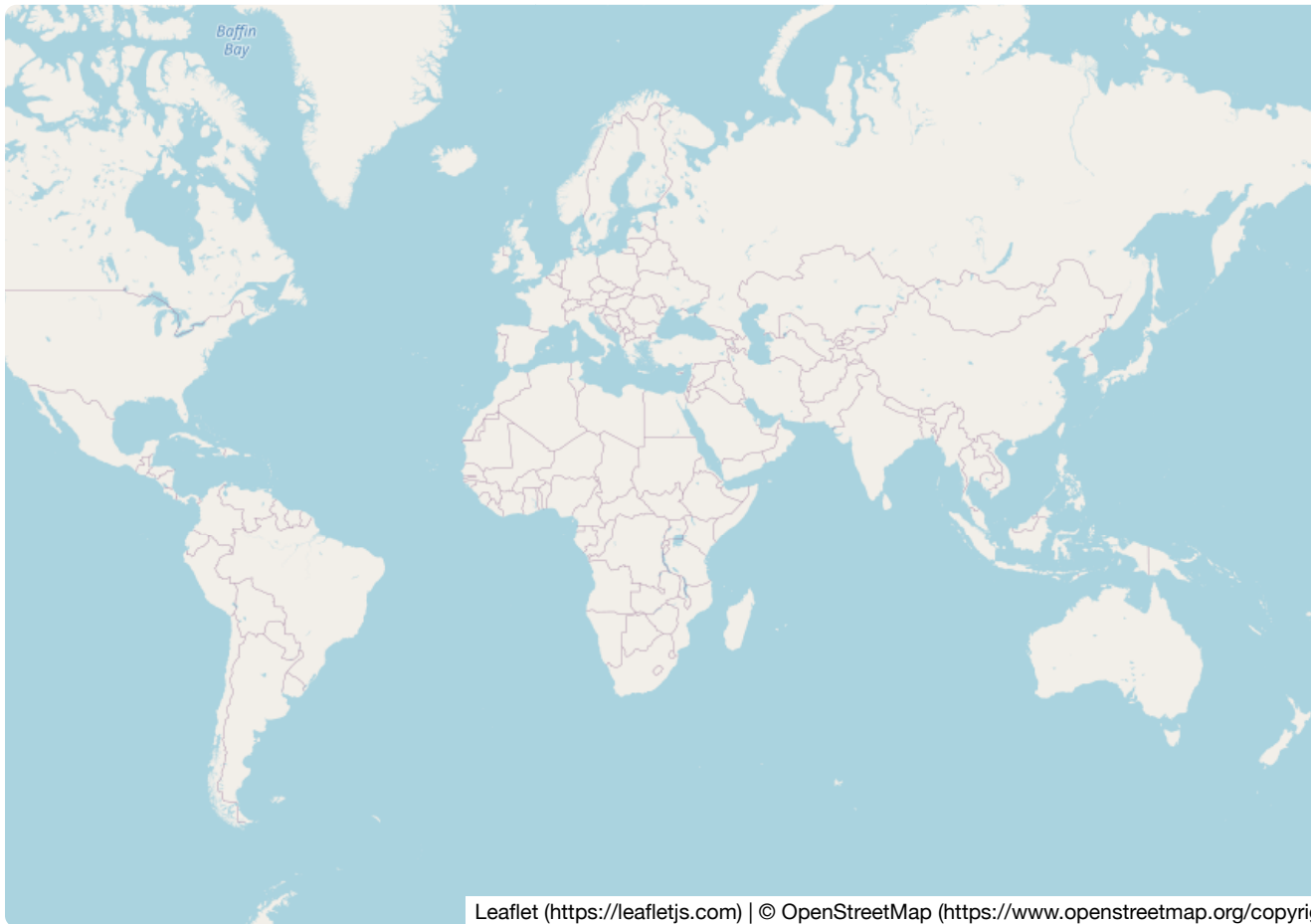


# Yadana Gas field and pipeline, Myanmar



## Description:

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The Yadana gas field is an offshore gas field in the Andaman Sea. It is located about 60 kilometres (37 mi) offshore to the nearest landfall in Myanmar. The project has been developed in partnership with local communities and western oil companies with the objective of involving local communities and protecting the environment. The Yadana gas field and pipelines are operated by Total S.A., with Chevron Corporation as its junior partner along with PTT, a Thai state-owned oil and gas company, and Myanma Oil and Gas Enterprise (MOGE), a state-owned enterprise of Myanmar. The operator of the gas field is Total. Since the project's beginnings in the early 1990s, it has been marred by serious and widespread human rights abuses committed by pipeline security forces on behalf of the companies, including forced labor, land confiscation, forced relocation, rape, torture, murder. Many of these abuses continue today.

From the beginning, the project started with mounting controversies. The project consortium asked the government to provide security for the project site, while a dozen of local villages were relocated along the corridor of pipeline area. With the presence of more government troops in the areas, the local population was also forced to work as porters for the army. Villagers are also forced to construct local roads in some parts of the pipeline corridor without compensation. The complete militarization in the project area resulted in abuses such as extra-judicial killings, torture, rape and extortion by the army units have dramatically increased as project progressed. Many villagers fled to Thailand and took refuge in camps along the border, whereas many more were internally displaced within Burma. By 1994, major international human rights and environmental groups have started to investigate the abuses and damages caused by the project.

