

# BREAKING



Center for International  
Environmental Law

2013 Annual Impact Report

A woman with long brown hair, smiling, is holding a large protest sign. The sign is blue and red with white text. In the background, other people are visible, some wearing hats and holding signs, suggesting a large gathering or rally. A satellite dish is visible on a building in the background.

**CLIMATE  
ACTION:**

**IT'S OUR  
OBLIGATION**

# THROUGH





# IMPACT

## Breaking Through

Welcome to the Center for International Environmental Law's 2013 Annual Impact Report. For more than two decades, the Center for International Environmental Law (CIEL) has used the power of law to protect the environment, promote human rights, and ensure a just and sustainable society.

In the past year we have seen the kind of change that we always believed possible. From progress on addressing climate change to reducing exposure to hazardous chemicals, 2013 was full of small, but crucial, breakthrough moments that prove our strategy and our advocacy is working. It was a year of breaking through the inertia, and in the year ahead we will channel that momentum. The significance of these breakthroughs will ultimately be measured by what happens next.

Energized and focused by our new strategic plan, CIEL is better positioned than ever to seize these opportunities and build on this momentum. From empowering local communities to strengthening international law and systems, from developing new strategies to ensure that international financial flows respect human rights and the environment, to working with partners to counterbalance corporate power and increase transparency, this report explores how we are using strategic legal levers to effect systemic change.

If you're reading this report, odds are that you also contributed to the momentum shift in the past year. We invite you to join us in celebrating our impact in 2013 through the report that follows, and we look forward to working with you as we defend the right to a healthy environment in the years ahead.

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# ADVOCATES





# MOMENTUM

## Moment of Traction

You know the moment. You've experienced it a hundred times.

That moment when the seemingly immovable object you've been pushing and pulling—first from this direction, then from that direction, then from another angle entirely—finally begins to move. Sometimes, the movement is so small, so slight, that you feel it more than see it. But still you smile. Because you know that what seemed immovable can be moved after all. That YOU can move it. And that's when you know it's time to really dig in, focus all of your strength on the sweet spots you've found, and push with everything you've got. Because now you know it's making a difference.

This past year had more than its share of those breakthrough moments. On issues from climate change, to chemicals, to global finance, we saw—or just felt—the immovable begin to move. Not so far that we can or should declare victory, but enough that we know victory can and will be achieved. In the pages that follow, we celebrate those critical moments, discuss the ways large and small in which CIEL helped bring them about and, most importantly, how we will work in the year ahead to turn these momentary breakthroughs into lasting progress for the environment and for human rights.

This report recognizes the forward movement and the harbingers of change to come on issues that CIEL has been advocating for years. After decades of political stagnation, we saw the first glimmers of substantive action to address climate change and begin the transition away from dirty fuels from global leaders and institutions, including President Obama and the World Bank. Over the past year, both within the United States and globally, we saw the prospects for meaningful chemicals reform increase significantly. And our advocacy at the United Nations and international development banks to strengthen the linkages between human rights and the environment is finally being heard.

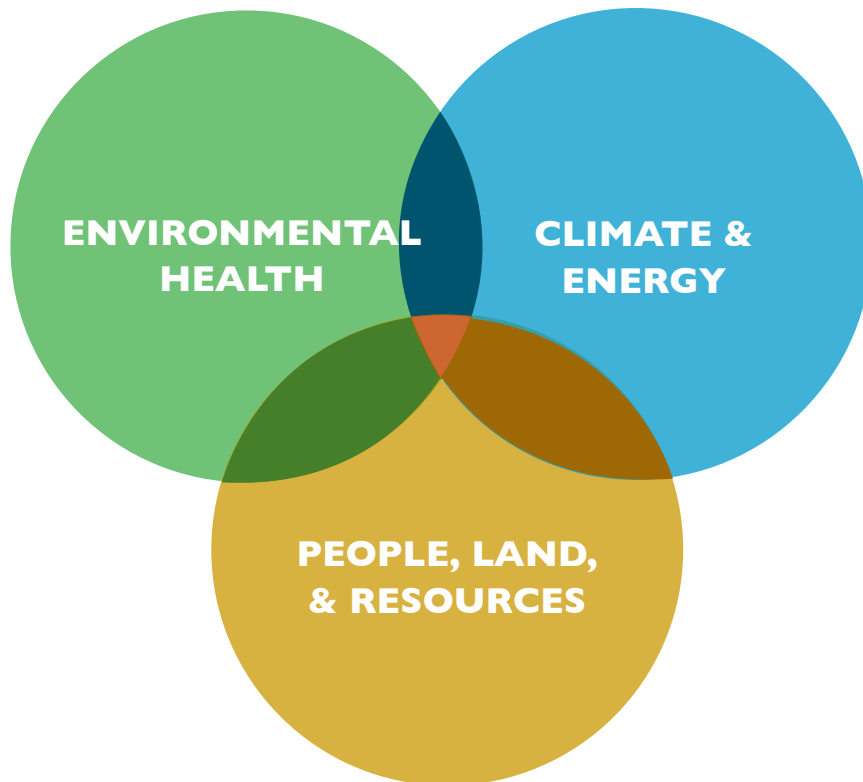
On their own, the breakthrough moments of this past year will not meet the tremendous challenges before us. On climate change and toxic chemicals, on forests and global finance, the pace and scale of change must increase dramatically to respond to significant and growing threats. This past year proved that the global system can be changed, and it is now up to all of us to change it—to move the world forward farther and faster in the next few years than it has moved in decades.

