



July 2020

MID-YEAR UPDATE

Greetings from the EarthRights team! This year so far has presented us with many challenges. While the world continues to grapple with the COVID-19 pandemic, the United States is experiencing a civil rights movement that will reverberate for generations to come. Meanwhile, we must all continue to confront the threats arising from the climate emergency.

Our founder, Ka Hsaw Wa, [reflects on why we are proud to stand with the Black Lives Matter Movement and why we must seek both racial and climate justice](#). Keith Slack shares his thoughts on [the intersections between pandemics and earth rights](#) and Kirk Herbertson highlights [five trends to watch affecting human rights and big business in the COVID-19 era](#). The far reaching impacts of the pandemic, especially on vulnerable communities and at-risk defenders, and the state response to protests in the United States proves how important it is to ensure that protections for defenders exist.

Our attorneys and legal fellows are working night and day to prepare corporate accountability cases for virtual courtrooms, in some cases by telephone or Zoom for the first time in history. Our training teams are adapting lesson plans to virtual courses and our campaigners and storytellers are giving voice to those under even greater threats during lock-down. Just last month, our team in Peru [filed a legal action on behalf of ONAMIAP](#) against the Peruvian government demanding protections for indigenous populations during the pandemic.

Despite the disruption of COVID-19, we've made great progress in the first half of the year and we are excited to share these updates with the partners and allies who made this success possible. This Mid-Year Update will feature successes and challenges, stories and achievements, and media and recognition from our work around the globe. We highlight progress made since the launch of our new [Strategic Plan](#), all while continuing to double-down during a chaotic time of a global pandemic where defenders are challenged in new ways.

We'd love to discuss with you in more detail, please feel free to reach out anytime.

In solidarity,

Lara Johnson
Deputy Director

Michelle Fantone
Senior Development Officer

EarthRights Defenders

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

We are working around the clock to campaign against the threats and harms to defenders during the Covid-19 Pandemic. Yoni, a defender from Honduras, [shared his experience facing threats associated with lockdowns](#). We are urging the governments of [Honduras](#), [Colombia](#), and Peru to adopt all measures necessary to guarantee the human rights of defenders, social leaders, and communities in those countries.

We launched a training program in January, [Program on Collective Rights and Defense of the Territory](#), together with CooperAcción for indigenous leaders from the Peruvian Andes and the jungle. The training was moved online as we adjusted to lockdown conditions in Peru.

Our Amazon lawyers helped a legal defense team that represented 19 defenders from the Cotabambas region who protested against the Las Bambas mine in Peru. Critical information presented by EarthRights outlined how Peru's police agreements with extractive companies are unconstitutional. The defenders were absolved of all charges.

[The Mitharsuu Center for Leadership and Justice](#) hosted the 5th annual Lower Mekong Network regional meeting in January. This convening brought partners, civil society organizations, NGOs, and donors together to share challenges and strategies for biodiversity conservation, natural resource rights, renewable energy, and sustainability.

EarthRights [launched a new report](#) calling on the US State Department and its embassies to strengthen their protections for human rights defenders who are under threat.

[Máxima, a documentary](#) about 2016 Goldman Prize winner and EarthRights client, aired at the 2020 Oslo Film Festival and the Human Rights Watch Film Festival. EarthRights attorney, Marissa Vahlsing, spoke at both events. [You can view the Q&A from HRWFF here.](#)

The film follows Máxima and her family's fight for justice against a multi-billion dollar project by one of the world's largest gold-mining corporations, Newmont Mining. In June, EarthRights' legal team filed an appeal in her case in the U.S. against Newmont.

Climate Justice and Accountability

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

In Colorado, [we won our argument](#) for the case Boulder v. Suncor to be held in state court despite [appeals from Suncor and Exxon to move it to federal courts](#). On June 1st, it became the first climate change case to be heard by state courts. This case seeks to hold Suncor and Exxon accountable for climate-related damages to communities in Colorado.

