



### Our Mission

EarthRights International (ERI) is a non-governmental, non-profit organization that combines the power of law and the power of people in defense of human rights and the environment.

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.

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Thai villagers participating in an ERI "Know Your Rights" legal training.



Bhopal, India. ERI continues to litigate contamination claims against Union Carbide for the worst industrial disaster in history. © Jack Laurenson

### Letter from the Directors

Dear Friends,

Another year has flown by, and once again we at EarthRights International find ourselves reflecting on the whirlwind that was 2013. As in years past, our work for global justice was marked by both moments of triumph and great pride, and moments of disappointment.

In Southeast Asia, after years of cultivating human rights and environmental defenders, we see the seeds of change grow as our training programs mature. This year, we celebrated five years of supporting brave lawyers from six countries in the Mekong Legal Network, and graduated our eighth class at the EarthRights School-Mekong and our 15th class at the EarthRights School-Mekong and our 15th class at the EarthRights School-Myanmar, bringing the total number of alumni trained and ready to lead their countries in the pursuit of human rights and environmental justice to over 270. Whether brokering historic peace talks in Myanmar, or defending the rights of communities threatened by development projects across the region, our alumni and legal networks continue to work fearlessly for justice, often times at great personal risk.

ERI has also grown. Today we are a global organization with almost 60 staff working in four offices around the world. Our reach has spread to the Mekong and Amazon regions, and we are bigger and stronger than ever before. Our work in Myanmar (Burma)-where ERI was born-has always had to remain underground, with staff and students taking great risks to work clandestinely in the country. After nearly twenty years, however, we are proud to announce that in 2013 we opened the doors at our new EarthRights International office in Yangon, Myanmar. Finally, we are able to work openly in the country! This change is at once a homecoming and the beginning of an exciting but challenging new chapter for ERI.

In U.S. courts, we had mixed outcomes this year.

The U.S. Supreme Court sided with corporations in Kiobel v. Royal Dutch Petroleum (Shell), denying justice to Ogoni environmentalists who sued Shell for torture, killing and crimes against humanity in Nigeria. While the ultimate impact of the Kiobel decision remains to be seen, ERI will continue to use legal strategies, including our Alien Tort Statute cases, to ensure that survivors of earth rights abuses can find justice. This year we also won our appeal to keep our environmental contamination case against Occidental Petroleum in a Los Angeles court, rather than in Peru. While corporations have been granted greater rights and have gone on the offensive against activists and critics, we also successfully beat back Chevron's attacks on Amazon Watch and others who campaigned against the legacy of contamination in Ecuador.

Finally, 2013 brought a bright source of hope for our future. This year, we turned a long-term dream into a reality when we finalized the purchase of a beautiful piece of land in Chiang Mai, Thailand that will one day house ERI's Mitharsuu Center for Leadership and Justice. Mitharsuu—meaning "family" in Burmese and representing the word for "friendship" in Thai—captures the essence of solidarity, trust and collaboration we'll work to strengthen between visionary young lawyers and activists in Southeast Asia. In addition to being a home and campus for our students and staff, and a strategy center for our activists, teachers and lawyers, we hope that this Center will serve as an incubator for the bold and visionary ideas we need to protect this great planet and the people who live here.

As always, we thank you for being with us!

#### In Solidarity,

### Ka Hsaw Wa, Marie, Chana, Katie



A former resident of Thilawa, Myanmar who has been relocated to make way for an industrial park.



Achuar children in the Peruvian Amazon, where oil and gas operations threaten livelihoods and ecosystems.

## Grassroots to Global

#### The Amazon

Our Amazon Office continued to work with vulnerable communities throughout Peru and the Andean Amazon region to defend their rights.

In Bolivia, we supported communities seeking to halt the construction of a mega-highway through the Isiboro Sécure National Park and Indigenous Territory, known as TIPNIS. In partnership with RAMA, a network of Amazonian lawyers, we assisted the leaders of the TIPNIS communities in presenting their case before the Inter-American Commission on Human Rights.

In the Cajamarca region of Peru, we worked with communities to develop legal strategies around two major projects. Communities have been protesting against Newmont Mining's proposed Conga gold mine for years. In response, police working for Newmont shot and beat protestors. We worked with these communities to support the legal strategies in Peru seeking accountability for the repression. A short distance away, communities near the Marañon River – a major tributary of the Amazon – worry about the impact of the proposed Chadin 2 hydroelectric dam. We worked with them to hold workshops on the impact of the dam and legal strategy, also sharing our experiences with dams in Asia.

