



**ELAW**

AUTUMN 2015

**advocate**

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Connecting Communities  
Protecting the Planet

## Defenders Move to Historic Home

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ELAW's new home in downtown Eugene, Oregon, USA

ELAW U.S. is thrilled to announce our move to a new home in a historic Eugene landmark at 1412 Pearl Street.

For 25 years, ELAW has served courageous grassroots advocates around the world. In 1991, we opened our first U.S. office on Garden Avenue in Eugene, staffed by Bern Johnson and Lori Maddox. Staff Scientist Mark Chernaik and Staff Attorney Jen Gleason joined the ELAW U.S. team in 1993. Over the next two and a half decades, the ELAW network grew to support advocates in more than 70 countries.

ELAW has brought 170 environmental advocates from around the world to Eugene as ELAW Fellows, celebrated with many ELAW partners who won the prestigious Goldman Environmental Prize, and provided legal and scientific support on thousands of environmental cases around the world.

ELAW U.S. outgrew the cramped, hidden Garden Avenue office, and spent years searching for the perfect, permanent office. Earlier this year, Eugene realtor John Brown helped us secure 1412 Pearl for ELAW's new home.

"Working with ELAW was one of the most fun and rewarding transactions I have experienced in over 35 years of real estate," says John. "They were patient, professional, and determined to find the right place.

The best part was the ELAW staff all volunteering to help me clean up the Willamette River, to show their appreciation for my efforts. I'm honored to have been retained by ELAW."

ELAW's beautiful craftsman-style house was built in 1914 as a duplex for two families. In recent years, the Eugene historical landmark housed Barnhart Real Estate.

"The real hero in this story is John Brown," says Bern Johnson, ELAW Executive Director. "He worked tirelessly to find the perfect place for ELAW. He listened to us, understood what we needed, and gave us solid advice. The ELAW team does not have a lot of experience with commercial real estate, so we relied on John and he came through for us. Thanks to John!

2016 marks the 25th anniversary of the ELAW U.S. office. We are excited to launch a capital campaign to help pay for our new home, and build on ELAW's efforts defending the environment and communities around the world.

"This new office is perfect," says Bern. "After 25 great years, we're thrilled to be in more visible, professional offices in downtown Eugene. We thank our supporters for making this move possible, and look forward to a successful capital campaign. Here's to the next 25 years and beyond!"

**"This new office is perfect. After 25 great years, we're thrilled to be in more visible, professional offices in downtown Eugene."**

Bern Johnson  
ELAW Executive Director

## Support ELAW Fellows

### ELAW U.S. Staff

**Bern Johnson**  
Executive Director

**Lori Maddox**  
Associate Director

**Mark Chernaik**  
Staff Scientist

**Jackie Chimelewski**  
Community Outreach Coordinator

**Killian Doherty**  
Law Associate

**Glenn Gillis**  
Information Technology Manager

**Jennifer Gleason**  
Staff Attorney

**Maggie Keenan**  
Communications Director

**Pedro León Gutiérrez**  
Of Counsel

**Mercedes Lu**  
Staff Scientist

**Liz Mitchell**  
Staff Attorney

**David Pugh**  
Web Developer

**Heidi Weiskel**  
Staff Scientist

**Ashley White**  
Director of Philanthropy and  
China Program

### ELAW U.S. Board

**David Hunter, Chair**

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**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.

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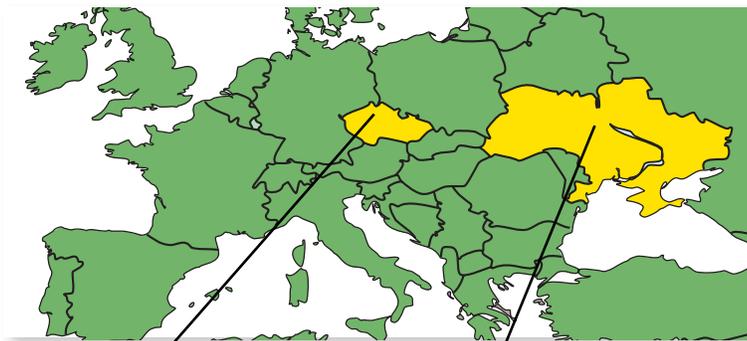
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**UNBLEACHED 100%  
POST-CONSUMER  
RECYCLED PAPER**

