

# Center for International Environmental Law

## 2004 Annual Report



## ABOUT CIEL

The Center for International Environmental Law (CIEL) is a nonprofit organization working to protect the environment, promote human health, and ensure a just and sustainable society. CIEL was founded in 1989 by a few dedicated attorneys and has grown into one of the most respected public interest law firms in the world.

We provide a wide range of services to our clients and partners including legal counsel, policy research, analysis, advocacy, education, training, and capacity building. Partners include non-governmental organizations, inter-governmental organizations, and national governments.

Our 22-person staff, including 14 lawyers, is based in Washington, D.C. and Geneva, Switzerland. CIEL's staff, law fellows and interns during the period covered by this report have included nationals of Argentina, Australia, Austria, Belgium, Canada, Chile, France, Germany, India, Pakistan, Sweden, Switzerland, Thailand, Turkey, Ukraine, and the United States.

CIEL program work falls in four strategic areas:

- (1) protecting the global environment and human health;
- (2) reforming international economic law, policy, and institutions;
- (3) promoting human rights and environmental justice; and
- (4) strengthening expertise and capacities in environmental law.

These strategic areas reinforce each other with common themes and related activities and are further divided into a number of programs. Please see pages 2-11 for more information on CIEL activities and accomplishments in these four areas.

CIEL believes that the rule of law is critical for forging an appropriate balance between environmental protection, human rights, social equity and economic growth. We are strong advocates for transparency and public participation in decision-making and are committed to equity and diversity in all aspects of our work. We strive to identify and eliminate injustices of all types in carrying out our mission. As lawyers for the global environmental community, we work to create a just and sustainable society for ourselves and future generations. We invite you to join us!



Photo courtesy of Amazon Watch

## LETTER FROM THE PRESIDENT

Dear Friends,

CIEL continues to play a unique and essential role in protecting human health and the environment. By strategically focusing on environmental, economic and social issues critical to achieving sustainable development and by working closely and effectively with partners around the world, we have made major accomplishments over the past year. Indeed, our very capable and committed staff have made extraordinarily significant contributions at the global, regional and national levels.

This report describes some of CIEL's recent activities and accomplishments. Among other things, we amplified the voices of indigenous people and other individuals and communities in all corners of the world, helping secure transparency and justice for them and, indirectly, for others like them. These efforts included obtaining the first ruling by the Inter-American Commission on Human Rights that pollution is a human rights violation and prompting a landmark settlement for indigenous people being displaced by a dam in Chile.

CIEL leadership was essential to success in many other areas, as well. We instigated a successful NGO effort to convince lawmakers on Capitol Hill to strengthen environmental protections with respect to the United Nations Convention on the Law of the Sea. We prepared issue briefs on the relation between invasive alien species regulation and trade agreements and used these to promote action at international and regional environmental meetings. We served as coordinator of a broad NGO coalition working to implement and strengthen the 2001 Stockholm Convention on Persistent Organic Pollutants.

CIEL participated actively on government advisory committees to the U.S. Department of State and the U.S. Trade Representative, analyzing and commenting on many trade and investment agreements. We helped decision makers at the World Trade Organization understand potential risks of genetic modification and were invited to participate as experts in several United Nations-organized activities.

CIEL staff organized or participated in many workshops and conferences around the world, sponsored exchange programs for public interest lawyers in the Philippines and Papua New Guinea, taught courses at several universities, and lectured on five continents. We recruited new lawyers into the field of public law and provided hands-on experience for 37 interns and fellows from the United States and 15 other countries.

We are particularly honored this year that Delphine Djiraibe, a CIEL Trustee, received the 2004 Robert F. Kennedy Human Rights Award for her courageous efforts promoting the human rights of the Chadian people; that

Manana Kochladze, one of CIEL's partners, won the 2004 Goldman Environmental Prize for her work in Georgia protecting an important watershed; and that Wangari Maathai, a CIEL Advisor, received the 2004 Nobel Peace Prize. The fact that an environmental activist was awarded the Nobel Peace Prize is a clear signal of the growing recognition that the environment is the true infrastructure of society—for our economies, cultures, health and security—and that it must be protected.

CIEL celebrated its 15th anniversary this past year, with a marvelous party at the U.S. Botanic Garden. As we honored the vision and courage of CIEL's founders and those who have worked so effectively at CIEL over that period, we were also keenly aware of the continued need for CIEL's ongoing work.

Public interest law is one of the best tools to avoid disputes, mediate conflicts, protect the environment and human health, defend human rights, and promote sustainable development. Participation by civil society is absolutely essential if environmental and health concerns are to be respected. The earth needs new and more effective legal advocacy, stronger legal theories appropriate for today's globalizing world, more and better-trained environmental lawyers, and effective international law and institutions. CIEL is uniquely positioned to promote these goals.

