

FASTER FORWARD

IMPACT REPORT
2015-2016

INVEST in our
FUTURE
not
FOSSIL
FUELS



Center for International
Environmental Law

Since 1989, 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.

CIEL pursues its mission through legal research and advocacy, education and training, with a focus on connecting global challenges to the experiences of communities on the ground.

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Today, as I write this letter, the world is celebrating the early entry into force of the Paris Climate Agreement a mere 10 months after it was adopted. Two years ago, achieving this milestone so quickly would have been unthinkable.

Today, it is part of a new normal. After decades of inertia, we are winning. And it is happening faster – far faster – than anyone imagined possible.

Two weeks ago, as CIEL briefed financial decisionmakers on their legal duties in an era of climate change, the first US bank announced that it is divesting from fossil fuels. Days later, we learned that the Securities and Exchange Commission is investigating Exxon. As is the New York Attorney General. And the Massachusetts Attorney General. Among others.

These are only the latest developments in a remarkable two years that have witnessed one milestone after another. The defeat of the Keystone XL pipeline. The collapse of coal. And of Shell's Arctic dreams. And the adoption in Paris of a new climate agreement, which sends a clear message to the world that the fossil fuel era must and will end, and which acknowledged, for the first time, that respect for human rights must shape our response to the climate crisis.

The speed and the scale of change are accelerating. They are proving that we can move much farther, much faster, even as the evidence mounts that this is precisely what we *must* do. Momentum is finally on our side. It's up to us to use it.

We must seize this opportunity not only in the fight against climate change, but also in the struggle to ensure that development supports communities and protects human rights and to ensure trade agreements don't undermine vital protections for human health and the environment.

The last two years have shown us that winning these fights is possible. And they have shown us, more clearly than ever, that we cannot rest. We must move faster, forward.

Together.

So, that's exactly what we'll do.

A handwritten signature in white ink, appearing to read 'Carroll Muffett', written over a dark blue background.

Carroll Muffett

President



PARIS CLIMATE AGREEMENT

INTEGRATING HUMAN RIGHTS IN CLIMATE ACTION

CLIMATE CHANGE is the greatest human rights and environmental challenge of our time. Rising seas and heightened storm surges threaten millions of people in coastal and low-lying areas, while vanishing sea ice and melting permafrost threaten the security of Arctic communities. Temperature changes increase the spread of disease into new areas. Ocean acidification and changes in weather patterns alter ecosystems. Increasing weather extremes jeopardize crops and affect the prices of global commodities, making food more expensive and harder to access for the world's poorest people.

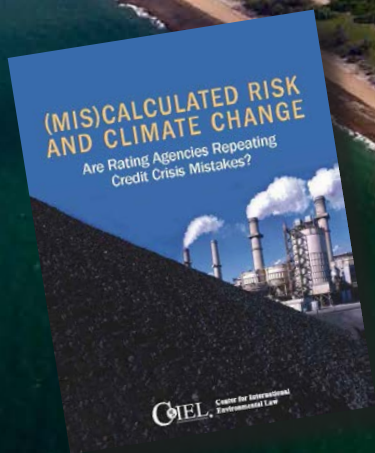
As millions march around the world, universities and foundations divest from fossil fuels, litigators prep cases, and investors reassess fossil stocks in an era of growing risk, 195 countries united to create the Paris Agreement in December 2015. For years, CIEL helped build and lead a diverse movement to make human rights a central part of global climate action.

The Paris Agreement sets a global roadmap for climate action starting in 2020 – and for the first time ever, acknowledges that countries should

respect and promote human rights in climate action. We have much farther to go to address the human rights and equity dimensions of climate change, but the Paris Agreement opens new opportunities in our campaigning that were not possible previously.

Nations agreed in Paris to keep warming 'well below 2 degrees' and, critically, recognized that even that may be far too high. In so doing, the Paris Agreement sent a signal to markets that the era of fossil fuels must and will end. However, the Paris Agreement is only a starting point. We must transform the economy and reduce carbon emissions far faster than the Paris Agreement alone can achieve. A strong climate movement – supported by legal actions where necessary – will help to ensure countries deliver on their promises and that climate action matches the scale and speed of the challenge.

MOVING THE MONEY



CLIMATE CHANGE means an end to business-as-usual. As financial actors realize and adapt to this reality, markets will play an increasing role in accelerating our transition away from fossil fuels to cleaner energy.

Operating largely in the background, credit rating agencies hold immense financial power. Their business is assessing risk and evaluating the likelihood with which an investment will deliver its projected returns. In 2008, credit rating agencies were responsible for wildly overvaluing the housing market and were “essential cogs in the wheel of financial destruction.” When that housing bubble crashed in the United States, it threw the world into a global financial crisis.

Like the inflated housing market, fossil fuel investments may also be reaching an inflection point.

In 2015, CIEL launched a new analysis revealing that credit rating agencies were not adequately accounting for climate change in their risk assessments. In many cases, they were relying on a business-as-usual model that is wholly inconsistent with the reality of our changing cli-

mate. This inappropriate type of risk assessment may inflate the financial value of companies that contribute to global warming.

This oversight isn't minor. It ignores the myriad possible impacts that climate change could have on the value of investments – from the direct impacts of flooding events and storm surges, to changes in commodity prices, to the risk of stranded assets – all of which could have serious impacts on the economic viability of the fossil fuel industry in both the near and long term.

