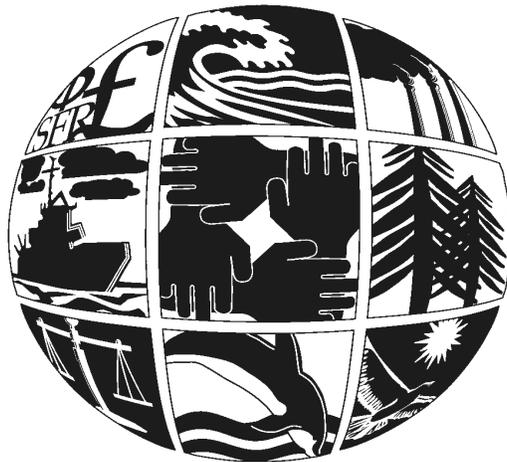




**CENTER FOR INTERNATIONAL  
ENVIRONMENTAL LAW**

**2001 - 2002 Annual Report  
(Draft)**





## **MISSION STATEMENT**

The Center for International Environmental Law (CIEL) was founded in 1989 to bring the energy and experience of the public interest environmental law movement to the critical task of strengthening and developing international and comparative environmental law, policy, and governance throughout the world. CIEL's mission is to protect the global environment and human health while promoting sustainable development. Our work is designed to promote a just and sustainable society that is based on principles of ecology and justice, that respects local communities, and that lives within the limits of the global ecosystem. We are guided by the conviction that transparency and public participation in decisionmaking are of critical importance. CIEL recognizes that the rules of ecology place real constraints on our future choices and that the rule of law is critical for forging an appropriate balance between environmental protection, human rights, social equity, and economic growth. We also recognize that the United States, including CIEL, has a particular responsibility to build a sustainable future given its role as the world's largest economic producer, consumer, and polluter.

CIEL seeks to bring its comprehensive knowledge of international law, institutions and processes to bear on issues important to human health and the environment. As international lawyers for the global environmental community, CIEL is dedicated to using principles of justice and ecology to protect the global environment and promote sustainable development.

# A LETTER FROM THE EXECUTIVE DIRECTOR

Dear Friends,

Throughout the year, CIEL has continued our ground-breaking work in our major areas--Global Environmental Issues, International Economic Law, Policy and Institutions, Human Rights and the Environment, and Outreach and Education. As indicated in this Annual Report, CIEL's activities and accomplishments have covered the globe from A (commenting on accountability mechanisms at the Asian and African Development Banks) to Z (holding a world-wide conference on community-based property rights in Zimbabwe). For some reason the letter "W" was especially prevalent this year; we did cutting-edge work on whales, women's issues, and the World Summit on Sustainable Development. We have also attempted to increase our focus over the past year on three areas: biotechnology, marine biodiversity, and toxic substances.

As the breadth of these issues indicates, the world continues to be beset by a wide range of serious environmental threats, and the need to integrate human health and environmental concerns into legal and policy areas remains of critical importance. At the same time, in the United States, we face unilateralism, secrecy, disregard for public health and the environment, and disdain of international law and institutions. The challenges are immense.

Public interest law is one of the best tools to meet these challenges, to mediate conflicts, and to address opportunities in ways that protect the environment and human health, defend human rights, and promote sustainable development. Corporations possess the legal expertise necessary to influence critical issues and processes, and they are expending immense resources to do that. It is critical that civil society also participates, if environmental concerns and rights of people, many of whom are not protected by politics or the marketplace, are to be respected. Our planet needs new and more effective legal advocacy, stronger legal theories appropriate for today's globalizing world, and more and better-trained environmental lawyers.

Unfortunately, the not-for-profit world is currently facing a grave financial situation because of the precipitous decline in the stock market and the consequential decrease in foundation and individual giving. Many foundations have announced major cutbacks in funding, and the environmental community faces severe financial pressures as a result. Perversely, whereas in the for-profit sector the failure of a corporation tends to create opportunities for its competitors, the result is just the opposite in our community: the primary result of resource shortages and layoffs in our field, besides the difficulties faced by the individuals concerned, is that there are fewer people and other resources available to cover the issues. The situation as I write is dire for many in our community and for the values we seek to protect.

CIEL has persevered with dedication, energy, creativity, and effectiveness. Having served a year as Executive Director, I continue to be impressed by the staff, Board of Directors, and our partners with whom we work world-wide. It is truly a privilege to be here.

All of us at CIEL want to thank those who have supported us in the past. Your continued support is especially critical now because of the financial crisis facing the not-for-profit world. I look forward to working with all of you as we strive to make the world a healthier, safer and more just home for our children.

Sincerely,

Daniel Magraw  
Executive Director  
December 2002



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## PROGRAMS

The Center for International Environmental Law (CIEL) works to strengthen international laws to protect the environment, promote human health, and ensure a just and sustainable society. Based in Washington, D.C. and Geneva, Switzerland, CIEL provides a full range of international and comparative legal services, including: policy research and publications, analysis, advice and advocacy, education and training, and capacity building. Partners include non-governmental organizations, inter-governmental organizations, and national governments. Our 24-person staff includes 14 lawyers; and over the period covered by this report it has included nationals of Argentina, Australia, Austria, Canada, Chad, Chile, Costa Rica, France, Germany, India, Portugal, Sweden, Switzerland, Venezuela, and the United States.

CIEL is widely recognized as a leader in international and comparative environmental law, with significant accomplishments in all of our four strategic program areas: (1) protecting the global environment; (2) reforming international economic law, policy, and institutions; (3) promoting human rights and environmental justice; and (4) strengthening expertise and capacities in environmental law. These strategic areas, which reinforce each other with common themes and related activities, are further divided into a number of programs. Each of these programs is described on the following pages. CIEL's participation in the World Summit on Sustainable Development, held in Johannesburg, South Africa, is described in a separate section.



# PROTECTING THE GLOBAL ENVIRONMENT

*Over the past decade, CIEL has worked to design and strengthen international environmental law, including treaties relating to the conservation of biological diversity, protection of endangered species, prevention of climate change, and elimination and control of toxic chemicals. We have also worked in the areas of biotechnology and marine protection. While we continue our efforts to strengthen international environmental treaties, we are also working to promote a more sustainable future by moving international environmental law beyond the realm of diplomatic negotiations to include efforts that have a real impact on the behavior of governments, businesses and individual communities. Below we discuss some recent CIEL activities aimed at curbing climate change, conserving biological diversity, and eliminating harmful chemicals.*

## CLIMATE CHANGE PROGRAM

CIEL's Climate Change Program works to catalyze global action and encourage U.S. leadership to respond to the challenge of global warming. CIEL provides objective advice and expertise to stakeholders, policymakers and other environmental organizations. Our goal is to achieve a strong and effective international approach to reducing greenhouse gases.

Fiscal year 2001-2002 saw many key developments related to both domestic and international climate policy. On the international front, the rules for the multilateral climate change treaty known as the Kyoto Protocol were finalized and adopted. A large number of countries ratified or announced their intention to ratify the Protocol, increasing the likelihood that it will enter into force sometime in 2003. On the domestic side, two important reports were released, one by the National Academy of Sciences and another by the Bush Administration. Both acknowledge the threat posed by global warming. Partly in response to these reports, a growing number of states and municipalities adopted policies to help combat global warming. These policies include multi-sector greenhouse gas reduction targets, carbon caps for power plants, and mandatory reductions of auto emissions. Meanwhile, the Bush Administration continued its "take no meaningful action" approach to the problem.

During this time period, CIEL's climate team focused on developing sound rules for the Kyoto Protocol, promoting public participation and transparency in international policymaking, and establishing the connection between the impacts of global warming and human rights.

## DEVELOPING SOUND RULES FOR THE KYOTO PROTOCOL

Years of hard work by CIEL and other environmental groups paid off on November 10, 2001 with the conclusion of the Seventh Conference of the Parties to the United Nations Convention on Climate Change (COP 7), in Marrakesh, Morocco. The resulting "Marrakesh Accords" include a compliance regime for the Kyoto Protocol capable of being more robust and comprehensive than the compliance systems of any other international environmental agreement to date. The compliance rules contain a number of features proposed by CIEL, including a two-branch system, one for facilitation and the other for

enforcement; a "Party-to-Party trigger" that allows Parties to initiate compliance proceedings against other Parties; and rules for transparency and public participation.

CIEL continued its leadership role throughout the compliance negotiations by chairing the Climate Action Network's Working Group on Compliance, thereby serving as the primary compliance experts and advocates on behalf of nearly 300 public interest non-governmental organizations (NGOs) worldwide. We supplied in-depth legal analyses to key governments, including the European Union and European Commission, Brazil, South Africa and others, to assist their efforts in resisting attempts by some parties to water down or prevent agreement on the compliance rules. In the aftermath of Marrakesh, parties likely will not take up the compliance issue again until after the Protocol enters into force. CIEL granted interviews to journalists and academics, spoke at universities and bar associations, and authored several articles in the legal press to bring to life the development of the Protocol's compliance system and explain why it may usher in a new phase of enforcement and compliance under international environmental law.

In addition to the compliance negotiations, CIEL lawyers devoted their energies to ensuring the integrity of the Kyoto Protocol's emissions trading system. One of the key features of the trading rules adopted in Marrakesh is the commitment period reserve, proposed by CIEL to prevent Parties from over-selling their emissions allowances. The reserve establishes a minimum level of allowances that Parties must maintain in their accounts during the compliance period. The trading rules also incorporate CIEL's "traffic light" proposal by setting up a central registry that can flag improper transfers and put them on hold until the problem is rectified. CIEL also sought rules for "sinks" (forests and other carbon-absorbing biota) that would protect biodiversity as well as rules to protect the rights of indigenous and other local communities. These rules were not fully resolved in Marrakesh, however, and are the subject of ongoing negotiations.

## **PROMOTING PUBLIC PARTICIPATION AND TRANSPARENCY**

CIEL remains deeply committed to furthering opportunities for participation by the public--especially indigenous and other resource-dependent communities--in all aspects of the Climate Convention and the Kyoto Protocol. CIEL staff attended the Amazon Indigenous Forum on Climate Change in Manaus, Brazil to present and discuss ideas for enhancing the ability of indigenous peoples to influence climate negotiations. In collaboration with representatives of the Amazon Alliance and the Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA), CIEL staff attended the 16th Session of the Subsidiary Bodies of the Convention (SB-16) at Bonn, where we met with the new chair of the Intergovernmental Panel on Climate Change (IPCC), the new executive secretary of the Convention, and several government delegates to raise awareness of the need for greater participation by indigenous and other local communities in Convention-related activities.