We depend on the generous support of individual donors and institutional funders to carry out this work. Together with everyone else in the CIEL family, I want to sincerely thank everyone who has supported us in the past and invite your support for CIEL's work in dealing with the challenges that still lie ahead. We all look forward to working with you to make this a healthier and more just world.

Sincerely,



Daniel B. Magraw, Jr., J.D.  
President



President Daniel Magraw, left, greets Senators from Thailand at CIEL's Washington, D.C. office in October, 2004.

## PROTECTING THE GLOBAL ENVIRONMENT AND HUMAN HEALTH

CIEL carries out a broad range of projects designed to protect the environment and improve public health, especially children's health. Major areas of focus include climate change, depletion of marine and terrestrial biodiversity, toxic chemicals, transboundary pollution, and unregulated biotechnology. Our efforts are directed at developing and implementing international law and strengthening international institutions to achieve progress in these and related areas.

### CLIMATE CHANGE

CIEL works both internationally and domestically to promote an effective legal response to global warming. Our first objective is deep and rapid cuts in U.S. emissions. We also work to achieve progress at the international level, particularly with respect to protecting vulnerable communities and effectively involving developing countries in preventing climate change.

#### USING HUMAN RIGHTS LAW TO PROTECT THE PEOPLE OF THE ARCTIC

CIEL is working with the Inuit people to develop a petition to the Inter-American Commission on Human



Rights for the harm global warming is causing to Arctic individuals, communities and ecosystems. The petition will put pressure on the U.S. government to take meaningful steps to reduce U.S. emissions and increase public awareness by showing that global warming is harming people today, not in some hypothetical future period.

#### DEVELOPING NEW, EQUITABLE APPROACHES TO GREENHOUSE GAS COMMITMENTS

Developing countries are reluctant to sign international agreements that would limit their right to produce greenhouse gas emissions because they know that these same agreements might slow their economic growth. CIEL is working to develop a new approach to commitments, called "action targets," to help convince developing countries to participate in the international emissions control regime. This approach encourages countries to take actions that will reduce their emissions in a way that is predictable and less likely to stifle their economies.



The Earth continues to experience record-breaking temperatures caused by increased concentrations of carbon dioxide (CO<sub>2</sub>) and other greenhouse gases in the atmosphere. The impacts of this unprecedented warming, including increased floods and drought, rising sea levels, spread of deadly diseases such as malaria and dengue fever, and increasing numbers of violent storms, threaten to be more severe and imminent than previously believed.

Photo courtesy of The World Conservation Union



## BIODIVERSITY AND WILDLIFE

CIEL promotes the development and implementation of an international framework of law and policy that supports conservation and sustainable use of living resources, including biodiversity, wildlife, forests and fisheries.

### ENSURING PARTICIPATION IN MANAGEMENT OF NATURAL RESOURCES

CIEL works with partners in the Global South to promote greater recognition of the rights of local communities to participate meaningfully in the management of natural resources as well as in the establishment and operation of protected areas, and to identify ways to achieve this participation. For example, CIEL prepared papers and organized workshops highlighting shortcomings in the current international regime, including the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property, the World Intellectual Property Organization, and the Convention on Biological Diversity. These efforts culminated in recommendations for advancing greater recognition and implementation of the right to prior informed consent.

### PREVENTING THE SPREAD OF INVASIVE ALIEN SPECIES

Trade is one of the primary pathways of invasive alien species, i.e., foreign species that, when introduced into a new environment, flourish and displace native plants and other organisms. During 2004, CIEL worked with other NGOs to prepare a series of issue briefs examining the relation between invasive alien species regulation and trade agreements. These issue briefs were used to facilitate discussions and promote action at the Convention on Biological

Diversity meetings, the World Conservation Congress, and several South Pacific regional environmental meetings. They were also used during the negotiation of U.S. free trade agreements and in the development of safeguard policies at multilateral development banks.

## BIOTECHNOLOGY

Biotechnology, including the use of genetically modified (or engineered) organisms and nanotechnology, has the potential to transform human society and the biosphere. CIEL works to shape and implement an international legal regime to allow society to reap the promised benefits of biotechnology while simultaneously protecting biodiversity, local communities and human health.

### PROMOTING REGULATION OF GENETICALLY MODIFIED ORGANISMS

Unless Genetically Modified Organisms (GMOs) are comprehensively and rigorously regulated, they will have massively disruptive impacts on the biosphere and human society. In order to help shape policies in this important area, CIEL participated on the National Academy of Sciences Committee on the Biological Confinement of Genetically Engineered Organisms and helped to prepare a balanced report that examines the international and regulatory aspects of this issue.

CIEL also took a lead role in urging the World Trade Organization (WTO) to allow countries to adopt a precautionary approach to approving GMOs. We submitted an *amicus curiae* brief in a WTO case brought by the United States against the European Union in an effort to change the EU's policies on GMOs intended for food, and thus helped the dispute settlement body and policymakers understand the technological and environmental uncertainties of genetic modification and how they relate to WTO rules.

