



ANNUAL REPORT | 2010

Center for International

Defending the  
**RIGHT** to a  
**HEALTHY**  
**PLANET**

Environmental Law



The Center for International Environmental Law (CIEL) uses and strengthens international law and institutions to protect the environment, promote human health, and ensure a just and sustainable society. For more than 20 years, CIEL has been one of the most respected public interest law organizations in the world.

Since its founding, CIEL has led and supported bold efforts to empower individuals, communities, and institutions that ensure a greener, more vital, and just society. As a global leader, CIEL finds solutions to environmental problems while promoting sustainable societies, weaves the fundamental principles of ecology and justice into international law, strengthens national environmental law systems, supports public interest movements, and educates and trains public-interest-minded environmental lawyers.

CIEL accomplishes its mission through targeted programs and initiatives that specifically address today’s most complex environmental legal issues. (Explore CIEL’s website, [ciel.org](http://ciel.org), to learn more about CIEL’s current activities and accomplishments.)

CIEL’s dedicated staff of attorneys and professionals is based in Washington, D.C. and Geneva, Switzerland. With offices on two continents, CIEL is positioned to lead in critical legal developments and processes around the world. Over the last two decades, CIEL has worked with partners in more than 60 countries on six continents, with a critical emphasis on the Global South.

The multinational background of CIEL’s staff reflects the wide range of its work, bringing the perspectives of different nationalities as well as experience in the nongovernmental sector, private legal practice, government, and teaching. As always, law fellows and interns add invaluable breadth and energy to CIEL’s programs, while furthering

their skills and careers through their experience here. CIEL believes that the rule of law is critical to forging an appropriate balance between environmental protection, human rights, social equity, and economic growth. CIEL is a strong advocate of transparency, public participation, and accountability in decision-making. In all aspects of its work, CIEL is committed to equity, diversity, and the elimination of injustice—always striving to create a just and sustainable society for current and future generations.

Consultations with members of ASOCHIVIDA in Nicaragua.



In the United States, we learned the **POWER OF THE COURTS** to make change when Congress and state legislatures won’t move. That was an approach that really wasn’t used in Europe or internationally. It was a different process of lawmaking. **We knew the problems were global,** and we had to turn to a broader mechanism for addressing them. **We took what we did for domestic public interest advocates and applied it to global problems.** —Wendy Dinner, Co-founder of CIEL

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# I am honored and excited to share with you the 2010 Annual Report of the Center for International Environmental Law, my first as CIEL's new President and CEO.

The stories in this annual report represent only a snapshot of CIEL's work in the past year, but they highlight much of what makes CIEL great. The report follows four themes through our work. It looks at how we use international mechanisms—from human rights bodies to OECD guidelines—to empower communities to protect their lives, their rights, and our shared environment. It explores how we build power by increasing transparency and access to information in everything from investment disputes to chemicals management. It examines our continuing work to build new regimes and strengthen old ones to address threats from climate change to mercury to nanotechnology. And it reflects on our commitment to training the next generation of environmental lawyers—a commitment I share as a former CIEL intern myself.

The stories here focus on how our work connects to real people experiencing real challenges—like the Maya Mam communities fighting mining impacts in Guatemala, the Nacional Frente a la Minería Metálica demanding accountability for the murder of environmentalists in El Salvador, and the extraordinary coalition of environmental and human health groups that came together to demand better laws to protect their families and communities from the risks of toxic chemicals.

The past year was remarkable both for its successes and challenges. It was a year in which we worked with NGOs throughout the hemisphere to secure a strong, reliable, and independent accountability mechanism at the Inter-American Development Bank (IDB) that will shape lending practices across the world. A year

in which we led a successful NGO effort to get a landmark chemicals reform bill introduced in Congress, only to see Congress adjourn without acting on it. And in which hopes for a comprehensive global agreement on climate change gave way to the disappointments of Copenhagen and a world searching for a new way forward.

The challenges that lie ahead of us are no less daunting. Around the world, the impacts of climate change are increasingly evident and increasingly grave. International financial institutions like the World Bank are weakening environmental and social safeguards when they are needed most. And new threats, like those from nanotechnology, loom on the horizon.

These are complicated and pressing issues and they demand the kind of creative and insightful solutions that are CIEL's hallmark. I believe in the power of law to address these challenges, and in the power of CIEL to bring about that change. Working as part of the global environmental movement, and surrounded by supporters like you, we will keep doing exactly that.

Sincerely,



Carroll Muffet  
President and CEO



## CIEL's work to protect the environment and human health and achieve a just society has never had a greater impact.

CIEL's remarkable staff made significant impacts in all of our program areas—chemicals, climate change, human rights and environment, international financial institutions, law and communities, nanotechnologies, and trade and investment—and our intern program continued to train the next generation of public interest international environmental lawyers.

We also celebrated CIEL's 20th anniversary at the stunningly beautiful U.S. Botanic Garden, surrounded by orchids and many of you. The event witnessed the reuniting of CIEL's founders, who received CIEL's annual award for outstanding contributions to the development and implementation of international environmental law. Also, the United Nations Environment Programme (UNEP) received a special institutional award for its germinal work in that area.

Finally, I am delighted to say that in September 2010 we welcomed a terrific new President and CEO, Carroll Muffett, to CIEL. Carroll is highly experienced, universally respected, and visionary, and his selection represents a transition to a new generation of

environmental leaders. All of us at CIEL are excited about working with Carroll and helping CIEL make even greater impacts over its next 20 years.

