

# EarthRights



Linking human rights and environmental protection

**E**arth rights is a legal and moral concept that points to the importance of linking human well-being with the protection of the environment. People around the world are recognizing that it is crucial to address these two issues, human rights and the environment, together rather than separately.

Without a healthy environment, it is difficult or impossible for people to have enough food or clean water to live and practice their traditional way of life. Ecological protection is a crucial component of satisfying people's economic and social rights. At the same time, without the traditional civil and political rights guaranteed under the United Nations' Universal Declaration of Human Rights, it is extremely difficult for local communities and their advocates to participate in and challenge decisions that will negatively affect their environment and community interests. This fundamental relationship between human rights and environmental protection is what we call earth rights.

The idea of earth rights includes the right to have access to courts and other forums for individuals and communities to voice their concerns and challenge the decisions of governments and corporations. Earth rights have their basis in international law—both human rights law and environmental law. EarthRights International (ERI) is one example of a non-governmental organization (NGO) working to protect these rights. We work with the peoples of Burma to protect their earth rights.

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## who we are

EarthRights International (ERI) is a non-governmental, nonprofit organization (NGO) that combines the power of law and the power of people to protect earth rights. We are activists, community organizers, and lawyers with expertise in human rights, the environment, and corporate and government accountability. ERI has offices in the United States and Southeast Asia staffed by people from Burma, Thailand, Japan, the United States, and Canada.

## what we do

### document

Document human rights and environmental abuses in countries where few other organizations can safely operate. We expose and publicize earth rights abuses through campaigns, reports, and articles.

### organize

Organize the human rights and environmental communities around earth rights issues. We are at the forefront of the movement to hold corporations accountable for fair human rights, labor, and environmental practices no matter where they do business.

### litigate

Litigate in U.S. courts on behalf of people around the world whose earth rights have been violated by governments and transnational corporations. We brought a landmark lawsuit, *Doe vs. Unocal*, for earth rights abuses against villagers in Burma.

### teach

Teach people about their earth rights and remedies, especially people living under repressive regimes. We run the EarthRights School (ERS) for activists in Southeast Asia and the Amazon School in South America. We train villagers and refugee women to testify at the United Nations and other international agencies.

### advocate

Advocate for those who have been harmed, and fight for better earth rights protections at every level from the local to the international.

## EarthRights and Burma

Burma used to be one of the most developed and wealthiest countries in Southeast Asia. After 40 years of military rule, it is now one of the “Least Developed Nations” in the world according to the United Nations.

In November 1988, the State Law and Order Restoration Council (SLORC) reversed the economic philosophy and principles of the “Burmese Way to Socialism” and opened the country up to foreign investors through a new investment law. Since then, the human rights situation has deteriorated significantly, the size of the army has doubled, inflation skyrocketed, and important socio-economic indicators (health, education, and poverty levels) have worsened tremendously. In 1997, SLORC changed its name to the State Peace and Development Council (SPDC), but earth rights violations continue. These violations include environmental destruction, forced labor and violence, and abuses against indigenous peoples.



## Environmental Destruction

*“If the dam is constructed blocking the river, not only will the Salween River stop flowing, but so will Shan history.”* – Shan Refugee, 2001

All human rights (civil, political, economic, and social), indeed human survival, rely on a healthy and habitable environment. In degraded ecosystems, it is difficult or impossible to enjoy the rights to life, health, food security, or culture. Because a sound environment is a precondition to the exercise of many other rights, it must be recognized as a right in itself.

In Burma, the right to a healthy environment is under severe threat. The SPDC has few options for earning foreign exchange due to the current political situation. As a result, the SPDC’s strategy has been to sell concessions to foreign companies to log forests, to extract natural gas and oil, and to mine precious gems and other minerals in order to earn money to buy weapons. Mega-projects, such as dams and gas pipelines, destroy habitat and increase erosion and pollution. Without the protection of earth rights, the peoples of Burma cannot monitor and stop such destructive projects.

## Forced Labor and Violence

*“When the Burmese soldiers came to our village, they ordered the village head to arrange villagers to work for them. If the villagers didn’t go, they would beat and kick the village head. We couldn’t refuse to go.”*

– Shan Refugee, 2001

The Burmese military regime is notorious for its use of violence and forced labor as part of its development projects. In fact, forced labor in Burma is so widespread, brutal, and systematic that the International Labor Organization (ILO), an organization that works to protect the rights of workers around the world, has urged its members to review their relations with the SPDC so as not to encourage the use of forced labor. Some countries and corporations, however, have disregarded this appeal in favor of pursuing profits through joint ventures and other investments in Burma.

