

Tracking Environmental Exploitation and its Human Rights Impact

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Burma

I fled Burma 21 years ago, during the popular uprising and bloody crackdown in 1988. Today, it is well known that Burma's military junta is one of the world's most repressive regimes, and worst violators of human rights. Less discussed on the international stage is the fact that the regime that controls my country and persecutes my people—the Karen—is also devastating the natural resources in Burma at an alarming rate.

Burma is a land blessed with a wealth of natural resources. We have rich and beautiful hardwood forests, gems, minerals and natural gas and oil. Tigers, rhinos, tapirs, great hornbills, and elephants are only some of the rare and important species that live within Burma's borders. My country is also one of vast ethnic diversity, with dozens of different minority and indigenous groups, each with our own language, costumes, and culture. Many of these groups rely on the natural environment to maintain their livelihood and culture. By pillaging our forests, our wild animals, and our rivers, Burma's dictatorship and its corporate partners-in-crime destroy who we are.

In 1988, the regime was virtually bankrupt. In order to acquire the foreign currency needed to buy arms and build up the army, the junta sold huge fishing, logging and gem concessions to Thai business interests. The logging concessions took a heavy toll on Burma's forests, and the wildlife that lived there. Moreover, the concessions were located along the Thai border on the traditional lands of the Mon, Karenni, and Karen people. The military directed army offensives against people in these and other areas containing teak and valuable hardwoods in order to exploit the forest resources. Villagers were expelled from their homes to make way for loggers, and forced to build logging roads.

Equally disastrous in our recent history was the construction of two natural gas pipelines by transnational oil companies: Unocal, now Chevron, from the United States, and Total from France constructed the Yadana natural gas pipeline, and Petronas from Malaysia constructed the Yetagun pipeline. In the early 1990s, these companies entered into deadly partnerships with the junta to drill natural gas in the Andaman Sea and build their pipelines through the Tenasserim rainforest. The result of these alliances? The army drastically increased its presence to "secure" the pipeline routes. Soldiers in the area for the sole purpose of patrolling the pipeline executed, tortured and raped villagers. The army forcibly relocated thousands of villagers to work as military porters—one of the hallmark human rights abuses in my country--carrying heavy loads for the soldiers during their patrols of the pipeline route and roads. Children, the elderly, the sick, and even pregnant women were not exempt from pipeline portering—and when people became exhausted or worked too slowly, they were beaten and sometimes killed. Others died as a result of exhaustion and disease. Still others were forced to work building infrastructure for the pipeline—military barracks for the pipeline security forces; pipeline roads; bridges; and helicopter landing pads. All of these human rights abuses because of a resource extraction project that is as unnecessary as it is unsustainable.

When I first learned about these pipeline projects, I felt both angry and overwhelmed at the same time. How could foreign companies cut business deals with the Burmese junta and ensure their very survival, while condemning them at the UN and elsewhere? And I felt overwhelmed—it was hard enough for our people to challenge our own government, never mind our government backed by powerful foreign oil companies coming from foreign lands. At that time, back in the early 1990s, people in Burma were

organizing various strategies to bring down the Burmese regime. We had tried nonviolent protest; after that failed, many students joined the ethnic nationality armies in the jungle to wage a military struggle against the regime. We were just beginning to learn how to navigate the international system to pressure the regime through the media, the UN, and from foreign governments.

But with the onset of economic globalization, with our government partnering with foreign corporations, we had new challenges, and we needed new tools to try to address these challenges. Yes, the human rights abuses that were occurring were sadly the same as we were used to. Forced labor, rape, torture, and portering was nothing new for people of Burma. But behind the soldiers committing the abuses were powerful American and French companies – and they were calling their projects “development” as if this was something we should be grateful for. Moreover, the abuses were happening in our villages, at the most local level – but the decisions that were being made, the contracts being signed, the plans being developed, were happening in Los Angeles, Paris, London. We had new challenges, and we needed new strategies to meet these challenges. And with these new challenges, came new opportunities for action and redress.

In 1995, I was joined by two young lawyers from the United States, and together we founded EarthRights International. Our first focus was to address the harms arising out of Unocal and Total’s Yadana gas pipeline project. Together, we recognized that the problems were occurring at every level – internationally, with the oil companies and military junta making decisions and signing contracts without any local participation or even knowledge, never mind consent. And then the human rights abuses and environmental harms were happening at the most local level – in villages, forests, homes, and bodies. We realized that we therefore had to make sure that our solutions were as interconnected as the problems – that we could not address just the human rights abuses or just the environmental harms. Nor could we focus only on global or national strategies, or purely local strategies either.

We founded EarthRights to combine the power of law and the power of people in defense of human rights and the environment. And together, working with local people from the pipeline region of Burma, and international human rights lawyers in the United States, we sued Unocal and Total for rape, torture, forced labor, killing, and other violence associated with their pipeline. We trained local people to document human rights abuses and gather evidence that would stand up in US courts; we worked with villagers from the pipeline region who had experienced human rights abuses, and they became our clients – the plaintiffs in the case that we filed against the corporations. We also located witnesses for our case – other victims of human rights abuses, or those who observed or knew about these abuses – even Burmese army defectors, soldiers who had committed the harms, became witnesses in our case.

