30 November 2021

Mr. Patrick Pouyanné
Chairman/CEO, TotalEnergies SE
Headquarters TotalEnergies
Tour Coupole - 2 place Jean Millier 92078 Paris la Défense cedex, France

Call for TotalEnergies to end its complicity in Myanmar military’s atrocity crimes

Dear Mr. Pouyanné,

We call your attention to the campaign, “TOTALENERGIES - stop being an accessory to Min Aung Hlaing & the Myanmar military’s murder campaign!” which has amassed over 224,268 signatures and been endorsed by 789 international civil society organisations and international labour and student unions.¹ Collectively, we call on TotalEnergies to end its complicity in the Myanmar military junta’s atrocity crimes by ensuring all payments to Myanmar be placed in a protected account until a democratically elected government is in place.

Monthly payments from TotalEnergies’ Yadana gas project are among the junta’s largest sources of foreign revenue, reaching over USD 400 million per year. By making and facilitating payments to accounts controlled by a criminal junta that is not recognised by the international communities as the government of Myanmar, TotalEnergies is in breach of Myanmar law, and its human rights obligations.

TotalEnergies (at that time, Total) entered Myanmar in 1992, shortly after the 1988 protests and crackdowns in which the Myanmar military killed thousands of civilian protesters and detained political opponents. Total profited from Myanmar gas while the military misappropriated billions of dollars funnelled by Total through offshore trust corporations to Singapore bank accounts, 99% of which were never recorded in the Myanmar state budget.² ³

TotalEnergies has updated its name, but not its behavior. As of 1 February 2021, it is again providing to the Myanmar military junta the funds and means to buy weapons, knowing the junta will use them against civilians, particularly in ethnic nationalities’ areas where civil war has been fought for decades.

Since the failed coup in February 2021, the junta has killed over 1,286 civilians, including 69 children. It has unlawfully detained over 10,000 citizens, including children taken in place of their parents. It has sentenced 65 people to death, including 2 children.⁴ It has used shameful displays of violence, forced disappearances and airstrikes on villages and towns to instill fear in the population. This includes the targeting of civil society


⁴ https://aappb.org/?p=18848
activists involved in the Extractive Industries Transparency Initiative (EITI) in Myanmar.\(^5\) We acknowledge TotalEnergies participation in the EITI and it’s important role on the global board of the EITI.

Meanwhile, TotalEnergies has misrepresented its relationship with Myanmar, disregarded the Myanmar people’s voices and made misleading statements about “humanitarian dilemmas.”\(^1\)

We wish to address your statement of 4 April in *Le Journal du Dimanche* justifying the actions of TotalEnergies, all of which fail to consider the humanitarian implications of payments that make TotalEnergies complicit in the junta’s atrocity crimes.\(^6\)

1) **The junta would not cut gas supplies - undermining Myanmar energy security if TotalEnergies payments were diverted to an escrow account.** Halting production would hamper the junta’s efforts to assert control in Myanmar and force Thailand, its vital ally, to incur the costs of importing LNG. Our call to TotalEnergies is not to stop gas production, only to divert revenues to accounts inaccessible to the junta.

2) **TotalEnergies’ statements on Thai energy security are either recklessly ill-informed or knowingly false.** Thailand has a large energy generation overcapacity, many of its underutilized power plants can switch to fuel oil or diesel, and has the capacity to increase LNG imports to replace Myanmar gas.\(^7\)

3) **TotalEnergies argues that it does not want to “upend” daily life of the people of Myanmar, disregarding nation-wide demands from inside Myanmar.** Indeed, this point is both ill-informed and neocolonialist. Most people in Myanmar have been without electricity for most of their lives. In 2016, 64% of the Myanmar population did not have access to electricity. A recent public survey found people overwhelmingly preferred electricity cuts to revenues reaching the junta; in other words, the idea of TotalEnergies funding prolonged military rule is extremely unpopular in Myanmar. This view is demonstrated by the current nation-wide protest movement of civilians refusing to pay their electricity bills.\(^8\)

4) **TotalEnergies has stated concern that its Myanmar staff would be subject to forced labor if they were to halt payments to the junta, while ignoring calls by these same staff to do just that.**\(^9\) These staff base their calls on an understanding of the atrocities that a well-funded junta will commit against everyone in Myanmar, including them. Moreover, TotalEnergies’ Myanmar staff and its partner, *Myanma Oil and Gas Enterprise (MOGE)*, do not have the capacity to operate the Yadana pipeline without the ongoing international technical support of its international staff - that creates a situation where staff are at risk of persecution if they do not work to finance the junta. **Fundamentally, why is TotalEnergies funding the junta if it presents such a serious threat to TotalEnergies’s staff and the wider population?** TotalEnergies’s staff are unsafe as long as the Myanmar military continues to purchase arms and attack civilians with funds they received from the sales of gas and oil.


