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Connecting Communities
Protecting the Planet

Climate Change, Poverty, and Gender in Central America

By **Lori Maddox**

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A severe weather event last year, Tropical Depression 12E, brought 30 inches of rain in 10 days to El Salvador. Some areas registered more than twice that amount and 10% of the country was left under water. Experts have long predicted that global warming would lead to increased frequency and intensity of severe weather events, and they identified Central America as a particularly vulnerable region.

Tragically, they were right on both counts.

In January, ELAW and the Seattle International Foundation co-sponsored a conference in San Salvador: "Joining Forces in Central America: Exploring Links between Climate Change, Contamination, Gender, and Poverty." El Salvador's Minister of Natural Resources, Herman Rosa Chávez, delivered the inaugural address. Rosa Chávez is motivating action on climate change in his country by attaching a price tag to the real costs of severe weather events.

An analysis by the Economic Commission of Latin America of Tropical Depression 12E documents more than \$840 million in losses and damages, equivalent to 4% of El Salvador's gross national product. At this cost, governments must act quickly to help communities prepare and respond to disasters arising from climate change. With all of Central America in this vulnerable position, Rosa Chávez's leadership should motivate other policymakers in the region.

Heavy rains cause problems beyond flooding because they expand the reach of waterborne pollutants and diseases. ELAW staff and colleagues from the region visited the Rio Sucio to learn about efforts led by Salvadoran partner **Victor Mata Tobar** to clean up the watershed. The Rio Sucio ("Dirty River") gets its name from its naturally high turbidity, but local advocates recognize the double entendre – the river now has high levels of heavy metals and fecal coliform. The Rio Sucio is part of a macro-watershed that provides drinking water for the capital San Salvador.

El Salvador was left with nearly 10% of its land under water.

Near the Rio Sucio, we visited the abandoned battery disposal plant of Baterías Record. This site was declared a "state of emergency" in late 2010 due to high lead levels found in the blood of area residents. One of our community hosts was tested at 44 µg/dL, more than four times the level at which

