EarthRights International

Annual Report 2011

EarthRights International's 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 grassroots and community leaders, and advocacy campaigns. Through 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.

An Achuar woman in the Peruvian Amazon

Perhaps like no other year, 2011 feels like one where we've returned to our roots.

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COVER PHOTO: Students from the EarthRights School Mekong (ERSM), on a field trip in northern Thailand

ERI staff visiting indigenous communities in Peru

Letter from the Directors

Dear Friends,

Perhaps like no other year, 2011 feels like one where we've returned to our roots. When we established EarthRights International in 1995, we had two goals: to protect human rights and the environment in Burma, and to use the Alien Tort Statute (ATS) to hold corporations accountable for their role in violations including slavery, torture and murder. That year, we sued U.S. oil giant Unocal for abuses in Burma, launching a groundbreaking ATS lawsuit.

Over the years, our work has expanded in many different directions. In Southeast Asia, in addition to Burma, we now work with communities from Thailand, Cambodia, Vietnam, China, Tibet and Laos. Building on the Unocal precedent, we've brought cases against corporations in the oil, chemical and agricultural sectors for human rights abuses in Colombia, Nigeria, Peru, and India, and we've supported allies in cases and campaigns all over the world.

We've certainly grown since those early days, but through it all, Burma and the ATS have

remained core to our work, and close to our heart. And this year, both were front and center in ways they've never been before. Burma began an historic—if troubled—transition away from military rule that thrust the country into the international spotlight, and our EarthRights School alumni living in Burma into the leadership they've been preparing for. Meanwhile, the U.S. Supreme Court is poised to hear an ATS case—*Kiobel v. Shell*—that will determine whether corporations can continue to be sued for human rights abuses they're involved in overseas. So much of what we've been working for is at stake!

And even in these historic times—for Burma, the ATS, and ERI—we continued to look forward and break new ground. We were thrilled to open our new office in Lima, Peru, which will reinforce and expand the work we've been doing to protect indigenous communities and threatened ecosystems in the Amazon. We launched new campaigns to protect the Mekong River, and were thrilled when a 10-year moratorium on mainstream dams was announced. 2012 will be a huge year: We have a lot of work to do.

As always, we couldn't do it without your support. Thank you!

In solidarity

Ka Hsaw Wa, Marie, Chana, Katie

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ERI 2011 Annual Report program highlights: **TRAINING**

A student presentation at the EarthRights School Burma (ERSB)

The EarthRights Schools continue to develop the capacity of human rights and environmental leaders from Burma (ERSB) and the Mekong Region (ERSM) to protect their communities from human rights abuses and environmental degradation associated with unsustainable development projects. The students, community leaders from inside Burma and the other Mekong countries (Cambodia, Thailand, Laos, Vietnam, and China), all brought a range of professional experience, enriching the program curriculum while building stronger professional and personal relationships between the participants. Students learned strategies for successful community development by studying microfinance, organizational management, and community organizing. Through these classes EarthRights Schools students gained specific knowledge and skills essential to the creation of a civil society—adapting this acquired knowledge to address issues in their own communities.

ERS Alumni programs expanded to support a growing network of graduates. These activists represent a wide variety

of indigenous and ethnic communities, all dedicated to the goal of protecting earth rights inside Burma and throughout the Mekong region. Lao alumni continued to work with local communities in Si Phan Don to protect their environment and livelihoods. Information centers established will promote the exchange of information and knowledge and open communication channels for grassroots media on issues of concern to local residents. ERS alumni also worked to raise awareness around the Xayaburi Dam project which threatens the livelihoods of millions of residents along the lower Mekong.

The alumni program, with the support of various donors, funded the development and implementation of 15 grassroots projects targeting issues alumni identified in their own communities, as well as a selection of projects on building women's rights and empowerment.

