



EARTHRIGHTS INTERNATIONAL

Annual Report 2009





Site of the proposed Don Sahong Dam, which would block vital fish migration channels and threaten the food security of millions.

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In order to ensure the safety of our students, staff and colleagues, certain photographs in this report have been obscured.

On the cover:
A fisherman checking his traps on the Mun River.



Plaintiffs in the legal action against Shell for the torture and murder of Ken Saro-Wiwa and other Ogoni 9 won a settlement victory in the case.

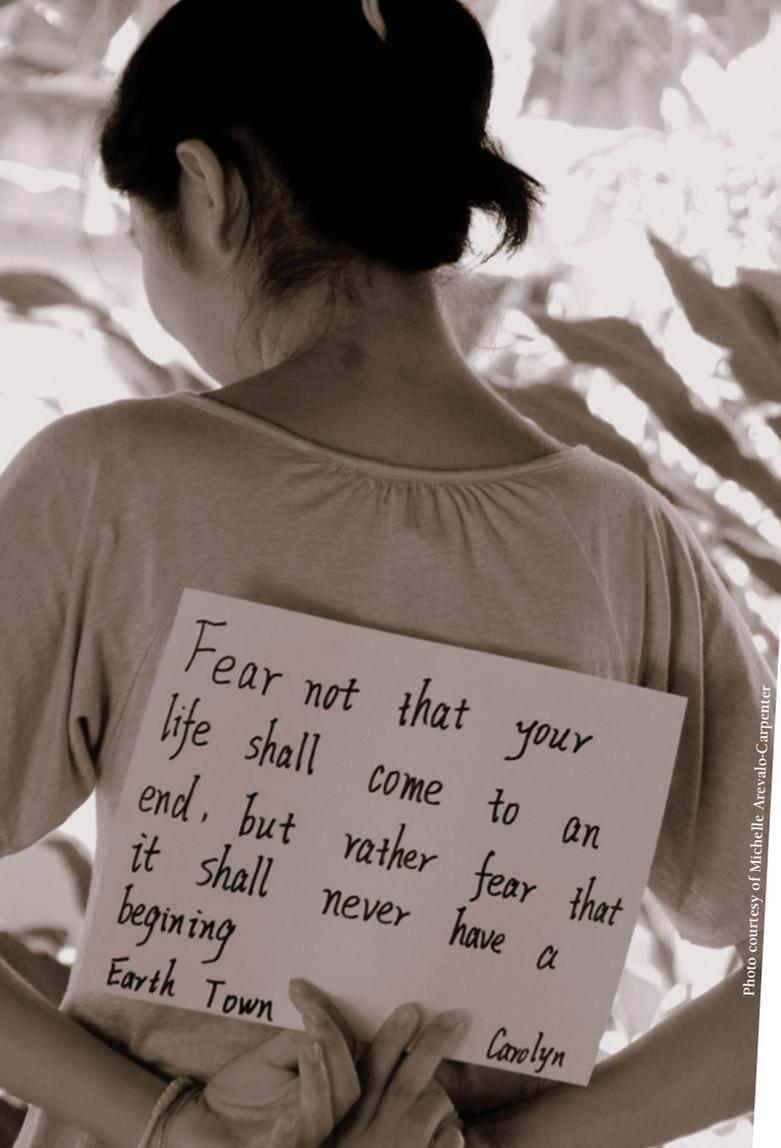


Photo courtesy of Michelle Arevalo-Carpenter

Letter from the Directors

There's something about the end of a decade that feels momentous, especially when it's the first decade of a new millennium. Somehow, it encourages us to reflect on the big picture. Where have we succeeded in the last 10 years and what have we learned from our setbacks? And what does it all mean for where we're going? We at EarthRights went through a 5-year strategic planning process this year, which had everyone here asking these, and related, questions, reflecting on where we've been so that we can be even more effective as we move forward with our work.

We looked at our history as an organization and answered some seemingly simple questions—What are we doing when we are being extraordinarily effective? What have been our greatest victories and our most important contributions to protecting earth rights, raising traditionally marginalized voices in local and global debates, and demanding corporate accountability? What are the qualities and characteristics of ERI when we're doing our very best work? And how do we harness these things to make sure we're

even more effective, more strategic, and more powerful in the next five years and beyond?

