



RISING TIDE

IMPACT REPORT 2017

CIEL
CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW



THERE'S NO FUTURE

in FOSSILS

CIEL
CENTER for INTERNATIONAL
ENVIRONMENTAL LAW



RISING TIDE

History doesn't flow smoothly. Or in straight lines. Just a few years ago, after decades of inertia, we saw the first signs that the momentum was beginning to shift our way on a host of environmental and social justice issues—and we could see that true progress was possible, even if it remained a distant goal. Then the pace of change accelerated. Slowly at first, then ever more rapidly, until by last October we could feel the world moving forward in the fight for a healthy climate, a toxic-free future, and community-driven development.

In the wake of that progress, the abrupt shifts of the last year have been a shock to the system. We experienced a paroxysm as populism, xenophobia, and corporate interests wrestled to take back control and send us spinning sideways or backward.

The last year has demanded more from all of us—more resilience, more innovation, more courage, more solidarity. And we have fought this backlash on every front, defending our rights, protecting our partners in frontline communities, and opposing the rollback of critical protections for our health, our environment, and our democracy.

In the face of this turmoil and a seemingly endless stream of bad news, it is easy to lose sight of a simple, vital truth. *We are not the resistance in this story. We are the tide.*

The backlash—the intimidation of activists, the silencing of dissent, the rejection of science and facts—are the desperate contortions of a worldview that knows it is out of touch, out of favor, and nearly out of time. This backlash resists the tide of history. But the tide always prevails.

Science, justice, solidarity, and overwhelming numbers are all on our side. These are forces that can be temporarily resisted but not overcome. From the streets to the boardrooms, from the stockmarket to the courthouse, our movement is fighting for a healthy environment and a just future. And we will outpace, outflank, and outlast the backlash.

They are the resistance. WE ARE THE TIDE.



Despite political headwinds and dangerous resistance to our movement, real transformation is underway. People are mobilizing. Millions have taken to the streets in the past year to stand up for science, human rights, and a survivable climate. Even with a US government peopled and peppered with Big Oil executives and lobbyists, *Big Oil is not winning*.

The investigations into Exxon expand and intensify even as its former CEO sits in the US State Department. Calls for divestment and disclosure of fossil fuel assets are accelerating and increasingly being heeded in boardrooms around the world. Investors and banks are increasingly walking away from harmful and risky projects, from US pipelines to Chilean hydropower projects. Trade agreements like the Trans-Pacific Partnership and TTIP, which looked inevitable two years ago, are now abandoned or shelved. After decades of delay, the world is finally negotiating a treaty to govern transnational corporations and hold them accountable. And across the world, social movements are increasingly connected and united to make these wins possible. *This is the tide*.

From the development of civil rights to the dawn of the environmental movement, history has proven time and again the power of law as an instrument of change and a vehicle for justice. CIEL sits at this intersection of people power and the law, bringing innovative legal strategies to campaigns that are transforming how we hold corporations accountable, how communities are able to advocate on their own behalf, and how we protect our planet for future generations.

Anyone can swim against the current and put obstacles in the way of progress. As the last year demonstrates, these obstacles can be formidable in the short term. But eventually, inevitably, the tide wins. The question is, are we strong enough, steady enough, and relentless enough to persevere? To outlast the resistance?

Of course we are. We will go around it, over it, under it, or through it. And eventually, inevitably, we will move beyond it. And we will move forward.

Sincerely,

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

Carroll Muffett
President

CIEL STRATEGY

For nearly three decades, the Center for International Environmental Law has used the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. To stay effective, however, we must consistently reassess and readapt our strategies to ensure they address the world as it is and the context in which we're operating. Over the past year, we've made exciting changes. We moved our DC office, we updated our logo, and we've created a new strategic plan to guide our work for the next four years.

OUR THEORIES OF CHANGE (HOW CIEL CHANGES THE WORLD)



INCREASING CORPORATE ACCOUNTABILITY

Corporations exert unprecedented influence over our economic and political systems. Counterbalancing corporate power and finding new ways to hold corporations accountable is imperative to building a more just and sustainable society.



PROMOTING ENVIRONMENTAL DEMOCRACY

Securing and safeguarding fundamental access rights—the rights to information, public participation, and justice—is the most effective way to protect the environment and human rights worldwide.



ADDRESSING HUMAN AND ENVIRONMENTAL IMPACTS OF FINANCIAL FLOWS

By confronting problems at their financial source, we address threats more rapidly than through policy alone. Rising awareness of the role and responsibilities of private actors that invest in harmful projects and dead-end technologies creates powerful new leverage points for accelerating change.



STRENGTHENING INTERNATIONAL ENVIRONMENTAL AND HUMAN RIGHTS LAW

Global challenges demand global solutions, and voluntary approaches to address international problems are no substitute for binding obligations. To remain a vital and viable tool, international law must respond to existing needs, adapt to changing realities, and above all, lead to real changes in policy, human behavior, and environmental outcomes.

KEY RESULT AREAS (WHERE CIEL FOCUSES IMPACT)



REDUCING TOXIC RISKS

Around the world, exposure to dangerous chemicals is skyrocketing. Identifying and reducing threats posed by chemicals, pollutants, and other manmade substances that imperil human health and the environment requires a lifecycle approach to safe toxics management and global chemical control policies. In the next four years, CIEL will work to protect human health and the environment from threats posed by hazardous substances, including endocrine-disrupting chemicals and nanomaterials.



ACCELERATING THE TRANSITION AWAY FROM FOSSIL FUELS

Fossil fuels are the biggest single driver of climate change. To keep the world below 1.5 degrees Celsius of warming, the era of fossil fuels must end. CIEL is working to reduce the expansion and lock-in of long-term fossil fuel energy infrastructure; mitigate the environmental, health, and human rights impacts of fossil fuel production and consumption; and challenge the legal and financial justifications for investment in fossil fuels.