When we filed this case against the oil companies in 1996, people thought we were crazy. “Experienced” lawyers from the US laughed at Katie Redford and Tyler, the two lawyers who dared to bring a case that had never been brought before. “You can’t sue oil companies for human rights violations in Burma” the so-called experts said. “Only governments, not corporations, are subject to human rights law.” But they were fresh out of law school, young, idealistic, and passionate about what they believed. “The law is always changing to address new problems” they responded. “You’re just saying we can’t do it because nobody ever has.”

Meanwhile, people from my community thought I had lost my mind. “You think law can help a lawless country like Burma?” said people who were my elders, the most respected people in our community. “That’s not how we have done things in our country, it won’t work”.

Most of you know by now that it was us – the young, idealistic, passionate kids, who supposedly didn’t know what they were doing – that were right in the end. We built a strong and skilled alliance of grassroots activists with international lawyers, and together, working for almost 10 years, we won. First, in 1997, our lawsuit against Unocal became the first time in legal history that a corporation was allowed

to be sued for human rights abuses in US courts. And then, in 2004, Unocal agreed to pay compensation to our clients. 12 supposedly powerless villagers from Burma took their own futures into their own hands, and using the law as their weapon, they brought a major multinational oil company to its knees. It was the largest individual human rights settlement in legal history.

Why were we successful? I believe that there were, and are today, two main ingredients to our success at EarthRights. First, we believe in unity and alliance, even among groups that supposedly have nothing in common. Building linkages between local and global activists and organizations is effective and necessary in today's globalized world, where nothing is purely local and nothing is purely global. At EarthRights, we have offices in Washington DC and in Thailand, and our staff is made up of a diverse variety of individuals ranging from villagers from grassroots communities, to nationals from Burma, Australia, Thailand, Canada, the US and elsewhere. Because of our networks in these and other countries, including Peru, India, Nigeria and Colombia, we have been able to bring similar lawsuits against giant corporations, and also achieve victories on behalf of others from around the world who have suffered from corporate and government abuse. We learned from the success of our lawsuit against Unocal, and so we have tried to follow that model by building similar alliances across the world, between local, national, regional, and international individuals and institutions.

In addition to building alliances across borders and that transcend culture and experience, I believe that encouraging and building the leadership potential of young people is essential. Young people have a different sense of urgency, passion, and idealism than those of us who are older and more "experienced." I firmly believe that if Katie, Tyler and I had the "experience" in 1995 that we do now, we might have listened to the people who told us that it would be impossible to sue an oil company. Maybe, we would have given up, and decided on a strategy that was more "realistic". But our youth, our healthy mistrust of anyone who told us that we couldn't do it, and our passion and idealism was a deciding factor in bringing this case. And now, those who told us back then that we were crazy, look to us with a new kind of admiration and respect.

For this reason, we at EarthRights established the EarthRights School in 1999, to help give young and emerging leaders from grassroots communities new skills, experience, confidence and tools to lead their people and protect their communities from human rights and environmental abuses. Since 1999, our EarthRights Burma school has been training 16 ethnically diverse students from Burma every year. These students come from various regions inside Burma, and along all of Burma's borders, to live and learn together about new strategies for addressing the new challenges inside their country and their community. And now our second school in Asia, the EarthRights Mekong School, is in its fourth year, providing long term training and support to young people from China, Laos, Vietnam, Cambodia, Thailand and Burma. They too are incredibly diverse, but they are united by their idealism, their hope, their passion and commitment to protect the Mekong River and the rights of the communities that depend on it for their survival.

We know that there are too many challenges in Asia, and indeed the world, to do it all ourselves. We cannot be working alone. That is why we are so proud of our EarthRights Schools, that build our network and our cadre of skilled, committed and idealistic activists to carry on this important work. Every day, new problems arise, and we need new strategies, and new networks and tools to address these challenges. At EarthRights, we have followed our model in the Unocal case and we now represent victims and survivors of earth rights abuses in other parts of the world as well. For example, we have sued Chiquita – the US fruit company – that hired paramilitary death squads in Colombia to protect their fruit plantations. Hundreds if not thousands of indigenous people and rural farmers were tortured and killed by these forces, just so Chiquita could make a profit. Likewise, we sued Shell, the UK-Dutch oil company, for its complicity in the execution and torture of Ken Saro-Wiwa, and other indigenous environmentalists, who dared to organize and speak out against the destruction of their homeland. We recently won a settlement against Shell, and so have been able to take one step towards justice in this

struggle. And we represent plaintiffs from Bhopal India, who are still suffering human rights violations associated with the Bhopal industrial disaster by Union Carbide/Dow chemical over 20 years ago. It's a long road to justice, and we need all of us to be part of this long struggle.