With your support and your partnership, we will achieve just that. And we will celebrate more and far greater breakthroughs in the year ahead.

Sincerely,  
Carroll Muffett  
President & CEO

# OUR STRATEGY

All of our work falls within one or more of these three program areas:



We strive for success in these key result areas:



**Accelerating the  
Transition from  
Fossil Fuels**



**Slowing the  
Expansion of  
Metals Mining in  
the Americas**



**Safeguarding  
Forest  
Ecosystems**



**Protecting  
Children's  
Environmental  
Health**

And we determine which legal approaches will create greatest impact and enable systemic change:



**STRENGTHEN  
LAW**



**EMPOWER  
COMMUNITIES**



**REFORM  
FINANCIAL  
FLOWS**



**INCREASE  
CORPORATE  
ACCOUNTABILITY**



# PROTECTION

## Strengthening International Law

The legal challenges we face as a global community continue to grow and evolve. These complex threats are far too great for any one organization or even any one country to address alone. CIEL is strategically placed at the forefront of the international environmental law community to create legal levers for systemic change that can be used by partners around the world. A primary focus of our newly-implemented strategic plan is to ensure that international law is effective: it responds to existing needs, continually adapts to changing realities, and, above all, leads to real changes in policy, human behavior, and environmental outcomes.



### PROTECTING CHILDREN'S ENVIRONMENTAL HEALTH

Children, during critical windows of development, are particularly vulnerable to the adverse effects of hazardous chemicals. The severe and irreversible effects of childhood exposure to endocrine (hormone) disrupting and other hazardous chemicals demand action by policymakers. Today, we are exposed to hazardous substances through the air we breathe, the food we eat, the water we drink, and through countless products and materials that are part of everyday life. Achieving a cleaner, safer future is not only possible—it is essential.

With the release of our breakthrough report, *Driving Innovation: How stronger laws help bring safer chemicals to market*, in February of 2013, we took the chemical industry head-on, debunking disingenuous arguments that regulation stifles innovation. *Driving Innovation* demonstrates that stronger laws incentivize the development of safer chemicals and help pull them into the market by overcoming barriers to entry, including economies of scale and the lack of information about dangerous chemicals and products on the market.

Consumers, businesses, investors, and even government officials have joined our call for policymakers to reform outdated laws and policies to spark innovation.

We work alongside policy makers in Europe, the US, and other countries around the globe to create a unified voice calling for a safer, smarter future that is free of hazardous chemicals. *Driving Innovation* gives us and our allies a powerful new tool to support this call to action. With economic growth, job creation, and a cleaner environment on the horizon, CIEL will continue its push towards a toxics-free future to protect our children's right to a healthy environment.



## REDD+: RIGHTS AND SAFEGUARDS

Forests play an important role in mitigating climate change. For many years, the UN Framework Convention on Climate Change (UNFCCC) has been negotiating an initiative called REDD+, Reducing Emissions from Deforestation and Forest Degradation, as a way to address climate change by protecting forests. CIEL helped secure early victories in this process by shaping the framework of REDD+.

As a result of CIEL's advocacy at the UNFCCC, the Parties agreed to explore how benefits beyond carbon, like biodiversity and indigenous land tenure rights, could be incentivized in REDD+. CIEL works to make these international decisions accessible to the peoples and communities who will be most affected by them.

The Convention on Biological Diversity (CBD) took up the issue of strengthening the biodiversity aspects of REDD+ safeguards in national planning. CIEL's advocacy helped shape a CBD decision that advises countries on how to better implement the biodiversity safeguards of REDD+ in conjunction with their climate obligations.

## PROMOTING PRINCIPLE 10

At the 1992 Earth Summit in Rio de Janeiro, the nations of the world adopted the Rio Declaration, a set of principles for sustainable development. Among those is Principle 10, which recognizes the critical importance of public participation in environmental issues and that public participation requires access to information, meaningful opportunities to participate in decision-making processes, and access to justice.

When nations returned to Rio in June 2012 to mark the 20-year anniversary of the Earth Summit, ten governments from Latin America and the Caribbean signed a new Declaration aimed at implementing Principle 10 across the region. Throughout Latin America, the lack of respect for environmental rights has triggered a significant increase in socio-environmental conflicts in the region.

CIEL has worked alongside governments, intergovernmental organizations, and civil society partners to move these critical negotiations forward, providing our specialized expertise to help secure a robust and binding agreement that will empower communities and strengthen environmental governance and democracy across the region. We passed an important milestone on that road when 17 governments—representing more than 500 million citizens—adopted a shared vision for implementing Principle 10.

## GLOBAL ACTION ON EDCs & NANOTECHNOLOGY

Nanotechnology (the science of the very small) moves forward rapidly, and CIEL continues to play a leading role in ensuring a sustainable path forward. Following the success of a guide book we published on the environmental and social consequences of nano development in Latin America, CIEL and our partners released similar awareness-raising booklets for Africa, and we will expand our regional coverage with capacity-building booklets for Asia-Pacific and Central Asia next year. Thanks to continued pressure from CIEL and its EU partners, countries are starting to implement mandatory registers to increase information for the public and regulators and to review their outdated legal framework to cover potential health and environmental risks.