We can look to encouraging trends over the past decade: we see new laws on the books, and cases in the courts, forcing corporations to consider human rights abuses as part of their bottom line; we see our EarthRights School alumni—grassroots human rights and environmental defenders—from Burma and the Mekong region speaking out in the media and forums such as the Asian Development Bank and the Mekong River Commission. Ten years ago, only the business and political elites were able to participate in these kinds of legal and policy debates. In 2009, we saw, in a multitude of locations, one or more of our alumni or colleagues raising his or her voice—and being heard.

And of course, we celebrate the journey that our Ogoni clients from Nigeria made to New York, to testify in the landmark trial against Shell for torture, extrajudicial execution, and other grave human rights abuses. 10 years ago (and even last year at this time!) Shell was saying that they'd never pay a dime to these villagers. But in 2009, they paid much more than that, and a small measure of long overdue justice was delivered to

the Ogoni, as was a ray of hope for others who are still struggling for justice in response to similar abuses.

Clearly, we're doing something right. We've learned that we, at EarthRights, are at our very best when we're combining our diverse strengths and experiences, with others around the world, in a unified and coordinated effort. We are most powerful when we encourage and support people in telling their own stories, and speaking their own truths, in forums that can and often must listen to them. It's hard work, and the distance from the villages to the courtrooms and hearing rooms are vast. And yes, justice can take a long time. But the victories achieved, both large and small, show us that this works—and so we will continue for the next 5, 10, and many more, years in order to see justice served!

Thanks for being with us

*Ka Hsaw Wa, Katie Redford,
Chana Maung and Marie Soveroski*



Highlights of 2009

EARTHRIGHTS INTERNATIONAL, TOGETHER WITH THE LIMA BAR ASSOCIATION (Colegio de Abogados de Lima), held a legal training workshop in Lima, Peru for judges, lawyers, prosecutors, and governmental officials. The workshop focused on the legal framework regulating environmental damage caused by oil operations in the Amazon region of Peru, as well as substantive and procedural aspects of implementing environmental legislation.

ERI'S CO-FOUNDER AND EXECUTIVE DIRECTOR, KA HSAW WA, received the prestigious Ramon Magsaysay Award for Emergent Leadership, accepting this honor in Manila in August. Ka Hsaw Wa was recognized for "his dauntlessly pursuing non-violent yet effective channels of redress, exposure, and education for the defense of human rights, the environment, and democracy in Burma."

THE 9TH SESSION OF THE EARTHRIGHTS SCHOOL BURMA (ERSB) CONCLUDED IN AUGUST, with a celebration of the 17 graduates (from eleven minority ethnic groups) who were joined by guests from local, regional and international NGOs, for a ceremony which included traditional songs and dances. ERSB contributes to the development of a vibrant and well-informed civil society in Burma, and communities along the Thai-Burma border, through intensive training of young environmental and human rights activists. **The 10th session, consisting of students from inside Burma, commenced in December.**



Ka Hsaw Wa, ERI's Executive Director, receiving the Ramon Magsaysay Award for Emergent Leadership.

ERI RELEASED TWO EXPLOSIVE REPORTS — TOTAL IMPACT AND GETTING IT WRONG — in September 2009, linking the oil giants Total and Chevron to forced labor, killings, high-level corruption and authoritarianism in military-ruled Burma, and revealing, for the first time, that the Burmese military junta is hiding multi-billion dollar revenues from gas sales in offshore banks in Singapore. The reports received extensive international media attention.

THE INAUGURAL SESSION OF THE MEKONG LEGAL ADVOCACY INSTITUTE (MLAI) WAS HELD IN CHIANG MAI, THAILAND, in September, bringing together a committed group of experienced lawyers from the Mekong region, as well as litigators from the USA, Australia, and the Philippines, for a week of intensive training, sharing insights and experiences, and developing advocacy strategies for the protection of human rights and the environment in the region.

