

A man with a beard, wearing a light pink short-sleeved button-down shirt and a dark patterned sarong, stands in the center-right of the frame. He is looking towards the camera. The background is a vast, flat, cleared area of land, likely a construction site or a cleared field. In the distance, there are several pieces of heavy machinery, including a yellow truck on the left and two bulldozers, one on the left and one on the right. A line of trees is visible on the horizon under a bright, slightly hazy sky.

# 2015 Annual Report

The logo for EarthRights International, featuring a stylized white leaf or hand shape on the left, with the text "EARTHRIGHTS INTERNATIONAL" in a white, sans-serif font to its right.

EARTHRIGHTS INTERNATIONAL



# 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.

Cover:

Kyaw Win, a peaceful protester of the Thilawa Special Economic Zone walks to his house across the construction site where his village used to be.

This page: Bertha Fellow and ERI Mekong Legal Coordinator Thornthan “Neung” Kanmangmee discusses Environmental Impact Assessments with Sob Moei community members on the eve of a meeting with the Thai Human Rights Commission regarding Salween river dams.



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Members of seven Myanmar communities facing coal projects visit Mae Moh coal mine in northern Thailand.





# Letter from the Directors

Children in Pampa Hermosa, an Achuar village in the Peruvian Amazon that settled with Occidental Petroleum after decades of oil contamination.

Dear Friends,

We entered our twentieth year with big announcements – a settlement in our lawsuit against Occidental Petroleum for alleged widespread poisoning caused by oil contamination in the Peruvian Amazon and a settlement for victims of sexual violence perpetrated by security guards at a Papua New Guinea gold mine owned by Barrick Gold Corporation.

We are honored to stand with indigenous and marginalized people using litigation and other legal mechanisms, as well as capacity building tools to strengthen campaigns which address the negative impacts of rapid industrial development and rampant foreign investment.

Growing and strengthening local, regional, and global connections has been a hallmark of ERI's 20-year history, and 2015 was no different. In Peru, we brought together lawyers

and legal advocates, most of them indigenous, from Latin American communities for a first of its kind legal seminar. Our U.S.-based legal team supported public interest lawyers and their clients around the world by successfully using Foreign Legal Assistance (FLA) discovery actions to obtain valuable evidence from U.S. corporations. In the Mekong region, we facilitated transboundary collaboration between local groups and EarthRights School alumni campaigning around industrial development projects that threaten lands, livelihoods, and precious ecosystems.

We continue to facilitate opportunities for local people to enter in dialogues with the corporations and governments who make decisions about projects that directly impact their lives and environments. During the past year, these opportunities resulted in powerful moments and sent clear

messages to those who traditionally occupy the halls of power. From Myanmar, a member of the Thilawa community joined us at the UN Forum on Business and Human Rights in Geneva to share his experience with Special Economic Zone development. From Ecuador, we helped bring a group of indigenous women earth rights defenders to Washington D.C. to speak at the Inter-American Commission for Human Rights on their struggle to protect the Amazon rainforest in the face of extractive industries. And, in a move that reinforces ERI's commitment to assist vulnerable communities in seeking accountability from the world's most powerful institutions, we sued the IFC, the World Bank's private lending arm, on behalf of fishing communities in Gujarat, India for irresponsible investment in a coal-fired power plant.

The successes and momentum of the last year cannot be celebrated in

ignorance of the troubling trend of violence and harassment towards courageous earth rights defenders around the globe. In 2015, arbitrary arrests and acts of despicable violence were deeply felt among our partners in the Amazon and Mekong regions. We will continue to condemn these violations as we work to open safe space for advocates and activists in the farthest corners of the world to speak out against abuses of human rights and defend their environments.

At this particularly significant moment in our history as an organization, we are more humbled than ever by the vibrant and dedicated community of support that has sustained the ERI mission and vision for two decades. As always, thank you for standing with us.

In solidarity,

**Katie & Ka Hsaw Wa**





ERI's General Counsel Marco Simons and Senior Amazon Counsel Lily La Torre López speak alongside plaintiff and community leader Adolfina García Sandí and other Achuar representatives at the press conference in Lima, Peru, announcing the settlement with Occidental Petroleum.

# Legal & Campaigns

When bulldozers and guns destroy a village in the name of development, it's often due to decisions made thousands of miles away in a corporate boardroom or government office. We use the power of the law and the power of the people to fight alongside affected communities defending themselves.

The law has many tools, from litigation in U.S. courts and deploying legal arguments in large-scale grassroots campaigns, to using innovative ways of collecting facts and evidence: we have done it all this year.





