



# EARTHRIGHTS INTERNATIONAL

## ANNUAL REPORT 2005





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## EarthRights International



from left to right: Ariel Dorfman, Ka Hsaw Wa, Woody Harrelson; Peruvian Amazon; Forced laborers doing road restoration in Burma.



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# LETTER FROM

# THE DIRECTORS

2005 was a big year for EarthRights International. OK, so we say something like that every year—but this year, we mean it more than ever! Just to name a few milestones: The historic *Doe v. Unocal* settlement; two more graduating classes of EarthRights School students in the Amazon and Burma, and a third EarthRights Mekong School campus in the works; a controversial report criticizing US unilateralism; a new Board of Directors; indigenous peoples of Peru—led by our Amazon School alumni—resisted a US oil company; and ERI celebrated our 10 year anniversary!

All of this in a year when an oil war raged in the Middle East; an oilman president continued to abuse international law and claim unprecedented executive power; the so-called uncertainty of climate change became less uncertain; and the Burmese dictatorship remained as entrenched, and brutal, as ever. It reminds us that we have to take our victories where we find them.

2005, and the extraordinary journey of the 10 years that preceded it, proved to us that our mission is as important and relevant as ever. In spite of overwhelming odds, ERI's strategy to combine the power of law and the power of people in defense of human rights and the environment really and truly works. Over the years, our small, dynamic organization has helped some very weak "Davids" take on some gigantic "Goliaths." And win!

Now that's what we call poetic justice.

We could never have done it without your support. We hope you will continue to be with us as we face the upcoming year, and decade, with a new sense of urgency for the fate of the planet and its peoples, but optimism and hope for what we can do when we work together.

*Ka Hsaw Wa, Chana Maung, Katie Redford*



# HIGHLIGHTS OF 2005

**IN A HISTORIC VICTORY FOR HUMAN RIGHTS**, the settlement of the *Doe v. Unocal* lawsuit was finalized in the Spring of 2005. Unocal agreed to compensate plaintiffs for human rights abuses in Burma. After nine years of litigation, and a decade of living in hiding, plaintiffs represented by EarthRights have finally received a measure of justice for the suffering they endured at the hands of Unocal's business partner, the Burmese military regime.

**HAPPY BIRTHDAY EARTHRIGHTS INTERNATIONAL!** ERI had a big party in Washington DC to commemorate our 10 year anniversary with our friends, supporters, NGO partners, family, and staff. It was a wonderful evening of fun, food, music and inspiration that did justice to the fantastic and successful journey we've all shared in the building of this organization since 1995.

**A NEW COHORT OF COMMUNITY-BASED ACTIVISTS GRADUATED** from our two EarthRights Schools, with advocacy and leadership skills to defend human rights and the environment. The Amazon School graduated its fifth class, while the EarthRights School for Burmese activists graduated its sixth class, and we started planning for the 2006 opening of our new EarthRights Mekong School.

**ERI AND OUR CO-COUNSEL HAVE MADE CONSIDERABLE PROGRESS** in our lawsuit against Chevron for its complicity in killings by the Nigerian military. We have uncovered evidence that one of the protestors killed by Nigerian soldiers on Chevron's oil platform was shot in the back, which disproves Chevron's claim that they tried to attack the soldiers. We have also turned up a receipt for payment by Chevron of the soldiers who attacked the villages of Opia and Ikenyan. We look forward to trial in the Spring of 2007.

**EARTHRIGHTS FIELD STAFF CONTINUED** to take enormous risks to document and expose continuing human rights and environmental abuses in Burma. We published rare testimonials in our report *'If We Dont Have Time to Take Care of Our Fields Our Rice Will Die'*, demonstrating to the International Labor Organization and the international community the devastating impacts of ongoing forced labor by the military regime.

**IN OCTOBER, ERI HELPED MOBILIZE** a coalition of human rights organizations and lawyers to oppose Senator Dianne Feinstein's bill to "reform" the Alien Tort Claims Act—the very law that allowed ERI to sue Unocal. After 10 days of hearing from ERI and other ATCA supporters, Senator Feinstein put the brakes on the bill, citing the concerns of the human rights community.

**ERI LAUNCHED A NEW INTERNATIONAL LEGAL PROGRAM** to complement our litigation, which works to develop strong laws and standards for corporate accountability. In 2005 we submitted a report on extractive industries in Burma to the UN Secretary General's Special Representative on Business and Human Rights.

from left to right: *Plantation on the Salween River; Indigenous children on Salween River; Peruvian indigenous woman watching oil corporation's helicopter landing.*





**EARTHRIGHTS INTERNATIONAL CONTINUED TO REMEMBER KEN SARO WIWA**, both through our ongoing litigation against Shell, and through our global “Remember Saro-Wiwa” campaign. To commemorate the 10th anniversary of his execution for opposing Shell’s destruction of the Niger Delta, ERI helped organize worldwide vigils on November 10, 2005 to honor Ken’s legacy as an environmental activist and Ogoni leader, who was killed because of his resistance to oil development and his promotion of indigenous rights.