## CHEMICALS

The global chemicals industry is one of the world's largest, producing substances that play an important role in the everyday lives of virtually every person on earth. Yet little is known about the health and environmental effects of tens of thousands of these chem-

icals. Meanwhile, our "innocent until proven guilty" approach towards chemicals regulation exposes us to dangerous, costly contamination—chemical "body burdens" that are most insidious in pregnant women and children. The Chemicals Program at CIEL is actively engaged in preventing the rollback of environmental protections, in developing new legal frameworks, and in winning broader public participation in international negotiations over the future of chemicals management.

#### STRENGTHENING THE POPs TREATY

CIEL is working to implement and strengthen the 2001 Stockholm Convention on Persistent Organic Pollutants (POPs), a landmark global treaty that seeks to rid the world of some of the most hazardous chemicals on the planet. President Bush announced he would like to ratify this treaty, but the legislation he proposed as a prerequisite to ratification would preempt state action on new toxic chemicals, insert anti-regulatory cost-benefit and so-called "sound science" precedents into federal toxics law, and advance the argument that the Executive Branch cannot be bound by international law.

CIEL supported state-based and grassroots activists throughout the country in their efforts to educate their congressional representatives about the flaws in the Administration's proposals. We led a team of environmental and health NGOs in Washington, D.C. by analyzing the complex legislative proposals, preparing NGO responses to them, conducting interviews with journalists, debating with our opponents on Capitol Hill, and delivering the NGO community's views in congressional testimony.

#### IMPROVING INTERNATIONAL CHEMICALS MANAGEMENT

The Strategic Approach to International Chemicals Management (SAICM) is an ambitious international effort designed to ensure that chemicals are used and produced in ways that minimize the adverse effects on human health and the environment. CIEL worked to influence SAICM negotiations and helped ensure a voice for NGO members. CIEL, which houses the International Coordinator of the International POPs Elimination Network (IPEN), successfully secured funding for and coordinated the participation of sizable IPEN NGO delegations at one regional and two global SAICM meetings. CIEL represented IPEN in tough negotiations with governments over the rules of procedure for these meetings and was instrumen-



**CIEL's Senior Attorney Glenn Wisner presents the views of IPEN to participating governments and NGOs at the second preparatory meeting for the SAICM in Nairobi in 2004.**

tal is ensuring that important issues (such as precaution, substitution of hazardous chemicals, and citizens' right-to-know) were incorporated into text.

#### OCEANS

The world's oceans are under assault by pollution and over-fishing. Several species of fish (e.g., tuna, swordfish, shark, and others) are seriously contaminated by mercury and other toxins, posing a serious health risk to humans, especially pregnant women and young children. At the same time, 30 percent of worldwide fish populations that have been assessed are over-fished or are being fished unsustainably.

#### ADVOCATING RESPONSIBLE RATIFICATION OF THE U.N. CONVENTION ON THE LAW OF THE SEA

The United States is not a Party to the United Nations Convention on the Law of the Sea, which is the main international treaty regarding the oceans. The Convention is pro-environment in many ways, but it also contains provisions that the U.S. Department of State has interpreted narrowly to unduly restrict a coastal state's authority to enact and enforce environmental and health regulations regarding the 200-mile exclusive economic zone outside its territorial waters. CIEL mobilized the environmental community to ensure that future U.S. ratification of

the United Nations Convention on the Law of the Sea is accompanied by interpretative statements that, to the extent possible, maintain U.S. authority to enact and enforce environmental and health regulations regarding the exclusive economic zone. After intense negotiation, the Senate Foreign Relations committee approved such language as a condition of later U.S. ratification (which has not yet occurred).

## CHILDREN'S HEALTH

Even before the devastating tsunami hit East Asia, public health officials predicted that more than ten million children under the age of five, most of them from low-income communities in developing countries, would die in 2005 from readily preventable illnesses. No one can accurately predict how high this number will now rise, but it is clear that countless children will suffer from lack of access to clean water, poor sanitation, indoor and outdoor air pollution, high prevalence of vector-borne diseases, deficient food hygiene, and unsafe waste disposal.

CIEL is committed to working with others to address this global crisis. For example, we worked to highlight the impact of the General Agreement on Trade in Services on water availability and quality and promoted reforms to trade agreements that would ensure greater protection of human health. We also partnered with Physicians for Social Responsibility and the U.S. Environmental Protection Agency to produce a handbook on *Using International Law and Institutions to Protect Children's Health*, which will be published in 2005.



The handbook will be distributed to children's advocates, community leaders, non-governmental organizations, governments, and intergovernmental organizations, and will be available free-of-charge on CIEL's website.

