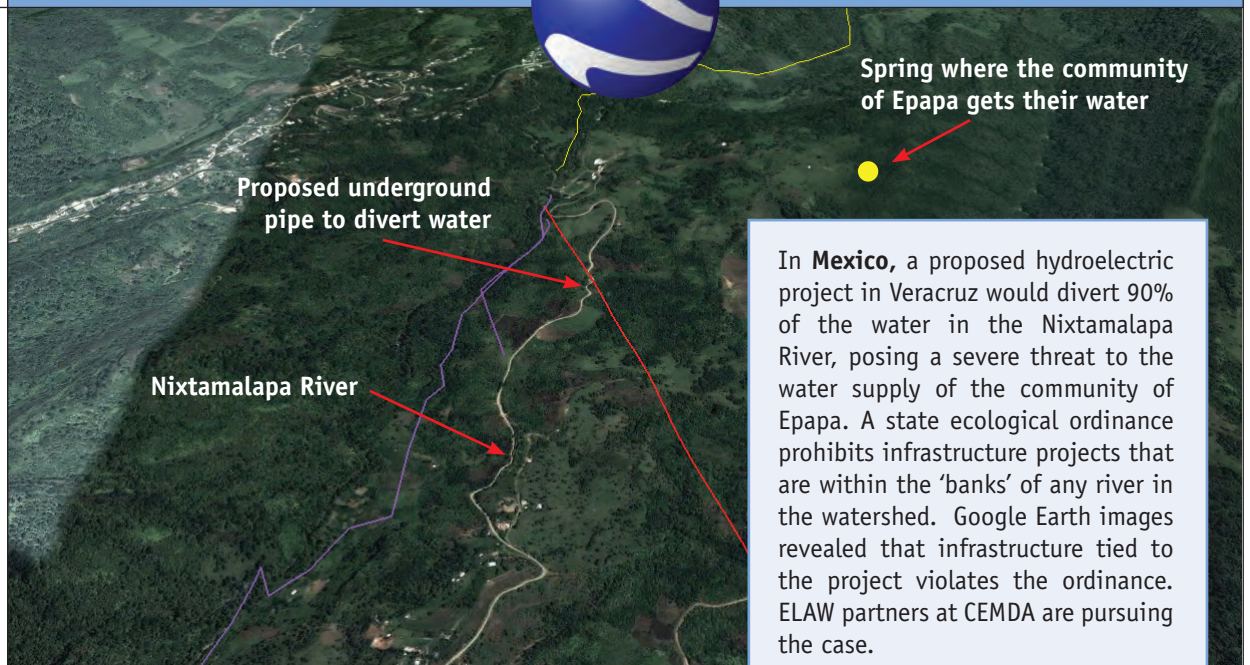
Protecting Mangroves in Panama & Around the World

(pg. 7)

Google Earth



for Justice



Google's tools make it possible for ELAW staff to tour proposed development sites and provide environmental analysis, without costly travel and the associated greenhouse gas emissions. The result is victories for communities around the world. "Project proponents often mischaracterize an area as already 'degraded' in order to argue that their proposed project will have minimal environmental impacts," says Mark Chernaik, ELAW Staff Scientist.

The following are a few examples of how ELAW uses the power of satellite images to help partners seek justice.

In **Kerala, India** developers sought to build a private airport. Google Earth revealed that the project site threatened key wetlands. The Chennai Bench of the National Green Tribunal shelved the developer's plans. ELAW partner T. Mohan said, Mark's analysis "proved to be the death knell for the clearance."

In **Himachal Pradesh**, developers of a proposed limestone mine claimed the area "shows scant vegetation." Google Earth revealed that the site had dense forest and vegetation. The project was revoked. ELAW partner Ritwick Dutta wrote: "Big thanks for the critique!"

In **Honduras**, notices were published in a local newspaper about proposed mining concessions near Danlí. ELAW partners requested maps of the proposed sites based on coordinates published in local newspaper notices. Google Earth revealed that the coordinates in the newspaper had numbers transposed, placing the sites somewhere in Ecuador!

