

17. EARTHRIGHTS INTERNATIONAL

by: ERI Staff

EarthRights International (ERI) is a nongovernmental, nonprofit organization that focuses on the often underappreciated links between human rights abuses and environmental degradation. Founded in 1995 in Thailand, we began by addressing human rights and environmental issues in Burma, where exploitation of natural resources leads to massive human rights abuses including torture, murder, rape and forced labor. Unfortunately, however, Burma is just one example of a larger problem. All over the world, violations of human rights and the destruction of the environment go hand-in-hand. When a country lacks political rights, local people cannot defend their environments from unwanted “development”. And when such “development” destroys the health, livelihoods or even lives of affected people, that damage is itself a human rights abuse. ERI seeks to create a new movement built on the understanding that all of these “earth rights” must be defended simultaneously.

ERI has two main offices: a U.S. headquarters in Washington, DC and a Southeast Asia headquarters in Thailand. We work with indigenous peoples, ethnic minorities, and activists to implement nonviolent alternatives for protecting human rights and the environment. We employ a holistic approach that recognizes the need to join the efforts of international institutions with grass roots movements. Thus, in Burma and Thailand, we document and publicize human rights abuses and environmental degradation, and we engage in grassroots education and capacity-building to empower local people to end these practices. We also work internationally and in the United States to build coalitions with human rights and environmental organizations, to influence policy, and to utilize national and international laws to protect earth rights. In addition, we

advocate at local, national, regional, and international venues, and litigate in US courts. We believe that by working on these multiple levels, we are able to be more informed, more connected, and more effective.

ERI Projects

The EarthRights School in Thailand trains ethnically diverse people from Southeast Asia in environmental and human rights monitoring and advocacy. After a year of instruction, graduates return to their home regions to actively engage local citizens. In this way, the program works on two levels; it has a widespread, ongoing impact locally, and it aids in the collection of crucial information for international advocacy efforts.

The Amazon School for Human Rights and Environment, a project in partnership with the Center for Economic and Social Rights in Quito, Ecuador, trains some 15 - 20 indigenous and campesino leaders from the five Andean - Amazon countries of Ecuador, Peru, Colombia, Bolivia and Venezuela in each 12-week session. The participants come out with new knowledge, new skills and a new network of colleagues for work on problems common to the region. The focus is human rights and environment training for communities in regions of conflict with extractive industries.

The Burma Project combats the human rights and environmental abuses committed by the Burmese military dictatorship working in partnership with transnational corporations. ERI has developed underground information networks inside Burma, enabling us to expose these abuses. ERI's signature campaign focuses on the Yadana gas pipeline, constructed in Burma by the multinational oil companies Unocal of California and Total of France. As part of the campaign, ERI represents plaintiffs in a landmark U.S.-based lawsuit, *John Doe I*,

et al. v. Unocal, et. al., charging Unocal with pipeline-related human rights abuses. (See *Litigation Update*). Our investigations have also culminated in several publications documenting pipeline abuses, including *Total Denial Continues: Earth Rights Abuses Along the Yadana and Yetagun Pipelines in Burma*. In 1998, ERI influenced the cancellation of a multi-million dollar World Bank loan guarantee to the Ratchaburi Power Plant in Thailand, a major receiver of gas from the Yadana Gas Pipeline.

Another integral aspect of the Burma Project is ERI's advocacy at national and international bodies to promote respect for human rights in Burma. Thus, we regularly advocate to the UN Human Rights Commission, the International Labour Organization and other UN organs, and well as before US government agencies.

ERI also publishes reports documenting the human rights situation in Burma, apart from the pipeline. For example, our work details the structural origins of the Burmese army's pattern of rape and sexual violence against ethnic minority women from Burma. Our documentation also demonstrates the destructive nature of engagement with the regime. Since 1988, when the Burmese military regime opened the country to foreign investment, Burma has seen no improvement on indicators such as education, health and poverty, that investment is supposed to help improve. Instead, investment has brought a doubling in the size of the country's army and major arms purchases that have furthered repression.

The Burma Project's most recent work is providing the ILO with documentation of the continued use of forced labor in Burma. The ILO has taken unprecedented steps during the last several years to pressure Burma to stop the practice. We are also documenting human rights abuses surrounding several proposed dams along the Salween River, the longest free-flowing river in Southeast Asia. As with the Yadana pipeline, these dams construction would lead to

human rights abuses and environmental degradation.

The Women's Rights Project focuses on the specific ways that earth rights abuses affect women. ERI investigates and publicizes gender-based abuses resulting from activities designed to manipulate the local environment as well as the disparate impact of environmental degradation on women and girls. The Women's Rights Project has conducted trainings for hundreds of Burmese refugee women about women's human rights, violence against women, and documentation techniques. The Project has also been instrumental in bringing together women from different ethnic minority groups from Burma to discuss their concerns.

The Women's Rights Project also brings a human rights approach to the issue of Persistent Organic Pollutants (POPs), which especially affect the reproductive health of women and the health of future generations. POPs are toxic carbon-based chemicals which persist in the environment and accumulate in fatty human (and other living) tissue. They have the capacity to cause great harm at very low concentrations, especially at critical stages of human development during pregnancy, and have been linked to cancers and other diseases. The WRP works to bring human rights and women's rights organizations into the struggle to eradicate POPs, as well as to utilize various human rights and women's rights mechanisms. POPs, to date, has not been emphasized as a human rights or women's rights issue. The Women's Rights Project seeks to correct this omission.