**SHIPIBO AMAZON EARTHRIGHTS SCHOOL GRADUATES** of Canaan de Cahiyacule a triumphant campaign against Maple Gas Corporation of Texas. The community occupied nine oil wells owned by Maple Gas, and successfully negotiated and signed an agreement with the company—possibly the first of its kind after almost 50 years of exploitation in Peru.

**PERUVIAN INDIGENOUS LEADERS UNITE AND DENOUNCE RESPOL!** At a workshop, organized by the Amazon School and two Peruvian indigenous federations, tribal leaders declared a state of emergency in indigenous territories and their right to say “no” to oil companies operating uninvited on their lands.

**ERI RESEARCHED THE HUMAN RIGHTS AND ENVIRONMENTAL IMPACTS** of the Shwe Gas development project in Western Burma and campaigned against the major investors, Korean companies Daewoo International and KoGas, who hold a 70% stake in the project.



from left to right: Dam site in Thailand; Peruvian indigenous leader at meeting in the Amazon region; After-effects of logging in pipeline region; Traditional prayer ceremony honoring Salween River in Burma.

In addition to organizing a team of Arakanese activists to tour Korea in October 2005, ERI co-organized the 1st International Day of Action on Shwe Gas, which included protest actions in 10 countries to encourage Korea’s divestment from Burma.

**EARTHRIGHTS LAW SCHOOL CHAPTERS ARRIVED**, designed to build a legal community that promotes public service and supports the earth rights movement. Chapters have examined corporate accountability through our “Adopt-a-Corporation” initiative, organized panel discussions, and participated in varying ERI programs such as the Defend ATCA campaign and the Ken Saro Wiwa vigils.

**ERI PUBLISHED A NEW REPORT PROMOTING ATCA** and exposing the Bush administration’s attack on international law, entitled *Shock and Law: George W. Bush’s Attack on Law and Universal Human Rights*. ERI used this report as a tool for public education and a platform to discuss strategies for opposing Bush’s anti-human rights, anti-environment, and anti-law stance.

**IN THE 25TH ANNIVERSARY OF THE FILARTIGA CASE** that set precedent for ATCA cases, EarthRights International gave the ERI Slingshot for Justice Award to Dr. Joel Filartiga to honor his brave contributions to human rights and environmental law and advocacy.

**EARTHRIGHTS CONTINUED TO APPEAR IN THE PRESS**, with coverage in major media outlets such as *Business Week*, *Financial Times*, *The Nation*, and ABC’s *Nightline*.



# EARTHRIGHTS

*EarthRights School  
student field trip.*



## Mission Statement

EarthRights International (ERI) is a non-governmental, nonprofit organization that combines the power of law and the power of people in defense of earth rights. We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training for grassroots and community leaders, and advocacy campaigns. Through these cutting edge strategies, ERI seeks to end earth rights abuses, to provide real solutions for real people, and to promote and protect human rights and the environment in the communities where we work.

# STRATEGIES

To accomplish this mission, EarthRights takes a three-pronged approach:

## JUSTICE AND ACCOUNTABILITY

EarthRights uses litigation and other legal mechanisms to hold corporations accountable for earth rights abuses, often perpetrated in the name of development. We also advocate for stronger legal mechanisms for corporate accountability within the international system. In 2005 we represented plaintiffs suing Unocal, Chevron, Shell, and Union Carbide/Dow Chemical for human rights violations overseas.

## SPEAKING POWER TO POWER

EarthRights uses media, public education and organizing strategies to hold corporate and government human rights and environmental offenders accountable in the "court of public opinion." Our goal is to build a broad constituency for the earth and its peoples who will ensure that there are strong legal mechanisms for accountability, and to deter earth rights abuses by highlighting the heavy costs associated with them.

## SUSTAINING THE MOVEMENT FOR HUMAN RIGHTS AND THE ENVIRONMENT

The EarthRights Schools in Southeast Asia and the Amazon train new leaders to sustain a strong local and international movement in environmental and human rights protection.



# FINANCIAL STATEMENT

EarthRights International (ERI) is a nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment. ERI is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code.

This Statement of Activities is excerpted from ERI's audited financial statements by Douglas Corey & Associates, which are available upon request. The Statement of Activities reflects financial activity for ERI for the year that ended January 31, 2006. To briefly summarize this Statement: as of January 31, 2006, ERI has available \$373,598 (under "Net Assets-Unrestricted") to carry forward for general use in the next fiscal year. The fund in the amount of \$55,167 (under "Net Assets-Board Designated") has been specified for emergency expenditures authorized by the Board of Directors. The temporarily restricted assets of \$2,252,458 are earmarked for particular programs and are not available for any other use.

The Daniel C. Clark Memorial Fund in the amount of \$111,339 is restricted to support graduates of the EarthRights School.

