



Democratic Republic of the Congo Protecting Communities and the Environment Through Law



ELAW's Erick Kassongo (back row, 3rd from left) joins ACEDH Executive Secretary Olivier Ndoole (with yellow scarf) and community workers in Kitshanga, DRC, to raise awareness about illegal wildlife trafficking.

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The Democratic Republic of the Congo (DRC) is extremely rich in natural resources, but has suffered centuries of commercial and colonial extraction and exploitation, with local communities left behind. Erick Kassongo, based in Kinshasa, is working with ELAW to build the capacity of partners in DRC and across francophone Africa.

Erick is Chair of the Centre Congolais pour le Droit du Développement Durable (Congolesse Center for Law and Sustainable Development, CODED) and a member of the Working Group on Extractive Industries, Environment and Human Rights Violations established by the African Commission on Human and Peoples' Rights. He works with CODED to ensure that local communities are involved in decisions about an enormous hydropower scheme on the Congo River, known as the Grand Inga. A Spanish and Chinese consortium signed an exclusive agreement in October 2018 to develop the project, which includes an enormous reservoir which residents fear will cause floods.

The first phase of this project, a dam known as Inga 3, threatens to displace 30,000 people in seven villages, jeopardize public health, and disrupt local ecosystems. So far, no environmental impact studies have been conducted.

"Only 15% of Congolese have electricity, but smaller, local plants might be a better solution," says Erick. CODED has facilitated candid discussion workshops between civil society and decision-makers, including affected communities, to educate stakeholders about Inga 3, what is at stake, and how citizens can make their voices heard. "We want to make the process transparent and participatory," he says.

Over the past year, Erick traveled to work with and build the capacity of ELAW partners in Goma-North Kivu, Matadi, and Boma in the DRC; Congo-Brazzaville; and the Gambia. He also reached out to grassroots advocates on behalf of ELAW in Burkina Faso, Cameroon, Guinea, Ivory Coast, and Niger.

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Democratic Republic of the Congo

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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 the ELAW U.S. and does not represent the views of ELAW partners around the world.

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ELAW is pleased to work with inspiring ELAW partners in DRC.

Olivier Bahemuke Ndoole

Executive Secretary

Alerte Congolaise pour l'Environnement et les Droits de l'Homme
(Congolese Alert for the Environment and Human Rights, ACEDH)
Goma, DRC

Olivier Bahemuke Ndoole is well-known for his work protecting the environment and defending land rights in North Kivu Province. His organization, ACEDH, was launched in 2008 in response to community violence and human rights abuses tied to illegal exploitation of natural resources and wildlife trafficking in and around Virunga National Park, a UNESCO World Heritage Site and home to the world's only mountain gorillas.

ACEDH defends communities and the environment in Virunga, including farmers who have been deprived of their pastures near the Mount Nyirangongo volcano. ACEDH works to educate communities near Lake Kivu about plans to exploit methane gas from this lake shared with Rwanda, and works to protect Lake Albert and Lake Edward from illegal fishing. ACEDH also trains judges to better fight trafficking of natural resources and endangered animal species.

"Land rights are an engine for social and economic development," says Olivier. "We must strengthen these

rights, and build transparency, to promote economic growth, meet basic needs, and realize human rights."

ELAW Attorney Erick Kassongo traveled to Goma in May to collaborate with Olivier and learn first-hand about problems facing local communities, including illegal exploitation of protected areas and land grabbing. He also explored problems tied to proposed exploitation of oil from Virunga National Park and methane gas extraction from Lake Kivu.

Erick traveled to Kitshanga, a village 150 km north of Goma near Virunga National Park, where ACEDH works with community members and the Congolese army to fight illegal wildlife trafficking of gorillas, hippopotamuses, elephants, and more. This work is supported by the Dutch national committee of the International Union for Conservation of Nature (IUCN NL), which shines a spotlight on environmental crimes in East Congo that often go unpunished.

"After 50 years of armed conflicts, many Congolese have either largely or entirely lost their trust in each other," states IUCN NL's website.

Erick attended an activity organized by ACEDH in collaboration with IUCN-NL called "Pact Day" to raise awareness among the military about the fight against illicit trafficking within the Virunga National Park's landscape (see photo pg. 1.) Erick promised ELAW's support to ACEDH to help local communities strengthen the rule of law and fight for their rights.



Erick Kassongo (left) and Olivier Ndoole meet with community members.

Protecting Communities and the Environment Through Law

“Land rights are an engine for social and economic development. We must strengthen these rights, and build transparency, to promote economic growth, meet basic needs, and realize human rights.”

Olivier Ndoole
Executive Secretary
ACEDH



Olivier Ndoole (center) on a field visit in Kitshanga.



