



CIEL

Center for International Environmental Law

The Center for International Environmental Law (CIEL) has for 20 years carried out a most critical mission: using international law, institutions, and processes to protect the environment, promote human health, and ensure a just and sustainable society. CIEL was founded in 1989 to bring the energy and experience of the public interest environmental law movement to the critical task of strengthening and developing international environmental law, policy, and governance throughout the world. Our work is based on principles of ecology and justice, with respect for local communities and a commitment to live within the limits of the global ecosystem. We are guided by the conviction that transparency and public participation in decision-making are of critical importance. CIEL recognizes that the rules of ecology place real constraints on our future choices and that the rule of law is critical for forging an appropriate balance between environmental protection, human rights, social equity, and economic growth. We also recognize that the United States, including CIEL, has a particular responsibility to build a sustainable future given its role as the world's largest economic producer, consumer, and polluter. As international lawyers for the global environmental community, CIEL is dedicated to using principles of justice and ecology to protect the global environment and promote sustainable development.

Based in Washington, D.C., with an office in Geneva, Switzerland, CIEL's work has a worldwide reach. We have worked with partners in more than 60 countries on six continents, with an emphasis in the Global South.

By working in common purpose, CIEL supports civil society organizations by providing valued and essential services such as legal and policy advice, research, public advocacy, training, and capacity building.

CIEL also strives to educate and train environmental lawyers—both domestic and international—providing the guidance and support to ensure that this vital work continues and grows, and that those in need of help have access to trusted counsel.

Supported by foundation grants, individual donations, and contracts with other non- and inter-governmental organizations and governments, CIEL has an extraordinary multinational staff with unique international legal expertise and superb advocacy skills. CIEL's Board of Trustees and Advisors are also a talented and dedicated cadre. Our team enlists the talents of law fellows, interns, and pro bono attorneys, creating a disciplined corps of lawyers and other professionals to serve as partners and advisors to individuals and groups seeking environmental justice. By pooling talents and resources, CIEL leverages its funding to affect the greatest change.

CIEL's Program Work Fits Into Four Strategic Areas

PROTECTING
the global environment
and human health

REFORMING
international economic
institutions, policy,
and law to support
sustainable development

PROMOTING human
rights and environmental
justice

STRENGTHENING
expertise and capacities
in environmental law



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Dear Friends,

As we look back on 2008, it is with a sense of real accomplishment. CIEL's progress in protecting the environment and human health and improving environmental governance is a reminder that hard work, expertise, dedication to a worthy cause, and a bold vision of the future can result in significant achievement.

We are at a moment of immense promise and opportunity. The issues about which you and I care so deeply demand attention and U.S. leadership. The new Administration, however, faces extraordinary pressures to deal with a devastated economy, a failing financial system, a dysfunctional federal government, and two wars. Despite the best of intentions, the needed focus on problems such as climate change, toxic chemicals, and the impact of environmental stress on indigenous peoples and other communities will only occur if CIEL and other NGOs are able to keep attention on these problems and suggest constructive solutions for them.

All transformative progressive moments in U.S. history have been supported by strong civil society movements—President Lincoln by the abolitionist movement, Franklin Delano Roosevelt by the labor movement, Lyndon Baines Johnson by the civil rights movement. A strong environmental movement now is more necessary than ever, both domestically and internationally; and CIEL is at the forefront of that effort.

For nearly two decades, CIEL has provided innovative thinking and superior legal advocacy to preserve the environment, protect human health, and advance international justice. Always guiding our work is the belief that the rule of law is critical to balancing environmental protection, human rights, social equity, and economic growth.

By harnessing the power of international law and institutions, we are able to bring innovative solutions to once-intractable problems. Our vision is both local and global, allowing us to make systemic change while directly assisting individual communities.



In the face of increasing concerns over climate change, CIEL has diligently promoted sustainable development while keeping a watchful eye on its impact on indigenous peoples. Our successes in 2008 in advancing a worldwide climate change regime inspire our efforts going forward.

