

**ELAW**

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Wild Places, Communities, & Wildlife



Protecting Biodiversity and Ecosystems

Communities around the world are speaking out against short-sighted projects that threaten wild places, wildlife, biodiversity, and ecosystems. In the **Maldives**, **Congo**, **Guinea**, and **Nepal**, advocates are working to protect forests, watersheds, coral reefs, and much more. We are proud to collaborate with these local advocates. Enjoy the following brief reports on our recent work.

#SaveMaldives Massive Port Threatens Coral Reefs

The Government of the Maldives proposes to dredge 24.5 million cubic meters of sand from the North Malé Atoll to reclaim Gulhifalhu Lagoon, to create new land for a massive commercial port. The plan includes the "relocation" of coral from the Gulhifalhu reef to luxury tourist resorts in the Maldives. The project website reports that 34,500 coral colonies have already been "relocated."

"The Gulhifalhu reclamation project will negatively impact up to 30 dive sites in the North Malé area," says Humaida "Humay" Abdul Ghafoor, an activist working with the Save Maldives campaign. "None of the inevitable loss, damage, destruction, and wastage of natural assets have been valued," she adds. "Serious concerns raised by divers, small and large businesses, and fisherfolk, which are documented in the project EIA, have not been addressed."

Humay and her attorney, Hasan Zaki, are working to challenge the massive dredging project. They called on ELAW for help reviewing project plans and for legal precedents in cases around the world that protect biodiversity, the right to a clean and healthy environment, sustainable development, intergenerational equity, and access to justice.

ELAW Scientist Dr. Melissa Garren reviewed the coral relocation plan and found that it fails to follow international best practices. "The ecological and socioeconomic objectives are unclear and there are no metrics to evaluate success," she says, adding: "The



Hasan Zaki and Humay Abdul Ghafoor.

benefits of the coral at the new site do not compare to the ecosystem services they provide at the dredging site. This approach might benefit a single resort as an easily reached snorkel attraction, but it in no way replaces the extensive natural reef system slated to be destroyed."

ELAW Scientist Dr. Heidi Weiskel also weighed in. She reviewed the environmental impact assessment (EIA) for the proposed port and found that the coral reef, encompassing more than 3.5 square kilometers inside the Gulhifalhu Lagoon, would be totally sacrificed. "The proposed mitigation measures are insufficient and irresponsible, given the scale and significance of destruction," says Dr. Weiskel.

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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 Biodiversity and Ecosystems

#savemaldives

#SaveMaldives (CONTINUED)

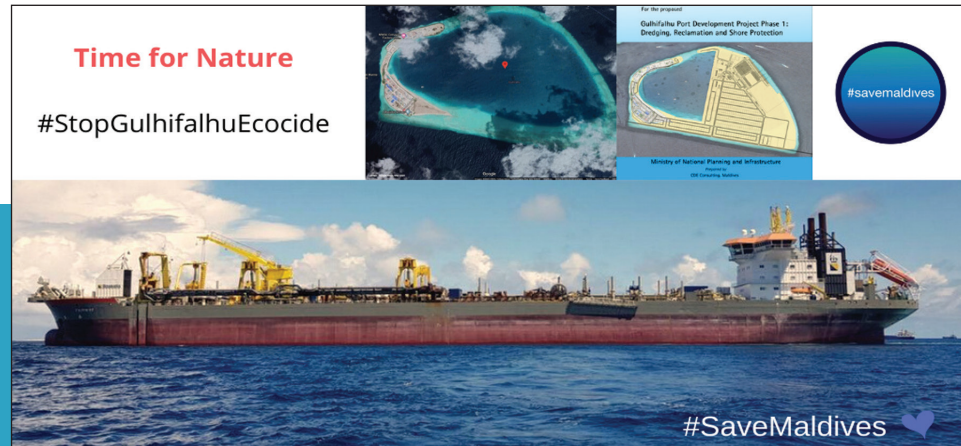
Their reports were submitted to the civil court of Maldives and Drs. Garren and Weiskel await word as to whether they will serve as expert witnesses.

Economic analyst Ernie Niemi is working with ELAW, Humay, and Hasan to analyze the true cost of sand and the likely economic losses posed by the dredging operation.

“The EIA does not put a value on sand,” says Ernie, “but sand is an exceptionally valuable resource and getting more valuable every year as scarcity drives its value upwards.”

