



## HIGHLIGHTS 2010

**ANNIVERSARY:** On March 2, 2010, more than 200 members of CIEL's global family came together to celebrate CIEL's 20th anniversary. Amidst the stunning beauty of the U.S. Botanic Garden in Washington, D.C., friends and honored speakers celebrated the bold vision of CIEL's founders in establishing a new organization dedicated to using international law to protect human rights, human health, and the global environment. They reflected CIEL's extraordinary accomplishments over the past 20 years and looked forward to future victories—all possible because of support from friends like you.

**TSCA REFORM/CHEMICALS:** In one of our grand finales for 2009 (yes, we take some liberties here with our reporting period), CIEL Senior Policy Advisor Daryl Ditz testified before the House Subcommittee on Commerce, Trade and Consumer Protection at a hearing on prioritizing chemicals for safety assessment. The event heightened interest in revamping and strengthening the 1976 Toxic Substances Control Act (TSCA). Drawing on international experiences with the Stockholm Convention on Persistent Organic Pollutants and the European Union's REACH legislation, CIEL urged lawmakers to authorize the Environmental Protection Agency to take prompt action on persistent, bioaccumulative and toxic chemicals. Over the past year CIEL has continued to engage health, environmental and business allies for long overdue reform of TSCA as a founding member of Safer Chemicals, Healthy Families coalition.

**ACCOUNTABILITY MECHANISM AT THE IDB/INTERNATIONAL FINANCIAL INSTITUTIONS:** The Inter-American Development Bank (IDB) is the main source of multilateral financing in Latin America and the Caribbean. Early in 2010, the IDB approved a new accountability mechanism--the Independent Consultation and Investigation Mechanism which entitles any person or group to submit a complaint if they believe they have been harmed by the Bank's failure to apply its own policies. This complaint mechanism breaks new ground in allowing communities to submit requests orally or by text message, in addition to mail, email, and fax, making it accessible to even the remotest communities. CIEL, along with many other indigenous and non-governmental organizations, actively participated in the development of the new mechanism. The true test of the Bank's commitment to accountability will come with the first complaints, and CIEL will be watching to see how the IDB responds.

**NANOTECHNOLOGIES/CHEMICALS:** CIEL assisted delegates from 53 African governments to draft an ambitious resolution on nanotechnologies and nanomaterials. The resolution, unanimously adopted at a regional meeting of the Strategic Approach to International Chemicals Management (SAICM), calls for the establishment of binding rules to ensure the safe production, use, transport and disposal of nanomaterials and for a ban on the shipment of



*CIEL honors its founders and friends at the organization's 20th anniversary celebration at the US Botanic Gardens.*

wastes containing such materials to countries that lack the capacity to manage them safely. The resolution also calls for bio-monitoring of people who may be exposed to nanomaterials, and for establishing partnerships to help developing countries build the scientific, technical and regulatory capacity to manage nanomaterial risks. A similar resolution was also adopted unanimously by 22 South American and Caribbean countries at a subsequent SAICM regional meeting. CIEL also leads civil society efforts for the adoption of a legal definition of the term nanomaterial as a first step for the adoption of nano specific regulation. In late 2010, CIEL drafted recommendations in response to a European Commission consultation on the subject that was supported by a coalition of more than 45 NGOs and international NGO networks from 5 continents.

#### **GUATEMALA/LAW AND COMMUNITIES:**

As runoff from the open-pit Marlin mine degraded the water and land of the Maya-Mam communities of San Miguel Ixtahuacán, Guatemala, local residents struggled to secure attention to their grievances and permanently close the mine. CIEL's Law & Communities Program assisted local residents and the Frente de Defensa San Miguelense (FREDEMI), a coalition



of local organizations and activists, by providing the tools and knowledge to effectively challenge the mine's owner, Canadian-based Goldcorp, and petition the governments of Canada and Guatemala for action. CIEL helped prepare a "specific instance" complaint against Goldcorp to the Canadian National Contact Point (NCP). Filed under the Organisation for Economic Co-operation and Development's (OECD) Guidelines for Multinational Enterprises, the complaint requested an investigation into documented human rights violations at the Marlin mine. After intensive review, the Canadian NCP deter-

mined in March 2010 that the complaint against Goldcorp warranted additional investigation and offered to facilitate a dialogue with the mining company. The Inter-American Commission for Human Rights (IACHR) ordered the suspension of operations at the mine on May 20, 2010, pending a full evaluation of the petitioner's claims. Guatemala has yet to comply and operations at the mine continue, as do our efforts to close the mine and help the Maya-Mam defend their rights.

