Annual Report 2010

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Don Chai, in northern Thailand, where villagers have resisted dam construction for two decades

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Cover Photo: The free-flowing Salween River, where our alumni are working to stop destructive dam projects

## EarthRights International's 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.



These once fertile lands along the Mekong river are deteriorating due to impacts of a hydropower dam

#### Dear Friends,

Fifteen years. That's the milestone that we observed at EarthRights International in 2010. We didn't have a party to mark this important event, although we thought about it. After all, who doesn't need an excuse to celebrate in this world that seems so often plagued by bad news? Given the incredible suffering of the individuals and communities that we serve—our clients in Peru, India, Nigeria and Colombia, the EarthRights School students and alumni from Burma and the Mekong region, and countless others—we decided, instead, to redouble our efforts in *their* honor.

So we marked our 15th year by looking back at our history, our growth, our accomplishments and our disappointments. We took all of that experience and those lessons learned and launched an ambitious and exciting strategic plan that paves the way for EarthRights to achieve its vision to end earth rights abuses worldwide. "How in the world do you think you can do that?" you ask. "Read our strategic plan," we answer. But you can also get an idea by looking through the pages of this annual report. We hope you'll be as excited as we are, to see how much we accomplished just in the last year alone.

EarthRights aims to end human rights and environmental abuses by shifting the imbalance of power in the global economy that currently favors corporate and government elites at the expense of people and the planet. **The combined force of our training, legal work and campaigns have helped achieve fundamental transformation of the current global economic system** that enables these elites to externalize the social, cultural and environmental costs of their operations.

Such fundamental change is an ambitious goal. But our clients, students and alumni indeed all of us—should demand nothing less. And we've already come a long way to making that shared vision a reality. When we started back in 1995, we were living in a world where corporations could benefit from human rights abuses like slavery, rape and torture, while working in countries like Burma, Nigeria, or



### EarthRights aims to end human rights and environmental abuses by shifting the imbalance of power in the global economy...

Colombia. We were told that this was business as usual and we were crazy to imagine that another world was possible. Now we see a world where these companies bear significant legal risks, economic burdens and reputational damage if they ignore the rights of people and destroy their homelands. We are well on the way to helping create a world where the social, financial and legal ramifications of human rights and environmental abuses deter corporations from engaging in such abhorrent behaviors in the first place and where the voices of local peoples are brought to bear on the development decisions that impact their lives.

And we believe that is something to celebrate. Onward!

Ka Hsaw Wa, Marie, Chana, Katie

## ERI 2010 Annual Report program highlights: TRAINING

EarthRights School Mekong students and alumni on a site visit in northern Thailand The EarthRights Schools continue to **train emerging leaders from Burma (ERSB) and the Mekong region (ERSM)**, providing knowledge and developing skills essential for effective human rights and environmental protection work at the local, national, regional, and international levels. Thirteen students, representing 8 different ethnic groups, graduated from ERSB, while a dozen students from six countries — Burma, Cambodia,



China, Laos, Thailand and Vietnam — graduated from ERSM.

As part of their studies, the students went back to their home countries and communities to do research on a wide variety of issues, including the effects of gold mining on indigenous communities, the impacts of mainstream dams on farmers and fishers in the Mekong River delta, ecological consequences of rubber and banana plantations, and challenges faced by displaced people. A week-long study trip, to visit four communities south of Bangkok, allowed students to learn first-hand about the successful legal and advocacy strategies used in pursuit of environmental justice related to coal, wastewater and industrial pollution threats.

ERS Alumni programs helped build and support strategic networks of graduates through the provision of technical support, educational opportunities and financial assistance. The Burma Alumni Program conducted joint activities with the alumni-founded Social Development Center on the Thai-Burma border. The second Mekong Alumni Reunion was held in Can Tho, Vietnam, attended by over 40 ERSM alumni. Participants identified critical issues shared by communities throughout the region, and formed cross-border groups to strategize and plan joint campaigns focusing on private investment, international financial institutions, mainstream Mekong dams and related projects, and gender equality.

We also supported alumni in attending advocacy meetings and regional and international conferences, such as the ASEAN Peoples Forum and the Save the Mekong strategic planning meetings in Vietnam, the annual meeting of the NGO Forum on the Asian Development Bank in Manila, and an NGO strategy meeting on Chinese investments in the Mekong. Thirteen students, representing 8 different ethnic groups, graduated from ERSB, while a dozen students from six countries — Burma, Cambodia, China, Laos, Thailand and Vietnam graduated from ERSM.





## ERI 2010 Annual Report program highlights: LEGAL

Children of an Achuar plaintiff in our case against Occidental Petroleum EarthRights International has **continued to litigate cases allowing victims of abuses to tell their stories and seek justice** for harms they have experienced. In 2010, we reached a critical milestone when **we won our appeal** in our landmark environmental and public health case against Occidental Petroleum for its 30 year legacy of massive pollution in the Peruvian Amazon. Our victory in the federal Ninth Circuit Court ensures that the plaintiffs, the indigenous Achuar people of Peru and the U.S. NGO Amazon Watch, will be able to pursue justice in U.S. courts.