Indeed, a few months after we published our report, Moody's announced it was considering downgrading its rating for Australia's Abbot Point coal terminal – the case study we highlighted as an example of how credit ratings had been artificially inflated by ignoring climate-related risks.

And in the months since we published our findings, some of the largest rating agencies have announced changes to their methodologies that would include assessing climate-related risks.

Even as we engaged with credit rating agencies, we began building on that work to address a new group of financial actors – the multi-trillion dollar pension fund industry. In early 2016, CIEL launched an initiative to engage and educate pension fund trustees about climate risk to ensure the trillions of dollars pension funds manage are responding to that risk and accelerating the shift to a cleaner economy.

By changing the financial calculus to better incorporate climate risks, fossil fuels are exposed as more expensive and riskier than cleaner alternatives. As financial actors like insurers, credit rating agencies, and pension funds better understand this reality, markets will shift and investment behavior will change, driving the kind of action that is critical to deliver on the ambition in the Paris Agreement.

SMOKE AND FUMES



UNCOVERING A HISTORY OF CLIMATE DENIAL

A CRITICAL QUESTION underlying many climate litigation efforts concerns what the companies most responsible for carbon emissions knew, and when. Spurred by the recognition that the oil industry had to know more about climate change – that any responsible company is well versed in the risks of its products – we began with three simple questions: What did they know about climate change? When did they know it? And what did they do with that information?

In early 2016, CIEL launched *Smoke and Fumes*, our ground-breaking research showing that the oil industry understood the science of climate change DECADES earlier than previously suspected. More importantly, our research suggests that oil companies collaborated to confuse the public, promote scientific theories that contradicted their own best information, and block action on climate change.

If oil companies misrepresented or concealed material facts about their products from consumers, investors, and the public in the name of profit, they committed fraud. If the oil industry had notice of the risks of its products, they had a duty to warn consumers of those risks. If the oil industry not only failed to do so, but also actively

worked to conceal the risks, they can and must be held accountable.

Our research helps make that possible.

OIL IS THE NEW TOBACCO IS THE NEW OIL

For years, Exxon and its allies have dismissed the growing parallels between investigations into Big Oil and those that exposed tobacco's multi-decade public fraud. They assure us that oil is nothing like tobacco.

Our *Smoke and Fumes* research proves Exxon right: Oil is not the new tobacco. Because six decades ago, tobacco was the new oil. In fact, tobacco learned many of its tactics – and got many of its key people – from the oil industry's playbook around smog and lead:

misinform, obfuscate, and filter research through front groups to attack science and sow uncertainty.

Big Tobacco used and refined that playbook for decades in its fight to keep us smoking, just as Big Oil is using it now, again, to keep us burning fossil fuels.

Our research is just the tip of the iceberg. Our online database smokeandfumes.org allows researchers, lawyers, and campaigners to filter through the trove of documents we've compiled and accelerate our public understanding.

Already, state attorneys general are investigating ExxonMobil to determine whether the company misled the public and its investors for decades about the risks of climate change. And Exxon's allies in Congress are working to suppress these investigations and intimidate those who would reveal the truth. We will continue to work with a strong and growing network of partners to use innovative legal strategies to hold State and corporate actors accountable for their contributions to climate change, and thereby drive truly ambitious climate action.



ACCELERATING LITIGATION

CLIMATE IN THE COURTS

WITH SEA LEVELS RISING and storms becoming more frequent and powerful, the people and communities most vulnerable to climate change don't have time to wait for commitments for 2020 and onwards to take effect. The impacts of climate change are happening now and disproportionately affect those who are least responsible for causing it.

In the Philippines, a country already experiencing the catastrophic impacts of a changing global climate, affected communities are demanding climate justice and respect for their fundamental human rights.

Over the past two years, CIEL provided legal advice and support for a petition by Greenpeace Southeast Asia to the Philippines' Commission on Human Rights. The petition asks the Commission to investigate human rights violations resulting from climate change and hold those responsible accountable for these harms.

In December 2015, the Commission formally accepted the petition. Using research that can increasingly attribute individual fossil fuel company's contributions to global greenhouse gas emissions, the Commission sent orders to 47 of the world's largest investor-owned fossil fuel companies in July 2016. It asked them to respond to the human rights charges in the petition. CIEL is providing ongoing support to our Filipino partners.

The Philippines case is part of a new generation of climate cases that are arising in countries – and courtrooms – around the world. No longer does climate litigation loom on the horizon as a potential risk; climate litigation is a reality and a critical tool in our efforts to secure climate justice and accelerate climate action.



PROTECTING FORESTS FOR PEOPLE,

FORESTS ARE VITAL to sustaining life on this planet, providing critical reservoirs of biodiversity, three quarters of the world's freshwater, and homes and livelihoods for nearly 1.6 billion people. They also play a key role in confronting climate change.

One of the biggest threats to forest ecosystems and forest peoples alike is illegal logging and land clearing to supply international markets with timber, palm oil, and other commodities. Closing those markets to illegal goods is an essential step in addressing both the environmental and human impacts of deforestation.

In the Democratic Republic of Congo (DRC), the lack of clarity around how to determine if timber has been obtained legally is a major threat to the second largest rainforest in the world. The DRC's immense primary forests cover nearly half the country, providing homes to forest communities and

habitat for thousands of plant and animal species, including endangered species.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) gives us a key tool for fighting back. CITES regulates international trade in threatened plant and animal species to ensure that it will not be detrimental to their survival. When it works properly, CITES also halts illegal trade in protected species – including protected timber species like *Afrormosia*. But to stop the illegal trade, we must first define what is illegal.

