

A globe with a grid of latitude and longitude lines. The globe is filled with various environmental icons: a wave, a hand holding a leaf, a tree, a bird, a fish, and a factory. The text 'CIEL' is overlaid on the left side of the globe.

CIEL

Center for International Environmental Law

1996-1997

Annual Report



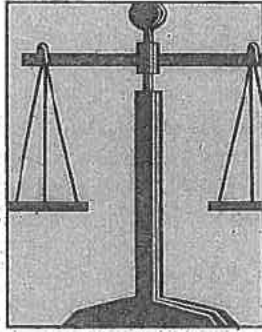
The Center for International Environmental Law was founded in 1989 to bring the energy and experience of the public interest environmental law movement to the critical task of strengthening and developing international and comparative environmental law, policy, and management throughout the world. CIEL's goals are:

- to solve environmental problems and promote sustainable societies through international and comparative law;
- to incorporate fundamental principles of ecology and democracy into law;
- to strengthen environmental law systems and support public interest movements around the world; and
- to educate and train public-interest-spirited environmental lawyers.

CIEL provides a full range of environmental and legal services in both international and comparative law, including: policy research and publication, advice and advocacy, education and training, and institution building. CIEL works in partnership with public interest lawyers, nongovernmental organizations, international institutions, and governments, especially those of developing nations and nations with economies in transition.

CIEL's program areas include Global Commons, International Financial Institutions, Law and Communities, Trade and Environment, Biodiversity and Wildlife, Capacity Building and Policy Analysis, and a Joint Research Program with The American University Washington College of Law. Geographically, CIEL's work has spanned more than sixty countries on six continents.

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A Letter from the President

Dear Friends:

This year's annual report covers CIEL's major activities during the past two years—two years in which CIEL has continued to promote international environmental law and to strengthen the capacity of developing country organizations and lawyers to participate fully and effectively in efforts to address our global environmental problems.

In essence, CIEL serves as the international environmental law firm for the NGO community, and we continue to dedicate a major part of our resources to providing the international environmental law expertise needed by NGOs in the United States and throughout the world. As part of this work, CIEL attorneys investigate specific cases, such as our investigation in the "shrimp turtle" case brought in the World Trade Organization. CIEL and the Center for Marine Conservation filed a friend of the court brief at the WTO in support of a U.S. law designed to protect endangered sea turtles from being drowned in shrimp nets. Other examples include our continued support of local fishermen, artisans, and others who have demonstrated how ill-designed and poorly implemented World Bank-financed projects in India, Argentina, and Brazil have impoverished their lives and local environment. CIEL attorneys also provide legal advice on broader policy issues, such as our advice in support of the Greenpeace campaign to protect ocean fisheries, and our advice in support of the NGO coalition fighting to protect ecolabeling.

The ecolabeling campaign illustrates another aspect of CIEL's work to help support other institutions and coalitions. CIEL is one of the five founding members of the ecolabeling coalition—known as the Consumer's Choice Council—which is currently housed at CIEL. CIEL also provides an office for the DC representative of Pacific Environmental Resources Center, and for Earth Rights International, a group dedicated to protecting human rights and the environment, during the six months they will be operating in the United States. CIEL also is the fiscal sponsor for the Maasai Environmental Resources Coalition, an NGO organized to support the Maasai of Kenya's efforts to protect the environment of their homelands. Last year, with the creation of our Law & Communities Program, CIEL greatly strengthened our ability and commitment to build the capacity of public interest lawyers working on the ground, particularly in rural communities of Asia and Africa.

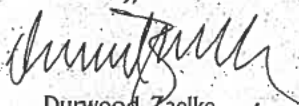
CIEL has continued the tradition of hosting individual lawyers through CIEL's Visiting Lawyer Program. During the past two years we have hosted lawyers from over fifteen countries. Many of these lawyers attend the Masters of Law program at the Washington College of Law at the American University, where CIEL oversees the program in international and comparative environmental law. CIEL attorneys teach ten of the eleven courses in the year-long program, and CIEL Vice President David Hunter and I recently completed a textbook, *International Environmental Law & Policy* (Foundation Press, May 1998), along with Professor James Salzman of American University. Plans for translations are already underway by former students who are teaching in other parts of the world.

CIEL also has continued its policy research, which in turn continues to enhance our teaching and training programs, as well as our effort to provide the international environmental legal services demanded by the NGO community. An example is our effort to conduct an independent review of joint implementation forestry projects, to ensure that the legal rules provide both climate benefits and biodiversity benefits. This work has been at the forefront of NGO efforts to develop a stronger climate change regime and has positioned us well to continue leading the policy research on the new Clean Development Mechanism established under the Kyoto Protocol. It also has led to another new area of research with the National Aeronautics and Space Administration to connect remote sensing data on forests with better environmental law monitoring and enforcement. The breadth of CIEL's policy research is shown by the list of publications at the end of the annual report.

Finally, I would like to say a word about the staff at CIEL. They are stellar examples of what public interest attorneys should be—brilliant, dedicated, and tireless—and they continue to inspire hope and confidence that we may yet reverse the threats to our global life support systems, and pursue an environmentally sustainable future.

On behalf of our staff and our many clients, thank you for your continuing support of CIEL.

Sincerely,



Durwood Zaelke
President



Photo: Barbara L. Shaw (Mombasa)



THE GLOBAL COMMONS PROGRAM

The global commons includes the oceans, the continent of Antarctica, the atmosphere, and outer space. No individual, country, or continent owns them; everyone uses them for life's sustenance, pleasure, or profit; and protecting them is essential to continued life on Earth.

In the proverbial "tragedy of the commons," public grazing lands in a village were destroyed because the shepherds who shared the common land kept adding to their flocks to increase their personal wealth—to the detriment of their fellow shepherds, the entire village and, ultimately, to themselves.

Similarly, modern societies continue to overfish the oceans and pollute already overburdened marine environments and the atmosphere. Among the consequences are ozone depletion, global warming, and loss of biodiversity.

The goal of CIEL's Global Commons Program is to protect the Earth's climate system, ozone layer, and ocean resources.

1997: A HOT YEAR FOR CLIMATE CHANGE

As the Earth endured a year of record-breaking temperatures, the climate change debate brought domestic and international politics to the boiling point. An already fierce battle between environmental groups and fossil fuel lobbies intensified as efforts to influence national decisionmakers increased in anticipation of the December climate negotiations in Kyoto.