ELAW has hosted more than 170 environmental professionals from all over the world. ELAW Fellows are committed advocates who help the world's most disadvantaged communities protect the environment through law. They have gone on to do outstanding work and become respected leaders. Four ELAW Fellows later won the prestigious Goldman Environmental Prize, including 2012 Goldman Prize winner Ikal Angelei from Kenya.

ELAW designs each Fellowship to meet the Fellow's needs. We provide one-on-one training with ELAW Staff Attorneys, Scientists, and development staff, and reach out to other experts in the U.S. and around the world to help ELAW Fellows meet their training objectives.

ELAW Fellowships for Kristína and Alla would make it possible for them to work one-on-one with ELAW Staff Attorneys and Staff Scientists to gain skills to help communities at home speak out for clean air, clean water, and a healthy climate.

Kristína and Alla (right) have been selected for Director's Distinction Scholarships by the University of Oregon's American English Institute (AEI), valued at \$3,845 each. While in the U.S., they would build English skills by completing the 10-week AEI Intensive English Program. They would also have the opportunity to participate in the 2016 Public Interest Environmental Law Conference, joining thousands of grassroots advocates from across the U.S. and around the world.



Czech Republic



Frank Bold is a civil association founded informally in 1995 as a student volunteer group. Gradually, it became the biggest watchdog organization in the Czech Republic. Its team of lawyers together with a group of law students provides civil society free legal help on national and EU law.

Ukraine



EPL is a public interest environmental law organization which since 1994 has been protecting environmental rights, supporting, restoring and improving the environment and providing legal help in protecting other human rights, especially those which overlap with environmental rights.

If you are interested in supporting ELAW Fellowships for Kristína and Alla, please contact **Ashley White**, Director of Philanthropy ([ashley@elaw.org](mailto:ashley@elaw.org))



*Kristína Šabová is advancing green energy policy and protecting the climate from coal-fired power plants in the Czech Republic, Poland, and around the region. She heads the Responsible Energy Section at the Brno, Czech Republic, office of the Frank Bold Society, a public interest environmental law organization.*