THE PUBLICATION, FROM GRASSROOTS TO GLOBAL: VOICES FROM BURMA ON EARTH RIGHTS ABUSES, collected the human rights and environmental reports of the ERSB students, prepared as part of their fieldwork research. This publication raised the courageous voices of the people in rural areas



The Burma Alumni Program Coordinator and a Burma school alumni give an earth rights workshop.

throughout Burma, allowing them to speak to the global community about land confiscation, the challenges of migrant and stateless people, and the impacts of dams and other large-scale development projects on their lives and livelihoods.

IN A VICTORY FOR THE PLAINTIFFS, THE PARTIES IN WIWA V. SHELL AGREED TO SETTLE HUMAN RIGHTS CLAIMS charging the Royal Dutch/Shell company, its Nigerian subsidiary, Shell Petroleum Development Company, and the former head of its Nigerian operation, with complicity in the torture, killing, and other abuses of Ogoni leader Ken Saro-Wiwa and other non-violent Nigerian activists in the mid-1990s in the Ogoni region of the Niger Delta.



Fisher folk gather at a local temple to tell students about the impacts of the Pak Mun Dam on their livelihoods.

WITH ERI SUPPORT, EARTHRIGHTS SCHOOL ALUMNI PUT THEIR NEWLY ACQUIRED ADVOCACY SKILLS INTO ACTION in numerous local and cross-border joint activities, contributing to the ASEAN Peoples Forum in Bangkok and Cha Em, Thailand, the World Bank Conference in Vietnam, Indigenous Rights training in Australia, and the NGO Forum on the Asian Development Bank in Cambodia, as well as participating in the Mekong Ecology and Energy Network and the Save the Mekong campaign.

EARTHRIGHTS INTERNATIONAL FILED A SUBMISSION TO THE UK PARLIAMENT'S JOINT COMMITTEE FOR HUMAN RIGHTS detailing recommendations on how to improve access to justice in UK courts for people who suffer abuses of human rights by UK companies operating abroad, **and participated in the Crans Montana Forum on Transnational Crime**, in Paris.

ERI GAVE SMALL GRANTS TO EARTHRIGHTS SCHOOL ALUMNI IN CAMBODIA, VIETNAM, THAILAND, AND ALONG THE THAI-BURMA BORDER, to support their work in challenging the negative impacts of large dams and infrastructure projects, as well as other activities damaging to the environment and human rights, through involvement in decision-making and complaint processes, and education of the public.

ERI, AS PART OF THE PUBLISH WHAT YOU PAY COALITION, WAS INSTRUMENTAL IN THE INTRODUCTION OF THE ENERGY SECURITY THROUGH TRANSPARENCY ACT, legislation that would force transparency disclosure requirements on the extractive industries, mandating reporting of payments to foreign governments for access to oil, gas and minerals, and setting a new international standard for corporate and state behavior.

THE PUBLICATION, *I WANT TO EAT FISH. I CANNOT EAT ELECTRICITY: PUBLIC PARTICIPATION IN MEKONG BASIN DEVELOPMENT*, released in December, contained reports from the three years of EarthRights School Mekong graduates. The authors reported on developments in a wide range of communities along the Mekong, from its origins on the Tibetan plateau to the Mekong Delta, where the river flows into the South China Sea.

IN ONE OF ERI'S FIRST EFFORTS TO WORK WITH OTHERS TO IMPLEMENT TRAINING INSPIRED BY THE EARTH-RIGHTS SCHOOLS, ERI partnered with the Social Development Center to train Karenni people living along the Thai-Burma border. Participants were taught about human rights, the environment, and the use of law as a tool for justice.

STUDENTS, ALUMNI AND ERI STAFF CELEBRATED THE FOURTH GRADUATION OF THE EARTHRIGHTS SCHOOL MEKONG (ERSM), in December. The school is a unique seven-month-long training program for civil society advocates from the Mekong Region (China, Burma, Laos, Thailand, Cambodia, and Vietnam) working on environmental and human rights issues. The graduation was marked by a candle-light ceremony where attendees shared their thoughts and wishes for the region.