ELAW corrected the coordinates and showed that the four mining concessions would encompass large areas of forested land a few miles north of Danlí. ELAW partners at IDAMHO are working to alert community members and regulators.

In the **Philippines**, EcoShield has proposed a landfill scheme for the coast of Obando, on Manila Bay. EcoShield's plans make no mention of mangroves on the project site. Google Earth revealed that extensive mangroves, critical to shoreline protection, would have to be cleared. ELAW partner Ron Gutierrez included these findings in a petition to the Supreme Court calling for a halt to the project. The case is pending.

In **Jamaica**, developers claimed the proposed site of a large housing development was "denuded." Google Earth showed it had a lush forest canopy. The Jamaica Environment Trust challenged the project, and the housing development was scaled down.



Follow us on
Facebook and Twitter



Victories in India and the Philippines

ELAW U.S. Staff

Bern Johnson
Executive Director

Lori Maddox
Associate Director

Mark Chernaik
Staff Scientist

Jackie Chimelewski
Office Manager

Kalindi Devi-Dasi
Bookkeeper

Glenn Gillis
Information Technology Manager

Jennifer Gleason
Staff Attorney

Maggie Keenan
Communications Director

Michele Kuhnle
Donor Liaison

Pedro Leon
Attorney on Contract

Meche Lu
Staff Scientist

Liz Mitchell
Staff Attorney

David Pugh
Web Designer

Heidi Weiskel
Staff Scientist

ELAW U.S. Board

David Hunter, Chair

Mike Axline

John Bonine

Elaine Chang

Cheryl Coon

Bill Jaeger

Glenn Miller

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.

EDITOR: MAGGIE KEENAN

NEWSLETTER LAYOUT: ARIES CREATIVE

PRINTED BY: CENTRAL PRINT

USING: SOY BASED INKS

UNBLEACHED 100%

POST-CONSUMER
RECYCLED PAPER

INDIA

Cleaning up the Ganges



The NGT closed a polluting factory and ordered the inspection of 956 others.

Untreated wastewater from Simbhaoli Sugar Mills Ltd. flows through the Phuldera drain en route to the Ganges River in Uttar Pradesh.

PHOTO: India's National Green Tribunal

India's National Green Tribunal (NGT) has closed a polluting sugar mill and distillery in Uttar Pradesh and ordered the inspection of 956 other factories that release effluents into India's most sacred waterway.

"Mark was a great help," says ELAW partner Rahul Choudhary. "Now he will help prioritize which of the factories on the list are the worst polluters, to maximize the impact of future NGT orders."

Mark Chernaik, ELAW Staff Scientist, analyzed dozens of water quality reports and revealed that Simbhaoli Sugar Mill and Distillery was discharging wastes far in excess of Indian environmental standards.

"Waste treatment systems at the factories were frequently broken but the company continued to operate at full capacity," says Mark.

Mark helped Rahul convince members of the NGT to conduct an onsite inspection of the facility, to see the pollution first hand. The Tribunal later wrote in its order that Simbhaoli "has been causing pollution for the last 40 years after the preventive pollution laws came into force. For all these years it has violated the prescribed standards."

The 956 factories on the inspection list include tanneries, paper mills, pesticide manufacturers, sugar mills, distilleries, and more. The Central Pollution Control Board, Uttar Pradesh Pollution Control Board, and National Ganga River Basin Authority are responsible for the inspections.

Many judges lack the scientific expertise they need to consider cases involving air, soil, water, ecosystems, and other environmental and public health issues.

Countries around the world, including India, have set up "green tribunals," composed of both judges and expert scientific members, as specialized courts to hear environmental cases.

The NGT was established in 2010. Today, ELAW partners Rahul Choudhary and Ritwick Dutta are lead counsel on more than 150 petitions before the NGT. These petitions seek to stop environmentally destructive projects such as new coal-fired power plants, and large hydroelectric dams in remote forested areas, in the States of Orissa, Tamil Nadu, Uttarakhand, Andhra Pradesh, Arunachal Pradesh, and Chhattisgarh.