## REFORMING INTERNATIONAL ECONOMIC LAW, POLICY, AND INSTITUTIONS

Expanding trade is increasing pressure on the environment. Trade, investment and intellectual property rules are clashing with environmental and social standards. At the same time, the policies and procedures of international financial institutions do not adequately take into consideration the numerous environmental and social dimensions (including human rights) of proposed projects; and the income gap between rich and many poor continues to grow.

CIEL aims to reform the global framework of economic law, policy and institutions to ensure that it supports environmental sustainability, human health, social justice, human rights, and the rule of law. As goods, services, investment and intellectual property move more freely across borders, CIEL is working to make sure that economic rules do not unduly restrict countries' ability to protect health, safety, and the environment, as well as to ensure that people have a voice in making decisions that affect their lives.

## TRADE AND SUSTAINABLE DEVELOPMENT

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

### PROMOTING PUBLIC PARTICIPATION AND TRANSPARENCY

CIEL is working to improve the opportunities for public participation and introduce greater transparency and accountability in the arenas of trade, investment and international finance. For example, CIEL and other organizations submitted an *amicus curiae* brief in the Methanex vs. the United States case at the International Centre for the Settlement of Investment Disputes. This was the first time public concerns have been expressed directly in a NAFTA investment proceeding. The arbitral tribunal set a significant precedent by recognizing its powers to accept submissions from civil society.

CIEL also submitted an *amicus* brief in the United States' WTO case against the European Union regarding genetically modified organisms; requested permission to submit similar briefs in other cases, such as Bechtel's case challenging Bolivia's water policies; and provided legal and strategic advice regarding transparency and public participation in other cases.



***CIEL plays a critical role in the development and implementation of international law regarding the environment, human health and sustainable development, as well as in ensuring that international institutions are transparent, participatory and accountable. CIEL is a highly valued partner of the United Nations Environment Programme.***

**Klaus Toepfer, Executive Director of the United Nations Environment Programme (UNEP)**

### ADVOCATING REFORM OF INVESTMENT RULES

Under NAFTA and other investment agreements, foreign investors are granted greater rights than others in society, thereby discriminating against local investors by putting them at a substantive and procedural disadvantage.

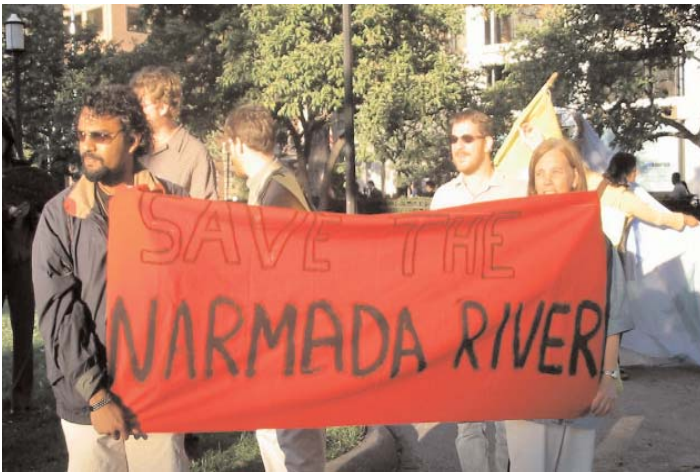
CIEL has addressed the public interest implications of the increasing expansion of investment law in a number of forums, including negotiations, specific cases, workshops and conferences. CIEL has provided legal advice to civil society organizations in many countries, including Ecuador, Indonesia and Turkey, as well as to several governments, including Afghanistan and Thailand. CIEL participated on the U.S. State Department's Subcommittee on Investment and has prepared analyses and commentary on a variety of U.S. agreements including the Model Bilateral Investment Treaty, the Central American Free Trade Agreement, and others.

### ANALYZING INTELLECTUAL PROPERTY RIGHTS

Intellectual property (IP) rights, which establish monopoly privileges for the products of intellectual activity, determine who controls information and technology. Intellectual property rules influence the flow of technology between developed and developing countries; and they impact access of poor people to medicines, the control communities have over their traditional knowledge, and other fundamental issues.

CIEL works to ensure a balance between the private and public benefits of existing and future international property rules. The centerpiece of CIEL's work on these issues is a joint project with the South Centre, located in Geneva, Switzerland, that helps developing countries be more effective in international IP discussions with the World Trade Organization, the World Intellectual Property Organization (WIPO) and other groups. Over the past year, the joint project has





produced many analyses for use in negotiations and produced an *IP Quarterly Update*, which provides an overview of IP developments in multilateral and bilateral fora. CIEL also was designated a permanent observer to WIPO, a position that will help enhance our effectiveness in supporting developing countries and civil society.