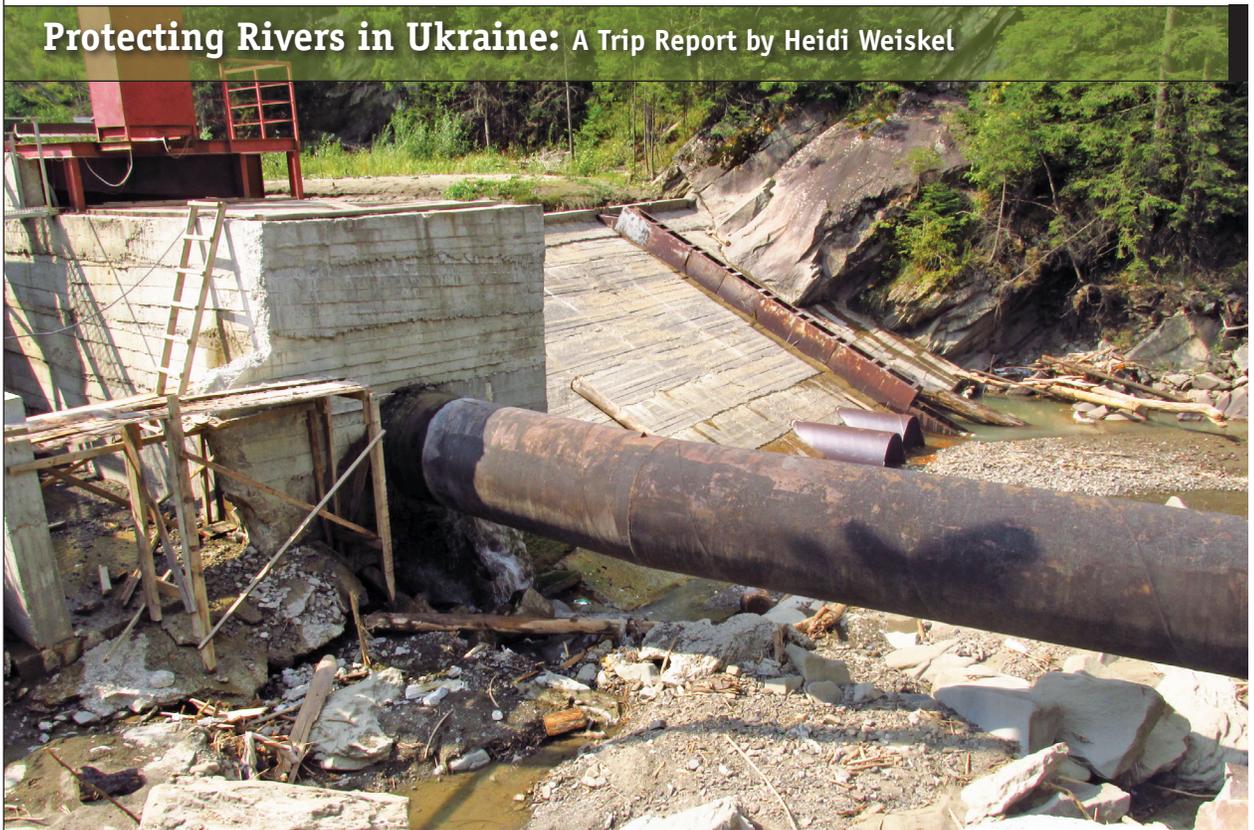


*In Ukraine, Alla Voytsikhovska is a chemist based in the Lviv office of Environment-People-Law. Communities are calling on Alla to learn best practices for handling medical waste, pesticides, and other hazardous materials.*

## Protecting Rivers in Ukraine: A Trip Report by Heidi Weiskel

"We are not opposed to the development of hydropower as a source of energy. We are calling for a moratorium on small hydropower until the government, investors, and developers can meet strict criteria to protect the viability of this watershed."

Olena Kravchenko  
Executive Director  
Environment-People-Law



Remote rivers in Ukraine's Carpathian Mountains are some of the most beautiful in the world. Sadly, these rivers are being targeted for hydropower projects that reduce rivers to streams too shallow to support fish. This summer, ELAW Staff Scientist Heidi Weiskel traveled to Verkhovyna in the Ivano-Frankivsk region to help Ukrainian partners protect the rivers. She was accompanied by Staff Scientist Petro Testov and Staff Attorneys Marta Pankevych and Nataliia Kuts from ELAW's partner organization, Environment-People-Law. The following are excerpts from Heidi's Trip Report.

*The situation is reaching a crisis: More than 300 hydropower projects are proposed for the region. What we saw was devastating.*

*Dams and pipes siphon most of the water out of rivers, leaving small fish ladders so poorly constructed that fish had no chance of survival. Sediment-filled water released by powerhouses compromises water quality for hundreds of meters downstream.*

*In most cases, the projects do not provide electricity to the local communities. Power is instead carried on high tension transmission lines hundreds of kilometers away, to other areas.*

*The new roads servicing the dams and powerhouses are facilitating illegal logging, fragmenting landscapes, and disrupting the migration patterns of many species. We watched massive logs being taken from the forest. No one was there to enforce the law.*

*EPL and ELAW believe that developers must meet a set of strict criteria before approval for a project is granted, to ensure that a project is low impact, which is different from "small hydro." A number of studies have concluded that small projects are as damaging or worse than large dams when calculated on a per megawatt-of-power-generated basis.*

*Back in Lviv, we presented our findings at a round table organized by EPL, with help from the World Wildlife Fund. The round table concluded with participants committing to taking the next steps to reduce the threat of small hydropower.*

*Our report, with recommendations about sustainable small hydropower in Ukraine, will be available on EPL's and ELAW's websites, in Ukrainian and English.*

**Heidi Weiskel** has degrees from Harvard and Tufts, and a PhD in Ecology from the University of California, Davis. She provides scientific expertise to grassroots advocates around the world to protect communities and the environment through law. Heidi's work with EPL is made possible by a grant from the *Trust for Mutual Understanding*.