Our work is sustained by the dedication of CIEL's family of staff, fellows, interns, and pro bono attorneys, as well as the trusted guidance of the Board of Trustees, the Board of Advisors, and our network of committed alumni. Our deep appreciation goes out to the individual donors and institutional funders that have provided the financial support to make all this possible.

We are deeply grateful to all of you who encourage, challenge, and support us in our work. It is with people like you—friends of the environment who are committed to international human rights and sustainable development—that we share this chronicle of 2008, and we look forward to the achievements of a new year.

With heartfelt thanks to the CIEL family,

Daniel B. Magraw
President

We are at a moment of immense promise and opportunity.

2008: A Significant Record of

CIEL was well positioned in FY 2008 to respond to the increasing economic pressures and environmental threats facing communities around the globe. By serving as a catalyst, conscientious partner, facilitator, and counselor, CIEL helped advance the cause of human rights and environmental protection. Our longstanding engagement in the international legal arena gave us standing to craft viable and respected solutions to difficult and complex problems such as climate change and mercury pollution. All of this work was done ever mindful of our mission to defend the economic and social wellbeing of individuals and communities.

Human Rights and Climate Change

CIEL is at the very forefront of developing international law on human rights and climate change. Building on our work with the Inuit, who are suffering because of warming in the Arctic, CIEL worked with the Republic of Maldives to draft and get a group of island and low-lying countries to adopt the Malé Declaration on the Human Dimension of Climate Change, and thereafter to convince the United Nations Human Rights Council to (1) consider the connection between climate change and human rights and (2) direct the Office of the UN High Commissioner for Human Rights to conduct a detailed study of the relationship. As part of our work, we prepared the Maldives' official submission to this study. Moreover, we designed strategies to share the results of the Council's deliberations with those negotiating a new climate change regime.

Sustainable Development

CIEL provided international legal advice to the Climate Action Network (CAN) on a variety of issues, including compliance and technology transfer. CIEL also worked with CAN, the UN Permanent Forum on Indigenous Issues, and others to ensure that indigenous peoples and other forest dwellers have a voice in the negotiation, elaboration, and implementation of the new climate change regime. We also participated in the Equity Summit in India, particularly with respect to REDD—reducing emissions from deforestation and forest degradation—to identify ways to meld the twin objectives of curbing climate change with reducing poverty and promoting development. We also redoubled our efforts to enhance Southern participation in the climate change regime.

The Maldives (above, right): what's at stake with global warming.



Achievement



Kudos

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

Environmental Justice

Partnering with Peruvian and international groups, CIEL worked to protect the lives and physical integrity of the Cacataibo indigenous peoples living in voluntary isolation in the central Peruvian Amazon. A hydrocarbon concession granted to a Canadian corporation in the territories belonging to the Cacataibo threatens their health and wellbeing. We represented the Cacataibo at an October hearing of the Inter-American Commission on Human Rights, the second hearing based on a request we originally filed with the Commission in December 2007 for precautionary measures.

Chemicals

CIEL played a major role in 2008 in an international effort to accelerate implementation of REACH, the comprehensive European Union law regulating chemicals, and to assist companies seeking safer alternatives for hundreds of toxic chemicals. In addition to serving as an advisor and making the opening presentation at the conference that released the SIN List 1.0 (short for “Substitute It Now”) of 267 chemicals, CIEL initiated an analysis of the financial risk to 73 global chemical producers that rely on these substances.



CIEL is a leading force in UN efforts to solve the global challenge of mercury pollution



Mercury

CIEL was a leading force in UN efforts to solve the global challenge of mercury pollution in 2008. After years of deadlock and delay, the Governing Council of the United Nations Environment Programme (UNEP) launched negotiations on how best to address mercury pollution, which remains an intractable problem due to the complex and varied sources of mercury. On behalf of the UNEP Mercury Secretariat, CIEL prepared the key policy papers that have served as the starting point for international debate. We also served as a legal expert to the Secretariat, and drafted and helped broker an agreement on a global framework for action, which will be pivotal at the UNEP Governing Council meeting in 2009.



