

“The Public Eye Awards”

Nominations form

Nominated company (name):

The French oil company Total and the U.S. oil company Unocal

Short description of the company:

Total is headquartered in France, where 45% of its employees are based. Its CEO is Thierry Demarest. In 2003, it had sales of 104,652 billion Euros and net income of 7,344 billion Euros. Total is the fourth largest oil company in the world, and the fourth largest European company of any kind.

Unocal is based in Southern California. Its CEO is Charles R. Williamson. In 2003 it had assets of \$11.8 billion revenues of \$6.5 billion, and 1,759 million barrels (oil equivalent) of reserves. It operates worldwide, but has a long history in Southeast Asia.

Nominated for the following award categories:

- environment
- human rights
- labour rights
- taxes
- special prize _____
(name a award category in the style of the above)

More than one category can be chosen, if a company has acted irresponsibly in all these areas or if it cannot be assigned to just one category. In this case the organising committee will decide the final category.

Reasons for nomination:

Under this heading there should be presented as much information as possible on the irresponsible behaviour of the nominated company – ideally covering each of the points below, including references or sources. Please use a separate page for each case example of the company. Additional supporting material such as reports or newspaper articles, and also film material, is welcomed.

General information on the case and date or time period

This nomination is made because we believe that the Total/Unocal behavior in Burma, and the efforts to hold them accountable by villagers, are emblematic of some of the major issues of corporate power in the world today. The case raises the following questions: Should a company form a partnership with brutal and repressive military forces, knowing the military will commite egregious abuses on the company's behalf, for the sake of "development?" Is corporate "engagement" always positive, or

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should we be wary of “destructive engagement?” If corporate behavior leads to gross violations of human rights in one country, can they be held accountable in their home country, where the decisions were made? Can an illiterate peasant from a remote region of a repressive country bring a giant corporation to court and gain a measure of justice?

The nomination revolves around the Yadana gas pipeline in Burma. In the early 1990’s, these companies decided to build a gas pipeline from the Andaman Sea, through the Tenasserim region of Burma and into Thailand, where the gas would be used for electricity production. They did this knowing that forced labor, forced relocation, and even rape and murder were typical behaviors of the Burmese military, their partner in the project. They did this knowing that these violations were inevitable. Even their own consultants told them this would happen.

In the course of providing security for the pipeline, one day soldiers came to the home of a Karen villager we will call Jane Doe. They were looking for her husband, who had fled from forced labor on the project. During the visit, one soldier kicked Jane Doe so hard, she fainted and dropped her baby into the cooking fire. The baby later died.

Other villagers were forced to carry heavy loads – as much as 90 pounds for hours on end– as porters for the military. Some women were raped. Soldiers took over villager’s homes. Farmers were forced to grow rice for the military. Life became unbearable for many, and many fled to Thailand, where they live as illegal workers; others are internally displaced people.

In all of this, Total and Unocal were complicit.

Although the worst of the known atrocities in the pipeline region took place over five years ago, the human rights situation generally in Burma has not improved. Total and Unocal, as the largest foreign investors in Burma, continue to support one of the world’s most repressive regimes, against the wishes of the democratically elected National League for Democracy, led by Nobel Peace Prize winner Aung San Suu Kyi, who is under house arrest at the time of this writing.

In addition, Total and Unocal continue to use every legal maneuver available to avoid liability for their complicity in these human rights crimes. In the case of Unocal, lawsuits against the company are in progress in California state and federal courts. In court, Unocal has insisted that the parent company is not responsible for what happened in Burma. (Despite Unocal’s best efforts, the cases against them are proceeding, and setting legal precedents that will allow for the similar suits against other equally irresponsible corporations.) Furthermore, Unocal has spearheaded a campaign by big business in the U.S. to repeal or amend the law under which they have been sued, the Alien Tort Claims Act (ATCA). ATCA is one of the few tools for holding corporations accountable for human rights violations. As a domestic law based on international legal principles, it is potentially a key component of transnational corporate accountability. Unocal is working to eviscerate it.

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A case has also been filed in France against Total. That case is also currently proceeding.

NOTE: We are currently seeking an update on the status of the Total case.

Characteristics of the company's irresponsible behaviour

Total and Unocal follow certain typical responses to exposes of their behavior, which one might call the "Four D's:"

Deny – They deny that any atrocities had occurred, even though their own CEOs have admitted that there has been forced labor.

Defy – They have defied international opinion, including that of other transnational companies, virtually all of which have left Burma.

Delay – Through legal maneuvers they have delayed justice for some of the victims for nine years and counting.

Dupe – They have attempted to dupe the public through public relations, claiming that the people in Tenasserim are better off because of the pipeline. No independent assessments of this are possible, as independent travel to the region is extremely dangerous and prohibited by the military. Their websites tout their commitment to human rights and corporate responsibility. Total has joined the Global Compact, in an attempt to 'bluewash' its image by cozying up to the United Nations. A high level UN employee, during the June 23, 2004 Global Compact Counter Summit, even defended Total, saying that it was open to dialogue as long as there was no threat of litigation. You might say he's been duped

Consequences

The consequences of Total and Unocal's behavior include:

-Militarization of an ethnic minority region of Burma, which in turn led to rape, summary execution, forced labor and forced relocation.

-Financial support to the Burmese military regime, one of the most brutal in the world

-A flow of unneeded natural gas to produce unneeded electricity in Thailand

-A campaign to eliminate legal liability in favor of "dialogue."

Sources / references

The main source of information for this nomination is "Total Denial Continues," EarthRights International, Chaing Mai 2000 and from briefs in the in the lawsuit *Doe et al v. Unocal et al*. Information about Total and the Global Compact is from the Compact website and from a debate between UN Assistant Secretary General John Ruggie and John Cavanagh of the Institute for Policy Studies on June 23rd, 2004 in New York.

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Nomination submitted by

Name of individual or organisation: EarthRights International

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