

# 2017 Annual Report



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: A young earth rights defender on the Salween River during International Day of Action for Rivers.

This page: As a result of tin mining in Heinda, Myanmar, this irrigation canal is all that remains of the Myaung Pyo River, the main water supply for nearby villages. Here, a Thai activist visits local communities.



# Table of Contents

|   |    |
|---|----|
| Letter from the Directors               | 2  |
| 2016 At a Glance                        | 4  |
| Legal & Campaigns                       | 6  |
| Training                                | 28 |
| The Mitharsuu Center                    | 32 |
| 2017 Sneak Peek                         | 34 |
| Financial Statement                     | 36 |
| Staff                                   | 39 |
| Board of Directors & Leadership Council | 43 |
| Donors                                  | 44 |
| Institutional Funders & Co-Counsel      | 47 |



Participants of the legal defense seminar for indigenous advocates and lawyers at the closing ceremony in Peru.





# Letter from the Directors

Katie Redford and Ka Hsaw Wa at the ribbon cutting ceremony for the Mitharsuu Center for Leadership and Justice.

Dear Friends,

On a sunny June day in Chiang Mai, a dream we've had for nearly a decade came true. In front of a crowd of family and friends, we cut the ribbon on the Mitharsuu Center for Leadership and Justice—the new home for EarthRights International's Mekong offices and EarthRights School. The Mitharsuu Center is more than a place, it is vision of hundreds of passionate earth right defenders living, learning, and working to build a world where profit does not outweigh protecting our planet and the rights of people who depend on it for survival.

If there was any year that we needed to cut the ribbon on a vision for the future that did not destroy lives and the planet in the name of development, it was 2017. Six months into the Trump Administration we showed in a powerful way that another world is possible.

This year has been a difficult one for any organization fighting on behalf of human rights and the environment. In the same month that we opened the Mitharsuu Center, the Trump Administration withdrew the United States from the Paris Agreement, signaling that his Administration would rather put the interests of corporate profits over fighting the existential threat of climate change. Around the world, powerful governments and corporations are pushing back against civil society, trying to limit our freedom of speech with digital, legal, and physical threats. This was one of the most dangerous years for activists working on environmental and human rights, with over 300 defenders killed in 27 countries, nearly two-thirds from Latin America.

These threats serve to intimidate earth rights defenders. They seek to silence us when we speak truth to power. The truth is, this does

nothing but prove we are doing something right and solidify our desire to not back down. With the opening of the Mitharsuu Center, we renewed our commitment to educate, protect, and defend earth rights defenders around the world.

This year we sued the World Bank Group, again, for financing a corporation that committed earth rights abuses; we took Newmont Mining to court on behalf of Goldman Prize winner Maxima Acuña and her family to stop the company's harassment of her family; in Thailand, we hosted an event on Chinese investment and financing in the Global South with over 60 attendees from around the world; we graduated 16 students from the EarthRights School, helping to build the field of earth rights defenders in the Mekong; we helped communities in Myanmar fight back against Special Economic Zones that threaten their livelihoods and land rights; and in South America we

testified at the Inter-American Commission on Human Rights about the dangers faced by earth rights defenders and worked to stop a dam on one of the Amazon's biggest tributaries.

These highlights do not even scratch the surface of our efforts this year, and many only lay the foundation for work that is to come. Even more, they are a promise to all earth rights defenders—whether they be partners, allies, supporters, or any activists seeking to make a better world for future generations—that EarthRights International is committed to the fight for justice.

Thank you for standing with us.