Ernie is helping Humay and Hasan ensure that the true value of sand is taken into account and that developers and the government provide fair compensation to citizens.

“We seek to stop the project due to the significant loss, damage, and negative consequences it will cause environmentally, socially, and economically,” says Humay. Hasan adds: “We want this case to set a precedent in the Maldives courts that recognizes and upholds the environmental protections provided by Article 22 of the Maldives Constitution 2008.”



“The reclamation threatens the last remaining and freely accessible natural reef to the residents of the greater Malé area. The Maldives Parliament declared a climate emergency in the country in February 2020. Our reefs are our natural defenses without which, none of our islands and communities would be safe.”

Humay Abdul Ghafoor

Democratic Republic of Congo Protecting Biodiversity in Virunga National Park

Virunga National Park.

Congo’s Virunga National Park is protected as a UNESCO World Heritage Site because it contains a rich diversity of habitats that are home to many endemic and globally threatened species, including the mountain gorilla. ELAW partner Olivier Ndoole has worked for years to protect the park and surrounding communities.

Armed conflict in the area has delayed trials for a large backlog of cases against wildlife trafficking, illegal fishing, and natural resource exploitation in the park, including Lake Edward. Last year, a mobile court formed to hear some of the cases, resulting in many convictions.

Olivier’s organization, Congolese Alert for the Environment and Human Rights (ACEDH) collaborated with the judicial sector, Virunga National Park, the Congolese Institute for the Conservation of Nature (ICCN), and other actors to try dozens of pending legal cases related to crimes against wild fauna and flora in Virunga National Park, including cases of trafficking elephant ivory, hippopotamus teeth, and lion skins. All the objects seized in the cases of illicit trafficking were handed over to the State through ICCN at the request of ACEDH.

The Virunga Foundation provided the defendants with lawyers, with the aim of ensuring the right to a fair and equitable trial. The trials were made open and transparent by inviting the press and the public. More than 600 community members attended to learn about the law relating to the conservation of nature within Virunga National Park.

“Thank you very much to ELAW for this support at this very difficult time for us,” says Olivier. “We must fight hard for biodiversity and justice for nature.”



Baby mountain gorilla. PHOTO: Dixon Newman on Unsplash

“The judgements rendered by the Congolese judges in this matter are great victories for the law of nature and justice for biodiversity.”

Olivier Ndoole, ACEDH

Protecting Biodiversity and Ecosystems



"Plans for the Simandou iron-ore project do not include measures to protect 256 bird species, nine types of primates, and mammals including forest elephants and pygmy hippopotamuses."

"China's Quest For Iron"
Bloomberg Green, 6/23/22

Mining road. PHOTO: Emily Scherr, CTEA

Guinea: Protecting One of the Most Biologically Rich Ecosystems in Africa

A Chinese company is cutting mining roads and blasting tunnels in Guinea for a 400-mile railway to bring iron-ore from the world's largest untapped iron-ore deposit in the Simandou mountains to a new port planned for the Atlantic Coast.

With mining scheduled to begin in 2025, ELAW partners are working hard to ensure that local communities are not devastated, and protections are put in place for rich ecosystems, including the largest remaining habitat of the critically endangered West African chimpanzee.

"The iron-ore will be exported to China and local communities will pay the cost," says ELAW Attorney Erick Kassongo.

Erick traveled to Guinea's capital, Conakry, in January to participate in a workshop for NGO leaders and community representatives tackling environmental issues. "Many asked for legal and scientific support, to better understand the impact of the Simandou project and help set criteria for appropriate compensation for relocation," says Erick.

The magnitude and complexity of the project – stretching from a mining pit in a remote eastern mountain range, to a railway, to a coastal port south of Conakry – pose serious challenges for civil society organizations seeking to weigh in on project plans.

ELAW's Science Team has worked closely with partners in Guinea to analyze the project's environmental and social impact assessments (ESIAs), exposing flaws in project plans.

ELAW Staff Scientist Dr. Mark Chernaik revealed that the project grossly underestimated its carbon footprint, and failed to commit to use of wind power, which is in abundant supply as a power source rather than building a fuel-oil fired power plant.

ELAW Scientist Dr. Melissa Garren analyzed how the Simandou ESIA process for the railway measured up to international best practices. "The process fell short," she says, explaining: "Best practices include things like looking at not just the biodiversity itself, but more holistically to include the benefits (known as "ecosystem services") provided and following a prescribed sequence of steps (known as the "mitigation hierarchy") to minimize impacts and ultimately leave the region in the same or better condition than you found it, from a biodiversity perspective."

