About CIEL

The Center for International Environmental Law (CIEL) is a public interest law organization based in Washington, DC, with a second office in Geneva, Switzerland. Since 1989, CIEL has carried out hundreds of projects in dozens of countries throughout the world. Its dedicated, experienced staff use and build international law and institutions to protect the environment and human health.

Grounded in the belief that the rule of law is critical to forge an appropriate balance between environmental protection, human rights, social equity and economic growth, CIEL is a strong advocate of transparency, public participation, and accountability in decisionmaking, committed to equity, diversity and the elimination of all types of injustice. As lawyers for the global environmental community, CIEL works to create a just and sustainable society for this and future generations.

CIEL strives to effectively implement international law, institutions, and initiatives, strengthen the capacity of civil society organizations and networks, and develop law and policy towards those ends. CIEL is uniquely able to identify the strengths and weaknesses of laws and institutions and then work strategically with activist networks on key leverage points that may be used to achieve change.

CIEL provides a wide range of international legal services to clients and partners worldwide, including communities, civil society organizations, governments, and intergovernmental organizations. The following pages contain highlights of a productive and successful 2007.

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CIEL Annual Report 2007

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Dear Friends,

CIEL made important progress in protecting the environment and human health in 2007, buoyed by the excellent work by the CIEL family of staff, interns and pro bono attorneys. The Board of Trustees contributed their leadership and governance; our alumni network and Board of Advisors made vital contributions, as did our partners worldwide and our donors.

CIEL achieved many successes over the past year; I would like to highlight three examples of the fundamental, systematic impact CIEL accomplished while at the same time protecting specific communities and environmental resources. CIEL staff contributed significantly to changing three paradigms to the recognition that: Investor-State arbitrations raise important public interests; international financial institutions must respect human rights; and climate change has considerable human rights implications. In retrospect, all three may seem obvious, but CIEL’s efforts were absolutely essential to their recognition.

Additionally, CIEL began a major effort in 2007 to increase the effectiveness and credibility of the international legal system by improving the entire range of international dispute settlement. The project, which we call Democratizing International Dispute Settlement (DIDS), involves strategically identifying and then attempting to remedy deficits in transparency, opportunity for public participation, and accountability. This project is quintessentially the type of work CIEL performs – of fundamental importance, first-rate quality, and great utility to civil society and the global community. Highlights about these and other activities are provided in this report.

CIEL remains a standard-bearer on work in international environmental law and an important force in protecting human health and the environment, both now and for future generations. This work is possible with the support of individual donors and institutional funders – we sincerely thank everyone who has supported us for allowing us to continue with this pressing and innovative work.

With heartfelt thanks to all the CIEL family,

Daniel B. Magraw
President
Programs and Activities

Protecting the Global Environment
And Human Health

Finding Balance for Our World
The health of the planet and the health of its inhabitants are inextricably linked. Recognizing this delicate balance between humans and the environment, ecosystems, and climate of the world we inhabit, CIEM carries out a broad range of projects designed to protect both the environment and human health. These projects focus on several areas, including:

- chemicals,
- climate change,
- biodiversity and wildlife,
- biotechnology, and
- children’s health.

CIEL’s efforts in these and other areas are designed to achieve on-the-ground progress by developing and implementing international law, strengthening international institutions, and taking advantage of ongoing international processes.

A Global Reach
CIEL undertakes projects in conjunction with partner organizations around the world, providing these partners with the international legal expertise needed to complement their own energy, skills, and other resources, to learn from their and others’ experiences, and to enhance the effectiveness of CIEL’s own work.

A Common Purpose
CIEL engages in many ways, ensuring the voices of indigenous peoples are heard at international meetings on global climate change policy; strengthening international legal mechanisms that reward local conservation efforts to preserve biodiversity; preventing the rollback of environmental protections; and participating in international negotiations over the future of chemicals management so that children can grow up healthy and free of the dangers these chemicals harbor. CIEL’s dedicated team of experts works every day to ensure people and the planet can live in balance.