CIEL was an integral part of the climate change treaty process, participating in all negotiation sessions leading up to Kyoto, as well as the Kyoto Conference itself. CIEL organized and participated in several workshops on climate change, and provided legal advice and assistance to the Climate Action Network (CAN) throughout the negotiation process. As a CAN member, CIEL joined the Network's effort to push country delegations towards a commitment to an ambitious protocol with legally binding emissions reductions. In addition, CIEL's legal expertise was used by CAN in drafting correspondence and position papers for the Network and its members.

CIEL also organized and co-sponsored workshops, specifically focusing on forest projects and the joint implementation (JI) mechanism. JI was originally introduced into the Climate Change Convention to give industrialized countries the opportunity to gain emissions reductions credits for energy-efficiency and forestry projects in developing countries, thereby also transferring clean technology and technical skills to these countries. At the 7th meeting of the Ad Hoc Group on the Berlin Mandate in August, CIEL hosted a briefing on independent evaluation of JI, as well as a critical analysis of the Australian position on emissions reduction. At the UN Framework Convention on Climate Change negotiations, CIEL co-sponsored a day-long workshop entitled *Climate Change and Biodiversity: Forging the Links*. This forum provided CIEL the opportunity to promote independent evaluation of the JI pilot phase, and to re-emphasize the need for a legal and institutional framework to guide JI and ensure that mitigation, biodiversity protection, and socio-economic benefits for local communities are attained.

These points were addressed in three papers published by CIEL in 1997: *Comments on the US Initiative on Joint Implementation; The AIJ Pilot Phase: A Call for Independent Evaluation*; and *12 Principles to Guide Joint Implementation*. CIEL is developing a set of legal principles and an institutional framework for JI. With our Costa Rican partner, Centro de Derecho Ambiental y de los Recursos Naturales (CEDARENA), we reviewed JI project documents, visited project sites, and interviewed project sponsors and government officials to assess the strengths and identify weaknesses of current forest projects. This extensive review provides the foundation for a forthcoming CIEL/CEDARENA report that will address the conservation and climate mitigation co-benefits that are possible through forest projects guided by a well-structured legal and institutional framework. The report will also incorporate the Clean Development Mechanism (CDM)—introduced into the text of the Kyoto Protocol at the December

negotiations. The report will aim to influence the structure of the CDM, to be elaborated at future meetings of the Parties to the Convention, and assure that the projects not only provide cost-effective measures for emissions reduction among industrialized countries, but also meet the environmental and socio-economic goals of developing countries.

The diligence and hard work of the environmental community prior to and at the Kyoto Conference of the Parties was rewarded as the world witnessed the signing of a legally binding protocol after marathon negotiations. Acknowledging that the Kyoto Protocol is more a sketch than a blueprint for action, CIEL continues its work to strengthen the treaty regime and the ability of countries to comply with their commitments.

PROTECTING THE OZONE LAYER

CIEL prepared an analysis for the United Nations Environment Programme (UNEP) on the effectiveness of trade and "positive" measures—incentives such as technology transfer and financial assistance—under the Montreal Protocol on Substances that Deplete the Ozone Layer. Until now there has been little empirical research into the efficacy of these measures, which environmentalists consider essential to gain compliance with international agreements and avoid "free-riding" or leakage. CIEL's analysis shows that the package of negative and positive incentives in the Protocol encouraged countries to participate in the ozone protection regime and comply with its control measures.

PROTECTING THE MARINE ENVIRONMENT

Preventing Shipment by Sea of Low-Level Nuclear Waste. As part of its efforts to provide legal services to country governments intent on improving their compliance with international laws and agreements, CIEL prepared a legal memorandum on the legality, under international law, of the shipment of low-level radioactive waste from Taiwan to North Korea. In cooperation with the Trade & Environment Program, the Global Commons Program also contributed to the protection of the marine environment through analysis of the implications of World Trade Organization (WTO) rules on fisheries conservation.

REMOTE SENSING AND ENVIRONMENTAL LAW

In 1998, CIEL will launch a new project with NASA's Goddard Space Flight Center, the U.S. Library of Congress, and the University of Maryland to integrate remote sensing satellite data into environmental law. The goal is to improve implementation of, compliance with, and ultimately, the effectiveness of environmental law. NASA's remote sensing data on land cover, vegetation indices, vegetation production, and cover conversion, which can be accurately and reliably measured, will be used for the project's initial focus on forests. Using indicators for sustainable forest management, the project will design a prototype system to facilitate and verify certification of sustainable forestry practices. This project is being coordinated with CIEL's work on joint implementation and biodiversity protection.

Support for the Global Commons Program during 1996-1997 has been provided by The Merrill G. and Erita E. Hastings Foundation, The Tinker Foundation, the Turner Foundation, the U.S. Environmental Protection Agency, and W. Alton Jones Foundation.

PROGRAM STAFF

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As the Earth endured a year of record-breaking temperatures, the climate change debate brought domestic and international politics to the boiling point.



INTERNATIONAL FINANCIAL INSTITUTIONS PROGRAM

Misguided policies and procedures, along with a lack of commitment to sustainable development, have made international financial institutions (IFIs) co-conspirators in some of the worst environmental and development decisions in history. CIEL formed its International Financial Institutions Program to improve the environmental and social record of IFIs by creating and using mechanisms and policies that increase transparency, public accountability, sensitivity to the environment, and respect for local project-affected people. Among other things, CIEL's work focuses on the unprecedented creation and use of independent inspection panels at the World Bank in 1993, the Inter-American Development Bank (IDB) in 1994, and the Asian Development Bank in 1995. These accountability mechanisms represent major steps forward in achieving sustainable development and incorporating fundamental principles of democracy and ecology into the policies of international institutions.

INSPECTION PANEL

CIEL is recognized as one of the leading NGOs working to ensure that the world's international financial institutions are transparent and held accountable to the citizens they most directly affect. CIEL played a leading role in the development of the World Bank Inspection Panel, a three-member body created in 1993 to review complaints from affected parties in borrowing countries regarding alleged violations of the Bank's operating policies. The creation of the Inspection Panel provides the first opportunity for citizens to challenge World Bank activities. In addition to regular monitoring and oversight of the World Bank, IDB, and ADB panels' activities, CIEL provides advice and assistance to citizen groups in developing countries who are considering filing a claim or who have actually filed claims to the panels. CIEL also provides critical analysis of the social and environmental policies of the IFIs.

