



ELAW advocate

WINTER 2023

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Protecting the Climate

Protecting our global climate is the leading challenge of our time. ELAW partners around the world are working to ensure that communities who suffer the worst impacts from damaging the climate have a voice at the table and the tools they need to win victories for a healthy planet.

Together, we work to reduce carbon emissions, increase carbon capture, and help communities adapt to the impacts of climate damage.

In **Sri Lanka**, Hemantha Withanage filed a climate lawsuit seeking ambitious adaptation and mitigation measures promised by his government through the Paris Agreement. In **Indonesia**, ELAW partners defeated a coal plant. In **Colombia**, Ana Lucía Maya-Aguirre is working with coastal communities to mitigate impacts through ecosystem-based adaptation. In **Uganda**, Dickens Kamugisha has won international recognition for taking on the fossil fuel industry. In the **Czech Republic**, ELAW partners won a landmark decision ordering the state to urgently take measures to reduce greenhouse gas emissions.

Moving Past Fossil Fuels

Coal, oil, and gas are not renewable. These fossil fuels hammer the climate and harm nearby communities and ecosystems. Coal is the major offender and largest source of global CO₂ emissions.

Over the past three years, ELAW has worked to shut coal-fired power plants and shelve proposed coal-fired power plants and coal mines in Bangladesh, Bosnia and Herzegovina, Brazil, Canada, Colombia, Dominican Republic, Egypt, Guinea, India, Indonesia, Japan, Myanmar, Pakistan, the Philippines, Poland, Senegal, Sri Lanka, Thailand, Ukraine, Vietnam, and Zimbabwe.

We are pleased with the impact of our work, which has helped keep millions of metric tons of CO₂ out of the atmosphere.

Indonesian Coal Plant Defeated

ELAW partners in Indonesia shared recent inspiring news: The Bandung State Administrative Court canceled the permit for the proposed 1,320MW "PLTU Tanjung Jati A" coal-fired power plant.

The coal plant proposed for Pengarengan Village in West Java would have pumped out enormous amounts of greenhouse gases.

ELAW Staff Scientist Dr. Mark Chernaik provided Indonesian partners with an expert statement on the likely climate impacts of the proposed plant. His findings showed that over its 30-year proposed life, the coal plant would emit more than 200 million metric tons of CO₂ at substantial economic and human cost.

Ohiongyi Marino, an attorney at the Indonesian Center for Environmental Law (ICEL), wrote to Dr. Chernaik: "I want to say thank you so much for your and ELAW's contributions."

ICEL collaborated to win the stunning victory with Wahana Lingkungan Hidup (WALHI) West Java and the Climate Justice Advocacy Team. WALHI filed suit against the project in June 2022.

(CONTINUED ON PG. 2)



PHOTO: Climate Justice Advocacy Team

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.

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Protecting the Climate

Indonesia (CONTINUED)

In a press release issued on October 13, 2022, by the Climate Justice Advocacy Team, Meiki Paendong, WALHI Regional Executive Director, said:

“The early retirement of coal-fired power plants must be carried out immediately and the construction of the CFPPs [coal-fired power plants] must be halted without any exception. By stopping the construction of CFPPs, the threat of climate change can be minimized and the environment can recover from climate change, so that our children and grandchildren will be able to enjoy the environment in the future.”

Congratulations to ICEL, WALHI, and the people of Indonesia for saying no to polluting coal-fired power plants and advocating for green energy and healthy communities.

ELAW is providing assistance to legal teams around the world to compel their governments to ensure that their national climate action policies are in line with the long-term temperature goals of the Paris Agreement.

Landmark Victory in Czech Climate Suit

ELAW partners at Frank Bold Advocates share good news: Prague’s Municipal Court issued a landmark decision ordering the state to urgently take measures to reduce greenhouse gas emissions, in accordance with its obligations under European and international law.

Laura Otýpková, a lawyer at Frank Bold, worked on the case. Laura writes:

“Thank you, ELAW, for your kind cooperation and all the help that you provided for the lawsuit, including Dr. Mark Chernaik’s scientific advice, Jen Gleason’s case law and legal consultations, and Maggie Keenan’s help organizing an ELAW Fellowship that helped me come to Eugene to collaborate with your team. One of the priorities during my Fellowship was to begin building the scientific information and legal strategies to launch this case. And only three years later, we are celebrating a historic win in the Czech Republic!”

This is the first time that courts in the Czech Republic have ordered the government to drastically reduce emissions in accord with European and international law!