HIGHLIGHT:
The Inuit Petition on Climate Change and Human Rights

Following up the petition filed by CIEL, Earthjustice, and the Inuit Circumpolar Conference to the Inter-American Commission on Human Rights, which details why the devastating impacts of global warming in the Arctic violate the human rights of the Inuit, CIEL and its partners requested that the Commission hold a thematic hearing on climate change and human rights. Attorneys from CIEL and Earthjustice, and Inuit leader Sheila Watt-Cloutier, provided testimony at that hearing about the impact of global warming on the Inuit and other vulnerable communities in the Americas, the implication of these impacts for human rights, and recommendations on how the Commission can address this issue. CIEL’s work has been the primary force in introducing a human rights dimension to climate change debates. CIEL focuses on the human dimension of climate change in this and other ways.
HIGHLIGHT: International POPs Elimination Network (IPEN)

In 2007, IPEN ensured robust NGO participation in six critical international chemical policy discussions. More than 70 NGOs participated in these meetings, held in Europe, Africa, and Southeast Asia.

NGO involvement is critical to eliminating persistent organic pollutants on an expedited yet socially equitable basis.

HIGHLIGHT: U.S. Ratification of POPs Convention

CIEL led a national campaign for ratifying the Stockholm Convention on Persistent Organic Pollutants (POPs). We analyzed legislative proposals in light of existing U.S. law and treaty obligations, and advocated for necessary reforms. Through our congressional testimony, legal analysis and organizing, CIEL led an array of state officials, health professionals, labor leaders, and public interest groups to prevent dangerous precedents from being enacted in federal implementing legislation.

CIEL staff present testimony before the Inter-American Commission on Human Rights on the impact of global warming on the Inuit and other vulnerable communities in the Americas.
Programs and Activities

Reforming International Economic Law, Policies, and Institutions

In a rapidly changing world, where layers of authority and responsibility range from international treaties to national policies to bilateral agreements to local customs, legal waters can be difficult to navigate under the best of circumstances. An overarching view of all players and factors is critical for success.

As goods and services move across borders with ever-increasing ease and frequency, monitoring their impact on the environment and human health has never been more urgent. Neither has the need for a strong advocate with perspectives and skills that can be applied to situations of any complexity.

Acting Today, Considering Tomorrow

CIEL uniquely brings to this complex arena these very capabilities, entering into discussions at every level and working with all players to secure the best possible outcome for protecting the environment and human health.

Focusing on international financial institutions (IFIs), and trade, investment and intellectual property regimes, CIEL advocates for sound policies and accountability mechanisms. Putting these tools in place is critical to ensuring that the health of the environment and communities remains protected. Integrating knowledge gained at all levels allows local communities to understand the implications of international policy, and international and national bodies to appreciate the complexities and impacts of their decisions on communities within and beyond their own borders. CIEL works to get these policies right the first time, to reform them when necessary, and to guide sound decision-making and implementation by parties at all levels.

HIGHLIGHT: Country Systems

CIEL spearheaded efforts by civil society organizations to ensure that attempts by the World Bank, Asian Development Bank (ADB), and other regional development banks to use a “country systems” approach to safeguarding against environmental and social impacts of projects do not weaken existing standards and, instead, present opportunities to secure long-term strengthening of borrower country laws and implementing institutions. The country systems approach relies on the first instance on the borrower’s domestic laws and institutions in place of the bank’s own standards. The World Bank made many changes in response to CIEL’s and other NGOs’ critique, including committing to an independent review of the country systems approach.