Leading CIEL has been one of the great privileges and joys of my life.

As you may know, I was CIEL's first individual donor, back in 1989, and it was the best donation I ever made. I will continue at CIEL as President Emeritus and Distinguished Scholar, and look forward to interacting with you as we strive to protect our planet and make it a better place for our children.

Respectfully yours,



Daniel Magraw  
President (January 2002 – September 2010)



# Defending the Right to a Healthy

**A**s the Center for International Environmental Law begins its third decade, it is driven by the knowledge that every human being has an inherent human right to a healthy planet. The fundamental challenge facing CIEL and other civil society and environmental organizations is how best to advance that right.

The last few years have been marked by numerous environmental challenges, as great as any humanity has ever faced. But they were also suffused with opportunity to bring about a sustainable and just future. The same was true in 2010.

CIEL has spent this past year, as it has for decades, at the forefront of this fight, working to realize human rights and protect the environment through enforceable legal mechanisms that reach the most vulnerable. In 2010 four overarching themes ran through CIEL's work:

- Empowering communities to take action to protect their lives, their human rights, and the global environment;
- Transforming knowledge into power by increasing transparency and access to information for everyone;
- Building new regimes and strengthening existing ones to address a range of threats; and
- Developing the next generation of environmental lawyers and advocates.

These themes are interwoven throughout CIEL's programs and build the linkages that form the common fabric of our work. CIEL is continually adapting its programs to draw more effectively on these linkages and to build new ones.

Protecting human rights is closely linked to achieving a healthy planet, and only through a sustained commitment to empowering communities through the rule of law can society effectively safeguard the environment and human health.

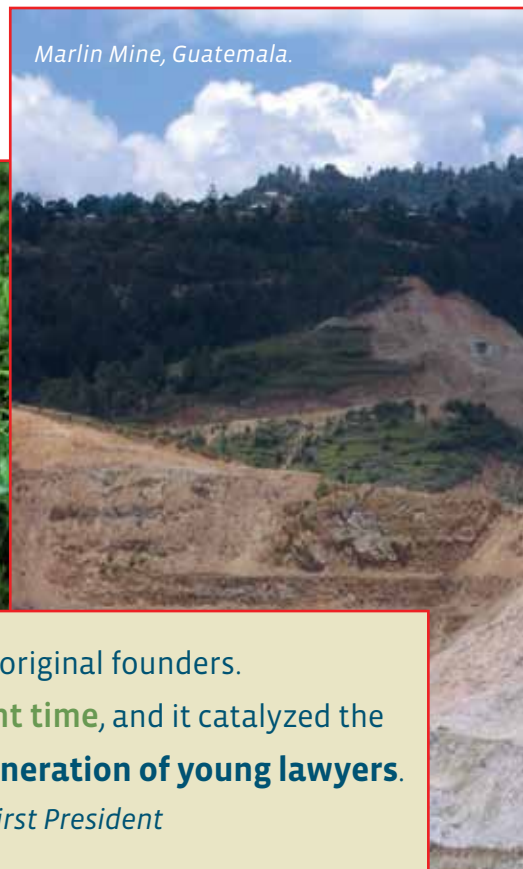
In 2010 that work was dramatically illustrated by CIEL's involvement with the Maya-Mam in Guatemala. Through the Law & Communities Program, CIEL supported local residents and community organizations in Guatemala in their ongoing struggle to address human rights abuses and environmental impacts at a notorious open-pit goldmine. (Learn more about this work on p. 4.)

This critical focus area is served by CIEL's Human Rights & Environment, International Financial Institutions, and Climate Change programs, including work on REDD (reducing emissions from deforestation and degradation) —all driven by a commitment to seek justice and safer environments for communities facing the most urgent environmental challenges.

The second theme—transforming knowledge into power—has been an undercurrent in CIEL's work for many years. By building the knowledge of NGOs and local communities, CIEL seeks to broaden opportunities for participation in international agreements and dispute resolution, bringing more transparency—and, ultimately, more justice—to the equation.

To preserve the rights of indigenous peoples and other forest-dependent communities, CIEL presents information on what legal remedies may be available to them, and educates them about the

*Marlin Mine, Guatemala.*



The **IDEA** for CIEL was channeled through the original founders. **It happened to be the right idea at the right time**, and it catalyzed the **imagination and the energy of a whole generation of young lawyers.**  
—Durwood Zaelke, Co-founder of CIEL and CIEL's first President



# Planet

necessity of free, prior, and informed consent (FPIC). In 2010 CIEL traveled from South America to South Asia, informing communities of their rights under international law to help them better assert and defend those rights. (Read more about this initiative on p. 7.)

None of this work is possible, however, if society isn't committed to building new regimes to keep pace with emerging threats. In 2010 CIEL made significant progress in this area, especially in the realm of toxic chemicals. CIEL's advocacy for long overdue reform of the 1976 Toxic Substances Control Act (TSCA) is emblematic of its work in this area, as is its efforts to support the creation of new regimes to regulate the production and proliferation of mercury and nanotechnologies around the globe. (Read more about these efforts on p. 6.)

The pace of climate change continued to accelerate in 2010, yet the pace of climate solutions continued to fall far short, with real and immediate consequences for human rights and human lives. As efforts to secure a new international regime on climate change proceeded, CIEL worked on numerous fronts to help secure a strong and effective outcome.