Also at SB-16, CIEL partnered with Greenpeace to prepare a paper identifying the numerous ways in which the Clean Development Mechanism (CDM) currently fails to provide adequate public notice, comment, and input into decision-making. In a panel discussion at SB-16, CIEL and Greenpeace speakers addressed representatives of Parties to the Convention, the secretariat, busi-

**CIEL supplied in-depth legal analyses to key governments, including the European Union and European Commission, Brazil, South Africa and others, to assist their efforts in resisting attempts by some parties to water down or prevent agreement on the compliance rules.**

nesses, and environmental NGOs and urged them to make specific improvements in the CDM's public participation rules. Finally, CIEL and Greenpeace followed up on these efforts by authoring a chapter on the CDM in the book, *The New Public*, which was released at the World Summit on Sustainable Development (WSSD) in August 2002. The chapter provides the most comprehensive analysis of public participation under the CDM published to date.

## **CONNECTING GLOBAL WARMING AND HUMAN RIGHTS IN THE ARCTIC**

Hardest hit by global warming are the world's poorest countries and communities, i.e., the people least able to protect themselves. These include the inhabitants of low-lying coastal and island states, forest dwellers in the Amazon, and native communities throughout the Arctic. While the predicted impacts of global warming may be decades away for some communities, they are already being felt in the Arctic.

Global warming has had a devastating impact on Arctic ecosystems, including sea ice, permafrost, forests, and tundra. Melting sea ice affects populations of marine mammals, caribou, and polar bears and the subsistence livelihoods of people who depend on them. Yupik and Inupiat hunters are increasingly at risk of falling through thinning ice while they search for food. Thawing permafrost has damaged houses, roads, airports, and pipelines, and has caused erosion, slope instability, and landslides. Several Arctic villages are threatened so severely that they must be relocated. Global warming is also substantially disturbing Arctic forests by increasing insect outbreaks, blowdown, and fire. Rising temperatures have led to the largest loss of forests from pine bark beetle infestation ever recorded in North America, and contributed to conditions that led to the 1996 fire that burned 37,000 acres of Alaskan forest and peat, causing \$80 million in direct losses and destroying 450 structures, including 200 homes.

**While the predicted impacts of global warming may be decades away for some communities, they are already being felt in the Arctic.**

CIEL and EarthJustice are exploring the option of filing a petition at the Inter-American Commission on Human Rights for harm to the Inuits caused by the United States' and Canada's contributions to global warming. The Commission may undertake an independent investigation of the facts, which would provide an opportunity to raise public awareness about the dangers of global warming. While the Commission cannot force the United States or Canada to reduce their emissions or compensate for damage, a favorable report by the Commission could contribute significantly to domestic and international efforts to address global warming and protect vulnerable indigenous communities. A Commission report finding that global warming leads to human rights violations would help bring a rights-based approach to global warming discussions. Many governments and individuals would welcome the ability to cite such findings. Plaintiffs in domestic judicial proceedings could use the findings to support existing claims or initiate new claims.

## **PROMOTING ACTION AND AWARENESS IN THE ENVIRONMENTAL AND LEGAL COMMUNITIES**

CIEL promotes the activities of the environmental community through our support of the U.S. Climate Action Network (USCAN). CIEL houses the office of the USCAN Coordinator, and CIEL staff members serve on USCAN's Steering and Development Committees. In addition, a CIEL attorney is a vice-chair of the Climate Change and Sustainable Development Committee of the American

Bar Association (ABA). Working with the ABA enables CIEL to provide information and guidance on global warming directly to attorneys in government and private practice.

*CIEL's Climate Change Program received support during fiscal year 2001-2002 from Rockefeller Brothers Fund, Rockefeller Financial Services, Turner Foundation, V. Kann Rasmussen Foundation, W. Alton Jones Foundation, and Wallace Global Fund.*

## **PROGRAM STAFF:**

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Brian Hinman, *USCAN US National Organizer*

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## **BIODIVERSITY AND WILDLIFE PROGRAM**

In the three-billion-year history of life on earth, there have been only five mass extinctions. The fifth mass extinction occurred 65 million years ago, most likely caused by a meteor striking the earth. The world has now entered a sixth wave of mass extinction. By some estimates, the world is losing 27,000 species a year--that is 74 species every day, three every hour. This rate of extinction is at least a thousand times greater than the natural rate as determined through the fossil record. Unlike previous mass extinctions, the present mass extinction is the result of the day-to-day decisions of six billion human beings, one species among the 14 million or more that share the planet.

The consequences of this wholesale destruction are likely to be extremely serious. All life on earth is part of a dynamic, interdependent ecological system. As with every other species, humanity depends for its existence on the "ecosystem services" provided by the interactions of the earth's species with each other and with natural processes. Although we often take them for granted, ecological services--such as the cycling of oxygen, carbon and nitrogen, decomposition of waste, maintenance of soil fertility, recycling of nutrients, pollination, water purification, and many others--are essential to human survival and prosperity. We lack the knowledge and ability to substitute human interventions for these services on the scales at which they operate. Nor could we afford the substitutes, even if they did exist. A 1997 article in the journal *Nature* estimated that these ecosystem services are worth between \$16 and \$54 trillion every year. For comparison, the total annual output of all the world's economies is \$18 trillion.

CIEL's Biodiversity and Wildlife Program uses three main strategies to promote conservation and sustainable use of living resources: (1) promoting effective implementation of international conservation agreements; (2) developing innovative legal tools to address systemic causes of biodiversity loss; and (3) reforming laws and policies in other fields that affect biological resources, such as biotechnology, trade, climate change, and natural resource management. As

part of these strategies, CIEL is monitoring the implementation of international conservation agreements around the world.

## **PROTECTING SEA TURTLES**

Sea turtles, similar to other migratory marine species, face many and varied threats to their survival. As a result, their continued existence--after 100 million years on this planet--is now threatened. CIEL responded to a request from the World Wildlife Federation (WWF) to take the lead in drafting a guide to implementation of the Inter-American Convention for the Protection and Conservation of Sea Turtles, a recently ratified convention focused on protection of sea turtles in the Western Hemisphere. CIEL worked with WWF, Globe, and Centro Mexicano de Derecho Ambiental (CEMBA) to produce the guide prior to the first Conference of the Parties. Developing the guide provided an opportunity not only to facilitate efforts to protect sea turtles, but also to highlight and promote multinational collaborative approaches to protection of other migratory marine species. The guide describes approaches to achieving an effective institutional framework for the Convention, identifies milestones for its implementation, and identifies elements of future workplans for the Parties.

**By some estimates, the world is losing 27,000 species a year--that is 74 species every day, three every hour.**

## **CONSERVING BIG-LEAF MAHOGANY**

Mahogany, a keystone species in tropical systems throughout Central and South America, is over-harvested throughout its range. Up to half of the mahogany that is logged is taken illegally from parks, reserves, and indigenous areas. Building logging roads in remote regions leads to additional deforestation when ranchers and farmers then use these roads to reach land that can be cleared for ranching and agriculture.

This past year, mahogany illegally harvested in Brazil was exported to the United States and Europe. CIEL worked with Defenders of Wildlife, Greenpeace, and the Natural Resources Defense Council to analyze the legal implications of the export and importation of this mahogany and to implement a strategy to require that the U.S. seize and not release the mahogany. Our analysis helped support U.S. activities to prohibit the import of the mahogany, which prompted a lawsuit by industry against the U.S. federal government. CIEL, Defenders of Wildlife, Natural Resources Defense Council, and Greenpeace filed an Amicus Curiae brief in support of the U.S. position. Additionally, CIEL contributed to the efforts to petition the U.S. to list mahogany as "threatened" under the U.S. Endangered Species Act.

Finally, building on its efforts in 2000 to support the protection of mahogany as a "threatened" species under the Convention on International Trade in Endangered Species (CITES), CIEL worked with NGOs to achieve Annex II protection for mahogany at the 2002 meeting of the Conference of Parties to CITES.

## **ADDRESSING THREATS POSED BY INVASIVE ALIEN SPECIES**

Invasive alien species pose one of the most significant threats to native plants and other organisms. CIEL continued to provide analyses in support of the guidelines developed by the Parties to the Convention on Biological Diversity (CBD) to address invasive species issues. At the Conference of the Parties to

the CBD, we advocated for the establishment of a working group to consider gaps in policies and international treaties to address invasive species issues and were asked to participate in that working group. CIEL continued to monitor the efforts of the International Plant Protection Convention. Additionally, CIEL and Defenders of Wildlife published, "Turning Off the Tap: Addressing International Invasive Alien Species Issues", an article describing strategies for addressing international invasive species issues.

## **PROTECTING TRADITIONAL KNOWLEDGE**

Traditional knowledge created and used by indigenous peoples and local communities significantly contributes to the protection and sustainable use of biological and genetic resources. Unfortunately, biological resources and related traditional knowledge are often exploited at the expense of the indigenous peoples and local communities who depend on these resources. CIEL has worked on several fronts to ensure that (1) traditional knowledge and genetic resources are protected and accessible for the protection of biodiversity and, (2) the rights of indigenous peoples and local communities in traditional knowledge and biological resources are recognized.

CIEL participated in meetings of the CBD that were focused, at least in part, on the protection of traditional knowledge and access to genetic diversity, including the meeting of the Convention on Biological Diversity's Open Ended Working Group on Article 8j (which directs the Parties to the CBD to protect traditional knowledge) and the meeting of the Conference of the Parties to the CBD. Additionally, we supported the efforts of an Indonesian NGO to develop rules to implement a groundbreaking national law to protect biodiversity and recognize indigenous and local community rights to participate in the management and use of traditional knowledge and biological resources. We also worked to reform the intellectual property systems-including through our efforts in the World Intellectual Property Organization and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPs)-to ensure that these systems are used to protect rights to traditional knowledge and biological resources, and provide access and benefit sharing to indigenous peoples and local communities (this is also discussed below in the section on Reforming International Economic Law, Policy, and Institutions). Finally, we continued our germinal and longstanding work on recognition of community-based property rights through CIEL's Law and Communities Program (see the Law and Communities section).

## **PROTECTING MIGRATORY SONGBIRDS**

The U.S. government systematically fails to enforce the Migratory Bird Treaty Act by allowing logging companies to continue practices that destroy nests, eggs, and habitats of migratory birds. In 2000, CIEL filed a petition to the North American Commission for Environmental Cooperation (NACEC), demonstrating this failure and requesting that the Council to the NACEC require development of a factual record to investigate this claim. This year, the Secretariat recommended that a factual record be developed to consider all issues raised by CIEL. The Council directed development of a factual record to consider a more limited scope of issues. CIEL pressed its case for a broader factual record and worked with the Secretariat to provide information that will be become part of the factual record.

