

IMPACT REPORT

2018



CENTER for INTERNATIONAL
ENVIRONMENTAL LAW





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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, advocacy, education, and training, with a focus on connecting global challenges to the experiences of communities on the ground.

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LETTER FROM THE PRESIDENT

This summer, I traveled to the Philippines to testify before their national Commission on Human Rights on the impacts of climate change on the Filipino people, and the role of the big oil companies in the climate crisis. It was an incredible honor to contribute to this landmark process. Yet the most important witnesses were not experts like me, but the farmers, fisherfolk, and doctors living on the frontlines of the climate crisis. I will never forget how a trans activist brought the tribunal first to laughter, then to tears, describing how Typhoon Haiyan had affected the LGBTQ community in the hard-hit city of Tacloban. And how issues of gender identity intersected with climate chaos to make disaster relief nearly impossible in the wake of the storm.

Just a month before, I sat beside a community organizer in Houston as she shared how Hurricane Harvey's effects on that city were compounded not simply by climate change, but by decades of systemic racism and injustice that left her

community uniquely exposed to climate-fueled floods and to their toxic aftermath. These threats are being entrenched and expanded by the rapid build-out of plastic plants across the Gulf Coast.

In the Philippines, in Texas, and around the world, the impacts of climate change and other environmental harms disproportionately affect those who are already threatened, marginalized, and vulnerable. But these same communities have decades, sometimes centuries, of experience fighting to defend their own rights and their own lives. This makes them not only vital partners — but true leaders — in our shared struggle for human rights, a livable environment, and a more just society. Importantly, the diversity of the challenges we face is also one of our greatest strengths, providing a source of innovation, inspiration, leadership, and shared strength in those fights.

The legal tools, strategies, and sheer number of partners available to us all grow exponentially when we tackle these issues at their common roots.

In this watershed year for climate litigation, we worked with partners to uphold human rights and hold governments and companies accountable for the climate crisis in cities across the United States and in the Philippines, Norway, Netherlands, Argentina, and beyond. We continued our ongoing work to expose the hidden history of oil industry climate science and denial. And we worked to reveal how investments in fossil fuels perpetuate an unsustainable economy — putting both assets and the planet at risk.

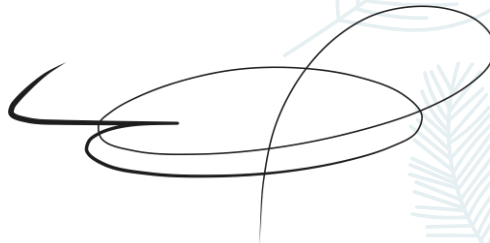
Over the past year, we have exposed the deep connections between fossil fuels and the plastics crisis, highlighting how the shale gas boom is driving a massive build-out of plastic production infrastructure and exposing both the environmental and the economic risks this build-out brings. We have supported frontline communities who are fighting existing plants and working to stop new ones from being built. And we have made significant strides towards a new legal regime to address the plastic crisis at the global level.

None of this work matters, however, unless the people who are affected have the freedom and the safety to stand up for themselves, their communities, and their environment. This year, we celebrated the adoption of the Escazú Agreement, which commits the countries of Latin America and the Caribbean to safeguarding access to information, participation, and justice in environmental matters and recognizes the vital importance of protecting environmental defenders. Our experience with the Hidroituango dam

in Colombia demonstrates why this effort is so vital; four members of the community movement resisting this massive hydropower project, funded by the World Bank Group, have been murdered. Despite the grave risks they face — repression, criminalization, violence, and, too often, murder — our Colombian partners keep fighting for their rights and for their families. So we will keep fighting alongside them and alongside other communities around the world; and we will keep working to make it safer for them to do so.

Amidst the relentless waves of environmental crises and political outrages of the last year, it is easy to wonder whether there are any true leaders left in the world. Again and again, our work makes clear to us that the world is filled with people ready to stand up. The world is filled with leaders. They are mobilized. They are fighting in cities and countrysides and courtrooms across the world. And they are already on our side.

Our challenge — and our great source of hope — is to be on theirs as well.

A handwritten signature in black ink, consisting of a series of loops and curves, identifying Carroll Muffett.

Carroll Muffett

President



PROMOTING ENVIRONMENTAL DEMOCRACY

The principles of environmental democracy – the rights to information, public participation, and justice – ensure that people have a meaningful say in decisions that affect them and effective ways to protect their rights. These access rights are the best way to prevent environmental harms and human rights abuses. Around the world, however, countries are increasingly limiting public participation, closing civil society spaces, and intimidating or criminalizing those who speak out in defense of their rights and environment. Strengthening systems to make environmental democracy a reality is vital to building a more just and sustainable society.





PROTECTING RIGHTS, HOMES, AND HISTORY IN COLOMBIA

Standing on the banks of gushing brown floodwaters in Antioquia, Colombia, Isabel Zuleta delivered an earnest message. “If this is what they call development, I don’t want to know what destruction is. People don’t know what to do, the anguish has not ceased, and there is no information.” When constructed, the Hidroituango dam will be the largest hydroelectric project in the country, and its devastating impacts are being felt on the same scale. Isabel’s message came days after a construction failure caused the dam to flood unexpectedly, forcing hundreds of families to flee their homes to escape the crush of water.

The Hidroituango dam, widely opposed by the local population, is located in an area that endured some 50 massacres, hundreds of forced disappearances, and widespread forced displacement during the Colombian armed conflict. For years, families asked the government to pause the project long enough for them to exhume mass graves near the dam, in order to locate and rebury their loved ones with dignity. The government ignored their plea, and these clandestine graves now lie beneath the dam’s floodwaters.

Organized under Movimiento Ríos Vivos, communities aren’t backing down. Instead, they are demanding that their voices be heard and that their rights be respected, despite threats and intimidation intended to silence them.

Now, with the dam at the epicenter of a humanitarian crisis, the Inter-American Development Bank, one of the project’s key investors, is doing damage control. CIEL and partners are supporting Movimiento Ríos Vivos’ formal complaint to the accountability office of the Bank. Community members seek a dialogue with the construction company, at the same time that we are working to hold the Bank accountable for investing in this ill-advised project.



“If this is what they call development, I don’t want to know what destruction is. People don’t know what to do, the anguish has not ceased, and there is no information.”

Isabel Zuleta





DEFENDING THE DEFENDERS

From Colombia to Poland, the Philippines to Romania, people are defending their right to a healthy planet and demanding accountability when that right is violated. Yet as this courageous global movement grows, the risks grow too. Powerful actors who benefit from maintaining the status quo are working to silence dissent through threats, intimidation, spurious lawsuits, and violence.

Last year was the deadliest year for environmental defenders on record: Over one hundred individuals were murdered for vocally opposing mining projects, oil wells, logging, and other extractive industries. And the threats extend to other environmental fights; in Colombia, four members of Movimiento Ríos Vivos, the coalition representing communities affected by the Hidroituango dam, have been killed. Journalists covering the situation have received death threats, heightening the culture of fear aimed at silencing activists.

Meanwhile, spaces for civil society to organize and voice dissent are shrinking, as powerful actors attempt to maintain the status quo and their interests. ExxonMobil subpoenaed CIEL President Carroll Muffett for our work exposing what the company knew about climate change. Organizations opposing the Dakota Access Pipeline in the United States face criminal suits for their efforts to protect indigenous rights. In Poland, Parliament has passed a law to restrict the political rights of people attending the next UN climate negotiations.