In 2013, we connected with the Ecuadorian alumni of the former EarthRights School Amazon, which operated from 2001-2005 in Ecuador. We held our first alumni reunion in Puyo, Ecuador, that resulted in the founding of the Ecuador Alumni network. We also continued teaching and contributing curriculum to the Amazon School for Human Rights, in Pucallpa, Peru, which is run by alumni from the EarthRights School.

Also in Pucallpa, we provided a training to about 75 judges, prosecutors and lawyers on indigenous rights and free, prior and informed consent. In the same region in Peru, we supported the regional indigenous federation ORAU with "Know Your Rights" trainings, and strategic legal and advocacy advice for its member federations, as well as communities located in the vicinity of a mega-highway project that could also potentially affect the Isconahua Territorial Reserve of indigenous people living in isolation. ERI will continue working on protecting territorial reserves and the rights of indigenous people who live in voluntary isolation.



An Achuar leader organizing to protect indigenous rights.



EarthRights School alumnus and small grant winner Laofang Bundidterdsakul discusses laws to protect community land rights in Thailand.

# Grassroots to Global

#### Mekong, Southeast Asia

Since 2009, we have provided strategic and logistical support to the Mekong Legal Network (MLN), an independent network of legal practitioners working on regional human rights and environmental cases and campaigns. In 2013 we hosted two MLN meetings, and through strategic partnerships provided support to the ongoing casework of MLN partners in Cambodia, Laos, Myanmar, Thailand, and Vietnam.

We also reconvened the Mekong Legal Advocacy Institute (MLAI), an innovative two-week training program for junior legal practitioners from the region to learn about international human rights, environmental issues, and the principles of public interest lawyering. This year's cohort included participants from all six Mekong countries, including five participants from inside Myanmar.

As a member of the Save the Mekong Coalition, we continued to provide legal and strategic advice and support on legal advocacy associated with the proposed cascade of dams on the lower Mekong River mainstream, along with advocating for regional institutional strengthening of hydropower governance on the Mekong River and its tributaries.



The Mekong Legal Network brings together lawyers from Cambodia, China, Laos, Myanmar, Thailand, and Vietnam to share regional and transnational legal strategies to defend human rights and the environment.



A woman displaced by land grabbing due to increased foreign investment and lack of legal protections in Myanmar.

## Grassroots to Global

#### Myanmar (Burma)

The political reforms in Myanmar have, over the past few years, increasingly enabled us to work inside the country, with local organizations and communities, to ensure local voices are at the forefront of national and international advocacy and legal actions. Our new office in Yangon, Myanmar, is only one of many exciting changes in our work.

Through our new Community Corporate Engagement (CCE) project, we have been training communities threatened by new development projects, equipping them with advocacy skills and helping them get a seat at the table, across from the companies. And, continuing our long tradition of fact-finding and reporting on the human rights impacts of oil and gas pipelines in Myanmar, we published "Selected impacts of the Shwe natural gas & Myanmar-China oil transport projects," a multimedia report and photo essay.

Our legal team, meanwhile, hosted our second Myanmar legal training, gathering thirty lawyers from across Myanmar to focus on environmental law. We hope that they will become the core of a new generation of Myanmar lawyers with the skills necessary to bring earth rights cases in Myanmar and internationally.

Outside of Myanmar, we engaged with companies and governments to ensure that new investment in the country avoids risks of human rights and environmental abuse, and increases benefits to local communities. Since the U.S. government's 2012 announcement that it would ease restrictions on investment in Myanmar, we have been advocating for strong safeguards to protect communities from land grabbing and other abuses. In February 2013, we testified on these matters to the Tom Lantos Human Rights Commission of the U.S. Congress. In May, the U.S. Department of State finally released its "Reporting Requirements on Responsible Investment in Burma," which require U.S. investors with more than \$500,000 invested in Myanmar to report publicly on their policies and procedures related to human rights, the environment, corruption, and labor.

When the first companies published reports under the new Reporting Requirements, they had notable shortcomings, so we worked with local groups to call on the Obama Administration to narrow the gaps in the requirements. The State Department later began directing investors to consult ERI-produced documents for guidance on reporting.



EarthRights works to protect the rights of people whose farmland is threatened by unsustainable development projects, including highways, pipelines, and mines.



ERI litigates against human rights abusers and advocates for stronger corporate transparency regulations.

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### In the Courtroom: Pushing Back on Corporate Power

In 2013 we demonstrated that, regardless of the Supreme Court's ruling in *Kiobel*, U.S. companies are still accountable for harms abroad in U.S. courts. In our case against Occidental Petroleum (Oxy) for environmental contamination in the Peruvian Amazon, we achieved a final victory in our effort to keep the case in Los Angeles, overturning an initial decision that the case should be litigated in Peru. The Supreme Court denied Oxy's request to review that appeal.