Kudos I am leaving UNEP at the end of November after 12 years, and I am happy to go out on a high note. My working with CIEL has been one of the highlights of my time with UNEP.

—John Whitelaw, Former Deputy, Chemicals Branch, United Nations Environment Programme



Investment

Together with international and local partners from Tanzania, CIEL intervened as amici curiae in the *Biwater v. Tanzania* case, which was brought by a British investor against Tanzania for its decision to cancel a failed water project. CIEL's intervention directly affected the outcome of the case in which the Tribunal refused to grant damages for the investors. The Tribunal concluded investors have not only rights but also responsibilities when investing abroad. In its decision, the Tribunal referred to CIEL's amicus brief as providing "a very useful initial context for the Arbitral Tribunal's inquiry" and "a useful contribution to the proceedings." CIEL's work ultimately provided important guidance in deciding the multimillion-dollar claim, and demonstrated the importance of civil society involvement in arbitrations concerning States.

International Financial Institutions

In recent years the International Finance Corporation's (IFC) Performance Standards and the Equator Principles have become the most widely accepted framework for managing the environmental and social risks of projects in the developing world. In reviewing this framework for the UN Special Representative of the Secretary General on Business and Human Rights, CIEL and its partners found that international project financiers, including the leading international banks and the IFC, do not have a robust framework for minimizing the social risks posed by their projects. The Special Representative, Professor John Ruggie, issued a statement thanking CIEL and its colleagues for their submission.



International Finance Corporation (IFC) Accountability & Biofuels

CIEL served as an advocate for communities in Nicaragua affected by the sugar cane production and ethanol plant operations of Nicaragua Sugar Estates Limited (NSEL). Community members are suffering an epidemic of chronic renal insufficiency, and they are deeply concerned about NSEL's use of water for irrigation, crop, and livestock damage caused by pesticide drift, and health and safety risks posed by sugar cane burning. At the request of

more than 600 local people, CIEL filed a complaint with the IFC's Compliance Advisor Ombudsman, charging that the IFC had failed to prevent NSEL's activities from impacting the community adversely, in violation of IFC policies. CIEL also helped the communities prepare for the Ombudsman's visit and is advising the communities in their negotiations with NSEL.

CIEL promoted a balanced agenda with respect to greening trade policy



Trade

CIEL used its position on the U.S. Trade Representative's Trade and Environment Policy Advisory Committee (TEPAC) to promote a balanced agenda with respect to greening trade policy. Most recently those efforts were seen in the work associated with implementing the Peru Free Trade Agreement. CIEL's decision to question the USTR's policy regarding trade and climate change resulted in TEPAC's interest in creating a task force, which would be charged with advising the USTR on such issues. CIEL also worked to eliminate fishing subsidies in trade agreements through TEPAC; and CIEL identified serious flaws in the Korea-U.S. Free Trade Agreement's expropriation provisions.

Intellectual Property and Sustainable Development

CIEL's *Intellectual Property* Project focused on the convergence of environmental issues and the international IP system. CIEL devoted much of its time to reviewing technology transfer and multilateral agreements, particularly with respect to technology transfer and climate change. CIEL's work included a 60-page study on links between technology transfer, climate change, and human rights as well as a study of technology transfer provisions in bilateral free trade agreements. CIEL also hosted a workshop with least-developed country representatives on the implementation of technology transfer provisions of the Trade-Related Aspects of Intellectual Property (TRIPS) Agreement.