Roger Mavungu Kama

Executive Secretary

*Dynamique pour le Droit, la Democratie et le Developpement Durable
(Dynamics for Law, Democracy and Sustainable Development, D5/ASBL)
Boma, DRC*

Roger Mavungu Kama is the Executive Secretary of D5/ASBL in Central Kongo Province in western DRC, the only province with an ocean coastline, where the Congo River empties into the Atlantic. His organization is defending communities and customary landowners that have suffered and lost land as a result of the Inga 1 and 2 phases of the hydropower scheme on the Congo River. He is also helping community members guarantee their rights as plans for Inga 3 move forward.

Roger has called on ELAW’s science team for information from around the world about the impact on communities and the environment of major hydropower schemes. ELAW will work with Roger to build the capacity of his organization and expand the corps of local public interest lawyers working to protect communities and the environment in Central Kongo Province.



Roger Mavungu Kama

Brazil Protecting the Rights of Indigenous and Tribal Peoples,

“Now, it is more important than ever to help indigenous communities defend their traditional land rights. If not, indigenous communities’ cultural and physical survival will be in peril.”

Juliana de Paula Batista

Attorney
Instituto Socioambiental
(Socio-environmental
Institute)
ISA



Juliana de Paula Batista

Brazil’s Amazon rainforest, known as the “lungs of the earth,” is under assault from extractive industries and development schemes. These plans to develop the Amazon threaten the rights of the indigenous peoples who are the traditional stewards of this invaluable ecosystem, as well as the global climate.

ELAW is working with partners in Brazil to defend the rights of indigenous peoples and the natural resources they depend upon. Brazilian attorney **Juliana de Paula Batista** works at a leading NGO in Brazil, Instituto Socioambiental (ISA). She will travel to the U.S. in September for an ELAW Fellowship.

“The executive branches of Brazil’s government have failed to fulfill their duties to demarcate and title indigenous lands,” says Juliana. “Now, it is more important than ever to help indigenous communities defend their traditional land rights. If not, indigenous communities’ cultural and physical survival will be in peril.”

ISA works to strengthen indigenous peoples’ role of legally managing natural resources, protecting native lands, and defending traditional land rights. www.socioambiental.org

Juliana provides legal advice to indigenous communities and their organizations. She advocates for the protection of these communities’ constitutional rights, and defends indigenous peoples in court to guarantee their territorial rights.

Juliana also works with traditional communities of Afro-descendants in Brazil – the quilombola. These Afro-Brazilians are residents of quilombo settlements first established by escaped slaves in Brazil. Although

slavery ended in 1888, the rights of the quilombola to their collective lands were not recognized for 100 years - until 1988. These rights were later questioned, but last year the quilombola and their lawyers succeeded in winning recognition of their constitutional, ethno-cultural, and territorial rights in the Supreme Court.

ISA works with the quilombola who live in the Ribeira Valley in the southern part of the State of São Paulo. Food security in these communities is threatened by bureaucratic government agricultural licensing that has resulted in the loss of traditional seeds and biodiversity. Juliana is helping these communities navigate the bureaucracy and make their voices heard.

ELAW Law Associate Killian Doherty traveled to Brasília in May and met with Juliana to plan for her ELAW Fellowship in Eugene, which will include:

1. Building her capacity to protect indigenous communities in Brazil from destructive mining operations;
2. Researching model laws and practices from around the world that protect indigenous lands from natural resource extraction; and
3. Connecting with ELAW partners around the world who are working to protect indigenous lands for future generations.



Street art in Rio de Janeiro. PHOTO: Killian Doherty

the Natural Resources they Depend on, and the Global Climate



Street art in Rio de Janeiro. PHOTO: Killian Doherty



Street art in Vila Sao Jorge. PHOTO: Killian Doherty

“Brazil is an amazing country, incredibly rich in both biological and cultural diversity. Today, Brazilian civil society’s role in protecting environmental and human rights is perhaps more important than ever. ELAW is proud to have collaborated with Brazilian environmental and human rights advocates for more than 20 years and hopes to strengthen such collaboration in the years ahead.”

Killian Doherty
ELAW Law Associate

Brazil’s President Jair Bolsonaro took office in January. His polarizing far-right leadership is posing new challenges for ISA. Killian and the ISA team discussed how the ELAW network can help Brazilian advocates protect environmental and human rights and strengthen the rule of law.