HIGHLIGHT:  
OPIC and Gender Guides

CIEL empowered communities to secure accountability for IFI projects by authoring and disseminating two guides: “Gender Justice: a Guide to Gender and IFIs” and “Securing Accountability at OPIC: A Citizen’s Guide to the Accountability Mechanism at the Overseas Private Investment Corporation.” The first (which we co-authored) emphasizes gender-related policies at IFIs and how these can be used by communities to reduce the gender-related impacts of projects, in particular through the accountability mechanisms of IFIs. The OPIC Guide provides local communities affected by OPIC-supported projects with all the information needed to file a complaint. Both are essential to enabling communities and individuals to understand and protect their rights and to holding these institutions accountable.
HIGHLIGHT:
Global Environment Facility
CIEL prepared an in-depth legal analysis of the controversial “Resource Allocation Framework” (RAF), now used to determine how much financial assistance developing countries are eligible to receive from the Global Environment Facility (GEF). The German government published and distributed the paper to members of the GEF Governing Council, and CIEL presented it at a key roundtable in Geneva. The paper provides stakeholders with the basis for positions they will take on the RAF in November 2008 when the GEF Council discusses its possible expansion.

HIGHLIGHT:
Biwater Case
After a British investor failed in its promise to provide clean drinking water to millions of people in Dar es Salaam, the Tanzanian government terminated the investor’s contract. The investor then sued the government and demanded compensation under the UK-Tanzania Bilateral Investment Treaty. CIEL and its Tanzanian and international partners submitted an amicus curiae brief, arguing the responsibilities of foreign investors, particularly where investments implicate sensitive human rights or sustainable development objectives. This case was pivotal as it was the first to permit these briefs under the new procedural rules of the International Centre for Settlement of Investment Disputes (ICSID).

HIGHLIGHT:
Intellectual Property
CIEL and other members of civil society have raised awareness about the negative impacts of the World Intellectual Property Organization (WIPO) on public health, conservation of biodiversity, access to knowledge, and food security. But civil society participation at WIPO is limited by lack of information and uncertainty about how to make a difference. CIEL produced and disseminated “Citizen’s Guide to WIPO” to overcome these challenges. The guide demystifies WIPO and identifies targets for action, and has empowered civil society to demand change and constructively challenge WIPO.
Democratizing International Dispute Settlement

In 2007, CIEL launched an ambitious project to cure the democracy deficits that plague nearly every international dispute settlement mechanism. These mechanisms, especially in the area of international trade and investment, suffer from a lack of accountability, transparency and opportunity for public participation, which not only violates the public's right to know, but also undercuts these mechanisms' credibility, the quality of their decision-making, and ultimately their effectiveness.

CIEL's Democratizing International Dispute Settlement (DIDS) project will improve the entire international legal system, including international environmental protection, in fundamental and critical ways. Three specific activities within DIDS are described here. Other CIEL activities highlighted elsewhere also relate to environmental governance, as does the DIDS project.

HIGHLIGHT: Suez/Vivendi

In February, 2007, the International Centre for Settlement of Investment Disputes (ICSID) Tribunal hearing the Suez/Vivendi case allowed CIEL and partners to submit an amicus curiae brief, despite the claimant's objections. The precedent-setting decision recognizes the public interest in investment arbitration, particularly in this case, which will influence water concessions globally. The decision also inspired reform of the ICSID's Arbitration Rules, which now explicitly allow for amicus curiae submissions. CIEL's amicus curiae brief elaborated on the interface between human rights law and investment.

HIGHLIGHT: Webcast Hearings

Given the impact many World Trade Organization (WTO) decisions have on people's health and the environment, CIEL has long advocated for more transparent mechanisms for WTO dispute proceedings. In 2006, this extended to advocating webcasting dispute proceedings. CIEL and partners sent letters to the European Commission, the U.S. Trade Representative, and Canada's Minister of International Trade requesting they make open hearings and webcasting official policy in all WTO disputes. CIEL also intervened in specific cases, requesting, for example, the WTO Dispute Panel webcast hearings in the Brazil-Retreaded Tyres case. These efforts have not yet borne fruit, but the seeds have been planted.

HIGHLIGHT: UNCITRAL

CIEL commenced a major, multi-year effort to increase transparency and opportunity for public participation in the United Nations Commission on International Trade Law (UNCITRAL). UNCITRAL is revising its Arbitration Rules, which are secretive but widely used with respect to disputes involving nation states. The revision process has been dominated by international arbitrators, and CIEL is working to re-engage governments in this critical endeavor and ensure that they provide for transparency, accountability, and opportunity for public participation.