We also celebrated the opening of a new partner school, the Health and Earth Rights Training Center (HEART) in Mae Sot, Thailand. The school seeks to combine issues of earth rights and health, recognizing the devastating health impacts that environmental and human rights abuses can have on local populations. Participants were recruited from areas along the border and inside Burma, representing the vulnerable groups of migrant, refugee and internally displaced people in the region. Many came from working in the health sector or community organizations, addressing the pressing problem of lack of access to essential services on both sides of the border.

PHOTOS RIGHT: ERSB graduation festivities; BELOW: In the classroom at ERSM

ERI 2011 Annual Report program highlights: **LEGAL**

In 2011, EarthRights International proudly opened our Amazon Office in Lima, Peru, in order to expand our work in the region, with a small but ambitious staff. Work there focused on building capacity within indigenous groups and other communities, as the first step in establishing a larger Amazon legal network.

ERI continued to litigate on behalf of victims of human rights abuses, providing channels to remedies, including our case against Occidental Petroleum (Oxy) for its 30 year legacy of massive pollution in the Peruvian Amazon. We won the second round of appeals in the case, when the company filed a petition for rehearing at the Ninth Circuit. Addressing some of Oxy's criticisms but not changing the result of the appeal, the amended opinion decided that the case should stay in Los Angeles.

Expanding our network of lawyers regionally, ERI's Southeast Asia legal team spearheaded formation of the Mekong Legal Network (MLN). When the Thai National Human Rights Commission heard a trans-national human rights case—the Koh Kong sugar plantation case in Cambodia, involving

a Thai company working through Cambodian subsidiaries—ERI supported the lawyers involved in this case through the MLN. ERI hosted an MLN meeting to prioritize this case as well as concerns about Mekong dams, allowing for focused discussions on legal strategies for engaging on the issue of hydropower development on the Mekong River and business and human rights within the ASEAN Intergovernmental Commission on Human Rights.

EarthRights continues to serve as a reliable resource for litigators in human rights and environmental lawsuits. In our effort to build a strong framework of good law, we supported critical litigation by filing numerous amicus briefs in 2011. These briefs defended the use of the Alien Tort Statute as a legal tool to preserve accountability measures from being preempted by U.S. foreign policy.

Expanding our network of lawyers regionally, ERI's Southeast Asia legal team spearheaded formation of the Mekong Legal Network (MLN).

PHOTOS: Lawyers from Southeast Asia, Latin America & North America at a meeting of the Mekong Legal Network.

ERI 2011 Annual Report program highlights: **CAMPAIGNS**

ERI's Paul Donowitz speaks at a protest outside Chevron's 2011 shareholder meeting

ERI's campaigns focus on holding corporations and governments accountable for earth rights abuses and giving local communities a leading role in decisions affecting their lives and environment.

ERI continued to host the **International Corporate Accountability Roundtable (ICAR)**, which has taken a leading role in promoting corporate accountability policies in the U.S., defending the Foreign Corrupt Practices Act and legislation passed by the U.S. Congress in 2010 to deter the use of conflict minerals from Congo. ICAR is promoting similar legislation on the state level as well as internationally.

ERI was instrumental in efforts to reform the U.S. National Contact Point (NCP) for the OECD and the OECD Guidelines for Multinational Enterprises. ERI joined the Stakeholder Advisory Board to the U.S. NCP, to improve the effectiveness of this critical dispute resolution mechanism for communities negatively impacted by U.S. corporations.

As part of the **Publish What You Pay** coalition, ERI submitted comments to the U.S. Securities and Exchange Commission on developing rules to implement Section 1504 of

the Dodd-Frank Act, which requires oil, gas, and mining companies to disclose information on payments made to the countries where they operate—legislation which will empower civil society in these countries to hold their governments accountable for management of their natural resource wealth.

