

Annual Report 2008





Students from the EarthRights Burma School learn to use natural materials for building.

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On the cover: EarthRights Mekong School students walk through once-flooded rice fields, reclaimed by Thai villagers after a 20-year campaign.



Burma School alumni human rights and environment workshop.



Letter from the Directors

Dear Friends,

We're probably all going to remember 2008 for a long, long time. So many of us were united in our overwhelming hope for change, articulated during the course of an election awaited and watched by the entire world.

Yes, we heard a lot about change last year, and when you spend your time documenting, analyzing, writing about, and litigating earth rights abuses like we do, change is a welcome and necessary thing.

We ended the year with a tremendous feeling of optimism for the new directions that we hoped that the United States, at least, might be taking. We experienced

this sense of hope, too, in many aspects of our work: when the federal judge in our case against Shell finally, after 12 years, set a date for trial; when we saw our former students become the pioneers of a new kind of lawyering in Cambodia, establishing that country's first public interest law firm; when our EarthRights Schools graduated two more classes of remarkable young leaders, ready to take the futures of their people and their countries into their own hands.

But in other features of our work, the change that we saw was not so positive. Fast-paced growth in the extractive and energy sectors, industrial agriculture, forced production of bio-fuel crops and massive infrastructure projects—all in the name of regional development—were not the change that local communities, indigenous peoples, and the environment really needed. China's lightning-speed growth continued to transform the Mekong region, and it was all that we, our alumni and our colleagues could do to keep up. And of course, our loss at trial against Chevron for the company's complicity in killing, torture, and other abuses against environmentalists in Nigeria reminded us that the deep and long-term change we seek will take hard work, commitment and a whole lot of time.

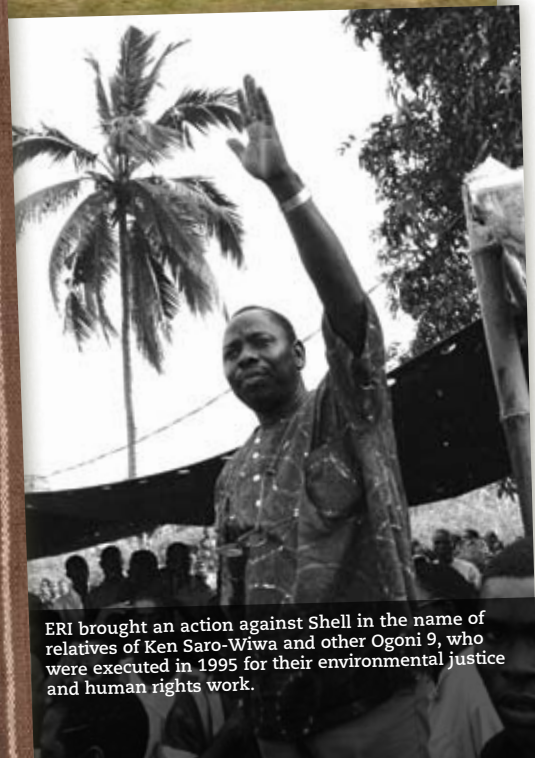
We look back on 2008 realizing the tremendous opportunities associated with any change agenda. In this historic moment we have to ask ourselves and you: How far are we willing to go to lead, influence, push, and of course be the change that we want to see in this world? The individuals and communities with whom we work with in Asia, Nigeria and the Amazon consistently take great risks for their people, their communities and their homelands. Likewise, it's hard to think about the US election without remembering the many people who sacrificed and died for the dream that took a momentous step towards reality in 2008.

It's an exciting time. We'll do what we can to live up to the responsibility and the challenge. Thanks for being with us.

*Ka Hsaw Wa, Katie Redford,
Chana Maung and Marie Soveroski*



Karen women from Jaw See Deu Village fishing on a tributary of the Salween River.



ERI brought an action against Shell in the name of relatives of Ken Saro-Wiwa and other Ogoni 9, who were executed in 1995 for their environmental justice and human rights work.

Highlights of 2008

ERI PUBLISHED THE REPORT, THE HUMAN COST OF ENERGY, the first comprehensive human rights report on Chevron since its acquisition of Unocal in 2005. The report, which received widespread press coverage, exposed the scope of Chevron's financial support for the military regime in Burma and the ongoing abuses associated with its Yadana gas pipeline.

ERI GRADUATED 14 STUDENTS FROM THE EARTHRIGHTS BURMA SCHOOL in August, and 12 students from the **EARTHRIGHTS MEKONG SCHOOL** in December. The graduates joined the ranks of our growing alumni network, who continue to put their skills into action in their home communities: organizing trainings, documenting and exposing abuses, and raising local voices against environmental and human rights harms.