Finally, but no less importantly, CIEL continues to hold as an essential element of its mission developing new lawyers to work in the field of international environmental law. During 2010, CIEL hosted 19 interns from around the world, including Chile, Turkey, Australia, and the United Kingdom, as well as a Louis B. Sohn Fellow from Nepal. CIEL's Intern Program trains new lawyers and



*CIEL Attorney Kris Genovese taking a break in Guatemala.*

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. (Learn more about the internship program on p. 8.)

Taken together, these efforts reflect CIEL's commitment and continuing leadership in the global fight to defend the inalienable right of every human being to live on a healthy planet.



# Empowering Communities and

Over the past year, CIEL has helped communities take their environmental destinies into their own hands, finding ways to redress the wrongs perpetrated against them by global corporations and advance new avenues to improve the health of their citizens. CIEL has put significant focus on *Empowering Communities* and *Transforming Knowledge into Power*, and the following stories highlight just a few of its successes.

## Guatemala: Strategic Engagement to End Human Rights Abuses

**A**s 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 for their grievances and permanently close the mine.

CIEL's Law & Communities Program worked with local residents and the Frente de Defensa San Miguelense (FREDEMI), a coalition of local organizations and activists, to provide the tools and knowledge to effectively take action. The coalition challenged the mine's owner, Canadian-based Goldcorp, petitioned the governments of Canada and Guatemala for action, and worked with FREDEMI and the community to close the mine.

To secure its closure, CIEL helped prepare and submit a "specific instance" complaint against Goldcorp to the Canadian National Contact Point (NCP). Filed under the OECD Guidelines for Multinational Enterprises, the complaint requested an investigation of documented human rights violations at the Marlin mine.

After review, the Canadian NCP determined in March 2010 that the complaint against Goldcorp warranted additional investigation and offered to facilitate a dialogue with the mining company. Two months later, on May 20, 2010, the Inter-American Commission for Human Rights (IACHR) recommended the suspension of work at the mine. Still, despite mounting evidence that there are serious health concerns as a result of the mine, rising tension in the community, and lack of consent of the community to continue operating the mine, the Government of Guatemala has failed to comply with the Commission's recommendations.

In these cases, CIEL understands that mechanisms, such as the OECD Guidelines, are most effective when coupled with community



*Gregoria Crisanta Perez, one of the eight women accused by Goldcorp of sabotaging their electric supply, declares: "We demand our rights because we do not want to be killed by the mining company. We ask the government to please listen to our demands, as we are the legitimate owners of the territories. We are indigenous people, we were born there, and we should die there. But our death should be decided by God, not by the mining company."*

activism, shareholder engagement, and media outreach. For that reason, CIEL has led a coalition of advocacy and grassroots organizations that work on mining in Guatemala such as Amnesty International Canada, Network in Solidarity with the People of Guatemala (NISGUA), Mining Watch Canada, and Breaking the Silence, to mobilize action, provide ground support to mining-affected communities, and pressure Goldcorp and the governments of Guatemala and Canada.

Communities confronted by large, destructive development projects often lack the tools and the power necessary to secure respect for their rights. CIEL remains committed to providing legal advice and advocacy assistance that will help communities articulate their concerns and secure sustainable solutions to their problems.



# Transforming Knowledge into Power

## El Salvador: Empowering People, Protecting Rights

Only when people have a voice in deciding the fate of their land and its natural resources can they be truly empowered. Through its advocacy and intervention, CIEL has actively sought to defend that special covenant in El Salvador, where local communities and the government of El Salvador are struggling to protect their citizens and property against human rights abuses and the destructive effects of metals mining.

CIEL has assisted the network of community and NGOs in El Salvador, the Mesa Nacional frente a la Minería Metálica (Mesa). The Mesa has successfully led a national campaign to ban metals mining in order to safeguard public health and the environment.

As a result of that work, the government of El Salvador announced it would conduct a strategic environmental assessment of mining in the country and has refused to grant mining exploitation permits while the study is pending.

A Canadian mining company, Pacific Rim Corporation, complained against the Government's decision and filed claims against El Salvador under the investment chapter of the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA).