## INTERNATIONAL FINANCIAL INSTITUTIONS

International financial institutions (IFIs), such as the World Bank, and export credit agencies (ECAs) often finance projects that cause significant social and environmental damage, such as the destruction of natural ecosystems and cultures and the forceful resettlement of indigenous peoples and other local communities. Many international financial institutions and almost all export credit agencies do not have adequate accountability mechanisms in place, constraining the ability of affected communities to secure redress.

### REFORMING POLICIES AND PROTECTING HUMAN RIGHTS

CIEL works to improve the social and environmental performance of IFIs and ECAs by direct advocacy and by strengthening global and regional campaigns to reform these institutions and their policies. For example, CIEL provided legal advice to several fishing communities in Colombia that were negatively affected by a sewage disposal project and to communities in Chile living downstream from the Panguue dam after their houses were flooded.

CIEL also works in a number of ways to help change the way the World Bank and other financial

agencies do business. For example, CIEL played a key role in securing a commitment from the Overseas Private Investment Corporation (OPIC) to establish an accountability mechanism by demonstrating that the existing oversight framework posed inevitable conflicts of interest. CIEL also analyzed the ways in which the Aarhus Convention on public participation supported the ability of local citizens to monitor and participate in the activities of export credit agencies in Europe, and helped to effectively implement the Convention through domestic law.

CIEL promotes the rights of indigenous peoples and other local communities to free prior informed consent with respect to the natural resources on which they rely. For example, CIEL conducted legal analyses of the recommendations of the Extractive Industries Review in support of the rights of local communities to consent and demonstrated how these recommendations could and should be incorporated into Bank safeguard policies. Through these and other activities, CIEL has worked to ensure that indigenous peoples and other communities have a voice in the policies that affect their lives.

## PROMOTING HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE

The fundamental right to a healthy life is directly compromised by a growing list of environmental threats to human health. Yet large numbers of people around the world, often those most directly dependent on the natural environment for their lives and livelihoods, are ignored and isolated from decision-making processes that critically impact them. CIEL strives to integrate the concerns of environmental justice and sustainable development into law and policy. The ultimate aim is to guarantee justice by safeguarding the rights of all people and by effectively promoting conservation and sustainable development.

## LAW AND COMMUNITIES

Indigenous and other local communities frequently have no legal rights under domestic law to the natural resources they directly depend on, regardless of how long they have lived in an area. However, every person has a right to participate in decision-making processes that directly affect her or his life and liveli-

hood. This right is conferred simply by virtue of being human, not by virtue of education, monetary wealth, ethnic background or citizenship. The challenge is to develop and implement new legal standards to ensure community participation in decision-making, benefit sharing, and natural resource management.

#### PROTECTING COMMUNITY-BASED PROPERTY RIGHTS

CIEL conducts a wide range of local, national and international activities to promote and realize the concept of community-based property rights. For example, we are working with partners on an online community-based property rights database to promote comparative legal research and facilitate a better understanding of community property rights law and policy. CIEL staff actively participated in the International Association for the Study of Common Property (IASCP) 10th Biennial Conference held in Oaxaca, Mexico in August 2004. We organized a panel on legal dimensions of community-based property rights in Southern Africa, and also provided support to partners from Mozambique, Zimbabwe, Kenya, India, and Indonesia to participate and present their papers at the conference. Owen Lynch, Director of CIEL's Law and Communities Program, commenced his term as incoming IASCP President-Elect during the conference. In the past year, CIEL also participated actively in the World Social Forum (Mumbai, India), the Philippine Forum on Environmental Justice, and the All-Asia Public Interest Environmental Law Conference in the Philippines.

Through the Environmental Justice Project, CIEL collaborates with partners around the world to provide legal services and promote the legal recognition of indigenous and other local community-based property rights in national and international arenas. For example, in the Philippines, CIEL provided legal assistance and training to local community members who were participating in programs of the Philippine Department of Environment and Natural Resources



***CIEL is a leader in making the linkage between international law and the living conditions of the ordinary person, seeking to protect the environment, health and human rights, and to achieve peace. The world needs CIEL!***

**Wangari Maathai,  
Nobel Peace Laureate 2004**

(Featured with CIEL Board Member Dianne Dillon-Ridgley, left, and CIEL President Daniel Magraw, right.)

and helped facilitate an agreement that removed illegal fishpond dikes and prepared for the establishment of a protected area, and conducted paralegal and integrated law enforcement trainings for members of local communities.

CIEL also helped organize and served as an official observer in the International Tribunal on Crimes Committed by Latifundiums in the northern Brazilian state of Pará. Pará has a history of violence against landless peasants in Brazil. The Tribunal condemned the state for its failure to protect its citizens and for its complicit involvement in the violation of fundamental human rights.