	UNRESTRICTED		TEMPORARILY UNRESTRICTED		TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	MEMORIAL FUND	
Revenues and Other Support:					
Foundation and corporate contributions and fees	\$ 414,194	\$ •	\$ 2,910,717	\$ •	\$ 3,324,911
Gifts from individuals	120,307	•	•	•	120,307
In-kind contributions	3,000	•	29,900	•	32,900
Interest	16,482	•	31,913	4,786	53,181
Gain (loss) on disposal of fixed assets	(245)	•	•	•	(245)
Gain (loss) on investment	•	•	•	(1,028)	(1,028)
Unrealized gain (loss) on securities	•	•	•	8,017	8,017
Miscellaneous	9,244	•	•		9,244
Net assets released from restrictions:					
Satisfaction of program restrictions	789,375	•	(772,507)	(16,868)	•
Total Revenues and Other Support	1,352,357	•	2,200,023	(5,093)	3,547,287
Expenses: Program expenses					
Legal	377,884	•	•	•	377,884
Campaigns	305,997	•	•	•	305,997
EarthRights schools	279,358	•	•	•	279,358
Clark memorial	16,868	•	•	•	16,868
Expenses: Management and general	128,308	•	•	•	128,308
Expenses: Development	116,381	•	•	•	116,381
Expenses: Special event	18,980	•	•	•	18,980
Total Expenses	1,243,776	•	•	•	1,243,776
Change in Net Assets	108,581	•	2,200,023	(5,093)	2,303,511
Net Assets, beginning of year	265,017	55,167	52,435	116,432	489,051
Net Assets, end of year	373,598	55,167	2,252,458	111,339	2,792,562



# ERI STAFF

**Ka Hsaw Wa**, Executive Director

**Chana Maung**, Asia Office Director

**Katharine Redford**, Esq., U.S. Office Director

**Nang Aung**, Administrative Associate, Asia

**Vanessa Bitterman**, Development Coordinator

**Kenny Bruno**, Campaigns Coordinator

**Da Do Wa**, Project Leader,  
EarthRights School-Burma

**Dan Fatton**, Major Gifts Coordinator

**Fuji**, Training Assistant,  
EarthRights School- Burma

**Joanna Gaughan**, Teacher,  
EarthRights School-Burma

**Richard Herz**, Litigation Coordinator

**Naing Htoo**, Field Program Coordinator,  
Burma Project

**Khun Kyaw**, Field Associate

**Alisa Loveman**, Program Coordinator  
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**Holly Melanson**, Teacher & Conflict  
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**Danny Dukes and Peggy Martinez**,  
Dukes & Graves, Accounting Services

**EarthRights International would also like to thank all of our interns, volunteers, and partners:** Aung Moe Win, Joan Davies, Misti Duvall, Tyler Gianinni, Beth Halpern, Elie Halpern, Soojin Han, Khin Maung Soe, Sanghee Lee, Duff Lyle, Rachel Maire, Anna Malindog, Ken McLean, Meghan Morris, Nga Myar, Tun Myint, Theresa Owen, Jiewuh Song, Dack Stackhouse, Kate Tillery, Toe Zaw Latt, Tova Vishnevsky, Katie Wildfong, Yawna.

# ERI BOARD OF DIRECTORS

**Charlie Clements**, Executive Director,  
Unitarian Universalist Service Committee (UUSC)

**Toshiyuki Doi**, Senior Advisor, Mekong Watch-Japan

**Oronto Douglas**, Director of Environmental Rights Action, Nigeria

**Paulina Garzon**, Co-founder of Quito-based Center for Economic  
and Social Rights

**David Hunter**, Esq. Professor of International Environmental Law,  
American University's Washington College of Law;  
consultant, Center for International Environmental Law (CIEL)

**Ohmar Khin**, Director, Burmese Women's Union

**Ouyporn Khunkaew**, Co-director of the International  
Women's Partnership for Peace and Justice

**Marianne Manilov**, Founder, Center for Commercial  
Free Education

**Neil A. F. Popovic**, Senior Attorney, Heller Ehrman Law  
Offices, Director, Earthjustice Legal Defense Fund United  
Nations Program

# ERI INSTITUTIONAL FUNDERS

American Jewish World Service

Anonymous

Anonymous

As You Sow Foundation

Bon Eau Foundation

Courtney's Foundation

C.S. Fund/Warsh-Mott Legacy

Echoing Green

Educational Foundation of America

Flora Family Foundation

Ford Foundation

The Frankel Family Foundation

Global Greengrants Fund

I Do Foundation

JEHT Foundation

Libra Foundation

Oak Foundation

OSI

Oxfam America

Oxfam Hongkong

Perls Foundation

Rights and Democracy

Rosewater Fund

Sigrid Rausing Trust

Trocaire

Wallace Global Fund

Working Assets

Working Assets Grantmaking  
Fund of Tides Foundation





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Please remember EarthRights International in your estate planning. Contact us for details.

*cover, from left to right: Indigenous ceremony in South America; Salween River; Internally displaced people in Burma.*

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