Linked to a number of diseases, including cancer, diabetes, obesity, and impaired reproductive systems, endocrine disrupting chemicals (EDCs) have captured the international spotlight. CIEL continues to work closely with policymakers and NGO colleagues in the EU to set a precedent for how chemical laws should protect people and wildlife globally from hazardous substances, such as EDCs, for which there are no safe thresholds of exposure. At a crucial global conference, CIEL helped win a first-of-its-kind resolution acknowledging EDCs as an "issue of global concern." CIEL is leading efforts to further elevate the issue among developing countries and emerging economies.



## Paths to Global Chemical Safety

"A comprehensive chemicals regime is necessary at the global level to ensure present and future generations enjoy the right to a healthy environment," explained Baskut Tuncak, Staff Attorney at CIEL and co-author of a groundbreaking report on global chemical safety published by CIEL and the Swedish Society for Nature Conservation (SSNC). The report was released in March 2013.

Existing international agreements, based on decades-old science and technologies, are wholly inadequate to meet the challenge of a modern chemical industry. Only 23 hazardous chemicals are currently managed at a global level throughout their lifecycle, while experts estimate that the number of hazardous chemicals on the market today number well into the thousands. Developing countries are especially vulnerable due to projections for disproportionate growth in chemical production and use, and inadequate laws and institutions to protect people and the environment.

CIEL is advocating for a more comprehensive, global regime to meet the challenges presented by current and future chemical risks. According to Baskut, "The current piecemeal approach of ensuring chemical safety is grossly inadequate to protect people and the environment, and cannot, without further progress under international law, provide a level playing field for businesses operating in a globalized marketplace."



# PARTICIPATION

## Empowering Communities

Those whose health, families, communities, and rights are most vulnerable to environmental threats often face the greatest challenges in responding to those threats. Too often, they are constrained by limited resources, language barriers, and limited access to forums where they can assert and protect their rights. Yet locally-affected people are most powerful when they advocate on their own behalf. Our program attorneys serve as experts who provide knowledge and support, but we always work to empower communities so that they are better able to defend their own rights and to multiply the capacity of communities far beyond our immediate reach.

### SLOWING THE EXPANSION OF MINING IN LATIN AMERICA

Transnational mining activity continues to expand in Latin America, and CIEL has been working to stop mining projects that do not respect the rights, environment, and health of local communities. For years, CIEL has been working with indigenous and campesino people in Guatemala to file complaints, empower community leaders, and deliver shareholder resolutions to change the practices of the corporations responsible for these destructive mining megaprojects.

On March 1, Guatemala's highest court delivered a verdict upholding the existing mining law, which was a serious blow to indigenous peoples' right to free, prior, and informed consent. "This ruling is a contravention of Guatemala's international obligations to respect indigenous rights and an unwelcome reminder of how the Guatemalan legal system continues to deny justice to the country's Mayan population," said CIEL Senior Attorney Kris Genovese.

At the Canadian-owned Escobal silver mine in San Rafael Las Flores, we've been supporting communities fighting to defend their rights and will continue to do so in the year ahead.

### ACTION SUMMARY: Escobal Mine

- ! Violence breaks out surrounding the Escobal mine. 26 Peaceful protesters are blamed and criminalized for the violence.
- ✓ CIEL organizes several international online urgent action campaigns demanding investigation into violence surrounding the mine and calling for its closure.
- ✓ 12 of 26 planned community referendums held—all voting more than 90% against the mine.
- ✓ CIEL, with CAMIGUA coalition, delivers letter with more than 5,000 signatures from 42 countries to the Guatemalan Attorney General asking for investigation into the March kidnapping of four indigenous leaders who were leaving a mining referendum—one of whom was later found dead.
- ! Mine security opens fire on peaceful resistance in April, seriously injuring five adults and one minor.
- ✓ Head of mine security arrested and charged with allegedly giving the order to open fire on peaceful protesters, according to government wire tap evidence.
- ✓ Guatemalan court rules that due process was violated in granting Escobal's extraction license, putting in question the validity of current license.





## BANK ON HUMAN RIGHTS

Multilateral development banks (MDBs) have long been in the business of promoting economic development, but without respecting the rights of local communities they can cause more harm than good.

In April 2013, CIEL and International Accountability Project launched an Early Warning System—the first of its kind—that allows communities to track development projects that pose a risk to the environment and human rights. This revolutionary tool is hosted within the Bank On Rights website and features a searchable map of MDB projects. Users can search by location, sector, or even specific rights that may be threatened.

The Early Warning System seeks to notify communities of projects in their earliest stages, so those who are most directly affected by the project are empowered to proactively participate in the decision-making process and effectively advocate for their own rights. In the year ahead, we will build pilot projects in key countries to connect the global to the local and turn Bank on Rights into action. **BankOnHumanRights.org**

## INDIGENOUS RIGHTS & DEVELOPMENT THREATS

With support from CIEL, Ngäbe indigenous communities in western Panama have taken action to stop the construction of the Barro Blanco hydroelectric dam that threatens to flood religious, historical, and cultural sites in the Ngäbe territory. The dam would turn the river into a stagnant lake ecosystem, affecting the Ngäbe's diet and means of subsistence.