Despite all these threats, environmental defenders refuse to be silenced.

To support them, CIEL is working to increase protections for environmental defenders, strengthen corporate accountability for human rights abuses, and fight attempts to silence those who speak out. A big piece of this is working to prevent conflicts by ensuring that communities can access information and resources, shape and engage in development projects that may affect them, and hold actors accountable for harms they cause or condone.

After years of advocacy, CIEL celebrated the adoption of the Escazú Agreement that guarantees access to information, participation, and justice in environmental matters in Latin America and the Caribbean. This legally binding instrument is the first to articulate the responsibilities countries have to protect environmental human rights defenders.



GENDERED IMPACTS; GENDER-FOCUSED SOLUTIONS

Around the world, women are making strides toward gender equality. Yet women and girls still suffer disproportionately from the impacts of unsustainable development and environmental degradation — from loss of land, to lack of access to food and clean water, to sexual violence. Too often, large-scale, extractive development projects deepen gender inequalities, and women continue to be excluded from decision-making that determines whether and how these projects are carried out.

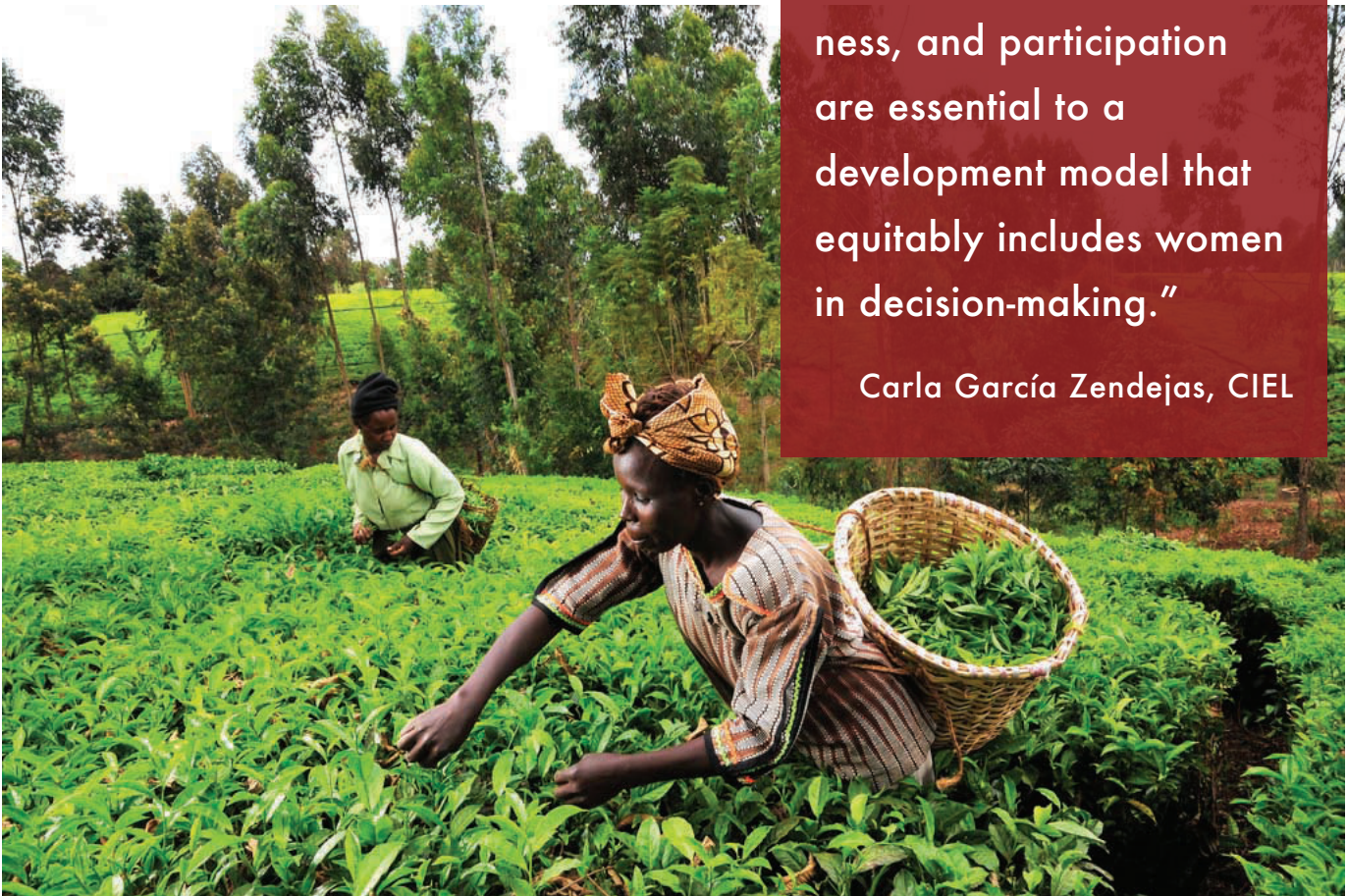
Through *Upholding Human Rights: Bridging the Gender-Environment Divide*, CIEL and partners supported local communities in South Africa, Kenya, and India to raise international awareness of the threats women and girls face related to development projects. At the United Nations, we are standing with our feminist allies to demand a new binding treaty that requires transnational corporations to respect

human rights in their operations abroad and puts women's rights at the center of these protections. In the year ahead, we will continue to push for recognition of the gendered impacts of development and for new ways to tackle these inequalities at a large scale.

And while climate change disproportionately impacts women, responses to climate change are still predominantly designed by men. This leads to policies that perpetuate gender inequities and fail to fully understand and implement some of the most effective climate solutions, which are led by women and other vulnerable groups. To change that dynamic, CIEL advocates that international institutions working on climate change adopt forward-thinking policies that focus on women, identify the gender-differentiated impacts of climate change, and recognize the importance of applying a gender focus in implementing any solution to the climate crisis.

“Transparency, openness, and participation are essential to a development model that equitably includes women in decision-making.”

Carla García Zendejas, CIEL





COST OF TRANSMISSION: RAINFORESTS, HABITATS, AND INDIGENOUS PEOPLES

Indigenous Ngäbe and Buglé communities and an abundance of biodiverse wildlife have called the lush rainforests of Panama's Atlantic Coast home for thousands of years. Yet today, an electrical transmission line, backed by \$10 million from the International Finance Corporation (IFC), the private lending arm of the World Bank, threatens this critical habitat. Local communities worry about the development rush the transmission line is likely to bring with it — from a coastal highway already under construction, to mass tourism that would steeply raise the cost of living, to land grabs and real estate development that would displace indigenous peoples from their homes. In a country vulnerable to climate change, this could be a dangerous combination.

Having never given their consent to this project, local Ngäbe and Buglé indigenous communities are defending their rights and seeking to halt construction of the transmission line that will impact them directly. Local partners requested a

dialogue with the construction company and are open to discussions on the project itself. CIEL supported Panamanian partners and local communities in taking their concerns to the accountability office of the IFC. CIEL is committed to working with our partners to ensure that their concerns are heard and meaningfully addressed before any further action is taken that will impact their collective lands and their rights as indigenous peoples.