**The U.S. government systematically fails to enforce the Migratory Bird Treaty Act by allowing logging companies to continue practices that destroy nests, eggs, and habitats of migratory birds.**

*Support for the Biodiversity and Wildlife Program comes from the John D. and Catherine T. MacArthur Foundation, the Moriah Fund, and a variety of international and non-governmental organizations.*

## **PROGRAM STAFF:**

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## **BIOTECHNOLOGY**

CIEL believes that there is an urgent need to address the wide array of international and comparative legal issues related to biotechnology that will arise over the next decade.

Biotechnology encompasses all types of organisms and an ever-expanding set of uses, including cloning and genetically engineered organisms (GEOs), i.e., organisms whose traits have been altered through the use of recombinant DNA technology. One cannot predict the ultimate impacts of biotechnology, but their potential magnitude--both beneficial and harmful--is enormous.

Numerous international legal issues have already arisen in the course of dealing with biotechnology, including those related to biodiversity, trade in goods and services, investment, intellectual property rights, human rights, indigenous peoples' rights, agriculture, food and seed aid, licensing, and regulations for food, workplace and environmental safety. Among other things, biotechnology has already created unique issues that are being dealt with by new international instruments. Examples include the Cartagena Protocol on Biosafety, the Food and Agriculture Organization (FAO) Convention on Plant Genetic Resources, and a possible treaty on human cloning now being considered under the auspices of the United Nations. The legal issues raised by biotechnology are not limited to public international law, but also extend to the private international law context of international transactions.

Each of these international issues has counterparts in the domestic legal systems of the countries involved. Unfortunately, no country (including the United States) is adequately regulating biotechnology; and the international system is similarly deficient, even as new issues arise. All these legal issues--international and domestic, public and private--are inter-related, and the resolution of each will inevitably be affected by how the others are treated. It is critical that the international and domestic biotechnology regulatory regimes be balanced in ways that will ensure the protection of health, safety and the environment while also ensuring that society realizes the benefits of biotechnology, e.g., so that scientific research can proceed and products and technologies are not prohibited for the wrong reason.

CIEL aims to assist in realizing that goal by developing the capacity to provide international legal expertise and assistance to other NGOs with respect

to all important aspects of biotechnology, while simultaneously helping to shape an international legal regime regarding biotechnology that both allows society to reap its benefits and protects biodiversity and local communities. We began to develop this program during 2001-02, and we plan to continue our efforts in this area.

## **UNITED NATION'S TREATY TO BAN HUMAN REPRODUCTIVE CLONING**

CIEL, in cooperation with the Center for Genetics and Society and Global Lawyers and Physicians, held two briefing sessions on the United Nations' proposed treaty to internationally ban human reproductive cloning. The briefing sessions took place in New York City and were designed to provide NGO leaders and UN delegates with information and analyses from the perspectives of science, medical ethics, international environmental law and human rights. CIEL's presentations covered human rights, international environmental policy, intellectual property rights, and lessons learned from previous international efforts to ban technology and products such as poison gas and ozone-depleting chemicals. Among other things, CIEL suggested an approach designed to remove incentives to stay out of the treaty regime. We also closely monitored the negotiations and will participate in future negotiations.

### **PROGRAM STAFF:**

Sarah Gardner, *Law Fellow*

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Rene Milet, *Law Fellow*

Esther Seng, *Law Fellow*

**One cannot predict the ultimate impacts of biotechnology, but their potential magnitude--both beneficial and harmful--is enormous.**

## **PERSISTENT ORGANIC POLLUTANTS**

Persistent organic pollutants (POPs) are synthetic chemicals that persist in the environment, bioaccumulate in human and animal tissue, and cause significant harm to human health and the environment, even at low concentrations. They include such substances as dioxins, PCBs and DDT. POPs released in the environment can travel throughout the globe and concentrate in living organisms, including humans, to levels that may cause cancer, interfere with reproduction, and injure neurological systems. Because of their transport and bioaccumulation properties, the highest concentrations of POPs in humans have been found in the tissue and breast milk of indigenous peoples living in the Arctic.

In 2001, the world community responded to the POPs threat by adopting the Stockholm Convention on Persistent Organic Pollutants, which will eliminate or restrict the global use and trade of twelve of the worst POPs. Now, CIEL's focus has shifted from advocating a strong, effective, and equitable treaty to winning its prompt entry into force and implementation.

## **U.S. IMPLEMENTING LEGISLATION**

**CIEL has played a key role in the effort to adopt comprehensive implementing legislation for the Stockholm Convention here in the United States.**

CIEL has played a key role in the effort to adopt comprehensive implementing legislation for the Stockholm Convention here in the United States. One of the most important accomplishments of the Convention is its creation of a science-based process to add newly identified POPs to the original "dirty dozen." To implement the Convention completely, the U.S. Congress must adopt legislation that includes an "adding mechanism" that can adequately accommodate and respond to this process. Senator James Jeffords of Vermont introduced a bill that would accomplish that. Unfortunately, the Bush Administration opposed this "adding mechanism". Seeking a compromise, the Senate Environment and Public Works Committee (EPW) asked a small group of environment and health NGOs, including CIEL, to work with industry and EPW to devise new adding mechanism language. Due in large part to the Administration's recalcitrance, these negotiations were unsuccessful; efforts will continue in 2003 to bring about the necessary changes. CIEL will continue to participate in these negotiations and apply our legal expertise, strategic flexibility, imagination, and determination to ensure that the Stockholm Convention is fully implemented by the United States.

## **SUPPORT FOR IPEN**

CIEL is an active member of the International POPs Elimination Network (IPEN), a global network of NGOs committed to ridding the world of POPs. During the Congressional negotiations described above, CIEL played the important role of liaison between our NGO partners in Washington, D.C. and grassroots, "outside the Beltway" environment and health groups. CIEL brought interested IPEN organizations into the loop by organizing teleconferences, preparing and circulating regular e-mail updates, and communicating extensively with others on an individual basis. CIEL also increased its direct support of IPEN by agreeing to house the IPEN secretariat in our Washington, D.C. offices and to provide administrative and supervisory oversight for IPEN's new International Coordinator. Moreover, we are providing legal support to help IPEN obtain international funding to enhance the capacity of local NGOs that are working to eliminate the threat of dangerous toxic chemicals in the Global South and Newly Independent States.

## **TOXICS AND INTERNATIONAL TRADE LAW**

Collaborating with our Trade and Sustainable Development Program, CIEL monitored international trade law to identify and respond to threats that regimes such as NAFTA might pose to responsible toxics regulation. We drafted a letter on behalf of IPEN calling on the Canadian Government to resist a U.S. corporation's threat to use the NAFTA Chapter 11 investor-state mechanism to coerce Canada into paying \$100 million in losses the corporation alleged it sustained after it voluntarily agreed to surrender its registration and terminate its use of the persistent toxic substance lindane--a substance that has already been banned throughout much of the world. The letter, which represented the first time that the POPs NGO community organized to communicate its concerns about Chapter 11, received significant coverage in the legal, environmental, and chemicals trade press and elicited a personal, detailed response

from the Canadian Trade Minister, in which he stated that "the Government of Canada will vigorously defend this case and strongly resist the allegations." Meanwhile, the U.S. corporation, Crompton Corp, still threatens to pursue its claim. CIEL will continue monitoring this case to help expose this abuse of the NAFTA Chapter 11 process to light.

CIEL also drafted and submitted to the NAFTA Commission for Environmental Cooperation (NACEC) comments on the need for stronger public participation provisions in the proposed Draft North American Regional Action Plan on Environmental Monitoring and Assessment. CIEL's comments may be found on the NACEC website at:

[http://www.cec.org/files/PDF/POLLUTANTS/Comments\\_compiled.pdf](http://www.cec.org/files/PDF/POLLUTANTS/Comments_compiled.pdf).

*Support for the POPs program comes from an anonymous donor.*

## **PROGRAM STAFF:**

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# REFORMING INTERNATIONAL ECONOMIC LAW, POLICY, AND INSTITUTIONS

*Through integrated efforts from the local to the global level, CIEL seeks to ensure that progress towards sustainable development is supported and not undermined by international economic law, policies and institutions. Our Trade and Sustainable Development Program works to reform international trade rules, institutions, and policies to promote sustainable trade and investment. As investment, services, and goods move more freely across borders, CIEL is working to make sure that economic rules do not unduly restrict countries' ability to protect health, safety, and the environment, as well as to ensure that people have a voice in making decisions that affect their lives. Our International Financial Institution Program is challenging international financial institutions, such as the World Bank Group, and export credit agencies to increase transparency and accountability, and to respect the rights of local communities and the environment. CIEL is thus working towards a system of international governance that balances economic, social and environmental goals, and that meets the needs of the present without undermining the capacity of future generations to meet their needs.*

## TRADE AND SUSTAINABLE DEVELOPMENT PROGRAM

While trade, foreign investment, and enhanced economic relationships clearly can bring benefits, the global economic system is also leading to serious problems. Expanding trade is increasing pressure on the environment, trade rules are clashing with environmental and social standards, and the income gap between rich and poor continues to grow. These problems, although not irreversible, are inextricably linked with the way economic policy is made. Dominated by business and trade ministries in the North, trade negotiations systematically fail to realize the interests of civil society, including in developing countries, leading to deepening concern about economic globalization and the processes promoting it.

Responding to these challenges, CIEL's Trade and Sustainable Development Program seeks systemic reform of the global framework of economic law, policy, and institutions to ensure that rules for economic liberalization support environmental protection and promote sustainable development. Through our offices in Washington, D.C. and Geneva, Switzerland, CIEL defends multilateral environmental agreements (MEAs) and domestic policies from trade challenges; assists partner organizations to engage more effectively in trade policy discussions; and pursues policy reform at all levels, including in multilateral, regional and bilateral trade agreements.

At the multilateral level, CIEL continues to push for reform of the World Trade Organization's (WTO) rules and institutions and to prevent further inappropriate expansion of the WTO's mandate. Regionally, we are working to influence processes under the North American Free Trade Agreement (NAFTA), and within negotiations for the Free Trade Area of the Americas (FTAA) and the Central American Free Trade Area (CAFTA). We are also tracking new bilateral agreements (including agreements between the United States and Chile, Singapore, Morocco, Australia, and others), which increasingly provide a vehicle for further liberalization. At the national level, pressing for public participation and trans-

parency in U.S. trade policy-making remains an important goal; CIEL and other environmental groups led efforts to ensure that new presidential trade powers were tempered by both procedural and substantive guidelines, and CIEL has continued to press for broadening participation in the formal advisory committee process.