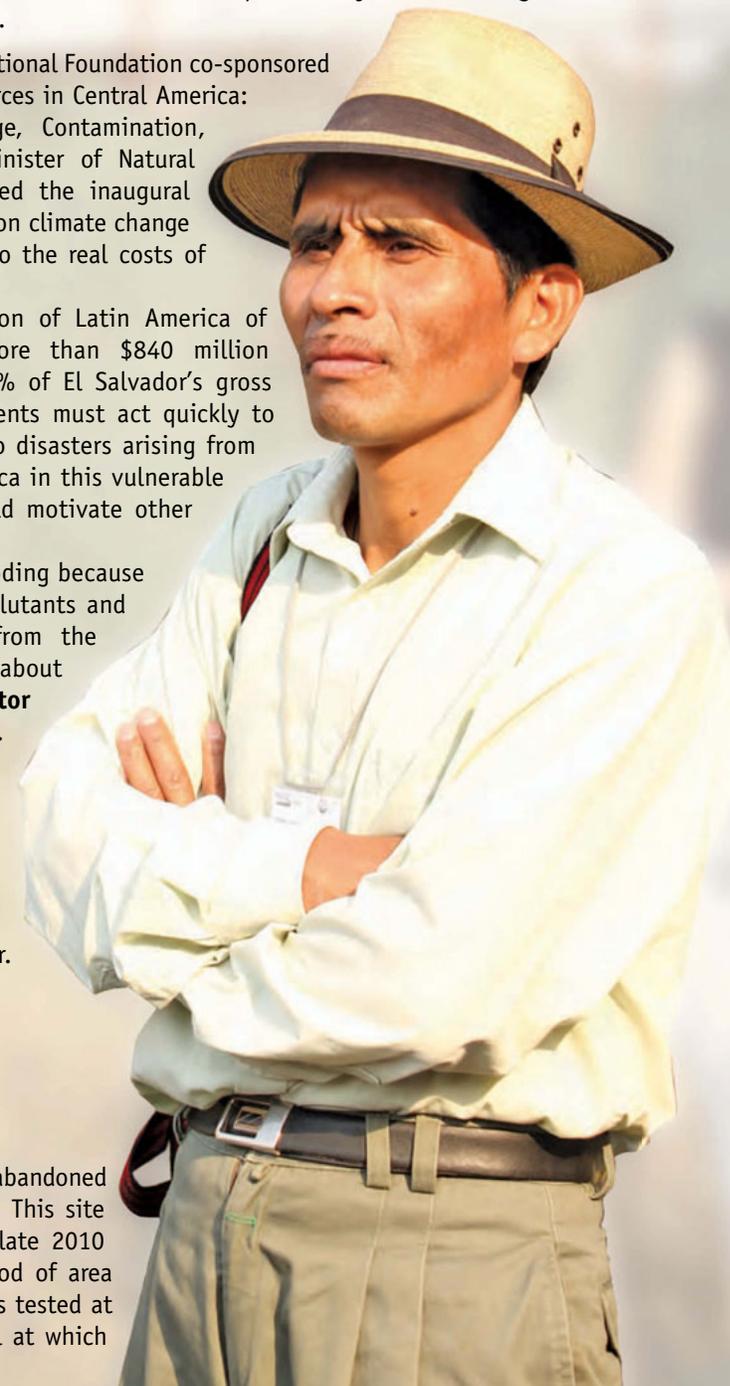


PHOTO:
Juan Perez Cedillo,
an advocate with
Fundación Maya in
Guatemala, listens
to community
members discuss
clean up efforts for
El Salvador's Rio Sucio.

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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.

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Protecting the Ecuadorean Amazon



Pablo Fajardo speaks with community members.

When a court in Ecuador ordered Chevron in February 2011 to pay \$18 billion to compensate Ecuadorians for damage to their communities, ecosystems, and health, Chevron executives responded by vowing to never pay a dime. Chevron filed a suit in New York against the Ecuadorian plaintiffs and their lawyers and began pursuing people and organizations that had helped with the case in Ecuador.

Judge Thomas Coffin ruled that Chevron was making “unduly burdensome” demands for information from ELAW.

In May, Chevron’s lawyers trained their sights on ELAW. ELAW partner **Pablo Fajardo** is the lead lawyer in the case against Chevron in Ecuador, and ELAW partners from around the world filed a “friend of the court” brief in the court in Ecuador. ELAW also hosted Pablo for an ELAW Fellowship in 2009, which enabled him to study English at the University of Oregon’s American English Institute.

Chevron started by demanding documents from ELAW. Chevron’s New York lawyers sent ELAW a 24-page subpoena demanding a wide range of documents going back more than eight years. ELAW worked with Eugene attorney Charlie Tebbutt to respond to Chevron’s demands. ELAW staff spent many hours

searching for documents that might respond to Chevron’s demands. ELAW sought to comply with the legal obligation to produce documents, while protecting confidential information.

Chevron’s lawyers then demanded to depose ELAW Executive Director Bern Johnson. In September, two Chevron lawyers from New York traveled to Eugene and questioned Bern under oath, for a full day.

Chevron attorneys then demanded still more documents from ELAW and another deposition. ELAW appealed to the federal court in Eugene, and Judge Thomas Coffin ruled that Chevron was making “unduly burdensome” demands for information from ELAW.

Judge Coffin ruled that Chevron meant to harass ELAW and ordered Chevron to pay ELAW’s fees and costs. Chevron then withdrew its requests for more information from ELAW.

Bern said: “ELAW works to protect communities and ecosystems from environmental abuses. That work can make powerful corporations mad, and sometimes they try to silence you. Many of ELAW’s partners have faced this kind of harassment, and worse. Fortunately, in this case the legal system worked to protect ELAW from harassment.”

ELAW Fellowship Program . . . we need your help!

“I want to protect nature and improve the quality of life for the dispossessed. I want to empower civil society.”

Emilio d’Cuire



Emilio d’Cuire
HONDURAS

Grassroots advocates are eager to travel to Eugene for individually-tailored ELAW Fellowships that help them collaborate and build skills to better protect communities and the environment back home. In 2011, ELAW hosted 12 advocates from 11 countries in Africa, Latin America, and Europe.

ELAW seeks support for **Emilio d’Cuire** and other promising environmental advocates who seek ELAW Fellowships in 2012. Support for the ELAW Fellowship Program will make it possible for Emilio to gain the skills and resources he needs to craft a greener future.

“I want to protect nature and improve the quality of life for the dispossessed,” says Emilio. “I want to empower civil society.”

Emilio received a degree in biology from Universidad Nacional Autonoma de Honduras and took his passion to the Environmental Law Institute of Honduras (IDAMHO). Short-sighted tourism development schemes threaten the coast of Honduras, protected areas, and small fishing communities. Emilio and his co-workers are doing excellent work strengthening the rule of law and protecting the Mesoamerican Reef.

Meanwhile, Honduras is becoming increasingly violent. The Peace Corps recently pulled out of Honduras and this is an excellent time for Emilio to travel to Oregon to gain skills and work with ELAW.

Honduras has the highest homicide rate in the world, and violent attacks against environmental activists are increasingly common.

Emilio has landed a tuition scholarship for the University of Oregon’s American English Institute’s Intensive English Program. Stronger English skills, he says, will open up “a world of information.” Many ELAW partners have gained English skills through the American English Institute, and found it tremendously valuable.