Recent news from India says the NGT may become a victim of its own success. Preliminary discussions are underway on plans by the Government of India to amend the National Green Tribunal Act to dilute the NGT's powers. ELAW partners stand ready to challenge this shortsighted move.



www.elaw.org

Victories (CONTINUED)



"ELAW has been a tremendous ally and partner and a major source of assistance and support to us in the struggle for environmental justice, especially to the most vulnerable sectors who are largely without any voice to defend their non-negotiable rights to a good quality of life, health, livelihood, and a healthful and balanced ecology. We are most grateful."

Golly Ramos
Oceana, VP
Philippines

Philippines: Saying No to Coal Ash Dumping

ELAW partners in the Philippines rejoiced when local government officials shelved plans to allow a company to dump coal ash on beachfront property in Naga City, Cebu.

Coal ash is a toxic byproduct of coal-fired power plants. Coal ash contaminants such as mercury, cadmium, and arsenic pose a significant threat to water resources.

ELAW partners Gloria Estenzo Ramos and Benjamin Cabrido at the Philippine Earth Justice Center called on ELAW's science team in 2011 for help evaluating whether plans for the dump included adequate pollution mitigation technology to keep local residents safe.

ELAW's science team reviewed the plans and found that the coal ash landfill would have been located in a floodplain and did not allow enough distance between the liner, a barrier intended to prevent groundwater contamination, and groundwater, violating the requirements of the Philippine Ecological Solid Waste Management Act.

Using this information, Gloria and Benjamin successfully argued that the site is not a good place for a dump.



Defending Community Rights in East Africa



The push for land, oil, and minerals threatens communities across East Africa. ELAW Staff Attorney Jennifer Gleason and board member John Bonine joined 45 lawyers from Uganda, Kenya and Tanzania this summer to discuss best practices for defending the rights of communities in the region threatened by a push for natural resources. ELAW partnered with Greenwatch in Uganda to host the "Regional Symposium on Public Interest Environmental Litigation for lawyers in East Africa" June 17-20 in Entebbe. ELAW Partners at the Institute for Law and Environmental Governance (ILEG) in Kenya and the Lawyers' Environmental Action Team (LEAT) in Tanzania helped organize the workshop. Many thanks to the Ford Foundation for making this work possible.

AN EPIC BATTLE

ELAW Staff Scientist Mark Chernaik has collaborated for 20 years to help Angela Andrews and Eugene Cairncross win big victories for clean air in South Africa. Angela is an attorney with the Legal Resources Centre. Eugene is a retired professor of chemical engineering at Cape Peninsula University of Technology.

"Partners in South Africa have dedicated themselves to this important goal for two decades. Helping them draft, implement, and now defend strong air quality standards that benefit public health is one of my most satisfying achievements."

Mark Chernaik,
ELAW Staff Scientist

Angela and Eugene compel South Africa's largest oil refineries to substantially reduce emissions of particulate matter and sulfur dioxide.

1994

ELAW begins working with Angela.

1998

2002

Angela and Eugene persuade regulatory agencies to eliminate lead in gasoline, lower sulfur levels in diesel and gasoline, adopt emission standards for diesel buses, and prohibit the use of manganese-containing fuel additives

Twenty years ago, air quality regulations in South Africa were weak, factories belched pollutants without enforced limits, and vehicles powered by leaded gas added to a toxic cocktail of air pollutants in crowded cities like Johannesburg.

Much has changed. In 2006, South Africa became the first country in Africa to ban leaded gas and by 2010 strong industrial emissions standards were in place.

"These have been epic struggles," says Angela Andrews at the Legal Resources Centre's Cape Town office.

Angela and Eugene Cairncross, a recently retired professor of chemical engineering at Cape Peninsula University of Technology, have worked with ELAW for nearly 20 years to clean up the air in South Africa and hold polluters accountable.

"In the South Durban Basin and the City of Cape Town, our air is visibly cleaner," says Angela.