# The Amazon

Plaintiff and Achuar community leader Adolfina García Sandí with ERI's Marissa Vahlsing at the celebration following the settlement with Occidental Petroleum.

## **We forced Newmont to hand over evidence they didn't want the world to see.**

Elmer Campos was paralyzed in 2011 when Newmont's armed police shot him in the back during a peaceful protest near the proposed Conga mine in Peru. Due to our Foreign Legal Assistance Action, which allows people to request evidence found in the United States to assist a legal case in another country, a federal court ordered Newmont to turn over evidence relating to police violence against protesters.

Elmer's counsel in Peru have found the documents helpful and submitted them to the prosecutor.

## **We helped the U'wa revive their case that had been stalled for almost two decades.**

After 17 years, a case submitted by the U'wa Nation of Colombia has finally been "admitted" to the Inter-American Commission for Human Rights. Aura Tegria Cristancho, whose legal skills we helped strengthen as a fellow in our office, is the U'wa Association's legal advisor and has been instrumental in moving the case forward.

## **We hosted our first legal seminar for indigenous lawyers in Latin America.**

This legal seminar brought together 25 participants, most of them indigenous, from Colombia, Ecuador, Peru, Bolivia, Chile and Guatemala. The seminar was 10 days long and featured dozens of expert speakers.

## **We helped collect 150,000 signatures in support of a Peruvian earth rights defender.**

Maxima Acuña is refusing to leave her land to make way for Newmont's Conga mine in Peru. We accompanied Mirtha Vasquez, her Peruvian attorney, as she attended Newmont's annual shareholder meeting. Along with EarthRights International and Earthworks, Mirtha delivered signatures in support of Maxima Acuña, from an online petition by SumofUs.



*During the seminar, indigenous legal advocates, law students, and lawyers from all over Latin America discuss strategies.*

## **We strategized with the regional government of Cajamarca, Peru against a dam project.**

We provided strategic legal advice to the Cajamarca regional government on opposing the planned Chadin 2 dam. We believe that our strategic advice has been helpful for their meetings with Odebrecht, the company behind the dam, and pressuring the national government to reconsider the project. As of now, Chadin 2 mega dam project is suspended. We continue to support the communities.





(from left to right) Esperanza Martinez Yanez, IACHR Chair Rose-Marie Belle Antoine, Margoth Escobar and Gloria Hilda Ushigua Santi from Acción Ecológica speak in front of the IACHR.

We helped Ecuadorian indigenous women voice their concerns to the IACHR.

We partnered with Acción Ecológica and Saramanta Warmicuna in Ecuador to begin an exciting new area of work with indigenous women earth rights defenders from Ecuador. In October we were granted a thematic hearing in the Inter-American Commission for Human Rights (IACHR) and hosted six Ecuadorian women in D.C. to present their personal cases before the IACHR. We also submitted substantial reports to the IACHR on their cases.

***“I saw the police beat three women and throw them to the ground. I saw them beat a boy who was playing the drums, until his head bled.”***

Esperanza Martinez Yanez, Acción Ecológica





# The Mekong

Indigenous community members in Sob Moei village in northern Thailand attend a meeting with the Thai Human Rights Commission regarding the possible impacts Salween River Dams.

## We urged the Malaysian Human Rights Commission to investigate transboundary investment.

Our complaint to the Malaysian Human Rights Commission (SUHAKAM) about the impacts of the Don Sahong dam on the Mekong River in Laos drew attention to the lack of remedial mechanisms to address the human rights and environmental impacts of transboundary investments.

SUHAKAM agreed to make recommendations to the Malaysian government to ensure Malaysian companies respect human rights in their overseas operations, including establishing a complaints mechanism.

## We promoted engagement of development decision-makers with affected communities in Cambodia.

Our advocacy resulted in greater engagement between government, business and affected communities in the region. The Cambodian government held a multi-stakeholder dialogue around the Lower Sesan 2 dam. The Chinese project developer entered into dialogue with civil society groups on the issues surrounding the project. The United Nations investigated the impacts of hydropower development in Cambodia on indigenous communities and women.

## We collected evidence of industrial pollution in Vietnam.

We supported a Mekong Legal Network member's organization to gather evidence and testimonies around a serious industrial pollution case in Vietnam. The company involved in dumping chemical waste and the relevant authorities have failed to perform adequate testing or address community requests for effective remediation.



*Communities in Stung Treng, Cambodia gather for ceremonies to protect their forest and river from the Lower Sesan 2 Dam.*

## We built capacity of communities in Thailand and Myanmar to engage in development project decisions.

We developed resources and trained indigenous and minority communities affected by hydropower dams and industrial developments in Thailand and Myanmar.