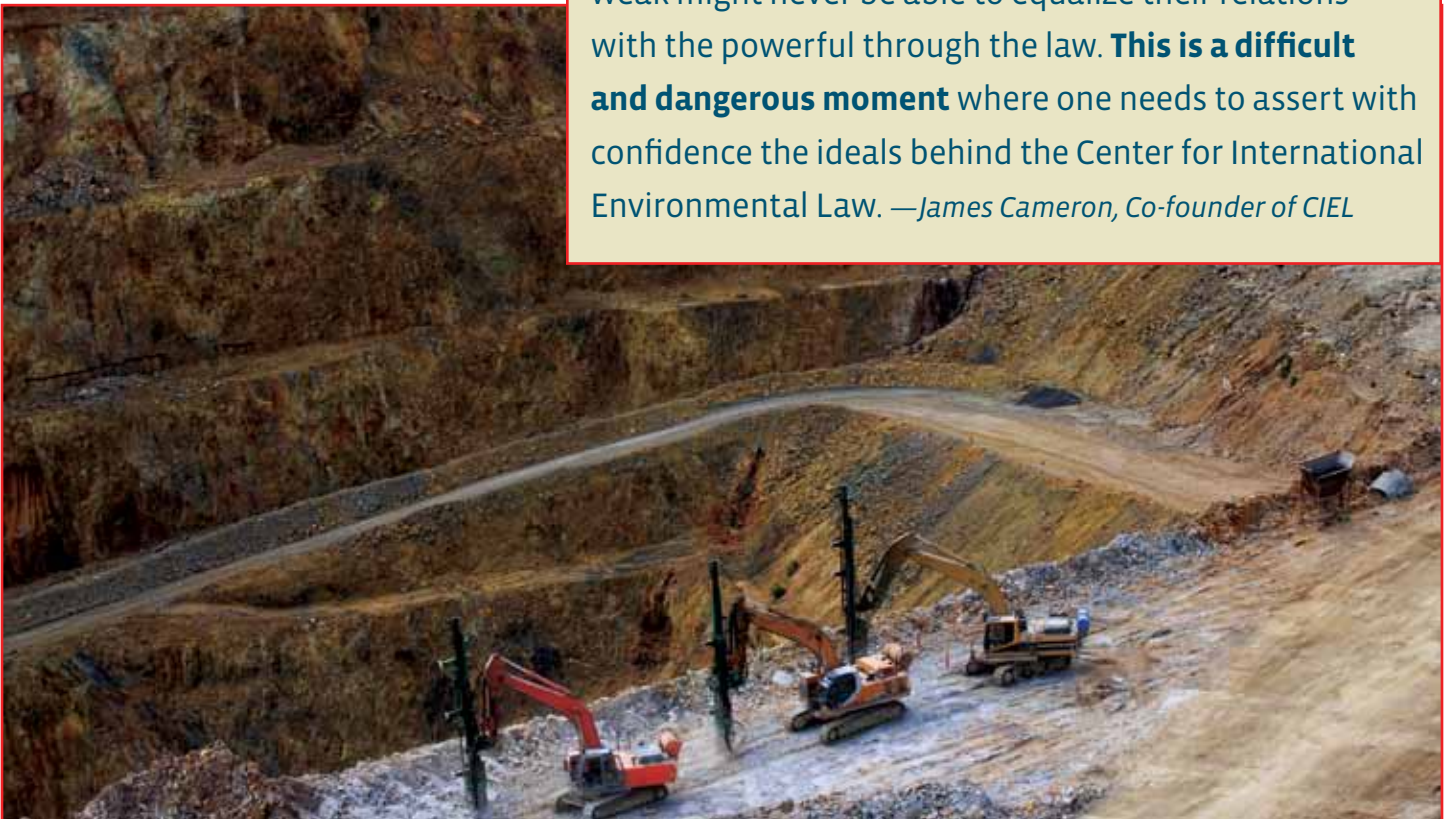
The Mesa asked CIEL to lead its international legal strategy in the investment arbitration initiated

by Pac Rim.

To further assist Mesa, CIEL facilitated a workshop in San Salvador on investment arbitration and the potential use of *amicus curiae* briefs to allow Mesa to present its arguments to the tribunal. CIEL also spoke at an international conference organized in El Salvador to discuss mining operations in Mesoamérica.

Additionally, CIEL is supporting Mesa's demands for accountability in the tragic murders of environmental defenders Marcelo Rivera, Ramiro Rivera, and Dora Alicia Recinos (who was eight months pregnant). These environmental defenders had organized a local environmental and development committee and had opposed mining in the province of Cabañas.

**WE NEED CIEL NOW MORE THAN EVER BEFORE.** We are in a very, very dangerous phase in international society where there is a lack of confidence in our international institutions. There is a feeling that international law perhaps might never overcome the institutions that are powerfully presented in nation states and that the weak might never be able to equalize their relations with the powerful through the law. **This is a difficult and dangerous moment** where one needs to assert with confidence the ideals behind the Center for International Environmental Law. —James Cameron, Co-founder of CIEL



# Building New Regimes

CIEL's commitment to *Building New Regimes* in 2010 reflects its longstanding belief that only through the appropriate legal architecture and well-designed accountability mechanisms can society effectively protect the environment, human health, and human rights. The following stories highlight just a few of its successes.

## Laying the Groundwork for a New U.S. Policy on Chemicals

**C**IEL is committed to adopting new laws and accountability mechanisms when and where they are needed to respond to environmental challenges, such as toxic chemicals that threaten the environment and human health.

This is the rationale for CIEL's sustained engagement in reforming U.S. federal policy on chemicals. The United States remains the top chemical producer, although the European Union and emerging economies wield increasing influence over markets and the direction of international chemicals policy.

The U.S. 1976 Toxic Substances Control Act (TSCA) is so antiquated and weak that fundamental changes are needed to protect Americans from the dangers of unregulated chemicals. Moreover, this ineffective federal policy frequently leads the United States to take defensive positions in international negotiations on health and environmental protections. Working directly with the Safer Chemicals, Healthy Families (SCHF) campaign, CIEL has raised public awareness, developed policy proposals, and responded to multiple congressional requests for guidance on reforming TSCA.

CIEL welcomed the introduction of TSCA reform bills in the U.S. Senate and House of Representatives because they contained important policy advances—establishing a strong health-based standard, requiring chemical manufacturers to demonstrate safety, advancing environmental justice, and expanding the public right to know.

CIEL supported TSCA reform through a series of public speaking engagements, making the case for change, countering industry opposition, and building momentum for congressional action. CIEL met with senior chemical industry representatives to explore areas of agreement and served as a frequent source for information for policymakers and the media.