PROTECTING FORESTS & INTACT ECOSYSTEMS

Forests mitigate climate change, protect biodiversity, and support the lives and livelihoods of indigenous peoples and local communities. Forests and traditional agricultural landscapes are increasingly threatened by large-scale infrastructure projects, unsustainable logging, and conversion of ecosystems for monoculture and other uses. CIEL will work to protect ecosystems and communities by ensuring forest and land use governance is strong, well enforced, and embedded in an international system that uses the power of markets to reinforce positive change.



MAKING TRADE SAFER FOR PEOPLE AND THE ENVIRONMENT

Trade and investment agreements are powerful tools for corporations to drive deregulation that privileges corporate profits over the public good. CIEL will work to strengthen environmental and human rights laws by eliminating investor-state dispute settlement, securing a strong treaty to hold transnational corporations accountable, and ensuring that trade and investment agreements bolster, not undermine, domestic environmental regulations.



ENSURING HUMAN RIGHTS DRIVE DEVELOPMENT

Human rights should drive development. Too often, however, the rapid expansion of development activities sacrifices human rights and the environment in the name of economic growth and actually worsens the situation of those it is intended to help. CIEL works to transform the development model so human rights and community decision-making are integrated into climate and development policies and drive investment decisions.



NOT ON THE HORIZON, CLIMATE LITIGATION IS HERE

For decades, the fossil fuel lobby has pushed a narrative that climate change is our shared responsibility and a result of individual choices. Yet new research and litigation reveal that corporate actors had the knowledge, resources, and responsibility to avoid or minimize climate change, but they chose instead to mislead the public for their own profit.

This year, new science can not only attribute climate change to a handful of the major fossil fuel companies, but also attribute responsibility for specific climate change impacts to those companies as well. As the #ExxonKnew refrain transforms from a Twitter hashtag into a global movement, growing quantitative and qualitative evidence demonstrates Exxon's ongoing climate fraud and forms part of a rising tide of investigations and climate litigation.

As cities, states, and individuals increasingly call for accountability for the climate impacts they are already facing—and which will only worsen over time—CIEL is supporting climate litigation and accountability cases across the country and around the world. From the youth plaintiffs in *Juliana v. United States*, to communities in the Philippines, to activists questioning Norway's Arctic drilling, to indigenous activists and campesinos fighting shale gas in Argentina, accountability is coming for actors who bear the most responsibility for the climate crisis.

#EXXONKNEW

The day after Donald Trump was elected President of the United States, a messenger arrived at CIEL, delivering a personal subpoena to our President Carroll Muffett on behalf of ExxonMobil. Emboldened by the election outcome, Exxon had expanded its campaign of intimidation against those who are investigating the company and its oil industry allies.

The outrageous subpoena is a clear signal that CIEL's work to expose the oil industry's history of climate denial has made an impact. Since last year, our *Smoke & Fumes* research on what the industry knew and when has been used as evidence in several ongoing lawsuits and investigations. Now, Exxon is on the defensive trying to harass, intimidate, and silence those who would bring the truth to light.

But it hasn't slowed us down. When Exxon CEO Rex Tillerson was nominated as US Secretary of State, CIEL was a leader in calling for the Senate to #RejectRex, a man who spent his career advancing the interests of Exxon at the expense of the American people and the world. With an Attorney General who sought to suppress Department of Justice inquiries into Exxon, an Environmental Protection Agency head who tried to stop state-level Exxon investigations, and Tillerson in charge of US foreign affairs, we are up against a government OF Exxon BY Exxon FOR Exxon.

But even against these odds, the Attorneys General of New York and Massachusetts are winning in court and proving that both the facts and the law support further investigations into whether Exxon misled consumers, investors, and the public on climate change. In March, the New York investigation revealed that for eight years, Tillerson used a secret email address under the alias "Wayne Tracker" to

discuss climate-related issues and the risks they posed to the company's business. Not only were these emails not originally disclosed, but a year's worth of them have now disappeared, adding to mounting evidence that the company engaged in a decades-long—and perhaps ongoing—pattern of concealment, deception, and potential fraud on climate change. CIEL has been instrumental in interpreting the legal implications of these revelations for journalists, researchers, and litigators and in calling for other states to join the investigations.

Most recently, the NY investigation revealed evidence that Exxon intentionally underestimated the costs of climate change regulations for years, even as it assured investors it was carefully accounting for climate risks. This isn't smoke. This is a smoking gun. It is evidence not only of potential past fraud, but—according to the NY Attorney General—of *ongoing fraud*.

What began as an investigation about climate change is starting to raise fundamental and far-reaching questions about the company and its practices. Exxon has fought furiously, using unprecedented legal tactics and political pressure, to stop investigations from going forward.

But its efforts to avoid accountability are proving ineffective. With each new discovery revealing new categories of secrets, it raises the obvious question: just how much more is this company hiding? The tide of history and the momentum of a movement are on our side. 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, and they will be held accountable.





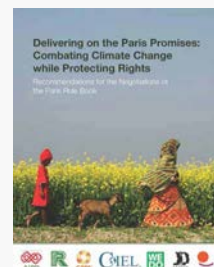
DELIVERING ON PARIS: WE'RE STILL IN

Climate change is already having devastating impacts around the world, from rising seas and deadly floods, to extensive droughts and increasingly powerful storms. The only way to prevent the most catastrophic and irreversible climate impacts is to take urgent action on a global scale. The Paris Climate Agreement united nearly every country in a shared commitment to achieve that goal.

We won a major victory by securing human rights language in the Agreement, and we are now working to sustain that win. With partners, CIEL published *Delivering on the Paris Promises: Combating Climate Change while Protecting Rights*, which provides recommendations for negotiators to ensure that the promises made in the Agreement will be met—including the commitment of governments to respect, protect, and take into consideration existing human rights obligations.