CIEL's Trade & Sustainable Development Team
Programs and Activities

Promoting Human Rights 
and Environmental Justice

One of CIEL’s core principles is that human interests and environmental interests must be pursued in tandem, and that any action taken to further one must also consider the impact on the other. Yet all too often, individuals and communities affected by and reliant upon the specific environment around them are absent from the decision-making table, their concerns unheard, their input unheeded, and their rights ignored.

Empowering and Supporting
To rectify this situation, CIEL works with partners around the world to develop, promote, and implement legal standards, such as community-based property rights, to establish and strengthen the link between human rights and environmental protection, to defend the fundamental right to a healthy environment, and to ensure that the voices of individuals and indigenous and other local communities are heard.

Taking Local Lessons Global
These situations affect communities and small groups, and much of this work occurs initially on a case-by-case basis. Yet the global perspective CIEL brings ensures lessons can be applied under differing circumstances and in the face of varying threats, in order to improve conditions for people in other parts of the world.

HIGHLIGHT: The Template for Prior Informed Consent and its use
Over the past several years, the right to prior informed consent (PIC) has been increasingly recognized in international law. In an effort to promote the implementation of PIC that respects communities’ decision-making processes, CIEL drafted a template for communities to use to develop their own “PIC procedures.” CIEL worked with colleague Will Hurd to articulate PIC procedures for the Mursi tribe in southern Ethiopia. These procedures must be followed by the government or any third party interested in using the land and natural resources traditionally occupied and used by the Mursi.

HIGHLIGHT: Toxic Waste and San Mateo
For several years, CIEL has worked to support the people of San Mateo, Peru, who have been affected by toxic waste from mining operations. In June, 2006, CIEL presented its brief on the merits of the case before the Inter-American Commission on Human Rights, which documented the violation of the rights to personal integrity, life, and the rights of the child. This was the first ruling in the American human rights system that pollution violates human rights. We have been actively monitoring the settlement reached by the Peruvian Government and the community.

HIGHLIGHT: IACHR thematic hearing on International Financial Institutions
Working with other partners, CIEL requested and testified at a thematic hearing of the Inter-American Commission on Human Rights regarding International Financial Institutions (IFIs) and Human Rights. This hearing, which was webcast, served to catalyze the broad recognition of the human rights dimensions of climate change.
Programs and Activities

Strengthening Expertise and Capacities in Environmental Law

Education and outreach are central to CIEL’s mission. Staff members are committed to sharing skills and building capacity to promote positive change around the world. All people need legal tools to ensure their voices are heard — this is especially true for groups often marginalized by legal, political, and economic forces: indigenous and other local communities, women, and children.

CIEL responds to this urgent need by fostering and continually strengthening partnerships with organizations around the world; training students, lawyers, and other professionals in the practice of public interest environmental law; sharing skills with local communities in areas where CIEL operates; and harnessing technology to increase access to environmental and legal information.

To this end, CIEL conducts a renowned internship and law fellows program. We host about 25 interns and law fellows in any given year, as we did in 2007. CIEL also bestows annually the Louis B. Sohn Fellowship to an emerging leader in the field of human rights and environment, and acknowledges the remarkable contributions of one key individual each year through its International Environmental Law Award. Recent recipients of these honors are profiled on these pages.

The CIEL International Environmental Law Award

Edith Brown Weiss is the recipient of the 2007 CIEL International Environmental Law Award. Professor Brown Weiss is the Francis Cabell Brown Professor of International Law at Georgetown University Law Center, where she has been on the faculty since 1978. In 2002, she was appointed to a five-year term at the Inspection Panel of the World Bank, serving as Panel Chairperson through 2007, a Vice-Presidential level appointment.

