



Accountability Counsel assists communities around the world to defend their environmental and human rights. We hold corporations and international institutions accountable for abusive practices through our dual approaches: direct support for community complaints and policy advocacy.

**On the ground,** Accountability Counsel has continued active and intensive involvement in our cases in Mexico, Peru and Papua New Guinea, where we are working with a number of primarily indigenous communities to help voice their concerns about projects impacting their environmental and human rights.

In the **Peruvian Amazon**, the government has launched an investigation into Maple

Energy's abuses in the indigenous villages where we work to hold the oil

company and its World Bank Group investors accountable (page 3).

In **Oaxaca, Mexico**, we continue to support four villages during negotiations with a company regarding a hydroelectric project and its impacts on community access to water and other issues (page 2).

The World Bank Inspection Panel has just completed an investigation into the harmful impacts of a palm oil project in **Papua New Guinea**. We are in the midst of supporting small farmers with follow-up advocacy to change the project's



harmful impacts as a result of the Inspection Panel's findings (page 3).

## Advocating for change

continues as we focus to the policies of the **Inter-American Development Bank** to ensure that its complaint mechanism is transparent and effective (page 2).

**We are growing!** We are pleased to welcome attorney **Sarah Singh**, and have expanded our network of *pro bono* professionals (page 4). As always, we are thrilled to work with a talented group of law students each summer and semester through our Law Fellows Program; hiring for 2012 is happening now.

**ACCOUNTABILITY  
COUNSEL**

defending the environmental and human rights of communities around the world by creating, strengthening, and using accountability systems

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# Policy Advocacy News

## Inter-American Development Bank

In August, Accountability Counsel completed an in depth analysis of the first year of operations of the IDB's accountability mechanism, called the MICI for its initials in Spanish. Finding concerns about transparency, delays in eligibility findings, wrongful exclusion of complaints, and problems with access to compliance review, we drafted a briefing paper that was used by members of Congress and the Bank's Board of Directors in their meetings with the MICI. In partnership with with civil society groups in the Americas, as well as individuals who have filed complaints to the MICI, we prepared a letter to the IDB Board in September, seeking concrete changes.

## World Bank Inspection Panel

The Inspection Panel, the first of the international financial institution accountability mechanisms, is currently undergoing a review of its Operational Policies. The review is directed by Lori Udall and Jean Aden. Accountability Counsel is participating in the review by sharing our experience with using the Panel on behalf of communities, as well as our in depth study of the Panel's policies compared with those of similar mechanisms.



## Asian Development Bank

After a number of rounds of comments from civil society, the Asian Development Bank is poised to complete its review of its accountability mechanism. We will analyze the final policy to assess the impact of our comments urging greater transparency and effectiveness. This analysis will be posted on our website in the coming months.

# Support to Communities in Oaxaca, Mexico



*Executive Director Natalie Bridgeman Fields and the authorities of the indigenous Chinanteco village of Cerro de Oro meet in July 2011.*

## Dispute-resolution through the OPIC Office of Accountability Continues

After conducting community trainings in 2010 in Oaxaca, Mexico, Accountability Counsel filed complaints on behalf of four indigenous villages regarding harm caused by the U.S. Overseas Private Investment Corporation ("OPIC")-supported Cerro de Oro Hydroelectric Project. The communities complained of the project's destruction of their drinking water and traditional fishing grounds and the company's failure to consult with them before starting construction.

On March 11, 2011, the communities and the company reached an historic agreement to halt project construction and place the future of an alternate project design into the communities' hands. At the communities' request, the Mexican government participates at the negotiating table to witness the promises between



**Why We Do What We Do**  
"We could not have achieved all that we have in this struggle without the help of the lawyers at Accountability Counsel." - Client Fidencio Flores, Oaxaca, Mexico

the company and the communities. Accountability Counsel's attorneys and Law Fellows spent two weeks in Oaxaca in July working with the communities around issues of the safety of the dam curtain and to prepare for further negotiations with the company. We are back in Oaxaca in October and November 2011 to assist the communities as they make their decision about the project alternative.

This case is already serving as a model for communities elsewhere in Mexico and beyond. We will soon enter the "compliance audit" phase of this case to hold OPIC accountable for investing in a project that violated its own policies on consultation and the environment. Accountability Counsel partners on this case with Mexican groups FUNDAR, EDUCA, and HIC-AL.

# Accountability in the Amazon:

## Enter the Peruvian Government as Mediation with Maple Energy Ends

During the past six months, Accountability Counsel attorney Komala Ramachandra has been living in Peru, traveling every few weeks to the Shipibo Amazonian communities of Canaán de Cachiyacu and Nuevo Sucre. We supported the communities in their complaint to the World



Bank Group's Compliance Advisor Ombudsman ("CAO") in April 2010, which documented human rights and environmental abuses associated with an oil project operated by Maple Energy plc and supported by the World Bank Group's

International Finance Corporation ("IFC").