Despite the Trump Administration's announcement that it intends to withdraw from the Paris Agreement, countries around the world have reaffirmed their commitment to address the climate crisis, as have countless American citizens, businesses, cities, and states.

Donald Trump may be out of the Paris Agreement. The rest of us are still in.



PROTECTING HUMAN RIGHTS AND THE CLIMATE

If properly funded and bolstered by strong social and environmental policies, the Green Climate Fund (GCF) could have a transformative impact by channeling billions of dollars to support developing countries as they mitigate and adapt to climate change. If not, the GCF could compound and exacerbate the impacts of climate change for vulnerable communities. Over the past year, CIEL has worked extensively to ensure that the GCF's new policies include strong and enforceable human rights and environmental standards, and that people negatively impacted by GCF investments can seek redress.

Far too often, projects justified as an answer to one problem create or compound others, and climate is no exception. The Barro Blanco dam in Panama is a case in point. Registered under the UN's Clean Development Mechanism (CDM), Barro Blanco allows Panama to sell "carbon credits" because of the dam's (largely illusory) climate benefits. In addition to ignoring the methane emissions of dams, the CDM lacks any standards to protect against human rights abuses and provides no way

for affected people to register complaints when a project threatens their homes, their communities, or their rights. As a result, indigenous Ngäbe communities were not consulted about Barro Blanco before it got CDM credits, nor did they give their consent as required under international law. Today, the flooded dam reservoirs are displacing Ngäbe families and submerging sites of cultural, religious, and historical importance.

With support from CIEL and a coalition of NGOs, Ngäbe leaders have highlighted their concerns at the United Nations and around the world, making Barro Blanco a case study for ill-advised climate investment. After more than ten years of local opposition, last year the Panamanian government withdrew the Barro Blanco dam from the CDM registry. While the decision has not stopped Barro Blanco, it serves as a powerful warning for future climate finance projects. As the GCF establishes its operating guidelines and safeguards, CIEL will continue to advocate for policies that ensure renewable energy projects protect not only the environment but also human rights.



TRILLION DOLLAR TRANSFORMATION

Before climate chaos spirals permanently beyond our control, we must shift the trillions of dollars currently invested in dead-end, dangerous fossil fuels into a clean-energy economy. The question is not whether this economic transformation will take place, but when. How quickly this transition will occur raises financial questions for investors, especially risk-averse public-benefit pension funds. It also creates legal questions (and risks) for fund trustees and global regulators charged with maintaining financial stability in a time of accelerating climate change.

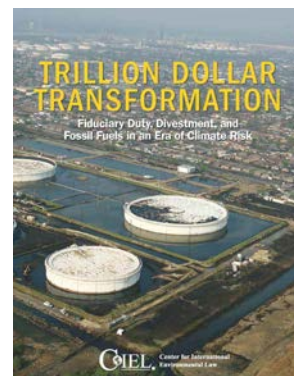
In 2016, CIEL launched *Trillion Dollar Transformation*, a joint initiative with Mercer Investments exposing the financial and legal implications for pension fund trustees who fail to consider climate risk. Through two breakthrough reports, *Trillion Dollar Transformation* demonstrates that a changing climate means an end to business as usual—that there are financial and legal imperatives to divest from fossil fuels, and pension fund managers should act accordingly.

Mercer's analysis shows that if global temperature rise reaches two degrees Celsius, the average US public pension is at risk of losing billions—from the direct impacts of flooding events and storm surges, to changes

in commodity prices, to the risk of stranded assets. Investments in oil and gas that were once profitable are increasingly toxic and high-risk. CIEL's analysis shows that because pension fund trustees have a duty to their beneficiaries to monitor those climate risks, they could face legal action if they ignore them.

Already, our reports have reached money managers with over \$9 trillion in assets under management; pushed local and state pension funds to consider climate risk and openly report on it; and provided grassroots groups with new and powerful tools to convince state and local governments to change their public pension policies to better reflect climate realities.

Meanwhile, the rising tide of scandals, investigations, and litigation against fossil fuels companies is revealing both the scale and significance of climate-related legal risks. In combination with the financial risks (and legal obligations that go along with them), we are debunking the dangerous myth that major carbon producers are both financially and legally invulnerable. By compelling key financial actors to account for financial and legal risks in fossil fuel investments, we are driving the market towards a clean-energy future.





FUELING PLASTICS: FOSSIL FUELS & PLASTICS

This summer, CIEL launched an ongoing investigation, *Fueling Plastics*, to expose the deep linkages between two of the greatest threats to our health and planet: fossil fuels and plastics. Not only do fossil fuels pollute our cities and contribute to climate change, but they are also the primary chemical feedstock in over 99% of plastics. And not only are fossil fuels and plastics made from the same materials, but they are also made by many of the same companies. That's how oil and gas companies like Exxon, Chevron, and Shell are responsible for both the gas in your car and the plastic in your water bottle.

Yet the role of fossil fuel companies in the plastics crisis is almost invisible. We are working to change that. The need to do so is increasingly urgent. Even as campaigners and communities

fight to ban single-use plastic bags and work to build cleaner, zero-waste cities, a bigger threat looms. Upstream, fueled by the cheap oil of the US shale gas boom, billions of dollars of new investment threaten to massively expand plastics infrastructure.

If these facilities are built, they will operate, creating massive incentives for companies to find or create new markets for plastics. Supply will drive demand. This new infrastructure would lock us into cheap plastic production for decades, with serious environmental and human health risks at every stage of the plastic lifecycle—from wellhead to pipelines to refinery fencelines. Plastics leach toxins into everyday consumer products and take on a new life polluting our oceans and waterways, killing marine species and contaminating entire food chains.

The good news is that many projects, including the largest, are still in the construction or planning stages. We are working to change course before it's too late.