COUNTER-BALANCING CORPORATE POWER



Corporate control of our economic and political systems has reached unprecedented levels. Around the world, multinational corporations operate with few restrictions and little accountability. They have privileged access to decision-makers, influence political and regulatory processes, and control and distort information and science that has massive health and environmental impacts. The tools available to seek justice for the harms caused by corporate activities remain limited, slow, and difficult to access. By counterbalancing corporate power and finding new ways to hold corporations accountable, we can change the incentives that lead to bad behavior and move us toward a more just and sustainable society.



PEOPLE VS. CORPORATE PROFITS: THE FIGHT TO END ISDS

People power is responsible for our civil rights, public institutions, and system of laws that protect the public good. From abolition and universal suffrage, to the minimum wage and public health standards: for each of these wins, we faced opposition from interests that benefited from the status quo of injustice and impunity. And today, we face a new threat to our rights: the rise of unmitigated corporate power enabled by trade and investment agreements.

To confront that threat, hundreds of thousands of people have spoken out against investor-state dispute settlement (ISDS). This provision grants corporations the right to sue countries for billions of dollars when their profits are threatened by a government action. Investor-state suits have forced governments to reverse laws and policies protecting workers, the environment, and public health — or pay millions of dollars if they stand their ground.

ISDS is not the fever dream of a comically evil business tycoon. Instead, it exists in thousands of trade and investment agreements around the world and continues to be included in new agreements currently under negotiation.

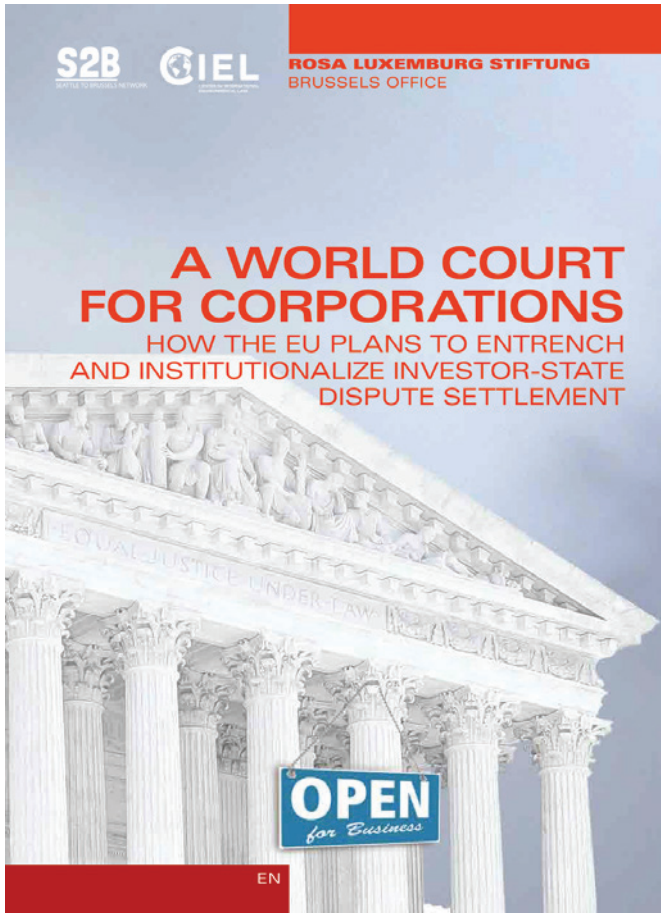
But now, communities are fighting back. Around the world, people are demanding an end to this system that prioritizes corporate profits above all else. And CIEL is right in the middle of this fight.

In Romania, thousands of people have protested the destructive Roșia Montană gold mine. Responding to the clamor of concern for the environment, legislators rejected a new law that would have allowed the mine to move forward. Frustrated, Canada's Gabriel Resources sued Romania for \$4 billion using ISDS.

Now, as a tribunal reviews the case behind closed doors, CIEL is supporting local communities to ensure that their voices are heard as it decides the future of gold mining in Roșia Montană.

From Romania to El Salvador, Colombia to Croatia, people are opposing ISDS. Investor-state provisions helped turn the tide against the US-EU free trade agreement, and their inclusion in any future trade deal makes its passage infinitely harder. People power will not rest until we have ended this corporate stranglehold on democracy.

A WORLD COURT FOR CORPORATIONS: ONE COURT TO RULE THEM ALL



With public opposition having converted investor-state dispute settlement into a poison pill for future trade deals, the European Union has proposed an alternate way forward: a Multilateral Investment Court. According to the EU, this world court for corporations would reform the problems at the heart of ISDS.

Wary of a quick fix, CIEL and partners undertook a deep analysis of the proposed multilateral investment court and exposed it to be a wolf in sheep's clothing. Far from addressing the issues of concern in ISDS, the proposed court would further entrench the existing problems of the investor-state system. Our report sounded the alarm for partners around the world and has galvanized global opposition to this new court.

The EU is lobbying aggressively for its proposed court at the United Nations. With talks veering dangerously close to simply affirming the EU's global court scheme, CIEL mobilized a coalition of national and international organizations to engage in the negotiations and reject the EU's dangerous proposal. Together, we are working to end the unjust system of corporate impunity and demand a trade system that prioritizes people and the planet over corporate profits.

A TREATY FOR CORPORATE ACCOUNTABILITY

Corporations operating abroad enjoy almost complete impunity. But a new treaty could change that.

In an effort to provide justice to communities harmed by corporate operations, hold companies accountable for their activities abroad, and discourage future human rights violations, CIEL and partners have long advocated for the creation of a binding, international treaty to regulate transnational corporations. Now, negotiations on such a treaty are reaching a critical moment.

CIEL is working with a coalition of partners to ensure the first draft of the treaty has powerful, enforceable protections for human rights and the environment. As part of this effort, we have worked to expand the negotiations' focus on the gender dimensions of corporate accountability and secure a draft treaty that recognizes the specific impacts of corporate activities on women and girls. As negotiators develop the first full draft of the treaty, CIEL is advocating for binding obligations, rather than voluntary commitments, that require companies to protect communities and the planet, both at home and abroad.





“For anyone who wants to sue oil companies over climate change, CIEL has a road map to do it.”

ClimateWire

SMOKE & FUMES: HOLDING BIG OIL ACCOUNTABLE

From Norway to New York, the Netherlands to the Philippines, more and more communities are facing devastating hurricanes, record heat waves, destructive sea level rise, and uncontrollable wildfires. Now, those same communities are suiting up to hold major carbon producers accountable for their contributions to the climate crisis. As they do, they are heading into court with a mounting body of evidence that oil and gas companies like ExxonMobil, Suncor, and Shell knew about climate change for decades and responded by sowing doubt and confusion to stall action.

In the United States, thirteen cities, counties, and states are suing major fossil fuel companies for the costs of climate impacts. In the Philippines, the national Human Rights Commission is investigating whether the major carbon-producing companies are responsible for the human rights impacts of climate change. In Germany, a Peruvian farmer is suing energy giant RWE to pay its share in the cost of protecting his hometown from a swollen glacier lake at risk of overflowing from melting snow and ice. And in the Netherlands, activists are suing Shell for failing to change course to prevent climate impacts.