Due to our success in such groundbreaking lawsuits, human rights and environmental litigators increasingly seek our expertise in support of their cases. In our effort to support development of strong precedent and good law, we filed numerous *amicus* briefs in 2010 to support the continued use of the Alien Tort Statute as a tool for corporate accountability, and to protect accountability

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measures under state law from preemption by U.S. foreign policy.

As part of our effort to foster strong regional networks of lawyers who can support local activists in their work, we hosted the 3rd Mekong Legal Advocacy Institute (MLAI) session, bringing lawyers from the six Mekong countries to Chiang Mai for a three-day workshop focusing on dams, corporate social responsibility, and the new ASEAN Intergovernmental Commission on Human Rights. This group of attorneys will continue their work as part of the newly formed Mekong Legal Network (MLN), and will help train the next group of young MLAI lawyers.

**Corporate accountability is at the heart of our legal work.** In addition to our litigation, we engaged with the UN Special Representative on human rights and business in the development of guiding principles and other UN mechanisms on corporate accountability, and worked to strengthen the application of the Voluntary Principles on Security and Human Rights in the extractive industries.







## ERI 2010 Annual Report program highlights:

In 2010, along with other leading human rights organizations, EarthRights International launched the **International Corporate Accountability Roundtable (ICAR)**, whose mission is to identify and promote robust frameworks for corporate accountability, strengthen current measures, and defend existing laws, policies and legal precedents.

Through our participation in the **Publish What You Pay (PWYP)** coalition, we worked to secure a landmark victory for communities around the globe by helping to pass the Cardin-Lugar Amendment to the Wall Street Reform Act. This provision requires disclosure by extractive industry actors of payments to governments on an annual and projectby-project basis related to the commercial development of oil, gas, and mining.

We continued our efforts to strengthen the OECD Guidelines for Multinational Enterprises and the OECD National Contact Points (NCP), testifying before the OECD Investment Committee in Paris as part of a global review of the Guidelines for Multinational Investments, and led efforts to reform the U.S. NCP.

We also released **three new Burma-related reports** in 2010. *Energy Insecurity* documented targeted killings and other abuses

Our campaigns were covered by the New York Times, Time Magazine, the BBC, the Independent, the Guardian, Libération, the Huffington Post, and local and regional media outlets.

## CAMPAIGNS

connected to the Yadana gas pipeline; *Broken Ethics* exposed the Norwegian government's investments in Burma's oil and gas sector in violation of Norway's own Ethical Guidelines for responsible investment; and our official submission to the UN's Universal Periodic Review process focused on the Burmese regime's human rights record with respect to development projects. egime.

What has Chevron given you?

ERI is a leader in the **True Cost of Chevron Network (TCoC)**, a unique collaboration of indigenous, native, and First Nation communities and their allies resisting the destructive human rights and environmental policies of Chevron and the entire oil industry. The TCoC Network amplifies local voices and ensures meaningful participation by oilimpacted communities in the development of their natural resources.



Der Chevron ERI's Naing Htoo, from Burma, speaks at a press conference before Chevron's 2010 shareholder meeting EarthRights International | Annual Report 2010 | 9

## Financial Statement

Timancial Statement	UNRESTRICTED		TEMPORARILY RESTRICTED	TOTAL				
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	TOTAL				
Revenues and Other Support								
FOUNDATION CONTRIBUTIONS	\$ 535,082	_	\$ 1,792,184	\$ 2,327,266				
GIFTS FROM INDIVIDUALS	61,284	_	100,000	161,284				
NON-CASH CONTRIBUTIONS	13,436	_	_	13,436				
IN-KIND CONTRIBUTIONS	4,247	_	_	4,247				
INTEREST AND DIVIDENDS	8,117	_	1,483	9,600				
gain (loss) on securities	(151)	_		(151)				
gain (loss) on fixed assetts	(331)	_		(331)				
UNREALIZED GAIN (LOSS) ON SECURITIES	_	_	13,159	13,159				
REIMBURSEMENTS	27,064	_		27,064				
MISCELLANEOUS	42	_		42				
Net Assets Released from Restrictions								
SATISFACTION OF PROGRAM RESTRICTIONS	918,273	_	(918,273)					
Total Revenues and Other Support	\$ 1,567,063	_	\$ 988,553	\$ 2,555,616				

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	UNREST	RICTED	TEMPORARILY RESTRICTED	TOTAL				
	UNRESTRICTED	BOARD DESIGNATED	TEMPORARILY RESTRICTED	TOTAL				
Expenses								
PROGRAM EXPENSES								
LEGAL	\$ 403,090	_	_	\$ 403,090				
CAMPAIGNS	238,786	_	_	238,786				
TRAINING	405,489	_	—	405,489				
INTERNATIONAL CROSS-CUTTING	438,406	_	_	438,406				
MANAGEMENT AND GENERAL	134,768	_	_	134,768				
DEVELOPMENT	121,112	_	_	121,112				
Total Expenses	1,741,651	_	_	1,741,651				
CHANGE IN NET ASSETS	(174,588)	_	988,553	813,965				
Net Assets, beginning of year	1,235,392	2,048,719	490,925	3,775,036				
Net Assets, end of year	\$ 1,060,804	\$ 2,048,719	\$ 1,479,478	\$ 4,589,001				

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, 2011. To briefly summarize this Statement: as of January 31, 2011, ERI had available \$1,060,804 (under "Net Assets – Unrestricted"), to carry forward 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 \$1,479,478 are earmarked for particular programs and are not available for general use. This figure includes \$113,561 of the Daniel Clarke Memorial Fund, which is restricted to support graduates of the EarthRights Schools.