For more information about how you can support the ELAW Fellowship Program, contact Maggie Keenan at maggie@elaw.org.



Climate Change, Poverty, and Gender in Central America

(CONTINUED FROM PAGE 1)

People living in poverty and women bear a disproportionate share of the burden of pollution and degradation of natural resources.



(CONT. FROM PG. 1)

the Centers for Disease Control recommends public health action is needed. Local ELAW advocate **Luis Francisco López Guzmán** is one of four attorneys representing the local community in a case against Baterías Record, which is proceeding in both domestic and international tribunals.

Advocates from the region worked together and shared experiences from their countries. People living in poverty and women bear a disproportionate share

Sign at bus stop near the abandoned Baterías Record battery disposal plant: "In this place there are 33,000 tons of toxic materials. We demand justice and punishment of the owners, former officials, and accomplices to Baterías Record. Communities of the Movement without Lead."



"El Sitio del Niño" or "The Place of the Child" is the site of the now closed Baterías Record factory, where lead acid batteries were recycled to recover lead. El Sitio del Niño was declared a national emergency by Salvadoran Minister of Environment Herman Rosa Chávez, because of the extremely high lead levels identified in the children who live nearby. Children are especially vulnerable to lead poisoning, which causes lifelong mental and physical suffering. ELAW partner Luis Francisco López Guzmán (LEFT) is one of four attorneys fighting for justice for these children at domestic and international tribunals.

of the burden of pollution and degradation of natural resources. Women struggle to collect enough rainwater to serve their families, while multinational mines exhaust freshwater resources, contaminate air and water, and violate human rights. Rural and coastal communities are hard hit by floods and have difficulty accessing basic information and services.

In spite of these challenges, the conference was uplifting because of the creativity and commitment of the participants. Our partners are fighting for the human right to water, to live free from contamination, and for equal access to justice for communities and for the planet. Civil society leaders in Central America are crafting solutions that are holistic, innovative, and ambitious, and reflect the fundamental values of people in the region.

We appreciate the support of the Seattle International Foundation for our work in Central America.

Lori Maddox is ELAW Associate Director. She leads ELAW's work in Central America.



Women leaders are crafting innovative solutions to deep-rooted problems, bringing help and hope to communities in Central America.

Climate Report

Meeting energy needs while reducing greenhouse gas emissions presents an urgent, critical challenge for people all over the world. ELAW is taking on the climate challenge, here in the U.S. and with partners around the world, by helping advance laws and policies that protect the climate.

"We need real law reform that opens the door wide for clean, renewable energy sources," says Jennifer Gleason, ELAW Staff Attorney. Jen is an expert in renewable energy policy and teaches energy law at the University of Oregon School of Law. She is working with partners in the U.S. and around the world to advance laws and policies that favor investment in safe, renewable energy.

Energy efficiency and conservation measures, well-designed feed-in tariffs, strong renewable targets, and investments in improving technology for energy storage can help solve the climate crisis. Promoting distributed generation can also help meet this challenge. Distributed generation means that multitudes of individuals and small businesses can generate electricity, rather than relying on large power plants. In areas that do not currently have access to electricity, distributed generation can enable communities to generate their own green power rather than extending the electric grid out to meet them. Extending the grid costs money that could be better spent on local wind and solar projects.

Gleason says: "We need to move to a clean, green energy future. It is the right thing for local economies around the world and the right thing for our planet."

Fracking

Hydraulic fracturing, or "fracking," is a term that is becoming familiar to more and more communities. Fracking is a process used to extract natural gas from deep underground rock formations and requires massive amounts of water and chemicals to bring the gas up to the surface. The U.S. Environmental Protection Agency (EPA) issued a draft report last year that linked hydraulic fracturing to water contamination in the drinking water supplies of families living in the small town of Pavilion, Wyoming. Samples from the EPA's own monitoring wells detected synthetic chemicals used during the fracking process in the underground water aquifer.

The hydraulic fracturing process is spreading beyond the U.S. ELAW partners in Ukraine, South Africa, and Australia are monitoring new proposals that involve fracking to extract natural gas from underground. Sharing information from the U.S. will help leaders in other regions protect precious drinking water supplies. Good news emerged from Bulgaria in January, where lawmakers overwhelmingly voted to ban fracking, effectively halting a plan by Chevron to use the process to pursue natural gas in that country.

ELAW partners **Kirsty Ruddock** and **Natasha Hammond-Deakin**, lawyers with the Environmental Defenders Office (New South Wales), are working on behalf of a community preservation organization to challenge a major gas development project that would include over 300 gas wells and a 60-mile gas pipeline in a rural farming area known as the Gloucester-Stroud Valley. One of the key points in the case is that the planning commission failed to apply the precautionary principle and proceeded to approve the project despite considerable scientific uncertainty and risks surrounding surface and groundwater contamination caused by fracking. This is a landmark case that is the first to challenge a proposed fracking project in New South Wales. Community members are anxiously awaiting a decision.