ELAW Scientist Dr. Gilles Wendling analyzed the ESIA submitted by the Winning Consortium Simandou, consisting of Chinese state-owned enterprise and private company investors, for its proposed iron-ore mines. He found that the ESIA lacked critical information to understand how the proposed hilltop mining of iron-ore would impact water quality in streams and aquifers.

Moving forward, advocates will engage project proponents and government decision-makers to ensure that if the projects move forward, communities and natural resources will be protected as much as possible.

ELAW partner JingJing Zhang has traveled to Guinea seven times to help ELAW partners challenge ill-advised mining projects. The China-born environmental lawyer and Executive Director of the Center for Transnational Environmental Accountability (CTEA) in Washington has collaborated with ELAW for more than 15 years.

In a recent report in Bloomberg Green, Zhang says: "When those Chinese companies come to a country like Guinea with very weak governance and rule of law, they take advantage to use these weak institutions to avoid the national law requirements.... Without international pressure and monitoring from outside, the companies will take advantage and avoid complying with the laws."

Zhang told ELAW that the Simandou iron mining and railway project would severely affect the critically endangered West African chimpanzee. "It is a test, to show if China can show true global leadership to achieve the goals set by the Kunming-Montreal Global Biodiversity Framework, adopted at the UN Biodiversity Conference in Montreal (COP15), in December 2022," she says. Chinese official media praised China's leadership as the Chair of COP 15.



JingJing Zhang (2nd row center) in Boké, Guinea.

Protecting Biodiversity and Ecosystems

Protecting Nepal's Biodiversity and Cultural Heritage

Nepal has more than 100 distinct ecosystems and 35 forest types across various altitudes and climates. ELAW partner **Prakash Mani Sharma**, founder of the Forum for the Protection of Public Interest (Pro Public) has spent a lifetime defending Nepal's rich biodiversity. We are pleased to share a few examples of his work.

Annapurna. PHOTO: Giacomo Berardi on Unsplash

Parsa National Park

We recently reported on Prakash's Supreme Court victory protecting Parsa National Park from short-sighted plans to build an international airport in nearby Nijgadh Forest. The Nijgadh Forest serves as a wildlife corridor and habitat for tigers, elephants, and other endangered species. Canceling the project saved 2.4 million trees.

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

The Nijgadh Forest supports roughly 500 species of birds, with as many as 11 globally threatened bird species. These include the Asian Wollyneck, the Grey-Crowned Pinia, and the Bristled Grassbird. Many large mammals frequent the forests of the proposed airport site, including the Asian Elephant, the Asian Tiger, the Indian Rhinoceros, the Sloth Bear, and the Sambar Deer. The Nijgadh Forest is vital to Asian Elephants, which use it as a migration corridor.

Bagmati River

Prakash is working to protect the Bagmati River and six other rivers that flow through the Kathmandu Valley that are sacred to Hindus and Buddhists. The Bagmati River is polluted by untreated sewage and solid waste dumping. Prakash is working with the Supreme Court to revise the Bagmati Action Plan and improve sanitation along the river.

Kali Gandaki River

Prakash is working to protect the Kali Gandaki River from destructive plans to divert the waterway for irrigation and hydropower. In 2021, Prakash won an interim order from the Supreme Court to halt stone quarrying, sand extraction, and other activities tied to the diversion scheme.

ELAW is helping Prakash show that the river diversion project would have unacceptable impacts on the ecology and downstream users of the river.

"Our aim is to save biological diversity, ecology, and the religious sanctity of Kali Gandaki River," says Prakash. "The ongoing rampant destruction of the river's ecology, using excavators in the river to extract the sand and stone, is not acceptable."

Annapurna Conservation Area

Prakash has worked for years to protect the Annapurna Conservation Area, famous for its majestic Himalayan peaks. In 2018, he won a Supreme Court victory shelving a private company's scheme to operate a cable car in Pokhara, from Basundhara Park on the edge of Phewa Lake to the World Peace Pagoda at Pumdibhumdi.

"The cable car scheme would have destroyed the scenic beauty of Phewa Lake and the mountain reflection," says Prakash. "Trees needed to be felled and it would have destroyed the habitat of butterflies and birds."