**Katie & Ka Hsaw Wa**



# 2017 At A Glance

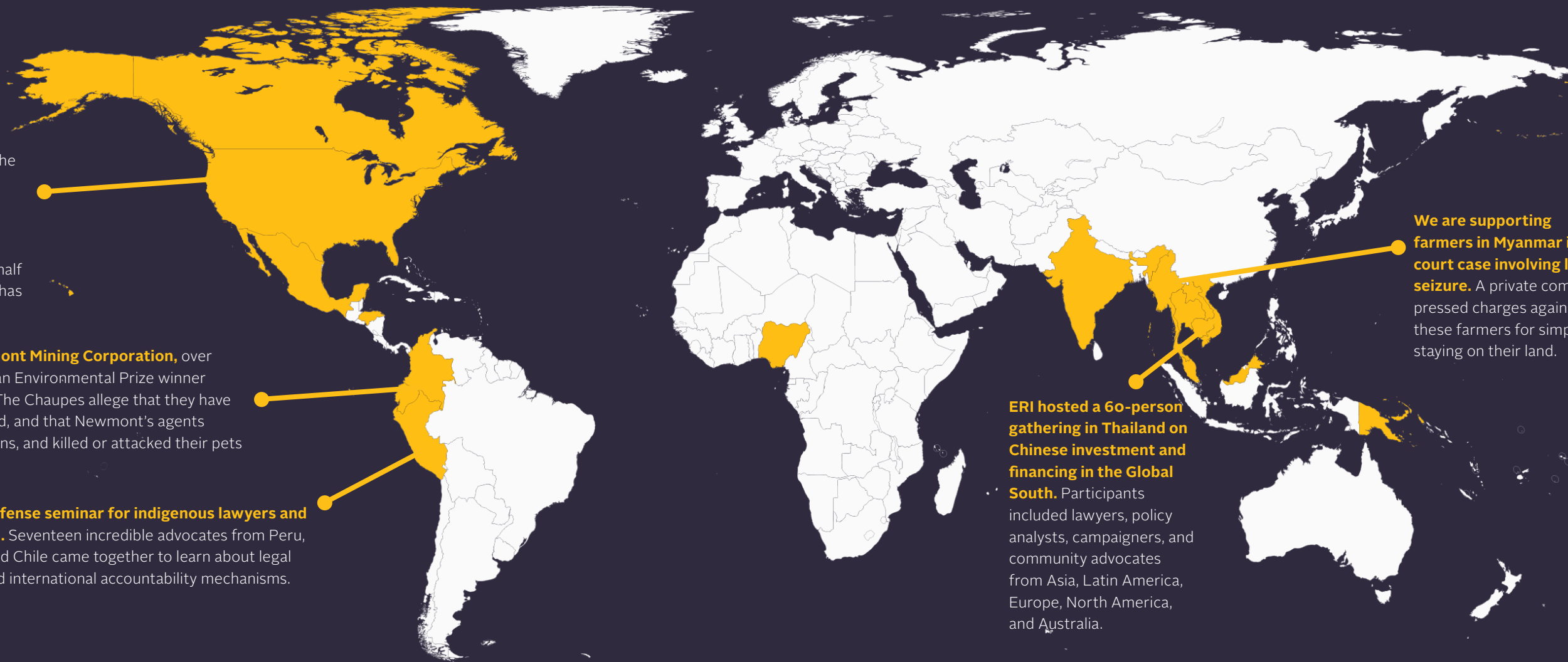
**We sued the World Bank Group — again.** We sued the World Bank Group in federal court in Washinton D.C. More than 100 farmers in the Bajo Aguán region of Honduras have been killed since 2009 when the IFC disbursed the first tranche of a \$30 million loan to palm-oil giant Dinant. We filed a federal lawsuit on behalf of these farmers, marking the first time a community has sued the IFC for murder.

**We filed a new lawsuit against Newmont Mining Corporation,** over abuses and harassment against Goldman Environmental Prize winner Máxima Acuña Chaupe and her family. The Chaupes allege that they have been physically attacked and threatened, and that Newmont's agents destroyed their property and possessions, and killed or attacked their pets and livestock.

**We held our second legal defense seminar for indigenous lawyers and advocates from the Amazon.** Seventeen incredible advocates from Peru, Colombia, Bolivia, Ecuador, and Chile came together to learn about legal strategy, communications, and international accountability mechanisms.

**ERI hosted a 60-person gathering in Thailand on Chinese investment and financing in the Global South.** Participants included lawyers, policy analysts, campaigners, and community advocates from Asia, Latin America, Europe, North America, and Australia.

**We are supporting farmers in Myanmar in a court case involving land seizure.** A private company pressed charges against these farmers for simply staying on their land.







A leader of the Muslim community in Mae Sam Laep village along the Salween River speaks with EarthRights School students about interfaith peacebuilding and community organizing.

# 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

Maxima Acuña and her husband after a court hearing in Peru. This year, we filed a lawsuit against Newmont Mining Corporation in federal court in Delaware to try to stop abuse and harassment against her and her family.

## Río Madre de Dios Indigenous Federation fights back.

We assisted the Federación Nativa del Río Madre de Dios y Afluentes, one of Peru's indigenous federations, with their precautionary measures case at the Inter-American Commission on Human Rights and supported them at a meeting focused on indigenous peoples living in voluntary isolation. Together with LifeMosaic, we also held a series of workshops focused on training young indigenous people in the region. Over 20 participants learned about territorial rights, as well as legal and communication tools.

## We are trying to stop the contracts between private companies and the national police in Peru.

We have been shedding light that in Peru, private mining companies have security contracts with the national police. We spoke up about this at a hearing at the Inter-American Commission on Human Rights in Buenos Aires in May. We are also exploring legal strategies to stop these contracts, including with the infamous Yanacocha and Las Bambas mines.