In April 2011, the communities participated in the first meeting of the dialogue table mediated by the CAO. Komala conducted intensive negotiation training workshops in both villages throughout the lead up to the first meeting, and continued trainings prior to every subsequent meeting. Negotiations with Maple, as expected, proved challenging. Throughout the dialogue process, Maple refused to acknowledge, let alone address, the harm they caused and are causing in these villages. In July 2011, just before a further round of negotiations, there was another major oil spill in the village of Nuevo Sucre. Komala was present in Nuevo Sucre on the day of the spill and captured the nightmare on video. Maple's response to the July spill was the same as it had been in the past: it hired local indigenous villagers to clean up the oil with their bare hands, sometimes up to their chests in crude oil for days, without training, or information about the harm from exposure to crude, and without any protective gear or equipment. Maple has consistently failed to notify villagers after spills have occurred, with children, women and men continuing to bathe, fish from and drink from water contaminated with Maple's crude. To date, Maple refuses to

adequately remediate the contamination and has failed to provide medical care to those directly suffering.

During the dialogue process, while modest gains were made, none of them concretely addressed the health, environmental, labor and human rights issues raised in the communities' complaint. Negotiations continued until August 2011, when the company's reaction to the July 2011 spill, coupled with its refusal to agree to pay for environmental and health studies, resulted in the communities' decision to withdraw from the dialogue.

The major accomplishment in this case to date came in September 2011. Because the CAO process elevated the profile of the issues, the Peruvian government finally responded to numerous petitions from the Shipibo and sent a multi-sectoral Commission of Vice-Ministers to the communities to investigate. They reached an official agreement with the indigenous communities that confirms Maple Energy plc's contamination of Shipibo land and waterways.

Accountability Counsel is privileged to have accompanied the communities through every step of the negotiations and follow up and are now supporting the communities as we transition to the CAO's compliance audit phase. We are also supporting the communities as they work with domestic Peruvian partners to ensure that the Commission's commitments are implemented.



*Above, the village of Nuevo Sucre greets the Peruvian government delegation arriving to investigate Maple's abuses in September 2011. Signs read "No to Contamination! Yes to our lives!" and "Respect our Indigenous Rights!" Above left, community member cleaning up crude with his bare hands in July 2011. He and others are now sick.*

## Papua New Guinea Case Update

In 2009, we began work with the Papua New Guinea-based organization Centre for Environmental Law and Community Rights (CELCOR) to hold the World Bank accountable for a palm oil project expected to cause harm to the environment and well being of affected communities. The Bank began implementation of the project without proper consultation or studies of environmental impacts, both of which should have informed project design.

To date, our work has demonstrated that the Bank still does not understand the impacts of the project, in violation of its own policies. As a result of our complaint, the World Bank Inspection Panel conducted a full investigation. The Panel's report was distributed to Bank management in September 2011, and the report will be publicly released in November. We are continuing to work with our Papua New Guinea-based colleagues to ensure that the Panel report holds the Bank to its own social and environmental standards.



# Welcoming Attorney Sarah Singh to Our Team

We are thrilled to welcome Sarah (Jaffe) Singh to our team! Sarah joins us after a Ninth Circuit clerkship with the Honorable Marsha S. Berzon. While she was a law student at UC Berkeley School of Law (Boalt Hall), Sarah was one of the first Law Fellows at Accountability Counsel. At Berkeley Law, Sarah was an active member in the human rights community, representing victims of paramilitary human rights abuses in Colombia through the International Human Rights Law Clinic, and asylum seekers through student-run clinics. Sarah also researched issues regarding women in armed conflict and was on the board of the Boalt Hall Committee for Human Rights.

Outside of school, Sarah has worked on issues of corporate accountability,

including spending a summer in Ecuador working on a case against Chevron, and volunteering at the *Bowoto v. Chevron* trial in San Francisco. Sarah is a board member of one of our partner organizations, EarthRights International.



Sarah graduated with an undergraduate degree in International Relations from Brown University and speaks Spanish, French and Portuguese. In between her undergraduate and legal studies, Sarah interned for EarthRights International in D.C., worked on energy efficiency and renewal

energy programs at the Natural Resources Defense Council in San Francisco, and volunteered for the Comitê para Democratização da Informática (CDI) in Rio de Janeiro, Brazil. Sarah may be reached at [sarah@accountabilitycounsel.org](mailto:sarah@accountabilitycounsel.org).



*Our team in Oaxaca, Mexico in July 2011 (L-R): Anne, Ryan, Komala and Natalie*

## Thanks to our Pro Bono Attorneys

Within the past six months we have been proud to collaborate with the following lawyers and law school clinics:

- Rodney Allen
- Berkeley Law School International Human Rights Law Clinic
- Jill Diamond
- Gideon Kracov
- Martín Antonio Sabelli
- Sheppard Mullin Richter & Hampton LLP

We also give special thanks to our volunteer Development Associate, Reid Hamel!

## Accountability Counsel Thanks

our Summer 2011 Law Fellows **Anne Bellows** and **Ryan Shaening Pokrasso**, students at UC Berkeley School of Law (Boalt Hall), and **Lara Berlin**, a student at Harvard Law School and candidate for a Masters degree in Law and Diplomacy at The Fletcher School at Tufts.



Thanks also to our wonderful Summer Interns **Justin Taj Ahmed**, a student at UC Berkeley, and **Grace Pringle**, a 2011 UC Berkeley graduate.



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