During congressional debate, CIEL analyzed the bills against elements required to implement the Stockholm Convention on Persistent Organic Pollutants (POPs) and offered suggestions to help rebuild U.S. leadership. If enacted, the legislation would help close the growing gap between U.S. chemicals management and international best practice.

While the TSCA reform proposals in 2010 represented a major advance, Congress failed to reach agreement. This set the stage for a renewed effort in the next Congress and at a series of international meetings where the United States could be a positive force in eliminating toxic chemicals.

## Toward a Global Mercury Treaty

**A** potent neurotoxin, mercury significantly harms human health and development, especially in children. Yet today, mercury pollution from gold mining, coal-fired power plants, mercury-containing wastes, and many other sources now contaminates nearly all of the world's fish, as well as other critical food staples.

Because mercury can travel thousands of miles through air and water, no individual nation can solve the problem on its own. Instead, governments must act collectively. They have agreed to do that by developing a global mercury treaty.

By leveraging its expertise and reputation, CIEL has contributed to the development of the new treaty, writing the critical documents that formed the basis for discussions and drafting the legal architecture to advance the mercury treaty from concept to reality.

At both the preparatory "open-ended working group" (OEWG) meeting in Bangkok in October 2009 and the first formal session of the Intergovernmental Negotiating Committee (INC) in Stockholm in June 2010, CIEL served as part of the UNEP secretariat, playing a vital role in every aspect of negotiations.

CIEL's contributions included drafting the chief decision document adopted by the OEWG and writing six of the UNEP papers that served as the main reference documents for INC discussions. CIEL was tapped to write a draft treaty for the next round of discussions in January 2011.





## Nanotechnology: Sizing Up an International Solution

**T**he boom in nanotechnology is among the most important technological revolutions of the 21st century, and CIEL is encouraging a more deliberate and cautious pace in integrating these mostly untested materials into manufacturing processes and consumer products.

The Nanotechnologies Project seeks to advance an international framework to address the potential risks posed by nanomaterials, which are frequently incorporated into products and rushed to market before any government regulator has a chance to review them—or even knows they exist.

Among the first governance mechanisms sought by the Nanotechnologies Project are international agreements defining nanomaterials and requiring mandatory reporting to learn which manufacturers are using nanomaterials and in which products.

Additionally, CIEL has strengthened the capacity of NGOs to grapple with the legal challenges presented by nanotechnologies, including by establishing and chairing the nanotechnologies working group of the International POPs Elimination Network (IPEN).

To speed regulation, CIEL is exploring existing international processes, such as the OECD and the Strategic Approach to International Chemicals Management (SAICM), as well as working closely with progressive national and regional actors such as Switzerland and the European Union, to address concerns about nanomaterials and to establish binding governance mechanisms for this new technology.

## Promoting Improved Performance Standards in International Financial Institutions

**C**IEL's effort to improve international standards and regimes extends to its work strengthening the International Finance Corporation's (IFC) Policy and Performance Standards on Social and Environmental Sustainability, as well as IFC's Disclosure Policy. CIEL has worked to provide analyses of these standards and coordinated a coalition of civil society organizations working together on this initiative.

As a result, IFC's latest standards draft incorporates many of the changes recommended by civil society organizations and has opened up opportunities to pursue others, including increasing



*Members of Asociacion Chichigalpa por la Vida (ASOCHIVIDA, Nicaragua).*

supervision, strengthening standards related to lending to financial intermediaries, and improving gender standards. The Performance Standards, also known as the “Equator Principles Financial Institutions (EPFIs),” set the benchmark for lending by most of the largest banks in the world, including Citigroup, ABN AMRO, and Barclays.

## Advancing Democratic Values through Transparency and Participation

**T**ransforming international dispute settlement mechanisms into transparent, accountable forums that invite meaningful public participation is vital to ensuring that progress toward sustainable development is supported—and not undermined—by international economic policies and institutions.

CIEL's Democratizing International Dispute Settlement (DIDS) Project works to remedy the deficits in transparency, accountability, and public participation that persuade international dispute settlement. We won a significant victory in this effort in May 2010, when the International Centre for the Settlement of Investment Disputes webcast a hearing for the first time ever. We also continued our work submitting or supporting *amicus curiae* briefs in key cases.

By giving individuals, communities, and NGOs a meaningful voice in decisions affecting their lives, CIEL is working to reduce flawed decision-making and ensure that international dispute settlement mechanisms work effectively and justly for all parties.

# Developing New Lawyers

One of CIEL's longtime areas of focus is *Developing New Lawyers*. Guided by its pledge to share knowledge and develop the legal capacity of a civil society, CIEL expands expertise in environmental law and nurtures a pool of dedicated public interest lawyers and advocates.

## At Global Climate Talks, Young Lawyers Learn by Doing

Bringing the next generation of public interest lawyers to international climate talks gives them a front row seat to history and a realistic look at how critical global agreements are reached. It also allows them to go beyond textbooks and learn the practice of international law by doing it.

That's what CIEL did in December 2009 when it sent a delegation of staff, interns, and law students to the 15<sup>th</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 15), which drew representatives from around the world to negotiate a global agreement to limit greenhouse gases.