We also released new **Burma-related reports** in 2011. *The Burma-China Pipelines, Human Rights Violations, Applicable Law, and Revenue Secrecy* report analyzes corporate responsibility and Burmese law, while discussing strategies to mitigate impacts and improve the benefits for the people of Burma; in July, Burma Environmental Working Group released a groundbreaking report—*Burma's Environment: People, Problems, and Policies*. This 100-page first-of-its-kind holistic examination of Burma's natural environment focuses on the laws, policies, and frameworks covering the environment in Burma. ERI also worked with the 13-member Network for Human Rights Documentation- Burma (ND-Burma) to produce two periodic reports, providing up-to-date information on human rights violations, and pressing issues and trends, within the country.

ERI led preparation of the third edition of *The True Cost of Chevron: An Alternative Annual Report*, which provides a community-based perspective on the impacts of Chevron's global practices. ERI provided legal support to ensure that impacted communities had access to the annual shareholder meeting and could speak directly to Chevron's CEO and Board about Chevron's devastation of the environment and traditional communities.

Financial Statement

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	
Revenues and Other Support				
FOUNDATION CONTRIBUTIONS	$ 392,510	$__	$ 1,494,074	$ 1,886,584
GIFTS FROM INDIVIDUALS	48,965	—	37,743	86,708
DONOR TOUR	18,878	—	—	18,878
NON-CASH CONTRIBUTIONS	84,865	—	166,525	251,390
IN-KIND CONTRIBUTIONS	10,001	—	—	10,001
INTEREST AND DIVIDENDS	8,551	—	1,376	9,927
GAIN (LOSS) ON SECURITIES	(167)	—	—	(167)
GAIN (LOSS) ON FIXED ASSETTS	(1,096)	—	—	(1,096)
UNREALIZED GAIN (LOSS) ON SECURITIES	—	—	(7,890)	(7,890)
MISCELLANEOUS	3,361	—	—	3,361
Net Assets Released from Restrictions				
SATISFACTION OF PROGRAM RESTRICTIONS	1,543,246	__	(1,543,246)	—
Total Revenues and Other Support	**2,109,114**	—	**148,582**	**2,257,696**

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	
Expenses				
PROGRAM EXPENSES				
LEGAL	$ 566,901	$__	$__	$ 566,901
CAMPAIGNS	330,654	—	—	330,654
TRAINING	487,021	—	—	487,021
INTERNATIONAL CROSS-CUTTING	357,330	—	—	357,330
MANAGEMENT AND GENERAL	162,602	—	—	162,602
DEVELOPMENT	179,455	—	—	179,455
Total Expenses	2,083,963	—	—	2,083,963
CHANGE IN NET ASSETS	25,151	—	148,582	173,733
Net Assets, beginning of year	1,060,804	2,048,719	1,479,478	4,589,001
Net Assets, end of year	**$ 1,085,955**	**$ 2,048,719**	**$ 1,628,060**	**$ 4,762,734**

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, 2012. To briefly summarize this Statement: as of January 31, 2012, ERI had available $1,085,955 (under "Net Assets – Unrestricted"), to carry forward for general use in the next fiscal year.

Of the fund in the amount of $2,048,719 (under "Net Assets-Board Designated"), $55,167 has been specified for emergency expenditures authorized by the Board of Directors. The remaining amount, $1,993,552 is designated by the Board for reserves to cover the cost of litigation, litigation support, Burma programs, and organizational reserves.

The temporarily restricted net assets of $1,628,060 are earmarked for particular programs and are not available for general use.

2011 EarthRights International
Staff, Interns, Volunteers & Partners

Ka Hsaw Wa
Executive Director

Chana Maung
Asia Office Director

Katie Redford
U.S. Office Director

Marie Soveroski
Managing Director

Marco Simons
Legal Director

Daniel King
Asia Legal Director

Paul Donowitz
Campaigns Director

Nang Aung
Administrative Associate

Eliza Costello
Training Coordinator

Patrick Dowd
ESL instructor, EarthRights School Mekong

Hannah El
Training Coordinator EarthRights School Burma

Ross Dana Flynn
Asia Web and IT Coordinator

Paibon Hengsuwan
Mekong School Coordinator

Richard Herz
Litigation Coordinator

Naing Htoo
Acting Burma Campaigns Director

Benjamin Hoffman
Amazon Legal Fellow

Jirawat Suriyashotichyangkul
Thai Legal Associate

Sabrina Kathleen
Coordinator Mekong Program

Jonathan Kaufman
Staff Attorney

Maureen Kelly
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Local Program Coordinator Burma Alumni Program