CIEL is working with partners in civil society, governments, and intergovernmental organizations to seek constructive reform of the trading system in order to integrate considerations of trade, environment and development, with a particular focus on the issues discussed below.

## **INFLUENCING SERVICES NEGOTIATIONS**

Services are key for sustainable development, and include activities as diverse as energy, transport, waste incineration, health care, the provision of drinking water, and education. CIEL is concerned that new rules on trade in services--if undertaken without adequate research and analysis--will constrain domestic regulatory choices for the protection of health, safety, the environment, and other national policy objectives.

During the last year, WTO negotiations to liberalize trade in services gained speed, with countries advancing increasingly detailed negotiating positions. WTO Members have moved into this new negotiating phase without having undertaken a thorough, comprehensive and transparent assessment of the impacts of services trade liberalization. Consequently, CIEL and its partners have continued to press for environmental and social assessments. For example, together with the World Wildlife Fund, CIEL has continued its series of background papers on services trade assessment and held a workshop in Geneva for delegates and NGOs to explore ways to move forward on assessment. We also continued our assistance to various civil society groups, both in the North and in the South, that aim to engage trade policy makers and the general public in a broader discussion about the benefits and challenges of services trade liberalization. Moreover, we have helped strengthen the negotiating position of developing countries through our continuing informal partnership with the South Centre in Geneva, which provides cutting edge analysis and advice on relevant legal and policy questions to developing country delegates.

CIEL has also assisted its partners in human rights organizations to express their concerns that future WTO rules on services trade may compromise governments' pre-existing human rights commitments, particularly the provision of basic education, health and water services. On water issues, for example, at the September 2002 World Summit for Sustainable Development, CIEL convened a panel to explore how international environmental law, human rights law, and economic law (including rules on services and investment liberalization) impact access to safe drinking water.

Finally, CIEL is on the forefront of efforts to understand the linkages between trade negotiations and developments in International Financial Institutions (IFIs), most importantly the poverty reduction strategy and structural adjustment programs of the World Bank and the IMF. Taken together, trade regimes and IFI activities appear to compel a precipitous move towards the private delivery of basic services. CIEL is thus assisting its civil society partners in the trade and IFI communities to explore policy linkages between IFIs and trade institutions, and their effect on sustainable development.

**CIEL is concerned that new rules on trade in services--if undertaken without adequate research and analysis--will constrain domestic regulatory choices for the protection of health, safety, the environment, and other national policy objectives.**

## **REFORMING THE INTERNATIONAL INTELLECTUAL PROPERTY SYSTEM TO SUPPORT SUSTAINABLE DEVELOPMENT.**

**Further investment liberalization is likely to lead to greater pressure on local and national efforts to protect the environment and promote sustainable development.**

International rules on intellectual property, such as the WTO's Trade-Related Aspects of Intellectual Property (TRIPS) Agreement, are seriously imbalanced, consolidating control over our most important resource - knowledge - into the hands of a few. In particular, the TRIPS Agreement places private interests above both social development and environmental interests, including biodiversity protection, access to essential medicines and technologies, and the rights of local communities and farmers.

To reform this system, CIEL has worked since 1999 in a joint project with the South Centre in Geneva. The project is designed to assist negotiators from key developing countries in the ongoing WTO intellectual property discussions. For example, CIEL prepared quick response papers for developing country negotiators during the WTO Ministerial Meeting at Doha. Papers included an analysis of the intellectual property sections of various drafts of the Ministerial documents; and a survey of the implications of the negotiations on a wide range of biodiversity issues and the protection traditional knowledge. Since the Doha Ministerial, CIEL has prepared several legal documents, briefs, and negotiating proposals for developing countries on issues related to biodiversity, traditional knowledge, technology transfer, non-violation complaints and the review of the TRIPS Agreement mandated under article 71.1.

In addition, CIEL is expanding its support for developing countries by providing research and information about the World Intellectual Property Organization (WIPO). WIPO has been less visible than the TRIPs Agreement, but has been the vehicle for the negotiation and approval of numerous international agreements with important consequences for the environment and civil society of both developed and developing countries. CIEL has observer status and participates actively in WIPO's Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore.

The new work initiated by CIEL builds on the joint project with the South Center to provide legal advice on WIPO agreements and activities to interested developing countries. Work on WIPO to date includes establishing linkages between the WTO and WIPO agendas and providing information about the protection of traditional knowledge and prior art searches in international patent decisions.

CIEL's work on intellectual property has also included the organization of and participation in workshops, seminars, expert meetings, and strategy sessions on how to reform intellectual property rules to protect the public interest and promote sustainable development.

## **GREENING INVESTMENT RULES**

CIEL remains concerned that aggressive use of investment rules in existing agreements is undermining key national laws to protect health, safety, and the environment, and other areas of the public interest. Further investment liberalization is likely to lead to greater pressure on local and national efforts to protect the environment and promote sustainable development.

CIEL's activities have focused primarily on negotiations in which the United States is playing a key role: the Free Trade Area of the Americas (FTAA) negotiations, several bilateral negotiating processes, and more recently, at the WTO. For example, through individual meetings and workshops on Capitol Hill, CIEL sought to educate members of Congress and their staff regarding the environmental community's concern with existing and proposed investment rules. These efforts helped contribute to the "no greater substantive rights" language in the TRADE ACT OF 2002, which directs that foreign investors should not be given greater substantive rights than American domestic investors and has already forced the U.S. to change its position on investment in the Chile and Singapore talks. We also convened a number of informal meetings between U.S. environmental groups and various high level officials from Chile to discuss our concerns with the proposed investment chapter of the U.S.-Chile bilateral agreement. CIEL and our partners continue to advocate a more balanced approach to investment liberalization through outreach to NGO communities, in formal and informal meetings with governments in Washington and Geneva, and by providing legal analysis of this fast developing area of international law.

CIEL has also tracked and intervened in investment disputes. We monitored the development of disputes brought under existing investment rules, largely under NAFTA, and petitioned to participate as a "friend of the court" in the high profile Methanex case against the U.S. Likewise, CIEL, with Earthjustice, has petitioned to intervene on behalf of affected organizations and individuals in Bolivia in the Cochabamba case, which involves a failed water privatization effort, a U.S. multinational, a Dutch-Bolivia investment treaty, and a \$20 million claim against the poorest nation in South America.

## **STRENGTHENING ENVIRONMENTAL GOVERNANCE ON TRADE**

A central element of CIEL's trade work involves strengthening the role of international environmental governance on trade issues, and promoting greater coherence among trade and environment rules and institutions. To strengthen the United Nations' role on trade, CIEL assisted the United Nations Environment Programme (UNEP) by drafting its cooperative agreement with the WTO, and we continue to advise UNEP on a range of trade and environment issues. CIEL has seconded staff to UNEP's Economics and Trade Branch and assisted UNEP in its efforts to increase synergies between trade and environmental policies, rules and institutions. This has included a range of activities, such as preparing for meetings involving senior staff of UNEP, the WTO, the United Nations Conference on Trade and Development (UNCTAD), and the Secretariats of several governments. Recently, we helped to draft the first joint UNEP-WTO paper, which examined the compliance, enforcement and dispute settlement procedures in MEAs and the WTO. To raise public awareness, CIEL and WWF coauthored a paper entitled Towards Coherent Environmental and Economic Governance: Legal and Practical Approaches to MEA-WTO Linkages. At the recent World Summit on Sustainable Development, CIEL provided legal support to NGOs and governments, and lobbied successfully to prevent the final WSSD bargain from subordinating development and environment initiatives to the WTO. In support of its work on sustainable development and trade, CIEL is exploring broader notions of the "institutional architecture for sustainable development" that were raised at the World Summit.

**CIEL sought to educate members of Congress and their staff regarding the environmental community's concern with existing and proposed investment rules.**

**CIEL has continued to prosecute two Freedom of Information Act suits against the U.S. government seeking the negotiating texts from the U.S.-Chile and FTAA negotiations, in an effort to enable the environmental community to know and comment on what the U.S. and other countries are actually proposing.**

## **PROMOTING OPENNESS AND PUBLIC PARTICIPATION IN DISPUTE SETTLEMENT AND TRADE POLICY-MAKING.**

Opening trade policy-making to greater public participation remains an important challenge. CIEL has led the development of new mechanisms for civil society participation in trade disputes. In September, 1997, CIEL filed a groundbreaking amicus (friend of the court) brief that helped to achieve a balanced outcome in the WTO Shrimp-Turtle dispute. This successful effort prompted CIEL to submit an amicus brief in a WTO case involving asbestos. CIEL staff drafted papers recommending to the WTO new procedures to guide public participation, and successfully petitioned a NAFTA tribunal to allow submission of amicus briefs regarding investment cases that threaten to undermine the enforcement of asbestos regulations and other environmental safeguards. Our intervention in the Bolivian Cochabamba investment dispute mentioned above is a new chapter in this ongoing effort. CIEL, through advice to the Expert Panel on Trade and Sustainable Development and other bodies, has explored alternative dispute settlement systems to resolve trade disputes out of court and prevent minor trade conflicts from escalating into full-blown disputes. Building on these efforts, we are seeking to clarify the relationship between trade and environment dispute settlement systems, including through advice to both the German government and UNEP on ways to promote greater coherence between dispute settlement systems in the WTO and selected MEAs, and to resolve potential conflicts that threaten to overload the WTO's dispute settlement system.

CIEL is also actively advancing opportunities for public participation in other areas of trade policy-making. Since opening our Geneva office in 1995, CIEL has continued to advocate for greater public participation at the WTO. The Trade Information Project, which CIEL co-founded with the Institute for Agriculture and Trade Policy and Friends of the Earth, continues to disseminate advocacy-related information on WTO negotiations to partner organizations. In the Americas, CIEL has continued to prosecute two Freedom of Information Act suits against the U.S. government seeking the negotiating texts from the U.S.-Chile and FTAA negotiations, in an effort to enable the environmental community to know and comment on what the U.S. and other countries are actually proposing.

CIEL also continues to be one of the more outspoken members of the Trade and Environment Policy Advisory Committee, which provides advice directly to U.S. Trade Representative Robert Zoellick and EPA Administrator Christine Todd Whitman. This past year, CIEL has worked with other groups to open the U.S. government's business advisory committees to broader participation, including by serving as a temporary environmental representative on the chemical sector advisory committee.