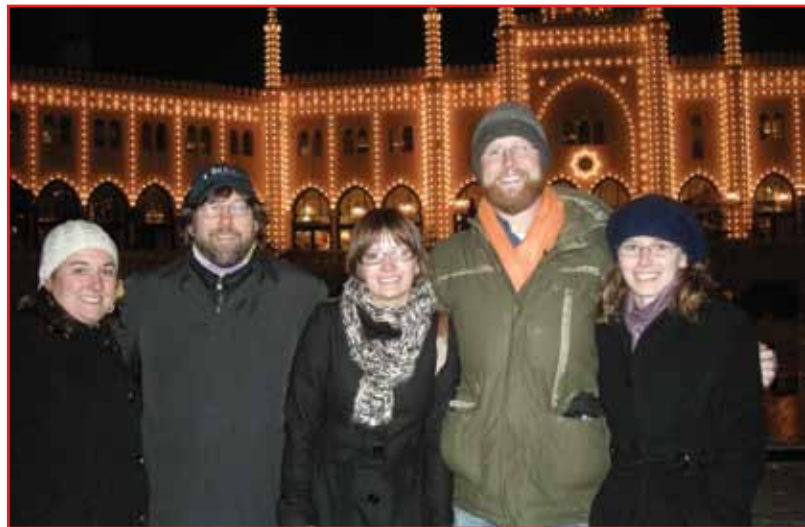
"Attending the climate change negotiations was a fascinating and invaluable experience for me as a young lawyer," says Skye Bougsty-Marshall, a former legal intern at CIEL and now a graduate of American University's Washington College of Law. "It afforded me the opportunity to witness the behind-the-scenes negotiations, posturing, and political dynamics that shape the drafting of an international legal instrument."

Through internships, workshops, and seminars, law students are able to observe and participate in CIEL programs and activities, deepening their understanding of environmental law. Bringing in law students from American University also builds upon CIEL's long-standing collaborative relationship with the Washington College of Law.

"Our interns have a good experience working with CIEL and then go back to their home countries with an idea of what is possible," says Kristen Genovese, a senior attorney who oversees CIEL's intern program. "They learn they're not alone, and there are committed groups and individuals around the world trying to protect human health and the environment."

CIEL has played an influential role in climate talks over the years. Working with a number of global networks of NGOs and Indigenous Peoples before, during, and after COP15 in Copenhagen, CIEL strategized on how best to impact the negotiations and worked behind the scenes for a final agreement. While the parties were unable to reach a final pact, many countries supported a non-binding political agreement, the Copenhagen Accord, and made

*American University Washington College of Law students and faculty Erika Lennon, Prof. David Hunter, Addie Haughey, Blake Mensing, and Rachael Kirby in Copenhagen with CIEL.*



progress on other provisions, laying the groundwork for possible future agreements on issues such as REDD, technology transfer, legal form, and compliance.

CIEL's success in exposing emerging professionals to the Copenhagen climate talks and other negotiations has opened up enormous opportunities for new lawyers, while helping build the next generation of environmental advocates and leaders.

"We were able to sit in on negotiating sessions and understand the difficulties in crafting an international agreement much more clearly than if we had simply been following along from home," says Rachel Kirby, a recent graduate of American University's Washington College of Law. "We helped CIEL attorneys monitor the negotiations, allowing them to do the real work of advocating for an agreement. We learned more in the week we were there than we ever could have learned in a semester of studying the international environmental law system, and we built relationships in the environmental community we will keep for a lifetime."



## REDD: Protecting Forests and Human Rights

**A**s international leaders and institutions grapple with how best to address climate change, keeping the rights of indigenous peoples and other forest-dependent communities at the forefront of discussions is an ethical, legal, and environmental imperative.

One of the critical issues woven into climate change talks is how best to reduce emissions from deforestation and forest degradation (REDD) to protect the world's climate, its forests, and the well being of the people and communities who live in or near them.

CIEL shares the concerns of forest dwellers that they not only have the right to participate in climate negotiations but also to share in the benefits of any financial incentives used to reduce emissions. More fundamentally, they deserve a say in how their lands are used.

Broadly, CIEL's REDD initiatives fall into three key areas: designing and setting policies and mechanisms to safeguard rights; supporting local communities interested in asserting their rights; and promoting coherence among international treaties and bodies.

CIEL goes beyond seeking recognition of rights in the emerging climate regime by working to ensure there is a mechanism

available to assert those rights. To meet that goal, CIEL has worked to create a mechanism to allow forest dwelling communities to voice concerns and seek a fair hearing in their efforts to protect their lands and communities and to receive just and equitable distribution of REDD benefits. CIEL has worked with both UN REDD and Rainforest Foundation Norway to design a proposal for a complaint mechanism available to communities impacted by REDD activities.

A key priority for indigenous peoples in the REDD context is obtaining their free, prior, and informed consent (FPIC) before making decisions affecting their lands, territories, and resources. In 2010, CIEL helped the UN-REDD program analyze options to operationalize FPIC policies for REDD and also facilitated a discussion on FPIC at an Asian indigenous peoples workshop in Vietnam. CIEL continues to work in support of an FPIC standard, including in forest funds at the World Bank.

Additionally, CIEL worked throughout the year to encourage the endorsement of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by the U.S. government and played a convening role in facilitating dialogue between indigenous and environmental

organizations in support of this objective. CIEL's efforts paid off in December 2010 when President Barack Obama declared the United States' support for UNDRIP.

