



Nov 2020

EARTHRIGHTS INTERNATIONAL

FALL PROGRESS UPDATE

Greetings from the EarthRights team! As the weather changes and we enter another phase of the global pandemic, we are reflecting on the progress we made this summer and early fall. While our teams in Peru, Myanmar, and North America remain working from home, our Mekong team has safely reopened our offices at the [Mitharsuu Center for Leadership and Justice in Thailand](#).

As the COVID-19 pandemic progresses, we've stepped up our efforts to protect earth rights defenders whose rights are at greater risk due to the pandemic. Our Executive Director Ka Hsaw Wa [writes about why governments must focus their efforts on repressing the virus, not activism](#).

For example, in June with the Indigenous, Andean, and Amazonian National Women Organization of Peru (ONAMIAP), we presented a legal request to the Peruvian government demanding that they defend Indigenous rights during the pandemic. [Read how more than 1,000 Indigenous, Andean, and Amazonian communities are being put at risk](#) by the government's lack of consideration for their wellbeing, and we're hoping that this lawsuit will help remedy that.

Despite the impact this pandemic has had on all of us, we are proud to be able to continue to work night and day to ensure that communities are protected and defenders can continue to fight for their rights. To read more about what our staff have been up to and what they are saying on the issues, [visit our blogs](#).

We recently released our 2019 Annual Report, celebrating 25 years of EarthRights and recognizing co-founder, Katie Redford, as she transitioned to lead the Equation Campaign.

In our Fall Update, we're sharing with you highlights of the progress EarthRights has made in fighting for climate justice, defending defenders, and seeking corporate accountability. From securing landmark court victories in Myanmar to demanding the Peruvian government protect Indigenous women, EarthRights remains vigilant in the face of global challenges. Thank you for everything you have done to support this work. Please do not hesitate to reach out if you have any questions or would like to discuss any of this further.

In solidarity,

Lara Johnson
Deputy Director

Michelle Fantone
Senior Development Officer

Climate Justice and Accountability

Hold fossil fuel companies and governments accountable for climate related damages and respect frontline communities' rights.

Frontline communities in the Amazon and Mekong successfully advocate for their rights against fossil fuels companies.

Led by EarthRights Indigenous lawyer, Katherine Paucar, the Wampis Nation presented a lawsuit against the oil company GeoPark and its representatives in Peru. This legal action was part of a bigger campaign led by our allies to put pressure on the company, leading to GeoPark announcing their withdrawal from its oil exploitation project in the Amazon! This win is a step towards proper Indigenous representation and preservation. Read more about [how the Wampis' victory over GeoPark can be a model for curbing climate change](#).



EarthRights moved research forward to aid frontline communities in efforts to fight fossil fuel development.

In Myanmar, we launched a cost-analysis and legal analysis to assess the impact of coal mining on communities in Tigyt. The information provided in these analyses will support communities to have stronger leverage and increased capacity to advocate for canceling the harmful Tigyt coal-fired power plant.

In Peru, on August 13th, as part of the work we do with Peru's National Human Rights Coordinator, we launched a report on the oil spills in the Peruvian Amazon. In a press conference that gathered major media outlets from the country and region, we shared key findings of the report, which highlighted the 474 oil spills that happened between 2000 and 2019, and how they've affected over 2000 sites in the Amazon. To read more about these events, and the lack of effort put in by the government to remedy them, [you can view the full Spanish report and an English summary](#).

EarthRights Defenders

Reduce criminalization and attacks against earth rights defenders and strengthen legal protections.

EarthRights continues to expose the global threats facing defenders and seek to strengthen policies protecting them.

In Peru, we held an online event in July officially launching a report on the criminalization of earth rights defenders. UN Special Rapporteur on Human Rights Defenders, Michel Forst; defenders from Peru, Colombia, and Chile; and our peers from the Mekong region, discussed how criminalization works and what common grounds we all have in our fights for justice and accountability. You can read the [full Spanish version of the report](#), [the Spanish executive summary](#), and [the English executive summary](#). This report is now being used by EarthRights and our partners to advocate Peru's Ministry of Justice's Human Rights and Enterprises National Plan.

In September 2020, the article, [Power in Human Rights Advocate and Rightsholder Relationships: Critiques, Reforms, and Challenges](#), co-authored by EarthRights lawyer Benjamin Hoffman, was published in the Harvard Human Rights Journal. The article examines how common practices of human rights advocates often risk rightsholder disempowerment, and presents a variety of tools and strategies that advocates and rights holders can draw upon to help redefine the terms of their relationships in ways that contribute to restructuring power imbalances.