This report documents Chevron's ongoing role in financing the military regime in Burma (Myanmar) and profiting from human rights abuses on the Yadana natural gas development project. It is based in part on over 70 formal interviews over the past five years, documenting conditions in the region of Burma affected by the Yadana gas pipeline, and corroborating information from ERI's network of contacts, as well as ERI's prior experience in documenting abuses on the Yadana Project dating back to 1994, and on documents that have become public through the groundbreaking human rights lawsuit *Doe v. Unocal*. In October 1996, 15 members of the Karen minority Burmese group, who alleged that they or their family members had been subjected to relocation, forced labor, torture, murder, and rape on the Yadana pipeline project filed a class action suit against Unocal in a U. S. federal court (*Doe v. Unocal*). The suit argued that Unocal should be held responsible for the injuries inflicted on hundreds of Karen by the Burmese military because the activities of the military were conducted on behalf of the pipeline project in which Unocal held a major stake and from which Unocal benefited. The suit in Federal court was based on the Federal 1789 Alien Tort Statute which has been interpreted to authorize civil suits in U.S. courts for violations of internationally recognized human rights.

In 1996, two lawsuits were filed at the US federal court against UNOCAL for its role in human rights abuses: *Doe v. Unocal* case. The trial in state court began in late 2003 and the judge Chaney set a trial date for June of 2005 for a jury trial on the plaintiffs' claims of murder, rape, and forced labor. So in March 2005, Unocal agreed to compensate the plaintiffs in a historic settlement that ended the lawsuit. But even though the conflict was settled, yet the respondents are dissatisfied with the project and most of the affected people don't understand, and lacked knowledge about the hearing, primarily concerned about their compensations. However, the opponents, Affected People and NGOs stopped demonstrations because they had promised the government to do so before the hearing. And at the same time, a study showed that only the Project Sponsors are completely satisfied with all hearing factors. Even though this hearing could not improve people's perception of environmental soundness of the project, it has stimulated the public in using their rights to protect their benefits.

On August 10, 2005, Unocal merged its entire upstream petroleum business with Chevron Corporation and became a wholly owned subsidiary.