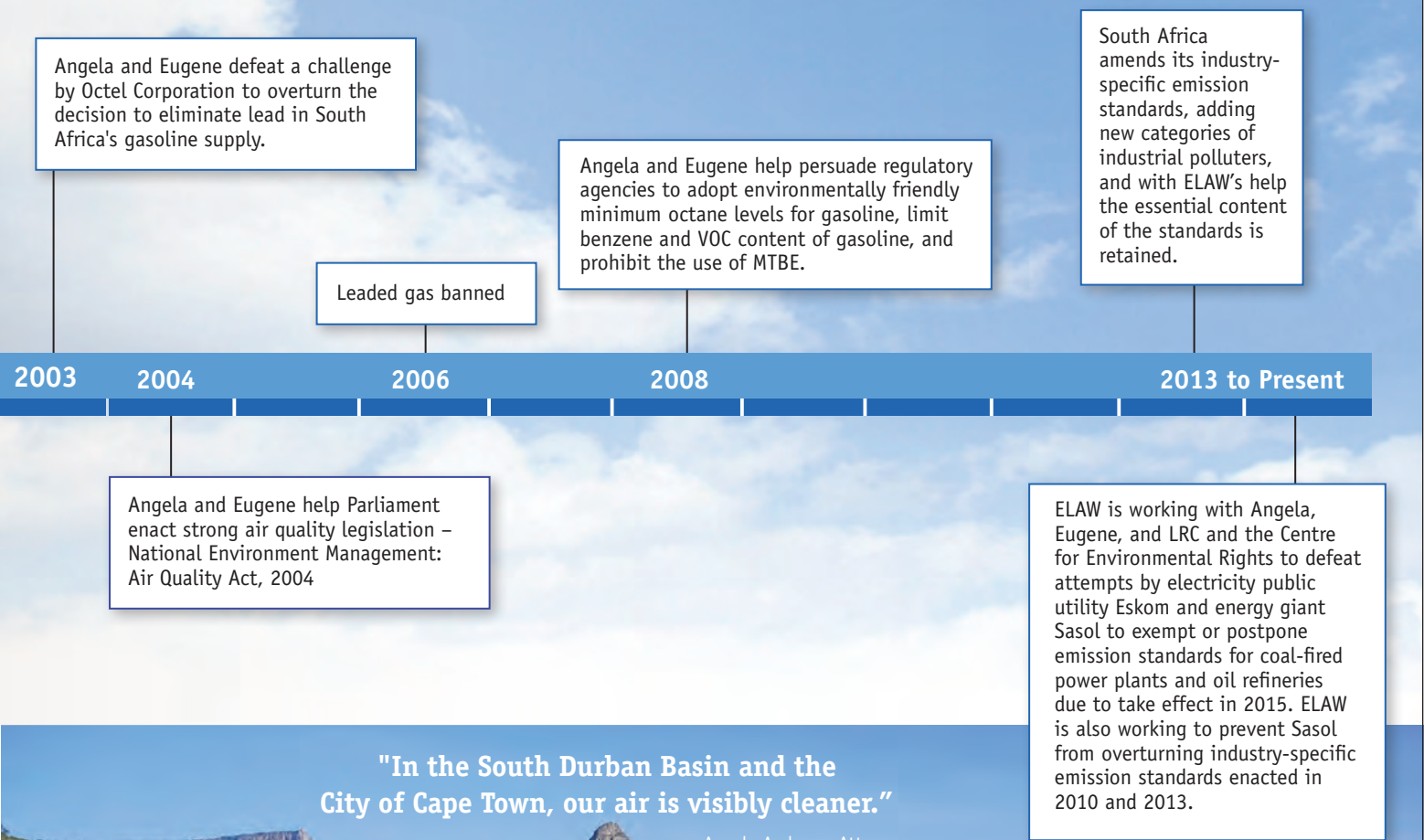
Angela, Eugene, and ELAW Staff Scientist Mark Chernaik collaborated closely to win a Cabinet decision banning leaded gas in 2006. The world's leading manufacturer of lead additives, Octel Corporation, sought to delay the phase-out until 2010, but Angela challenged the proposed delay, and won.

"Throughout the 20 years Mark has been a tireless source of scientific advice and regulatory information, particularly appreciated during critical battles with industries and sometimes reluctant regulatory agencies," says Eugene. "As a frequently lone local scientific voice, I am particularly grateful for Mark's willingness to wade through and critique mountains of documents, to act as a sounding board, and to assist in interpreting technical data."