But every legal case starts with evidence and sound legal theory. That's where CIEL comes in.

Our massive synthesis report, *Smoke & Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*, is the culmination of nearly a decade of research that answers the questions: What did the oil

industry know about climate science? When did they know it? And once they had this knowledge, what did they do about it? Called “a blueprint for suing oil companies,” our *Smoke & Fumes* report presents the most comprehensive evidence of oil company malfeasance to date and reveals the foundational legal arguments to hold fossil fuel companies accountable for their impacts. This evidence is already being used around the world — including in the Philippines case and *all thirteen* of the US cases.

Despite industry efforts to intimidate and silence the global clamor for climate accountability, every day the movement grows, information begets yet more information, and we move closer to holding specific actors accountable for their role in the climate crisis.





#SHELLKNEW, TOO

When Dutch journalist Jelmer Mommers cracked open decades-old and long-forgotten files of Royal Dutch Shell executives, he discovered a treasure trove of corporate documents containing clues to the company's hidden climate history. In collaboration with Mommers, CIEL analyzed these documents and helped shine a light on the depth of Shell's climate knowledge and deception, a story that begins no later than 1958 and spans decades, continents, and some of the world's largest corporations.

Our report, *A Crack in the Shell: New Documents Expose a Hidden Climate History*, reveals that like other fossil fuel giants, Shell understood and acted internally on climate science as early as the 1950s. It also detailed another troubling pattern of corporate behavior: The company made

public declarations about the urgent problem of climate change — while working behind the scenes to sow public doubt and oppose climate action.

With Shell's global reach and influence, this evidence is significant. Already, it is changing the trajectory of future climate lawsuits.

After the company refused to change course to meet the targets of the Paris Agreement, Friends of the Earth Netherlands is suing Shell for its activities that threaten the climate. Our partners are drawing on these corporate documents and CIEL's legal analysis to build the case against the company and hold them accountable for decades of inaction.



ENSURING FINANCE SERVES PEOPLE AND THE PLANET

Finance and investments flow across borders and into projects that threaten human rights, lock us into continued fossil fuel dependence, and wreak environmental havoc. By confronting problems at their financial source, we can address those threats more rapidly than through policy alone. This finance includes not only new sources of public international finance, such as climate funds, but also investments from sovereign wealth funds, public pensions, and private financial institutions. Following the money and redirecting it away from harmful investments and towards more positive outcomes for all is a critical way to affect change on a broad scale.





STOPPING THE WORLD'S LARGEST ENVIRONMENTAL CRIME: ILLEGAL LOGGING

As the sun filters through the layers of the canopy in one of the world's last remaining rainforests, the roar of bulldozers and chainsaws breaks the calm quiet in the Peruvian Amazon. Enormous, ancient trees thunder to the ground as they are felled, wiping out everything in their path. Highly organized and well-financed operations contribute to the world's largest environmental crime — illegal logging. In pursuit of stolen timber, they destroy not only the trees, but also the ecosystems, animals, and communities that live there.

Yet the Peruvian government is turning a blind eye to the stark reality of deforestation in the Amazon; it claims that illegal logging is a thing of the past.

To combat this false narrative and increase transparency, CIEL is exposing the illegal origins of timber exported from Peru. Our research revealed that unscrupulous companies often export illegal timber to countries with few laws in place to prevent it, while sending wood with documented legal origins to countries where illegal timber imports are seized and destroyed. The evidence is clear: Exporters know when the timber they're selling was harvested illegally. And CIEL's research revealed that actors at every stage of this theft — from harvest to export — are adapting to new regulations and attempts to quell illegal logging by continually improving their methods of deception.

Stopping illegal logging in Peru requires strengthening enforcement of existing laws and institutions. Another pressure point lies in the international market, when national laws and international agreements create commercial

incentives for timber traders to improve their own practices. To that end, CIEL is advocating for better timber import laws. This past year, after multiple investigations of Peruvian timber, the US government used provisions of the US-Peru trade agreement to exclude a major exporter from selling timber to the US market for three years — sending a strong signal to companies that there will be financial repercussions for continuing illegal activity.



TOOL HIGHLIGHT: AMICUS BRIEFS

One important legal tool in our arsenal is the amicus brief. These “friend of the court” submissions allow third parties to share legal analysis or other information in ongoing lawsuits. CIEL uses amicus briefs to draw courts’ and other legal bodies’ attention to environmental and human rights arguments and to highlight community perspectives. CIEL’s amicus briefs are critical to building the jurisprudence that brings us closer to a more just and sustainable society.

UNITED STATES

JULIANA V. UNITED STATES

In the United States, 21 youth plaintiffs are suing the US government in a landmark climate lawsuit. They argue that the government’s actions on climate change violate their constitutional rights to life, liberty, and property by threatening present and future generations’ rights to essential natural resources, such as air, water, and wildlife. The government has tried legal contortions to get the case dismissed. CIEL and partners filed an amicus brief arguing that evolving international law supports the right to a climate capable of supporting human life. The courts have repeatedly denied the government’s desperate attempts to avoid justice, and the trial will begin this fall.

NORWAY

GREENPEACE NORWAY V. NORWAY

An alliance of environmentalists and Norwegian youth is suing the government of Norway for its decision to open the Arctic Ocean to oil drilling. They claim the decision threatens the lives and rights of present and future generations, which are protected under the Norwegian Constitution. CIEL supported the case with an amicus brief articulating the international legal precedents that require states to prevent irreversible harms to future generations.

PHILIPPINES

PEOPLE V. BIG OIL

In the Philippines, CIEL has been a vital partner in the first-ever investigation led by a national human rights institution into whether major fossil fuel companies are responsible for human rights violations caused by climate change. In addition to our own amicus brief supporting the investigation, CIEL brought together groundbreaking evidence, legal theory, and scientific studies supporting the case at the request of the country’s Commission on Human Rights. This massive amicus brief, combining separate briefs from nine partners, is one of the most comprehensive documents to date establishing the arguments for holding companies responsible for their contributions to climate change. The summary’s powerful, top-line arguments will instruct the Philippine investigation and inform future processes before national human rights institutions and courts in other jurisdictions.

COLOMBIA

ECO ORO MINERALS V. COLOMBIA

[Upcoming] After years of advocacy and organizing supported by CIEL and other international partners, Colombians successfully stopped construction plans for an open-pit gold mine in the country’s biodiverse high-altitude páramos. Now however, the US- and Canadian-owned company is using investor-state dispute settlement to sue the Colombian government for protecting the public interest. Drawing on decades of experience bringing community perspectives into international arbitration, CIEL will be working with local partners to develop an amicus brief to ensure their vital perspectives are considered by the tribunal.

INDIA

JAM V. IFC

International financial institutions like the World Bank currently enjoy legal immunity in the US; they can’t be sued even in cases of explicitly illegal behavior. Without closing the feedback loop — holding development banks accountable when their investments harm local communities and the environment — there is little incentive for them to learn from past mistakes and avoid future investments in dangerous projects. A groundbreaking new lawsuit brought by EarthRights International on behalf of Indian fisherfolk seeks to end this immunity and set a precedent for real accountability in development finance. CIEL coordinated partner organizations in the submission of an amicus brief to the US Supreme Court arguing that the Bank’s claim of absolute immunity threatens the Bank’s ability to carry out its mission. For cases in which development banks fail to deliver meaningful remedy to affected communities, ending their immunity would provide a vital new avenue for communities to pursue justice.