*Support for the Trade and Sustainable Development program comes from Charles Stewart Mott Foundation, Ford Foundation, Merrill G. and Erita E. Hastings Foundation, Rockefeller Brothers Fund, Rockefeller Foundation, Agency for the Environment, Forests and Landscape-Government of Switzerland, Wallace Global Foundation, and a variety of international and non-governmental organizations.*

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## **INTERNATIONAL FINANCIAL INSTITUTIONS PROGRAM**

A questionable commitment to sustainable development and inadequate policies and procedures has made International Financial Institutions (IFIs), such as the World Bank Group, and export-credit agencies (ECAs) co-conspirators in some of the worst environment and development decisions. The investment decisions of these organizations affect the environment and local communities profoundly, yet they are often made without adequate consideration for the environment or the participation of those communities. CIEL promotes equitable and environmentally sustainable development by advocating for policies that adequately take account of environmental and social factors and for the rights of local people to participate in decision-making that affects their lives. To make this happen, CIEL promotes transparency and accountability at the IFIs, particularly through the use of citizen-based accountability mechanisms such as the World Bank Inspection Panel and the adoption of, and enhanced compliance with, social and environmental policies.

### **STRENGTHENING ACCOUNTABILITY AT THE WORLD BANK GROUP**

As part of our long-standing efforts to promote citizen-based accountability at the World Bank, CIEL played a leadership role in forcing the Directors of the World Bank to partially reverse their efforts to weaken the Bank's Inspection Panel. The Inspection Panel is designed to hear citizen complaints about Bank-financed projects. CIEL, along with the Bank Information Center (BIC), led the campaign to maintain the power of the Inspection Panel. As one strategy in that campaign, CIEL and BIC convinced the Bank to hold the first Board-level public 'hearing' in its history. The hearing elicited comments from over twenty civil society organizations from around the world that have monitored or tried to use the Inspection Panel. The resulting modifications to the Panel procedures reflect a delicate compromise that thus far has strengthened the effectiveness of the Panel.

In 1999, the International Finance Corporation (IFC), an arm of the World Bank Group whose clients are private sector companies, created a new Compliance

**The investment decisions of these organizations affect the environment and local communities profoundly, yet they are often made without adequate consideration for the environment or the participation of those communities.**

Advisor/Ombudsman (CAO) to improve compliance with IFC environmental and social policies and to address the concerns of locally affected communities. The Ombudsman can receive complaints from project-affected people and make recommendations directly to the President of the World Bank Group, James Wolfensohn. CIEL supported the creation of the Ombudsman at the IFC and participated in the selection of the first Ombudsman, Ambassador Meg Taylor from Papua New Guinea. After the roundtable, the Ombudsman developed proposed procedures that were subject to public notice and comment procedures. CIEL's comments led to substantial improvements in the final procedures (which can be viewed at the IFC website). CIEL is currently helping several affected communities to understand and use the Ombudsman office.

## **ENHANCING COMPLIANCE AT THE WORLD BANK**

CIEL and other organizations forced the World Bank to reconsider its support for the fundamentally flawed China Western Poverty Reduction Project that violated seven of ten Bank safeguard policies. This decision led the Bank to take a systematic look at reforming its process for monitoring compliance with environmental and social policies and for integrating human rights considerations. The China-Tibet controversy has sparked an institution-wide review of the Bank's compliance policies, which in turn is leading to re-centralization of compliance authority in an environmental unit that will hopefully be insulated from the pressures of the Bank's major borrowers.

## **CHAD-CAMEROON OIL EXTRACTION AND PIPELINE PROJECT**

Over the last two years, CIEL has been working with Delphine Djiraibe, a CIEL-sponsored Human Rights and Environment Law Fellow from Chad, to protect the interests of communities affected by a large oil development and pipeline project involving both Chad and Cameroon. The project is financed by the World Bank Group, U.S. and French export credit agencies, the U.S. Export Import Bank and the Coface Group. The dictators who rule Chad and Cameroon have demonstrated little concern for local communities and little inclination to share the benefits of oil resources equitably. As a result, the pipeline project threatens to create extensive pollution and harm the livelihoods of local communities in both countries. CIEL was part of an international campaign to pressure the World Bank and U.S. Treasury to add several strong safeguards to the project, including an International Advisory Group to independently investigate the progress of the project, assess whether it fulfills its poverty alleviation mandate, and monitor progress on other human rights concerns. CIEL continues to monitor the project to ensure that the local populations' rights are respected and that the Bank lives up to its commitments. Chadian citizens filed a complaint to the Inspection Panel in March 2001.

## **MINING IN PERU**

Community groups increasingly seek CIEL's support in efforts to ensure compliance with environmental policies, such as those relating to environmental threats from one of the extractive industries: oil, gas, or mining. Communities affected by gold and copper mining in Peru have asked CIEL for support in raising their concerns with the IFC:

\* The people living near the Quellaveco Copper deposit fear that their scarce water resources will be drained or contaminated if a mine is developed there. Working with Oxfam America, CIEL visited the communities and explained the role of the IFC in the project and the rights local communities have under IFC policies. So far the IFC has been persuaded to request more information from the developer and to study the question of water rights in more detail before considering its financial appraisal of the project.

\* At the Yanacocha Gold Mine in Cajamarca, the situation is much bleaker. The mine has been in operation for the last eight years and has caused concerns over water quality, economic development, and adequate compensation. CIEL and Oxfam have been assisting the local communities in raising their concerns and filing complaints to the IFC's Compliance Advisor/Ombudsman. A mediation process is in progress but the outcome remains unclear.

## **REFORMING EXPORT CREDIT AGENCIES**

Export credit agencies (ECAs) are bilateral public agencies that provide government-backed loans, guarantees, and insurance to corporations from their home country that seek to do business in developing countries. CIEL has been instrumental in coordinating an international network of NGOs to pressure ECAs around the world to adopt environmental and social standards at least equal to those already accepted by multilateral organizations like the World Bank. CIEL and other organizations persuaded the U.S. government to support the adoption of harmonized and stronger environmental standards on the part of ECAs of other countries through the U.S. government's official participation in the Group of 8 industrialized countries (G-8) and the Organization for Economic Co-operation and Development (OECD). When the standards of ECAs from different countries are not harmonized, pressure exists in each country to lower its standards to meet the lowest common denominator of the other countries. Therefore harmonized standards are critical in preventing a "race to the bottom."

Combined, ECAs now mobilize an amount of finance far larger than that controlled by multilateral organizations like the World Bank. Accordingly, it is essential that CIEL and other NGOs, as well as the general public, continue to pressure the ECAs to improve their transparency and environmental standards. Part of this effort in the last year has included sending a CIEL staff member to Paris to coordinate action around the OECD Ministerial to deter approval of a seriously flawed agreement on common environmental standards. CIEL is also working with several organizations, including Human Rights Watch, to develop a human rights policy for the U.S. Export Import Bank. In terms of expanding the campaign, CIEL began informing partners in Latin America about the impacts and workings of ECAs by holding a three-day workshop in the Fall of 2001, which was attended by 44 participants from 17 countries.

## **TRAINING AND WORKSHOPS**

Throughout the year, CIEL developed materials and made presentations to explain the Inspection Panel, the CAO, and ECAs for meetings held in a variety of settings which included the World Bank and various other groups. As part of this commitment, CIEL revised its "Citizen's Guide to the Inspection Panel" and translated it into Spanish, French and Portuguese; prepared a pre-

liminary guide to the Compliance Advisor/Ombudsman, as well as "ECAs Explained" (available in Spanish); and worked with Pacific Environment to jointly create a website on ECAs located at [www.eca-watch.org](http://www.eca-watch.org).

*Support for the International Financial Institutions program comes from Charles Stewart Mott Foundation, Heinrich Boell Foundation, John D. and Catherine T. MacArthur Foundation, and the Moriah Fund.*

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# PROMOTING HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE

*Global environmental trends continue to move in ominous directions. There is now a growing realization that one of the major causes for this is the persistent failure to address the human rights aspects of environmental issues. Large numbers of people around the world, often those most directly dependent on the natural environment for their lives and livelihoods, are ignored and isolated from decision-making processes that critically impact them. These people live in both industrialized and developing countries. Marginalized peoples in the majority world (developing countries) often bear the greatest burden of economic growth and resource exploitation, and yet benefit the least. CIEL's programs on Human Rights and Environment, and Law and Communities strive to integrate the concerns of environmental justice and sustainable development into law and policy. The ultimate aim is to guarantee justice by safeguarding the rights of all people and by effectively promoting conservation and sustainable development. The right to life is directly implicated by environmental threat to human health.*

## HUMAN RIGHTS AND ENVIRONMENT PROGRAM

The link between human rights and environmental protection is becoming increasingly clear. Environmental damage is often worse in countries and regions where human rights abuses are rampant. When human rights are not well protected, civil society groups are less able to raise and address environmental and social concerns effectively. Rights of association, access to justice, information, participation and remedy, and freedom of expression are considered particularly critical for the success of a country's environmental protection efforts, and for guaranteeing social and environmental justice.

CIEL launched its Human Rights and Environment initiative in 1999 to identify and address the connections between environmental protection and human rights, and to help coordinate and create synergies between advocacy approaches. CIEL's Human Rights and Environment Program has the following goals: to reduce specific human rights and environment abuses on the ground by investigating and pursuing "cases" in appropriate legal forums; to build the legal substantive basis for using human rights in protecting the environment; to promote the legal recognition of community-based property rights to natural resources at national and international levels; and to strengthen linkages between the human rights and environmental movements through training, skills sharing, developing advocacy strategies, and building strategic alliances. In addition to the activities described below, this initiative has helped to integrate human rights concerns into our other program activities.

Activities of the Human Rights and Environment program focus on advocacy and outreach; litigation; law-making; and education.



**CIEL launched its Human Rights and Environment initiative in 1999 to identify and address the connections between environmental protection and human rights.**

## **HELPING PARTNERS ESTABLISH PUBLIC INTEREST LAW ORGANIZATIONS**

CIEL has long supported the establishment of human rights and environmental public interest law organizations. In recent years, CIEL has been able to help catalyze and support the creation of several new organizations, including the Advocates Coalition for Development and Environment in Uganda, the Institute for Law and Environmental Governance in Kenya, the Centre for Environmental Law and Community Rights in Papua New Guinea, the Center for Human Rights and Environment in Argentina, and the Zimbabwean Environmental Law Association. At the same time, CIEL has continued to support other public interest law partners in Asia, the Pacific, Africa and Latin America.