State authorities are obliged to have a plan of precise and complete measures towards the goal of reducing greenhouse gas emissions by 55% by 2030 compared to 1990. The plaintiffs—an association of over 260 citizens called The Czech Climate Litigation—convinced the court that the measures taken by the state so far are not sufficient.

The court found that the state had not provided legitimate reasons for its inaction and cannot absolve itself of its climate responsibility by reference to its relatively small contribution to global climate change.

The Czech Climate Litigation, represented by Frank Bold, sued the state in April 2021, after more than a year of preparation.

We cannot afford to backslide on climate commitments. Congratulations to Frank Bold and The Czech Climate Litigation association for holding the Czech government accountable.



Chvalětice coal-fired power plant, Czech Republic.
PHOTO: Laura Otýpková, Frank Bold

The Economics of Renewable Energy

Fossil-fuel industries have long dominated consumer markets for electricity, transportation, and heating. Why? Because the market prices of coal, oil, and gas were lower than the price of alternatives. But there is more to the story.

Fossil-fuel prices are low because governments allow industries to avoid responsibility for most costs and, instead, impose these costs onto society through large subsidies, and the emission of particulates, greenhouse gases, and other harmful pollutants.

In recent years, things have changed dramatically. The cost of producing electricity from solar and wind has plummeted—solar by up to 85% and wind by more than 50% between 2010 and 2020.

These powerful trends appear likely to continue. The International Energy Agency recently projected that, if current policies prevail, “coal use [falls] back within the next few years, natural gas demand reaches a plateau by the end of the decade, and rising sales of electric vehicles mean that oil demand levels off in the mid-2030s before ebbing slightly to mid-century. ... The declines are much faster and more pronounced [with more climate-focused policies].”

The Director-General of the International Renewable Energy Agency recently summarized the profound implications for communities around the world:

“Renewables present countries tied to coal with an economically attractive phase-out agenda that ensures they meet growing energy demand, while saving costs, adding jobs, boosting growth, and meeting climate ambition.”

Ernie Niemi
Natural Resource Economics

Protecting Forests in Nepal

Nepal’s Supreme Court canceled government plans to construct an international airport in Nijgadh. The proposed project site is in a forest next to Parsa National Park, which serves as a wildlife corridor and habitat for tigers, elephants, and other endangered species. Canceling the project saved 2.4 million trees!

“We have fought this short-sighted plan since 2017,” says Prakash Mani Sharma, Founder of Forum for Protection of Public Interest (Pro Public), Nepal’s only public interest environmental law organization. “This is a landmark judgement, saving the habitat of many flora and fauna, and stopping forest fragmentation,” he said.

Parsa National Park provides habitat for the endangered Asian elephant, Bengal tiger, sloth bear, and leopards. Blue bulls, sambars, chital, hog deer, barding deer, langurs, macaques, striped hyenas, jungle cats, palm civets, and more than 500 species of birds are also found in the reserve.

The Kathmandu Post reported:

“The \$3.45 billion-dollar Nijgadh International Airport in Bara’s fate had been hanging in the balance for years, with successive government pushing for it and environmentalists calling for taking into consideration the impacts of the national pride project on environment, biodiversity, local communities and wildlife.”

At Prakash’s request, ELAW Staff Scientist Dr. Mark Chernaik provided the court with an expert opinion on the project’s likely impacts on biological resources. Dr. Chernaik also co-authored a report with Dr. Amod Pokrel, from the University of California, Berkeley, that revealed how the project would increase the likelihood of malaria.

Prakash wrote: “Thank you for all your support and cooperation. Without this, the victory would not have been possible.”



COP27
November 6-18, 2022

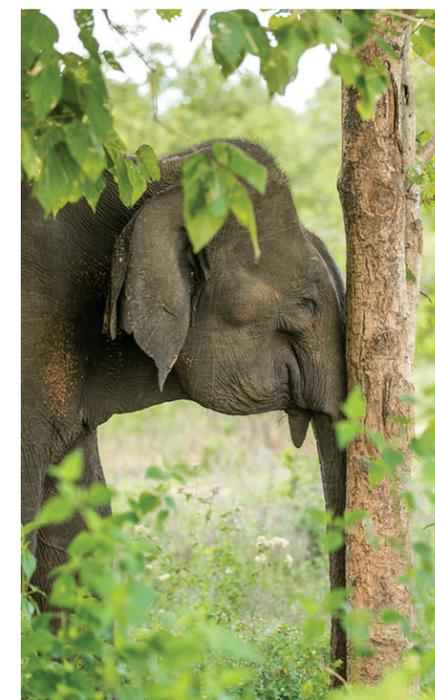
In November, world leaders and activists from around the globe gathered in Sharm El-Sheikh, Egypt, for the United Nations Climate Change conference (27th Conference of the Parties of the UNFCCC or COP27).