FRESHWATER FOR A CAPITAL CITY: NO ALTO MAIPO!

Yellow and black flyers pepper light posts, stop signs, and fences throughout Chile's capital city proclaiming: "No Alto Maipo!" The posters echo thousands of Chileans who have taken to the streets, their halls of congress, and the offices of the World Bank and Inter-American Development Bank to stop the destructive Alto Maipo Hydropower Project, currently under construction in central Chile. Alto Maipo would divert water through 67 km of tunnels blasted through the Andes Mountains, massively impacting the watershed and causing large-scale damage to freshwater access for the population of Santiago.

With support from CIEL, Chilean partners have mobilized massive public opposition to the Alto Maipo project. With key investors withdrawing support, large development banks scrambling to justify their investments, and institutional investors investigating abuses, the project is teetering on financial ruin.

CIEL has supported Chilean partners in demanding accountability from these financiers. This year, the accountability offices of the banks started their assessment of whether this project violated the banks' environmental and

social policies. CIEL joined their site visits to ensure that bank officials met with and heard from people directly affected by the project.

After years of mobilization, Chileans are not backing down. As the opposition to Alto Maipo reaches a fever pitch, CIEL stands in solidarity with communities in their united movement to protect their right to water against the destruction of the Alto Maipo project.



GREEN CLIMATE FUND: GAME CHANGER OR MISTAKE MAKER?

The Green Climate Fund could be a game-changer as the world races to adapt to a changed climate and halt further temperature rise. Designed to channel billions of dollars to support developing countries in tackling climate change, the Fund must avoid the pitfalls of trying to move money without also having strong rules and standards to govern its investments.

Since its inception, CIEL has advocated that the Green Climate Fund adopt rules and protections to ensure it has the positive, transformational impact the world needs and does not further punish and impoverish the people least responsible for climate change. After years of advocacy, our efforts have started to come to fruition. This year, the Fund adopted two strong policies to protect the rights of communities affected by its projects, one that requires the Fund to consider environmental and social impacts before approving projects and the other that protects the rights of indigenous peoples.

In addition to policies that avoid harmful investments, the Fund also needs to create a meaningful way for communities to seek redress if a project does cause harm. Drawing on decades



of experience assisting communities in filing complaints to development institutions when their funding causes human rights violations and environmental harms, CIEL's input has been integral to ensuring this emerging mechanism will provide access to remedy to affected communities.





"Money is the oxygen on which the fire of global warming burns."

Bill McKibben

DIVEST OUR PENSIONS; INVEST IN OUR FUTURE

Continued investment in fossil fuels maintains our dependence on a dirty-energy economy. With their trillions of dollars of assets under management, institutional investors like pension funds, universities, and churches are pivotal to shifting money away from this dependence and toward investment in renewable energy and a low-carbon economy. When college students first championed fossil fuel divestment as a moral imperative in 2011, many institutional investors were reluctant to divest citing concern about violating their fiduciary duties. CIEL's legal analysis reveals that it is not only possible for them to divest while fulfilling these duties — but also increasingly urgent for them to do so.

Today, institutional investors have committed to divest \$6.2 trillion from fossil fuels, a nearly 120-fold increase in the past four years. Divestment pledges now span 37 countries and more than 900 institutions, providing critical momentum toward the transformation into a low-carbon economy.

Because pension funds are risk-averse and invest over long time horizons, climate change poses a particular challenge to their investments. CIEL works to educate pension fund trustees and equip pension fund beneficiaries with the financial and legal arguments to accelerate fossil fuel

divestment across the United States. Our work has helped shift the understanding of fiduciary duties from what it once was — a hindrance to divestment and a shield for trustees to hide behind — into what it appropriately is: another motivating force for action on climate change.

One of the most high-profile examples is New York City, where we played a critical role engaging the city's pension fund trustees on climate risk and advised activists on the most effective legal arguments to advocate for divestment. In January 2018, New York City announced it was divesting its public pension fund from fossil fuels. With over \$193 billion in assets under management, the message was clear: major public pension funds will take bold steps to divest from assets that are no longer legally, ethically, or financially prudent.

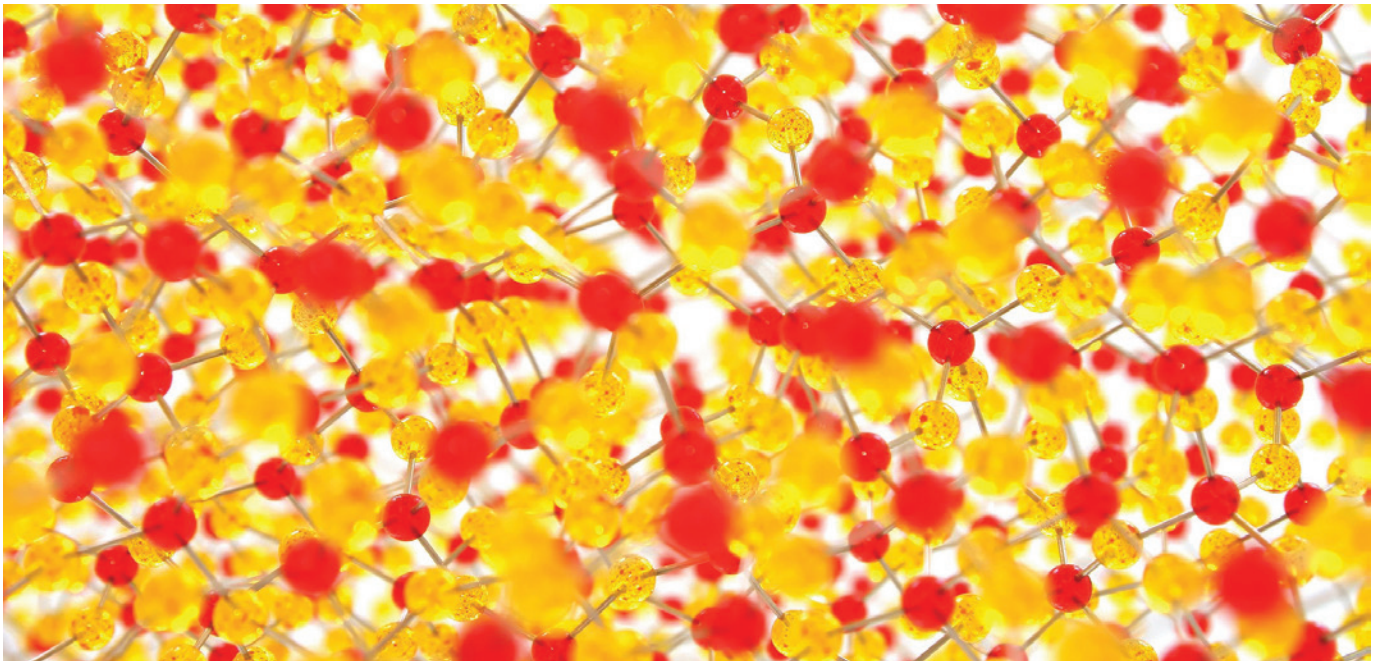
As we predicted, pension fund fiduciaries are beginning to see our legal warnings borne out: In a first-of-its-kind case, a pension fund member in Australia is suing over the fund's failure to disclose how climate change is affecting its investments and what action it will take to protect the interests of its beneficiaries. For pension funds around the world, this case is a warning that the legal risks of failing to consider and act on climate risk are no longer hypothetical.