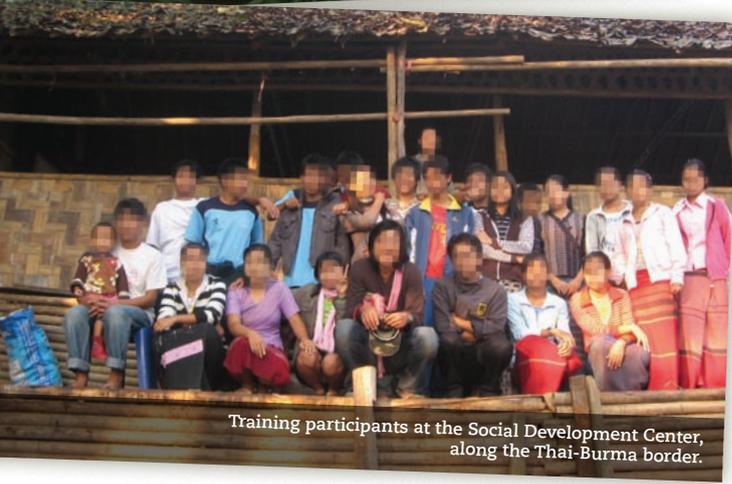
ERI LAUNCHED A NEW WEBSITE, as well as a number of new social media efforts, **began a five-year strategic planning exercise**, reinforced staff and organizational structures, and **introduced new internal practices and procedures**, strengthening our effectiveness as an organization.

ERI'S WORK WAS COVERED BY MAJOR PRINT AND ONLINE MEDIA OUTLETS, including: AFP, AP, *The Australian*, the BBC, Democratic Voice of Burma, Deutsche Presse Agentur, *Ethical Corporation*, *The Independent*, *The Irrawaddy*, *Khyitpyaing News*, *La Liberation*, *Mizzima*, *Le Monde*, *The Nation*, Radio Free Asia, Reuters, *The South China Morning Post*, *Time Magazine*, *Upstream*, Voice of America, and *The Wall Street Journal*.





Participants at the inaugural Mekong Legal Advocacy Institute (MLAI) session in Chiang Mai, Thailand.



Training participants at the Social Development Center, along the Thai-Burma border.

Mission

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

We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training for 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.

To accomplish this mission, EarthRights takes a three-pronged approach:

Justice and Accountability

EarthRights International uses litigation and other legal mechanisms to hold corporations accountable for earth rights abuses, often perpetrated in the name of development. We also advocate for stronger legal mechanisms for corporate accountability within the international system. In 2009 we continued to pursue justice, representing plaintiffs in cases against Chevron, Shell, Union Carbide/Dow Chemical, Chiquita and Occidental Petroleum for human rights violations overseas.

Speaking Power to Power

EarthRights International uses fact-finding, media, public education, and organizing strategies to hold corporate and government human rights and environmental offenders accountable in the “court of public opinion”. Our goal is to build a broad constituency for the earth and its peoples who will ensure that there are strong legal mechanisms for accountability, and to deter earth rights abuses by highlighting the heavy costs associated with them.

Sustaining the Movement for Human Rights and the Environment

The EarthRights Schools and ERI’s other training efforts prepare new leaders to sustain a strong local and international movement in environmental and human rights protection, while our training of legal and judicial professionals helps ensure that the movement is supported by the rule of law.



Financial Statement

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	
Revenues and Other Support				
FOUNDATION CONTRIBUTIONS	\$ 492,535	\$ __	\$ 1,004,910	\$ 1,497,445
GIFTS FROM INDIVIDUALS	72,466	—	5,000	77,466
SETTLEMENT	229,501	272,000	—	501,501
NON-CASH CONTRIBUTIONS	15,160	—	—	15,160
IN-KIND CONTRIBUTIONS	3,158	—	—	3,158
INTEREST AND DIVIDENDS	21,384	—	852	22,236
GAIN (LOSS) ON SECURITIES	524	—	—	524
GAIN (LOSS) ON FIXED ASSETTS	(1,999)	—	—	(1,999)
UNREALIZED GAIN (LOSS) ON SECURITIES	—	—	19,004	19,004
REIMBURSEMENTS	26,207	—	—	26,207
MISCELLANEOUS	3,075	—	—	3,075
Net Assets Released from Restrictions				
SATISFACTION OF PROGRAM RESTRICTIONS	1,003,444	—	(1,003,444)	—
Total Revenues and Other Support	1,865,455	272,000	26,322	2,163,777