## HUMAN RIGHTS AND THE ENVIRONMENT

CIEL's work has been central to the increasing recognition of the link between human rights and environmental protection. Rights of participation, access to justice, access to information and freedom of expression are critical for vulnerable communities dependent on natural resources, and for the success of the environmental movement as a whole. Similarly, the environmental health aspects of the rights to life and an adequate standard of living are critical to efforts to protect against toxic chemicals and other environ-

mental dangers. CIEL provided legal advice to groups in several countries in the Americas on ways to secure respect for their fundamental human rights, including filing petitions on dams, mining, and genetically engineered organisms with the Inter-American Commission on Human Rights. Either through direct representation or through formal and informal advice, CIEL has enabled groups to better understand the tools provided by the Commission and other fora to safeguard their environmental rights. CIEL's work with the Inuit on climate change is an example of this; three other examples follow.

#### LINKING POLLUTION TO HUMAN RIGHTS IN PERU

CIEL's work in the *San Mateo* case in Central Peru this year set a groundbreaking precedent in recognizing the linkage between toxic contamination and the right to health. CIEL first assisted in preparing a complaint about dangerous mining practices against the Peruvian government for violation of fundamental human rights, including right to life, right to health, right to property, and the right to organize. We then represented mining-affected communities before the Inter-American Commission of Human Rights, documenting 15 cases involving the poisoning of children, illegal expulsion from lands, contamination of water, air and land, and other problems experienced by thousands of persons from indigenous and other local communities located near foreign-owned and domestic mining projects. In this case, the Commission accepted CIEL's request for precautionary measures, holding for the first time that pollution can violate human rights and thus establishing a landmark contribution to expanding the human rights and environment linkage to include pollution-related impacts on human, and especially children's health.



Photo by Richard Witzig, <http://www.dghonline.org>

***CIEL provides critical legal support to indigenous peoples, which allows us to defend our rights at the international level.***

**Adolfo Millabur Ñancuil,  
Coordinación de Identidades Territoriales  
Mapuche, Tirúa, Chile**

#### PROVIDING LEGAL REPRESENTATION FOR DISPLACED FAMILIES IN CHILE

CIEL's representation of indigenous families being displaced by a dam in Chile led to a favorable settlement that will serve as an important precedent for other involuntary displacements around the world. CIEL filed a petition on behalf of indigenous families in Chile with the Inter-American Commission on Human Rights seeking reparations for human rights violations resulting from several dams being constructed on the Bio-Bio River. The largest of these dams, the Ralco Dam, will displace 700 Indians, the last group of Mapuche/ Pehuenche Indians who continue their traditional lifestyle on their ancestral lands. CIEL's petition forced the Chilean government to negotiate a precedent-setting settlement in 2003 that includes: the provision of high-quality, contiguous land on which the Indians can re-settle; the creation of a municipality whereby the Mapuche/Pehuenche will have local control over their territory and society; payment of monetary compensation of approximately \$300,000 per family to aid in resettlement; and a promise to attempt to reform Chile's constitution to broadly secure the protection of indigenous peoples' rights.

#### HELPING COMMUNITIES IN BOLIVIA ENSURE THEIR RIGHT TO WATER

CIEL works on behalf of individuals and communities in Cochabamba, Bolivia, to ensure their human right to water. In the late 1990s, the World Bank pressured Bolivia to privatize the public water system of its third-largest city, Cochabamba. Within weeks of taking over the water system, the foreign investor (Bechtel Corporation) imposed large rate hikes on local water users. Families living in abject poverty were asked to pay water bills equal to as much as 25 percent of their monthly income. The rate hikes sparked massive citywide protests that resulted in more than 100 injuries and one death. Bechtel eventually abandoned the project and brought an arbitral action under a bilateral investment treaty against Bolivia for \$25,000,000. The



International Centre for the Settlement of Investment Disputes, an international arbitral tribunal housed at the World Bank, is hearing Bechtel's legal action. CIEL provided advice to civil society in Cochabamba and to the Bolivian government with respect to the case, including its human rights aspects.

## EDUCATION AND OUTREACH

CIEL staff members are guided by the principles of ecology, human rights, and environmental justice and a commitment to share skills and build the capacity of all people to promote positive change. All citizens need the legal tools to ensure that their voices matter. This is especially true for indigenous and other local communities, which are often marginalized by legal, political, and economic forces.

CIEL responds to this urgent need by fostering interactions with its partners around the world; training students, lawyers, and other professionals in the practice of environmental law; and harnessing technology to increase access to environmental and legal information.

### RECRUITING AND TRAINING THE NEXT GENERATION OF LEADERS IN PUBLIC INTEREST LAW

The challenges facing the public interest environmental law movement are enormous, yet the pool of environmental law expertise and dedicated, public interest lawyers is still relatively small. CIEL has responded to this challenge by encouraging qualified candidates to consider career opportunities in public interest law. We conduct outreach in leading law schools and public interest law NGOs around the world. This typically entails lectures and/or seminars on career opportunities in alternative law, as well as networking and spreading awareness on important

human rights and environmental law issues. Within the past year, lectures were given in India, Nepal, Indonesia, Philippines, Zimbabwe, Malawi, and Mexico.