In 2013, CIEL worked to build a coalition of national and international groups to help the Ngäbe defend their rights. CIEL also worked to highlight the serious deficiencies in the Kyoto Protocol's Clean Development Mechanism (CDM) under which Barro Blanco is registered and eligible for carbon credits. Using Barro Blanco as an example, we have demonstrated the CDM's failure to ensure that projects are designed, implemented, and monitored in a manner that protects human rights. CIEL delivered more than 1,000 signatures to the United Nations Special Rapporteur on the Rights of Indigenous Peoples asking him to recommend reforms to the CDM to ensure it respects human rights.

At the national level, CIEL and partners filed an *amicus brief* in support of a domestic lawsuit brought on behalf of Ngäbe community members, arguing that the Panamanian government violated international law by approving the project without obtaining the consent of the affected communities and without adequately reviewing environmental impacts.



## MOBILIZING AGAINST AN EPIDEMIC

Across Central America, an epidemic of Chronic Kidney Disease (CKD)—a disease for which progression is inevitable, and ultimately fatal, without early access to dialysis or kidney transplant—is decimating communities.

For over six years, CIEL has been supporting ASOCHIVIDA, an association of 2,300+ former sugarcane workers who have all been diagnosed with CKD. In 2008, CIEL assisted ASOCHIVIDA in filing a complaint to the accountability mechanism of the International Finance Corporation (IFC) regarding its loan to Nicaragua Sugar Estates Limited. Through a mediation facilitated by the IFC's Compliance Advisor Ombudsman (CAO), ASOCHIVIDA secured monthly distribution of basic food provisions for the members; income generation projects that have benefited more than 500 members directly and provided revenue to help members cover medical and funeral expenses; and ground-breaking research on the disease by Boston University School of Public Health. ASOCHIVIDA recently secured a commitment of \$320,000 to fund the construction of a renal clinic in Chichigalpa, a proposal that the Government of Nicaragua has yet to approve. Together, these benefits are worth close to \$6 million. The CAO-facilitated negotiations ended this year, but the parties continue to seek new ways to meet the needs of those living with the disease and find the cause of the epidemic. (See related *Champion Profile of Donald Cortez* on page 12).



# HUMAN RIGHTS

## Reforming Development Finance

Over more than two decades, CIEL has learned that the best way to protect human rights and the environment from destructive development projects is to follow the funding and tackle it at its source. As international financial institutions proliferate, we work to ensure that safeguards and accountability mechanisms are built in and strengthened, so that communities can hold these banks accountable.



### ACCELERATING THE TRANSITION FROM FOSSIL FUELS

The pace of climate change is accelerating far faster than the pace of global climate talks, and we must find new ways to accelerate action on this threat.

While coal consumption in the United States has declined gradually over the past 10 years, US coal exports have risen. And the US Export-Import Bank, a federal agency that has been funneling billions of US tax dollars into dirty energy projects abroad, has been one of the biggest lenders, raising its financial backing of coal exports from \$2 billion to more than \$10 billion.

In July, CIEL joined five other national and local environmental groups in filing a suit against the US Export-Import Bank (ExIm). The group challenged a \$90 million loan guarantee ExIm provided to Xcoal Energy & Resources to export Appalachian coal from ports in Maryland and Virginia to Asia. Despite well-documented environmental harms associated with coal transport and the likelihood of local impacts of coal use by importing countries, ExIm approved the loan guarantee without conducting an environmental impact assessment. The array of air, water, safety, health, biodiversity,

and other impacts on local communities and ecosystems—which face a chain reaction of increased mining, rail traffic, and port activity—remains woefully unaddressed by state and federal regulators.

When President Obama announced his Climate Action Plan in June, he made a clear commitment to limit support for new coal plants as a means to address climate change, but he failed to address the need to phase out public financing for coal exports. The pending lawsuit against ExIm Bank further highlights this major policy gap in the President's plans. Continued US financing of dirty coal deals violates the United States' obligations and commitments to lead the international community in the fight against climate change.



## A BIG STEP FOR A BIG BANK

Of all the International Financial Institutions we monitor, the World Bank is the leader. An international organization comprised of 188 countries, the Bank loans more than \$20 billion annually to developing countries. The Bank remains one of the most influential global standard-setters, with its policies and practices informing those of other development banks and private financiers throughout the world. The Bank's environmental and social safeguard policies, however, lack a critical and necessary component: respect for human rights. The Bank's track record in the field reflects that absence. As a result, the very communities who should directly benefit from their projects can be left worse off.

At the end of last year, the World Bank launched the first comprehensive review of its safeguard policies. CIEL and partners around the world are calling on Bank President Jim Kim to send a strong message: these standards must be robust, include human rights and environmental protections, and be applied consistently to all activities of the World Bank Group, including programmatic lending, in order to eradicate poverty and ensure sustainable development.

CIEL is asking the Bank to undertake human rights due diligence, including:

1. A commitment not to finance activities likely to cause or contribute to human rights abuses;
2. Human rights impact assessments for all Bank-financed activities; and
3. Policies that are consistent with human rights standards.