ERI LAUNCHED THE WIWA V. SHELL CAMPAIGN, a coordinated international effort highlighting our precedent setting case on behalf of families of the Ogoni Nine, including Ken Saro-Wiwa, and increasing global awareness of Shell's complicity in past and on-going human rights and environmental abuses in Nigeria.

ERI FILED A COMPLAINT TO THE KOREAN GOVERNMENT

on behalf of Burma's Shwe Gas Movement and Korea's two largest labor organizations, alleging that the Daewoo and KoGas corporations breached the OECD Guidelines for Multinational Enterprises on the Shwe pipeline project in Burma.

ERI AND OUR INDIGENOUS ACHUAR CLIENTS AND PARTNERS CONTINUED TO SEEK JUSTICE

from Occidental Petroleum for decades of toxic contamination by appealing the dismissal of their case from US court and exploring options for legal remedies in Peru, and organizing documentation and advocacy trainings for remote communities in the Corrientes region of the Peruvian Amazon.

ERI PUSHED FOR STRONG NATIONAL AND INTERNATIONAL LAWS

by testifying before the US Senate Judiciary Subcommittee for Human Rights and the Law on the need for legal redress for victims of corporate human rights abuses, and by submitting a comprehensive report—*Mechanisms for Improving Access to Justice for Victims of Human Rights Abuses by Corporations*—to the UN Special Representative on Business and Human Rights.



ERI PARTNERED WITH WITNESS AND THE INTERNATIONAL ACCOUNTABILITY PROJECT to conduct an intensive Video Advocacy Workshop for leading Asian human rights activists working on forced displacement and human rights issues in the region.

ERI PUBLISHED GAINING GROUND: EARTH RIGHTS ABUSES IN BURMA EXPOSED, a compilation of reports by the EarthRights Burma School Class of 2008, giving our students an opportunity to publish their work, and providing a valuable source of information about the communities from Burma otherwise silenced by the military regime.



Larry Bowoto, lead plaintiff in the lawsuit against Chevron, speaks out at a press conference, along with an EarthRights School Burma alumna, and Laotian and Ecuadorian indigenous leaders, outside of Chevron's Annual Shareholders meeting.

ERI FORCED OIL GIANT CHEVRON TO DEFEND ITSELF IN U.S. COURT IN A HIGH-PROFILE, public trial for the company's complicity in military attacks on villagers and peaceful environmental protesters in Nigeria. This was only the second time such a case has gone all the way to trial.

ERI CONDUCTED A SERIES OF TRAININGS FOR PUBLIC INTEREST LAWYERS IN CAMBODIA and provided two of Cambodia's leading human rights lawyers with invaluable experience and educational opportunities during their summer law fellowships at our office in Washington DC.

ERI ACHIEVED A MAJOR VICTORY IN OUR LEGAL ACTION AGAINST UNION CARBIDE/DOW, after a U.S. federal appeals court reinstated our claims against the company for ongoing widespread pollution resulting from their operations in Bhopal, India.

ERI CONTINUED TO CONDUCT CUTTING-EDGE RESEARCH, such as reflected in our publication, *China in Burma: the Increasing Investment of Chinese Multinational Corporations in Burma's Hydropower, Oil and Gas, and Mining Sectors*, the first extensive study of its kind on this subject.

EARTHRIGHTS MEKONG SCHOOL STUDENTS AND ALUMNI PARTICIPATED IN THE INTERNATIONAL CONFERENCE, Mekong Mainstream Dams: Peoples' Voices Across Borders, presenting their concerns to the media, government and international financial institution officials, and policy makers, while setting the stage for strategic cross-border cooperation.

ERI CONTINUED TO ADVOCATE AT THE HIGHEST LEVELS, including the UN, the Mekong River Commission Secretariat, the World Bank, the US Senate and the South Korean Presidency, calling for environmental and human rights abuses arising from large-scale development projects to be addressed.

ERI JOINED THE PUBLISH WHAT YOU PAY (US) COALITION, and supported the introduction of the **Extractive Industry Transparency Disclosure Act**, a bill requiring disclosure of resource revenues paid to governments by corporate actors.


OUR WORK WAS FEATURED EXTENSIVELY BY NATIONAL AND INTERNATIONAL MEDIA, including the Washington Post, Reuters, the New York Times, the San Francisco Chronicle, the Nation, the Economist, the Associated Press, Inter Press Service, In Africa Focus, OECD Watch, News24 (South African Press Association), Neftegaz Russian News, CSR Asia, Oil Daily, ABC Radio Australia, the Madison Times, Le Soir, Business Wire, the AM Law Daily, and Bloomberg. Katie Redford, ERI co-founder and US Office Director, was profiled in a new book *Your America: Democracy's Local Heroes*.