Such business projects often require military security that only worsens the problem. The military troops providing security for the Yadana and Yetagun pipeline projects in southern Burma, for example, have used forced labor, rape, forced relocations, and extra-judicial killings as strategies to control the local populations. The proposed Tasang dam in Shan State has resulted in this same pattern of abuse—even though to date, it is only being studied and has not become an official project. Other major dam projects in Burma, such as those in Pegu Division and Rakhine State have also involved thousands of forced laborers. Plans to develop the western seaboard in Tenasserim Division are likely to repeat this pattern of abuse.



Constructing gas pipeline in Burma

## Rights Abuses of Indigenous Peoples

*“If you ask anyone who portered, they will know the difference in how groups were treated. The Karen and Shan are treated worse.”*

– Karen Refugee, 2001

Although the military has brought severe hardship and environmental degradation to nearly everyone in Burma, the burden has been especially difficult for the country’s many ethnic nationalities. To be a non-Burman in Burma means that discrimination is a part of life.

Many people in the military view non-Burmans as the enemy, terrorists, inferior, and sometimes less-than-human. As a result, the military, during the decades-long civil war and years of practicing divide-and-rule tactics, has successfully discriminated against its non-Burman ethnic nationalities with impunity. In practice, this has meant state-sponsored efforts to restrict and, in some cases, to destroy culture, language, and history of some ethnic groups in Burma. Forced labor, since it disproportionately affects non-Burmans, is another example of discrimination. Forced relocation programs and ethnically targeted violence, including rape, has also caused hundreds of thousands of people to become internally displaced people (IDP) or to flee to neighboring countries.

## financing brutality

*“What [investment] did was give the military authorities and those connected with them a chance to consolidate their economic position in the same way in which they had consolidated their power base.”*

– Daw Aung San Suu Kyi, 1999

There is no convincing evidence to support claims by companies and governments investing in Burma that their policy of “constructive engagement” actually benefits the peoples of Burma. Money flowing into Burma through foreign investment does not reach the ordinary citizen. Instead, it helps the military regime keep its grip on power and reduces its incentive to negotiate a peaceful transfer of power.

From 1990-1997, the regime spent 264% more on its military than it did on health and education combined. The National League for Democracy (NLD), headed by Nobel Peace Laureate Daw Aung San Suu Kyi, won over 80% of the parliamentary seats in the 1990 elections, but the military regime refused to recognize the election results. The NLD has called for international sanctions against the regime and for foreign companies not to operate in the country until democracy is restored.

Without a more transparent decision-making process that allows for meaningful public participation, public oversight regarding the social and environmental impacts of development projects; and forms of legal redress for violations of those rights there will be no peace nor democracy in Burma.

## EarthRights International and Burma

EarthRights International (ERI) has two projects that address earth rights problems in Burma:

### ERI's Burma Project

- Documents human rights abuses and environmental degradation on the Thai/Burmese border area associated with the Yadana and Yetagun pipelines in the Tenasserim Division and the Tasang Dam in Shan State, Burma.
- Conducts fact-finding on general human rights abuses connected to the SPDC's policies in Burma, including: forced labor, executions, torture, ethnic discrimination, and violence against women.
- Trains ethnically diverse people from South-east Asia in environmental and human rights monitoring and advocacy.
- ERI is co-counsel in ground-breaking lawsuits against Unocal corporation and its partners. One lawsuit will go to trial in early 2003. The cases have helped increase corporate accountability in Burma and beyond.

### ERI's Women's Rights Project

- Educates both women and men about the scope of women's human rights.
- Disseminates information about the strategies women from other cultures employ to fight abuses.
- Exposes women to the international laws, standards, and institutions that exist to protect their rights.
- Suggests some culturally relevant techniques for combating gender-based abuses - for example rape and domestic violence - in their own communities.
- Enables women to develop specific skills, so they may document such abuses and advocate for their elimination at both the local and international level.
- Conducts fact-finding and publishes reports on earth rights abuses that specifically impact women.

*"I have interviewed thousands of victims of human rights abuses and listened to their stories of suffering and of their loss. More and more, I have come to realize that when these people describe the abuses to me, they are also talking about problems that are connected to the environment: the boys and girls that were ordered at gunpoint to work on a logging road after their village had been forcibly relocated...is this a human rights or environmental issue? The answer should be obvious: it is not one or the other; it is both."*

*- Ka Hsaw Wa, Director, EarthRights International*



**EARTHRIGHTS INTERNATIONAL**

*EarthRights International combines  
the power of the law and the power  
of the people to protect human  
rights and the environment*

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