In 1997, CIEL assisted citizens in Paraguay, Brazil, and India to bring their claims to the World Bank's Inspection Panel and, in one case, to the Inter-American Development Bank's Investigation Mechanism. CIEL has provided advice and information to NGOs from Brazil, Chile, India, Lesotho, Pakistan, Paraguay, Peru, South Africa and Tanzania who are actively monitoring IFI projects. Two recent examples, in Singrauli and Yacyreta, illustrate the complex issues involved in attempts to utilize the claims process.

SINGRAULI. Indian activist Madhu Kohli filed a claim in May 1997 on behalf of affected villagers who are challenging the Bank's violation of policies, including a failure to supervise and monitor the often-repressive activities of its largest borrower, the National Thermal Power Corporation (NTPC). The Bank is helping to finance the industrialization of the Singrauli area, which now has six coal-fired power plants, eleven open pit coal mines, and hundreds of associated industries. The people registered their claim anonymously because they feared repression on the part of NTPC.

In the fall of 1997, the Board of Executive Directors reviewed the Panel's preliminary report and recommendation for a full investigation, but due to political opposition at the Board level, the Board decided to allow only a "desk review" of the project by the Panel. The Panel released its final desk review in late December, which, despite its limited mandate, contained a scathing critique of the Bank's operations.

Increased national and international attention is finally being focused on the Singrauli situation. The *Financial Times* wrote a major story about the Panel's findings, and the British Broadcasting Corporation is planning a documentary on Singrauli. Representatives of peoples' movements had meetings with the Minister of Power and Minister of the Environment and demanded that the NTPC be responsive to the concerns of locally-affected people. The National Human Rights Commission in Delhi has agreed to re-open an investigation into human rights

violations, and Human Rights Watch/Asia has sent a team to the area.

YACYRETA. On October 1, 1996, a Paraguayan NGO filed a joint claim to the World Bank Inspection Panel and the IDB's Investigation Mechanism. This was the first claim ever filed to the IDB's Investigation Mechanism, and it has played an important role in highlighting some of the weaknesses of that process and in catalyzing momentum for reform of the mechanism. The claim, filed by Sobrevivencia on its own behalf and on behalf of anonymous affected fishers, artisans and brickmakers, alleged a series of policy violations in the design and implementation of the Yacyreta Hydroelectric Project on the Rio Parana between Argentina and Paraguay. An unprecedented show of support from NGOs around the world helped defeat attempts to block the investigation at both the IDB and the World Bank.

In December, the final reports of both investigation bodies were submitted to the Boards of Directors of the World Bank and the IDB. Though both reports demonstrated serious policy violations and made substantive recommendations, neither Board of Directors has acted on any of the recommendations, and instead has instructed Management to continue implementation of the action plans that have been developed by the Banks and the borrowers. However, filing of the claim has helped to focus local, national, and international attention on the failure to mitigate the social environmental impacts of this massive dam project, and Argentina and Paraguay have begun to take long-awaited steps to provide the hundreds of millions of dollars needed to mitigate the damage. Community-based organizations have mobilized to articulate their concerns and demands, and local governments have supported the claims to the inspection panels.

In order to provide easy access to information about the panels, CIEL published *A Citizen's Guide to the World Bank Inspection Panel*. This handbook, intended for use by citizens and civil society organizations in developing countries, provides a how-to guide that explains the workings of the Inspection Panel and how to file a claim. Hundreds of copies have been distributed to citizens and nongovernmental groups in developing countries.

CIEL assisted citizens in Paraguay, Brazil, and India to bring their claims to the World Bank's Inspection Panel.

EXPANDING TO PRIVATE SECTOR OPERATIONS

Along with the Bank Information Center and Friends of the Earth, CIEL has been advocating extension of the World Bank Inspection Panel to the private-sector operations of the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Association (MIGA). CIEL has participated in negotiations with IFC staff and a working group of NGOs and corporations over the past two years.

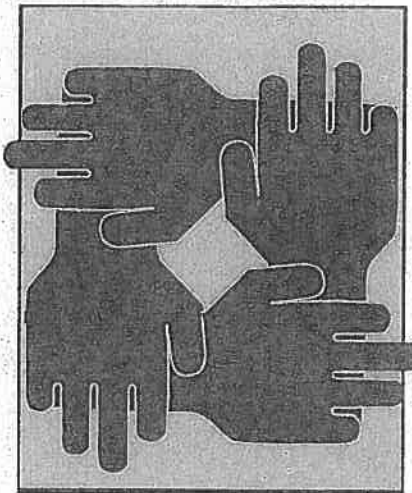
OTHER DEVELOPMENT INSTITUTIONS

CIEL applies the themes of accountability and transparency that characterize the MDB-specific work to other public institutions, as well. For instance, through the IFI program, CIEL has worked in conjunction with other environmental NGOs on monitoring U.S. bilateral assistance through the Overseas Private Insurance Corporation (OPIC) and Export-Import Bank, seeking to maintain and enforce environmental and social standards in their operations. In regards to the United Nations system, CIEL has tested the newly created UNDP Information Disclosure Policy, attempting to ensure its proper implementation.

Support for the International Financial Institutions Program during 1996-1997 has been provided by the Charles Stewart Mott Foundation, and the Wallace Global Fund.

PROGRAM STAFF

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LAW & COMMUNITIES PROGRAM

In many nations rural resource users still comprise a majority of the citizenry, yet in most developing countries, national laws and policies fail to support local incentives for sustainable natural resource management. As a result, the conditions required for sustainable development and good environmental governance are still not in place, and hundreds of millions of people directly dependent on threatened natural resources have no legal incentives for sustainably managing those resources. Perhaps most troubling is that few efforts are currently underway to address this fundamental policy failure.

The tendency of national laws to override the interests of rural people is historically rooted, and continues to frustrate sustainable development and sound environmental governance. The transition from colonies to nation-states in Asia, Africa, and Latin America resulted in little change in laws, policies and practices for allocating power and wealth among the national citizenries. Instead, most developing countries continue to mirror the biases of former colonial governments, especially concerning natural resources. National laws concerning forest resources in many Asian countries have actually become more hostile toward forest-dependent people and other rural resource users than was the case during the colonial era.

The Law & Communities Program focuses on assistance for rural constituencies in developing countries, particularly on issues related to community-based property rights. The Program fosters partnerships with public interest environmental law institutions to address the impacts of national and international laws, and the private sector and markets, on local incentives and disincentives for sustainable community-based natural resource management.

COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT AND LOCAL CAPACITY BUILDING

The Law & Communities Program has two major components. First, it assists with the formation and strengthening of public interest environmental law organizations in countries where such institutions do not yet exist or are relatively weak, and where CIEL has in-country partners. CIEL staff participate in skills-sharing exercises to facilitate internal organizational enhancement and to develop legal strategies for promoting sustainable community-based resource management. This includes sharing information on international, regional, and national legal issues that impact local communities and interrelate with human rights, environmental, and economic development considerations. Second, the Program assists with collaborative, in-country research and analysis on issues related to legal, regulatory, and economic interactions between local communities and formal governmental institutions on local, state, national, and international levels. The specific goal is to determine whether existing legal relationships are conducive to sustainable community-based management of natural resources and, if not, to assess how they might support such goals. Occasionally on request, CIEL provides technical assistance drafting laws and regulations. CIEL also undertakes collaborative efforts to establish and/or monitor pilot, field-based initiatives.

PROGRAM ACTIVITIES

During its inaugural year in 1997, the Program was active in the biodiversity triangle comprised of the Philippines, Indonesia, and Papua New Guinea, and maintained and developed contacts for future activities in South Asia and Africa. In the Philippines, the Program receives support from USAID/Manila for three discrete activities. First, it works with the Department of Environment and Natural Resources (DENR) to strengthen and develop the newly established Community-Based Forest Management Office. Second, it advises the DENR on legal and regulatory matters, including interpretation and implementation of the Indigenous Peoples Rights Act of 1997.

Finally, the Program is working with Filipino public interest environmental lawyers from NGOs such as the Legal Rights and Natural Resources Center - Kasama sa Kalikasan, Haribon Foundation - Tanggol Kalikasan, and the Environmental Legal Assistance Center. These lawyers are conducting rapid legal appraisals and field research at fifteen community-based natural resource management sites, including four coastal communities, and are providing these communities with independent legal counsel. One of the central goals of the field visits is to draft case studies and develop feedback mechanisms and interactive policy dialogues for linking field-based experiences and insights into more broad-based and better informed DENR policies and projects. The case studies and a consolidation report being prepared by CIEL and Tanggol-Kalikasan will be published in 1998 and will include recommendations for improving the process and substance of DENR's field-based activities.

In Indonesia, in partnership with Lembaga Studi dan Advokasi Masyarakat (Institute for Policy Research and Advocacy) and the Indonesian Center for Environmental Law, and with financial backing from the Biodiversity Support Program, the program is working to help establish and improve Indonesian NGO capacities to identify and analyze the legal, regulatory and economic conditions that help or hinder community-based natural resource management and conservation. It has developed a four-year project designed to assist Indonesian public interest environmental lawyers and institutions, and rural, natural resource-dependent communities. In 1998 Indonesian lawyers will participate in two workshops, conduct field research and provide legal assistance at up to eight community-based projects.

In Papua New Guinea, the program is working in collaboration with the Individual and Community Rights Advocacy Forum, and with financial support from the Biodiversity Conservation Network, to assist local communities on the Managalas Plateau to secure community-based tenurial rights and establish a national legal precedent that enhances local incentives for promoting biodiversity conservation, sustainable community-based resource management, and enterprise development.

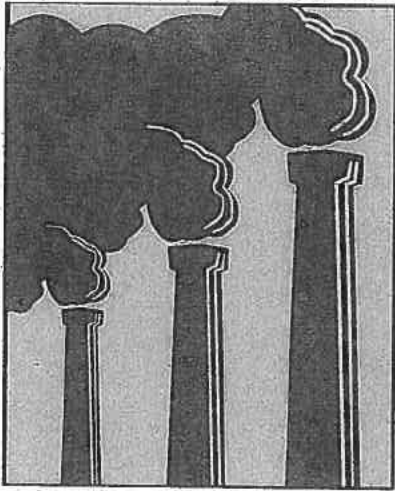
In addition, with support from Harvard Law School's Human Rights Program, the program sponsored an internship at CIEL during the summer of 1997 by the Chairman of Tanzania's Lawyers Environmental Action Team. These activities build on a successful, multi-disciplinary meeting of lawyers, social scientists, foresters and other professionals that the Center for Basic Research and the Law & Communities Program manager, while a senior associate at the World Resources Institute, co-hosted in Jinja, Uganda in 1995 to discuss strategies for promoting public interest environmental law and community-based natural resource management in eastern Africa. The workshop provided a venue for skills-sharing and networking by lawyers from the Lawyer's Environmental Action Team, Kenya's Center for Environmental Policy in Africa, Uganda's Greenwatch, and other institutions and practitioners. It led to another related workshop in Lake Naivasha, Kenya in 1997.

Support for the Law & Communities Program during 1996-1997 has been provided by the Biodiversity Conservation Network, the Biodiversity Support Program's Asia and Pacific Program, the United Nations Development Programme, the United Nations Food and Agriculture Organization (FAO), the United States Agency for International Development (USAID) Philippines, and USAID South Korea.

PROGRAM STAFF

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The tendency of national laws to override the interests of rural people is historically rooted, and continues to frustrate sustainable development and sound environmental governance.



TRADE & ENVIRONMENT PROGRAM

Consistent with CIEL's goal to incorporate fundamental principles of ecology and democracy into international law, CIEL's Trade & Environment Program is working to integrate principles of sustainable development into international trade and investment laws and policies to ensure that globalization regimes fully address noneconomic values. The Program focuses in particular on the World Trade Organization (WTO), the Organization for Economic Cooperation and Development (OECD), and those organizations established under the Inter-American economic integration process, including the NAFTA. The Program's work includes promoting a framework for civil society participation in the WTO, ensuring the effectiveness of multilateral environmental agreements, facilitating ecolabeling as a market-based tool for sustainable development, assisting NGOs through publications and seminars to actively engage in trade policymaking, and providing legal advice to governments and NGO partners throughout the world. In addition, CIEL advocates interpretations and modifications of trade rules that support conservation of biodiversity and educates conservationists about the potential impact of trade and investment rules, as described under the Biodiversity & Wildlife Program.

The WTO and other economic integration regimes remain opaque and unaccountable to the public preventing the development of durable, balanced policy.

CIEL IN GENEVA

CIEL opened an office in Geneva in 1995 to focus on the WTO, where international trade rules are negotiated, monitored, and enforced. CIEL's presence in Geneva and Washington, D.C. permits a coordinated effort to shape trade policy at the WTO and in the world's two most powerful trading blocks—the NAFTA and the European Community. Also, CIEL helps its NGO partners worldwide by providing them with otherwise inaccessible information from Geneva, and by helping them understand and participate in their governments' positions on trade and environment issues of national and global significance.