Remarkably, in the 40 year history of the treaty, the CITES Parties have never adopted guidance for Parties to determine if a species was obtained legally. In DRC,



SPECIES, AND THE PLANET

these undefined rules are allowing courts to issue export permits for vast quantities of CITES-protected species, with devastating impacts for forest ecosystems, communities, and the climate.

As part of a broader effort to strengthen the laws governing timber trade, CIEL is working to help develop the legal guidance for determining if timber has been harvested legally. Making these rules clear and enforceable will allow both exporting and importing countries to reduce trade in illegally obtained species and protect forests and forest-dependent plants and animals around the globe.

At the same time, we must ensure that efforts to link forests in climate action address the rights and the

needs of forest peoples, without whose support conservation efforts cannot succeed. Since 2009, CIEL has advocated for strong environmental and social safeguards to ensure that REDD+, the UN-based Reducing Emissions from Deforestation and Forest Degradation initiative, respects and protects the rights of indigenous peoples and local communities that depend on those forests.

After agreeing on a final set of guidelines for REDD+ in June 2015, countries incorporated REDD+ and its related safeguards as a policy approach to defend forests in the Paris Agreement. Importantly, this includes a system to report on how those safeguards are addressed and respected, establishing a precedent

for protecting natural forests and human rights in all climate actions.

While the REDD+ safeguards are a hard-fought victory, they are still a work in progress. The Agreement makes no commitments on the scale of the funding for forest conservation efforts and continues the dangerous myth that forest conservation can offset continued emissions from industrial polluters. The provisions on rights and ecosystems will require ongoing work by civil society, indigenous peoples, local communities, and national governments to ensure REDD+ safeguards are implemented in practice.



PLAYING OFFENSE AND DEFENSE IN THE WORLD BANK SAFEGUARD REVIEW

As development banks proliferate, the World Bank remains the flagship. Its policies continue to be the benchmark for other public and private development institutions around the world.

As the standard-bearer, the World Bank plays a critical role in establishing baseline development finance safeguards – environmental and social policies aimed at ensuring that development finance reduces or avoids harm caused by its investments. When the World Bank announced it would be revising its safeguard policies, our team got to work to ensure the new policies would not only be stronger, but also champion respect for human rights and the environment.

Bank leaders intent on competing with growing private investment dollars, however, saw this safeguard review as an opportunity to dilute or out-source existing protections. Thus, the safeguards review process became a five-year battle in which

CIEL simultaneously played offense and defense: fighting to get human rights protections in the new policy while not losing ground on other important safeguards.

Through in-depth technical recommendations, online petitions, coalition advocacy, public mobilizations, and media work, CIEL and partners around the world put a human face on development and won several substantive improvements that allow us new ways to hold the Bank accountable in the years to come.

And although there are areas in which the policies have been weakened, and the Bank's new policies fail to adopt explicit international standards needed to ensure respect for human rights in practice, the Bank's new Vision for Development acknowledges for the *first time* that development projects should respect human rights.

EARLY WARNING

Our Early Warning System platform, a joint project with International Accountability Project, launched as a website in 2013. It unites research and local expertise, through which we can notify communities of early-stage development projects so that they can be empowered to effectively advocate for their rights and meaningfully engage in decision-making.

Today, we have regional staff in Brazil, Thailand, India, and Uganda tracking projects and making connections with affected communities to bolster community-led research and advocacy. Hundreds of people and organizations have been trained in how to use the Early Warning System. Pilot cases in India, Malawi, Cambodia, the Philippines, and Mexico are strengthening communities that may be affected by high-risk infrastruc-

ture projects and giving them the information they need to defend their rights.

PROTECTING THE CONFLUENCE OF THREE GLACIAL RIVERS

Rising from the meltwaters of three pristine, icy glaciers, three rivers join to form Chile's Maipo River, a vital resource for six million people and for wildlife, including the Andean condor, fox, and puma.

But the Alto Maipo hydro-electric project threatens this vibrant ecosystem. The project will divert the Maipo River underground through blasted out tunnels to create electricity that will primarily power a nearby mine. Studies estimate that this project could lead to the desertification of 100,000 hectares and cause irrevocable environmental damage.

Tens of thousands of Chileans have mobilized in opposition to the massive Alto Maipo project, and now they're taking their fight to the international arena. Last year, we untangled the web of investors in the Alto Maipo project, discovering that eight development banks are involved, despite the fact that their own safeguard policies should have prohibited their investments.

Work is underway to support the No Alto Maipo Collective to file complaints at these international banks in order that their rights are respected and their own development priorities heard.





DEFENDING THE DEFENDERS

PROTECTING
PARTNERS ON THE
FRONT LINES

On March 3, 2016, a wave of heartbreak and outrage swept the globe as we awoke to the news that Berta Cáceres, a Honduran environmental defender who mobilized thousands of people in defense of the rights of the indigenous Lenca people, had been murdered in her home. Her assassination is an enormous loss in Honduras, throughout the region, and around the world for all those fighting for human rights, self-determination, and justice.

Berta's death was a murder tragically foretold; she had received countless death threats, and she knew that she risked her life defending indigenous rights and the environment.