# 2010 EarthRights International **Staff, Interns, Volunteers & Partners**

Ka Hsaw Wa Executive Director

**Chana Maung** Asia Office Director

Katie Redford U.S. Office Director

Marie Soveroski Managing Director

Marco Simons Legal Director

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**Paibon Hengsuwan** Mekong School Coordinator

**Richard Herz** Litigation Coordinator

Naing Htoo Program Coordinator, Burma Project

**Sabrina Kathleen** Coordinator Mekong Program

**Jonathan Kaufmann** Staff Attorney

**Raa Hoo Lar** Local Program Coordinator, Burma Alumni Program

**Billy Martin** ESL Instructor

**Khin Nanda** Program Coordinator, EarthRights School Burma

**Alek Nomi** Program Coordinator, International Alumni Advocacy **Si Phoung** Mekong Alumni Program Associate

**Joshua Richards** Program Coordinator, Burma Alumni Program

**Saiaew** Mekong Alumni Program Coordinator

Maggie Schuppert Development Coordinator

**Brenden Sloan** Development Associate

Matthew Smith Project Coordinator, Burma Project

**Prajak Srikhampa** Program Assistant EarthRights School Mekong

Yaowalak Srikhampa Program Associate EarthRights School Mekong

**Tong Teng** Administrative Associate EarthRights School Burma

**Jennifer Thao** *Executive Assistant*  **Nyien Tun** Teaching Associate EarthRights School Burma

**Sandra Visbal** Burma Alumni Program Coordinator

Victoria Wangai Administrative Assistant

**Brad Weikel** Web & Communications Coordinator

**Tim Wong** International Alumni Coordinator

Zaw Zaw Program Associate Burma Project

Peggy Martinez & Joan Harrison Dukes & Graves

Accounting Services

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

Chamberlain Amadi, Natalie Bridgeman Fields, Ben Brown, Arturo Carrillo, Miluska Carhuavilca, Janna Casperson, Mrisa Charles, Jue Chen, Judith Brown Chomsky, Kathryne Civitello, Cindy Cohn, Nathan Collins, Katherine Conchada, Shauna Curphey, Marlaena DeHaven, Shilpa Deshpande, Anthony DiCaprio, Naw Ehmu, Agnieszka Fryszman, Reena Gambhir, Tyler Gianinni, Jennifer Green, Matthew Handley, Tristan Harris, Paul Hoffman, Lindsey Ingraham, Phil Jablon, Yuan Ji, Bill Kilby, Katherine Kovich, Maria LaHood, DOng Keun Lee, Richard Lewis, Leinaala Ley, Lily La Torre Lopez, Howard Mann, Mario Melo, Desmond Mingrong Lim, Tarek Maassarani, Dana MacLean, Eunice Mavhenyengwa, Molly McOwen, Dion Tobias Mellor-Senior, Patrick Naagbanton, Salini Nandipati, Pi Nok, Peter O'Hare, Kyungsing Park, Kit Pierson, Kwar Poe, Sandra Ray, Nikki Reisch, Kirsten Rice, Michelle Salomon, Michael Seplow, Rajan Sharma, Benjamin Schonbrun, Saw Si Si, Ellen B. Topp, Atossa Soltani, Robert Sullivan, Zoran Šuto, Mat Taylor, Lauren Teukolsky, Theresa Traber, Rachel Trevarthen, Curtis Trinko, Kinny Wai Chan, Mika Weissbuch, Jennifer Beman White, Chima Williams, Casimira Younger, and students at the human rights legal clinics at George Washington, Harvard, and Korea University. We would also like to give special thanks to the many organizations we partner with!

### **Board of Directors**

**Rebecca Lambert** — (Co-Chair) Planner and Regional Sustainability Coordinator, Greater Portland (Maine) Council of Governments

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

Kate Tillery — Attorney, Korein Tillery LLC

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Anonymous (4) C.S. Fund CIVICUS Conservation Food & Health Foundation Courtney's Foundation FJC Flora Family Foundation Ford Foundation Foundation to Promote Open Society Frankel Family Foundation ICCO Libra Foundation Oak Foundation **Open Society Institute Overbrook Foundation** (Board of Directors) Oxfam Australia Park Foundation People in Need **Refugees International Japan Rosewater** Fund **RSF** Social Finance (anonymous donor) Sigrid Rausing Trust **Tides Foundation** (anonymous donor fund) Trocaire Underdog Fund of the Tides Foundation Wallace Global Fund





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