CIEL provides internships at its offices located in Washington, D.C., and in Geneva, Switzerland. These programs offer law and undergraduate or graduate students a chance to explore issues related to international environmental law and learn about the practice of public interest law. CIEL also offers fellowship positions to recent law school graduates and members of the bar who wish to develop or increase their knowledge of the practice of public interest, international environmental law.

In the past year, CIEL welcomed fellows and interns from Australia, Austria, Argentina, Canada, China, France, Germany, Georgia, India, New Zealand, Pakistan, the Philippines, Switzerland, Thailand, Ukraine, United Kingdom, and the United States. Overall, CIEL has hosted more than 100 interns and law fellows from 43 countries, as well as innumerable ones from the United States. Additionally, Adebukola Osuntogun, a Nigerian lawyer, joined CIEL as the first Louis B. Sohn Fellow.

#### THE LOUIS B. SOHN FELLOWSHIP ON HUMAN RIGHTS

The newly created Louis B. Sohn Fellowship in Human Rights and Environment recognizes recent law graduates working in the area of human rights and the environment and, by providing travel funds, enriches their educational experience at CIEL.

In 2004, Adebukola Osuntogun, a Nigerian lawyer, joined CIEL as the first Sohn Fellow. Ms. Osuntogun focused on Community-Based Property Rights (CBPRs) in Nigeria. She examined the origins of the Nigerian Land Use Act, which vests all lands in Nigeria in the Governor and grants citizens' mere rights of occupancy, and its effects. She researched on approaches for including communities in decisions that directly affect them in line with Principle 10 of the Rio Convention, incorporating access to information, participation and justice. She also explored the linkages between environmental degradation and poverty.

As part of the fellowship, Ade also visited our Environmental Justice Project partners in the Philippines. She participated in the Philippine Forum on Environmental Justice, and joined Tanggol Kalikasan in one of their field visits. Ms. Osuntogun plans to return to Nigeria to continue her work on human rights and the environment.

For more information regarding Ms. Osuntogun and the Sohn Fellowship program, please visit:  
[http://www.ciel.org/Announce/Sohn\\_Fellowship\\_26Feb04.html](http://www.ciel.org/Announce/Sohn_Fellowship_26Feb04.html)

**EXCHANGE PROGRAMS  
FOR EXPERIENCED PROFESSIONALS**

CIEL arranges opportunities for legal experts from different countries to meet and discuss their practice. For example, in 2004, CIEL sponsored two Indonesian public interest lawyers for a four-week skills share to the Philippines and also sponsored a skills share to Papua New Guinea (PNG) by four Philippine public interest environmental lawyers from four different public interest law NGOs. CIEL also sponsored a lawyer from the Indonesian Center for Environmental Law (ICEL) as a CIEL Law Fellow in Washington, DC.

**COLLABORATION WITH LEADING LAW SCHOOLS**

CIEL and the American University's Washington College of Law (WCL) established the Joint Research Program for International and Comparative Environmental Law in 1990. The program offers an interdisciplinary environment for training future leaders in environmental law and includes a summer study abroad program in Geneva, Switzerland, which introduces students and attorneys to evolving legal concepts and structures in Europe. CIEL participates in the summer abroad program and collaborates with WCL to carry out research and publish books, journals and articles on environmental issues.

The CIEL/WCL joint program also regularly presents workshops and symposia, and in 2003 the program initiated an annual conference on international environmental law, with an inaugural conference on Prior Informed Consent: Emergence as a Principle of International Law, and Implementation at International, National, and Local Levels. CIEL also participated in a conference on NAFTA Investment Law and Arbitration: The Early Years and a roundtable with Bolivian Senators to discuss indigenous rights, self-determination, and autonomy.

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

CIEL attorneys also taught courses at the Johns Hopkins School of Advanced International Studies and Georgetown University Law Center (GULC) and lectured or led workshops on various topics throughout the world.

**EXPANDING CIEL'S BOARDS  
OF TRUSTEES AND ADVISERS**

CIEL expanded its Board of Trustees and Board of Advisors to include wider expertise and greater representation from the Global South, so that CIEL now has Trustees who are nationals of Africa, Asia, Latin America, and the Pacific Islands, in addition to those from Europe and North America. The Board of Advisors is in a similar process of expansion and diversification. This process—including the addition of two women activists who subsequently were awarded the 2004 Robert F. Kennedy Human Rights Award and the 2004 Nobel Peace Prize, respectively—was done in part to facilitate more effective outreach in the Global South.