	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	
Expenses				
PROGRAM EXPENSES				
LEGAL	\$ 603,239	\$__	\$__	\$ 603,239
CAMPAIGNS	258,106	—	—	258,106
TRAINING	425,740	—	—	425,740
INTERNATIONAL CROSS-CUTTING	281,453	—	—	281,453
MANAGEMENT AND GENERAL	159,213	—	—	159,213
DEVELOPMENT	117,651	—	—	117,651
Total Expenses	1,845,402	—	—	1,845,402
CHANGE IN NET ASSETS	20,053	272,000	26,322	318,375
Net Assets, beginning of year	1,215,339	1,776,719	464,603	3,456,661
Net Assets, end of year	\$ 1,235,392	\$ 2,048,719	\$ 490,925	\$ 3,775,036

EarthRights International (ERI) is a nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment. ERI is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code.

This Statement of Activities is excerpted from ERI's audited financial statements by Douglas Corey & Associates, which are available upon request. The Statement of Activities reflects financial activity for ERI for the year that ended January 31, 2010. To briefly summarize this Statement: as of January 31, 2010, ERI had available \$1,235,392 (under "Net Assets – Unrestricted"), of which \$229,501 (Settlement) is to go in to organizational reserves, while the rest is available for general use in the next fiscal year.

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

The temporarily restricted net assets of \$490,925 are earmarked for particular programs and are not available for general use. This figure includes \$109,982 of the Daniel Clarke Memorial Fund, which is restricted to support graduates of the EarthRights Schools.

2009 EarthRights International Staff, Interns, Volunteers & Partners

Ka Hsaw Wa,
Executive Director

Chana Maung
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Katie Redford
U.S. Office Director

Marie Soveroski
Managing Director

Marco Simons
Legal Director

Paul Donowitz
Campaigns Director

Nang Aung
Administrative Associate

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Mekong Legal Coordinator

Hannah El
Training Coordinator
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Anisha Gade
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Coordinator

Sabrina Gyorvary
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Mekong Program

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Khun Ko Wein
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Rachel Morris
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Victoria Wangai
Administrative Assistant

Jacqui Zalberg
Legal Fellow

**Peggy Martinez
& Joan Harrison**
Dukes & Graves
Accounting Services

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

Daniel Aguirre, Kelsey Breck, Natalie Bridgeman, Ben Brown, Arturo Carrillo, Miluska Carhuavilca, Stephen Cha-Kim, Judith Brown Chomsky, Tasneem Clarke, Cindy Cohn, Anthony DiCaprio, Susan Farbstein, Agnieszka Fryszman, Reena Gambhir, Tyler Gianinni, Jenny Green, Ben Gutierrez, Matthew Handley, Jo Heinan, Tobias Herder, Paul Hoffman, Phil Jablon, Yuan Ji, Maria LaHood, Lorraine Leete, Richard Lewis, Beatrice Lindstrom, Lily La Torre Lopez, Laura Livoti, Tarek Maassarani, Brant McGee, Molly McOwen, Sarah Mehta, Patrick Naagbantong, Pi Nok, Shahrzad Nouraini, Pi Pan, Kit Pierson, Freya Putt, Abby Rubinson, Melissa Ruggiero, Michael Seplow, Han Shan, Rajan Sharma, Benjamin Schonbrun, Saw Si Si, Atossa Soltani, Jiewuh Song, Lauren Teukolsky, Bryan Townsend, Theresa Traber, Curtis Trinko, Kinny Wai Chan, Sarah Wylder-Deshpande, Yu Xiaogang, and students at the George Washington University and Harvard human rights legal clinics. We would also like to give special thanks to the many organizations we partner with!