## **PROTECTING ENVIRONMENTAL AND HUMAN RIGHTS AT INTERNATIONAL FINANCIAL INSTITUTIONS**

CIEL has been persistent in its efforts to prevent the World Bank from backsliding on its involuntary resettlement, forestry, and indigenous peoples policies. Strategies have included: coordinating with other Washington DC-based NGOs, reviewing and submitting comments on draft policies, and meeting with and advising World Bank staff on specific aspects of existing and proposed policies. CIEL has also been involved with advising other multilateral development banks such as the Asian Development Bank and the Inter-American Development Bank.

## **PROTECTING HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM**

CIEL has continued its efforts to promote human rights and environmental issues within the Inter-American Commission on Human Rights. In collaboration with the Center for Human Rights and the Environment (CEDHA), Argentina, CIEL submitted an *amicus curiae* (friend of the court) brief to the Inter-American Commission on Human Rights for the case - Teodoro Cabrera Garcia y Rodolfo Montiel Flores v. Mexico. The brief supports Montiel and Cabrera who were persecuted because of their environmental advocacy and subjected to severe human rights violations including torture and arbitrary arrest for two and a half years. The brief contends that those who violate environmental activists' human rights should be held accountable for their abuses, and aims to establish that the protection accorded to human rights defenders under international human rights law should be extended to environmental defenders.

CIEL and CEDHA also drafted and helped to pass Resolution 1819 in the General Assembly of the Organization of American States (OAS). Resolution 1819 notes the Protocol of San Salvador, which contains the right to a healthy environment, and requires the OAS to study the linkages between human rights and environment. In order to follow up on and further advance the Resolution, CIEL and CEDHA jointly organized an Expert Seminar on Human Rights and the Environment in March 2002 at the American University in Washington DC. The document "Recommendations of the Experts Seminar on Human Rights and Environment to the Organization of American States on

Strengthening Human Rights and the Environment in the Hemisphere" is available on the CIEL website at [www.ciel.org](http://www.ciel.org).

## **TEACHING AND TRAINING ON HUMAN RIGHTS AND THE ENVIRONMENT**

CIEL staff teach several courses at the American University's Washington College of Law and at the Johns Hopkins University School of Advanced International Studies (SAIS) relating to human rights and the environment, helping to train the next generation of leaders in this area. CIEL staff also lecture at various law schools around the world, including in other parts of the US, to promote better understanding of the relationship between human rights and the environment. Other educational efforts include developing a new Institute for Human Rights and Environment with the law faculty of UCCI in San Jose, Costa Rica.

The second edition of the textbook, *International Environmental Law and Policy*, co-authored by two CIEL staff members, was also published in 2002.

*Support for the Human Rights and Environment Program comes from the Richard and Rhoda Goldman Fund, and the Ford Foundation*

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## **LAW AND COMMUNITIES PROGRAM**

Rural peoples directly dependent on natural resources comprise large majorities in most developing countries, but are frequently neglected, and all too often completely ignored by national and international laws. Hundreds of millions of people in the Global South--including many who are indigenous--have no legal rights to the natural resources they directly depend on, regardless of how long they've lived in an area.

From environmental and human rights perspectives, the fundamental challenge is to gain widespread support for the principle that every person has a right to participate in decision-making processes that directly affect her or his life and livelihood. This right is conferred simply by the virtue of being human, not by virtue of education, monetary wealth, ethnic background or citizenship.

The tendency of national law is to override, and that of international law to overlook, this fundamental right. This practice is historically rooted and evident

**Rural peoples directly dependent on natural resources comprise large majorities in most developing countries, but are frequently neglected, and all too often completely ignored by national and international laws.**

in the wide array of colonial-era laws concerning natural resource ownership and use that are still in force in many countries in Asia, Africa and Latin America. Creative approaches, including the development and enforcement of new legal standards, are urgently needed to respond to the problems and potentials of natural resource-dependent constituencies. Of particular importance is the need to develop and promote legal guarantees for effective participation, benefit sharing and community-based natural resource management (CBNRM). An essential corollary is support for public interest law organizations that provide legal services to indigenous and other local communities.

CIEL's Law and Communities Program is committed to helping amplify the voices of rural constituencies in the majority world, i.e., the Global South, and to formulating effective strategies for promoting environmental justice and sustainable development. The program's primary objective is to promote the legal recognition of indigenous and other local community-based property rights (CBPRs) in national and international arenas. The Law and Communities (L&C) Program collaborates with public interest law partners in various nations in Asia, Africa and the Pacific, and has been increasing its collaborative activities in Latin America.

Program activities can be broadly classified into two categories: skills sharing, and outreach and advocacy.

## **SKILLS SHARING**

The L&C program facilitates the exchange of information and experiences with public interest human rights and environmental law organizations around the world, and participates in international and regional forums to promote the concept of community-based property rights and to encourage public interest law careers.

Over the past year, the L&C Program has been involved in organizing, hosting, and participating in several workshops and conferences in different regions of the world. In September 2001, we co-hosted an Alternative Lawyering Conference with the Alternative Law Forum (ALF), a public interest law organization based in Bangalore, India. The conference provided an opportunity to explore possibilities of practicing alternative law in ways that address the foundational violence and injustice of law, and initiated the development of a network of alternative law practitioners in India.

At the Thirteenth International Congress on Folk Law and Legal Pluralism held in Chiang Mai, Thailand during April 2002, L&C Program staff presented two papers. In collaboration with the University of Sam Ratulangi Department of Law, the Indonesian Center for Environmental Law (ICEL), and Environmental Law and Law Development Associates (ELLDA), we organized a Preparatory Workshop for the Establishment of a Community-Based Marine Resources and Coastal Area Management Legal Research Center in Manado, Indonesia on April 15, 2002. Discussions focused on processes by which traditional/indigenous and other local communities in Indonesia have, since the time of the Dutch, gradually lost their rights to the land, sea, coastal areas and the natural resources contained therein, and how this has led to the communities' ultimate impoverishment.

The L&C Program played an active role in planning for and organizing the Ninth Biennial Conference of the International Association for the Study of Common Property (IASCP) held in Victoria Falls, Zimbabwe from June 17-21, 2002. The theme of the conference was "The Commons in an Age of Globalization." We encouraged and sponsored young public interest lawyers from Malawi, Zimbabwe, South Africa, Kenya, India and Indonesia to attend the conference. In collaboration with the Zimbabwean Environmental Law Association (ZELA), we organized a workshop on "Applying Theory on the Ground: Promoting Legal Recognition of Community-Based Property Rights, Including Common Property." For more details, visit: [www.iascp2002.org](http://www.iascp2002.org).

The World Summit on Sustainable Development (WSSD) was held in Johannesburg, South Africa from August 26 - September 4, 2002. (For a complete report of CIEL's activities there, see the section on the WSSD, below.) The L&C Program was involved in several activities related to the WSSD. We co-authored and launched a paper: "*One Species, One Planet: Environmental Justice and Sustainable Development*" at a day-long workshop on Human Rights, the Environment, and Sustainable Development held on September 1 at the Civil Society Forum. Over 200 participants attended the workshop. We organized a break-out session to highlight the importance of community-based property rights and their connections to environmental justice. The program also organized and chaired a panel on Community-Based Property Rights at the WSSD Civil Society Forum on August 26, at which we launched an issue brief titled "Community-Based Property Rights: A Concept Note." Panel speakers included CIEL partners from India, Nigeria and Zimbabwe. The L&C Program was also active in the Human Rights, Environment and Sustainable Development caucus at the WSSD. The caucus focused its efforts on developing effective strategies, on lobbying delegates, and on creating a movement that would outlast the WSSD.

In collaboration with the Delhi-based Environmental Justice Initiative and the Ford Foundation-New York and New Delhi offices, CIEL organized and co-hosted a North America/South Asia Conversation on Environmental Justice in December 2002 in India. The first of its kind, the workshop helped to foster linkages and synergies between like-minded individuals and institutions in different regions of the world, and supported efforts to build a strong and cohesive South-North environmental justice movement.

In addition to conferences and workshops, the L&C Program engages in activities to promote public interest law careers and build public interest law institutions around the world. Our main focus is on domestic internships, south-south exchanges, and lectures. We expanded our community-based property rights internship program for law students in India, Malawi, and Mozambique while continuing to support ongoing internships in Indonesia, South Africa, Tanzania, and Kenya. The objective of the internships is to highlight the promise, importance and financial viability of public interest law careers and to grow the pool of public interest lawyers dedicated to working on the human rights and environment issues of importance to rural communities. We also facilitated two international skills sharing exchanges in the past year. Four public interest lawyers from East Africa, five from Indonesia and one each from Papua New Guinea and India visited the Philippines to learn about various efforts to gain legal recognition of community-based property rights and indigenous peoples' rights. During the past year, lectures were presented at various universities, law schools, and public interest law NGOs, including Yale and Drake Universities, USA; Centre for Environmental Law (CEL) and the National Law

School of India University (NLSIU), India; Ateneo de Davao, University of the Philippines and La Salle University, Philippines; the University of Malawi law school, Malawi; and the Instituto Superior de Relacoes Internacionais, Mozambique.

## **OUTREACH AND ADVOCACY**

The Law and Communities Program advocates on national and international levels for local participation and legal recognition of community-based property rights. This is usually done by way of collaborative research and publication, and direct advocacy if and when requested.

In collaboration with three Philippine partners, Tanggol Kalikasan, the Environment Legal Assistance Center, and Paglilingkod Batas Pangkapatiran Foundation, CIEL continued to provide legal assistance to local communities participating in programs of the Department of Environment and Natural Resources, and to advise the Department on a range of environmental and legal issues.

CIEL collaborated with Indonesian partners to publish *Whose Natural Resources? Whose Common Good? Towards a New Paradigm of Environmental Justice and the Common Good in Indonesia*. This new book provides a summary overview of Indonesian legal history and recent developments related to efforts to promote legal recognition of community-based property rights. It articulates a new vision of the national interest and highlights provisions in the Indonesian constitution that mandate legal recognition of and respect for community-based property rights. We also published the proceedings of the African Public Interest Law and Community-Based Property Rights Workshop held in Arusha, Tanzania in August 2000 under the title "Amplifying Local Voices, Striving for Environmental Justice." These documents are being widely distributed and used by partner organizations around the world.