## CAN WE BANK ON IT?

After a lengthy process, the World Bank introduced a new Energy Strategy in July, committing its future energy sector lending to supporting energy efficiency measures, scaling up investments in small-scale renewable energy projects in developing countries, and increasing energy access for the poor. The Bank also committed to drastically curtail its coal investments—an important, if partial step toward permanently ending public finance for coal. As a key player in climate and development lending, the Bank's new strategy will have profound impacts on energy investments in developing countries. The new strategy reflects the advocacy of CIEL and partners worldwide to end public support for coal and to accelerate the transition away from fossil fuels and toward clean energy solutions.

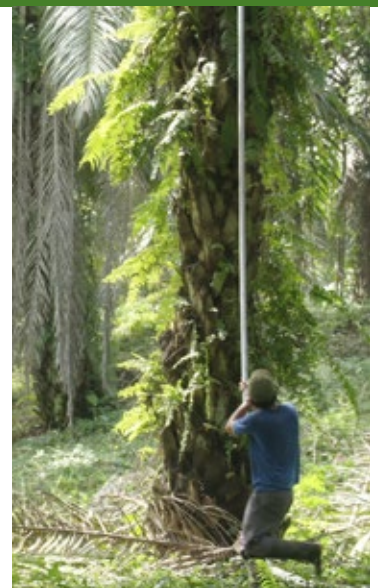
**“The new Energy Strategy is at once a valuable step and a missed opportunity.”** CIEL Staff Attorney Niranjali Amerasinghe

## RISKY BUSINESS WITH FINANCIAL INTERMEDIARIES

Close to half of the lending portfolio of the International Finance Corporation (IFC) is in other financial institutions, including commercial banks, private equity funds, and insurance companies. These so-called “financial intermediaries” use IFC support to invest directly in their own projects; but critically, most of those investments do not require compliance with IFC's Performance Standards on Environmental and Social Sustainability.

In February, an audit of IFC lending in the financial market sector found that IFC has no way of knowing whether nearly half of all of its investments are causing harm to communities and the environment. Rather, the audit demonstrated that IFC focuses only on the environmental and social management system that each financial intermediary has in place and not on assessing the actual environmental and social outcomes of that system. In its initial response to the audit, however, the IFC did not commit to any major changes in its practices.

CIEL led the effort to demand that the IFC take corrective action through meetings with the Bank's executive directors, coalition letters to President Kim, and media attention. Largely as a result of these efforts, the Board directed IFC to prepare an Action Plan to address the audit's findings.





# SUSTAINABILITY

## Increasing Corporate Accountability

Much of our time and energy goes toward leveling the playing field. In simplest terms, we fight for equality—whether that’s access to information, participation, or justice. Left unchecked, corporate power can set into motion a sequence of events that is hard to stop. Striving for equality among nations, states, organizations, groups, and communities is a cornerstone of our work.

### PROTECTING FOREST ECOSYSTEMS

Forests play a vital role in mitigating climate change, protecting biodiversity, and supporting the lives and livelihoods of indigenous peoples and local communities. Illegal and unsustainable logging, deforestation for palm oil and other commodities, large-scale infrastructure, and development projects like oil extraction and mining increasingly threaten the ability of forest ecosystems to fulfill these critical functions.

Deep in the heart of the Amazon rainforest, Peru’s Loreto region is one of the most biodiverse areas on the planet. Comprising one of the largest stretches of intact primary forest on earth, it is home to some of the world’s last indigenous peoples living in voluntary isolation.

For the past two years, CIEL has worked with Peruvian partners to document emerging threats to this vital region and assess potential impacts. Among these threats is the spread of palm oil plantations which have already devastated tropical forests in other regions. CIEL analyzed satellite imagery in June 2013 and discovered significant ongoing deforestation outside the town of Tamshiyacu. Satellite images showed deforestation occurring at a shocking rate of about 250 acres per week. CIEL visited the area with Peruvian NGO colleagues, interviewed locals, and photographed the destruction. Having gathered this evidence, we notified local press of the ongoing devastation happening in real time. The front-page coverage triggered immediate action by regional authorities who undertook an investigation and concluded the company was acting illegally.

Since that time, the deforestation in this area has been halted. The swift action and crackdown by authorities provides a disincentive for future behavior of this type. And those who would seek to secretly cut down the forest are on notice: illegal deforestation is visible in satellite imagery.





## WORTH ITS WEIGHT IN WATER

Páramos, a fragile highland wetland ecosystem, provide fresh water and habitat for native species and species in danger of extinction. Today, the Santurbán páramo in the Santander region of Colombia faces a serious threat: large-scale gold mining.

Both Colombian and international law prohibit mining in páramos, and despite the Colombian Ministry of the Environment's denial of an environmental license for the project, the World Bank's International Finance Corporation invested in Canadian company Eco Oro

Minerals' proposal to develop an open-pit gold mine in the páramo near Bucaramanga, Colombia. This caught the attention of the 2.2 million citizens who depend on the Santurbán páramo for clean water, and they mobilized to defend it.

Together with AIDA and Mining Watch Canada, CIEL helped a diverse coalition of 40 civic groups in Bucaramanga file a complaint with IFC's Compliance Advisor Ombudsman (CAO) that led to a full investigation of the project. CIEL will continue to push for the IFC to withdraw its investment in Eco Oro and protect the Colombian páramos.