Mark, Angela, and Eugene worked to push for stronger emission limits for industrial facilities and strengthen South Africa's Air Quality Act. Angela represented the public in the parliamentary deliberations and drew on Mark's support to ensure that new emissions limits compel compliance and call for using the best available pollution control technology.

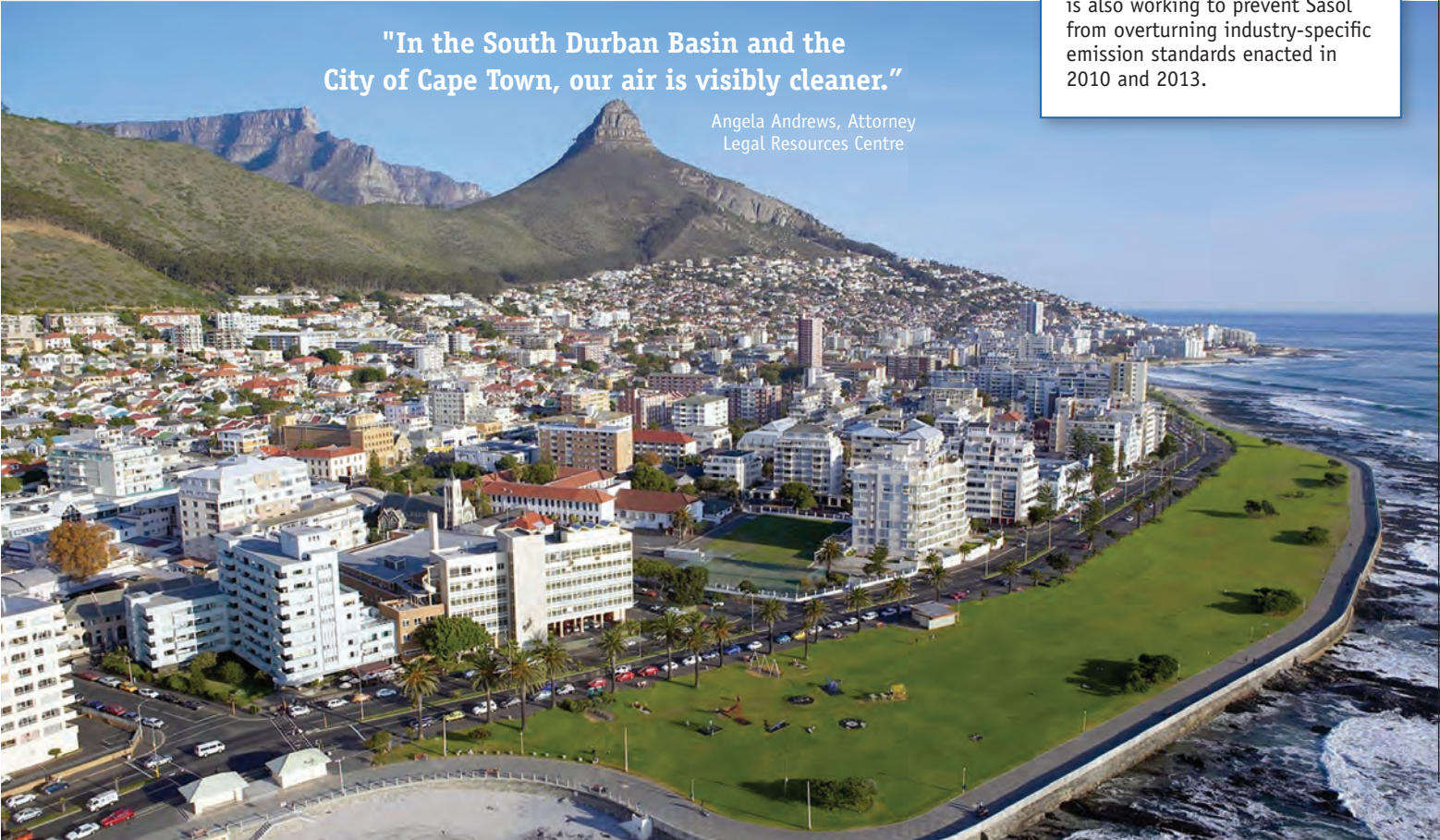
"Establishing a strong, effective foundation for healthy air quality in a country where few laws existed requires a long-term focus," says Mark. "Our partners in South Africa have dedicated themselves to this important goal for two decades. Helping them draft, implement, and now defend strong air quality standards that benefit public health is one of my most satisfying achievements."