There is no question that Berta's murder is related to her leadership protecting the Gualcarque River, its surrounding environment, and people from the Agua Zarca Dam. She gave her life defending Lenca territory from mega-development. In the weeks following her death, CIEL worked with partners to coordinate a massive, global response to ensure Gustavo Castro Soto, the surviving witness, was able to return safely to Mexico after nearly a month of illegal detention

in Honduras. In the ensuing months, we have advocated justice for Berta and for the safety for Berta's family and organization members.

Her death was not an isolated event. Around the world, there is an escalating pattern of attacks against people defending the environment, the right to land, and the rights of indigenous peoples in the face of large-scale development projects, many of which are financed by international development banks.

With the Coalition for Human Rights in Development, a global coalition CIEL helped found in 2013 and which now includes over 65 social movements, civil society organizations, and grassroots groups, CIEL is working to ensure that all

development finance institutions respect, protect, and fulfill human rights. This includes ensuring they don't put human rights defenders at risk.

The coalition unites the collective experience of communities, indigenous peoples, and civil society organizations, which have individually won impressive victories for human rights against different development banks institutions and policies. With the landscape of development finance expanding, we are working with this united global movement to ensure that development funding – wherever it comes from – respects human rights and is accountable for harms.





ENVIRONMENTAL DEMOCRACY IN THE SPOTLIGHT

Nowhere is the need to take urgent steps to protect environmental defenders more obvious than in Latin America, the most dangerous region in the world to speak out for human rights and the environment. *A Deadly Shade of Green: Threats to Environmental Human Rights Defenders in Latin America*, a 2016 report by CIEL and Article 19, documents a pattern of violence targeting individuals who engage in peaceful activities that bring to light environmental damage and human rights abuses.

With violations most prevalent around extractive industries and large-scale development projects, addressing the root causes of the conflicts that lead to violence against environmental defenders is critical to both reduce the violence and create a safer environment for communities to assert and defend their rights.

Principle 10 of the Rio Declaration lays out the rights of access to information, access to public participation, and access to justice in environmental matters. When communities are meaningfully engaged in environmental decisions from the start, conflicts surrounding projects can be avoided, reduced, or addressed fairly and justly.

Latin American and Caribbean countries are now negotiating an Agreement on Principle 10, environmental democracy, and access rights to transform Principle 10 from a statement of principle into a binding rule of law for countries throughout the region. CIEL has been supporting this process from its inception.

To date, twenty-two countries and counting have joined the negotiations, which UN Experts have recognized as “one of the most important steps ever taken to protect and promote environmental democracy at the international level, and ...a model for such steps in other regions and countries.”

BALANCING CORPORATE POWER

HOLDING MULTINATIONAL CORPORATIONS ACCOUNTABLE

The power and the influence of multinational corporations has accelerated dramatically over the past decade. In contrast, tools available to address human rights and environmental harms caused by corporate activities remain limited, slow, and difficult to access.

This gap in human rights protection highlights the need for accountability for rights violations caused by companies operating abroad.

After a decades-long battle on many fronts, in 2014 the Human Rights Council heeded calls from civil society that a UN treaty on human rights and corporations was urgently needed. Over the past two years, we have participated in the development and negotiation of a new, legally binding

human rights instrument to regulate the activities of transnational companies.

With partners, we have worked to enable people, communities, and organizations affected by corporate abuses to propose elements for the treaty on transnational corporations and human rights under negotiation. CIEL also joined the panel of experts providing advice to the Working Group that will negotiate the treaty and engages with government actors on the direction of negotiations. We will continue working to ensure the eventual treaty on transnational corporate accountability is as strong and effective as possible.



INTERNATIONAL LAW IN PERUVIAN COURTS



In Cajamarca, Peru, communities have mobilized against the massive Conga gold mine for years despite violent persecution.

CIEL supported these communities with an *amicus brief* to bolster the case of state agencies that are challenging the adequacy of the environmental and social assessments upon which the mine license was granted. Our *amicus brief* argued that Peru not only has domestic human rights and environmental obligations, but also has international obligations to conserve and sustainably use biodiversity and natural resources, to take a precautionary approach to protecting the environment, and to protect the fundamental right to live in

a healthy environment, which invalidates the process upon which the mining license was approved.

Last year, the Constitutional Court – the highest court in Peru – mandated that the Supreme Court of Cajamarca will hear the case and consider these arguments. This move is a reflection of Peru's desire to incorporate international law into its national jurisprudence. It is also a reflection of the growing recognition of the importance and centrality of international law.

COLOMBIAN FARMERS WIN AN END TO AERIAL PESTICIDE SPRAYING



Rural Colombian farmers and their crops are unlikely, yet nonetheless real, victims in the global war on drugs. With the support of the United States, Colombia has used aerial glyphosate spraying, known as fumigations, for thirty years to eradicate coca plants, which are a component of cocaine.

(CAJAR in Spanish), which represents small farmers calling for an end to Colombia's fumigation practices. Our *amicus* asserted the primacy of the State's legal responsibilities to protect human rights and the environment above any fumigation policy that might be justified by international narcotics agreements. It also

Sprayed glyphosate, marketed in the United States as Roundup, has been linked to an array of health impacts, especially in children, pregnant women, and the elderly, as well as severe and widespread environmental damages.

In 2014, CIEL filed an *amicus curiae* brief in support of the Lawyers' Collective José Alvear Restrepo

highlighted the serious impacts of fumigations on multiple human rights.

In May 2015, the Colombian government announced it would halt the fumigations program. The suspension of this practice marks a long-awaited victory for human rights and the environment in Colombia.