Professor Brown Weiss is an outstanding legal scholar who has taught and published widely on issues of international law, especially international environmental law. She is world-renowned for her work on inter-generational equity and compliance. She holds a Bachelors of Arts with Great Distinction from Stanford University, an LL.B. (J.D.) from Harvard Law School, a Ph.D. in political science from the University of California at Berkeley, and an Honorary Doctor of Law Degree from Chicago-Kent College of Law.

The CIEL International Environmental Law Award recognizes those who have made outstanding contributions to efforts to achieve solutions to environmental problems through international law and institutions. CIEL is honored to count Professor Brown Weiss among its award recipients.
Programs and Activities

Louis B. Sohn Fellowship in Human Rights and Environment
Louis B. Sohn was a renowned international law teacher, scholar, practitioner and government advisor. CIEL established the Sohn Fellowship in his honor in 2002 to recognize a recent law graduate working in the area of human rights and the environment. CIEL has had three outstanding individuals work with the organization in its Human Rights and Environment Program. Visit www.ciel.org/join/sohn_application for more information about the fellows, how to apply, and how to support this program.

2007: Linda Dumba, Namibia
Linda Dumba has litigated on behalf of women and children discriminated against by customary law and practices, and focused on human rights capacity building surrounding court decisions on women’s rights to property and inheritance. A graduate of Georgetown University Law Center, she received the 2006-2007 Leadership and Advocacy for Women in Africa Fellowship. At CIEL, Dumba’s research included developing a case to the African Court on Human and Peoples Rights looking at the legal status of the communal landholding system of the pastoralist Mursi people of Ethiopia.

2006: Windu Kiswo, Indonesia
While at CIEL, Windu Kiswo continued work as a public interest lawyer at the Indonesian Center for Environmental Law. He conducted research on the promotion of transnational corporations’ human rights accountability in Indonesia, presenting at the International Association for the Study of Common Property conference in Bali.

2004/2005: Adebukola Osuntogun, Nigeria
Ade Osuntogun has written extensively on human rights and environmental issues in Nigeria, from the Niger Delta situation to human rights abuses and the attendant social consequences. At CIEL, she focused on community-based property rights in Nigeria and participated in the Philippine Forum on Environmental Justice.

CIEL and the Washington College of Law (WCL) at American University have enjoyed a special collaboration since CIEL was founded. This productive relationship advances both institutions’ goals in international environmental law through joint conferences and workshops, speaking engagements, and collaborative research. We are also pleased to have hosted many excellent interns and law fellows from WCL.

In 2007, CIEL and WCL co-hosted conferences on Investment, Arbitration, and Human Rights Law — the first conference to address this important interface — and the Second Annual Conference on the Legal Dimensions of Climate Change. CIEL staff also spoke at several other events at WCL, and advised the University’s Journal on Sustainable Development, Law and Policy.
mentally Law has a truly global reach. Nationalities of CIEL interns, law fellows, and staff.
CIEL Staff July 2006–June 2007

Daniel B. Magraw, Jr.  
President

Jeffrey Wanha  
Director of Finance and Administration

Cameron Aishton  
Administrator

Lauren Baker  
Program Associate

Bjorn Beeler  
IPEN International Coordinator

Nathalie Bernasconi-Osterwalder  
Managing Attorney, Geneva Office

Johanna Boric  
Office Manager, Geneva Office

Malcolm Brown  
Staff Accountant

Shivani Chaudhry  
Program Associate

Wenjie Chen  
Staff Accountant

Karin Cicelski  
Executive Assistant

Daryl Ditz  
Senior Policy Advisor

Kristen Genovese  
Staff Attorney

Donald Goldberg  
Senior Attorney

Palesa Thapi Guye  
Law Fellow, Geneva Office

Craig Hart  
Climate Change Law Fellow

Melissa Hippler  
Director of Development

Owen Lynch  
Senior Attorney

Marcos Orellana  
Senior Attorney

Anne Perrault  
Senior Attorney

Sofia Plagakis  
Program Associate

Erika Rosenthal  
Senior Attorney

Dalindyebo Shabalala  
Staff Attorney, Geneva Office

Glenn Wiser  
Senior Attorney

While this report highlights some of CIEL’s accomplishments, it’s the people who make it happen. This year was one of many changes in our staff. After many productive years with CIEL, Don Goldberg, Owen Lynch, Malcolm Brown, and Shivani Chaudhry have all moved on – we thank them whole-heartedly for their hard work and dedication over the years! We also welcomed Dalindyebo Shabalala and Kristen Genovese as staff attorneys, Craig Hart as a Climate Change Fellow and Wenjie Chen as our new staff accountant.