Cleaning up the Air in South Africa



"In the South Durban Basin and the City of Cape Town, our air is visibly cleaner."

Angela Andrews, Attorney
Legal Resources Centre



Help Defend Environmental Defenders

ELAW partners stand up to powerful interests who seek to gain from polluting and destroying natural resources. As a result, many of our partners face political and personal harassment, threats, attacks on their credibility, and even physical violence. Strategic Lawsuits Against Public Participation or "SLAPP" suits are a well-documented strategy to exhaust the resources and energy of conservationists, their attorneys, and NGOs.

The ELAW network intervenes aggressively when one of our partners is in danger - and our interventions make a big difference. But we can do more. With the support of a long-time ELAW ally, we are launching a new initiative to expand our work to "Defend the Defenders."

We want to:

- ✓ Elevate our partners' profiles to provide insulation from attacks,
- ✓ Help our partners take proactive steps to protect themselves,
- ✓ Work with allies to aggregate resources and make sure our partners are aware of their options BEFORE emergencies occur, and
- ✓ Create an emergency evacuation fund to provide immediate assistance should partners need to move to a more secure location.

But we can't do it without you!

ELAW donor Marion Sweeney has generously pledged \$15,000 toward launching this initiative, if we can raise an additional \$15,000 from friends like you.

Will you help us meet Marion's challenge? If so, please return the enclosed envelope and indicate that your gift is for the Defending the Defenders initiative.

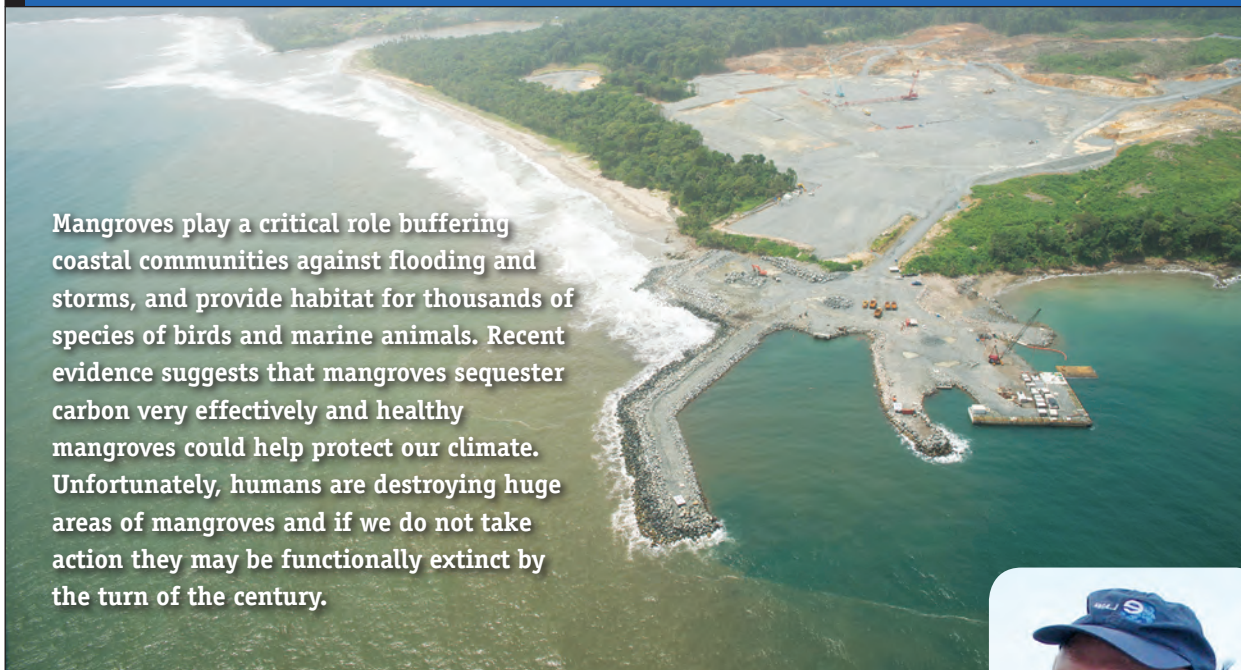
Please contact ELAW Donor Liaison,
Michele Kuhnle (Michele@elaw.org),
 for more details.