## We brought indigenous legal advocates together from all over Latin America.

In late March and early April, we held the second iteration of ERI's legal defense seminar for indigenous advocates and lawyers in the region. Seventeen incredible advocates attended from Peru, Colombia, Bolivia, Ecuador, and Chile and learned about legal strategy, communications, and international accountability mechanisms.





A delegation of women environmental defenders from the Americas testify before the Inter-American Commission on Human Rights, condemning widespread unjust criminalization and repression against those who assert their rights to land and environmental protection.

## A pipeline in the Peruvian Amazon has been contaminating communities for 50 years. We are trying to stop it.

The 854-kilometer Norperuano Pipeline was installed in 1970 to transport crude oil from Peru's northernmost Amazon through the Andes. It has been contaminating surrounding communities ever since. In 2016 we, together with the Instituto de Defensa Legal, the Coordinadora Nacional de Derechos Humanos, and several other allies, submitted a request for precautionary measures to the Inter-American Commission on Human Rights.

The Commission granted the measures and called on the Peruvian government to carry out its obligations and ensure that the affected communities have access to adequate medical care, potable water, and a diet that is “nutritionally and culturally appropriate.” The decision also calls on Peru to test communities to determine their level of contamination and to provide adequate treatments for them.

## We are supporting cases in the region.

In February, we joined on an amicus brief to the Inter-American Court on Ecuador's compliance with the Court's ruling in *Sarayaku v. Ecuador*. In May, we co-authored an amicus brief to Peru's Constitutional Court about challenging a law that diminishes the Ministry of the Environment's role in managing air, water, and soil quality, and substantially reduces fines for environmental violations.

## We are stopping a dam on one of the Amazon's biggest tributaries.

We are working with scientists analyzing the Environmental Impact Assessment of a planned mega dam on the Marañón River, Chadín 2. We will use these findings in a constitutional complaint we are building in Peru. We are meeting with communities regularly to get direction for the legal proceedings.





# The Mekong

Maliwan Nakwirot, a leader from Mae Moh village in northern Thailand has fought to protect her community from the impacts of the nearby coal-fired power plant and mine.

## **We are linking Vietnamese and Myanmar villagers to exchange solutions to land grabbing.**

We accompanied our Vietnamese public interest legal partners to the Thilawa Special Economic Zone in Myanmar in February. They returned with Vietnamese community representatives on follow-up trip in September. The purpose was to learn more about ERI's Community-Driven Operational Grievance Mechanism (CD-OGM) pilot project. This allowed for direct peer-to-peer exchanges about land rights issues and identifying similar approaches to legal advocacy and engagement with companies and governments.

## **We are moving forward after a three-year mediation around a dam in Laos.**

In July, mediated talks between ERI-supported communities who allege human rights and environmental abuses related to the Xayaburi dam in Laos and Andritz AG, the Austrian manufacturer of the dam turbines, ended. The company promised to continue dialogue around alleged negative impacts in the dam's resettlement site, to develop human rights due diligence policies, and adhere to Lao law, including rules relating to Environmental Impact Assessments and disclosure of information.

## **We hosted a 'Transcontinental Dialogue on Chinese Investment and Financing in the Global South.'**

ERI's Mekong, Amazon, and U.S. offices hosted a 60-person gathering on Chinese investment and financing in the Global South. Participants included lawyers, policy analysts, campaigners, and community advocates from Asia, Latin America, Europe, North America, and Australia.

## **We showed Thai investors what their money is really buying.**

Together with the National Human Rights Commission of Thailand (NHRC), civil society organizations, and members of the media, we traveled to two Thai investment projects in Myanmar, the Heinda tin mine and the Dawei Special Economic Zone. Participants learned about the callous company practices, including lack of compliance with Myanmar's laws and public participation by the affected communities.





Wiwat Tamee, director of Ethnic and Minority Development Foundation, was invited to be a guest speaker at MLAI to discuss indigenous peoples and land rights issues in Chiang Mai, Thailand.

## **We worked with the Thai Human Rights Commission to hold Thailand accountable on Business and Human Rights.**

We are working with the Thai National Human Rights Commission and Thai civil society organizations to hold the Thai government accountable on its Business and Human Rights commitments and Extra-Territorial Obligations (ETO).

In September, ERI (as part of the Thai ETO Watch Working Group) participated in the official drafting meeting of Thailand's National Action Plan on Business and Human Rights. The purpose is to engage in the drafting process and provide evidence of impacts to communities from Thai investment projects.

In November, ERI, Thai ETO Watch, and the Thai National Human Rights Commission hosted an event at the UN Forum on Business and Human Rights focused on Thai Outbound Investment.

## **We worked with communities on the Thai-Lao border to map the potential impacts of the Hongsa coal mine and power plant.**

With local researchers and academics, we supported these communities in Laos to carry out a Community-led Health Impact Assessment as well as studies of the coal plant's impacts on their local livelihoods. We also supported these communities to increase their legal knowledge around earth rights issues.