Of course, it is not easy. When you build alliances and teams across the world from many different experiences and cultures, there are many challenges. Language and cultural differences are always there, and when you've got a team of passionate committed activists from different backgrounds, experiences and education levels, it can get complicated at times. When I think about our team in the Unocal lawsuit and all of the ideas and opinions of the many different lawyers, human rights advocates, villagers and community leaders... and I think about how everyone thought that they were right, that they knew the truth... sometimes I don't know how we were able to win. But this is the beauty of our movement, and this is the fuel that can feed our fire and sustain our cause. When you bring together these passions, and you share these passions for social change, the potential is limitless. Social change is about passion and commitment. When you can channel your own unique passion and bring it into a unity with the unique passions of others, you can create new strategies and victories that would not have been possible if you were acting alone. Yes, of course we had clashes between headstrong and committed individuals and lawyers, and I was certainly one of them! We all have our own priorities, our own truths, and our own definitions of success. But the most successful teams that I have worked on are those in which we learned to harness our energy with understanding, without arrogance, and with unity of spirit. And that is how villagers brought down an oil company and can do it again.

Indeed, we will always face new challenges and obstacles along this road, and we will need new alliances and networks. Now in Burma it is not the US or French corporations that are our biggest problem, although the abuses on the Yadana pipeline which is now Chevron and Total's, are ongoing. Now, we are addressing abuses associated with a new pipeline—the Shwe gas pipeline—which is being constructed by Korean corporations to deliver natural gas to China. The same kinds of human rights abuses that happened on the Unocal pipeline are already beginning to happen on the Shwe pipeline. The problems are largely the same, but the institutions that we must challenge different, and we will require different strategies. In this situation, we are going up against Asian corporations—and as you probably know, it is sometimes harder to talk about human rights concerns to officials, leaders and even other citizens from our own countries than it is to people in Europe or America. So, we still have a lot of work to do at home. I believe that people who graduate from the EarthRights Schools—our alumni from the Mekong region and from Burma—will be the next generation of leaders to carry on this work. We need people like them to sustain our movement for earth rights, because this is long term work and it will take all of our commitment for many years to be successful.

The truth is, abuses of human rights and the environment go hand in hand, and these abuses are happening in Asia and all over the world. A sound environment cannot be maintained without respect for human rights, and human rights are unattainable without a healthy and safe environment. In spite of this, our two movements have sometimes been cast as opponents, instead of allies working for the same basic goals—the restraint of unaccountable government and private power. Whether it is chemical contamination in India, killing and torture of people in Colombia, or the murder of Nigerians to protect Shell's oil interest in Ogoniland, it is difficult to distinguish the environmental abuses from those to human rights.

Unfortunately, it is not surprising that those who disrespect human rights also show complete disregard for the environment. The story of Ken Saro-Wiwa brought international attention to the multiple linkages between human well-being and the environment—what we call *earth rights*. Traditional civil and political rights such as freedom of speech, freedom of association, access to information and the rights to nondiscrimination and self-determination—are often prerequisites for advocates and local communities to participate in, and, where necessary, challenge decisions that affect the environment and community interests. But the connections go far beyond civil and political liberties—the enjoyment of economic and

social rights, and freedom from want, only has meaning in an environment that meets peoples' needs. It is difficult for any of us to organize or speak out if we don't have access to clean water, clean air, food, or other life-sustaining natural resources. All other human rights, and indeed our very survival, rely on a healthy and habitable environment.

When I fled Burma in 1988, I knew nothing about the environment. Now, over 20 years later, I have interviewed thousands of victims of human rights abuses, and listened to their stories of suffering and 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 who were ordered at gunpoint to work on a logging road after their village had been forcibly relocated; the fisherman who lost his livelihood when international trawlers forced him out of the Andaman Sea; and his family, forced to flee their home and become refugees because of the increased military presence and abuses. Are these human rights or environmental issues?

The answer should be obvious: they are not one or the other, they are both. Human rights and the environment are inextricably linked. I believe that our own survival, as a people and a planet, must focus on these and indeed all connections—both with the earth and with each other. All of our strategies at EarthRights emphasize connection: connecting human rights advocates with environmental defenders; connecting local and grassroots activists with international lawyers and NGOs. By building connections and unity across borders, culture, and experience, we believe that we can challenge and overcome these threats to our world. By sharing our diverse passions and commitments, we can win.

Over the last few years, my exile from Burma has given me the opportunity to meet with human rights leaders from all over the world. And I have discovered that so many of their causes show the same dynamic of interconnection between local and global, and human rights and the environment. Those of us who have been dedicated to protecting humans and those who have focused on the environment must recognize that we work at cross-purposes if we do not work together. Human beings are part of the environment. It is human beings that are destroying the environment and it is up to us to protect it. It is time for us to join our hands together and unify our voices and our passions to save the planet and save ourselves.