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What Works

Logging in for the Environment: Environmental lawyers around the world join forces via E-Law. By Laila Weir

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what works

Strategies, Approaches, Developments

Logging in for the Environment

Environmental lawyers around the world join forces via E-LAW *by Laila Weir*

Chilean environmental lawyer Miguel Fredes had a problem. He was in charge of a lawsuit against a group of loggers, businessmen, and politicians who were accused of logging alerces – rare trees that resemble California redwoods. Timber from alerce trees that were cut down before 1974 or that have died naturally can legally be sold, and it commands a high price for use in construction and furniture. But Fredes suspected that the group was selling freshly cut wood to buyers in the United States, in violation of Chilean and international law. The problem was proving it.

Fredes realized that the U.S. government would have documented alerce imports. But how could a Chile-based lawyer with few resources get the records? He feared that the U.S. government would view him as “a poor public interest lawyer in a developing country,” he says.

Fortunately, Fredes knew where to get help. He contacted the Environmental Law Alliance Worldwide (E-LAW), an international network that gives public interest environmental lawyers access to legal and scientific minds around the world. Members communicate via e-mail and an online forum. Through E-LAW, some 350 members from 60 countries draw on one another’s experiences to pursue environmental protections in their home countries. With an annual budget of \$900,000, mostly from foundation grants, a nine-member staff based in Eugene, Ore., coordinates the network.

Jennifer Gleason, an E-LAW staff attorney, connected Fredes with an Oregon lawyer named Cheryl Coon, who agreed to help him pro bono. In April 2003, Coon and Fre-

des formally requested import records from the U.S. Fish and Wildlife Service. Eight months later, they received documents naming the U.S. buyers and Chilean sellers of alerce. Finally, last July, a Chilean appeals court confirmed the indictments of eight people, including a mayor, on charges of operating a criminal organization to cut and export alerce trees.

E-Empowerment at the Grassroots

E-LAW was founded in 1989 by public interest lawyers from 10 countries who had met at a conference at the University of Oregon School of Law. They originally proposed a fax-based network, but by the time E-LAW opened its office in 1991, the founders had decided to use e-mail. “We realized right away that, yes, this technology can be incredibly empowering of the grassroots,” says Bern Johnson, E-LAW’s executive director.

Members draw on the E-LAW network for help in everything from drafting environmental laws to suing under existing laws. Access to the network is free, but is limited to public interest

environmental lawyers and scientists who have been nominated and approved by other members. The vetting serves the double purpose of guaranteeing confidentiality and ensuring that members share common interests and goals.

In addition to giving members a platform for sharing information, E-LAW’s staff aggregates useful resources. The network’s Web site (www.elaw.org) includes an extensive collection of relevant laws, cases, and other resources. E-LAW also archives the discussions in the electronic forum, allowing lawyers to review relevant past exchanges. And E-LAW offers fellowships for attorneys from abroad to study U.S. environmental law in Oregon.

Science, at Your Service

E-LAW also brings together law and science. The network’s staff includes two scientists who provide scientific information and technical assistance to members. This support was crucial to the progress of another lawsuit in

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BUILDING AN ONLINE SUPPORT NETWORK

- Provide hardware, software, training, and troubleshooting
- Limit online exchanges to requests for help and responses
- Host annual meetings to reinforce online relationships

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E-LAW helped local Chilean lawyers successfully prosecute an organization that illegally exported alerce timber.

Chile. In 1999, the residents of Arica, in northern Chile, persuaded a public interest environmental law organization called *Fiscalía del Medio Ambiente* (FIMA) to help them sue a company that brought more than 20,000 tons of mining waste to their area from Sweden (ostensibly for reprocessing).

Unable to afford expensive soil tests to prove contamination, FIMA got help from E-LAW scientist Meche Lu. Her tests found lead and arsenic levels far above those considered safe by the World Health Organization, according to E-LAW. Lu returned to Chile to testify in court about the health danger.

In August, an appeals court ordered the company responsible for the mining waste to restore the environment, and the Chilean government to pay compensation of about \$15,000 each to 176 victims, says FIMA's executive director, José Ignacio Pinochet. The judge cited Lu's testimony as a deciding factor in awarding the compensation.

FIMA has used E-LAW in all its major cases, Pinochet says. "It's like taking a megaphone and stepping into a big building to ask for help. You don't need to know who can help you," he says.

Weaving a Truly Worldwide Web

The concept of a networked cooperative of environmental lawyers is straightforward, but in practice, E-LAW has faced many obstacles. Perhaps the most fundamental is maintaining communications among members, particularly those who live in countries with unreliable communications infrastructures. "It's not a matter of handing people a modem and sending them off. There's [also] training and support," Johnson says.

E-LAW answered this challenge by creating a technology support system to help its far-flung members access the network. In the early years, Johnson and other staff members sometimes hand-delivered computers and modems to lawyers in far corners of the world and trained them to use e-mail. E-LAW also has contracted with technology experts to provide on-site tech support in some countries.

Technology support for members remains a key element of the network's strategy, although the need for hardware and basic computer instruction has largely given way to a demand for troubleshooting and assistance with more advanced technology. "Now, it's more how to use the tools efficiently, how to build a Web site, how to make the Web site accessible to the people you're trying to serve," Johnson explains.



E-LAW scientist Meche Lu (right), a Peruvian pharmacist and biochemist, measures water quality for Victor Ricco (left), a legal adviser with Argentina's Center for Human Rights and Environment (CEDHA), in Chacras de la Merced, Argentina.

Keeping network members engaged remains a challenge. "There's so much information flowing on the Internet," notes Fredes. "It seems like we don't have time anymore." To keep network exchanges relevant and useful, forum discussions are limited to requests for assistance and responses.

The network also strives to foster a personal connection between members so they will take time to respond to calls for help, rather than just make them. As Fredes says, "A big challenge is maintaining a network where people feel in their bones that there's a person on the other side of the world" behind a posted plea for help. To this end, the network holds annual meetings, alternating between the United States and other countries, which enable members to put faces to the names they see online.

E-LAW also works to overcome the personal hurdles that members face. These range from the difficulties of working long hours for little or no pay and with few resources to serious human rights issues. Some members have been jailed, and others have received death threats.

If embattled colleagues request it, network members send faxes seeking media attention to their plights or pressing governments to release them from jail.

Another challenge that limits E-LAW's reach is language, since the forum operates primarily in English. When possible, employees or volunteers translate exchanges into and out of Spanish, Russian, and Indonesian. And E-LAW offers scholarships for members to study English in the United States.

Expanding to China

In the future, E-LAW must find creative ways to expand into new parts of the world and tackle new environmental issues, Johnson says. One frontier that E-LAW staff and members are eager to take on is climate change. Extend-

ing the network into China will be crucial to this effort, given predictions that China will soon surpass the United States as the world's largest emitter of greenhouse gases.

As of October, the network had no members in China. But the U.S. office recently connected with a Chinese lawyer who plans to open her country's first public interest environmental law firm. Johnson believes this connection could serve as E-LAW's entrée into China. "One of our primary aims is building a strong corps of public interest environmental lawyers around the world," Johnson says. "China presents a tremendous opportunity and challenge. Public interest environmental law is just getting started [there]. I think we can make a real difference." □

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—Laila Weir is a freelance writer based in Santiago, Chile. Her work has appeared in magazines and newspapers ranging from the San Francisco Chronicle Magazine to the Jakarta Post.