A RISING TIDE OF CLIMATE ACTION

Our work is part of an astounding momentum driving the transition away from fossil fuels—from rising calls for corporate accountability at the local, state, and national levels, to financial actors like pension funds and credit rating agencies questioning the long-term profitability of the fossil fuel industry. The tide of increasing litigation, divestment, and accountability heralds the end of the fossil fuel era.

- Three California counties filed complaints against 37 fossil fuel companies for the impacts of climate change, referencing CIEL's groundbreaking *Smoke & Fumes* research.
- San Francisco and Oakland sued the world's largest fossil fuel companies, demanding compensation for current and future damages caused by rising seas, including flooding, coastal erosion, and property damage.
- The Philippine Commission on Human Rights is conducting an inquiry for the first ever case against major fossil fuel companies over alleged human rights violations resulting from climate change. CIEL intervened in the case with an *amicus curiae* brief in February.
- An alliance of environmentalists and Norwegian youth filed a lawsuit against the Norwegian government for opening up the Arctic to oil drilling, which





plaintiffs say threatens the country's ability to meet its commitments in the Paris Climate Agreement and goes against the Constitution.

- Our Children's Trust supported 21 youth in filing a landmark climate change lawsuit against the US government, claiming that the government has violated their constitutional right to a livable climate by promoting the use of fossil fuels. In September, CIEL and ELAW filed an *amicus curiae* brief showing how international law supports the right to a livable climate.
- Moody's, one of the top three credit rating agencies, concluded that the oil and gas industry faces significant credit risks from carbon transition.
- Exxon's shareholders, in opposition to recommendations from the company's management, approved a measure asking Exxon to report the climate risks its business could face due to changing technologies and climate change policies.
- Chevron became the first major oil company to acknowledge to its investors the risks climate change lawsuits pose to its business.
- Fossil fuel divestment has passed \$5.5 trillion internationally. Norway Pension Fund Global, the largest sovereign wealth fund in the world, announced in 2017 that it would divest from 52 coal companies.

HALTING THE AMAZON'S ILLEGAL TIMBER TRADE

Deep in the Peruvian rainforest, a small, dedicated cadre of forest inspectors trek to remote GPS coordinates to determine if specific trees have been logged. More than 70% of the time, they discover timber has been illegally harvested. This painstaking work transforms the hidden realities of forest crime into hard data we can use to halt illegal logging in the Peruvian Amazon.

Peru's rainforests are among the most biodiverse in the world, providing land, water, and livelihoods for a half million people, including indigenous peoples and communities in voluntary isolation. In 2007, CIEL helped secure a first-of-its-kind Forestry Annex in the US-Peru Free Trade Agreement. It was the first bilateral trade agreement to recognize and address illegal logging by creating a way for civil society to present evidence of illegality and demand US investigations into questionable shipments, which could be prohibited entry.

Unfortunately, rampant illegal deforestation of the Amazon continues. Working with the Environmental Investigation Agency and other partners, CIEL has helped

connect the evidence collected by forest inspectors with legal tools to stop Peru's illegal timber exports. The results have been impressive. In September 2015, US customs authorities impounded \$1.5 million of illegal Peruvian timber in Houston, Texas, and the two biggest companies involved are now under federal criminal investigation. Another shipment was seized in Mexico two months later, effectively closing the illegal timber route from the Amazon River to the Atlantic. And the following month, a shipment from Peru's Pacific port was seized in Houston.

In January 2017, the US Justice Department reached a settlement with the importer of the third timber shipment, and importers were required to pay the disposal costs for the impounded wood. Crackdowns like these have cost Peru's logging industry some \$280 million in sales. With importers unable to guarantee the legality of Peruvian timber and the risk of seized shipments, decreased demand for Peruvian timber is shrinking the market for the Amazon's illegal logging mafia worldwide.



ROLANDO NAVARRO

Growing up on the outskirts of the Amazon rainforest, Rolando Navarro didn't aspire to become the enemy of corrupt government officials and timber mafias. But driven by a desire to protect the forest, Rolando was essential in exposing the extent of illegal logging in Peru and holding companies accountable for their role in trafficking illegal timber.

In 2012, as head of Peru's forest inspection office known as OSINFOR, Rolando cleaned house. He made the office truly independent and impartial, creating innovative approaches to identify illegally sourced timber, tree by tree.

For his audacity in challenging the politically connected timber mafias, Rolando and his family have been the target of threats and retaliation. In January 2016, Rolando was dismissed from his post at OSINFOR and has since had to seek exile in the US. Now, Rolando is continuing his work protecting Peru's Amazon forests from Washington, DC, as a fellow at CIEL.



A BIG YEAR FOR TREES

With its distinctive blood-red hue, rosewood is highly coveted for luxury furniture and musical instruments across the globe. To protect rosewood and other species from over-extraction and extinction, the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) regulates and limits the trade of individual at-risk species. But because rosewood spans many species, loggers are able exhaust one specie before moving to the next, while regulators struggle to keep up.

CIEL joined a coalition working to strengthen rosewood protections, providing

background on factual and legal justification, garnering support, and opposing exemptions that would undermine the protections.

In late 2016, CITES listed an entire genus of rosewood trees—over 300 individual species—to protect them from being logged to extinction. This is the largest single listing of species under CITES. CIEL is participating in a working group to draft guidelines for officials, importers, and exporters to understand and properly implement the new rosewood listing in their own practices going forward.

