Ganges river dolphins are nearly blind. They rely on sound and echolocation to navigate and communicate with their calves in the Ganges and Brahmaputra Rivers and tributaries in India, Bangladesh, and Nepal. The Government of India’s state-owned oil company – Oil India Limited – proposed to conduct seismic surveys using boat-mounted air guns to explore for deposits of oil and gas in prime dolphin habitat in the Brahmaputra River in the State of Assam. These surveys would generate thousands of noise impulses louder than 200 decibels, reverberating along large stretches of the river, harming individual dolphins and irreversibly separating mothers from their calves.

Would the Ganges River Dolphin avoid the area during seismic testing by leaving habitat that is important for them?

Observations of river dolphins show that they hesitate to leave noisy, disturbed areas until it is too late to do so, suffering sudden population declines.

Would the proposed project affect the mother-calf bond?

There is evidence that river dolphins, which are blind for all practical purposes, are much more vulnerable to noise pollution, and seismic testing would disturb the ability of mothers to track their calves using echolocation.

Dr. Linda Weilgart, a dolphin expert working in the Biology Department at Dalhousie University in Halifax, Nova Scotia, provided pro bono support that augmented Mark’s findings. Dr. Weilgart is a scientist advisor to the International Ocean Noise Coalition. Dr. Weilgart produced an expert report that identified serious uncertainties and information gaps that Oil India Limited failed to address during the Environmental Impact Assessment (EIA) and found many flaws. He revealed that the EIA was based on literature on marine mammals in ocean environments and lacked any direct observations of seismic surveys on river dolphins.

Mark showed that sound waves travel differently in the open ocean than in a confined river. Project proponents claimed that air guns would have limited impact on marine mammals in the open ocean, but this information is likely irrelevant to riverine cetaceans. Mark also argued that the Ganges river dolphin, which is practically blind, is more vulnerable to noise pollution, and seismic testing would disrupt the physical link between calves and their mother and could therefore result in mortalities to juvenile individuals that cannot survive on their own.

Comments from Dr. Linda Weilgart on the impact of seismic testing on the Ganges river dolphin. Dr. Weilgart is a dolphin expert working in the Biology Department at Dalhousie University in Halifax, Nova Scotia.

ELAW partners in India called on ELAW for help challenging this dangerous project. ELAW Staff Scientist Mark Chernak worked closely with attorney Ritwick Dutta at the Delhi-based EIA Resource and Response Centre to present the information that local communities needed to evaluate the potential impact of seismic testing on dolphins in the Brahmaputra River.

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The political situation in Swaziland is somewhat unique. It is an absolute monarchy, which means that the King appoints the Prime Minister and also many members of the legislative branch. Public participation is allowed, but many citizens are powerless. Swaziland is known for its wildlife. White rhinos, elephants, lions, giraffes, zebras, crocodiles, hippos and mamba snakes all thrive in the diverse ecosystems of Swaziland. Tourists can visit the Hlane Royal National Park, Mlilwane Wildlife Sanctuary, Mkhaya Game Reserve, and Mbuluzi Game Reserve to see the diverse wildlife. These national treasures are managed by Big Game Parks. News reports allege serious acts of violence against members of local communities.

Swaziland is a small landlocked country in the far eastern corner of southern Africa. It is a little bit larger than Rhode Island and is surrounded by Mozambique in the east and South Africa on the north, south and west.

The majority of people in Swaziland are subsistence farmers who depend on the surroundings to support their families. The countryside is a combination of steep hills and fertile valleys.

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For generations, local people lived on and preserved the land. But when BGP took over management of the conservation areas, they were evicted without proper compensation, leaving them destitute and unable to feed their families. Thuli and Yonge Nawe have documented serious acts of violence against members of local communities, allegedly by BGP staff.

In August 2008, a young man named Musa Gamedza was not the first – and may not be the last – to lose his life to a system that allows important game protection laws in Swaziland to be administered not by a government ministry, but by a private company.

Thuli continues to challenge the obvious conflict of interest that these policies create, and does so at great risk. She has been threatened and harassed for her advocacy. But Thuli continues to fight to preserve her communities’ historic role in conserving resources for future generations. She knows that the best way to protect endangered wildlife is to ensure that local people are given a stake.