Lily la Torre Lopez
Senior Amazon Consultant

Bobbie Sta. Maria
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Amol Mehra
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Program Coordinator International Alumni Advocacy

Si Phoung
Mekong Alumni Program Associate

Joshua Richards
Program Coordinator Burma Alumni Program

Saiaew
Mekong Alumni Program Coordinator

Maggie Schuppert
Development Coordinator

Brenden Sloan
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Matthew Smith
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Program Assistant EarthRights School Mekong

Yaowalak Srikhampa
Program Associate EarthRights School Mekong

Tong Teng
Administrative Associate EarthRights School Burma

Nyien Tun
Teaching Associate EarthRights School Burma

Marissa Vahlsing
Amazon Legal Fellow

Ximena Warnaars
Amazon Program Coordinator

Brad Weikel
Web & Communications Coordinator

Zaw Zaw
Program Associate Burma Project

Peggy Martinez & Joan Harrison
Dukes & Graves Accounting Services

EarthRights International would also like to thank our interns, volunteers, and partners:

Chamberlain Amadi, Yewande Ajoke Ajboola, Natalie Bridgeman Fields, Ben Brown, Sarah Birkebak, Sophie Brian, Arturo Carrillo, Miluska Carhuavilca, Janna Casperson, Marissa Charles, Jeanice Chieng, Maria Chickedantz, Joanie Chen, Judith Brown Chomsky, Cindy Cohn, Nathan Collins, Katherine Conchada, Shauna Curphey, Anthony DiCaprio, Naw Ehmu, Ingrid Collins-Fourie, Agnieszka Fryszman, Reena Gambhir, Tyler Gianinni, Laura Gibbs, Jennifer Green, Marra Guttenplan, Evan Harrison, Paul Hoffman, Rachel Imamkhan, Phil Jablon, Yuan Ji, Ellen Joanie, Angus Johnstone, Bill Kilby, Kristian Kopp, Katherine Kovich, Maria LaHood, DOng Keun Lee, Richard Lewis, Howard Mann, Mario Melo, Tarek Maassarani, Dana MacLean, Douglas Maclean, Dr. Cynthia Maung, Chen Meizheng, Molly McOwen, Dion Tobias Mellor-Senior, Isabella Munilla, Amanda Monaco, Patrick Naagbanton, Allison Neswood, Pi Nok, Peter O'Hare, Kit Pierson, Kwar Poe, Xi Qiu, Sandra Ray, Nikki Reisch, Kirsten Rice, Saengsawang Saehang (Cheng), Michelle Salomon, Michael Seplow, Misty Seemans, Rajan Sharma, Katie Shay, Benjamin Schonbrun, Saw Si Si, Ellen Bryna Smith, Amy Ward-Smith, Atossa Soltani, Robert Sullivan, Zoran Šuto, Mat Taylor, Lauren Teukolsky, Theresa Traber, Rachel Trevarthen, Curtis Trinko, Kinny Wai Chan, Jennifer Beman White, Chima Williams, Renshao Xu, Casimira Younger, and students at the George Washington University and Harvard human rights legal clinics. We would also like to give special thanks to the many organizations we partner with!

Board of Directors 2011

Rebecca Lambert — *(Co-Chair) MS in Environment and Natural Resources, University of Vermont*

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Jelson Garcia — *Asia Program Manager, Bank Information Center*

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Jasper Teulings — *Head of the Legal Unit of Greenpeace International, Amsterdam*

Kate Tillery — *Attorney, Korein Tillery LLC*

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Courtney's Foundation

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Refugees International Japan

Rosewater Fund

Sigrid Rausing Trust

Silicon Valley Foundation

Tikva Fund of Tides Foundation

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