## LET THE SUN SHINE IN

In 2013, the United Nations Commission on International Trade Law (UNCITRAL) adopted new standards to increase transparency in treaty-based investor-state arbitrations. The changes are designed to increase public access to hearings and documents in arbitral disputes, which often have significant implications for environmental, health, and safety standards.

Our work isn't done yet. While UNCITRAL's revised rules will apply to newly-adopted investment agreements, they will not apply to the thousands of such agreements that already exist unless the Parties explicitly agree to apply them. And even as we marked progress at UNCITRAL, a panel of federal judges reversed three consecutive lower court decisions and upheld the US Trade Representative's refusal to disclose a document laying out how the US would interpret critical language on investor rights under the failed negotiations for a Free Trade Area of the Americas. The decision ended a twelve-year legal effort by CIEL and Earthjustice to secure public release of the document.

Increasing transparency in trade is not only vital to environmental protection, human rights, and social development, it is also a cornerstone of good governance in a modern democracy. CIEL will keep working until transparency and public participation are established as an indispensable component of international trade rules.

## WORKING FOR BETTER TRADE

Over the past year, CIEL has established itself as a leading voice for transparency and chemical safety in the ongoing negotiations of a proposed US-EU trade agreement, known as TTIP. The secrecy around TTIP to date reinforces concerns that any resulting agreement will undermine public interests, such as the right to a healthy environment.

In testimony before Congress in July, CIEL highlighted how experience with other trade agreements, industry submissions on TTIP, and the avowed goal of reducing perceived regulatory barriers to trade make it likely that TTIP will hinder progress on environmental, health, and safety standards around the world. Of particular concern is that TTIP may be used to slow development or implementation of stronger standards for chemicals management in the EU and some US states, instead of raising US national standards to achieve higher levels of protection.

As CIEL President Carroll Muffett testified: "To protect the environmental health and safety of consumers, workers, and children around the world, what is needed is not free trade agreements, but better trade agreements." CIEL believes trade agreements should treat public protection not as a competing goal but the highest goal, leverage the power of markets to serve the global good, and enhance trade by strengthening environmental health and safety standards rather than viewing them as irritants to be reduced and eliminated.



A photograph of Donald Cortez, a man with a mustache wearing a blue shirt and a dark baseball cap, speaking into a megaphone. He is pointing his right hand forward. In the background, other people are visible, including an older man in a light green shirt and a blue cap. The word "CHAMPIONS" is overlaid in large, white, semi-transparent letters across the middle of the image.

# CHAMPIONS

## A Tribute to Donald Cortez

“Everyone will have a chance to speak.” The room fell silent. These were men and women full of heart, fighting for their lives and their families—they needed to be heard. Donald leaned back in his chair, took a deep breath, and listened. He was passionate, confident, and trusted. Donald Cortez was a leader.

In 2007, a research team from Yale University visited the Pacific coast of Nicaragua to study the effects of sugarcane plantation operations on local water quality. When they learned about the widespread kidney disease amongst the local sugarcane workers in Chichigalpa, they asked CIEL to take a closer look (See related story on page 7, *Mobilizing Against an Epidemic*).

“That was my first case at CIEL,” remembers Senior Attorney Kris Genovese, “and the first time I met Donald.” Over the course of the next six years, Kris met an overwhelming number of local workers who were suffering from Chronic Kidney Disease (CKD). CKD is terminal, and progression is inevitable without a kidney transplant or early access to dialysis. It had reached epidemic proportions in Chichigalpa.

CIEL connected with members of *Asociacion Chichigalpa por la Vida* (ASOCHIVIDA), a group of then-600 ex-sugarcane workers who had all been diagnosed with CKD. A focused, passionate man named Donald Cortez stood out from the crowd. “He was strong, both mentally and physically, with a clear vision and resolute determination,” recalls Kris. “He could stand in front of a raucous assembly of 500 people, and when he took the bullhorn everyone fell silent. They knew Donald would lead them forward.”

Despite his own battle with CKD, Donald worked tirelessly on behalf of ASOCHIVIDA—returning to the office against doctor’s advice after his own dialysis treatments and keeping long hours.

Under Donald’s leadership, ASOCHIVIDA membership grew to 2,300. He led assembly meetings to keep members informed of the negotiation progress. Mediation led to monthly distribution of food and income generation projects that benefited members and provided revenue for the organization that, in turn, was used to offset medical and funeral expenses for members. Things have been steadily improving for ASOCHIVIDA and their families, but they are a long way from what they deserve, and members continue to be killed by the disease.

Perhaps Donald’s most significant contribution to the effort was in securing a dialysis and renal clinic in Chichigalpa. Kidney transplants are extremely rare in Nicaragua, and dialysis is the only hope for most of these men. ASOCHIVIDA secured the funds, the land, and the plans for the clinic, but the Government of Nicaragua, which oversees public health institutions, has refused to construct the clinic.

Donald Cortez died on July 16 of Chronic Kidney Disease, waiting for the clinic to be built. He was a husband, a father, a leader, and a friend. His funeral was filled with flowers and attended by all of the widows of ASOCHIVIDA. His compassion, courage, and devotion to ASOCHIVIDA will not be forgotten.