River boat on Mekong River, Thailand.



ERS-Mekong students gather at the home of 78 year old anti-dam activist Grandma Hai.



A close-up photograph of a person's face, likely indigenous, with vibrant red face paint or body paint covering the forehead and hair. The person has dark eyes and a slight smile.

ERI represented indigenous Achuar plaintiffs from the Peruvian Amazon in a lawsuit against Occidental Petroleum.

A photograph of a fisherman on the Mekong River. The fisherman is seen from behind, wearing a wide-brimmed straw hat and a dark jacket. He is holding a long wooden pole and a woven basket. The river is calm, and the background shows lush green trees under a blue sky.

Fisherman on the Mekong River.

Mission

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.

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 2008 we continued to pursue justice, representing plaintiffs in cases against Chevron, Shell, Union Carbide/Dow Chemical, Chiquita, and Occidental Petroleum 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 train new leaders to sustain a strong local and international movement in environmental and human rights protection, while our training of legal and judicial professionals helps ensure that the movement is supported by the rule of law.

Alumni from the Burma and Mekong EarthRights Schools collaborate across borders to protest against harmful Chinese development projects in Burma.



EarthRights students learn about a traditional community irrigation system from Salween villagers.



Financial Statement

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	
Revenues and Other Support				
FOUNDATION CONTRIBUTIONS AND FEES	\$ 845,772	\$__	\$ 1,030,955	\$ 1,876,727
GIFTS FROM INDIVIDUALS	207,305	—	—	207,305
NON-CASH CONTRIBUTIONS	16,414	—	—	16,414
IN-KIND CONTRIBUTIONS	1,897	—	—	1,897
INTEREST AND DIVIDENDS	49,478	—	4,365	53,843
GAIN (LOSS) ON SECURITIES	(6,613)	—	—	(6,613)
UNREALIZED GAIN (LOSS) ON SECURITIES	(11,428)	—	(24,730)	(36,158)
MISCELLANEOUS	2,542	—	—	2,542
Net Assets Released from Restrictions				
SATISFACTION OF PROGRAM RESTRICTIONS	1,216,954	1,721,552	(2,938,506)	—
Total Revenues and Other Support	2,322,321	1,721,552	(1,927,916)	2,115,957

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	

Expenses

PROGRAM EXPENSES

LEGAL	\$ 525,066	\$__	\$__	\$ 525,066
CAMPAIGNS	305,700	—	—	305,700
EARTHRIGHTS SCHOOLS	405,311	—	—	405,311
CLARK MEMORIAL	194,351	—	—	194,351
MANAGEMENT AND GENERAL	131,499	—	—	131,499
DEVELOPMENT	161,790	—	—	161,790
Total Expenses	1,723,717	—	—	1,723,717
CHANGE IN NET ASSETS	598,604	1,721,552	(1,927,916)	392,240
Net Assets, beginning of year	616,735	55,167	2,392,519	3,064,421
Net Assets, end of year	\$ 1,215,339	\$ 1,776,719	\$ 464,603	\$ 3,456,661

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, 2009. To briefly summarize this Statement: as of January 31, 2008, ERI has available \$616,735 (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 \$2,283,227 are earmarked for particular programs and are not available for any other use. The Daniel C. Clark Memorial Fund in the amount of \$109,292 is restricted to support graduates of the EarthRights Schools.

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U.S. OFFICE DIRECTOR

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Jacqui Zalberg

LEGAL FELLOW

Danny Dukes and**Peggy Martinez**

DUKES & GRAVES,
ACCOUNTING SERVICES

EarthRights International would also like to thank our interns, volunteers, and partners: Daniel Aguirre, Arturo Carrillo, Miluska Carhuavilca, Yang Chohee, Naw Ehmu, Steve Epstein, Melissa Epstein, Jelson Garcia, Tyler Gianinni, Seng Herng, Phil Hoff, Khun Htee, Philip Jablon, Eve de la Mothe Karoubi, Ta Mu La, Lee, Lily La Torre Lopez, Liz Mak, Brian McCartan, Maureen Quinn McGough, Ken McLean, Samantha Miller, Kate Moore, Ginger Norwood, U Thien Oo, Lauren Pappone, Pi Nok, Pi Pan, Saw Si Si, Kate Tillery, Nyein Tun, Yu Xiaogang and students at the University of Virginia, George Washington University and Harvard human rights legal clinics. We would like to give special thanks to the members of our legal teams!

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Rainbow over the Corrientes River in Peru.



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