Despite *Kiobel*, our class action lawsuit against Chiquita for funding paramilitary death squads in Colombia continued. In 2012, after its motion to dismiss was denied, Chiquita appealed to the 11th Circuit Court of Appeals. This year, we filed briefs in the appeal, and await oral argument in 2014. In the meantime, an Ohio judge rejected Chiquita's attempt to off-load responsibility for cases like these to its insurance company.

This year, we represented Oxfam America in defending important regulations by the U.S.

Securities & Exchange Commission (SEC) requiring oil, gas and mining companies to disclose payments to foreign governments. Although we initially won a decision from the D.C. Circuit Court of Appeals, which agreed that the case should first be heard by a District Court, the District Court decided that the SEC needed further justification before finalizing the rules. Undeterred, we will continue to advocate and litigate in support of strong extractive industry transparency regulations.

For years, we defended Amazon Watch and other advocates from invasive subpoenas issued by Chevron. In 2013, in a huge win for activists, a federal judge quashed two of these subpoenas.

We suffered a setback in our litigation against Union Carbide for environmental contamination in Bhopal, India. We lost our appeal before the 2nd Circuit Court of Appeals, bringing one of our two cases to a disappointing close. Our second case, however, will now resume, and we look forward to filing strong new evidence in 2014.

### **New Frontiers in Corporate Accountability**

On April 17, 2013, the U.S. Supreme Court decided *Kiobel v. Royal Dutch Petroleum (Shell)*, making it more difficult for foreigners to use the Alien Tort Statute (ATS) to bring international human rights cases in U.S. federal courts. ERI filed *amicus* (friend-of-the-court) briefs in the case. While the *Kiobel* ruling was vague, and will be debated in the lower courts for years to come, the troubling outcome reminded us that human rights lawyers need to continue to expand our toolbox and seek new pathways to justice.

In October 2013, we published *Out of Bounds: Accountability for Human Rights Abuses After Kiobel*, an analysis of the ruling, the broader state of international human rights law in U.S. courts, and possible new frontiers for human rights litigators and policy advocates.

Shortly thereafter, we convened the Corporate Accountability Coalition, along with the Center for Corporate Policy, the Institute for Policy Studies, CorpWatch, Corporate Accountability International and the International Corporate Accountability Roundtable. The coalition released the first-ever report card on the U.S. Congress' record on corporate accountability and the promotion of responsible business practices. This report card will be released annually.

We also called on the Obama Administration to nominate federal judges with diverse public service backgrounds, to curb the growing corporatist leanings of the United States' most powerful courts.



ERI's scathing report on the Supreme Court decision in Kiobel v. Shell, where Nigerian survivors of human rights abuses sought justice against corporate defendants in U.S. courts.



Chale, a 2013 EarthRights School-Mekong student.

### **Building the Next Generation of Earth Rights Defenders**

Our schools trained another diverse cadre of emerging civil society leaders in 2013. The EarthRights School-Myanmar (ERSMY) graduated 13 students, 7 women and 6 men, representing 6 different ethnic groups from all across Myanmar. The EarthRights School-Mekong (ERSMK), meanwhile, celebrated 12 new graduates, 6 women and 6 men from 12 different ethnic groups and equally diverse professional backgrounds. The ERSMK students collectively speak 25 languages and dialects and come from communities all along the Mekong River.

In addition to our own dedicated teachers, our schools rely on the wisdom and generosity of many guest instructors. In 2013, we welcomed guest teachers from NEED-Burma, Green Border Energy, Bank Information Center, Mahidol University, Mekong Watch, the Office of the United Nations High Commission for Refugees (UNHCR), International Rivers, Chulalongkorn University, Alternative ASEAN Network, and over a dozen members of our program staff and alumni networks.

Every year, to complement their work in the classroom, we take our students on field trips throughout Thailand to learn directly from communities impacted by development projects. Field trip destinations included the Map Ta Phut industrial zone, the Mae Moh lignite mine, the Pak Mun Dam, the Huay Ra Ha irrigation project, and a local and sustainable hydro-electric power station in Mae Kham Pong.

A vital component of our curriculum is student fieldwork. Each year, the students travel to their home communities for several months, conducting much needed research and documentation on human rights and environmental challenges, then return to the classroom to prepare reports, presentations and advocacy plans. Their research topics in 2013 were as varied as ever, ranging from the living conditions in communities resettled to make way for Myanmar's Myitsone Dam, to the experiences of asylum seekers in Thailand.