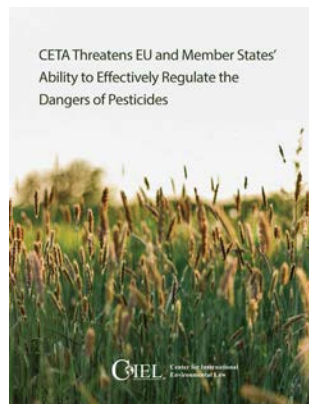
BETTER TRADE > FREE TRADE

With the proliferation of investor-state dispute settlement (ISDS) embedded within thousands of trade deals, companies are increasingly able to sue countries for enforcing and enacting laws intended to protect the public interest. But over the past year, hundreds of thousands of people have taken a stand against new trade deals that prioritize corporate profits over people and the planet. Across sectors, movements, and oceans, people have united to demand that trade agreements protect public health and the environment and to end excessive corporate protections.

For years, CIEL helped inform, equip, and mobilize people on both sides of the Atlantic to oppose the US-EU trade deal (known as TTIP) that would have slowed, stopped, or reversed progress on stronger laws for toxic chemicals. Through nearly a dozen studies and briefings, CIEL demonstrated these toxic threats to the public, media, and negotiators. When TTIP negotiations were shelved last year, we joined partners on two continents in celebrating its defeat. Similar mobilizations also halted the controversial and even larger Trans-Pacific Partnership (TPP), which threatened the environment, public health, and democracy in nearly a dozen countries in the Americas and Asia-Pacific.

But negotiations to create more dangerous trade deals are still underway. EU member states will decide soon whether to ratify the EU-Canada trade deal (known as

CETA). A report by CIEL revealed that the deal would weaken European pesticide regulations and undermine the autonomy of EU states to make laws and policies to protect their citizens. Now that the treaty approval process is at the national level, we are working to equip EU groups with legal arguments to warn their local governments about the health and environmental dangers of CETA.



In addition, the North American Free Trade Agreement (NAFTA) is being renegotiated for the first time in a quarter century. A new NAFTA could deepen the problems created by the

original agreement, including by expanding resource-intensive industries and weakening environmental, labor, and health regulations through regulatory and investor protection provisions.

As we did with TTIP and TPP, CIEL will continue to advocate for a trade agenda that protects people and the planet. People power can and does stop bad trade deals, and public opposition to corporate control of trade agreements has never been stronger.



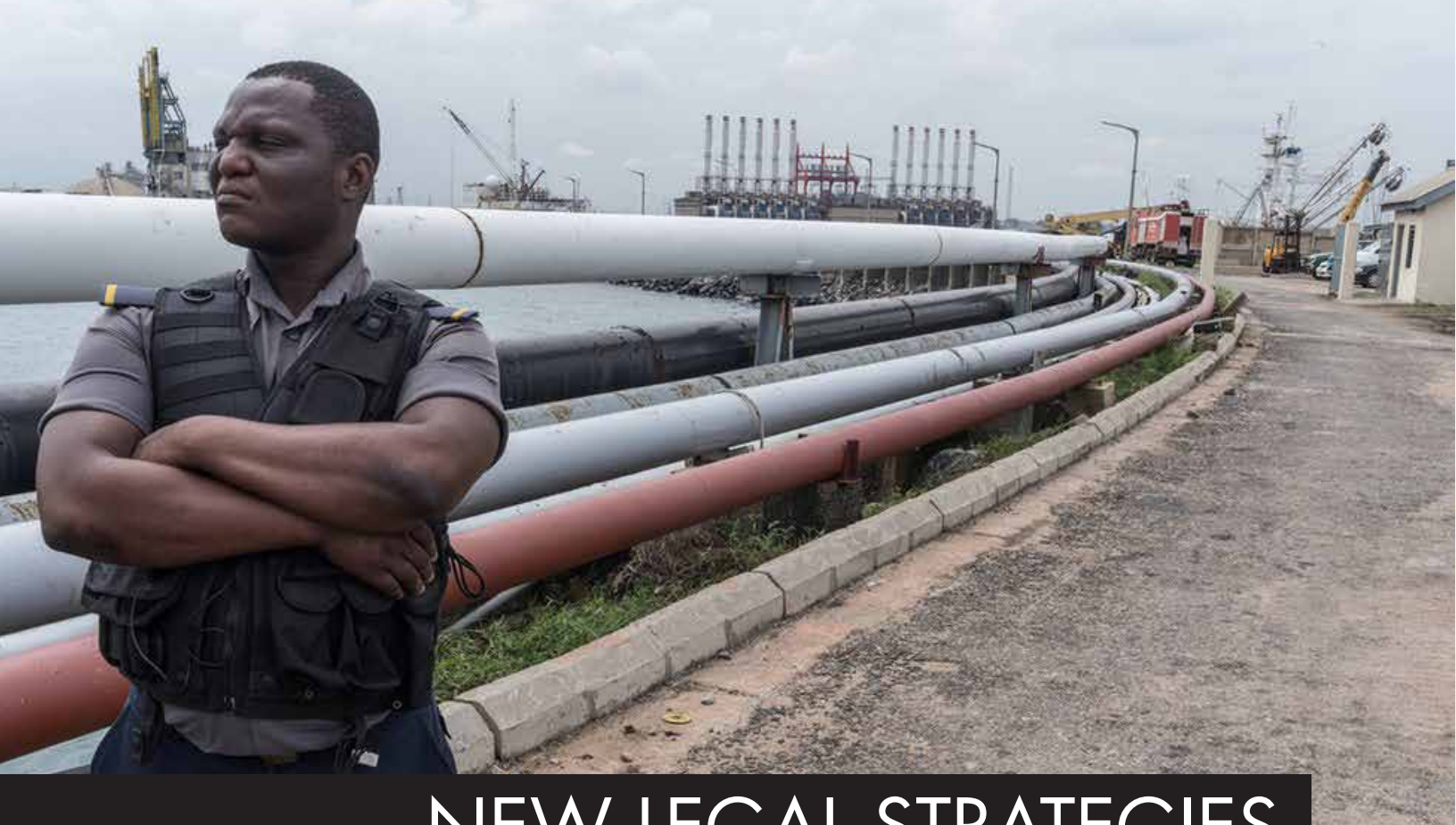
COUNTERBALANCING CORPORATE POWER

Too often, when multinational corporations violate human rights, there is little, if any, accountability—especially if the violations occur outside the company's home country. To address this gap in human rights protections, CIEL and partners around the world have worked for decades to develop the legal foundations to hold corporations accountable for environmental and human rights impacts, no matter where they occur. Finally, negotiations began in 2015 to create a treaty on transnational corporate accountability to make these principles a reality.