We joined with partners to support the [climate sanctions bill](#) that Senator Ed Markey (D-MA) introduced in November and the [companion bill in the House](#) introduced by Rep. Veronica Escobar (D-TX) and Rep. Nydia M. Velázquez (NY-07). The Targeting Environmental and Climate Recklessness Act would allow the U.S. government to impose sanctions on companies and individuals that recklessly cause climate harms.

Ka Hsaw Wa, EarthRights co-founder and Executive Director, was [featured in South Africa's Daily Maverick](#) highlighting his protest in the face of a climate emergency: "I realize that 'my people' is not just the people of Burma, but all the people with no voice in the world."

In Myanmar, we launched a cost-analysis to assess the impact of coal mining to communities in Tigyit.

On World Water Day, our Communications Director, Kate Fried, [highlighted the harms hydropower incurs on frontline communities and our climate](#).

In Thailand, we joined over 500 people for a public community panel and forest ordination at the proposed coal mine site of Omkoi in February. Community members, activists, academics, and partners discussed the impacts of mining and community legal rights under Thai law.

Bertha Fellow, Mueda Nawanat, produced [a video giving voice to a Karen community](#) facing the environmental impact of a proposed dam on the Yuam river.

Corporate Accountability

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

We used the 2010 Dodd-Frank Act to direct the Securities and Exchange Commission (SEC) to issue rules making extractive companies more accountable to citizens in resource rich countries. EarthRights attorney, Michelle Harrison, writes why the [SEC Must Strengthen Anti-Corruption Rules for Oil, Gas, and Mining Sectors](#).

In Myanmar, we won a landmark case with the Dawei Probono Lawyers Network against a Myanmar mining company that caused damage to a betel nut tree farm, destroying many of its trees. This is the first time that a company in Myanmar has been forced to pay compensation to a community due to development related harms.

Also in Myanmar, our attorneys filed an appeal at the Myanmar Supreme Court on behalf of 33 farmers.

In Thailand, the Extra Territorial Obligation Watch Coalition met with representatives of [Thai Banks Association and Sustainable Financing Network](#) to adopt environmental social and governance factors in loan assessments and set a condition for human rights due diligence.

In Washington D.C., our landmark Supreme Court case, Jam v IFC, [moved forward in federal court](#). This Supreme Court decision sent shock waves through the IFC and World Bank. For many, it was a wake-up call to the negative impacts of some of their investments. Since the Supreme Court picked up the case, both institutions have initiated a series of reforms to strengthen their processes for addressing communities' grievances and protecting human rights defenders from reprisals.

Our Cancel Corporate Abuse campaign launched [a campaign to stop the fossil fuel industry from taking advantage of the COVID-19 crisis](#) to lobby for immunity from lawsuits and no-strings-attached handouts.

EarthRights in the News



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

Drilled News | [From the Streets to the Court, Fossil Fuel is Trying to Outlaw Climate Accountability](#) | June 12, 2020

Boulder Daily Camera | [Jurisdiction Remains Contentious in Virtual Boulder Climate Change Lawsuit Hearing](#) | June 1, 2020

Law360 | [Colombians in Chiquita Terror Funding MLD Want Anonymity](#) | May 20, 2020

Bloomberg Law | [Exxon Says Boulder Climate Case Aims to Reshape Energy Policy](#) | May 6, 2020

Washington Post | [Oil and mining companies should disclose what they pay, the law says. Critics say the SEC is undermining it](#) | April 6, 2020

DeSmog | [Oil Execs, Anxious About Public Support, Claim Halting Fossil Fuel Production Would Be 'Criminal'](#) | March 6, 2020

Drilled News | [Colorado Communities Ask Judge to Send their Climate Claims against Exxon and Suncor to Trial](#) | February 20, 2020

Bloomberg Law | [International Finance Corp. Immune from India Pollution Suit](#) | Feb 18, 2020.

Climate Liability News | [Local Government Groups, Others Rally to Support Colorado Climate Suit in State Court](#) | January 16, 2020

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