Now, Prakash is working to stop another cable car scheme. The proposed Sikles Annapurna Cable Car, inside the protected area, would travel more than six kilometers, climbing from Sikles Village to Koridanda. It would have 30 towers with 60 gondolas carrying eight people each, with the capacity to carry 6,000 people per day.

In January, the Supreme Court issued an interim order halting construction.



Sarus Crane. PHOTO: Ramlee Ibrahim on Unsplash

Lumbini Crane Sanctuary

Lumbini, the birthplace of the Buddha, is a UNESCO World Heritage Site and home to the endangered Sarus Crane. The forest and wetlands are conserved as a Lumbini Crane Sanctuary, with a few pairs of the endangered Sarus Crane breeding there annually. More than 200 bird species are found in and around Lumbini, with eight globally threatened birds, including the Slender-billed Vulture, the Cinereous Vulture, and the Lesser Adjutant.

Godavari Phulchowki Forest Protected

In 2019, Prakash and his team at Pro Public called on ELAW's Science Team to help protect this historic area from polluting cement plants and brick kilns. Nepal's Supreme Court banned new factories and heavy vehicles in the area and established a panel to recommend measures for reducing pollution from existing factories.

Now, Prakash is working to convince authorities that cement plants that were established to export their products to India should be moved away from the Lumbini Protected Zone. Prakash won a Supreme Court order in 2015 that closed down a marble mining operation in the Godavari Phulchowki Forest, a biodiversity hotspot that is home to more than 250 species of birds, including the Spiny Babbler which was rediscovered here after being thought extinct 100 years ago. In 2022, Prakash celebrated again when the Government of Nepal declared 51 hectares of the forest a conservation area.



ELAW partner Prakash Mani Sharma.



ELAW Marine Working Group: Protecting Ocean Life

More than 70 percent of the Earth's surface is covered with a continuous body of salt water that provides food, medicine, energy, jobs, and recreation, and helps protect the climate. We need a healthy ocean to avoid catastrophic climate change, but the ocean is threatened by coastal development, pollution, overfishing, unsustainable aquaculture, oil drilling, high levels of mercury from burning fossil fuels, and more.

ELAW's Marine Working Group (MWG) helps catalyze strategies for marine conservation around the world. Founded in 2019, the MWG has 63 members from 28 countries and continues to grow. Members come together to present their work, hear from outside experts, participate in thematic cohorts, research new legal strategies, and attend international conferences. ELAW Scientist Dr. Heidi Weiskel and ELAW Attorney Alejandra Serrano co-facilitate the group, with support from ELAW Scientist Dr. Melissa Garren.

MWG members are working to protect endangered species and critical marine ecosystems. For example, new and expanded port facilities proposed for Belize, the Maldives, and Panama threaten irreplaceable coral reefs, critical seagrass beds, and vital mangrove forests. In Grenada, partners are working to halt the illegal construction of a high-end tourist resort that will destroy the most significant leatherback turtle nesting site in the country and permanently compromise a Ramsar wetland site that is home to many birds, coastal plants, and aquatic species.

"As the MWG expands, partners are investigating creative new legal approaches to protecting marine species and coastal communities," says Alejandra. "Together, we are protecting ocean ecosystems for future generations."



Support from Arcadia – a charitable fund of Lisbet Rausing and Peter Baldwin – is making it possible for ELAW to collaborate with grassroots lawyers protecting endangered biodiversity and ecosystems in dozens of countries around the world. Find examples in this issue of the ELAW Advocate from the Maldives, the Democratic Republic of Congo, Guinea, and Nepal.



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Remembering Fernando Dougnac 1946 – 2023



Fernando Dougnac at 2004 ELAW Annual International Meeting in Slavske, Ukraine. PHOTO: Bern Johnson

Fernando Dougnac, a Chilean giant of environmental law, passed away in February. I first met Fernando in Chile early in the 1990s. My Spanish was bad, and his English was worse, but he was able to convey his contagious enthusiasm for protecting the environment.

Fernando loved ELAW—it enabled him to share lessons in environmental law and celebrate victories with his fellow environmental advocates from around the world. He attended many ELAW Annual Meetings in Oregon and around the globe, and always brought a huge smile, a great spirit, and new legal successes to share. He fought tirelessly to protect his beloved Chile from short-sighted dams, fish farms, mines, and more. Fernando was a positive force and an inspiration. We miss him.

Bern Johnson
ELAW Executive Director

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.