STRENGTHENING INTERNATIONAL LAW



The effectiveness of international law as a tool for change is increasingly challenged by major geopolitical shifts, the growing power of non-State actors, political backsliding within the United States and elsewhere, and reliance on voluntary approaches to address international problems. Yet experience demonstrates that global challenges demand global solutions, and while voluntary commitments can supplement binding obligations, they are not a substitute. To respond to these challenges and ensure that international law remains a vital (and viable) tool in addressing them, we must ensure that the law is effective — that it responds to existing needs, continually adapts to changing realities, and, above all, leads to real changes in policy, human behavior, and environmental outcomes.



SMALL BUT DEADLY: REACHing FOR NANO PROTECTIONS

Nanomaterials, particles tens of thousands of times smaller than a human hair, are revolutionizing diverse industries, from food to clothing to technology. Their potential applications are nearly endless. Unfortunately, so is the potential for toxic risks: As industry welcomes nanomaterials into their technological innovations, scientific analysis of their health impacts has not kept up.

At such a small scale, materials that are otherwise safe can have troubling effects. Nanoparticles can pass through the walls of vital organs like the lungs and liver and interfere with the normal functioning of cells. Though they're small, they may accumulate in the body over time and become toxic.

One nanomaterial — titanium dioxide, or TiO₂ — is a known carcinogen present in hundreds of products we put onto our skin and into our bodies daily. In Europe, legislators are considering labeling all products that include TiO₂ as suspected carcinogens to comply with the European chemical regulation known as REACH. But industry has mounted the most aggressive lobbying effort REACH has ever seen. If legislators decide to downgrade protections for TiO₂ against the scientific evidence, it would set a precedent for ignoring scientific evidence for classifying other chemicals under REACH. Thus, caving to industry lobbying would set a dangerous precedent, not only for Europeans, but also for people around the globe whose countries look to the EU as a model for progressive chemical regulations.

CIEL is fighting industry meddling in our public health protections. In coalition with European partners, CIEL is

exposing industry's underhanded efforts to avoid urgently needed regulation and demanding the strongest possible laws to protect people against nanomaterials such as TiO₂, and all chemicals for which we don't yet have sufficient information to determine their public health risks.



CLOSING TOXIC LOOPHOLES

From food to clothes to cleaning supplies, dangerous chemicals lurk in thousands of products we use daily. Endocrine-disrupting chemicals (EDCs) are particularly insidious, interfering with our hormone system to cause long-term health effects, from infertility to cancer.

Last year, the European Commission proposed a set of criteria for identifying and regulating EDCs in pesticides and biocides. But instead of truly protecting public health, the proposal included a massive loophole to allow pesticides designed specifically to disrupt the hormone system. Our advocacy revealing the dangers and illegality of the Commission's criteria led the European Parliament to vote overwhelmingly to stop the loophole and demand stronger protections against harmful EDCs.

Because these chemicals enter our bodies through so many different pathways, however, regulating their use in pesticides and biocides is only a small step towards protecting people from toxic EDCs. To effectively prevent exposure to hazardous EDCs, a comprehensive approach is necessary.



Historically, industry has lobbied intensely against efforts to regulate EDCs, so CIEL is ready for a fight. We're working with partners to coordinate a European-wide strategy to mobilize public health campaigners, environmental groups, and concerned citizens to demand that the EU's draft legislation addresses EDCs in all products, across all sectors, and without toxic loopholes. With the EU releasing a new roadmap on EDCs soon, together we are demanding strong rules to put public health front and center.





IF YOU BUILD IT...THE RIGHT TO A HEALTHY PLANET

Every day, people are displaced by extreme weather events and rising seas, exposed to toxic chemicals, and threatened for speaking out to protect their forests, watersheds, and ecosystems. To ensure that people all around the world are able to enjoy the human right to a healthy planet, CIEL works at the international level to guarantee that laws and policies recognize the interconnection between human rights and the environment.

And increasingly, the right to a healthy planet is gaining traction on a global scale.

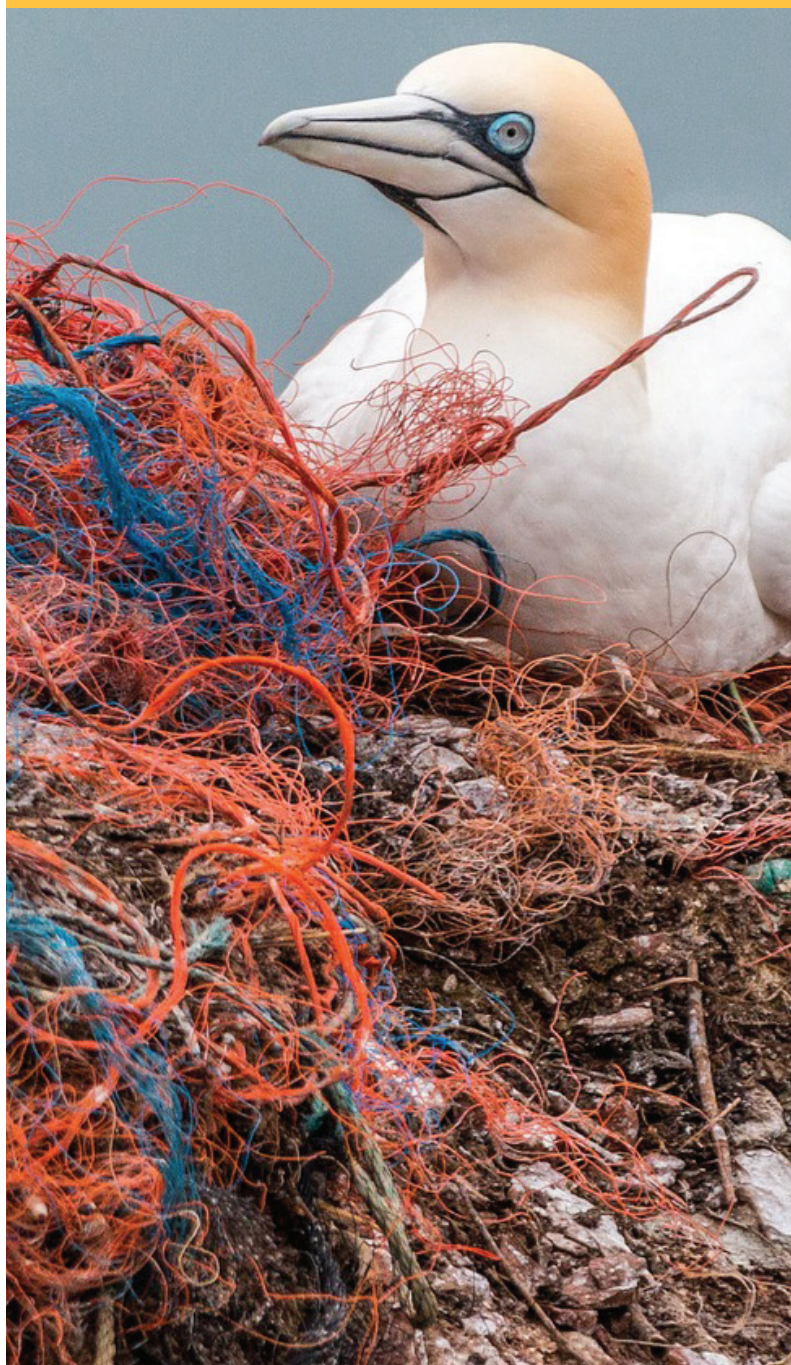
In November 2017, the Inter-American Court of Human Rights recognized the right to a healthy environment as fundamental to human existence. Reflecting arguments made by CIEL in an amicus brief, the Court noted that countries have a duty to respect these rights — for current and future generations, both within and outside their own borders. Courts around the world look to precedents set by the Inter-American Court. Its opinion is already having impact far beyond the Americas, helping to establish legal precedents that will be ever more crucial as we face the environmental threats of today and tomorrow.