It's plain that the world faces very serious challenges. These challenges can only be addressed by a rule-of-law-based approach. We want CIEL to be doing what it's been doing for the last 20 years—**LEADING FROM THE FRONT**, even if it's not fashionable, even if it's tough, and **taking risks and identifying the issues that need to be addressed ahead of the curve**. That's what CIEL is and always has been about. —*Philippe Sands, Co-founder of CIEL*



# Twenty Years On...A Record of

**W**ith the 2010 Annual Report, CIEL completes its 20th anniversary celebrations—closing a historic year that saw CIEL recognized by its allies for its distinguished work on the international stage as it made advances at the highest levels of environmental policy-making.

Founded in 1989, CIEL was the shared vision of five environmental lawyers and advocates who were frustrated by the limits of domestic environmental regulations and saw a need for vigorous environmental and legal leadership on the global level.

Two decades later, on a crisp spring night in March 2010, CIEL feted its founders at its 20th Anniversary Gala at the U.S. Botanic Garden. More than 200 CIEL staff and board members, friends, and allies came together to celebrate the bold vision of those founders—James Cameron, Wendy Dinner, Philippe Sands, Barbara Shaw, and Durwood Zaelke.

While the Gala was celebratory, participants acknowledged the continuing necessity of CIEL's work in securing environmental justice and protecting human rights and the environment, especially at a time of unprecedented environmental and economic threats.

That message echoed the thoughts of speakers at CIEL's inaugural *Developments in International Environmental Law* conference at American University's Washington College of Law in November 2009. The conference—the kick-off of CIEL's 20th anniversary activities—highlighted CIEL's mission to educate the next generation of international environmental lawyers while bringing together recognized experts in the field to forecast the challenges ahead for international environment law.

In 2010, CIEL's projects and initiatives were influential and myriad. The organization defended the rights of communities threatened by industrial mining in Guatemala and Peru, provided guidance on shaping a workable-yet-ambitious climate treaty, and created a guide for helping communities develop their own protocols for free, prior and informed consent. CIEL also supported the development of a new international treaty to address the risks of mercury pollution, and launched a campaign to address the role of the World Bank in the proliferation of coal-burning power plants.

These activities build on the work of CIEL over the last two decades. Here are a few highlights from 20 years of achievement:

- |             |   |             |  |
|-------------|---|-------------|--|
| <b>2009</b> | CIEL successfully represents former sugarcane workers in Nicaragua involved in a complaint against an IFC-funded sugarcane plantation/ethanol project who are affected by an epidemic of chronic kidney disease, achieving systemic reforms in how the IFC evaluates risks associated with its projects; CIEL serves as part of the UNEP secretariat with respect to mercury, providing insights that launch international negotiations and helping break years of impasse. | <b>2005</b> | CIEL obtains the first ruling from an investment arbitration panel operating under the rules of the International Centre for the Settlement of Investment Disputes (ICSID) that establishes the panel's authority to accept <i>amicus curiae</i> briefs despite objections from disputing parties. |
| <b>2008</b> | CIEL helps engineer a UN Human Rights Council resolution linking climate change and human rights; CIEL helps accelerate the implementation of REACH, the sweeping European chemicals law, and assists companies seeking safer alternatives to toxic chemicals.  | <b>2004</b> | CIEL co-organizes the All-Asia Public Interest Environmental Law Conference, bringing together more than 50 public interest lawyers from around the region.  |
| <b>2007</b> | CIEL organizes and testifies at a hearing of the Inter-American Commission on Human Rights concerning the devastating impacts of global warming on human rights, leading to growing recognition of the impact on human rights from climate change.  | <b>2003</b> | CIEL assists in settling the BioBio case before the IACHR on precedent-setting terms that are favorable to the indigenous people being displaced by a large dam project.   |
| <b>2006</b> | CIEL protects the human rights of indigenous communities in San Mateo, Peru, from mining contamination, and obtains the first ruling from the IACHR that pollution can violate human rights.  | <b>2002</b> | CIEL and Earthjustice file a petition on behalf of Bolivian partners and others in an investment dispute stemming from the "Water War" in Cochabamba, Bolivia.   |
|             |   | <b>2001</b> | CIEL, along with Earthjustice and others, petitions to file an <i>amicus curiae</i> brief in the Methanex Corporation arbitration, a precedent-setting attempt to open the North American Free Trade Agreement (NAFTA) arbitration process to civil society.                                       |



# Achievement, A Necessary Future

For CIEL, the years ahead are **FILLED WITH CHALLENGES**, but they are also **filled with the opportunity to bring about changes**—small and large—that will create a more just and sustainable future for all of us.

—Carroll Muffett, President of CIEL



CIEL Founders: Philippe Sands, Wendy Dinner, James Cameron, Barbara Shaw, Durwood Zaelke, Fred Anderson.