# Myanmar

Supporters of communities in Dawei, Myanmar pose in the dry riverbed of the Myaung Pyo River, asking "Where has the river gone?" (In Myanmar language [Burmese], "Myit bae pyauk twar thar hlae?")

## A changing Myanmar.

As Myanmar goes through a rapid process of legal reform, many changes have wide-ranging implications for the protection of earth rights, whether it be around environmental regulations, corporate accountability or land rights. We provide analyses of these policies and laws and their compliance with international standards. We also work with civil society to advocate for policy reform and public participation. We analysed and conducted advocacy around proposed investment laws, Environmental Impact Assessment public participation guidelines, best practices for foreign businesses operating inside Myanmar, environmental policy, and land laws.

## We want better environmental controls.

We documented the impacts of pollution in the Mandalay Industrial Zone and used this information to lobby the Myanmar government for better enforcement of environmental controls. We organized a forum with affected communities and government stakeholders, including a visit to the pollution site. We also produced a report setting out the harms caused by the Mandalay Industrial Zone. Several factories have since been ordered to close because of their emissions.

## Thirty-three farmers stand up for their land rights.

We are supporting a group of farmers in Myanmar in a court case involving land rights. A private company pressed charges against them for simply living on their land. We are representing them in court to help them secure their rights.

## We conducted EIA trainings for lawyers.

We worked with lawyers to bring a complaint about abuses at the Heinda Mine, operated by a Thai-backed company, to the National Human Rights Commission of Thailand. The Heinda mine is currently undergoing an EIA.

We hosted trainings on the EIA process and public consultation for affected communities. We helped them write to the EIA consultant to voice their concerns and advised the communities on legal strategies.

For mining monitoring groups in Heinda and the nearby Pauk Tine mine, we supported a photo and video documentation training. For communities affected by the Ba Wa Pin mine, we produced a report for the Environmental Conservation Department to support their advocacy efforts for better regulation and compensation.





A fishing boat in Dawei, Myanmar brings their catch to an early morning market on the beach near the site of a proposed deep sea port and Special Economic Zone.

## We're growing a network of environmental lawyers.

The Myanmar Environmental Lawyers' Network (MELN) held three network meetings which included training on non-judicial mechanisms. Experts gave talks and shared regional knowledge about policies, cases, and earth rights issues.

## Community Governance

In Kyauk Phyu Special Economic Zone (SEZ), we extended the Community-Led Natural Resource Management (CNRM) project, an initiative to mobilize community members toward community-driven natural resource governance. Five communities joined to research and map their villages, documenting natural resources.

## Community Grievance

We are piloting a Community-Driven Operational-Level Grievance Mechanism (CD-OGM), a new tool to help communities make their voices heard. We engaged with decision-makers and developers in the Thilawa SEZ and started a monthly women's group discussion to work toward more equal gender participation in the process.

We are also producing educational materials, including two educational booklets and an animated video. We brought together EarthRights School students, communities from other Myanmar SEZ areas, and a community from Vietnam to learn from leaders in Thilawa and share the CD-OGM model. We also delivered land rights Training of Trainers to 25 community members.

## Community Voices

We worked with community-based organizations in the Dawei Special Economic Zone area to advocate for the communities' rights to their land, natural resources, information, and Free, Prior and Informed consent.

We organized two public forums in partnership with Dawei Development Association (DDA), Spirit in Education Movement (SEM), and Dawei Probono Lawyers Network (DPLN). We are also supporting Myanmar SEZs Watch, the alliance of civil society organizations from the three Myanmar SEZ areas, to advocate directly for communities' rights at the Myanmar government.

In order to investigate human rights violations connected to Dawei SEZ and the Heinda mining project, we facilitated a visit by the National Human Rights Commission of Thailand to Dawei. We also supported two Dawei villagers who presented at the National Human Rights Commission of Thailand meeting in September, to an audience that included representatives of the developing corporations. We co-organized a report launch for SEZs and Value Extraction from the Mekong, as well as the Mekong Forum "SEZs in the Mekong Region: Implementation and Implications," and held a public seminar in Dawei to connect these communities to community activists from SEZ areas in Cambodia and Thailand.

We are also helping local activists to speak out about their concerns. We conducted a workshop on EIA and Public Participation Guidelines for communities affected by Dawei SEZ projects. We conducted a training for video documentary and video journalism. We supported the organization of the We Love Dawei event to support communities in the area to celebrate the value of their environment and resources.





# U.S. & International

A palm oil plantation in Honduras.