The resources and training help communities understand and engage with the Environmental Impact Assessment (EIA) process and protect their rights to Free, Prior and Informed Consent (FPIC).





# Myanmar

Kyaw Win, a peaceful protester of the Thilawa Special Economic Zone, walks to his house across the construction site where his village used to be.

## We taught communities about land rights.

We worked with Mote Oo Education, a Myanmar NGO focused on education and curriculum development, to produce a Training of Trainers curriculum on land rights, with teacher and student manuals.

The curriculum is designed to empower farmers and villagers by informing them of their rights under existing Myanmar law and how to exercise those rights. The curriculum was designed so that non-lawyers, such as community leaders and local civil society members, can teach it to farmers and villagers, which will help spread the curriculum's reach and impact.

## We promoted responsible investment in Kayin State.

We supported an alumni organization, Youth Circle, in a project to promote responsible investment in Kayin State. The project included a community research project to document the impacts of four development projects on local communities, and a report recommending responsible investment guidelines for governments and companies.

## We shared legal tools with lawyers in Myanmar.

Our legal team held a workshop for the Myanmar Environmental Law Network (MELN) in Yangon that focused on updating the participants, who were mostly lawyers, on Myanmar's Environmental Impact Assessment procedures.

They also learned about public access to information legislation and strategized methods for requesting government information under different scenarios using Myanmar's current laws. We continue to follow up with MELN members and provide support for drafting letters and correspondence with government bodies.

***“I thought  
our lives  
would  
change for  
the better.  
But the  
opposite was  
true.”***

**Kyaw Win**

Resident slated to be relocated because of the Thilawa Special Economic Zone in Myanmar





Residents of Thilawa's Special Economic Zone in their house at the relocation site, approximately 20 kilometers south of Yangon, Myanmar.

## **We facilitated the first stage of a community's design of their own grievance mechanism.**

In a pilot project, we are facilitating a 16-member committee of community representatives to design a community-driven operational-level grievance mechanism (CD-OGM) to address the impacts of the Thilawa Special Economic Zone (SEZ). We have built the capacity of community representatives to engage directly with the government and private sector developers of the SEZ. One community representative also spoke about the process of engaging with project stakeholders and designing the CD-OGM at the UN Forum on Business and Human Rights in Geneva!





Dr. Bharat Patel, Secretary General of the Association for the Struggle for Fisherworkers' Rights (MASS), a plaintiff in our case against the IFC.

## **We successfully sped up long overdue rules for extractive industry.**

We sued the U.S. Securities and Exchange Commission (SEC), a federal agency that regulates the securities industry, on behalf of international relief and development organization Oxfam America. We won an order requiring the SEC to move quickly to issue regulations implementing extractive industry transparency (“publish what you pay”) requirements. These transparency requirements will help communities in resource rich countries hold companies accountable for the irresponsible management of billions of dollars in extractive revenues.

## **We obtained compensation from Barrick Gold for survivors of rape.**

The world’s largest gold mining company agreed to a settlement with 14 individuals relating to alleged acts of violence at the Porgera Mine in Papua New Guinea. For decades, women and girls were brutally raped by Barrick’s security guards at the mine. At least 120 women have lodged claims of rape.

## **We helped pass a law promoting human rights accountability.**

With the International Corporate Accountability Roundtable (ICAR), we passed a human rights accountability law in California; although amendments weakened the law, it is still a landmark. Similar laws are moving forward in Massachusetts and Delaware.

## **We trained lawyers across the globe in how to obtain information from the U.S. for their court cases.**

The Foreign Legal Assistance (FLA) statute, a cutting edge legal tool, allows public interest lawyers in other countries to obtain information that helps their cases against corporations. We held several web-based “FLAbinars” to teach various audiences about this tool.


Our first FLA case was in support of a Nigerian lawsuit challenging gas flaring by Chevron. At our training of West African lawyers in Ghana, we met with the Nigerian lawyer we’ve been working with and learned that the gas flaring documents we obtained from Chevron have been helpfully introduced in his court case.

## **We sued the IFC for irresponsible investment.**

We helped a community sue the World Bank Group in U.S. federal courts for damages caused by one of their projects. Fishing communities in western India sued the IFC, the World Bank Group’s private lending arm, for harms caused by a mega coal-fire power plant.

The IFC loaned \$450 million for the construction of the 4,150 MW Tata Mundra power plant. Located only one mile away from another power plant, Tata Mundra has adversely affected surrounding communities, threatening their livelihoods, health and environment.





EarthRights School alumni help celebrate the 2015 EarthRights School Mekong graduation.