Inside ELAW: Providing the Science Communities Need

Marine Scientist Joins ELAW

We are pleased to welcome a new ELAW Staff Scientist, **Heidi Weiskel**. Heidi brings valuable expertise in marine and coastal ecology. She received an M.S. with honors from Tufts University School of Veterinary Medicine and a BA from Harvard. She is currently completing a Ph.D. in Ecology from the University of California at Davis, where she studied the effects of nutrient pollution on marine species.

“I am thrilled to join the ELAW team,” says Heidi. “I look forward to working with our partners around the world on strengthening protection for living marine resources and the coastal communities that depend on them.”

In addition to her field research experience, Heidi also worked on the staff of the Pew Oceans Commission to develop recommendations for Congress to improve national marine resource laws and regulations. She also worked as an environmental policy research fellow at the Permanent Court of Arbitration in The Hague and has worked with scientists in Cuba, Panama, and Argentina. She is fluent in Spanish, and also speaks some French and Russian.

Welcome Heidi!



Heidi Weiskel

ELAW Science Interns

Volunteers increase ELAW’s impact by contributing hundreds of hours of service every year. ELAW Science Interns range from seasoned scientists to undergraduates and Ph.D. candidates. ELAW Science Interns help ELAW partners tap scientific resources to make the case for clean air, clean water, and healthy communities. Many thanks to our recent Science Interns: **Vidusha Devasthali, Willis Langsdon, and Keats Conley**.

Vidusha is completing a Master’s degree in Public Administration at the University of Oregon. She has a graduate degree in Biochemistry from the University of Texas at Austin. She spent ten years doing research both in academia and in the biotechnology industry, and wants to learn more about how scientific research is used to inform policy decisions. “Working with ELAW is a great opportunity. I am inspired by the prospect of using science to contribute to a strong legal framework that will protect our natural resources around the world.”

Willis is a senior at the University of Oregon, majoring in Environmental Science with minors in Biology and Geography. Last year he visited Mossman Gorge in Queensland, Australia, and met community organizers who were helping Aboriginal

communities become more involved in management of local forests. “This trip sparked my interest in environmental issues in marginalized communities and volunteering at ELAW,” he says.

Keats is completing a Master’s degree in Environmental Studies at the University of Oregon and has a Bachelor of Science from Idaho College. She worked for four years at the Ruth Melichar Wild Bird Rehabilitation Center in Boise, facilitating the release of 6,000 songbirds and waterfowl back into the wild.



Vidusha Devasthali



Keats Conley



Willis Langsdon

Can a Satellite Help Save Mangroves in the Philippines?

Last year, a developer received government approval for construction of a waste landfill in Obando, a low-lying coastal area near Manila. The area is covered with mangroves and inundated with water. The waste from Manila would arrive in Obando on barges. **Ron Gutierrez**, a Filipino grassroots attorney, called ELAW for urgent help challenging this scheme.

With the help of Google Earth, ELAW Staff Scientist Mark Chernaik was able to “visit” this site and help make the case that this is a poor choice for a landfill.

Mark used Google Earth to take a closer look at the proposed landfill site. He found an extensive

canopy of mangroves that would have to be cleared, even though EcoShield’s plans made no mention of mangroves. The project proposal also included a suspect plan to build embankments around the landfill, to prevent future flooding.

Ron submitted a petition to the Supreme Court of the Philippines, including a detailed statement from Mark showing why the proposed landfill violates numerous provisions of the Philippines Ecological Solid Waste Management Act. Ron also included the Google Earth image showing the mangroves that would be lost if the project goes forward.



The yellow line indicates the boundaries for the proposed Obando landfill. A wide belt of mangroves adjoins Manila Bay, at the bottom of the image. The town of Obando is on the left, above the proposed landfill.

Opponents of the landfill are rallying opposition: An opinion piece by Alejandro del Rosario in the January 18, 2012, *Manila Standard* says, “The people of Obando cannot help but fume because their beautiful town is being turned into a favorite dumping ground of Metro Manila’s garbage.”

The case is pending.



ELAW staff scientists use Google Earth to determine the true impacts of proposed landfills, power plants, beach resorts, mines, logging operations, and other proposed projects all over the world — without costly travel. Thanks to a gift from the Google for Nonprofits program, ELAW is now doing more precise spatial analysis with Google Earth Pro, using GIS

tools to map the locations of communities, protected areas, habitats, and proposed projects. This helps communities better understand a project’s potential impact on people, wildlife, and wildlands.

Thanks Google for helping ELAW protect communities, prevent environmental abuses, and promote safer, more sustainable alternatives.



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