CIEL continued work on constructing an Internet CBPR database. In cooperation with public interest law partners, CIEL is identifying national laws, regulations, court cases and state/local community arrangements that are supportive of, or uniquely hostile to, community-based property rights and other community-based natural resource management initiatives. The goal is to develop an Internet resource that can be used to help in-country public interest lawyers promote and design new policies and legislation within various national contexts, and to facilitate comparative research on existing laws and policies.

*Support for the Law and Communities Program comes from the Ford Foundation, the Richard and Rhonda Goldman Fund, the United States Agency for International Development (USAID) Africa Bureau through the World Resources Institute, USAID Philippines, the US Environmental Protection Agency, and John Street.*

## **PROGRAM STAFF:**

Shivani Chaudhry, *Program Associate*  
Owen J. Lynch, *Senior Attorney*  
Daniel B. Magraw, Jr., *Executive Director*

# STRENGTHENING EXPERTISE AND CAPACITIES IN ENVIRONMENTAL LAW

*The challenges facing the public interest environmental law movement are enormous, yet the pool of environmental law expertise and dedicated, public interest lawyers is still relatively small. CIEL staff are guided by the principles of ecology, human rights, and environmental justice and a commitment to share skills and build the capacity of all actors, including those in developing countries, to promote positive change. All people need the legal tools to ensure that their voices matter. This is especially true for indigenous and other local communities that are often marginalized by legal, political, and economic forces. CIEL answers this need by: fostering skills sharing and other interactions with its partners around the world; training students, lawyers, and other professionals in the practice of environmental law; and harnessing technology to increase access to environmental information, decision-making, and other legal processes that affect the lives and well-being of human beings.*

## IMPROVING ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

CIEL continued its role as host NGO convener and fiscal agent for the Secretariat of the International Network for Environmental Compliance and Enforcement (INECE) in 2001-2002. Durwood Zaelke, President and founder of CIEL, serves as Director of the INECE Secretariat, CIEL contractors (EarthPace LLC and EcoConsulta), and CIEL staff members assist with a range of INECE activities.

INECE is an international partnership established to promote effective compliance and enforcement of domestic environmental laws and international environmental agreements through networking, capacity building, and cooperation. INECE is the only global network exclusively dedicated to this critical mission. The Network is comprised of over 2,500 members from international organizations, governmental agencies, and non-governmental organizations.

INECE's mission is to contribute to a healthy and clean environment, sustainable use of natural resources and the protection of ecosystem integrity through effective compliance and enforcement of environmental laws using regulatory and non-regulatory approaches.

The INECE goals are:

- 1) Developing networks for enforcement cooperation;
- 2) Strengthening capacity for compliance and enforcement; and
- 3) Raising awareness of the importance of environmental compliance and enforcement.



## **SIXTH INTERNATIONAL CONFERENCE ON ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT**

**INECE is an international partnership established to promote effective compliance and enforcement of domestic environmental laws and international environmental agreements through networking, capacity building, and cooperation.**

In April 2002, 170 participants from more than 80 countries met in Costa Rica for INECA's 6th International Conference on Environmental Compliance and Enforcement. In addition to plenary sessions, workshops, and regional meetings, each participant took part in one of six field visits to witness the challenges and successes of enforcement and compliance in practice.

An outstanding success, the Conference produced a number of accomplishments, including:

- 1) Hosting a successful pre-conference workshop on "Environmental Issues of Importance to Costa Rica and other Central American Countries for Local Professionals", in Spanish, for 90 local compliance and enforcement practitioners on Saturday, April 13, 2002. <http://inece.org/conf/localAgenda.htm>;
- 2) Forming the INECE International Network for Environmental Prosecutors;
- 3) Agreeing on INECE partnership with UNEP to host the Global Judicial Symposium at the WSSD in Johannesburg, South Africa, in August;
- 4) Establishing the Asian Environmental Compliance and Enforcement Regional Network, with funding for initial meeting committed by the Ford Foundation; and
- 5) Hosting various side meetings at the Conference, including meetings by Prosecutors, NGOs, Inspectors, Judicial Symposium organizers and funders, African meeting with World Bank and UK, and an additional session on INECE Compliance and Enforcement Indicators.

For more information about the Conference, including Proceedings and a detailed summary of accomplishments, please visit <http://www.inece.org/CRconf>.

### **INECE WEB SITE**

INECE launched its next generation Web site at the 6th INECE Conference. The site has been completely redesigned to respond to the information and capacity building needs of compliance and enforcement stakeholders throughout the world. A secure area of the site provides a mechanism to advance enforcement cooperation. To view the INECE site, please see [www.inece.org](http://www.inece.org).

### **ENFORCEMENT INDICATOR PROJECT**

INECE has embarked on a multi-year project to develop and field test a set of enforcement indicators, beginning with uniform minimum criteria (for enforcement systems) that recognize differences in capacity between countries and regions. These indicators will emphasize regional needs and serve as a tool for evaluating compliance and enforcement of environmental laws. The INECE enforcement indicators will build upon existing regional and national efforts to develop enforcement indicators. Goals of the project include improving monitoring and reporting under Agenda 21 at Rio + 15 and elsewhere and applying new and existing resources for training and capacity building.

*Support for INECE comes from the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM), the U.S. Environmental Protection Agency, the European Commission, the World Bank Institute, the Commonwealth Secretariat, the North American Commission for Environmental Cooperation, Canada, and the United Kingdom.*

## **PROJECT STAFF:**

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Durwood Zaelke, *President*

## **INTERN/EXTERN PROGRAM**

The CIEL intern/extern program is a critically important component of the work of our organization, not only because it provides greater operational capacity for our substantive programs, but also because it gives exceptionally motivated law students and undergraduates the opportunity to experience public interest international environmental law first hand. Externs work full- or part-time during the school year, usually receiving credit from their schools. Summer interns typically work full-time during the summer months. Throughout the year, we rely on our interns and externs to assist our staff in core research, writing and advocacy. Many CIEL interns and externs arrive from U.S. law schools and, as such, reflect the diversity of their student bodies. However, we also vigorously seek and hire applicants from other countries, especially students and recent graduates from the global south.

During the past year, CIEL interns and externs have come to our Washington, D.C. and Geneva, Switzerland offices from all regions of the continental United States, plus Puerto Rico, as well as Argentina, Australia, Germany, Ireland, Italy, and Korea. Despite new restrictions on visas and other security concerns, the CIEL intern/extern program will continue to strive to provide unique training opportunities to law students and young lawyers from all parts of the world.

## **Program Staff:**

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Matthew Stilwell, *Senior Attorney*  
Elisabeth Tuerk, *Staff Attorney*  
Glenn Wiser, *Staff Attorney & Intern Coordinator*

## JOINT RESEARCH PROGRAM WITH THE AMERICAN UNIVERSITY'S WASHINGTON COLLEGE OF LAW

**CIEL also participates in the Washington College of Law's summer study abroad program in Paris, France, and Geneva, Switzerland, which introduces students and attorneys to evolving legal concepts and structures in Europe and other regions.**

CIEL and the Washington College of Law (WCL) established the Joint Research Program for International and Comparative Environmental Law in 1990. The program was created to facilitate the shift toward sustainable development by providing a dynamic and interdisciplinary environment for training future leaders in environmental law.

As part of the collaboration, CIEL designed a concentration in International and Comparative Environmental Law curriculum for WCL's Masters in Law (LL.M.) degree. CIEL staff members teach many of the concentration's courses. CIEL also participates in the Washington College of Law's summer study abroad program in Paris, France, and Geneva, Switzerland, which introduces students and attorneys to evolving legal concepts and structures in Europe and other regions.

CIEL also collaborates with WCL to carry out research and publish books, journals and articles on various environmental issues. For example, the program supported the development of Hunter, Salzman, and Zaelke's *International Environmental Law and Policy* (Foundation Press, 2nd ed., 2002), used at more than 100 law schools in the United States and abroad, and *Sustainable Development Law and Policy*, a biannual student edited journal published with the WCL Environmental Law Society.

The CIEL/WCL joint program also regularly presents workshops and symposia. This past year, the program hosted several conferences, including the Experts Seminar on Human Rights and the Environment with the Center for Human Rights and Environment; the 7th International Wildlife Law Conference with the American Society for International Law; and Combating Terrorism in the Environmental Trenches with the American Bar Association. In addition, the program co-sponsored a series of monthly panel discussions with the WCL Environmental Law Society on topics ranging from biotechnology to global warming.

CIEL attorneys work closely with students in the joint program, assisting them with research and preparation for moot court competitions, such as the Pace Environmental Law and Stetson International Environmental Law competitions. In addition, they help students identify and arrange internships with environmental organizations in Washington, D.C. The result is a cooperative effort that provides students with a dynamic learning environment, scholars with a stimulating atmosphere for conducting practical research, and young lawyers with exciting opportunities for beginning their environmental law careers.

The joint program's "alumni" can be found in government, business, international organizations, and non-governmental organizations. These graduates often become leaders in the environmental law movement in their country, and form an important informal network for CIEL's work in other countries. For more information, visit the joint program's web page at: <http://www.wcl.american.edu/environment>.

# WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

Over 21,000 people from 191 governments, intergovernmental organizations, the private sector, civil society, academia and the scientific community participated in the 10-day World Summit on Sustainable Development (WSSD), which took place in Johannesburg, South Africa, from August 26 - to September 4, 2002. The WSSD attempted to address challenges that today's world is facing, including the growing world population with ever-increasing demands for food, water, shelter, sanitation, energy, health services and economic security.

At the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, the international community adopted Agenda 21, a global plan of action for sustainable development, as well as the Rio Declaration on Environment and Development, the Framework Convention on Climate Change (FCCC), the Convention on Biological Diversity (CBD), and Forest Principles. Ten years later, the WSSD presented an opportunity for today's leaders to adopt concrete steps and identify targets and timetables for better implementing Agenda 21. With this in mind, governments negotiated and adopted two main documents: the Plan of Implementation and the Johannesburg Declaration on Sustainable Development. A large number of partnership initiatives were also officially launched at the WSSD. Paralleling and preceding the official WSSD, a host of activities took place at the Civil Society Forum and elsewhere, including the preliminary meetings constituting "Law Week" which took place August 18-25 in Johannesburg, Pietermaritzburg, and Durban.

## PREPARING FOR THE WSSD

In the summer of 2001, CIEL began meeting regularly with other NGOs to strategize on how to use the WSSD as a forum to educate delegates and the public on critical issues relating to sustainable development. With this in mind, CIEL was involved in a Call to Action to President Bush and prepared a series of background papers and issue briefs on sustainable development matters. CIEL staff attended all but one of the four preparatory conferences (PrepComs) leading up to the WSSD and provided ad hoc legal advice to delegates and NGOs during each of the PrepComs.