CIEL has engaged in the negotiations to ensure that the treaty is as strong, effective, and enforceable as possible. We are also working to improve the negotiations' focus on the gender dimensions of accountability. Across the world, women are disproportionately affected by the human and environmental impacts of large-scale projects—from having to walk farther for water and fuel; to sexual abuse and violence around industrial sites; to marginalization from compensation negotiations; to exclusion from decisions on natural resources and land use. CIEL high-

lighted case studies of women from Kenya, South Africa, and India and secured from the person drafting the treaty outline a public, verbal recognition of the importance of gender in the human rights impacts of transnational corporations. The treaty outline now includes women and girls as vulnerable groups, creating an opening for us to continue pushing for a full gender dimension in the future treaty.





NEW LEGAL STRATEGIES TO FIGHT TOXIC DISCRIMINATION

When a country bans a hazardous substance to protect its citizens, then sells that same substance to developing countries that lack the resources to police it, it is environmental discrimination. Thanks to CIEL's legal analysis, it is also illegal.

Last year, studies by Public Eye showed that diesel fuel being exported from Belgium and the Netherlands to West Africa contains toxic sulfur and benzene up to 1,000 times the legal European limit. Public Eye asked CIEL to evaluate if these exports were legal, and our analysis found that they violate the Netherlands' and Belgium's obligations under the Basel Convention, international customary law, and the countries' human rights obligations.

With our analysis in hand, campaigners are demanding both countries completely and immediately ban all exports of these high-sulfur fuels and end this illegal and dangerous trade.

Importantly, our analysis has implications—and consequences—for a host of hazardous exports, not just dirty fuels. Many countries have banned substances like asbestos and DDT but continue exporting them to developing countries in Africa and beyond. CIEL's analysis demonstrates that a country can't protect its own people from a harmful product then export that harm to other countries without violating international law. In the years ahead, we will put this and similar findings to work to ensure people everywhere have the right to a toxic-free future.

DISRUPTING DISRUPTION

Lurking in our food, our clothes, our children's toys, and thousands of products we use daily, endocrine disrupting chemicals (EDCs) are as harmful as they are ubiquitous. They interfere with our hormone systems, leading to serious health disorders like cancer and infertility, and they are particularly dangerous at the earliest and most vulnerable stages of life, when the brains and bodies of children are still developing.

The European Union has long been a leader in confronting new toxic risks, and EDCs are no exception. While European legislation bans EDCs, effective criteria for identifying what is an EDC do not exist, making regulation impossible. When the European Commission began drafting criteria, we worked with a leading group of endocrinologists to bring their scientific expertise into the legal process. Already, the push from CIEL and other NGOs has improved the draft criteria and widened their scope.

Unfortunately, the proposed criteria still aren't strong enough. In July 2017, EU member states approved draft criteria that identify EDCs in biocides and pesticides only. In response, CIEL and ClientEarth released *Disrupted Criteria*, recommending a science-based, unified system to identify EDCs across sectors. The recommendations were endorsed by members in five parties of the European Parliament.

With the criteria in the final approval stages, CIEL continues to encourage European citizens and officials alike to oppose the narrow criteria and seriously protect people and the environment from these dangerous chemicals.





NOVEL, HAZARDOUS NANOMATERIALS

Nanomaterials are tiny substances tens of thousands of times smaller than a human hair that are leading a technological transformation. At this scale, elements have different physical properties, making their commercial applications limitless. But these changes also mean that once-familiar substances may become toxic due to their novel properties.

Because of their size and surface chemistry, some nanoparticles can reach parts of the body that are normally protected from toxics, such as the brain or inside cells. They can also accumulate in our bodies and trigger unanticipated toxic responses.

The pace of nanomaterial innovation vastly outpaces our understanding of their toxicity. For years, CIEL has worked to shape how regulators approach this scientific uncertainty. Last year, CIEL commissioned a scientific evaluation of 11,500+ pages of data on several common nanomaterials. The existence of the data had been used to dispel concerns about the potential health and environmental risks of manufactured nanomaterials. Our report found that the poor quality of and massive gaps in the data prohibit proper safety assessments of these substances. Supported by the main EU regulating agency and academics, our findings are helping to shape new legal approaches that can take this uncertainty into account.

CIEL also supported a French campaign led by Agir Pour l'Environnement with legal arguments, technical expertise, messaging, and campaign strategy to push for nano testing and labelling in food products. The campaign was massively successful in attracting print and TV coverage and in persuading French authorities to enforce their existing EU obligations to test and label nanomaterials in food. If France effectively enforces its obligations, it paves the way for other countries to follow.

REDUCING TOXIC RISKS

Everyone has the human right to a healthy environment. But every day, we are exposed to toxic substances through the food we eat, products we use, and wastes released into our air, water, and soil. These harmful substances ignore borders, remain in the environment for years, and affect us in ways that are not fully understood, making effective regulation a challenge. CIEL works to create and implement a global approach to address the threat of toxic chemicals, and we celebrated several important victories this year.

- The Minamata Convention, the world's first legally binding global agreement to reduce mercury pollution, entered into force in August. CIEL played a key role in spurring the negotiations and in crafting the treaty, which helps to address the threat of mercury to human health, livelihoods, and the environment.
- Since 2016, CIEL has conducted capacity-building workshops in developing countries on how to push for strong, adaptive legal frameworks for chemicals and waste management. The workshops have created new networks within and across countries, through which civil society is working together

to strengthen national legal frameworks to tackle chemical issues.