## **The World Bank Group should not be immune to lawsuits.**

In February, we argued at the D.C. Circuit Court of Appeals that the IFC should not be immune from liability in our first case against the World Bank Group, relating to harms from the Tata Mundra power plant in India. We lost that appeal, with a great concurring opinion by one judge. We petitioned for en banc review to the full Court of Appeals, but the court denied our petition. We then partnered with Stanford Law School to petition the U.S. Supreme Court to hear the case.

As we prepared to appeal the D.C. Circuit's decision in this to the U.S. Supreme Court, we filed another case against the IFC. This time, for harms because of palm oil plantation in Honduras.

## **We sued the International Finance Corporation—again.**

More than 100 farmers in the Bajo Aguán region of Honduras have been killed since November 2009 when the International Finance Corporation (IFC), the private lending arm of the World Bank Group, disbursed the first tranche of a \$30 million loan to palm-oil giant Dinant. The company has been at the center of a decades-long bloody land-grabbing campaign in the region, and scores of farmers have been shot, killed, and terrorized by Dinant and security forces working on its behalf. In March, we filed a federal lawsuit with the farmers.

## **One family against a mining giant.**

We filed a lawsuit against Newmont Mining Corporation, in federal court in Delaware, over abuses and harassment against Goldman Environmental Prize winner Máxima Acuña Chaupe and her family. We also filed a motion for a preliminary injunction to put an immediate stop to these abuses. The Chaupes allege that they have been physically attacked and threatened, and that Newmont's agents have destroyed their property and possessions, and killed or attacked their pets and livestock.

## **Climate justice is on the horizon.**

We have been working with local governments across the country who believe that their residents should not bear the full costs of necessary climate change adaptations. Instead, they want to hold responsible those companies who knew about climate change and continued profiting from fossil fuels, including Exxon and its fellow members of the American Petroleum Institute. Together with affected communities, we have been researching a range of climate impacts and will move forward with a new lawsuit in 2018.





We argued in front of the U.S. Court of Appeals for the Second Circuit in New York that documents from human rights cases against Shell in the United States should be available to assist with similar litigation in the Netherlands.

## It's bananas.

After defeating Chiquita's *forum non conveniens* motion and keeping our cases in U.S. court, we have been proceeding with discovery, including sorting through more than two million pages of documents. We defeated Chiquita's effort to withhold thousands documents that they had turned over to the U.S. government, which Chiquita claimed were privileged. We are moving toward trial dates in 2019-20.

## We are challenging the corporate playbook.

We've been assisting with the defense in two aggressive suits brought by the Kasowitz law firm—Trump's favorite lawyers for his private legal matters. The timber company Resolute Forest Products filed a SLAPP RICO suit against Greenpeace and others, and Energy Transfer Partners—the company behind the Dakota Access Pipeline—filed another SLAPP RICO suit, also against Greenpeace, BankTrack and Earth First!

## We defended our friends who were subpoenaed by Exxon for information.

We have been working to defend advocates against abusive and improper legal requests for document disclosure. The day after Trump's election, Exxon subpoenaed over 10 groups and individuals working on climate change, as part of a campaign to burden, intimidate, and chill their First Amendment rights – including climate lawyer Matt Pawa and Carroll Muffett, President and CEO of the Center for International Environmental Law. Determination not to let Exxon's tactics chill these advocates' actions, we represent both in fighting the subpoenas.

## We asked for Shell documents held by a New York law firm.

We won an order requiring Shell's law firm in New York to turn over the discovery from the *Wiwa v. Shell* and *Kiobel v. Shell* cases to use in Dutch litigation against the company for the same abuses. However, the law firm appealed the ruling and they will not turn over the documents until the appeal is decided. We are waiting for the court's decision.

## We're asking for more transparency from the extractive industry.

The U.S. extractive transparency rules, released in 2016 after ERI sued the SEC to force the agency to issue the rules, were withdrawn by Congress under the Congressional Review Act. The SEC does appear to be moving forward with a new rulemaking process, however, and we are working to make sure that the new rule is as strong as possible.





# Defending Defenders

Earth rights defenders around the world are at great risk. We work with brave defenders around the world, including Khaing Myo Htun (Myanmar), Esther Kiobel (Nigeria), and Aura Tegria (Colombia).

## ...in the United States.

Corporations are turning to increasingly aggressive legal strategies to silence activists. For example, Strategic Lawsuits Against Public Participation (SLAPPs) have been deployed to silence legitimate criticism and dissent against their harmful practices. The main targets of SLAPPs are activists and small- to medium-sized nonprofits, but lawyers, journalists, and even larger NGOs and foundations have also been affected. SLAPPs have increased during the Trump era, and the amount of damages sought has skyrocketed as corporations increasingly use the Racketeer Influenced and Corrupt Organizations (RICO) Act to seek triple damages. The real goal of these suits, however, is not necessarily to win, but to force their targets to waste time, energy, and money in defending themselves.