In April 2002, four Myanmar refugees filed a lawsuit against TotalFinaElf (now Total), Thierry Desmarest (chairman of Total) and Hervé Madeo (the former director of Total's Myanmar operations) in Brussels Magistrates' Tribunal. The Myanmar refugees brought the lawsuit pursuant to a 1993 Belgian law of universal jurisdiction. The plaintiffs allege that Total and its managers have been complicit in crimes against humanity, such as torture and forced labour, committed by

the Myanmar military junta in the course of the construction and operation of the Yadana Gas Pipeline in Myanmar. The plaintiffs allege that Total provided moral and financial support to the Myanmar military government with full knowledge that its support resulted in human rights abuses by the military. Environmental activists were also concerned with the potential impact of the pipeline construction in Tanintherim region, which has the largest block of intact rainforests in Southeast Asia. According to the World Wildlife Fund, the region is listed as one of Conservation International's twenty-four hotspots of global biodiversity, notable for endangering tremendous biological diversity. On the other hand, the offshore portion of the pipeline in the Andaman Sea also puts the environment at risk. Gas exploration and production produces large quantities of toxic wastes and atmospheric emissions. No independent Environmental Impact Assessments of the project was conducted or subjected to public scrutiny. In 2010 EarthRights International released an "explosive new report Energy Insecurity: How Total, Chevron, and PTTEP Contribute to Human Rights Violations, Financial Secrecy, and Nuclear Proliferation in Burma (Myanmar) on July 5, 2010 in Paris. The report describes how the oil companies Total (France), Chevron (US), and PTTEP (Thailand) have generated over US \$9 billion dollars in military-ruled Burma (Myanmar) since 1998, making their Yadana Natural Gas Project the single largest source of revenue for the country's notoriously repressive dictatorship." [1]

## Basic Data

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### Name of conflict:

Yadana Gas field and pipeline, Myanmar

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### Country:

Myanmar (/country/myanmar)

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### Location of conflict:

Offshore

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### Accuracy of location

MEDIUM (Regional level)

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## Source of Conflict

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### Type of conflict. 1st level:

Fossil Fuels and Climate Justice/Energy

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### Type of conflict. 2nd level:

Oil and gas exploration and extraction

Transport infrastructure networks (roads, railways, hydroways, canals and pipelines)

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## Specific commodities:

Natural Gas (/commodity/natural-gas)

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## Project Details and Actors

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### Project details

million cubic feet per day (in 2009) The major part of the project construction was 412 km of pipelines -- mostly undersea with the final 63 km (39 miles) crossing the Tenasserim region of southern Burma, to Ban-I-Tong at the Thai-Burma border. The Thai portion of the pipeline, from the border to the Ratchaburi power plant, is the responsibility of the Petroleum Authority of Thailand (PTT), which is purchasing the Yadana gas.

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### Type of population

Rural

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### Start of the conflict:

10/1996

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### Company names or state enterprises:

Total SA (/company/total) from France (/country-of-company/france)

Petroleum Authority of Thailand Exploration & Production (PTTEP) (/company/petroleum-authority-of-thailand-exploration-production) from Thailand (/country-of-company/thailand)

Myanmar Oil and Gas Enterprise (MOGE) (/company/myanmar-oil-and-gas-enterprise) from Myanmar (/country-of-company/myanmar)

Chevron (/company/chevron-corporation) from United States of America (/country-of-company/united-states-of-america)

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### Environmental justice organizations (and other supporters) and their websites, if available:

Earth Rights International

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## Conflict & Mobilization

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### Intensity

HIGH (widespread, mass mobilization, violence, arrests, etc...)

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### Reaction stage

In REACTION to the implementation (during construction or operation)

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## Groups mobilizing:

Indigenous groups or traditional communities  
International ejos  
Neighbours/citizens/communities  
Ethnically/racially discriminated groups  
Myanmar refugees  
Villagers  
The Karen

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## Forms of mobilization:

Creation of alternative reports/knowledge  
Involvement of national and international NGOs  
Lawsuits, court cases, judicial activism

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## Impacts

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### Environmental Impacts

**Potential:** Biodiversity loss (wildlife, agro-diversity)

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### Other Environmental impacts

toxic wastes

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### Health Impacts

**Visible:** Violence related health impacts (homicides, rape, etc.), Deaths

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### Socio-economical Impacts

**Visible:** Increase in Corruption/Co-optation of different actors, Displacement, Increase in violence and crime, Loss of livelihood, Militarization and increased police presence, Violations of human rights, Land dispossession