Help us honor Donald’s legacy and his unforgettable spirit. Contact Amanda Kistler at [akistler@ciel.org](mailto:akistler@ciel.org) to sign our online petition asking Nicaraguan President Ortega to begin construction on the dialysis clinic now.

Everyone should have a chance to speak.





## BARBARA LEE SHAW 1943 - 2013

Known in Kenya's drought-prone Maasai-land as "Nalotuesha—The One Who Comes with the Rains," Barbara Lee Shaw worked to empower Maasai girls and women through education and to bring an end to childhood marriages and female genital mutilation. Through the Maasai Girls Education Fund, which she founded in Kenya in 2000 and served as President until her death, Barbara provided scholarships to more than 130 Maasai girls and women to help them build the knowledge and skills they needed to live more independent, and more secure lives. Through community workshops hosted by her organization, thousands more Maasai—men and women, boys and girls—received trainings to promote better health and economic well-being both for themselves and for future generations.

Barbara passed away at her home in Washington, D.C. on October 17, 2013, surrounded by family and her four "sister-friends."

For all of us at CIEL, Barbara was a founder, a staffer, a Trustee, and a beloved friend. Together with her husband, Durwood Zaelke, Philippe Sands, James Cameron, and Wendy Dinner, Barbara co-founded CIEL in 1989, and served as our Chief Financial Officer for nine years. She served as a CIEL Trustee from 2004 until 2011, when she stepped down to dedicate her energies to ensuring a solid future for the Maasai Girls Education Fund.

In a memorial celebrating Barbara's life, Kenya's *Nation* newspaper observed that "Barbara inspired people everywhere with her courage, her kindness and generosity, the depth of her convictions, and her unwavering commitment to what is fair and just." CIEL was deeply blessed to benefit so much from Barbara's life and, we are humbled to be part of her legacy.

Barbara is survived by her husband Durwood, her children Tracy, Todd, and Kathy, and six grandchildren.



## 2013 INTERNATIONAL ENVIRONMENTAL LAW AWARD: JOHN E. SCANLON

CIEL is proud to award John Scanlon, Secretary General of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), with our International Environmental Law Award for 2013. The award is made in particular recognition of Mr. Scanlon's contributions to safeguarding environmental integrity and human rights in the management of river basins and dams, his contributions to the understanding of international environmental governance as a multilevel process in which public participation plays an indispensable role, and his ongoing leadership of CITES as the Convention celebrates its 40th year and plays an increasingly relevant role at the nexus of biodiversity, development and trade. Mr. Scanlon's

leadership has led to the increasing integration—and appreciation—of CITES within the wider international policy community and the growing acceptance of CITES' central role in conserving not only ornamental plants and charismatic megafauna, but high value timber and shark species critical to the health of forest and ocean ecosystems.



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[http://ciel.org/Support\\_CIEL/Bequests.html](http://ciel.org/Support_CIEL/Bequests.html)

# Financial Statements

## FOR FISCAL YEAR ENDING JUNE 30, 2013

### ASSETS

#### Current Assets

Cash & Cash Equivalents	\$743,816
Foundation Pledges Receivables	264,900
Contracts Receivables	64,841
Miscellaneous Receivables	12,122
Prepaid Expenses	11,952

**Total Current Assets** **\$1,097,631**

#### Other Assets

Property & Equipment, Net	38,516
Rental Security Deposits	19,846
Long-Term Investments	15,412

**Total Assets** **\$1,171,405**

### LIABILITIES AND NET ASSETS:

#### Current Liabilities

Accounts Payable	\$22,955
Accrued Payroll & Benefits Payable	26,657
Deferred Contract Revenue	24,084
Deferred Lease Liability	110,253

**Total Liabilities** **\$183,949**

#### Net Assets

Unrestricted Net Assets	\$270,406
Temporarily Restricted Net Assets	717,050

**Total Net Assets** **\$987,456**

**Total Liabilities and Net Assets** **\$1,171,405**

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

Auditors/Certified Public Accountants:

Halt Buzas & Powell, Ltd.  
1199 North Fairfax Street, 10th Floor  
Alexandria, Virginia 22314

### Comparative Statement of Activities and Change in Net Assets

#### REVENUE:

Foundation Grants	\$1,095,535
Misc. Contracts	790,322
Salaries In-Kind	130,561
Misc. Contributions	49,166
Interest & Investment Income	4,892
Miscellaneous Income	47,768

**Total Revenue** **\$2,118,244**

#### EXPENSES:

##### Program Services:

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

Climate Change Program	\$593,169
Chemicals Program	365,968
IPEN Secretariat & UNEP Mercury	550,281
Biodiversity & Wildlife Program	509,264

##### Reforming International Economic Law, Policy & Institutions:

International Financial Institutions Program	275,659
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##### Promoting Human Rights and Environmental Justice:

Human Rights Program	179,208
Law & Communities Program	63,598

##### Strengthening Expertise & Capacities in Environmental Law:

Miscellaneous Projects	16,583
------------------------	--------

**Total Program Services** **\$3,082,320**

##### Supporting Services:

General & Administrative	\$72,829
Fundraising	125,697

**Total Expenses** **\$2,752,256**

**Changes in Net Assets** **\$(634,012)**

Beginning Net Assets \$1,621,468

**Ending Net Assets** **\$987,456**



# CIEL COMMUNITY & ADVOCACY ONLINE

Join the conversation and take action online!