## ...in Myanmar.

We support our alumni and partners when their work on human and environmental rights exposes them to legal actions from corporations and government. We continued to defend EarthRights School Myanmar alumnus Khaing Myo Htun against charges related to allegations that the Myanmar military committed human rights abuses in Rakhine State. Though he was found guilty of defamation and incitement in October, we continue to support him as he calls for the truth to be heard and for communities to defend their rights to natural resources.

## ...in the Mekong.

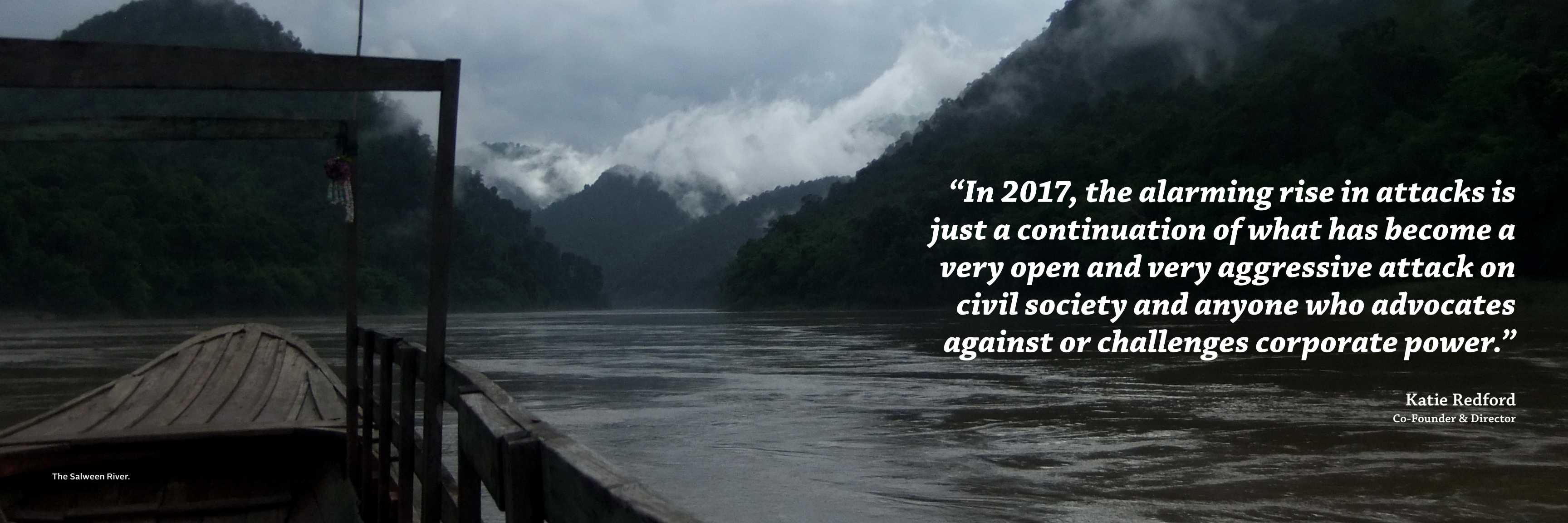
At the end of the year, we hosted junior public interest legal advocates from the Mekong region for two weeks of legal advocacy training. This year, through targeted recruitment, the Mekong Legal Advocacy Institute (MLAI) focused on women's empowerment and women champions. At the end, each country group showcased legal advocacy plans to co-power with communities about a planned hydropower dam, pollution from a tin mine, a proposed coal-fired power plant and many more.

## ...in the Amazon.

One hundred ninety-seven earth rights defenders were murdered in 2017. Roughly two-thirds of those killed came from Latin America. Honduras was named the most dangerous place for earth rights defenders to live and work.

We are working hard to ensure this issue stays at the forefront of decision-makers' hearts and minds. For example, we testified at a public hearing at the Inter-American Commission on Human Rights in March, together with the Ecuadorian NGO Acción Ecológica.





***“In 2017, the alarming rise in attacks is just a continuation of what has become a very open and very aggressive attack on civil society and anyone who advocates against or challenges corporate power.”***

Katie Redford  
Co-Founder & Director





# 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 16 young leaders in our EarthRights School. 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.

EarthRights School students participated in Forum Theatre, an interactive exercise to help them learn about Free, Prior and Informed Consent (FPIC).





# The EarthRights School

The 2017 EarthRights School class had eight students from Myanmar and eight students from the Mekong countries.

## A school that's been around the world.

We are analyzing the EarthRights School model and conducting participatory action research. Then we will share our curriculum with activists fighting corporate abuses and protecting natural resources and human rights in their communities, around the world. We have interviewed ERI staff and partner organizations, including local alumni-led grassroots campaigns and legal organizations in Southeast Asia, international and regional organizations in Southern Africa, West Africa, and the Amazon, and organizations with specific experience in toolkit and curriculum creation and adaptation. We are excited for this project to be on the way!