# Mexico:

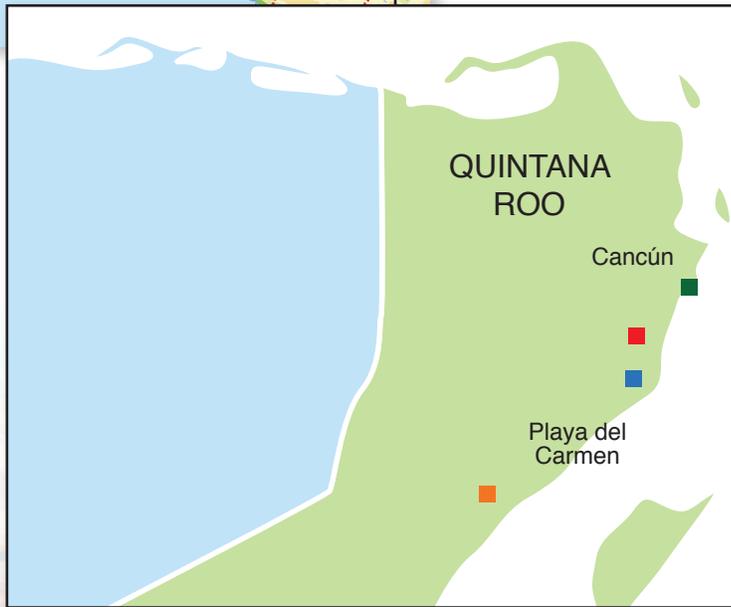


Quintana Roo – home to Cancún, Cozumel, Isla Mujeres, Playa del Carmen, and more – is threatened by projects that would destroy the natural beauty that draws tourists to the Yucatan Peninsula.

ELAW partners at the Mexican Center for Environmental Law have analyzed more than 100 projects this past year that were submitted for clearance to the Ministry of Environment and Natural Resources.

Many of these projects failed to meet minimum legal requirements. CEMDA flagged these projects and saved hundreds of hectares of secondary forest and mangroves.

A few examples illustrate how CEMDA is playing a critical role in protecting Quintana Roo.



- Riviera Cancún Hotel
- Puerto Grande
- Fuel Storage Terminal
- Dragon Mart



The Mexican Center for Environmental Law, A.C. (CEMDA) has worked for 21 years to defend the environment and natural resources of Mexico. Alejandra Serrano Pavón directs CEMDA's Southeast office, based in Cancún.

**“A tourist destination where environmental laws are followed builds confidence and a healthy environment for investment. Truly integrated coastal zone management includes development, but only if it is appropriate to the environment and adheres to prescribed environmental standards.”**

Alejandra Serrano Pavón

# Protecting Quintana Roo

## Riviera Cancún Hotel

### THE PROPOSAL

A 15-story hotel with 565 rooms, a desalination plant, five pools, roads, paved parking, and a water treatment plant. The property is located on the barrier island between two protected areas: Manglares de Nichupte and Punta Cancún-Punta Nizuc-Isla Mujeres.

### THE CHALLENGES

Project proponents claimed there were no mangroves in the project area. CEMDA's aerial photographs and a geospatial analysis showed mangroves clearly present.

The project violated the General Law on Wildlife and Mexican regulations tied to mangrove protection. The project failed to meet criteria required by the Ecological Zoning Program to protect dunes, species that inhabit dunes, and water flow.

### THE RESULT

Approval denied and mangroves, dunes, species, and water protected.



## Fuel Storage Terminal

### THE PROPOSAL

A fuel storage facility in a tropical forest in the municipality of Solidaridad, a few kilometers from the Riviera Maya tourist zone. The project included a storage facility for gasoline, diesel and aviation fuel, with capacity for 420,000 barrels. The fuel would be discharged from tankers through an underground pipeline.