## SUBSCRIBE

CIEL's e-newsletter delivers breaking news and action opportunities directly to your inbox.

## URGENT ACTIONS

1,000+ people called on UN Special Rapporteur to protect indigenous and human rights threatened by a hydroelectric dam. See *full story* page 7.

## WEB TOOLS

We invite you to explore this new tool. See *full story* on page 7.



# #whatwillittake

World Bank President Jim Kim has challenged the world with a new campaign: #whatwillittake to end poverty? But it's not just what you do; it's how you do it. As the World Bank undertakes a major review of its environmental and social standards, join us in asking President Kim, #whatwillittake for the World Bank to uphold human rights?

## PHOTOS

Page 1: CIEL Communications Manager Amanda Kistler at the Forward on Climate Rally—the largest climate rally in US history, Washington, DC. *Courtesy: Carroll Muffett*

Page 2: ASOCHIVIDA meeting in Chichigalpa, Nicaragua. *Courtesy: David Atkins*

Page 3: CIEL Attorney Marcos Orellana at the Africa regional consultations on human rights and the environment at the First Global Session of the UN Environment Programme Governing Council in Nairobi, Kenya. *Courtesy: Dan Magraw*

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Page 5: River expedition, Loreto, Peruvian Amazon. *Courtesy: Clinton Jenkins*

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Page 7: CIEL Attorney Kris Genovese and International Accountability Project Coordinator Emily Joiner at the launch of the BankOnHumanRights.org web tool in Washington, DC. *Courtesy: Amanda Kistler*

Weni Bagama, indigenous Ngäbe activist from Kiad community in western Panama. *Courtesy: Elisabeth Romano*

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Demonstration against mountaintop removal coal mining in Washington, DC. *Courtesy: Amanda Kistler*

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Page 10: North Carolina State University researcher Clinton Jenkins poses near an example of what illegal logging looks like in Loreto, Peru. *Courtesy: Matt Finer*

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CIEL team at Senate hearing on US-EU trade agreement negotiations. *Courtesy: Amanda Kistler*

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Page 20: Black Skimmers, Lima, Peru. *Courtesy: Clinton Jenkins*

Page 21: *Courtesy: Carroll Muffett*

Back Cover: Tabasará River, Western Panama. *Courtesy: Elisabeth Romano*



# FUTURE

## Looking Forward

As this report documents, the past year has been marked both by the emergence of new threats and by new momentum and breakthroughs in responding to existing threats. Both greenhouse emissions and climate impacts continue to grow even as science demonstrates that the thresholds for truly catastrophic and irreversible change are far lower—and closer—than was long believed. It is at precisely these moments when we have to work hardest and fastest to seize the momentum for real change.

A year into implementing our Strategic Plan, *Changing the World in a Changing World: Legal pathways to systemic transformation*, we are better positioned to lead these efforts than ever before. We have made important progress in empowering communities, strengthening international law, pushing for higher standards for international financial institutions, and holding corporations accountable. Our successes of the past year, like the Early Warning System, lay the foundation to grow a global movement around human rights and development finance. Our work has helped build regional support for Principle 10 and access rights across Latin America and the Caribbean. And we have helped create the legal groundwork for a climate justice movement of enormous potential. In the year ahead we'll work with partners around the world—lawyers, scientists, financial experts, activists, community leaders—to equip the climate justice movement with new legal tools to accelerate action on climate change; build international support for a new global and comprehensive approach to chemical risks; and protect forests and forest communities from the threats of illegal logging and unsustainable land-clearing.

The challenges before us are profound and evolving. Yet experiences of the past year have demonstrated that real movement is possible. Now it lies with all of us—CIEL, our partners, supporters like you—to build on this momentum, seize the opportunities we've created, and leverage them for more rapid and systemic change.



## INVEST IN OUR FUTURE

We're on the ground working with communities. We're inside international negotiations and in front of decisionmakers advocating for new and better policies. As attorneys, researchers, activists, advisors, and change-makers, we're constantly adjusting to the emerging needs of this dynamic planet and its people. We're at the forefront of environmental law and it is here, in the vanguard of this movement, that we can be the change we want to see.

You are instrumental to that change and to making breakthroughs possible. Your dedicated support in helping us raise awareness, amplifying our voice with policymakers, and giving generous financial support allow us to continue advocating to protect human rights and the environment and to hold corporations, financial actors, and governments accountable when these rights are violated. We couldn't do it without you.

In the months ahead, CIEL needs your support to keep the momentum of the last year going. Help us reach across cultural divides and across international borders to create change for local actors and at the highest levels. Help us reach vulnerable communities and defend our right to a healthy planet where impacts of resource extraction and climate change are most severe.

It is through your generosity that we are able to use the power of law to protect the environment, promote human rights, and ensure a just and sustainable world.

Your gift to CIEL is an investment in creating that world.

To make a gift online visit: <http://www.ciel.org/Giving2013.html> or you can send your gift to 1350 Connecticut Ave NW, Suite 1100, Washington DC 20036. If you'd like to know more about the impact of your donation please call Kevin Parker at 202-742-5829 or email [kparker@ciel.org](mailto:kparker@ciel.org).





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