## This year, we did things differently.

At the beginning of the year, our training programs were integrated into a single EarthRights School Mekong – Myanmar. The theme of the seven-month program was “Community Leadership for Earth Rights.” The curriculum integrated campaign, storytelling, and legal advocacy strategies used to address earth rights abuses caused by large-scale development projects. There was a strong focus on community organizing and campaigning, land rights, environmental and social impact assessments, regional investors from China and Thailand, hydropower dams, and the use of Community-Driven Operational Grievance Mechanisms (CD-OGM).

We hosted eight men and eight women; 16 students from five countries. Indigenous communities are disproportionately affected by

destructive development projects, so we have placed a strong focus on indigenous community-based participants with firsthand experience campaigning against earth rights violations.

Of our 16 students, 12 are from indigenous and ethnic minority communities, and 13 are based in rural communities. Our students speak a cumulative total of 13 regional languages: Cambodian, Vietnamese, Mon, Lisu, Pa-O, Karen, Burmese, Dawei, Thai, Lao, Ta-oi, Bru, and Shan. This year's students also represent a diversity of skills and professions, including public interest lawyers, community organizers, anti-dam and anti-coal campaigners, women's rights advocates, youth organizers, and grassroots educators.

We went on field trips to Thilawa, Myanmar, in support of our land rights class. The objectives of this field trip are

to understand the tactics used by grassroots groups to challenge national development policies and defend land rights, to understand the tactics involved in organizing a land rights campaign, and to gain hands-on fieldwork experience using participatory research methods.

The goal of the EarthRights School remains the same: to build a strong civil society by training grassroots and community leaders in the Mekong region.





# The Mitharsuu Center

The Mitharsuu Center for Leadership and Justice  
opened in June 2017 in Chiang Mai, Thailand.

**We built a one-of-a-kind building for our staff, students, and partners in Thailand.**

In June, we opened the Mitharsuu Center for Leadership and Justice in Chiang Mai, Thailand. The Mitharsuu Center, which means “family” in Burmese and connotes “friendship” in Thai, houses ERI’s Mekong regional programs, including the EarthRights School, the legal and campaigns teams, and networks of earth rights lawyers.

The Mitharsuu Center brings together hundreds of passionate earth rights defenders living, learning and working to build a world where profit does not outweigh the need to protect our planet and the rights of people who depend on it for survival.

**We designed the Mitharsuu Center with sustainability in mind.**

The Mitharsuu Center is one of the only buildings in Thailand to have received a Platinum-level LEED certification from the U.S. Green Building Council, the highest sustainability rating in the world. The 16,000 square-foot building sits on two acres of land, beautifully restored with native and adaptive plants. From sustainably-sourced construction materials to on-site food production, the Mitharsuu Center is designed to create a close-knit community that works together everyday to make the world a better place.

***“Whether you’re a lawyer, a community leader, a teacher, a journalist, or an activist — whether you come from the Mekong, the Amazon, or the U.S. — every person who walks through these doors shares a passionate commitment to human rights and environmental justice, and a determination to work individually and collectively to change the world.”***

Katie Redford  
Co-Founder and Director



# 2018 Sneak Peek

## **We filed a lawsuit to hold Exxon accountable for climate change.**

As the climate changes, cities and municipalities around the world have to adapt to keep their communities healthy, but this costs a lot of money. In April 2018, we went to court with communities in Colorado who are seeking compensation from fossil fuel companies for these adaptations and have them pay for future projects due to climate impacts (instead of the taxpayers). These are the first non-coastal communities to sue fossil fuel companies for the damages they knowingly created. Climate change impacts are already here and are only going to get worse, especially in places like Colorado. These cases will hopefully set an important, new precedent for generations to come.

## **We argued at a court hearing that Máxima’s case needs to be heard in the United States, not Peru.**

In February 2018, we gave oral arguments before a Delaware federal court that Máxima’s case against Newmont Mining Corporation should remain in the United States. In the fall of 2017, Newmont filed a *forum non conveniens* motion, stating that the case should be heard in Peru, claiming it is inconvenient for them to litigate the case in the United States, even though it’s where the company is incorporated. Máxima’s family is unlikely to get a fair trial in Peru and oppose transfer. Newmont has led a campaign of harassment and abuse against the family for over six years in an attempt to force them off their land to pave the way for a new open pit gold mine. The judge ruled in Newmont’s favor, but we are confidently appealing the decision.