### THE CHALLENGES

The project failed to meet minimum requirements established by the municipality of Solidaridad and was inconsistent with the Urban Development Program. It failed to adequately assess risk related to weather events and problems with design, construction, and maintenance. Hazards included cumulative impacts of fuel storage in conjunction with extraction of stone material used in explosives.

### THE RESULT

Approval denied and hazards avoided.



## Puerto Grande

### THE PROPOSAL

A 162 hectare residential project with 1,221 homes, 704 condominiums, hotel capacity of 628 rooms, a country club, and a recreation center.

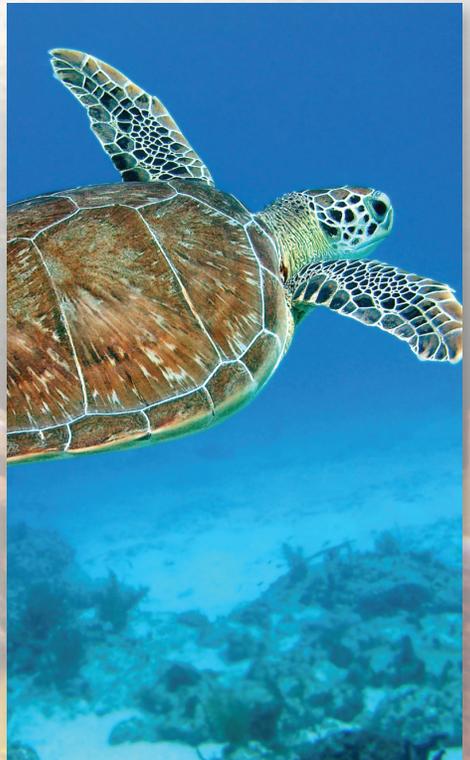
### THE CHALLENGES

The project would fragment habitat, reduce ecosystem resilience, and threaten habitat of more than 62 threatened and endangered species.

The project proponent failed to provide information to demonstrate compliance with Mexican law and international treaties, or with local ecological planning and urban development guidelines.

### THE RESULT

Approval denied and threatened species protected.



## Defending the Defenders

### Alejandra Serrano Pavón

*Mexico's Vanguardia newspaper ran a chilling report about threats to the lives of human rights defenders in Mexico: In five years, 868 human rights defenders have been attacked! An English translation of the report begins:*



#### Dragon Mart

Dragon Mart was a scheme financed by Mexican and Chinese investors that proposed to build a mega-commercial complex in the Puerto Morelos Reef Natural Protected Area. It

would have destroyed more than 550 hectares of a mangrove-lined coast in an area called El Tucán to make way for an exhibition center for Chinese goods, with 4,000 shops, 700+ homes for Chinese exhibitors and suppliers, plus an import terminal on the coast.

Alejandra learned about the project while watching the television news. She quickly spoke out, organized the local community, and filed legal actions.

"It was extremely difficult to get information from the government, including the location of the project," she said.

Using aerial surveillance, Alejandra and her team identified the project site and determined that destruction had already begun, without appropriate environmental review.

After more than two years of public outcry and Alejandra's legal claims, PROFEPA (the Office of the Attorney General for Environmental Protection) canceled the project and assessed fines of nearly US \$1.5 million for damage caused to the area.

Criminal investigations into acts by government and company officials are ongoing.

"A strong smell of gas filled the house of Alejandra Serrano Pavón. It was February 11, 2013, the same day the Senate held a forum to analyze the economic and environmental impact of a commercial complex Chinese investors called Dragon Mart, to be constructed in a nature reserve in Cancún, Quintana Roo.

The gas leak caused by strangers was not the first attack that Alejandra received. Earlier, this member of the Mexican Center for Environmental Law (CEMDA) received threatening messages on social networks, the tires of her car were punctured, and there were public insults by representatives of Dragon Mart."

#### Growing attacks on activists in Mexico

(Vanguardia, October 10, 2015)

<http://www.vanguardia.com.mx/articulo/crecen-las-agresiones-activistas-en-mexico>



## ELAW

#### Defending the Defenders Program

ELAW elevates the profiles of its partners to provide insulation from attacks, and helps partners evaluate threats, develop strategies, and take proactive steps to protect themselves. We tailor our response to meet the partners' needs, after consulting with the partner or his/her close associates.