FACILITATING CIVIL SOCIETY PARTICIPATION

NGO, business, and citizen participation is playing an increasingly important role in the policy development of key international institutions. Yet the WTO and other economic integration regimes remain opaque and unaccountable to the public, preventing the development of balanced policy that would promote long-term prosperity through sustainable development. CIEL is facilitating greater civil society participation in these institutions in a number of ways. For example, during the 1996 WTO Ministerial in Singapore, CIEL worked with other organizations to develop an NGO declaration recommending greater civil society involvement in WTO meetings, access to documents and participation in the WTO dispute settlement system. CIEL also is promoting participation through lectures, seminars and publications such as the *Handbook for Obtaining Documents from the World Trade Organization* and *A Proposed Agreement on Public Participation and Transparency Within the WTO*.

Internationally recognized as an expert on complex trade and environment issues, CIEL promotes civil society's participation in trade policymaking by providing legal analysis, information, and advice to environmental groups, thereby helping them to understand and address the threats to environmental regulation posed by the emerging global economy.

PARTICIPATING IN TRADE DISPUTE RESOLUTION

CIEL is using the WTO dispute settlement system to integrate principles of sustainable development into international trade law and policymaking. Because the WTO's Committee on Trade and Environment has failed to resolve key issues, attention has shifted to the dispute resolution system for policy development.

CIEL is actively pursuing NGO participation in the dispute settlement process. In September 1997 CIEL, on behalf of partner organizations, submitted a precedent-setting *amicus curiae* (friend of the court) brief for an environmental dispute at the WTO. Partner organizations were the Center for Marine Conservation, Red Nacional de Accion Ecologica of Chile, the Environmental Foundation Ltd. of Sri Lanka, and the Philippine Ecological Network. In addition to introducing principles of international environmental law into the dispute, the brief highlighted the need for civil society participation in the WTO dispute settlement system.

MULTILATERAL ENVIRONMENTAL AGREEMENTS

A critical issue in the trade and environment debate is the relationship between trade rules and multilateral environmental agreements (MEAs), such as the Kyoto Protocol on climate change, the Montreal Protocol on ozone depletion, the Basel Convention on the transboundary movement of hazardous wastes, the Biodiversity Convention, and the Convention on International Trade in Endangered Species. CIEL's book (published by the United Nations Environment Program) *The Use of Trade Measures in Select Multilateral Environmental Agreements* notes the potential for trade rules to undermine the effectiveness of MEAs. In 1996 and 1997, CIEL continued to work with policymakers and NGOs to analyze these potential conflicts and propose alternative approaches consistent with sustainable development.

CIEL is continuing its efforts to assist NGOs during environmental treaty negotiations to ensure a balance between trade rules and environmental protection. CIEL has also advised international agencies, such as the secretariats of several MEAs, on these issues. CIEL is also working with developing country representatives to the WTO, and increasingly with the U.S. government, to formally protect trade measures used in MEAs.

ECOLABELING

Ecolabeling is an essential, market-based tool to allow consumers to choose environmentally friendly products. CIEL is concerned that misguided interpretations of trade rules could undermine ecolabeling schemes. We are working to educate governmental officials on the importance of ecolabeling and the impact of trade rules on such labeling schemes. We also are working with partners in northern and southern countries to develop a joint position for presentation at the May 1998 Ministerial of the WTO in Geneva. In addition, CIEL continues to advise environmental groups, including the International Federation of Organic Agricultural Movements (IFOAM) and Greenpeace International, of the potential impact of trade rules on ecolabeling. In 1997, CIEL published a report on the relationship between ecolabeling of timber products and trade rules.

In a related effort, CIEL is a convening member of the Consumer's Choice Council. The CCC is an association of nonprofit, corporate, and government organizations from around the world, dedicated to protecting and promoting third-party product labeling. The goal of the Council is to ensure the consumer's right-to-know about the environmental and social impacts of the products they buy on the global market.

INTER-AMERICAN ECONOMIC INTEGRATION

CIEL is coordinating its Geneva-based work with its work on Inter-American economic integration process. In 1996, CIEL launched the Public Participation in Trade Negotiations in the Americas Project. The goal is to promote broader public participation and greater attention to environmental protection with respect to hemispheric integration. Currently, CIEL is working in partnership with

CIEL is ideally positioned to use its legal expertise to ensure that international investment promotes sustainable development.

organizations throughout the hemisphere to organize a People's Forum for the 1998 Summit of the Americas. The Forum will focus on issues such as public participation, trade and environment, and investment issues. Its purpose is to educate civil society and create networks for effective participation in the Inter-American economic integration process. CIEL also participated in the fast-track debate, in part to educate policymakers on the environmental challenges associated with expanding NAFTA to the entire hemisphere. In Chile, CIEL worked to strengthen the capacities of Chilean NGOs working on environmental issues related to hemispheric integration through small grants and direct technical assistance. These efforts are ongoing.

INVESTMENT

International investment is eclipsing trade as an engine of growth and is having equally dramatic effects on progress towards sustainable development. International agreements liberalizing investment are proliferating. CIEL has already advised governments and NGOs of the OECD's investment agreement, which may have potentially disastrous impacts on the environment and local communities. The WTO is expected to produce a new investment agreement in the coming millennial round of negotiations and the negotiations for a Western hemispheric free trade area. CIEL is ideally positioned to use its legal expertise to ensure that international investment promotes sustainable development.

Support for the Trade & Environment Program during 1996-1997 was provided by the Charles Stewart Mott Foundation, the Consumer's Choice Council, the Geneva Canton, Greenpeace, the International Federation of Organic Agricultural Movements, the Merrill G. and Erita E. Hastings Foundation, the North American Commission on Environmental Cooperation, The Pew Charitable Trusts, the Swiss Government, the United Nations Environment Programme, the W. Alton Jones Foundation, the World Business Council for Sustainable Development, the World Resources Institute, and the World Wide Fund for Nature (WWF-International).

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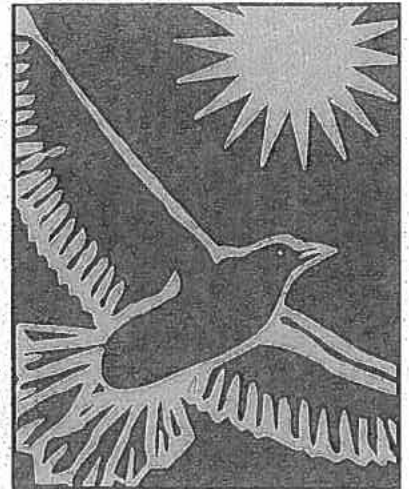
BIODIVERSITY & WILDLIFE PROGRAM

Biodiversity is the variability of living organisms, including animal and plant species, and the terrestrial, aquatic and marine ecosystems of which they are part. Biodiversity helps provide for basic human needs such as food, shelter, and medicine. It composes ecosystems that maintain oxygen in the air, enrich the soil, purify the water, protect against flood and storm damage and regulate climate. Biodiversity also has recreational, cultural, and aesthetic values.