ELAW Attorney Érick Kassongo participated. Érick has worked for years to protect the environment and defend human rights in the Democratic Republic of Congo and across Africa. He co-founded the Congolese Center for Sustainable Development Law (CODED), based in Kinshasa, and serves as its Executive Director.

Érick reflected on COP27:

“The clean energy transition is an opportunity for many African countries to bypass traditional fuels and infrastructure and go straight to building sustainable energy systems. But these nations need support and investments from the international community. In brief, we need more progress from the big carbon emitters. Many of their commitments to tackle climate change have not been honored, especially promises of adaptation financing for least developed countries.”

Érick was joined at COP27 by ELAW partners from Chile, Egypt, Israel, Kenya, Liberia, Mexico, South Africa, Spain, Sri Lanka, and Uganda.



Protecting the Climate

#HumansofELAW

I work in the **Dominican Republic** to challenge oil exploitation and coal-fired power. Our region has some of the highest risk and damage from climate change in the world. I am passionate about representing communities who do not have money to pay lawyers.



Euren Cuevas

El Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA)

#HumansofELAW

Our commitment is to the coastal and island communities in **Colombia** that are the most impacted by climate change. We aim to mitigate climate change through ecosystem-based adaptation, rooted in the needs of local communities.



Ana Lucía Maya-Aguirre
Observatorio para la Gobernanza Marino Costera

#HumansofELAW

Plans for oil development in **Uganda** would produce over 100+ million metric tons of carbon, per year, for decades. We face a climate crisis, so we promote a green economy.



Dickens Kamugisha
Africa Institute for Energy Governance (AFIEGO)

#HumansofELAW

We work with frontline communities in the **Philippines** to ban single-use plastic, protect mangroves, and challenge short-sighted land reclamation. Working together, we craft policies that benefit people and the climate.



Liza Osorio
Oceana Philippines

Freeing the Dominican Republic from Fossil Fuels

ELAW has worked with Euren Cuevas for years to protect communities and the climate. Euren’s recent work supports a citizen group: Fossil Fuel Free Dominican Republic.

Euren says: “We are the 11th most vulnerable country in the world. We are in the path of hurricanes and share the island with the third most vulnerable country in the world, Haiti. We are climate victims, so halting the promotion of fossil fuels is the moral thing to do.”

Euren’s organization, INSAPROMA, convinced the President of the Dominican Republic to order the preparation of a report detailing the environmental and health impacts of the 752 MW Punta Catalina coal-fired power plant, which began operating in 2020. The report, completed this year, documents the substantial impacts of the plant on public health and on the marine environment. The report is being used to influence decisions by the government about whether to close the power plant, or re-power it with natural gas.

“We propose the closure of Punta Catalina and an end to coal and gas-fired power in the Dominican Republic,” says Euren, who promotes renewable energy sources.

INSAPROMA is also working to challenge offshore oil and gas development by a subsidiary of the Texas-based APA Company. They represent fishing communities in San Pedro de Macoris where deep water seismic studies threaten fishing grounds. INSAPROMA is also challenging gas-fired floating electricity generators on the Ozama River.

“This work is my passion. We are strengthening our coalition, fighting fossil fuels, and promoting renewable energy. It is my honor to represent vulnerable communities that cannot pay lawyers. We defend them from the abuses of authorities and companies.”

Euren Cuevas

Climate Action in Colombia

ELAW partner Ana Lucía Maya-Aguirre is advancing marine protection for climate resilient communities. Her organization, Observatorio para la Gobernanza Marina Costera, works with artisanal fishing associations to advance mangrove protection and better understand the impacts of a changing climate. She is an active member of ELAW’s Marine Working Group.

In October, ELAW Attorney Alejandra Serrano participated in a training workshop for an Afrodescendant community in La Barra. Alejandra was joined by staff from Ana’s organization – marine biologist Lady Roa and environmental engineer Melany Velasquez. The workshop focused on the ecosystem services of mangroves, mitigation and adaptation to climate change, as well as water quality in the coastal zones. The workshop was part of the “Agua, nuestro derecho” initiative.

Ana’s organization is also working to advance court ordered restoration plans for Cartagena Bay and documenting the carbon footprint of offshore oil exploration and exploitation.

“Coastal communities have the most to lose,” she says, noting that ecosystem solutions, such as protecting mangroves on vulnerable coastlines, helps communities mitigate and adapt to climate change.