Echoing this ruling, Professor John Knox called on countries around the world to recognize the right to a healthy environment in his final report as UN Special Rapporteur on Human Rights and the Environment. Just a few months later, the Human Rights Council adopted a new resolution affirming the importance limiting global temperature increase to 1.5°C in order to protect human rights, marking the first time that States referred to 1.5°C as a human rights issue. At the UN, CIEL has led efforts to ensure that the 2015 Paris Agreement — the first international environmental treaty to recognize the need to respect and promote human rights in climate action — delivers on the promises made in Paris.

UN human rights committees are also increasingly making it clear that countries that fail to act on climate change are violating their own commitments to human rights. CIEL is working with national partners to expose when countries are failing to meet their international human rights obligations in the context of climate change, from Norway's licensing of Arctic oil extraction to South Korea's reliance on coal power plants to Argentina's plans to develop fracking on a large scale. These violations are increasingly being reflected in the committees' reports and recommendations.



INTEGRATING APPROACHES TO THE PLASTICS CRISIS



Plastic pollution is one of the greatest environmental and human rights issues of our time. Tackling its root causes requires a sophisticated combination of strategies to change the systems that underlie it. CIEL employs a hybrid approach to address the plastic pollution crisis, targeting multiple actors across a variety of disciplines. We expose the corporations causing the crisis to hold them accountable, while equipping frontline communities with the expertise and tools to defend their homes, health, and futures. We reveal the financial risks in expanding plastic production facilities, while building international law to address plastic pollution at a global level. With plastic production accelerating, only an integrated strategy can meaningfully stop the flood of new plastic into our markets and environment.



PROMOTING ENVIRONMENTAL DEMOCRACY

In the next five years, global plastic production could increase by over a third. This startling fact launched our *Fueling Plastics* research, which has connected groups working across the full lifecycle of plastic: from fossil-free organizers working to #KeepItInTheGround, to the growing movement of activists calling on us to #BreakFreeFromPlastic, to environmental health advocates working for a #ToxicFreeFuture. Linking these movements builds power, increases capacity, and unifies groups working at different moments of the plastic lifecycle behind a common message: It's time to stop plastic pollution at its source.

People living in the shadows of fracking well pads, at the fencelines of refineries, and along pipelines bear the greatest cost of plastic production, yet they are largely ignored.

With some 325 new and expanded plastic production facilities planned in the next five years, these local fights may decide how and whether we avoid locking ourselves in to a future of unmitigated plastic pollution. CIEL is equipping campaigners with key resources and legal expertise to stop the plastic build-out and creating a network of frontline activists who are confronting plastic at different stages — from helping groups in Texas working to halt the permitting for what would be the world's largest plastics plant, to campaigners in Pennsylvania opposing pipeline expansion, to indigenous groups in Argentina confronting fracking expansion, to partners in Europe fighting import facilities that will produce plastic in the EU using US fracked gas. CIEL works with the families and communities who are directly impacted by the plastic build-out to ensure that they have access to information and can participate in decision-making that affects their futures.



COUNTER- BALANCING CORPORATE POWER

The myth that consumers are responsible for the plastics crisis is as ubiquitous as the plastic detritus polluting our rivers and streams. The truth is this: consumer choice didn't cause this crisis. And consumer choice alone can't solve it.

99% of plastic comes from fossil fuels. Thus, fossil fuel giants like ExxonMobil and Shell hold responsibility for not only the climate-changing emissions that come from burning fossil fuels, but also the polluting impacts of plastic at every stage of its lifecycle — from fossil fuel extraction to plastic production to waste disposal.

Scientists first became aware of the marine plastic pollution problem in the 1950s. Shortly after plastic was introduced into the consumer market, evidence suggested that it would cause a long-term pollution problem that would only worsen in ensuing decades. CIEL's research suggests that the plastics industry was aware of, or should have been aware of, the problems caused by their products by the 1970s. Yet these companies have chosen to oppose sustainable solutions and fight local regulations of disposable plastic products for decades, instead of working toward a meaningful solution.

Sound familiar? CIEL's analysis points to the plastics industry taking a page out of Big Oil's playbook on climate change: deny, obfuscate, and fight effective solutions to the pollution problem caused by your product. If the plastic industry did mislead the public and their investors, they can and will be held accountable.





ENSURING FINANCE SERVES PEOPLE AND THE PLANET

The availability of cheap, fracked shale gas in the United States is fueling a massive wave of new investments in plastic production infrastructure, with \$194 billion planned for 325 new facilities or expansion projects in the US alone. If these facilities are built, they will flood our markets with single-use plastics for decades to come. For plastics: supply drives demand.

To prevent this flood of new plastic, we must stop investment dollars from funding expanded plastic production plants. To move that money, CIEL is helping to expose the hidden risks to plastic investments.

Future demand for plastic is uncertain. Worldwide, public opinion is turning against single-use plastics. Public outrage is compelling new regulations to remove plastic from such ubiquitous use, such as straw and bottle bans and bag taxes. Local, national, and international policies are underway to limit the use of plastic and protect people and wildlife from its toxic impacts.

On the supply side, plastic is able to be made so “cheaply” because it is created from a waste product of fossil fuel refining, keeping the cost of plastic production artificially low. As the world shifts to a low-carbon economy and away from fossil fuel production, the cost of producing plastic will go up, forcing profit margins down.

By raising questions about the economic rationale for this new wave of investments in expanding plastic production, CIEL is raising warning flags for the investors underwriting these projects. Armed with this research, we are shifting investments away from plastic production by making the financial argument that new plastic infrastructure is a bad bet.



STRENGTHENING INTERNATIONAL LAW

Global crises require global solutions. As more and more plastic waste pollutes our shorelines and finds its way into our bodies through the food we eat, countries around the world are beginning to consider how international laws and policies can help regulate plastic pollution.

This year, the UN Environment Assembly took an exciting step forward by agreeing to spearhead the fight against marine plastic pollution. CIEL played a central role in rallying countries to create a mandate for this work and form an expert group to propose possible ways forward. CIEL leads partners in advocating for a binding treaty to regulate plastic — one that addresses not just the pollution in our oceans, but the impacts of plastic from its very beginnings, starting with extraction. As experts consider options in the year ahead, CIEL will be a vocal proponent of real solutions to the crisis and will use every opportunity to make meaningful changes to the way the world addresses our plastic problem.