Left: Staff and Interns at CIEL. Right: Daryl Ditz, left, and Glenn Wiser, second from right, the North American Civil Society Forum, Washington, D.C., November 2006. Wiser served as co-chair.

Law Fellows, Interns, and Volunteers

### CIEL Statement of Financial Position

**For Fiscal Year Ending June 30, 2007**

#### ASSETS

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#### LIABILITIES & NET ASSETS

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<td><strong>TOTAL LIABILITIES &amp; NET ASSETS</strong></td>
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**Audited financial statements available upon request.**
Center for International Environmental Law

Auditors/Certified Public Accountants
Hall, Buzas & Powell, LTD
99 Canal Center Plaza, Suite 230
Alexandria, VA 22314

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### Comparative Statement of Activities

**And Change in Net Assets**

#### REVENUE

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#### EXPENSES

**Program Services**

- Protecting the Global Environment & Human Health:
  - Climate Change Program | $103,705  |
  - Chemicals Program | 986,520  |
- Reforming International Economic Law, Policy and Institutions:
  - Trade and Sustainable Development Program | 891,524  |
  - International Financial Institutions Program | 146,074  |
- Promoting Human Rights and Environmental Justice:
  - Human Rights Program | 92,513  |
  - Law and Communities Program | 269,646  |
- Strengthening Expertise and Capacities in Environmental Law:
  - Miscellaneous Projects | 64,750  |
| **TOTAL PROGRAM SERVICES** | **$2,554,732**  |

**SUPPORTING SERVICES**

- General and Administrative | $89,325  |
- Fundraising | 157,316  |
| **TOTAL EXPENSES** | **$2,801,373**  |

**CHANGES IN NET ASSETS** | $725,749  |

**BEGINNING NET ASSETS** | **$2,109,357**  |
**ENDING NET ASSETS** | **$2,835,106**  |
### Institutional Supporters

- American University, Washington College of Law
- Beldon Fund
- C.S. Fund
- Center for the Study of Public Policy
- Christian Aid
- Coming Clean/Kentucky Environmental Foundation
- Corporate Accountability International
- The Max and Victoria Dreyfus Foundation
- Environmental Health Fund
- Ford Foundation
- Friends of the Earth
- German Federal Ministry for the Environment
- Goldman Environmental Foundation
- Merrill G. and Emina E. Hastings Foundation
- Heinrich Boell Foundation
- Institute of International Education
- International Institute for Sustainable Development
- IUCN – The World Conservation Union
- JEHT Foundation
- Johnson Family Foundation
- V. Kann Rasmussen Foundation
- Kemikaliedeskontor (KEMI)
- John D. and Catherine T. MacArthur Foundation
- The John Merck Fund
- Moriah Fund
- Charles Stewart Mott Foundation
- The New World Foundation
- New York Community Trust
- Organization of American States
- Oxfam Novib
- Pan American Health Organization
- Panta Rhei Foundation
- Pew Charitable Trusts
- Public Welfare Foundation
- Rights and Resources Group
- Rockefeller Foundation
- Barbara Smith Fund
- South Centre/Swedish International Development Agency
- Swedish Society for Nature Conservation (SSNC)
- Swiss Federal Office for the Environment
- United Nations Environment Programme
- United States Agency for International Development
- Wallace Global Fund
- WestWind Foundation
- World Health Organization/Intergovernmental Forum on Chemical Safety
- World Resources Institute
- World Wildlife Fund International

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