“Coastal communities have the most to lose. We need to understand the climate impacts on marine resources to help communities make the link to climate justice.”

Ana Lucía Maya-Aguirre

Challenging Oil and Protecting Forests in Uganda

ELAW partner Dickens Kamugisha, Executive Director of the Africa Institute for Energy Governance (AFIEGO), received good news: AFIEGO received a 2022 Right Livelihood Award for its “tireless efforts to protect the rights of local communities from environmentally damaging projects linked to the exploitation of oil and gas.”

The award announcement says AFIEGO “has been at the forefront of efforts to stop the construction of the East African Crude Oil Pipeline (EACOP), which would transport Uganda’s crude oil to a port in Tanzania. The planned 1,400-kilometre pipeline would cut through 178 Ugandan and 231 Tanzanian villages, causing mass displacement, environmental harm and further exacerbating the climate crisis.”

The EACOP and the associated Tilenga and Kingfisher oil development projects near and within Uganda’s Murchison Falls National Park are projected to produce over 104 million metric tons of carbon per year for the next 25 to 40 years. “If this exploitation is permitted, the national and global climate will suffer,” says Dickens, who is working with more than 35 community service organizations and private sector groups to promote green economic activities in clean energy, tourism, and agriculture.

ELAW is collaborating with AFIEGO on the oil pipeline case at the East African Court of Justice and also working to protect Bugoma Forest from plans by Hoima Sugar Ltd. to destroy more than 41,000 hectares of this central forest reserve. “Bugoma is a tropical forest and critical for climate protection,” says Dickens.

AFIEGO staff work under challenging conditions. They have been harassed, intimidated, and even arrested for their work. “ELAW is helping us address these threats as we seek to protect our civic space,” says Dickens.

Climate Justice for the Philippines

ELAW partner and attorney Liza Osorio at Oceana Philippines describes the vulnerability of the Philippines to a changing climate:

“We are visited by at least 20 typhoons every year. Mangroves, sea grasses, and coral reef ecosystems are vital food sources and also provide coastal protection and resiliency amid the climate crisis. Protecting these coastal ecosystems is a win-win.”

Fossil fuel companies seeking new uses for their products are investing in the plastics industry.

ELAW has worked with Liza on a petition filed with the Philippines Supreme Court seeking to ban single-use plastics. “Plastics are derived from fossil fuels and we want to eliminate single-use plastic at its source,” says Liza.

“We are visited by at least 20 typhoons every year. Mangroves, sea grasses, and coral reef ecosystems are vital food sources and also provide coastal protection and resiliency amid the climate crisis. Protecting these coastal ecosystems is a win-win.”

Liza Osorio

ELAW Fellows, Fall 2022

Jimmy Munguriek Ufoy works with communities impacted by natural resource extraction near his home in Bunia, in eastern Democratic Republic of Congo. He is an attorney and Executive Director at Cadre de Concertation de la Société Civile de l'Ituri sur les Ressources Naturelles (Ituri Civil Society Natural Resources Consultation Framework). He teaches international law at the University of Bunia.

Jimmy is an active member of the Extractives Industries Transparency Initiative, a multi-stakeholder group composed of government, companies, and civil society, that supports global benchmarks for transparency in oil, gas, and mining.

While in Eugene, Jimmy worked with the ELAW Team to protect communities in his region from the impacts of ill-advised oil development, polluting mines, and logging operations. He also worked to advance an energy policy that will provide equitable access to electricity in Congo.

Bohdan Kuchenko works with the science team at the Kyiv office of Environment People Law to protect Ukraine's communities and ecosystems from the Russian aggression. He received a Master's in Ecology and Environmental Protection (2020) from the National University Kyiv-Mohyla Academy and a Bachelor's degree in Ecology (2018) from Odesa National Polytechnic University.

In Eugene, Bohdan worked with ELAW staff and experts from the U.S. and around the world. Bohdan focused on sustainable forest management, advocating for biodiverse forests, and ensuring that the environmental impact assessment (EIA) process protects Ukraine's natural resources from short-sighted exploitation.

Jimmy and Bohdan were both in Eugene for 10 weeks, starting in mid-September, and studied English at the University of Oregon American English Institute (AEI). Many thanks to the Trust for Mutual Understanding for supporting Bohdan's ELAW Fellowship and to AEI for providing Janet Hughes Mersereau Scholarships.



Bohdan Kuchenko (left) and Jimmy Munguriek Ufoy on the Water Falls Loop Trail near Sahalie Falls in the Willamette National Forest.