Law and Communities

CIEL is at the vanguard of developing and securing legal recognition for community-articulated rights to prior informed consent. In April 2008, CIEL hosted an event at the UN Permanent Forum on Indigenous Issues entitled, “Developing Community FPIC Procedures: Presenting the Community Vision for Engagement to Secure Indigenous Rights.” In its presentation, CIEL staff outlined the free, prior, and informed consent procedure of the Mursi tribe of southern Ethiopia, which was prepared using a template CIEL developed. The panel included the Chair of the Permanent Forum, who later acknowledged the valuable contribution our forum made to the implementation of the UN Declaration on the Rights of Indigenous Peoples.

Democratizing International Dispute Settlements

CIEL achieved a major victory in June 2008 when the UN Commission on International Trade Law (UNCITRAL) reached consensus, agreeing that the UNCITRAL arbitration rules should provide for transparency in investor-State arbitrations. The commission also ordered the group charged with revising those rules (Working Group II) to immediately take up the issue of transparency after finishing its work reviewing the generic UNCITRAL rules. CIEL has been deeply engaged in the process of revising UNCITRAL’s arbitration rules—a set of regulations thought to be used more than any other in disputes between investors and States. This is a major step forward and is a direct result of CIEL’s efforts.

Kudos

I have gotten great exposure in the environmental field and am currently practicing as a solicitor in Ireland while working on my PhD in law. Thank you to CIEL for broadening my horizons in this field. I enjoyed immensely my training at CIEL.

—Aoife Shields, former CIEL intern from Ireland



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CIEL Retreat, November 2007

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Financials

Statement of Financial Position For Fiscal Year Ending June 30, 2008

Assets:

Current Assets	
Cash and Cash Equivalents	\$1,566,682
Foundation Pledges Receivable (Short-Term)	805,000
International Government Grant and Contracts Receivable	103,212
Other Grants and Contracts Receivable	18,024
Miscellaneous Receivables	26,813
Prepaid Expenses and Deposits	21,509
Total Current Assets	\$2,541,240

Other Assets

Office Equipment and Furniture	84,879
Less: Accumulated Depreciation	(42,039)
Leasehold Improvements	58,920
Less: Accumulated Amortization	(6,400)
Deposits	19,666
Long-Term Investments	8,019
Total Assets	\$2,664,285

Liabilities and Net Assets:

Current Liabilities

Accounts Payable	\$71,228
Accrued Employee Benefits Payable	34,896
Deferred Revenue from Contracts	50,128
Deferred Lease Liability	68,224
Total Liabilities	\$224,476

Net Assets

Unrestricted Net Assets	\$459,876
Temporarily Restricted Net Assets	1,979,933
Total Net Assets	\$2,439,809
Total Liabilities and Net Assets	\$2,664,285

Audited financial statements are available on CIEL's website at ciel.org and upon request.

Comparative Statement of Activities and Change in Net Assets For Fiscal Year Ending June 30, 2008

Revenue:

Foundation Grants and Contracts	\$1,467,866
US Government Grants and Contracts	42,343
Foreign Government Grants and Contracts	93,423
Other Grants and Contracts	284,239
Salaries In-Kind	234,774
Contributions	84,584
Investment Income	56,009
Miscellaneous Income	43,260
Total Revenue	\$2,306,498

Expenses:

Program Services:

Protecting the Global Environment and Human Health:

Climate Change Program	\$233,170
Chemicals Program	837,141

Reforming International Economic Law, Policy and Institutions:

Trade and Sustainable Development Program	857,765
International Financial Institutions Program	272,073

Promoting Human Rights and Environmental Justice:

Human Rights Program	78,785
Law and Communities Program	52,606

Strengthening Expertise and Capacities in Environmental Law:

Miscellaneous Projects	78,827
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Total Program Services	\$2,410,367
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Supporting Services:

General and Administrative	\$145,346
Fundraising	146,082

Total Expenses	\$2,701,795
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Changes in Net Assets	\$(395,297)
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Beginning Net Assets	\$2,835,106
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Ending Net Assets	\$2,439,809
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Auditors/Certified Public Accountants:
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Glenn and Larry Wiser with Daniel Magraw

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