“Brazil is an amazing country, incredibly rich in both biological and cultural diversity,” said Killian. “Today, Brazilian civil society’s role in protecting environmental and human rights is perhaps more important than ever. ELAW is proud to have collaborated with Brazilian environmental and human rights advocates for more than 20 years and hopes to strengthen such collaboration in the years ahead.” (CONTINUED on PG. 6)



Street art in Manaus. PHOTO: Killian Doherty

Brazil (continued)



Protecting the Climate through Law

ELAW Law Associate Killian Doherty was lead speaker at a May 9 public climate conference in Brasília, "Brazil: Dialogue 7: Climate Litigation." His presentation, "Climate Litigation around the World," set the stage for discussion between government and civil society representatives on how legal instruments can help protect the climate. The climate litigation conference forms part of the Diálogos Futuro Sustentável series of annual conferences focused on timely environmental matters, organized by the partnership of the Climate and Society Institute (iCS) and the German Embassy in Brasília.

"The conference was well attended in a jurisdiction that is critical for addressing global climate change and its likely effects on human rights and biodiversity," said Killian.

Waterfalls along the Rio Preto in Chapada dos Veadeiros National Park, a UNESCO World Heritage site in the Brazilian Central Plateau in the State of Goiás. PHOTO: Killian Doherty

ELAW Partners Make International Headlines

Alfred Brownell Wins Goldman Prize

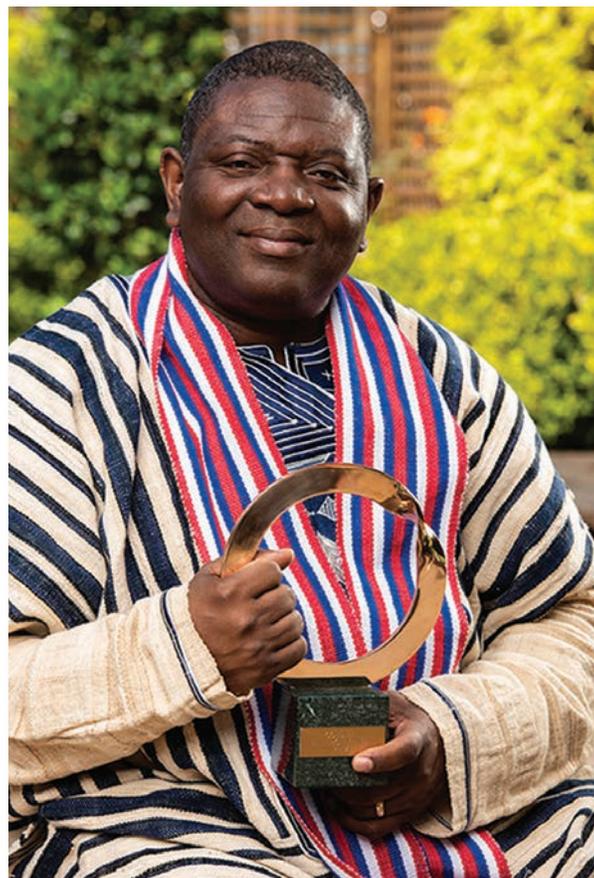
Alfred Brownell, co-founder of Liberia's Green Advocates, was awarded a 2019 Goldman Environmental Prize this April. Under threat of violence, Alfred helped protect 513,500 acres of tropical forests from palm oil plantation developers. These forests constitute one of the world's most important biodiversity hotspots.

In 2000, fresh out of law school, Alfred contacted ELAW for advice as he and his fellow graduates contemplated creating an organization to protect Liberia's environment. Then-Liberian President Charles Taylor was exploiting land and natural resources, and Alfred wanted to enforce the law.

ELAW helped Alfred launch Green Advocates, connected him with colleagues across Africa and around the world, and hosted him and co-workers at Green Advocates for ELAW Fellowships over many years.

Alfred traveled to Eugene in 2017 to participate in the ELAW Annual International Meeting. During that visit, the *Eugene Weekly* featured Alfred on the cover and reported how he nearly lost his life in a nightmare that unfolded as he and co-workers were on a day-long fact-finding investigation to a remote community that raised questions about a palm oil plantation.

Alfred and his team have worked fearlessly to protect communities and the environment through law, help strengthen Liberia's framework environmental law, revise the nation's forestry laws, hold mining companies accountable, and defend land rights of local communities facing land grabs.



Alfred Brownell PHOTO: Goldman Environmental Prize

ELAW Fellow Elected President of Slovakia

In a stunning upset, grassroots attorney and Goldman Prize winner **Zuzana Caputova** was elected President of Slovakia in March. Zuzana traveled to Eugene for 10-weeks in the spring of 2017 to participate in the ELAW Fellows Program. She won a Goldman Environmental Prize in 2016 for her work spearheading a campaign that shut down a toxic waste dump that was poisoning the land, air, and water in her community. *New York Times* reporter Marc Santora writes: "Beyond Slovakia, Ms. Caputova's unlikely rise and broad support in this deeply conservative country has given hope to opposition leaders in other countries, who sense that a backlash against populists may be brewing." Her inauguration was June 15.



Zuzana Caputova PHOTO: Goldman Environmental Prize



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