In May, representatives from 180+ countries converged to improve the Stockholm, Rotterdam, and Basel Conventions, which each address a specific angle of toxic threats.

- With partners, CIEL successfully put the issue of nano-waste on the Basel Agenda, marking a first, critical step towards a global approach to managing nano-waste.
- DecaBDE, a toxic endocrine-disrupting flame retardant, was successfully banned, and CIEL's legal expertise helped countries block the creation of a loophole that would have allowed decaBDE to be recycled into new products.
- Seven new pesticides and persistent organic pollutants (POPs) were listed as harmful or banned. We are approaching the ten-year time horizon originally set to phase out the first wave of particularly toxic and pervasive POPs. While ten years is too long to knowingly expose people and the planet to toxic substances, it starts the clock on a safer future—one that we are already beginning to see.



A RISING TIDE OF CASES

After winning acknowledgement for the first time that development projects should respect human rights in the World Bank's revised safeguard policies, CIEL returned our focus to cases in 2017. Cases—support for communities seeking justice—provide real-time feedback and evidence that spur bank action and policy change on a global scale.

Building on our Early Warning System, a joint project with International Accountability Project, we are identifying dangerous development projects at their earliest stages to equip local communities to engage in the decision-making process. For projects that are further along

and already impacting human rights and the environment, CIEL is supporting a rising tide of community complaints demanding accountability for harms at the development institutions that funded them, such as the World Bank, Inter-American Development Bank, and Overseas Private Investment Corporation.

As yet more harmful development projects arise, such as the Ituango dam in Colombia and the La India mine in Nicaragua, we will be there with our partners, bringing more cases to defend the environment and human rights in the years to come.

THE ALTO MAIPO PROJECT

The Alto Maipo Hydropower Project, currently under construction, seeks to generate electricity by forcing Chile's Maipo River through a series of tunnels blasted through the mountains. The river, fed by glacial meltwater from the Andes, provides fresh water to over seven million people in nearby Santiago and irrigates thousands of hectares of farmland. By contrast, the electricity generated by the project is destined primarily for a privately-owned mine, not the public.

From an opaque web of investors, CIEL identified twelve banks financing the project. We accompanied Chilean partners in raising concerns with financiers in the US and Europe and filed a formal complaint to the accountability mechanisms of the International Finance Corporation and the Inter-American Development Bank in January, result-

ing in internal reviews into whether the project violated the banks' own standards.

Meanwhile, thousands of Chileans have marched in Santiago to oppose the project, and their campaign—which opposed Alto Maipo for years before the project came to international attention—continues to gather momentum. With massive and repeated cost overruns, the withdrawals of principle investors, flaws in project design, and the deaths of two workers on the project, Alto Maipo is in technical default and is struggling to stay afloat. With the project hemorrhaging bad news and development banks scrambling to do damage control, CIEL is committed to continue working with our Chilean partners until the harms already caused by this project are remedied.



PROTECTING THE PÁRAMO



On the eve of a big shareholder vote in November 2016, demonstrators gathered outside World Bank offices in Bogotá, Colombia, and Washington, DC to demand that the International Finance Corporation (IFC) divest from Eco Oro Minerals.

For years, tens of thousands of Colombians have poured into the streets of Bucaramanga and Bogotá to defend their right to water and to oppose Eco Oro's planned gold mine in the Santurbán Páramo, a sensitive high-altitude wetland. Backed by

thousands of additional international supporters, CIEL helped deliver these demands to IFC headquarters, calling on the bank to divest from Eco Oro's destructive mining project. And in a rare victory, it did.

Though Colombian law bans mining in the páramos and in spite of the project's clear environmental and human rights impacts, the IFC made multiple investments in Eco Oro beginning in 2009. The IFC's internal accountability mechanism found the investment violated its own policies.

It wasn't until Colombia's highest court ruled to protect the páramo from mining in 2016, and Eco Oro threatened a lawsuit against the country using the investment chapter of a Canada-Colombia free trade deal, that the IFC accepted its colossal mistake and divested from Eco Oro in December 2016. The IFC also specifically cited the mistakes it made in Eco Oro when it acknowledged the need to create policies that more proactively prevent the financing of future harmful projects.

With an investor-state lawsuit now underway, CIEL is helping grassroots partners have a voice within the arbitration process and aiding the Colombian government to push for civil society participation in the proceedings. And even now, the Santurbán páramo is not out of danger; other companies are moving on proposed underground mines on the edge of the páramo. The legal battle continues, but our movement only grows stronger. We won against Eco Oro, and we are ready to win again.



ALIX MANCILLA

Alix Mancilla is a passionate environmental defender and an essential leader in the movement to stop the Eco Oro mine. As a founding member of the Committee for the Defense of Water and the Santurbán Páramo, Alix's leadership lies in her expert knowledge of the páramo, passion for protecting her community and environment, and her calm eloquence.

Alix has been repeatedly followed, harassed, and threatened for her leadership in the movement to protect the páramos. For her safety, Alix has had to leave her home and avoid staying in one place too long. CIEL has accompanied Alix to the World Bank and US Congress to share her story and ask authorities to be on the alert should anything happen to her.

IN EL SALVADOR, WATER TRIUMPHS OVER GOLD

In addition to their toxic risks, mining processes use an extraordinary amount of water. In water-parched El Salvador, where 96% of surface water is contaminated, the government denied a permit application from Pacific Rim (now OceanaGold) mining company to build an open-pit mine. In turn, the mining company sued El Salvador for \$250 million using investor-state dispute settlement.

For years, CIEL supported the National Roundtable Against Metallic Mining in defending El Salvador against the lawsuit, including with two *amicus* briefs. We worked in a coalition of international allies, participated in international verification missions, and used Pacific Rim as a case study at every opportunity to demonstrate the flaws in investor-state provisions.