Protecting Mangroves in Panama & Around the World

Mangroves play a critical role buffering coastal communities against flooding and storms, and provide habitat for thousands of species of birds and marine animals. Recent evidence suggests that mangroves sequester carbon very effectively and healthy mangroves could help protect our climate. Unfortunately, humans are destroying huge areas of mangroves and if we do not take action they may be functionally extinct by the turn of the century.



The footprint of the Cerro Quema Mine mine upstream extends to the coast, with sediment plumes covering coral reefs.

Central America is home to breathtaking beaches, islands, mountains, and forests. Unfortunately, proposed mining threatens many of these natural treasures.

ELAW Board Member and mining expert Glenn Miller traveled to Panama and Honduras in July to collaborate with ELAW partners at the Environmental Advocacy Center (Centro de Incidencia Ambiental, CIAM) and the Environmental Law Institute (Instituto de Derecho Ambiental de Honduras, IDAMHO).

In Panama, mangroves are threatened by runoff from copper and gold mines. Glenn flew over the area by helicopter to see the destruction first hand.

"We followed the erosion to the coast and saw a large plume of sediment that was being sent to the coral reef. . . We also saw a reportedly bankrupt gold mine that had ponds that were near overflowing and no real management of the excess water," said Glenn.

Glenn met with regulators, public health experts, NGO staff, and community members interested in learning about the real impact of mining operations.



Glenn Miller

Mangrove Science Database

ELAW's Mangrove Science Database is a valuable new resource for communities around the world working to protect mangroves.

Heidi Weiskel, ELAW Staff Scientist, worked closely with David Pugh, ELAW Web Designer, to ensure that key research on mangroves, published by more than 75 scientists, is included in this comprehensive resource for citizens worldwide.

Each scientific study in the Mangrove Science Database is summarized in English and Spanish. Research on specific mangrove forests is plotted on a world map. As new studies are completed, they will add them to the database. The user-friendly tool will help communities and grassroots advocates around the world make the case to protect mangroves.



Follow us on
Facebook and Twitter





ELAW

Environmental
Law
Alliance
Worldwide

Phone: (541) 687-8454 Fax: (541) 687-0535 E-mail: elawus@elaw.org Web: www.elaw.org

1877 Garden Avenue
Eugene, Oregon 97403
USA

Return Service Requested

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

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

Check out our blog: www.elaw.org/blog  www.facebook.com/elaw.org  twitter.com/ELAWUS

Everyone should enjoy clean air, clean water, and a healthy natural environment.



You can make a big difference for communities and the environment around the world by making monthly gifts to ELAW! Steady support allows us to provide our partners with the legal and scientific support they need, when they need it.

Setting up secure monthly donations is easy and convenient: your gifts will be automatically charged to your credit card or deducted from your bank account at the level you determine.

Please visit www.elaw.org/give or contact ELAW's Donor Liaison, **Michele Kuhnle**, at **541-687-8454 x14** or michele@elaw.org for more details.

**"ELAW has been a tremendous ally
and partner and a major source of
assistance and support."**

Golly Ramos
Oceana, Philippines

THINK GLOBALLY. ACT GLOBALLY.

Please visit www.elaw.org/give to make a secure, online donation.

Become an Environmental Hero by making a donation to ELAW.

Please send a check or credit card donation in the enclosed envelope. Or, you can make a charitable gift by gifting a security. Consult with your tax and investment advisors about the amount and types of securities you wish to give and then call ELAW at 541-687-8454 x14.