# Training

We are building a global network of fearless advocates with the skills necessary to challenge damaging industries and protect community land rights.

This year we graduated 24 young leaders in our EarthRights Schools. They return to their homes filled with knowledge and passion to protect their communities.

We trained dozens more community members, lawyers, and judges throughout the world in our regional trainings.





# The EarthRights School Mekong

Alumni from the EarthRights Mekong School help to welcome the new students to the ERI family.

## We graduated our 10th class of the EarthRights School Mekong.

Our class of 2015 included a newly graduated Thai human rights lawyer whose indigenous Pwo Karen community has suffered severe poisoning from a lead mine, one of Thailand's leading campaigners against the Salween dams, and an indigenous leader from the Lower Sesan 2 anti-dam campaign in Cambodia.

## Students collaborated with Chiang Mai University to publish a book of their field work.

In late June, we organized the launch of our new book of student fieldwork reports entitled, "Land and River Grabbing: the Mekong's Greatest Challenge." We organized the book launch in the form of a talk show. Thai Alumna, Paw, as the host, asked a series of lively questions based on our students' personal experiences as young woman researches, and the challenges they overcame in researching politically sensitive topics in remote areas, eliciting many questions from the audience.



## Students learned about Free, Prior, and Informed Consent through Forum Theatre.

EarthRights School Mekong and the Mekong Alumni program hosted a special workshop on Free Prior Informed Consent (FPIC) with support from Oxfam Australia. The goal of the workshop was to use forum theatre techniques to explore the concept of FPIC, to learn how FPIC is central to promoting public participation in decision-making and to learn how Forum Theatre can be used to empower communities. After spending one week gaining the skills to design and deliver FPIC workshops of their own, the Mekong Alumni and Oxfam youth activists led a week-long FPIC workshop for our current students.

*EarthRights School students and alumni use Forum Theatre techniques to demonstrate Free, Prior, and Informed Consent.*

## Students organized a forum to discuss stopping destructive dam projects.

This year, the EarthRights School Mekong organized a special forum featuring campaigners from three communities who are leading efforts to stop destructive hydropower dam projects: Rasi Salai, Kaeng Seua Ten in Thailand, and Lower Sesan 2 in Cambodia. For three days, campaign leaders from all three communities exchanged histories of their anti-dam campaigns, focusing on how to select campaign strategies appropriate to the political, cultural, and economic context of each community. The trip ended with a traditional Baisi spirit-calling ceremony, along with ethnic Khmer, Brao, and Lao music and dancing.





# The EarthRights School Myanmar

The class of 2015 of EarthRights School Myanmar  
with trainers Nyein Tun and Nikki Richard

## We graduated our 16th class of the EarthRights School Myanmar.

We helped train 5 female and 7 male students from all over Myanmar - including activists from the shores down in Dawei to the mangroves of Western Rakhine State, and up to the riverbanks of the Salween - to become leaders in human rights and environmental justice.

## Students went on field visits to see the current issues first hand.

They traveled to the Gulf of Thailand's eastern seaboard to visit the Industrial Zone of Map Ta Phut and the Laem Chabang Sea Port to learn first-hand about the negative impacts of these mega-projects on the environment and local communities' health and livelihoods. Traveling further down to Thailand's southern peninsula, they gained inspiration from the stories of two communities who used people power to successfully resist two coal-fired power plant projects from being built on the pristine beaches of Hin Krud and Bo Nok.

## They learned from a community with 25 years of campaigning experience.

The students visited the community of Keng Sua Ten to learn about their strategic, over 25-year campaign against a dam project. The community members shared how they've integrated their culture, spiritual beliefs, and local knowledge into the protection of their beloved river and teak forest and the success of using community-led research as a campaign tool.





# EarthRights Schools Alumni

Khun Yo Thar, EarthRights School Myanmar Alumnus 2014, participates in a Documentary Training by alumni organization Kayah Earthrights Action Network (KEAN),

## They met to discuss overseas investment in Thailand.

A group of alumni held a meeting to discuss overseas investment in Thailand and to implement a strategic plan of action, which includes data collection, collaboration and drafting campaign materials. In May, there will be a workshop to bring together all relevant groups and individuals to participate.

Another reunion among Thai alumni is planned for this year in Dawei to familiarize students with issues in the area. In an effort to provide assistance to local communities and CSOs in Myanmar, they will visit project sites and build relationships with local groups. From journalists to professors and lawyers to filmmakers, our alumni have a breadth of knowledge and skills to work together to improve the situation not only in Thailand but also in neighboring countries.