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## Inside ELAW



**VOLUNTEER  
POWER!**

### Q&A with ELAW Intern Kate Jaffe

*ELAW Intern Kate Jaffe is doing great work monitoring India's National Green Tribunal (NGT) to help brief ELAW Staff Scientists on the many orders coming from this fast-track court. The NGT was established in 2010 as a specialized judicial body of expert members with the authority to take swift action to remedy environmental problems. The influential environmental court has since established itself as a lead player in environmental battles in India. Kate agreed to answer some questions about her work with ELAW.*

#### **Q: Why did you decide to pursue an internship with ELAW?**

**A:** I heard about ELAW through the Environmental Studies program at the University of Oregon, and it sounded like the perfect opportunity to find out how science could support crucial environmental protection. I'd like to pursue a career where I can work between the fields of science and policy to help improve the ways that scientific research is used in the context of law and policy, especially with policy related to climate change. As a Biology and Environmental Science major, I take a lot of intensive science classes but rarely get the chance to see how scientific research can be effectively applied to environmental advocacy and make tangible changes in communities. The work ELAW does has a huge impact on communities around the world and being even a small part of that impact has been an amazing and rewarding experience.

#### **Q. Tell us about your internship with ELAW, tracking the NGT. Can you describe a notable case you have followed?**

**A:** I search news articles and utilize the NGT website on a weekly basis to track and summarize significant cases, orders and judgments from the NGT involving ELAW partners. The cases often have immediate impact on communities and generate significant media attention.

One particularly interesting NGT case concerns the chronic pollution of the River Ganga. Initially brought to the Supreme Court of India in the 1980s by ELAW partner M.C. Mehta, this case has had wide-reaching implications for the ecological health of one of India's most sacred rivers. Mehta, who has had a long and well-renowned career as an environmental lawyer, succeeded in removing many of the toxic industrial plants crowding the Ganga's banks in 1985. After the NGT was established in 2010, it took on the challenging task of cleaning the remaining industrial and sewage waste from the river. Tracking this case has been especially inspiring for me as it revealed the tenacity and dedication of the NGT and ELAW advocates who have driven the movement to clean the Ganga for over 30 years.

#### **Q. Were you aware of the model of green tribunals or environmental courts before your internship with ELAW?**

**A:** I had not heard much about environmental courts before this internship. Learning about the structure and operation of these courts was one of the highlights of my time with ELAW. A separate court focusing only on environmental issues is a great model for addressing a variety of environmental dilemmas. I often see environmental pollution and damage take a back seat when it comes to policy decisions, but the NGT brings threats to the environment to the forefront, where they can be debated and addressed quickly and effectively.

#### **Q: What will you take away from your internship with ELAW?**

**A:** Tracking the NGT has given me a better understanding of the way in which science can identify environmental problems and inform creative solutions. Much of the evidence submitted in the NGT cases I tracked originated from scientific reports and evaluations. The communication of scientific knowledge to NGT judges was crucial to the judges' ability to react swiftly and effectively regarding environmental contamination and damage. As a science major, I will leave ELAW with a fresh commitment to communicating science and scientific research so it can be even more helpful to environmental advocacy around the world.



# ELAW

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## Environmental Law Alliance Worldwide

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## Give to the Global Grassroots

With the holiday season approaching, you may be pondering the perfect gift for friends and loved ones. For the people in your life that have everything, ELAW is here to help!

Please consider donating to ELAW in honor of friends and loved ones during the holiday season. If you do, we will send a beautiful ELAW card to the honoree, and a thank you and receipt to you.

For more information, please contact **Ashley White**, Director of Philanthropy ([ashley@elaw.org](mailto:ashley@elaw.org))



## 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, return the enclosed remit envelope, or visit [www.elaw.org/give](http://www.elaw.org/give) to make a secure, online gift. Please call **541.687.8454 x105** for more ways you can help ELAW protect the planet.