After more than seven years, the tribunal finally delivered its sentence last year, ruling in favor of El Salvador. More important than winning the lawsuit was the national movement it galvanized around protecting El Salvador's water. In an unprecedented vote in March 2017, El Salvador's legislative assembly voted to ban all metal mining within its borders.

Years of organizing, educating, and mobilizing, led by courageous activists on the frontlines in Cabañas and the National Roundtable, made the vote possible. CIEL is proud and honored to have played a small role in supporting the National Roundtable and its allies for nearly a decade.





DEMOCRATIZING DEVELOPMENT

Across the globe, communities are standing up for their rights to access information, to participate in decisions that will affect them, and to seek redress when their rights have been violated. Too often, development activities—both public and corporate—sacrifice human rights and the environment in the name of economic interests. A global movement is working to transform this model so that human rights drive development decisions.

- Since the launch of the Early Warning System, we have distributed information to partners worldwide, informing and warning them about 1,600 development projects.
- CIEL reached out to Guatemalan partners and the US government to halt a dangerous loan from the Inter-American Development Bank to the Guatemalan military for border control. Now, the project is no longer in the hands of the military.
- In June, CIEL and four NGOs convened 35 civil society groups and community organizations from 11 countries in Bangkok, Thailand, to facilitate their access to formal grievance mechanisms and equip

them to better support local partners when they have been harmed by development projects.

- As a member of the Coalition for Human Rights in Development, CIEL alerted UN bodies and development institutions about the threats faced by environmental defenders and the measures needed to protect them.
- Management at the World Bank now distributes our joint report *Glass Half Full*, a comprehensive review of accountability mechanisms at development banks, as a reference for what accountability should look like.
- To better protect human rights defenders, CIEL pushed development banks to develop no retaliation policies for people who file complaints at the accountability mechanisms. Three major lenders now have this policy.
- Twenty-four countries have signed on to the binding regional instrument on Principle 10 Access Rights in Latin America and the Caribbean. CIEL continues to engage in this process to convert the principles of environmental democracy into regional law.



CIEL TEAM

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21: Kelsey Alford-Jones; Interamerican Association for Environmental Defense (AIDA)

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FINANCIALS

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW STATEMENT OF FINANCIAL POSITION

FOR FISCAL YEAR 2017 ENDING JUNE 30TH

ASSETS:	FY 2017
Current Assets	
Cash & Cash Equivalents	\$1,020,403
Contributions Receivable	800,356
Contracts Receivable	124,780
Miscellaneous Receivables	8,496
Prepaid Expenses	22,209
Total Current Assets	\$1,976,244
OTHER ASSETS	
Property & Equipment, Net	51,996
Rental Security Deposits	20,712
Long-Term Investments	21,503
Total Assets	\$2,070,455
LIABILITIES AND NET ASSETS:	
Current Liabilities	
Accounts Payable	\$11,465
Accrued Payroll & Benefits Payable	46,667
Deferred Contract Revenue	53,300
Deferred Lease Liability	3,655
Total Liabilities	\$115,087
NET ASSETS	
Unrestricted Net Assets	\$1,043,775
Temporarily Restricted Net Assets	911,593
Total Net Assets	\$1,955,368
Total Liabilities and Net Assets	\$2,070,455

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

FOR FISCAL YEAR 2017 ENDING JUNE 30TH

REVENUE:	FY 2017
Foundation Grants	\$1,560,186
Misc. Contracts	674,081
Salaries In-Kind	101,804
Misc. Contributions	76,837
Interest & Investment Income	6,294
Miscellaneous Income	80,845
Total Revenue	\$2,500,047
EXPENSES:	
Program Services:	
Climate and Energy	\$748,432
Human Rights and the Environment	189,340
Environmental Health	534,202
People, Land And Resources	584,747
BHRC, IPEN Secretariat and Miscellaneous Projects	415,235
Total Program Services	\$2,471,956
SUPPORTING SERVICES:	
General & Administrative	\$111,282
Fundraising	124,808
Total Expenses	\$2,708,046
Changes in Net Assets	\$(207,999)
Beginning Net Assets	\$2,163,367
Ending Net Assets	\$1,955,368

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

Auditors/Certified Public Accountants:
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1199 North Fairfax Street, 10th Floor
Alexandria, Virginia 22314

JOIN THE TIDE. SUPPORT THE MOVEMENT.

Despite the seemingly endless stream of bad news over the last year, our work and the movement press forward. Our sustained momentum in the face of setbacks is possible thanks to people like you—you, who are an integral part of the tide of history, pushing back against the backlash of those who resist change, fear progress, and see their long-held power and influence in jeopardy.

The last year is evidence that we cannot back down now; the stakes are far too high. We must continue to move forward to protect the gains we have made and ensure the momentum we have built over the past decade is truly transformative. We must keep fighting, keep pushing, and keep moving to ensure that:

- development respects the rights of local communities and indigenous peoples,
- the law adequately protects the public from the threat of toxic chemicals,
- corporations are held accountable for their impacts on our climate and communities,
- trade prioritizes people and the environment above private corporate interests, and
- our planet and its inhabitants avert a future of climate chaos.

The backlash from corporate and political interests is powerful, but we have greater numbers, the strength of solidarity, and the tide of history on our side. Only together can we continue to overcome—over, under, around, or through—the obstacles put in our path by those who would resist that tide.





CIEL is a vital partner in this fight. And so are you. Together, we will use the power of the law to hold corporations accountable, defend human rights, and protect the health of people and the planet.

Your gift to CIEL makes you an essential part of this effort and an indispensable member of our community. Your support allows us to continue this important work. And it is through your generosity, power, and resilience that we will continue to move forward, together.

To make a gift online, visit: act.ciel.org/give2017

Or send your gift to:

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