Society's growing consumption of resources and increasing populations have led to a rapid loss of biodiversity, eroding the capacity of earth's natural systems to provide essential goods and services on which human communities depend.

Biodiversity is ultimately conserved or lost because of community and individual decisions about the use of land and resources, but these local decisions are routinely and increasingly influenced and overridden by international law and policies. Therefore, protecting the Earth's biodiversity involves legal as well as economic, political, and cultural elements, and must encompass international dimensions as well.

Through its Biodiversity & Wildlife Program, CIEL works to develop and maintain international and national policies and laws that support conservation and sustainable use at the local level. The program strengthens the Convention on Biological Diversity and the Convention on International Trade in Endangered Species as legal tools for encouraging conservation. In addition, the program promotes innovative methods for integrating conservation principles with economic and trade policies. Finally, we provide technical assistance to and carry out joint projects with NGOs and governments to strengthen national laws in selected countries.



Biodiversity is ultimately conserved or lost because of community and individual decisions about the use of land and resources.

THE CONVENTION ON BIOLOGICAL DIVERSITY

The Convention on Biological Diversity (Biodiversity Convention) has been ratified by more than 160 countries. It has been signed but not ratified by the United States. The Convention provides a legal framework for a comprehensive ecosystem-based approach to conservation. It addresses new and complex issues related to biodiversity conservation, including economic incentives for biodiversity conservation, international trade in genetic resources and intellectual property, and bioprospecting.

CIEL is among the leading NGOs acting to implement the Biodiversity Convention. CIEL has participated actively in the Conferences of the Parties of the Convention, focusing on living marine resources, intellectual property rights, bioprospecting, and genetic resources. In addition, CIEL has assisted the Convention Secretariat in preparing background information on bioprospecting, benefit-sharing and intellectual property rights.

The Convention confirms that countries rich in biodiversity (most of which are "developing") have both legal control over their biodiversity and a right to share in the benefits of its use. It also calls on governments to help indigenous and local communities protect their traditional knowledge and practices relating to biodiversity, and to establish incentives to encourage fair sharing of the benefits from those traditions. CIEL promotes the Convention's benefit-sharing principles through advocacy and advice to indigenous activists, environmental activists, and governmental officials. CIEL also conducts innovative research on these issues. For instance, in 1997 at an intergovernmental workshop on traditional knowledge under the Biodiversity Convention, CIEL presented recommendations on the potential for using or modifying intellectual property rights to increase benefits to indigenous and local communities.

MARINE AND COASTAL BIODIVERSITY

In 1995, CIEL played a critical role in an NGO campaign to protect marine and coastal biodiversity under the Biodiversity Convention. In a major step forward, governments at the Second Convention of Parties adopted important

Liberalization of trade may increase exploitation of natural resources and lead to negative impacts on biodiversity.

recommendations for marine conservation in the Jakarta Mandate, based heavily on NGO proposals involving extensive CIEL input. In partnership with IUCN and WWF, CIEL followed up on this campaign in 1996 with the report *Biodiversity in the Seas: Implementing the Convention on Biological Diversity in Marine and Coastal Habitats*, which proposes legal and policy reforms needed to conserve and sustainably use marine and coastal biodiversity. CIEL also published a summary of its findings in an October 1996 CIEL Brief, *Biodiversity in the Seas*, that was also translated into Spanish to facilitate wider circulation.

CITES AND WILDLIFE PROTECTION

Trade in rare wildlife species is thought to be the second or third most lucrative illegal trade in the world. Since 1992, CIEL has advocated strong and realistic implementation of the Convention on International Trade in Endangered Species (CITES). CITES limits international trade in products taken from plants or animals that are currently or may become threatened by trade. Examples include elephant ivory, rhinoceros horns, and sea turtle shells.

CIEL has played a key role at past CITES Conferences of the Parties in working to protect CITES' integrity against challenges from wildlife trade interests. In 1997, CIEL attended the tenth Conference of the Parties of CITES in Zimbabwe, where staff advised environmental groups and governments on criteria for annotations (special listings of threatened species aimed at allowing limited sustainable trade) and the synergies between CITES and the CBD. CIEL also works on legal issues concerning the protection of species such as polar bears and sea turtles.

THE ECONOMICS OF BIODIVERSITY

Integrating economic and environmental policy is essential to an effective strategy for biodiversity conservation. In recognition of this need, Article 11 of the Biodiversity Convention requires parties to examine the impact of economic incentives on the conservation and sustainable use of biodiversity. CIEL has produced several publications on the impact of current economic policies on private-sector decisions affecting biodiversity, proposing policy reforms that will remove incentives for destroying habitat and will expand the use of economic incentives for conservation. On the basis of this work, CIEL was invited to join the U.S. delegation to the Organization for Economic Cooperation and Development's Expert Group on Economic Aspects of Biodiversity. As the sole NGO participant, CIEL has had a unique opportunity to influence the group's policy report, which was published in 1996. CIEL has also organized workshops and roundtables on economic incentives for conserving biodiversity.

BIODIVERSITY AND INTERNATIONAL TRADE

International trade policies have a major impact on the Earth's biodiversity. Liberalization of trade, for example, may increase exploitation of natural resources and the associated negative impacts on biodiversity. International trade policy may also interfere with national and international conservation laws and policies. CIEL promotes law and policy measures that would ensure that trade law and policy support the goals of conservation and sustainable use. CIEL advises environmental NGOs and international agencies on the relationships of trade rules with both the Biodiversity Convention and CITES. More specifically, CIEL has researched the relationships between the WTO's requirements for intellectual property and the Biodiversity Convention's provisions on sharing benefits from traditional knowledge and genetic resources.

Recently, CIEL produced a report on how to harmonize trade rules with sustainable use and conservation of fisheries (to be published with Greenpeace in 1998) and a study on the potential impact of trade policy on the use of ecolabeling of

timber products to encourage sustainable management of forests. For additional information about CIEL's trade and environment work, refer to the section on the Trade & Environment Program.