## Alumni led a field visit to Cambodia for EarthRights School Mekong students and local community members.

At the beginning of December, four community members joined the EarthRights School Mekong Field Exposure trip to the KenSuaTae community to learn about the Dam campaign. Led by alumni Bhuntan and Thitda, community members and students learned campaign strategies to protest the dam and ways to collaborate on Lower Sesan 2 work. Together, students, alumni and community members are working to advance their campaign.

## They organized data collection at the Heinda mine.

EarthRights School Mekong alum Aye Mon Thu, who's involved in the Heinda mining case, asked a team of researchers from Naresuan University to travel to Dawei to collect samples from the mine. At the end of September, a small team, led by Dr. Tanapon Phenrat, visited the mine to collect data. Their trip was successful and alumni are in the process of testing the samples, making it possible for Aye Mon Thu and her organization to utilize the results for advocacy and campaigns.

***“After attending the EarthRights School Mekong I came to know the connection between hydropower and the socioeconomic and environmental problems of the people.”***

Ham Oudom

EarthRights School  
Mekong Alumni 2013





Three participants of this year's EarthRights Exposures training in Thilawa, Myanmar.

# Stories in the hands of communities

Video has been embraced as a powerful tool for advocacy. All over the world, people are watching countless videos each day. So now a new challenge arises: how to make videos that tell stories that otherwise remain silenced in a unique and compelling way?

And, how can these stories be told without a western filter, an organizational agenda, and without our edits? To do this, we started a new video project, EarthRights Exposures (ERE), in which the tools to make compelling videos are in the hands of communities. With ERE we bring together skilled filmmakers with young community members to provide them with the tools to create videos that are capable of inspiring change, resulting in a growing network of video activists in Myanmar.



Liz is a Mapuche law student from Chile, and a participant at the Indigenous Legal Seminar in Peru. We collaborated on storytelling projects with the seminar participants.



This year ERE participants created five short documentary advocating for community rights in the face of large scale development projects. You can see the documentary on our YouTube page.

([www.youtube.com/earthrightsintl](http://www.youtube.com/earthrightsintl))



	Unrestricted	Temporarily Restricted	Total
<b>REVENUE AND OTHER SUPPORT</b>			
Foundation Grants	\$ 239,571	\$ 4,380,372	\$ 4,619,943
Individual Contributions	120,771	189,500	310,271
Investment Income	50,293	(1,020)	49,273
Other	78,314	-	78,314
<b>NET ASSETS RELEASED FROM RESTRICTIONS</b>			
Satisfaction of Program Restrictions	2,274,303	(2,274,303)	-
<b>TOTAL REVENUE AND OTHER SUPPORT</b>	<b>\$ 2,763,252</b>	<b>\$ 2,294,549</b>	<b>\$ 5,057,801</b>
<b>EXPENSES</b>			
Program Expenses			
Legal	\$ 1,339,200	\$ -	\$ 1,339,200
Advocacy Campaigns	279,686	-	279,686
EarthRights Schools	265,868	-	265,868
International Cross-Cutting	465,969	-	465,969
Total Program Expenses	2,350,723	-	2,350,723
Management and General	300,677	-	300,677
Development	333,335	-	333,335
<b>TOTAL EXPENSES</b>	<b>2,984,735</b>	<b>-</b>	<b>2,984,735</b>
Change in Net Assets	(221,483)	2,294,549	2,073,066
<b>NET ASSETS, BEGINNING OF YEAR</b>	<b>3,112,607</b>	<b>2,522,025</b>	<b>5,634,632</b>
<b>NET ASSETS, END OF YEAR</b>	<b>\$ 2,891,124</b>	<b>\$ 4,816,574</b>	<b>\$ 7,707,698</b>

*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, 2014.*



Young women collecting plants  
along the Corrientes River  
in the Peruvian Amazon.





EarthRights staff gather for the celebration of the 2015 EarthRights School Mekong graduation.

Left to right: Tanja Venisnik, Jinmei Liu, Adrienne Fitch-Frankel, and Daniel King.

## Leadership

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ERI Staff at the Indigenous Legal Seminar. From left to right: Marco Simons, Camila Mariño Venegas, Ximena Warnaaars, Valentina Stackl, Maryum Jordan, and Juan Pablo Calderon.





ERI staff and alumni participate in a tree ordination ceremony, a Buddhist ritual to protect the forest, in Keng Sua Ten, Thailand.

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A woman sorts rice in Areng Valley, Cambodia, where communities have successfully postponed the Cheay Areng Dam, which they fear could destroy their traditional way of life.

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Kyaw Win, a peaceful protester who demanded fair compensation before leaving his house to make way for the Thilawa Special Economic Zone, collects firewood near his home.