Thanks to CIEL's research, legal strategy, and advocacy, two existing international chemical treaties now have plastic on their agendas as well. After extensive campaigning by CIEL and partners, the Stockholm Convention is looking into ways to extend its protections on endocrine-disrupting chemicals to address marine litter and microplastics. Meanwhile, the Basel Convention is considering strengthening its protections for developing countries that have been drowning in the rest of the world's plastic waste. CIEL supported Norway's new amendment to the treaty that would require countries to get permission before exporting their hazardous plastic waste to countries that often don't have the capacity to properly dispose of it.



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FINANCIALS

Statement of Financial Position

For Fiscal Years Ending June 30th

ASSETS:	FY 2018
Current Assets	
Cash & Cash Equivalents	\$817,769
Contributions Receivable	817,769
Contracts Receivable	36,472
Miscellaneous Receivables	673
Prepaid Expenses	24,020
Total Current Assets	\$1,759,052

OTHER ASSETS

Property & Equipment, Net	39,412
Rental Security Deposits	1,646
Long-Term Investments	22,090
Total Assets	\$1,822,201

LIABILITIES AND NET ASSETS:

Current Liabilities	
Accounts Payable	\$21,998
Accrued Payroll & Benefits Payable	43,471
Deferred Contract Revenue	79,782
Deferred Lease Liability	1,207
Total Liabilities	\$146,458

NET ASSETS

Unrestricted Net Assets	\$688,903
Temporarily Restricted Net Assets	986,840
Total Net Assets	\$1,675,743

Total Liabilities and Net Assets	\$1,822,201
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Comparative Statement of Activities and Change in Net Assets

For Fiscal Years Ending June 30th

REVENUE:	FY 2018
Foundation Grants	\$1,362,288
Misc. Contracts	853,119
Salaries In-Kind	142,420
Misc. Contributions	76,708
Interest & Investment Income	8,602
Miscellaneous Income	35,962
Total Revenue	\$2,479,099

EXPENSES:

Program Services:	
Climate and Energy	\$745,313
Environmental Health	558,910
People, Land And Resources	704,797
IPEN Secretariat and Miscellaneous Projects	521,417
Total Program Services	\$2,530,437

SUPPORTING SERVICES:

General & Administrative	\$133,985
Fundraising	94,302
Total Expenses	\$2,758,724

Changes in Net Assets	\$(279,625)
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Beginning Net Assets	\$1,955,368
Ending Net Assets	\$1,675,743

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

Auditors/Certified Public Accountants:

Tate & Tryon
2021 L Street, NW
Washington, DC 20036

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Jenifer Altman Foundation
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Human Rights

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Goldman Environmental Fund

GRID-Arendal

Heinrich Boell Foundation

International POPs Elimination
Network (IPEN)

KR Foundation

Leaves of Grass Fund

Leonardo DiCaprio Foundation

Charles Stewart Mott Foundation

Oak Foundation

Passport Foundation

Plastic Solutions Fund

Schmidt Family Foundation/
11th Hour Project

Sigrid Rausing Trust

Sun Hill Family Foundation

Sunrise Project

Swedish Society for Nature
Conservation (SSNC)

Transnational Institute

United Nations Environment
Programme (UNEP)

Wallace Global Fund

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Kenneth &
Sue Ann Berlin
Alison Carlson
Gregory B. Foote
Ted Gannett
Daniel Magraw &
Lucinda Ann Low
Carroll Muffett &
Patricia Davis-Muffett

\$1,000 to \$2,499

Karen Couch
Ruth Ellis
Irving L. "Pep" &
Whitney Fuller
Ronald & Sarah
Gillespie
Jason Gwinn
David Mattingly
Dee Rivers-Yowell
Kathy Robb
Gregory Schmidt &
Jennifer Lyman
Jack & Margrit
Vanderryn
Terry Young

\$500 to \$999

Xavier Alcaraz
Thomas Berg
Gretta Goldenman
David Hunter &
Margaret Bowman
Christina Kraus
Kenneth Levy-Church
Richard McKinney
Susan Melnick
Olger Palma
Kirstin Peck
Brandon Vance
C. Lawrence Wiser

\$100 to \$499

Prashanth Adhikari
Michael Alexander
Sara Aminzadeh
Helen Archer
David Azoulay
Lynne & Ian
Bannerman
Charles Barnaby &
Cynthia A. Birr
Elizabeth Bast &
Steve Kretzman
Bruce Bauer
Dinah Bear & Roger
Mcmanus
Albert Bechtel
Lynn Biddle
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William Briggs
Nicholas Brokaw
Marion Brown
Edith Brown Weiss &
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Ping-Ko Chiu
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David Favre
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Federico
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Corinne Frugoni
Miriam Garfinkle
Theo & Daniel Giesy
Robert Gilman
Trace Giornelli
Mason Glidden
Dawn & Josh Gold
Janice Green
Stuart Gross
Jingjing Guo
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William Hannay
Ann Harvey &
Francesca
Cunningham
Justin Hatmaker
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JOIN US AND MAKE A DIFFERENCE IN THE YEAR AHEAD

There's no escaping it. We live in a changed planet, the evidence of which we see every day. From plastic in rivers, water supplies, and soils, to toxic chemicals in our food and our bodies, to more frequent and severe superstorms. Environmental issues are a part of our daily experience of the world.

But environmental impacts are not uniform; they disproportionately affect communities on the frontlines of other fights for justice, equality, and human rights.

Yet where we see the deepest impacts is also where we see our greatest hope. There is tremendous leadership and energy to address these challenges, with frontline communities leading the way and driving the solutions. These communities are diverse in the challenges they face, from gender discrimination and LGBT rights, to poverty and structural racism. And in this diversity lies incredible power – precisely the kind of power we need to deal with emerging crises while also tackling the root causes of intersecting environmental and social crises.

CIEL works these intersections, using our skills and expertise to understand the issues, support partners, assess strategies, and apply the law to tackle both the urgent physical threats and their root causes in global systems. When used well, the law is profoundly agile. For CIEL, it is how we promote environmental democracy, counter-balance corporate power, ensure finance serves people and the planet, and strengthen international environmental and human rights law.



Despite the onslaught of environmental and political crises of the last year, our partners in communities around the world are not backing down. They are standing up. And we're standing with them, because we are stronger together.

The world is filled with people ready to take action. Together, we are mobilized to defend the right to a healthy planet in cities and countrysides and courtrooms across the world.

In the year ahead, we will:

- reduce toxic risks;
- accelerate the transition away from fossil fuels;
- protect forests & ecosystems;
- make trade safer for people and the environment; and
- ensure human rights drive development.

Your gift to CIEL makes you an essential part of this effort and a vital member of our community and our movement. Please consider making a meaningful donation to CIEL to support this important work.

To make your gift online, visit: act.ciel.org/give2018

Or send your gift to:
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Washington, DC 20005

To hear more about the impact of your donation, please call or email Amanda Kistler at +1.202.742.5832 or akistler@ciel.org.

Please remember CIEL in your will! More info: www.ciel.org/bequests



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