## **We’re going to the Supreme Court.**

In May 2018, the Supreme Court announced it will hear our landmark case that challenges the immunity of powerful institutions like the International Finance Corporation (IFC), the private lending arm of the World Bank Group. International organizations like the IFC have long claimed they are entitled to “absolute” immunity from suit – an immunity far greater than any person, government, or entity enjoys —no matter how much harm they cause.

The case was brought by Indian fishing communities and farmers in 2015, whose livelihoods have been severely impacted by the construction of a coal-fired power plant, largely financed by the IFC. We are expecting to go in front of the Court in fall 2018.

## **EarthRights School alumnus Khaing Myo Htun released from prison in Myanmar.**

In February, earth rights defender and EarthRights school alumnus Khaing Myo Htun was released from prison after serving a 19-month sentence. Khaing Myo Htun has dedicated his life to fighting for human rights, justice, and accountability in Myanmar. ERI worked with a group of local lawyers to defend him in court. He was accused of sedition and incitement under Myanmar’s draconian penal code after implicating the army in crimes against humanity and forced portering of civilians.

## **Peru communities file lawsuit for recognition of rights of the Marañón River.**

In May 2018, communities affected by the Chadín 2 Hydroelectric Project filed a constitutional request for protection in Peru to guarantee their fundamental rights through the protection of the Marañón River and its rich biodiversity, declaring its Environmental Impact Assessment invalid.

The Chadín 2 dam, one of more than 20 hydroelectric projects planned for the Marañón River, could displace up to 1,000 people in the Cajamarca and Amazonas regions if it’s built, resulting in the irreparable damage to their ecosystem.



|  | Unrestricted        | Building<br>Campaign | Temporarily<br>Restricted | Total               |
|--|---------------------|----------------------|---------------------------|---------------------|
| <b>REVENUE AND OTHER SUPPORT</b>             |                     |                      |                           |                     |
| Foundation Grants                            | \$ 278,050          | \$ -                 | \$ 3,384,766              | \$ 3,662,816        |
| Individual Contributions                     | 199,402             | 7,128                | 8,959                     | 215,489             |
| Investment Income                            | 394,629             | 40                   | 25,152                    | 419,821             |
| Other  | 33,211              | 1,121                | -                         | 34,332              |
| <b>NET ASSETS RELEASED FROM RESTRICTIONS</b> |                     |                      |                           |                     |
| Satisfaction of Program Restrictions         | 2,970,258           | 1,040,831            | (4,011,089)               | -                   |
| <b>TOTAL REVENUE AND OTHER SUPPORT</b>       | <b>\$ 3,875,550</b> | <b>1,049,120</b>     | <b>\$ (592,212)</b>       | <b>\$ 4,332,458</b> |
| <b>EXPENSES</b>                              |                     |                      |                           |                     |
| Program Expenses                             |                     |                      |                           |                     |
| Legal  | \$ 1,708,208        | \$ -                 | \$ -                      | \$ 1,708,208        |
| Advocacy Campaigns                           | 432,237             | -                    | -                         | 432,237             |
| EarthRights Schools                          | 282,192             | -                    | -                         | 282,192             |
| International Cross-Cutting                  | 489,670             | 123,631              | -                         | 613,301             |
| Total Program Expenses                       | 2,903,307           | 123,631              | -                         | 3,026,938           |
| Management and General                       | 234,055             | 26,492               | -                         | 260,457             |
| Development                                  | 326,424             | 26,492               | -                         | 352,916             |
| <b>TOTAL EXPENSES</b>                        | <b>3,463,786</b>    | <b>176,615</b>       | <b>-</b>                  | <b>3,640,401</b>    |
| Change in Net Assets                         | 411,764             | 872,505              | (592,212)                 | 692,057             |
| <b>NET ASSETS, BEGINNING OF YEAR</b>         | <b>2,910,117</b>    | <b>-</b>             | <b>4,672,346</b>          | <b>7,582,463</b>    |
| <b>NET ASSETS, END OF YEAR</b>               | <b>\$ 3,321,881</b> | <b>\$ 872,505</b>    | <b>\$ 4,080,134</b>       | <b>\$ 8,274,520</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, 2017.*



The Kalone Htar River in the Dawei area remains free-flowing but has been threatened by a large dam that would be used by the Dawei Special Economic Zone. Photo by Wichai Juntavaro





All ERI staff came together in Chiang Mai, Thailand for an all-staff retreat.

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Staff and supporters released krathongs, floating flower baskets, on the rainwater pond at the end of the Mitharsuu Center's ribbon-cutting ceremony.





ERI's Board of Directors attended the ribbon-cutting ceremony for the Mitharsuu Center of Leadership and Justice.

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A farmer in Tha Ta Fang village, Thailand talked with EarthRights School students about sustainable agriculture and communal land practices on the banks of the Salween River.

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An EarthRights School student enjoyed a boat ride down the free-flowing Salween River.