PROTECTING THE PARAMO

Colombia's thirty-four páramos are unique, high-altitude wetland ecosystems that provide 70% of the country's freshwater. Unfortunately, the páramo is as rich in minerals as biodiversity.

Despite both Colombian and international law prohibiting mining in páramos, the private lending arm of the World Bank invested in Eco Oro Minerals to build a gold mine in this vital ecosystem. From the outset, local residents have ardently opposed the mine because of its projected human rights and environmental impacts, including the risk it poses to the primary drink-

ing water resource for millions of Colombians.

With the support of CIEL, the Comité por la Defensa del Agua y el Páramo de Santurbán filed a complaint with the World Bank to investigate whether this investment violated its social and environmental sustainability policies. In August 2016, the Compliance Advisor Ombudsman confirmed these policy violations. Together with the Comité, we have called for the World Bank to divest from the Eco Oro project.

Even as the claim was pending, however, Eco Oro Minerals sought

to bypass both the Bank and Colombian law. It threatened to sue Colombia using an investor-state dispute settlement (ISDS) mechanism over its efforts to protect water sources from large-scale mining.

Like in El Salvador, Romania, and the United States, the ISDS system enshrined in investment agreements threatens the sovereignty of states and peoples to protect the right to a safe environment. With each new threat, CIEL stands with people defending their right to a healthy planet.

ISDS

SUBJECTING PUBLIC INTEREST TO PRIVATE PROFIT

One of the biggest threats to public health and democracy around the globe lies hidden in obscure legal jargon embedded in hundreds of trade agreements: investor-state dispute settlement (ISDS).

Today, ISDS allows multinational corporations to sue governments for unlimited sums of taxpayer money in secretive trade tribunals when government actions negatively affect a corporation's bottom line – even when that action is taken to protect public health, human rights, or the environment.

The proliferation of some 3,000 trade agreements that include ISDS undermines governments' authority to regulate in the public interest and their ability to protect citizens from the impacts of destructive investments.

Regardless of the outcome, the threat of ISDS arbitration can chill the development and implementation of necessary public policy to protect the right to a healthy environment.

CIEL actively works with its partners to increase transparency and public participation in investor-State disputes, with notable achievements like securing the first webcast of an arbitration hearing

and the adoption of a new (and as yet unratified) treaty to increase openness in trade disputes. Each case of ISDS arbitration demonstrates why these provisions have no place in new trade agreements like the Trans-Pacific Partnership and the US-EU trade deal (TTIP).

KEYSTONE XL: THE ISDS POSTER CHILD

Joining millions of people across the country and around the world have recognized that massive investments in fossil fuels are, and must be, a thing of the past. President Obama rejected the Keystone XL pipeline in 2015.

Not content to be the poster child for the environmental and social catastrophe that is tar sands oil, TransCanada Corporation has made itself the poster child for the democratic catastrophe that is ISDS. With its announcement that it will sue the United States for \$15 billion under NAFTA for refusing to grant a license, TransCanada has proven what concerned citizens have argued for decades: that the primary purpose of ISDS is to subvert democratic processes and the public interest in the name of private profit.



DEFENDING THE RIGHT TO WATER IN EL SALVADOR

El Salvador has upheld a nationally-supported mining moratorium to protect its already stressed water sources from dangerous toxic byproducts. While performing a strategic environmental impact assessment in 2009, the Salvadoran government refused to grant extraction permits for the Pacific Rim Mining Corporation's El Dorado metal mine.

The company retaliated by suing El Salvador using ISDS for alleged losses of potential profits. El Salvador is now defending its right to democratic decision-making in the public interest.

With a network of international allies, CIEL supports the National Roundtable Against Metallic Mining in El Salvador (La Mesa), a coalition of civil society organizations opposed to industrial-scale metal mining in the country and dedicated to raising awareness that Pacific Rim does not have the social license to operate.

El Salvador has already paid more than \$12 million in legal fees, a staggering amount for a cash-strapped country that could instead be using these vital funds for education, health care, or other social services. The legal costs alone are enough to pay for over two years of adult literacy classes for 140,000 people.

By allowing transnational companies to blackmail governments to try to force them to adopt policies that favor corporations, investor-state arbitration undermines democracy in El Salvador and around the world.



ROSIA MONTANA MINE VS. ROMANIA

Following massive citizen mobilizations, the Romanian Parliament refused to allow a Canadian mining company to construct Europe's largest gold and silver mine in the Romanian Apuseni Mountains at Rosia Montana. The exploration would have involved digging up Rosia Montana and two nearby villages, destroying four mountains and creating a giant cyanide pool in the area.

The mining company, Gabriel Resources, exploited a bilateral investment treaty with Canada to bring an ISDS suit against Romania for "depriving Gabriel entirely of the value of its investments." CIEL is working with Romanian organizations to support their case, and to ensure Romanians will not have to pay for having pushed their legislators to protect the public good.

PREVENTING A TOXIC PARTNERSHIP



The US-EU trade deal (Transatlantic Trade and Investment Partnership, or TTIP) would be the largest bilateral trade agreement in history, with chemical manufacturers and other corporate interests poised to reap huge rewards. TTIP's primary objective is to reduce regulatory differences between the EU and the US in order to increase trade. Unfortunately, this goal threatens the ability of regulators on both sides of the Atlantic to protect the public from toxic risks.