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## Outcome

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### Project Status

In operation

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### Conflict outcome / response:

Deaths, Assassinations, Murders  
Court decision (failure for environmental justice)  
Migration/displacement  
Out of court settlement

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## Do you consider this an environmental justice success? Was environmental justice served?:

No

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### Briefly explain:

In 2005, Unocal (part of Chevron) settled two lawsuits out of court filed in the United States of America by villagers in Myanmar alleging human rights abuse by the company during the construction of the pipeline. Regarding the Belgian case, a procedural issue arose as to whether the plaintiffs had standing to bring the lawsuit because they were not Belgian citizens. In April 2005, the Court of Arbitration (Cour d'arbitrage, renamed the Constitutional Court in May 2007) ruled that the exclusion of refugees from access to the provisions of the law on universal jurisdiction was unconstitutionally discriminatory. However, in June 2005, the Cour de cassation (court of highest appeal) dismissed the proceedings against Total, disregarding the ruling by the Court of Arbitration. In June 2006, the Constitutional Court struck the provision of the universal jurisdiction law that barred non-citizens from bringing lawsuits under the law. In March 2007, the Court de Cassation dismissed the entire proceeding, ruling that it could only continue on the basis of a law modified by the Constitutional Court if the modification favored the defense (in this case, Total). In October 2007, based on the universal jurisdiction law as modified by the Constitutional Court, the Belgian federal prosecutor's office opened a new investigation into this case. The Belgian authorities declared the case closed in March 2008, dropping the case against Total.

The US oil giant Chevron is continuing to do business in Burma after a provision to stop it operating there was removed from the latest round of US sanctions on the country.

The new sanctions plan, approved on the 22 July 2008 by Congress and expected to receive quick approval from the White House, prevents the sale of Burmese gems and timber in the US via third parties – bringing the US into line with EU and Canadian policy. Profits from those products have enriched Burma's oppressive military regime.

But Congress chose not to sanction Chevron, the largest US business still operating in Burma. An early version of the plan would have forced the company to give up its 28% stake in the Yadana natural gas field, which the regime considers a crucial political priority.

## Sources & Materials

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### Juridical relevant texts related to the conflict (laws, legislations, EIAs, etc)

Doe v. Unocal Case

<http://openjurist.org/395/f3d/932>

EarthRights International, Doe v. Unocal Case History

<https://www.earthrights.org/legal/doe-v-unocal-case-history>

1993 Belgian law of universal jurisdiction

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### References to published books, academic articles, movies or published documentaries

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[humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/UnocallawsuitreBurma](http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/UnocallawsuitreBurma)

EarthRights International, The Yadana Pipeline

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Summary of the lawsuit against Total, and news articles available here:

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[humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/TotallawsuitinBelgiumreBurma](http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/TotallawsuitinBelgiumreBurma)

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Yen Snaing, Sacked Yadana Pipeline Workers Seek Compensation from Total, THE IRRAWADDY, February 10, 2015

<http://www.irrawaddy.com/burma/sacked-yadana-pipeline-workers-seek-compensation-total.html>

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Elana Schor, US removes oil giant from Burma sanctions, The Guardian, 23 July 2008

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## Related media links to videos, campaigns, social network

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## Meta information

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### Contributor:

Elodie Aba

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### Last update

18/08/2019

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### Conflict ID:

842



## Images



**is offering 30 offshore blocks for exploration**

Source: William Boot, MOGE Begins Long Process to Pick Burma's Oil, Gas Investors, THE IRRAWADDY, August 1, 2013



### **Yadana natural gas field pipelines sit in the Andaman Sea**

Yadana natural gas field pipelines sit in the Andaman Sea. Photo: EPA/ Suplied Source: Aung Shin, Oil and gas stumbles with price drop, Myanmar Times, 11 September 2015 <http://www.mmtimes.com/index.php/business/16445-oil-and-gas-stumbles-with-price-drop.html>