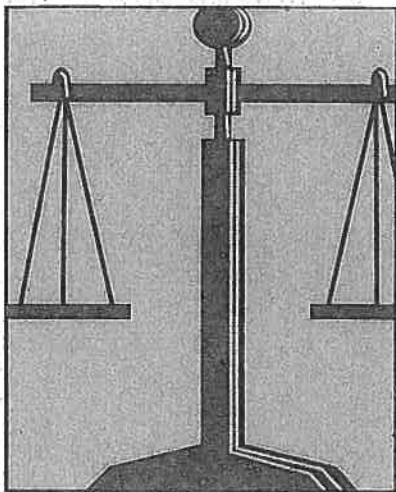
BIODIVERSITY AT THE NATIONAL LEVEL

In the United States, CIEL continues to provide legal advice and serves on the steering committee of the Biodiversity Action Network (BIONET), a network of NGOs that CIEL launched in 1993 in cooperation with the Sierra Club and other U.S. environmental groups. CIEL also responds to requests for legal information and advice from activists and environmental lawyers around the world, and works on capacity building and technical assistance to NGOs and governments in selected developing countries and countries with economies in transition.

Support for the Biodiversity & Wildlife Program during 1996-97 was provided by the John D. and Catherine T. MacArthur Foundation and The Moriah Fund. Support for specific activities within the program was provided by the Jenifer Altman Foundation, the Biodiversity Support Program (a consortium of the World Wildlife Fund, the Nature Conservancy, and the World Resources Institute funded by USAID), Greenpeace, the Humane Society of the United States, the United Nations Environment Programme, the U.S. Environmental Protection Agency, and the World Conservation Union (IUCN).

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CAPACITY BUILDING & POLICY ANALYSIS

CIEL's policy analysis and capacity-building activities are designed to strengthen and develop international and national law, policy, and management throughout the world. Within this program, CIEL contributes to the development of international law, assists NGOs and governments in strengthening, regional, national, and local environmental laws, policies, and enforcement mechanisms; trains environmental lawyers worldwide; and distributes environmental law information.

THE ENVIRONMENTAL LAW PROGRAM

CIEL, with the support and assistance of the United States Agency for International Development (USAID), has continued to develop the Environmental Law Program (ELP) as a means for capacity building and legal policy support to developing countries. Through ELP, CIEL cooperates with national and local governments, NGOs, and private-sector partners in strengthening national environmental laws, policies, and regulatory compliance and enforcement; trains environmental lawyers worldwide; distributes environmental law information; and contributes to the development of international environmental law. In 1997, the Environmental Law Program continued its work on trade and environment issues, public participation in environmental decisionmaking, biodiversity law reform, and legal and policy frameworks for sustainable urban development. ELP works at the regional, national, and local levels to promote environmental policy reform focusing on policy priorities that will assure the sustainability of activities promoting economic growth. CIEL promotes a process for reform that maximizes public participation in the design, implementation, and enforcement of environmental and other sustainable development norms.

Specifically, ELP designed and executed a national conference on Environmental Competitiveness and International Trade in Asunción, Paraguay in November 1996 under the auspices of the Ministry of Industry and Commerce, the Ministry of Livestock and Agriculture, and the Ministry of Integration. The conference, co-sponsored by the Inter-American Development Bank, promoted environmental policy reform dialogue relating to clean production, ISO 14000, ecolabeling, and public participation in compliance. The conference resulted in increased public interest in environmental competitiveness as a key to increasing international trade.

In addition, ELP helped design and facilitate a Bolivia Summit Follow-up Consultation on Public Participation in Sustainable Development in Miami, Florida in February 1997, co-sponsored by the Organization of American States and the North-South Center, and co-financed by USAID and the Global Environment Facility (GEF). The meeting led to specific recommendations for the formulation of an "Inter-American Strategy for Participation," (ISP) that is being implemented by the OAS with the support of USAID and the GEF. The ISP is identifying policy reform priorities for integrating the public into environmentally sustainable development decisionmaking, which are to be reported for consideration at the national and regional levels. ELP's principal contribution will be overall technical guidance and a Legal Inventory of public participation provisions in environment and natural resource laws in Latin American and Caribbean countries for comparative study of best practices.

ELP also supported the design of a regional Cleaner Production Policy Support Initiative, in conjunction with the USAID Environmental Pollution Prevention Project (EP3), to promote the formulation and implementation of legal and regulatory policies that support industrial clean production and waste minimization practices. The policy program began with initial scoping activities in Bolivia and Ecuador, and will continue with policy dialogue among interested stakeholders and the design of clean production policies based on local needs and priorities.

The ELP Biodiversity and Protected Areas Legal Reform Program in Nicaragua was created to provide direct legal support to the Ministry of Natural Resources and Environment in the formulation of a new National Biodiversity Law, and Regulations implementing Nicaragua's Protected Areas Law and the Convention on International Trade in Endangered Species (CITES). This activity is intended to result in the adoption of new legal policies in each of the targeted areas, which are vital to assuring that Nicaragua's economic growth and international trade relating to biological resources is environmentally sustainable.

ELP promoted the development of a Legal Framework for the Sustainable Development of the South American Chaco through a regional dialogue on elements of a sustainable development strategy for the savanna region that is shared by Paraguay, Bolivia, Brazil, and Argentina. The activity is sponsored by the Ecology Commission of Paraguay's National Congress and Parks-in-Peril partner Desarrollo del Chaco. The recent conference resulted in the identification of priority elements for a sustainable development policy for the Chaco, including sustainable agriculture issues and natural resource management and trade issues.

ELP also participated in Hemispheric Trade Expansion Policy Fora designed to inform the broader U.S. public and Latin American and Caribbean stakeholders about the linkage between trade and environment issues and the importance of addressing environmental policy issues as a key to trade sustainability. ELP has participated in: the meeting on NAFTA as a Free Trade Model, sponsored by the Universidad Autónoma de México in Mexico City in the Fall of 1996; the Trade and Environment Academic Conference sponsored by the National Wildlife Federation and the University of San Diego, California in Los Angeles in Spring 1997; and the Reuters Foundation Hemispheric Issues Forum for Latin American Journalists in Miami in the spring of 1997.

ELP has provided numerous policy consultations on municipal development activities through USAID's regional urban development programs. In particular, ELP has initiated a series of regional training workshops on Legal Frameworks for Sustainable Urban Environmental Management, working with local in-country partners with the hope that the training activities will be increasingly replicated and more sustainable. Beginning in Bangkok, Thailand and Santiago, Chile, ELP will be providing training to urban-management professionals on basic policy and regulatory strategies to address the complex problems caused by rapid urbanization.