**CIEL TRUSTEE RECEIVES HONORS**

Delphine Djiraibe, a member of CIEL's Board of Trustees and formerly a CIEL Law Fellow, was awarded the Robert F. Kennedy Human Rights Award for 2004. This prestigious award is given to human rights activists who persist in the face of threats to their lives and well being. Delphine, a citizen of Chad, is the founder and president of the Chadian Association for Promotion and Defense of Human Rights and a coordinator of the Civil Society Advocacy Network - a coalition of human rights and development organizations. Delphine's recent work includes her tireless efforts to keep the World Bank-funded Chad-Cameroon pipeline from producing serious and negative social and environmental consequences in her native Chad, as well as in the neighboring country of Cameroon.

*When you're fighting against government corruption and gigantic corporations in life and death situations on the ground, it's great to know CIEL is there with all its legal expertise, but especially with its heart and soul.*

**Delphine Djiraibe,  
Co-Founder and President,  
Chadian Association for  
the Promotion and  
Defense of Human Rights**



# STATEMENT OF FINANCIAL POSITION (1 JULY 2003 THROUGH 30 JUNE 2004)

## ASSETS

### CURRENT ASSETS

CASH & CASH EQUIVALENTS	\$ 531,609
FOUNDATION PLEDGES RECEIVABLE (SHORT-TERM)	885,000
U.S. GOVERNMENT GRANTS AND CONTRACTS RECEIVABLE	106,081
INTERNATIONAL GOVERNMENT GRANTS AND CONTRACTS RECEIVABLE	305,000
OTHER GRANTS AND CONTRACTS RECEIVABLE	28,569
MISCELLANEOUS RECEIVABLES	33,867
PREPAID EXPENSES AND DEPOSITS	32,973
<b>TOTAL CURRENT ASSETS</b>	<b>\$ 1,923,099</b>

### OTHER ASSETS

OFFICE EQUIPMENT AND FURNITURE	\$ 150,025
LESS: ACCUMULATED DEPRECIATION	(132,029)
LONG TERM INVESTMENTS	855
<b>TOTAL ASSETS</b>	<b>\$ 1,941,950</b>

## LIABILITIES AND NET ASSETS

### CURRENT LIABILITIES

ACCOUNTS PAYABLE	\$ 14,249
ACCRUED EMPLOYEE BENEFITS PAYABLE	39,535
DEFERRED CONTRACT REVENUE	13,167
<b>TOTAL LIABILITIES</b>	<b>\$ 66,951</b>

### NET ASSETS

UNRESTRICTED NET ASSETS	\$ 497,537
TEMPORARILY RESTRICTED NET ASSETS	1,377,462
<b>TOTAL NET ASSETS</b>	<b>\$ 1,874,999</b>

**TOTAL LIABILITIES AND NET ASSETS      \$ 1,941,950**

**COMPARATIVE STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS**  
**(1 JULY 2003 THROUGH 30 JUNE 2004)**

**REVENUE:**

FOUNDATION GRANTS AND CONTRACTS	\$ 764,500
U.S. GOVERNMENT GRANTS AND CONTRACTS	328,082
INTERNATIONAL GOVERNMENT GRANTS AND CONTRACTS	452,439
OTHER GRANTS AND CONTRACTS	253,941
SALARIES IN-KIND	247,351
CONTRIBUTIONS	126,638
INTEREST INCOME	11,957
MISCELLANEOUS INCOME	37,335
<b>TOTAL REVENUE</b>	<b>\$ 2,222,243</b>

**EXPENSES:**

**PROGRAM SERVICES:**

**PROTECTING THE GLOBAL ENVIRONMENT & HUMAN HEALTH:**

CLIMATE CHANGE PROGRAM	\$ 319,683
BIODIVERSITY AND WILDLIFE PROGRAM	19,585
PERSISTENT ORGANIC POLLUTANTS PROGRAM	327,967
PROTECTING CHILDRENS' HEALTH PROGRAM	22,551

**REFORMING INTERNATIONAL ECONOMIC LAW, POLICY AND INSTITUTIONS:**

TRADE AND SUSTAINABLE DEVELOPMENT PROGRAM	706,913
INTERNATIONAL FINANCIAL INSTITUTIONS PROGRAM	114,932

**PROMOTING HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE:**

HUMAN RIGHTS PROGRAM	112,679
LAW AND COMMUNITIES PROGRAM	484,368

**STRENGTHENING EXPERTISE AND CAPACITIES IN ENVIRONMENTAL LAW:**

INTERNATIONAL NETWORK FOR ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT	218,529
MISCELLANEOUS PROJECTS	100,868

**TOTAL PROGRAM SERVICES      \$ 2,428,075**

**SUPPORTING SERVICES**

GENERAL AND ADMINISTRATIVE	\$ 373,983
FUNDRAISING	125,816

**TOTAL EXPENSES      \$ 2,927,874**

**CHANGE OF NET ASSETS      \$ (705,631)**

BEGINNING NET ASSETS      \$ 2,580,630  
**ENDING NET ASSETS      \$ 1,874,999**

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**Please remember CIEL in your will!**

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