Jimmy and Bohdan spent many hours on the Central Oregon Coast exploring model projects to protect coastlines, forests, and waterways with Paul Englemeyer (right), Manager of Portland Audubon's Ten Mile Creek Sanctuary.



L to R: ELAW Fellows Nchunu Justice Sama (Cameroon), Jimmy Munguriek Ufoy (Congo), and Bohdan Kuchenko (Ukraine) meet with ELAW Attorney Leticia Aleixo.



Jimmy Munguriek, Bohdan Kuchenko, and Nchunu Justice Sama met at the ELAW office.



Janel Erickson, Bohdan Kuchenko, and Dave Reuter snow shoeing at Crater Lake National Park.

Nchunu Justice Sama (right) is a Cameroonian environmental lawyer and Executive Director of the Foundation for Environment and Development (FEDEV). Justice traveled to Eugene for a three-week ELAW Fellowship in late September. He is joined here at the ELAW office with ELAW Fellows Jimmy Munguriek Ufoy and Bohdan Kuchenko.

FEDEV has recently trained more than 100 judges, 30 journalists, and 120 lawyers to better understand and advance environmental justice. "Environmental law is a new field in Cameroon, and we are pleased to share our expertise," says Justice, who has served as Executive Director of FEDEV since 2003.

Now, FEDEV is working with communities in Figuil, Bidzar, and Biou, in northern Cameroon near the border with Chad, who suffer the impacts of a polluting cement plant, nearby limestone quarries, and related mining activities.

ELAW Host Families

Many thanks to the families in Eugene who over the years have provided housing and led field trips to Oregon's natural areas for ELAW Fellows.

This year, a special thanks goes out to Rosie Hammond, Magnus Persmark, Lauren Herbert, and Kenny Watkins for housing Macuxi lawyer Ivo Cípio Aureliano from Brazil.

In October, Magnus and Rosie took ELAW Fellow Jimmy Munguriek Ufoy on a field trip to the Oregon Cascades where Jimmy saw snow for the first time. Bohdan Kuchenko joined the excursion. Thanks also to Janel Erickson and Dave Reuter for taking Bohdan snow shoeing at Crater Lake National Park.

If you are interested in providing housing or leading field trips for ELAW Fellows, please contact: Maggie Keenan, maggie@elaw.org.



Rosie, Magnus, Bohdan, and Jimmy.



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Peg Boulay (center), Co-Director of the Environmental Leadership Program at the University of Oregon, joins ELAW Fellows Jimmy Munguriek Ufoy (left) and Bohdan Kuchenko at the Mt. Pisgah Mushroom Festival. Peg and her husband Bruce Newhouse, an ecologist, have shared deep knowledge of Oregon's flora, fauna and fungi, and local natural areas with many ELAW Fellows from around the world.

Connecting with Local Experts

ELAW thanks the many local experts who volunteered to work with ELAW Fellows in 2022: **Joe Scott**, Takelma/Siletz, Traditional Ecological Inquiry Program; **Brandi Crawford Ferguson**, McKenzie River Trust; **Devin Ferguson**, Blue River Recovery Project; **Howard Arnett**, University of Oregon School of Law; **Cary Lieberman**, Greenhill Humane Society; **Marcus Kauffman** and **Scott Altenhoff**, Oregon Department of Forestry; **Paul Englemeyer**, Portland Audubon; **Mike McCann**, Energy Consultant; **Nikola Smith**, U.S. Forest Service; **John Mellgren** and **Pete Frost**, Western Environmental Law Center; **Josh Roering**, University of Oregon, Department of Earth Sciences; **David Anderson**, Peregrine Fund; **Tamberly Conway**, Conservation Conexions; **Allison Payne**, University of California, Santa Cruz; **Rosanna Leighton**, Monterey County SPCA Wildlife & Rescue Rehabilitation Center; **Elliot Hazen**, National Oceanic and Atmospheric Administration; **Lucie Hazen**, Stanford Center for Ocean Solutions; **Mike Stake**, Ventana Wildlife Society; **Peter Eberhardt**, Oregon Blackberry Trust; **Scott Johnson**, M.D.; **Lisa Moeller**, P.A.; **Paulo Murillo**, Oregon State University; **Doug Heiken**, Oregon Wild; **Andy Stahl**, Forest Service Employees for Environmental Ethics; and **Tom Reitter**, Filmmaker.

THINK GLOBALLY. ACT GLOBALLY.



Charity Navigator and Candid give ELAW their highest rating for financial management, accountability, and transparency. To make a gift to ELAW, please visit elaw.org/give or use the enclosed envelope.