To draw attention to this threat, CIEL published *Lowest Common Denominator: How the EU-US trade deal threatens to lower standards of protection from toxic pesticides*. Our analysis exposed how the American and European pesticide industries are shaping the negotiations of TTIP and similar trade deals. In particular, the report shows how industry proposals being considered by negotiators would increase the amount of pesticide residue on food sold to consumers in Europe; perpetuate the use of carcinogens, endocrine (hormone) disrupt-

ing chemicals (EDCs), and other toxic pesticides; and interfere with efforts to protect bees and other pollinators to safeguard food supplies for future generations.

With your help, US and EU negotiators have heard from more than 25,000 demanding that TTIP not undermine progress on toxic chemicals on both sides of the Atlantic.

In July 2015, the European Parliament passed a resolution incorporating several of the recommenda-

tions CIEL and partners have been advocating, including: that TTIP exclude chemicals in order to protect REACH, its flagship chemicals regulation, which is more protective than regulations in the US; and that TTIP meaningfully reform its investor-state dispute settlement mechanism. In 2016, CIEL and partners produced a Compliance Check scorecard finding that EU negotiators have failed to incorporate the Parliament's recommendations on all fronts. We'll continue working to hold negotiators accountable to the EU Parliament's recommendations in order to protect environmental health and democracy on behalf of the hundreds of millions of people who will be affected by TTIP.



PREEMPTING THE PUBLIC INTEREST

Not only do trade agreements threaten federal legislation to protect the public interest, they also threaten measures taken by US states that are more protective than federal safety standards. In the case of TTIP under negotiation, ISDS would usurp US states' ability to protect the public from toxic chemical exposure.

In September 2015, we released a report *Preempting the Public Interest: How TTIP Will Limit US States' Public Health and Environmental Protections*, which details how EU proposals for TTIP would allow companies to use ISDS and other trade provisions to undo state-level protections on toxics, leaving people and the environment at greater risk.

Because of the numerous failings of the US toxics law, many of which were not remedied when the law was amended in 2016, thirty-eight US states have enacted more than 250 state-level

laws that are more protective of human and environmental health than federal standards. However, provisions currently envisaged in the EU's TTIP proposal would undermine the ability of state policy-makers to protect the public interest – not just for toxics but in any area that exceeds federal standards – leaving millions of Americans at risk.

Our findings have been shared widely with US state legislators to raise awareness of TTIP's potential impact on their ability to protect the public interest and support them in responding. Our report continues to be used as evidence of just how dangerous the Trans-Atlantic Trade and Investment Partnership can be for people on both sides of the Atlantic.

HUMAN RIGHTS AND TOXICS

"Today, we are in the midst of an ongoing global public health crisis due to hazardous substances. Children, minorities, indigenous people, workers, low-income communities and others are often exposed to higher levels of toxic chemicals, and all too often suffer disproportionately. Although decades of insufficient action to prevent harm make the task today complex and perhaps overwhelming, solutions exist or can be developed to protect human rights. Central to these solutions is both the right to information and the responsibilities of businesses."

**—BASKUT TUNCAK
UN Special Rapporteur
on Human Rights and Toxics**



Making good decisions about the future requires knowing the risks we face. That's why our right to information is critical; our health depends upon it. It's how we know not to eat poison, not to breathe toxic fumes, and not to touch dangerous chemicals.

The implications of toxic chemicals for human rights are countless. The vulnerability of children, poor and marginalized communities, indigenous peoples, and other vulnerable populations to disproportionate levels of toxic exposures raises

critical questions around fundamental human rights principles, such as equality, non-discrimination, and self-determination.

United Nations Special Rapporteur Baskut Tuncak is the UN expert on the nexus of human rights and toxic substances. In 2015, he released a report on the *Right to Information on Hazardous Substances and Wastes* calling on governments and business to do more to make information available, accessible, and functional for everyone, consistent with the principle of non-discrimination.

In conjunction with the ongoing global negotiations of the 4th International Conference on Chemicals Management (ICCM4), CIEL and partner BAN Toxics released a series of issue briefs highlighting the human rights implications of six highly toxic pollutants. The issue briefs focus on mercury, lead, phthalates, pesticides, decaB-DE (an additive flame retardant), and electronic waste or e-Waste. The briefs provide an overview of the chemicals of concern and the human rights implications of each.

UNSEEN, UNKNOWN, AND UBIQUITOUS

THE CHALLENGE OF NANOMATERIALS

Like any new innovation, the challenge for nanotechnology is minimizing negative health and environmental impacts while enabling beneficial breakthroughs. However, funding for nano innovation currently outpaces research into possible negative impacts by more than 3,000%, with new products continuing to flood the market.

At the heart of nanotechnology regulation – and the lack thereof – is a need for information. It is key to understanding and evaluating possible risks, developing appropriate regulatory tools to protect workers and the environment from unwanted effects of nanomaterials, ensuring consumers can make educated choices, and understanding the complex impacts of nanotechnology on our society.

For years, CIEL has been a leader in advocating a precautionary approach to nanomaterials. As both a champion of precaution at the global level and a large actor in the market, the European Union is a focus for CIEL's work in creating a precautionary path forward for nanomaterials that could be extended to the rest of the world. To date, however, the EU has not shown the leadership on nanomaterials that is sorely needed.