EarthRights International Board of Directors

Charlie Clements — *(Chair) President and Chief Executive Officer, Unitarian Universalist Service Committee (UUSC)*

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

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Kumi Naidoo — *Executive Director, Greenpeace International; Honorary President CIVICUS (the World Alliance for Citizen Participation)*

Neil A.F. Popovic — *Partner, Sheppard Mullin Richter & Hampton LLP; Lecturer, University of California, Berkeley, School of Law*

Kate Tillery — *Attorney, Korein Tillery LLC*

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Japan

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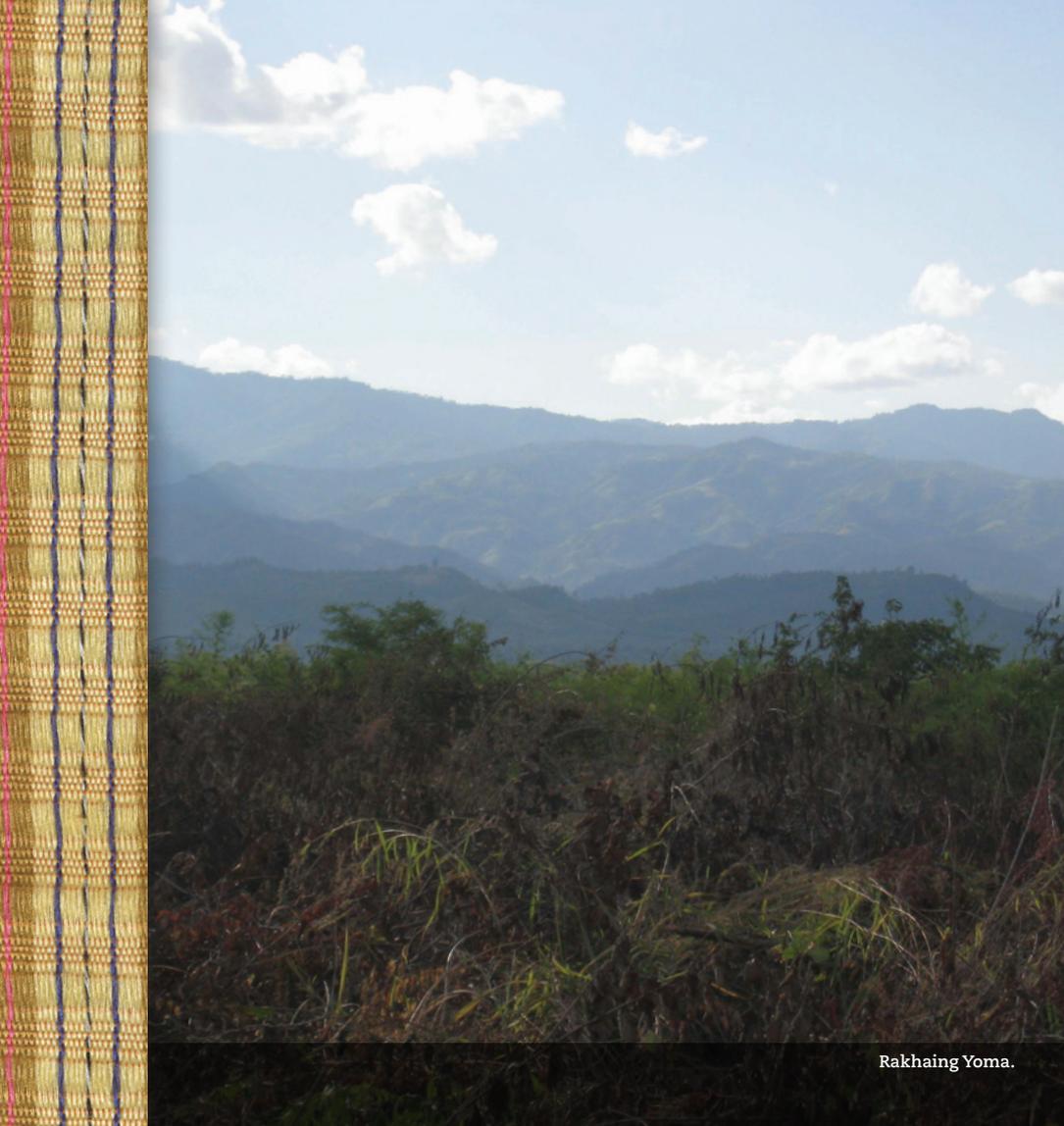
RSF Social Finance
(anonymous donor)

Tides Foundation
(anonymous donor fund)

Trocaire

Underdog Fund of
the Tides Foundation

Wallace Global Fund



Rakhaing Yoma.



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