CIEL promotes a process for reform that maximizes public participation in the design, implementation, and enforcement of environmental and other sustainable development norms.

RUSSIAN ENVIRONMENTAL LAW PROJECT

During 1997, CIEL completed work on its three-year effort to promote environmental law in Russia. Most of this work was carried out in cooperation with an Environmental Law Task Force—an advisory group of Russian and American environmental lawyers and other environmental professionals. The project has facilitated important strides in the development of the environmental law profession, respect for law, and an understanding of law as a practical, problem-solving tool.

A primary focus of CIEL's work in Russia with the Task Force was public participation in environmental decisionmaking. In May 1997, CIEL organized a workshop "Public Participation in the Process of Environmental Decision-Making: Developing, Implementing and Enforcing Environmental Standards." The workshop was one of the first opportunities for Russians from a variety of sectors to gather together to discuss the role of the public in environmental decisionmaking and to discuss in a concrete way how this might better be done in the Russian context. The background materials that were published are some of the most comprehensive in Russian on the subject—including both analysis of the law and actual case studies of how the law works in practice. The conference

American University's Washington College of Law program supports a dynamic and interdisciplinary approach for training future leaders in environmental law.

materials were then used by an NGO member of the Task force to hold a round-table meeting on public participation in environmental decisionmaking that included representatives from the State Committee for Environmental Protection and the State Duma (the lower house of Parliament).

In addition to the conference materials, CIEL produced two other major publications in Russian, *Water Protection Zones of the Istra Region* and *Introduction of Method 9 in Russia: An Experiment in Establishing a New Environmental Standard* that summarized the major work of the Task Force over the course of the project in the fields of water and air protection. To develop the publication on water protection zones, Task Force members worked with the local administration of the Istra region and the Istra Citizen's Council to identify their problems and needs. The organization and contents of the publication were then tailored to those needs through a process of close consultation between the parties involved. It was designed to be a practical "citizen's guide" to water protection zones (riparian buffer zones), and was distributed to local citizens, NGOs, and schools. Excerpts were also disseminated through the local press. The goal was to help farmers, dacha owners, and others in the Istra region understand the importance of water protection zones to the environment and the rules governing their use and protection. The publication is significant because it is one of the few publications in Russia designed to help citizens comply with and enforce the law and thus promotes environmental protection and the rule of law.

In 1996, CIEL coordinated an expert review panel analysis of the draft forest code for the Khabarovskii-Krai. CIEL produced written comments in both English and Russian for the drafting committee to consider in finalizing the code.

OTHER CIEL CAPACITY BUILDING & POLICY ANALYSIS ACTIVITIES

ENVIRONMENTAL LAW ONLINE (E-LINE). Building on the comparative environmental law database CIEL helped construct for the North American Commission on Environmental Cooperation (www.cec.org), CIEL commissioned the preparation of environmental law summaries for Ecuador, Bolivia, Peru, and Paraguay. In addition to these summaries, the comparative law database provides hyperlinks to relevant statutes and regulations.

ENVIRONMENTAL LAW PROFILES. Working with partners in Asia, CIEL is preparing ten environmental law country profiles for the Asian Development Bank (ADB). The 300-page compilation focuses on Bangladesh, China, India, Indonesia, Malaysia, Thailand, Pakistan, Philippines, Sri Lanka, and Vietnam. This project expanded CIEL's continuing relationship with partners who participated in CIEL's Regional Workshop "Making Environmental Law in Asia More Effective," held in Hong Kong during March 1996.

AMERICAN UNIVERSITY'S WASHINGTON COLLEGE OF LAW JOINT RESEARCH PROGRAM. Because of the long-term importance of training new environmental lawyers, particularly lawyers from developing countries, CIEL and the American University's Washington College of Law joined to establish an innovative research program on international and comparative environmental law. Through this program, CIEL attorneys offer a full range of environmental law courses within a specialization in international and comparative environmental law. The program supports a dynamic and interdisciplinary approach for training future leaders in environmental law, conducts workshops and symposia, sponsors research on various environmental issues, advises the development of WCL's international and comparative law curriculum, and offers opportunities for study abroad. The program annually attracts 180 lawyers from over sixty countries.

Developing country graduates of this program have gone on to teach environmental law, launch new environmental organizations, head environmental agencies, and represent citizens or other clients on environmental issues.

VISITING LAWYER PROGRAM. During 1996 and 1997 CIEL hosted visiting lawyers and activists from Australia, Canada, France, Germany, Japan, Mexico, the Philippines, Portugal, Spain, South Africa, Tanzania, Uganda, and the United Kingdom. The visits typically ranged from three weeks to six months. Visiting lawyers are given the opportunity to pursue their own selected research, or are integrated into project work by CIEL attorneys. CIEL also hosts law students and undergraduate college students for semester and summer internships, giving them the opportunity to explore public-interest and international environmental law.

Support for Environmental Law Online has been provided by the North American Commission on Environmental Cooperation and the U.S. Agency for International Development (USAID). Support for the Environmental Law Program has been provided by USAID. Support for the Russian Environmental Law Project was provided by USAID through the Harvard Institute for International Development and by the U.S. Environmental Protection Agency and the Trust for Mutual Understanding. Support for the Environmental Law Profiles has been provided by the Asian Development Bank. Support for the Joint Research Program has been provided by the American University's Washington College of Law and Harvard Law School's Human Rights Program.

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Center for International Environmental Law, Inc.
Summary Statements of Financial Position
For the Years Ended June 30, 1997 and 1996

REVENUE	1997	1996
Direct public support and grants	\$ 1,598,305	\$ 964,637
Fees and Contracts	183,155	285,953
Other	12,411	8,152
TOTAL SUPPORT AND REVENUE	1,793,871	1,258,742
EXPENSES		
Program services		
Biodiversity & Wildlife	\$ 166,637	\$ 165,572
Capacity Building & Policy Analysis	251,937	235,184
Global Commons	92,821	76,265
International Financial Institutions	134,289	124,958
Trade & Environment	509,963	286,855
Consumer's Choice Council		
Law & Communities	116,617	24,963
Central & Eastern Europe & the NIS	351,557	208,585
Other programs	22,706	1,297
	1,646,527	1,123,679
Supporting services		
General and administrative	25,168	17,474
Fundraising	44,089	1,297
TOTAL EXPENSES	1,715,784	1,142,450
CHANGES IN NET ASSETS	78,087	116,292
NET ASSETS AT BEGINING OF YEAR	826,038	709,746
NET ASSETS AT END OF YEAR	904,125	826,038

Audited financial statements are available upon request.



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