ELAW has collaborated with Thuli since 2003 and nominated her for the Goldman Prize. Congratulations to Thuli, Yonge Nawe, and the people of Swaziland.
ELAW Fellows are doing great work! In February, we welcomed Francis Colee from Liberia, Kwesi Instiful from Ghana, and Merab Barbakadze from Georgia. In March, we welcomed Mariana Méndez from Panama and Jean André from Haiti. ELAW Fellows dedicate their lives to seeking justice for the world’s most impoverished communities. Before returning to their home countries, the Fellows traveled to Portland to meet with partners in the United States. They developed skills promoting sustainable natural resources. They also benefited from environmental law and human rights classes at the University of Oregon School of Law and met with leading environmental lawyers in Oregon, including Doug Heiken at Oregon Wild and Dan Kruse at Cascadia Wildlunds. The Fellows also met with ELAW Fellows about the case before they departed.

Kwesi Instiful is a lead attorney at the Center for Public Interest Law in Accra. He represents residents living near gold mines in western Ghana. Gold has been mined here for more than 100 years, but the villagers reap few benefits. “There is no tap water, the roads are terrible, and all homes have cracks from the explosions. You have your crops and the next day trucks move in and everything is gone,” says Kwesi. Francis Colee works at Green Advocates, Liberia’s only public interest environmental law firm. Green Advocates is calling on Firestone to clean up pollution from rubber processing facilities on the Farmington River. Green Advocates is also working to strengthen laws protecting forests and other natural resources. Kwesi and Francis spent two weeks at ELAW to build skills promoting sustainable mining, forestry and climate change policies and practices, thanks to a grant from the U.S. State Department’s Bureau of Educational and Cultural Affairs.

Merab Barbakadze serves on the Compliance Committee of the Aarhus Convention, a European body that ensures that citizens have a voice in decisions about the environment. His ELAW Fellowship helped strengthen ties between Merab and ELAW partners around the world, thanks to support from the Trust for Mutual Understanding.

Mariana Méndez is an engineer working with El Centro de Incidencia Ambiental (CIAM) in Panama. She had a busy 10 days at ELAW building skills and tapping scientific expertise to protect natural resources in Panama. Mariana worked one-on-one with ELAW Staff Scientists and participated in conferences on mining policy.

Jean André is an environmental attorney, an agronomist, and a law professor. Read more about our recent Fellows in the following.

“IT’s been great and wonderful working with ELAW staff...You all contributed to making my stay here joyous.” Kwesi Instiful

Award Winning Partners
Asis Perez, Philippines

Asis Perez, Director for Law Enforcement at Tanggol Kalikasan in the Philippines, won the 2010 Clark R. Bavin Wildlife Law Enforcement Award. Asis led the investigation of 23 poachers responsible for killing 200 marine turtles. He co-organized the first Philippine Environmental Law Enforcement Summit and developed a manual on enforcement. He also wrote procedures for releasing seized wildlife and established a training program for enforcement officials in many areas of the Philippines. ELAW has collaborated with Asis and Tanggol Kalikasan for many years.

2010 ELAW Advocate

Pontoon Bridge Poses Hazard

Free passage of river dolphins, crocodiles, and turtles in the Chambal River is threatened by a temporary pontoon bridge that sits directly on the river at Pinahat in Agra, in the State of Uttar Pradesh. The Chambal River is part of a national wildlife sanctuary. Permission for the bridge expired in November 2009, yet the bridge remains. Local groups are concerned that permission for the pontoon bridge will be extended. ELAW partners at the ELA Resource and Response Centre (ERC) joined local community members on a recent tour of the area. In meetings with officials at the Uttar Pradesh Forest Department, they learned that more than 1,000 crocodiles and 70 dolphins are threatened by the pontoon bridge. Officials claim that they regularly inform the Department of Public Works about the local violations of India’s Wildlife Protection Act, to no avail.

In December 2009, ERC filed a petition with the Central Empowered Committee of the Supreme Court of India seeking to revoke permission for the Pinahat Pontoon Bridge. In January, the Central Empowered Committee issued notice to the Chief Wildlife Warden and the Principal Chief Conservator of Forests stating that the issue of the pontoon bridge is now under review. We expect news within the next few months.

Liberia’s only public interest environmental law firm. Green Advocates is calling on Firestone to clean up pollution from rubber processing facilities on the Farmington River. Green Advocates is also working to strengthen laws protecting forests and other natural resources. Kwesi and Francis spent two weeks at ELAW to build skills promoting sustainable mining, forestry and climate change policies and practices, thanks to a grant from the U.S. State Department’s Bureau of Educational and Cultural Affairs.

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