### A Growing Network - Alumni in Action

Since 1998, over 270 students have passed through our EarthRights Schools. These students go on to inspiring careers as civil society leaders, defending their communities' human and environmental rights at the local, national, and international levels, often working in partnerships with their fellow alumni.

For instance, one of our Thai alumni, Thornthan "Neung" Kanmangmee, achieved a landmark legal victory in 2013, forcing a controversial and destructive biomass power plant project in Chiang Rai Province to lose its license. Hundreds of villagers gathered at the court to thank him. The power plant was the subject of Neung's fieldwork when he attended the EarthRights School Mekong in 2011 and now, bringing things full-circle, he has returned to ERI on a twoyear fellowship.

Through workshops, mentoring, a small grants program, and strategic partnerships, our Alumni Programs support these leaders and their communities in their struggles for justice and accountability.

In 2013, we organized a group of alumni from Thailand, Vietnam and Laos to attend the Asian People's Forum on Defending Rights in Development in Bangkok. In Myanmar, we facilitated meetings of an emerging network of alumni in Kayah State and conducted land rights trainings.



Members of the EarthRights School-Myanmar class of 2013 with Khin Nanda, their instructor, on graduation day.



Than Ei Nwe, a 2013 EarthRights School student.

### **Building the Movement**

In our classrooms and through our alumni programs, we have trained and supported hundreds of emerging human rights and environmental leaders on the emerging law in these areas.

But that's not the only way we've bolstered the ranks of our movement; we've also welcomed dozens of interns, volunteers and fellows into each of our offices over the years. We offer these young leaders mentorship and work experience on the front lines of the human rights movement, and we in turn benefit enormously from their tireless dedication and talent.

In 2013, thanks to the generous support of the Bertha Foundation, we reached new heights in our effort to mentor and train emerging lawyers and activists as we welcomed new Be Just Fellows to our offices: Camila Mariño Venegas from Colombia joined us in Peru, Thornthan "Neung" Kanmangmee is working with our team in Thailand, and Michelle Harrison is based in our U.S. office.

In the Mekong region, we are supporting the

establishment of public interest law groups in Vietnam and Laos, supporting the development of similar groups in Thailand and Cambodia, and providing legal advocacy fellowships to the next generation of earth rights lawyers in those areas. In the Amazon, we hosted a young lawyer from the U'Wa indigenous group in Colombia, Aura Tegria, who aims to reopen her people's case at the Inter-American Human Rights Commission to protect their ancestral territories from oil exploration.

Our commitment to building the human rights movement through mentorship and training has also immediately benefited our own organization, bringing top-notch talent onto our staff and amplifying our impact year after year. Most of those who become part of our team go on to extraordinary careers working in the public interest at other organizations, but some have found a professional home here at ERI: we are thrilled that roughly one-third of our current staff originally came to ERI as a student, intern, fellow, or volunteer.



EarthRights School students learn from civil society experts and community leaders around the Mekong region.



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### **Financial Statement**

	Unrestricted Operating		Board Designated		Temporarily Restricted					
								Total		
Revenue and Other Support										
Foundation Contributions	\$	46,145	\$	-	\$	2,423,128	\$	2,469,273		
Individual Donations		86,549		-		160,000		246,549		
Attorney's Fees		145,513		1,547,106				1,692,619		
Investment Income		2,902		-		14,073		16,975		
Other		11,239		-				11,239		
NET ASSETS RELEASED FROM RESTRICTIONS										
Satisfaction of Program Restrictions		1,780,669		-		(1,780,669)		-		
Total Revenues and Other Support	\$	2,073,017	\$	1,547,106	\$	816,532	\$	4,436,655		

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, prepared by Gelman, Rosenberg & Freedman for the year ending December 31, 2013.