EarthRights uses legal tactics to address the structural issues that cause threats to defenders including protecting Indigenous rights.

In Colombia, EarthRights has been supporting the territorial defense efforts of the U'wa people of Colombia's case before the Inter-American Commission on Human Rights (IACHR). Their case aims to strengthen their local self-determination. EarthRights is co-petitioners and lead lawyers in the next stage of this case. [This fall, the case was submitted before Inter-American Court](#). This marks a huge moment for Indigenous rights in South America. It is the first case related to Indigenous rights in Colombia submitted before the Court in which the main arguments focus on land rights, cultural rights, and self-determination of Indigenous people.

In Bolivia, EarthRights' case supporting the TIPNIS Indigenous peoples was accepted this summer by the Inter-American Commission on Human Rights. In a petition to the Commission, sixty-four Indigenous communities denounced the Bolivian State for the violation of their territorial rights when the Bolivian government began developing a highway that crosses the heart of the Indigenous Territory. [Read more in the Spanish press release here](#).

Corporate Accountability

Increase the legal and social accountability of corporations for respecting community rights, including the right to land and a healthy environment.

In the Mekong region, the tactic of using transnational litigation to ensure justice for communities impacted by harmful development is gaining ground.

In July, a Thai Civil Court ruled that 700 Cambodian families can move ahead with their class action lawsuit against Thai sugar giant Mitr Phol over forced evictions and land grabbing that took place a decade ago. For a timely analysis of the significance of this ruling, see [“A landmark victory, class action suit granted.”](#)

In Myanmar, EarthRights lawyers continue to strengthen corporate accountability precedent through litigation and defending land rights.

Earlier this year, working with the Dawei Probono Lawyers Network, we had a major victory in one of the first court cases in Myanmar to hold a company accountable for environmental harms. The mining company in question appealed the decision, and the regional court recently rejected their appeal in August, siding again with farmers whose land was damaged. This is one of the first court cases in Myanmar to hold a company accountable for environmental harms.

Our Myanmar legal team has been busy supporting communities affected by land grabs. Farmers around the Thilawa Special Economic Zone continue to fight to maintain control of their land and our Myanmar legal team supported eleven farmers in court hearings in June 2020 after their efforts resulted in a criminal complaint being filed by a military-owned company back in April. This support led to the complaint being dropped in August.

In Myanmar’s Ayeyarwady region, farmers were evicted from their land by a company and have been charged with both trespass and criminal defamation. EarthRights supported local lawyers, sharing our experience from both land rights and human rights defender cases. The clients also raised their case with both lawmakers and government officials during the webinar, “Implementation of the VFV Land Management Law—One Year On,” on 27 July 2020. This day of online panel debates on the controversial land law, shared our courtroom experience and included top level civil servants and lawmakers. It is understood that this has triggered a process to re-draft the law in question.

In Washington, D.C., we continue to hold multinational corporations accountable for abuses.

Supreme Court Updates! In Fall 2020, the U.S. office has been supporting our allies who have brought a lawsuit against agribusiness giants Nestlé and Cargill for their role in child slave labor on West Africa cocoa plantations. In July, the U.S. Supreme Court agreed to hear the case, and oral arguments are scheduled for December 1st. We have since submitted [an amicus brief in support of the lawsuit](#), and ramped up our [Cancel Corporate Abuse campaign](#) to raise public awareness of the importance of this case.

EarthRights in the News



A highlight of top news coverage featuring EarthRights' staff, cases, and campaigns.

Counter Vortex | [Bolivia: IACHR to hear TIPNIS case](#) | July 4, 2020

Bangkok Post | [SLAPPEd Into Silence](#) | July 20, 2020

Kimedia Blog | [Cambodia: Joint Open Letter to Foreign Governments](#) | July 21, 2020

Washington Examiner | [Environmentalists see path to trial for climate nuisance cases after latest Big Oil loss](#) | July 9, 2020

Florida Pheonix | [11th Circuit OKs unmasking of plaintiffs who accuse Chiquita of funding Colombian terrorists](#) | July 17, 2020

Counterview | [Tata Mundra: NGOs worry as US court rules World Bank can't be sued for 'damages'](#) | August 28, 2020

DeSmog | [New Jersey Should Sue Fossil Fuel Companies Over Climate Costs, Panel Says](#) | August 19, 2020

PLOS ONE | [Land use and land cover changes along the China-Myanmar Oil and Gas pipelines – Monitoring infrastructure development in remote conflict-prone regions](#) | August, 2020

CONTACT US

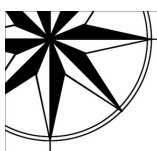
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