The first step in creating international rules and best practices to govern the production, use, and disposal of nanomaterials,

however, is an understanding of what constitutes a nanomaterial. To encourage EU lawmakers to create better nano policy, we have teamed up with ECOS and Oko Institute to combine both scientific and legal rationales for a precautionary approach to nanomaterials. To advance this goal, we convened workshops to develop a lifecycle perspective on nanomaterials, developed a comprehensive proposal for revising REACH annexes to better address nanomaterials, developed a declaration on nano wastes joined by more than 80 organizations worldwide, and released a series of factsheets on critical aspects related to nanomaterials that must be considered for them to be effectively regulated.

GLOBAL STRATEGIES FOR GLOBAL TOXIC EXPOSURE

In the globalized world we live in, one source of pollution can quickly become a human rights problem for thousands of people.

To meet the global challenge of toxic chemical management, CIEL works at the international level within the legally binding chemicals and waste agreements – the Basel, Rotterdam, and Stockholm (BRS) Conventions. In 2016, working with partners within the Stockholm Convention, which regulates persistent organic pollutants throughout their lifecycle, we were successful in our campaign to add new toxic substances to the scope of the Convention.

Managing toxic chemicals on a global scale requires strengthening capacity in developing countries to safely manage toxic substances. Pairing expert analysis and recommendations with national workshops to build local capacity and governance for hazardous chemicals, CIEL's Environmental Health team worked with the United Nations Environment Programme in finalizing guidance for the reform of sound chemical management; organized workshops for African governments to support the use of the guidelines nationally and regionally; and worked with African and Asian Pacific civil society organizations, providing training and capacity building so they can more effectively engage legal reform processes on toxic issues in their own countries.

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Cover: CIEL Intern Hector Hurtado at a divestment action in Washington, DC. Feb 2015.

Credit: Amanda Kistler

Pg 1: Credit: NASA

Pg 2: A large-scale visual message made by hundreds of people promoting a 100% renewable energy and peace during the COP21 climate summit, created by international artist John Quigley. Credit: Yann Arthus-Bertrand / Spectral Q

Pg 3: Abbot Point in Queensland, Australia is set to become the world's largest coal port should the proposal of coal terminal expansion go ahead. Credit: Greenpeace / Tom Jefferson

Pg 4: Graphic by Dave Chenell

Pg 5: Credit: NASA

Pg 6: Tierra del fuego, Argentina, 2005. Credit: David Azoulay

Pg 7: Credit: Sven Scheuermeier via Unsplash

Pg 8: Rally outside World Bank Annual Meetings in Washington, DC. Oct 2014. Credit: Carla Garcia Zendejas

Pg 9: El Yeso Dam Reservoir, Maipo Basin, Chile. Credit: Sebastián Poch Velasco

Pg 10 and 11: Vigil for Berta Cáceres outside the World Bank in Washington, DC. May 2016. Credit: Angelika Albaladejo / Latin America Working Group (LAWG)

Pg 12: 50+ marchers greet Goldcorp head executives and shareholders outside its Shareholders Meeting in Toronto in April 2015 and leave flowers in commemoration of 16 year old Topacio Reynoso Pacheco, a mining resistance activist who was murdered near the Escobal mining project in Guatemala. Credit: Allan Lissner, courtesy of the Mining Injustice Solidarity Network

Pg 13: CIEL Program Director Carla García Zendejas leads calls for stronger safeguards to protect people and the planet outside the World Bank's spring meetings. Mar 2016. Credit: Amanda Kistler

Pg 14: Global day of solidarity with Máxima Acuña, Goldman Environmental Prize winner from Peru, who has been attacked and threatened for standing up for her rights in the face of Newmont mining company. Credit: Amanda Kistler

Pg 15: Santurbán Páramo; Aerial fumigations, Colombia. Credit: Kyle E. Johnson

Pg 16: Action outside US Treasury Department to deliver a giant voided check to TransCanada from the American people for its investor-state suit around the Keystone XL Pipeline. May 2016. Credit: Amanda Kistler

Pg 17: Francisco Roca el Mateo Morales, representative of the Western People's Council (CPO in Spanish) in Guatemala, stands in solidarity with the people of El Salvador fighting a \$250+ million investor-state suit filed by Pacific Rim Mining Corporation (now OceanaGold). Mar 2015. Credit: Amanda Kistler

Pg 18: Credit: StoykoSabotanoz / iStockphoto

Pg 19: Protestors against the TTIP EU-US trade deal in London, Jul 2014. Credit: Global Justice Now

Pg 20: 4th International Conference on Chemicals Management in Geneva, Oct 2015. Credit: Giulia Carlini

Pg 28: Climate Justice March, Washington DC. Oct 2015. Credit: Amanda Kistler

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Article 19

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INTERNATIONAL ENVIRONMENTAL LAW AWARD:

Dinah Shelton, emerita Manatt/Ahn Professor of Law, George Washington University Law School

CIEL's International Environmental Law Award recognizes individuals who have made outstanding contributions to the effort to achieve solutions to environmental problems through international law and institutions.

Through four decades of award winning research and jurisprudence, Professor Dinah Shelton has made profound contributions to the theory and practice of international environmental law and international human rights. A globally recognized scholar in both fields, Professor Shelton has been instrumental in the progressive integration of the two. She contributed directly to that integration through her roles as a Rapporteur on the Rights of Indigenous Peoples and as a member of the Inter-American Commission on Human Rights from 2010-2014, including a term as Commission President, at a time when the Commission faced profound political pressure from Parties for its precautionary measures in environmental cases. Professor Shelton has the singular distinction of being the only laureate to be honored with both the Elizabeth Haub Prize in Environmental Law and the American Society of International Law's Butcher Medal for outstanding contributions to international human rights law. We are honored and humbled to add CIEL's International Environmental Law Award to that illustrious list.