	Unrestricted Operating		Board Designated		Temporarily Restricted		Total
Expenses							
Program Expenses							
Legal	\$	788,877	\$	-	\$	-	\$ 788,877
Campaigns		292,206		-		-	292,206
EarthRights Schools		566,666		-		-	566,666
International Cross-Cutting		296,538		-		-	296,538
Total Program Expenses		1,944,287		-		-	1,944,287
Management and General		245,206		-			245,206
Development		167,870		-			167,870
Total Expenses		2,357,363		-		-	2,357,363
Change in Net Assets		(284,346)		1,547,106		816,532	2,079,292
Net Assets, beginning of year		443,522		2,048,719		1,817,397	4,309,638
Net Assets, end of year	\$	159,176	\$	3,595,825	\$	2,633,929	\$ 6,388,930





The EarthRights Schools' Pi Nok

# 2013 EarthRights International Staff

#### Leadership

Ka Hsaw Wa Executive Director

**Chana Maung** Southeast Asia Office Director Katie Redford Director

Marie Soveroski Managing Director

**Ross Dana Flynn** 

Web & IT Coordinator

Myanmar Program Director

Myanmar Legal Associate

Weerachat Kaewpradit

**Naing Htoo** 

Mekona Alumni

Kanmangmee

Program Coordinator

Sabrina Kathleen

Thornthan "Neung"

Mekona Bertha Leaal Fellow

Training Coordinator, ERSMK

Lum Ja

#### Southeast Asia Staff

Nang Aung Administrative Associate

**Bo Bo** Program Associate, Myanmar Alumni Program

**Eliza Costello** Training Coordinator, ERSMY

Paul Donowitz Campaigns Director

**Billy Doerner** Training Director, EarthRights Schools

Maureen Kelly Mekong Legal Coordinator

Daniel King Southeast Asia Legal Director **Raa Hoo Lar** Local Coordinator, Myanmar Alumni Program

**Cecile Medail** Coordinator Alumni Program Myanmar

Khin Nanda Program Coordinator, ERSMY

Lauren Nishimura Mekong Legal Associate

Pi Nok Consultant

**Rowan Ryrie** Myanmar Legal Coordinator

**Bobbie Sta. Maria** *Mekong Legal Coordinator*  Pi Seng Consultant

**Prajak Srikhampa** Program Assistant, ERSMK

Jirawat "Cook" Suriyashotichyangkul Thai Legal Associate

**Tong Teng** Administrative Associate, ERSMY

K. Thien Mekong Alumni Fellow

Nyein Tun Training Associate, ERSMY

Zaw Zaw Myanmar Program Associate

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#### Amazon Staff

Benjamin Hoffman Amazon Staff Attorney

Senior Amazon Counsel

torney Amazon

Lily La Torre Lopez Ximen

**Carmen Rosa Sandoval** *Amazon Legal Associate* 

#### Camila Mariño Venegas

Amazon Bertha Legal Fellow

Ximena Warnaars Amazon Program Coordinator

### U.S. Staff

Patrick Boyle Development Associate

Michelle Harrison U.S. Bertha Legal Fellow

Theresa Harris Administrative Assistant

**Richard Herz** Litigation Coordinator Jonathan Kaufman Staff Attorney

Erin McCluskey Executive Assistant

**Errica Okosun** Administrative Assistant

Maggie Schuppert Development Director David Seabrook Finance Director

Marco Simons Legal Director

Brenden Sloan Development Associate

Marice Sy Strategic Communications Associate Marissa Vahlsing U.S. Staff Attorney

Brad Weikel Communications Director

Peggy Martinez, Joan Harrison Dukes & Graves Accounting Services



U.S. Staff Attorney Marissa Vahlsing

Special thanks to:

Tara Paul, Rachel Kincaid, Odessa Powers, Zeke Wapner, Katie Cook, Katie Sint, Alison Borochoff-Porte, Alison Heron, Stephanie Schlitter, Ashley McEvoy, Thein Soe, Laura McLennan, Maria Sureda, Cindy Woods, Aura Tegria Cristancho, Shishir Jani, Tawnie Gulizia, Pauline Schaal, and Katherine McDonnell.

Design by Marice Sy, Strategic Communications Associate



#### Board of Directors 2013

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Kate Tillery (Co-Chair) Attorney Korein Tillery LLC

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Abigail Reyes Director, Sustainability Initiative, University of California, Irvine

Sarah Singh Attorney Accountability Counsel

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Anonymous (4) American Bar Association American Jewish World Service Bertha Foundation C.S. Fund Conservation Food & Health Foundation D.N. Batten Foundation Flora Family Foundation Global Witness Libra Foundation MacArthur Foundation McKnight Foundation Nathan Cummings Foundation North Star Fund Oak Foundation **Open Society Foundations** Oxfam Australia Oxfam Hong Kong Rosewater Fund Sigrid Rausing Trust Swift Foundation Threshold Fund Tikva Grassroots Empowerment Fund Trócaire Underdog Fund (hosted by the Rose Foundation) Wallace Global Fund



Children in Porgera, Papua New Guinea, where ERI lawyers are helping communities harmed by Barrick Gold's abusive security forces and toxic waste dumps.

#### Amazon Office

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