- |             |   |             |   |
|-------------|---|-------------|---|
| <b>2000</b> | CIEL leads a campaign to protect big-leaf mahogany under the Convention on International Trade in Endangered Species.   | <b>1994</b> | CIEL assists in creating Centro Mexicano Derecho Ambiental, the first public interest environmental law organization in Mexico.   |
| <b>1999</b> | CIEL provides support to the Philippines-based Legal Rights and Natural Resources Center in a Philippines Supreme Court hearing that upheld the constitutionality of the Indigenous Peoples Rights Act of 1997.     | <b>1993</b> | CIEL and other groups successfully convince the World Bank to establish the precedent-setting World Bank Inspection Panel.  |
| <b>1998</b> | CIEL provides legal analysis and support to the international effort that defeats the Multilateral Agreement on Investment.   | <b>1992</b> | CIEL launches the Joint Research Program in International Environmental Law with American University's Washington College of Law.   |
| <b>1997</b> | CIEL, with the Center for Marine Conservation and other NGOs, submits an <i>amicus curiae</i> brief to the WTO Dispute Settlement Panel on the controversy over the killing of turtles through shrimping practices. | <b>1991</b> | CIEL launches its Trade and Environment Program, with support from the U.S. Environmental Protection Agency, which continues to be a driving force for environmental protection and sustainable development.  |
| <b>1996</b> | CIEL pushes for greater transparency at the WTO and issues the <i>Handbook for Obtaining Documents from the World Trade Organization</i> .  | <b>1990</b> | Along with European groups, CIEL successfully lobbies the European Bank for Reconstruction and Development to become the first international financial institution with the concept of “environmentally sound and sustainable development” included in its mandate. |
| <b>1995</b> | CIEL and other groups persuade the Conference of Parties of the Convention on Biological Diversity to adopt recommendations for marine and coastal conservation.  | <b>1989</b> | CIEL provides assistance to the Association of Small Island States regarding negotiation of the climate change regime.  |

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Some of these donors also contributed to CIEL for general support. For more  
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*Please remember CIEL in your will!*



Center for International Environmental Law  
Statement of Financial Position  
For Fiscal Year Ending June 30, 2010

**ASSETS:**

**Current Assets**

Cash & Cash Equivalents	\$1,047,071
Foundation Pledges Receivable, Current	457,721
Other Grants and Contracts Receivable	52,995
Miscellaneous Receivables	641
Prepaid Expenses	18,827
<b>Total Current Assets</b>	<b>\$1,577,255</b>

**OTHER ASSETS:**

Property & Equipment, Net	68,221
Deposits	19,666
Long-Term Investments	9,351
<b>Total Assets</b>	<b>\$1,674,493</b>

**LIABILITIES AND NET ASSETS:**

Current Liabilities	
Accounts Payable	\$36,964
Accrued Employee Benefits Payable	57,822
Deferred Revenue from Contracts	117,353
Deferred Lease Liability	106,369
<b>Total Liabilities</b>	<b>\$318,508</b>

**NET ASSETS:**

Unrestricted Net Assets	\$361,346
Temporarily Restricted Net Assets	994,639
<b>Total Net Assets</b>	<b>\$1,355,985</b>
<b>Total Liabilities and Net Assets</b>	<b>\$1,674,493</b>

Auditors/Certified Public Accountants:  
Watkins, Meegan, Drury & Company, L.L.C.  
7700 Wisconsin Avenue, Suite 500  
Bethesda, MD 20814-3556

CIEL's audited financial statements and IRS Form 990s  
are available on our website (CIEL.ORG) or upon request.

Center for International Environmental Law  
Comparative Statement of Activities  
and Change in Net Assets  
For Fiscal Year Ending June 30, 2010

**REVENUE:**

Foundation Grants and Contracts	\$1,283,565
International Government Grants and Contracts	41,703
Other Grants and Contracts	544,500
Salaries In-Kind	183,456
Contributions	193,356
Investment Income	19,930
Miscellaneous Income	16,298
<b>Total Revenue</b>	<b>\$2,282,808</b>

**EXPENSES:**

**Program Services:**

**Protecting the Global Environment & Human Health:**

Climate Change Program	\$543,222
Chemicals Program	649,656
IPEN Secretariat	246,822
Biodiversity and Wildlife Program	8,465

**Reforming International Economic Law,  
Policy and Institutions:**

Trade and Sustainable Development Program	296,087
International Financial Institutions Program	296,879

**Promoting Human Rights and Environmental Justice:**

Human Rights Program	127,885
Law and Communities Program	85,853

**Strengthening Expertise and Capacities  
in Environmental Law:**

Miscellaneous Projects	186,720
<b>Total Program Services</b>	<b>\$2,441,589</b>

**Supporting Services:**

General and Administrative	\$142,471
Fundraising	244,524

<b>Total Expenses</b>	<b>\$2,828,584</b>
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<b>Changes in Net Assets</b>	<b>\$(545,776)</b>
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Beginning Net Assets	\$1,901,761
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<b>Ending Net Assets</b>	<b>\$1,355,985</b>
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# CIEL: 20 Years and Counting

## Your Continuing Support Makes Our Work Possible

Center for International

**A**t CIEL, there are two things of which we are certain: the world's environmental challenges cannot be conquered without the power of law, and they cannot be overcome without your help. We need you as a partner and supporter at this exciting moment in our history, and we ask you to make a special investment in CIEL.

As we celebrate our first 20 years and look ahead to the next 20, consider giving to CIEL. It is only with your support that we have the freedom and independence to develop new and truly innovative legal strategies to address our most pressing environmental issues.

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Environmental Law



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**CENTER FOR INTERNATIONAL  
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1350 Connecticut Avenue, NW, Suite 1100  
Washington, DC 20036-1739 USA  
Tel: +1 202.785.8700 Fax: +1 202.785.8701  
email: [info@ciel.org](mailto:info@ciel.org)

15 Rue des Savoises  
1205 Geneva, Switzerland  
Tel: +41.22.789.0500 Fax: +41.22.789.0739  
email: [geneva@ciel.org](mailto:geneva@ciel.org)