FREDERICK ANDERSON CLIMATE CHANGE AWARD:

Naomi Oreskes, Professor of the History of Science, Harvard University

The Frederick Anderson Award commemorates the founding Chair of CIEL's Board of Trustees. The Award honors those who have made a singular contribution to addressing climate change in a way that reflects both the demands of science and the vital necessity of law.

Doctor Naomi Oreskes has been instrumental in highlighting the true weight and history of the scientific consensus behind climate change and the organized efforts by opponents of climate action to cast doubt on that consensus. In her 2004 essay "The Scientific Consensus on Climate Change," Doctor Oreskes applied scientific technique to the history of science itself to demonstrate conclusively the scientific consensus that anthropogenic climate change is real. In turn, she applied historical analysis to climate science to expose the history and methodology of climate denial. In her seminal work with Erik Conway, *Merchants of Doubt*, Doctor Oreskes revealed how the oil industry's climate denial campaigns deployed both strategies and personnel used by the tobacco conspirators in the preceding decades – a complex history of intertwined scandals that continues to unfold through CIEL's own work. As a growing body of evidence reveals the true extent of climate understanding within the fossil fuel industry, Doctor Oreskes' commitment to sound science and historical rigor provides a vital foundation for those working to bring a hidden history to light. And amidst Congressional attacks that seek to intimidate and suppress those efforts, Dr. Oreskes' own perseverance in the face of intense professional attacks on her research offers a model of courage, resolve, and a commitment to the power of truth.

FINANCIALS

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW STATEMENT OF FINANCIAL POSITION

FOR FISCAL YEARS ENDING JUNE 30TH

ASSETS:	FY15	FY16
Current Assets		
Cash & Cash Equivalents	\$1,129,342	\$1,421,464
Contributions Receivable	1,372,577	696,131
Contracts Receivable	41,249	83,799
Miscellaneous Receivables	7,007	3,406
Prepaid Expenses	14,573	24,101
Total Current Assets	\$2,564,748	\$2,228,901
OTHER ASSETS		
Property & Equipment, Net	32,200	38,386
Rental Security Deposits	20,712	20,712
Long-Term Investments	20,111	21,026
Total Assets	\$2,637,771	\$2,309,025
LIABILITIES AND NET ASSETS:		
Current Liabilities		
Accounts Payable	\$50,292	\$45,674
Accrued Payroll & Benefits Payable	29,432	32,814
Deferred Contract Revenue	24,474	26,284
Deferred Lease Liability	71,148	40,886
Total Liabilities	\$175,346	\$145,658
NET ASSETS		
Unrestricted Net Assets	\$596,348	\$601,086
Temporarily Restricted Net Assets	1,866,077	1,562,281
Total Net Assets	\$2,462,425	\$2,163,367
Total Liabilities and Net Assets	\$2,637,771	\$2,309,025

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW COMPARATIVE STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS

FOR FISCAL YEARS ENDING JUNE 30TH

REVENUE:	FY15	FY16
Foundation Grants	\$3,148,387	\$1,416,696
Misc. Contracts	702,966	651,572
Salaries In-Kind	147,299	180,039
Misc. Contributions	37,783	58,431
Interest & Investment Income	3,621	4,026
Miscellaneous Income	52,511	69,569
Total Revenue	\$4,092,567	\$2,380,333
EXPENSES:		
Program Services:		
Climate and Energy	\$1,093,735	\$940,810
Human Rights and the Environment	212,993	213,273
Environmental Health	350,087	428,377
People, Land And Resources	386,832	429,057
BHRC, IPEN Secretariat and Miscellaneous Projects	556,908	534,174
Total Program Services	\$2,600,555	\$2,545,691
SUPPORTING SERVICES:		
General & Administrative	\$108,837	\$26,458
Fundraising	145,583	107,242
Total Expenses	\$2,854,975	\$2,679,391
Changes in Net Assets	\$1,237,592	\$(299,058)
Beginning Net Assets	\$1,224,833	\$2,462,425
Ending Net Assets	\$2,462,425	\$2,163,367

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

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What began as a few small, breakthrough moments has become a true global momentum shift over the last two years. That shift is powered by people like you.

And now, we must move faster and work harder than ever to convert this momentum into true transformative change. Because even as we are beginning to win, the realities of the challenges we face grow ever starker.

- We must turn the vision of the Paris Agreement into a new economic reality that matches the scale of the climate crisis, and protect human rights in the process.
- We must confront the insidious threat of endocrine disrupting chemicals, win needed controls on nanomaterials, and head off trade rules that would undermine chemical safety efforts.
- We must defend communities in the critical early cases that will determine whether the World Bank's new safeguards protect people over profit.
- We must enforce the rules that protect forests and forest peoples from rampant and unchecked illegal trade.
- We must better protect those who risk their freedoms and their lives to speak out for the environment and human rights.
- And we must strengthen the law to ensure corporations comply with global human rights standards, and to hold them accountable when they don't.



Center for International
Environmental Law

CIEL is a vital part of the solution. At every level, we're working to address these challenges, wielding the law as a tool, a microphone, a shield – and yes, sometimes a sword – to defend human rights and the environment on a global scale and for the long haul.

Please make a tax-deductible donation to CIEL.

Your gift is an investment in future victories for communities around the world ...and a better future for all of us.

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