

## Total and Unocal

Headquarters:	Courbevoie/France (Total), El Segundo/California US (Unocal)
Turnover / Net profit:	€104,652 billion (Total 2003 turnover), €7.344 billion (Total 2003 profit), US\$ 6.5 billion (Unocal turnover 2003), US\$643 million (Unocal profit 2003)
Branch of trade:	Total is the fourth largest oil company in the world. Unocal is an energy resource and project development company.
CEO:	Thierry Desmarest (Total), Charles R. Williamson (Unocal)
Members to the WEF:	YES (Total), NO (Unocal) (in January 2004)

### **Outline**

*Total and Unocal, as the largest foreign investors in Myanmar/Burma, continue to support one of the world's most repressive military regimes and refuse to assume accountability for the human rights atrocities occurred in the course of the construction of the Yadana natural gas pipeline. EarthRights International demands that both companies finally acknowledge their vicarious liability for the violations of human rights committed in the region.*

*UPDATE: On 13 December 2004, EarthRights and Unocal announced that a tentative settlement agreement had been reached in the Unocal case, which was brought to the US courts in 1997 under the Alien Tort Claims Act.*

### **General Information on the Case**

In the early 1990s, Total and Unocal 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. The Yadana natural gas pipeline through Burma is a joint venture project. Total is the operating partner and Unocal has a sizeable minority stake. The other two partners are the Thai electricity authority and the Burmese military.

The political situation in Burma continues to be very dire. Burma's brutal military regime refuses to acknowledge the democratically elected government of the National League for Democracy, led by Nobel Peace Prize Laureate Aung San Suu Kyi, who has been under house arrest since 2003.

### **Characteristics of Irresponsible Corporate Behaviour**

- Total and Unocal started the Yadana project knowing that forced labour, forced relocation, and even rape and murder were typical behaviours of the Burmese military, one of their partners in the project. The worst of the known atrocities in the pipeline region took place over five years

ago. However, the human rights situation in Burma has not improved. Total and Unocal deny that any human rights atrocities have ever occurred, although even their CEOs admitted that there might have been forced labour.

- Total and Unocal have attempted to dupe the public through public relations, claiming that the people in Tenasserim profited from the pipeline. Since travel to the region is prohibited by the military, no independent assessment of this claim is possible.
- The companies' websites tout their commitment to human rights and corporate responsibility. Total has joined the UN Global Compact, in an attempt to 'bluwash' its image.
- Unocal has spearheaded a campaign by big business in the United States in order to repeal or amend the law under which they have been sued, the Alien Tort Claims Act (ATCA). The 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.

## **Consequences**

Through their investments in Burma and their participation in a joint venture project with the Burmese military, Total and Unocal have been supporting one of the most brutal regimes in the world. The companies activities in the Tenasserim region lead to the militarization of this ethnic minority region, which in turn led to rape, summary execution, forced labour and forced relocation.

## **Current Status**

Lawsuits against Unocal are in progress in California state and federal courts. In court, Unocal has insisted that the parent company was not responsible for what happened in Burma. In Europe, lawsuits were filed against Total both in Belgium (for "complicity in crimes against humanity") and in France (for "complicity in unlawful confinement"). These cases are also still pending.

UPDATE: As per 13 December 2004 a settlement in principle was reached in the Unocal case. Unocal agreed to compensate Burmese victims of forced labour, rape and murder. The agreement includes a fund for refugees in the pipeline region. This is a "major victory for human rights and corporate accountability", says Kenny Bruno from EarthRights International.

**Link to the details of the nomination: [www.evb.ch/nominations.htm](http://www.evb.ch/nominations.htm)**

Further information and links:

[www.earthrights.org](http://www.earthrights.org)