The EarthRights Resource Center, located in Washington, DC. builds the capacity of both human rights and environmental organizations to address earth rights violations. The Resource Center also leads focused campaigns designed to unite human rights and environmental organizations around our common goals. The basis for the Resource Center is our belief that

human rights and environmental activists must work together. Despite the intrinsic overlap, activists in the two fields have historically operated in separate realms.

The specific activities of the Resource Center include:

Litigation against Petroleum and Chemical

Corporations: ERI attorneys serve as co-counsel for plaintiffs suing oil and chemical companies in US courts for human rights and environmental abuses abroad. In addition to the suit against Unocal, ERI's legal staff currently represents the plaintiffs in *Bi v. Union Carbide Corp.*, a suit seeking redress for Union Carbide's massive groundwater pollution in Bhopal, India. After causing the 1984 Bhopal Gas Leak Disaster, which killed thousands of people, Union Carbide fled India to avoid criminal prosecution. Accordingly, Union Carbide has never cleaned up the toxins it left at its Bhopal plant. Those toxins have contaminated the local drinking water supply. The plaintiffs, who include one of the victims, a number of local victim's rights organizations and a putative class, filed this suit in the Southern District of New York. In March, 2003, the district court dismissed the individual plaintiff's claims on statute of limitations grounds and the organizational plaintiffs' claims on standing grounds. That decision is on appeal to the U.S. Court of Appeals for the Second Circuit.

We also serve as co-counsel to the plaintiffs in *Bowoto et. al. v. ChevronTexaco Corp.*, a suit against Chevron for its complicity in human rights abuses committed in Nigeria, and *Wiwa et. al. v. Royal Dutch Petroleum*, a case challenging Shell's complicity in Nigeria's illegal execution of Ken Saro-Wiwa and other Ogoni leaders. (For more details about *Bowoto* and *Wiwa*, see *Litigation Update*).

ERI also submits *amicus* briefs as the need arises. To date, we have submitted *amicus* briefs in cases against Freeport McMoRan regarding human rights and environmental

abuses at its mine in West Papua; Texaco for its massive despoilation of the Ecuadorian Amazon; DynCorp. for the aerial spraying of defoliants in Colombia that injured villagers just over the border in Ecuador; Southern Peru Copper Corporation for the vast air pollution associated with its smelter in Ilo, Peru, and in a lawsuit challenging the constitutionality of Massachusetts' Burma sanction law.

Additionally, we advise lawyers and activists on the viability of and appropriate legal strategies for cases against multinational corporations other than those in which we are involved as counsel. ERI also posts briefs, court decisions and other legal materials on our website.

Defending the Alien Tort Claims Act

The Alien Tort Claims Act allows victims of gross human rights violations to sue those responsible in federal court. The *Unocal*, *Bowoto* and *Wiwa* suits are all brought, in part, under ATCA. EarthRights International is working to defend the Alien Tort Claims Act from an attack by big business and the Bush Administration. The National Foreign Trade Council, US Council on International Business and other groupings of transnational corporations, including the defendants in several ATCA cases, are leading the effort to repeal or overturn the law. The Bush Administration actively supports the business groups' efforts. For example, the Department of Justice submitted an *amicus* brief to the U.S. Court of Appeals for the Ninth Circuit in the *Unocal* case, arguing that ATCA does not provide a cause of action and that therefore the ATCA jurisprudence of the last 24 years is wrongly decided. The State Department has also written letters to various courts asserting that individual ATCA cases conflict with U.S. foreign policy.

This attack on ATCA is motivated by a desire for corporate impunity and is based upon exaggerated descriptions of its supposed harmful effects on foreign policy and international investment. ERI is defending ATCA in several

ways. We are pushing for the mass media to tell the stories of the plaintiffs in *Doe v. Unocal* and other cases, and to alert the public and policy makers to the threat to ATCA from big business. We have created a new website, <notortureforprofit.com> to alert grassroots activists and mobilize them to defend the law. We are coordinating a network of policy groups that support ATCA and are working actively to defend it in the courts, on the Hill, within the Administration, and in public debate. Finally, we are reaching out to constituencies outside of human rights advocates, such as religious and environmental groups, to alert them to the importance of ATCA and the threat to it.

International Right to Know Campaign and Legislation: ERI coordinates the IRTK campaign, which demands that U.S. corporations disclose information on their operations abroad to the U.S. government as well as to the host community—information which they are currently allowed to hide, simply because they operate overseas. The campaign is based on the principle that we have the right to know basic information about a corporation’s environmental impacts, labor conditions, and human rights practices, regardless of where they operate. Our partners in this effort include groups such as the Sierra Club, Friends of the Earth, the AFL-CIO, and Amnesty International.

Publications: ERI publishes reports, articles and other outreach tools aimed at raising awareness about the connections between human rights and the environment and building more effective collaboration and campaigns between the human rights and the environmental movements in the US. The Resource Center's first such report, *Earth Rights: Linking the Quests for Human Rights and Ecological Protection* has been published as a booklet and a longer academic piece.

Our expose, “*Halliburton’s Destructive Engagement: How Dick Cheney and USA-Engage Subvert Democracy At Home and*

Abroad,” documents the fact that a Halliburton subsidiary laid the offshore portion of the Yadana pipeline in 1996-97, while Dick Cheney was Halliburton’s CEO. The report also demonstrates that, to support or expand business in Burma, as well as in countries like Iran, Iraq, and Libya, Dick Cheney and Halliburton have played a central role in an anti-sanctions lobby group called USA-Engage.

For more information about our projects or cases, or to read our reports, visit our website at www.earthrights.org or contact us at:

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ERI hosts interns in both Thailand and the United States, providing clinical experience to young indigenous activists as well as to law students and new college graduates from the U.S.