In fall/winter 2001-2002, in cooperation with UNEP's Regional Office for North America (RONA), CIEL sought stakeholder comments and inputs relating to International Environmental Governance (IEG). These were summarized in a report and incorporated into the WSSD preparatory process. Subsequently, CIEL was involved in establishing a discussion forum on international governance with other groups attending the WSSD.

## INFLUENCING THE WSSD NEGOTIATIONS

Six staff, including CIEL's Executive Director, attended the WSSD and played significant roles in many aspects of the negotiations, as well as the parallel events taking place in Johannesburg and elsewhere in South Africa.

With respect to the official negotiation process in the lead-up to the WSSD and at the WSSD itself, CIEL prepared written comments to various drafts of the



Implementation Plan and worked closely with colleagues from other NGOs and delegates from governments and intergovernmental organizations to help shape the Implementation Plan. In the final days of the negotiations, CIEL concentrated primarily on globalization, trade and finance issues and provided continuous legal and drafting advice to government delegates and other NGOs.

## **EVENTS AND PROGRAMS**

CIEL staff also organized and participated in many formal programs and countless informal meetings and discussions at the WSSD. Staff was also actively involved in the Human Rights and Environment Caucus that met daily.

CIEL held a successful and well-attended discussion panel on Community-Based Property Rights at the Civil Society Forum. The Law and Community Program of CIEL had sponsored three partners from Africa and India to participate in the panel. Panel speakers gave an excellent presentation on the challenges posed by national and international laws with regard to gaining legal recognition of the community-based property rights (CBPRs) of natural resource dependent constituencies, especially in the majority (developing) world.

CIEL staff also organized and participated in two panels--together with the World Conservation Union (IUCN), Sociedad Peruana de Derecho Ambiental (SPDA), International Center for Trade and Sustainable Development (ICTSD), and the IUCN Commission on Environmental, Economic and Social Policy (CEESP)--on Indigenous Peoples and Traditional Knowledge and on Intellectual Property Rules Supportive of Biodiversity Conservation and Use. CIEL staff members were subsequently invited by several governments to speak at a meeting of the Andean Pact countries regarding intellectual property rights, that was held in Caracas, Venezuela in September 2002.

CIEL collaborated with other NGOs to organize a day-long workshop on Human Rights and the Environment that was held at the Civil Society Forum. The Workshop opened with an introduction by Mary Robinson, the UN High Commissioner for Human Rights. CIEL organized one of the eight breakout sessions in the afternoon on Environmental Justice and Community-Based Property Rights and formally released CIEL's paper on Environmental Justice and Sustainable Development, One Species, One Planet (described in the Law and Communities program section). The paper was also discussed and very well received at the law conferences in Pietermaritzburg and Durban during the WSSD Law Week.

A round table discussion on the reform of export credit agencies organized by CIEL and two NGOs from Japan and Germany took place at the Heinrich Boell Forum (as part of the Civil Society Forum). The discussion brought together major players in Export Credit Agency (ECA) reform and hopefully contributed to the ongoing ECA campaign and reform process in which CIEL has been and will continue to be involved.

A discussion panel on water, trade and investment organized by CIEL took place at the Water Dome (which was organized in parallel to the WSSD). The event succeeded in initiating a discussion on the effects of trade and investment liberalization as well as privatization on human rights and the environment. CIEL programs are planning to place a greater focus on the intersections of

these issues in the months ahead with special emphasis on trade and sustainable development, human rights and the environment, and international financial institutions.

## **FUTURE CIVIL SOCIETY INVOLVEMENT**

It is difficult to assess the overall success of the WSSD. While many expressed their disappointment in the outcomes of the Summit, only time will determine what the Summit accomplished. Involvement of civil society will be crucial for following up on recommendations and for monitoring Governments' commitments made in Johannesburg.

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# CIEL IN THE NEWS

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Brief on the Treatment of Intellectual Property in the Doha WTO Ministerial Declaration: Mandated Negotiations and Reviews (February 2002) (Vivas)

Frontiers in Trade: The Clean Development Mechanism and the General Agreement on Trade in Services (International Journal of Global Environmental Issues, Vol. 2 No. 4) (Wiser)

Issues Linked to the Convention on Biological Diversity in the World Trade Organization Negotiations: Implementing Doha Mandates (October 2002) (Vivas)

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Ministers Reach Landmark Agreement on Kyoto Protocol (August 2001) (Krinn)

One Species, One Planet: Environmental Justice and Sustainable Development (2002)

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## WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT ISSUE BRIEFS

Clarifying the Relationship Between Economic and Environmental Governance: Some Key Challenges

Community-Based Property Rights: A Concept Note

Export Credit Agencies and Sustainable Development

Foreign Investment and Sustainable Development

Global Warming and Sustainable Development

Turning Off the Tap: Addressing International Invasive Alien Species Issues

WTO Negotiations to Liberalize Trade in Services: New Challenges for Sustainable Development

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**Edith Brown Weiss (Through September, 2002)**

*Francis Cabell Brown Professor of International Law at the Georgetown University Law Center, Former Associate General Counsel for International Activities at the U.S. Environmental Protection Agency, and Former President of the American Society of International Law*

**Janine Ferretti (Since September, 2002)**

*Chief, Environmental Division, Sustainable Development Department, Inter-American Development Bank, Former Executive Director, North American Commission for Environmental Cooperation, Former Executive Director, Pollution Probe Foundation*

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*Adjunct Lecturer at the University of Indiana School of Public and Environmental Affairs, Former Member, President's Council for Sustainable Development, Former Executive Director, Womens' Environment and Development Organization, Former President, Zero Population Growth, Founding Member of Institute of Sustainable Design at the University of Virginia School of Architecture*

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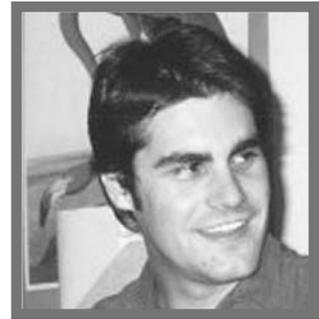
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**DAVID HUNTER**



**JOANNA KRINN**



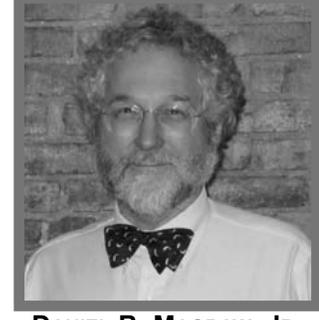
**NUNO LACASTA**



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**DURWOOD ZAEELKE**



**CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR FISCAL YEAR ENDING JUNE 30, 2002**

**ASSETS:**

**CURRENT ASSETS**

CASH & CASH EQUIVALENTS	\$ 1,087,857
FOUNDATION PLEDGES RECEIVABLE (SHORT-TERM)	913,212
U.S. GOVERNMENT GRANTS AND CONTRACTS RECEIVABLE	81,231
INTERNATIONAL GOVERNMENT GRANTS AND CONTRACTS RECEIVABLE	219,476
OTHER GRANTS AND CONTRACTS RECEIVABLE	42,570
MISCELLANEOUS RECEIVABLES	5,860
PREPAID EXPENSES AND DEPOSITS	31,308
<b>TOTAL CURRENT ASSETS</b>	<b>\$ 2,381,514</b>

**OTHER ASSETS**

FOUNDATION PLEDGES RECEIVABLE (LONG-TERM)	\$ 250,000
OFFICE EQUIPMENTS AND FURNITURE	161,918
LESS: ACCUMULATED DEPRECIATION	(128,368)
<b>TOTAL ASSETS</b>	<b>\$ 2,665,064</b>

**LIABILITIES AND NET ASSETS**

**CURRENT LIABILITIES**

ACCOUNTS PAYABLE	\$ 39,409
EUROPEAN OFFICE PAYABLES	218
ACCRUED EMPLOYEE BENEFITS PAYABLE	46,746
DEFERRED CONTRACT REVENUE	2,807
<b>TOTAL LIABILITIES</b>	<b>\$ 89,180</b>

**NET ASSETS**

UNRESTRICTED NET ASSETS	\$ 784,957
TEMPORARILY RESTRICTED NET ASSETS	1,790,927
<b>TOTAL NET ASSETS</b>	<b>\$ 2,575,884</b>

<b>TOTAL LIABILITIES AND NET ASSETS</b>	<b>\$ 2,665,064</b>
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**CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW  
COMPARATIVE STATEMENT OF ACTIVITIES  
AND CHANGE IN NET ASSETS  
FOR FISCAL YEAR ENDING JUNE 30, 2002**

**REVENUE:**

FOUNDATION GRANTS AND CONTRACTS	\$ 1,986,150
U.S. GOVERNMENT GRANTS AND CONTRACTS	448,085
INTERNATIONAL GOVERNMENT GRANTS AND CONTRACTS	301,081
INTERNATIONAL ORGANIZATION GRANTS AND CONTRACTS	71,728
OTHER GRANTS AND CONTRACTS	15,885
CONTRIBUTIONS	82,002
INTEREST INCOME	23,054
MISCELLANEOUS INCOME	34,288
<b>TOTAL REVENUE</b>	<b>\$ 2,962,273</b>

**EXPENSES:**

**PROGRAM SERVICES**

CLIMATE CHANGE PROGRAM	\$ 232,600
HUMAN RIGHTS PROGRAM	60,401
LAW AND TECHNOLOGY PROGRAM	106,463
BIODIVERSITY AND WILDLIFE PROGRAM	56,993
LAW AND COMMUNITIES PROGRAM	400,785
TRADE AND SUSTAINABLE DEVELOPMENT PROGRAM	635,529
INTERNATIONAL FINANCIAL INSTITUTIONS PROGRAM	155,211
OTHER MISCELLANEOUS PROJECTS	595,953
<b>TOTAL PROGRAM SERVICES</b>	<b>\$ 2,243,935</b>

**SUPPORTING SERVICES**

GENERAL AND ADMINISTRATIVE	\$ 261,849
FUNDRAISING	110,578
<b>TOTAL EXPENSES</b>	<b>\$ 2,616,362</b>

**CHANGE OF NET ASSETS** **\$ 345,911**

BEGINNING NET ASSETS	\$ 2,229,973
<b>ENDING NET ASSETS</b>	<b>\$ 2,575,884</b>

**Independent Public Accountants**

Bond Beebe, Certified Public Accountants  
5301 Wisconsin Avenue, NW  
Washington, DC 20015

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