#### **ENVIRONMENTAL DEFENDERS/HUMAN RIGHTS:**

In October, five environmental defenders from Mexico, Guatemala, El Salvador, Honduras and Panama testified about their dangerous experiences organizing to defend themselves, their families and communities from abuses by the mining industry. In testimony before the Inter-American Commission on Human Rights (IACHR), they told of assassinations, kidnap-

ping, arbitrary detention, public defamation and the criminalization of activists. CIEL led 13 organizations in requesting the hearing at the IACHR to address human rights' violations of environmental defenders in areas of mining and the challenges to protect their rights, with the goal of influencing systemic change in the Americas.

#### **INTERNATIONAL NEGOTIATIONS/CLIMATE:**

In the lead-up to critical global climate negotiations in Copenhagen last December, and in the ensuing year, CIEL has worked on numerous fronts to help secure a strong and effective outcome from the process. As a member of the political coordination group for the Climate Action Network (CAN), we are helping steer the NGO community in developing positions and strategies to move the international negotiations. As coordinator of the CAN legal group, CIEL is helping clarify the nature of legally binding obligations



under international law and elevating the level of the debate on legal form within both the NGO community and among Parties.

In the wake of Copenhagen, CIEL has worked to improve public participation in the UNFCCC process and provided analytical support to the UNFCCC secretariat in helping to understand the potential consequences of a gap between Kyoto Protocol commitment periods. CIEL continued to lead on critical compliance issues such as Measurement, Reporting and Verification, which included coordinating a subgroup in CAN, facilitating discussions of experts, and developing text for a post-2012 compliance mechanism. This work also included briefing staff in U.S. Congressional offices on existing compliance processes in the climate regime and ongoing efforts to develop common positions to bridge the gulf between developed and developing countries.

**REDD/CLIMATE:** Around the world in 80 days, CIEL attorney Kristen Hite traveled from South America to South Asia conducting regional workshops on free, prior and informed consent (FPIC) in projects for Reducing Emissions from Deforestation and Forest Degradation (REDD). The workshops were sponsored by UN-REDD and the Yale Forest Dialogue. To safeguard the rights of indigenous peoples and other forest-dependent communities, CIEL presented on the legal framework of FPIC, facilitated working groups to develop a grievance mechanism

for UN-REDD, served as rapporteur for some of the discussions, and chaired a “hard talk” panel on UN-REDD’s activities in Indonesia and Vietnam.

**MERCURY/CHEMICALS:** CIEL wrote the key text for the next session of the Intergovernmental Negotiating Committee to Prepare a Global Legally Binding Instrument on Mercury. Under a consultancy agreement with the mercury secretariat of the United Nations Environment Programme (UNEP), CIEL prepared a comprehensive draft treaty addressing all of the major mercury control challenges, including: mercury supply, environmentally sound storage, mercury-added products and processes that use mercury, artisanal and small-scale gold mining, international trade, atmospheric emissions, wastes and contaminated sites, and important implementation provisions. UNEP released the draft treaty text in November and will present it for the consideration of the INC as the basis for its negotiations in Japan in January 2011.

**SOCIAL AND ENVIRONMENTAL STANDARDS OF THE INTERNATIONAL FINANCE CORPORATION AND PRIVATE BANKS:** CIEL has been leading efforts to strengthen the International Finance Corporation’s (IFC) Policy and Performance Standards on Social and Environmental Sustainability and its Disclosure Policy, providing analyses of these standards and coordinating a coalition of civil society organizations. As a result, IFC’s latest draft incorporates many of the changes recommended by civil society organizations and indicates opportunities to secure other changes. Among other key changes, the IFC is proposing to increase supervision, strengthen standards related to lending to financial intermediaries, and strengthen gender standards. The Performance Standards set the benchmark for lending by most of the largest Banks in the world, also known as the “Equator Principle Financial Institutions,” including, for example, Citigroup, ABN AMRO, and Barclays.



**NEW BEGINNINGS:** To close out 2010, we want to give heartfelt thanks to Dan Magraw, who served CIEL as President for nearly nine years, and enthusiastically welcome Carroll Muffett, who assumed the post of President in mid-September. Carroll has a long history with CIEL, beginning with his legal internship in 1996. A respected attorney and environmentalist, he represents a new generation of leaders bringing new energy to the movement. Carroll is committed to leading CIEL in using the transformative power of law to find solutions to global environmental challenges. We welcome him home.



**EDUCATION/TRAINING:** During 2010, CIEL hosted 25 interns from around the world, including Jamaica, Chile, Turkey, Australia, Japan, and the United Kingdom, as well as a Louis B. Sohn Fellow from Nepal. CIEL's Intern Program trains new lawyers and law students by giving them the opportunity to work on cutting-edge international issues in Washington and Geneva under the mentorship of CIEL's experienced staff attorneys.



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