5) TotalEnergies’ contracts do not require it to pay or facilitate the transfer of funds to accounts controlled by the illegitimate junta. In contrast to TotalEnergies’ insistence that local law says it must pay taxes to the military junta, Myanmar law expressly forbids misappropriating public funds and payments to third parties that are impersonating public servants. TotalEnergies’ joint venture partner MOGE, a state-owned enterprise (SOE), as well as its bank accounts are under junta control. The European Union, United States, United Kingdom and Canada have stated that SOEs fund the junta and military atrocities, and leading French and international trade unions have called for sanctions on MOGE, yet TotalEnergies’s payments to MOGE continue.10 11 12

6) TotalEnergies has sided with the junta, which the people of Myanmar overwhelmingly reject. Though it says that it cannot take a view, under international law, on who represents the government of Myanmar, TotalEnergies has shown its view by continuing payments to the illegal junta. As per its contractual agreement, TotalEnergies (Operator) is the representative of the Sellers, and in turn is a representative of MOGE.13 Its actions work to legitimize the military junta and will have a catastrophic humanitarian impact. TotalEnergies should acknowledge the recent resolution of the French Senate formally recognising the National Unity Government (NUG) as legitimate representatives of the democratic wishes of the people of Myanmar.14

7) A commercial takeover of TotalEnergies’ investment by a Russian or Chinese company is not viable. Whilst public discussions focus on humanitarian dilemmas, there is private concern that TotalEnergies could be replaced by a Russian or Chinese company with even worse impacts on Myanmar’s humanitarian situation. According to industry experts, even a fully cooperative takeover would take at least 12-18 months and incur substantial transaction costs. Furthermore, TotalEnergies’ Yadana project will be depleted by around 2025, suggesting these costs could not be recovered. These issues and the risk that TotalEnergies may fail to cooperate in full, increasing costs and delays, makes a takeover commercially unviable.

8) TotalEnergies misleadingly suggests that it is powerless to take action because payments to the junta are paid by the gas buyer, Thai company PTT.15 In fact, PTT is contractually obliged to follow orders from TotalEnergies. PTT makes payments to junta-controlled accounts because TotalEnergies, as MOGE’s representative, orders it to do so each month. TotalEnergies has even stated that some of these payments from PTT meet TotalEnergies’ liabilities to MOGE. However, TotalEnergies has the power to direct PTT to transfer these payments into a protected account and PTT is obliged to comply with the contract.


14 http://www.senat.fr/leg/tas21-002.html

Ultimately, despite the limited suspension of dividend payments by TotalEnergies and Chevron, 90% of the revenues from the Yadana gas project continue to flow to the junta and coup leader, Senior General Min Aung Hlaing, identified by the UN’s Independent International Fact-Finding Mission on Myanmar (IIFFMM) as a person to be investigated and prosecuted for crimes against humanity, including war crimes and genocide.16 17 The junta is the biggest security threat in Myanmar. Its atrocity crimes such as the recent attack on Thantlang town (Chin State) are now daily occurrences in Myanmar.18 19 We reiterate that TotalEnergies must end its complicity in atrocity crimes now, suspend all payments to the junta and place funds in a protected account until a democratically elected government is in place in Myanmar.

TotalEnergies has stated its commitment to respecting internationally recognized human rights and standards, in particular the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, wherever it operates. Under the OECD Guidelines, TotalEnergies in relation to its business activities must avoid causing or contributing to adverse human rights impacts and address such impacts when they occur. Furthermore, TotalEnergies must seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.20 The placing of payments into escrow accounts and ensuring no financial flows go to MOGE and the junta would help prevent and mitigate the adverse human rights and impacts from your projects. TotalEnergies should also carry out human rights due diligence as appropriate to the nature and context of operations, which entails assessing the actual and potential human rights impacts of its activities, integrating and acting upon the findings, tracking responses, and communicating how these impacts are addressed.

In May 2021, the Vice-Chair of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises stated that, because the risk of gross human rights violations had greatly increased since the illegal coup attempt, human rights due diligence by businesses should be rapidly and proportionately heightened. Yet, TotalEnergies has so far failed to prove it has conducted a proper assessment on whether its monthly payments to the junta are used to commit serious human rights violations.

In response to our letter, we request that TotalEnergies respond to the points above and also confirm:

- TotalEnergies’ position on whether revenues collected by MOGE are under the control of the junta;
- TotalEnergies’ assessment of the impacts of making monthly payments to accounts controlled by a junta;
- How TotalEnergies is resolving competing claims from the junta and NUG to be the Government of Myanmar, given that revenues are collected by MOGE, a government department;
- TotalEnergies’ assessment of why Myanmar gas is vital to Thai energy security;
- Whether it is technically possible to reduce gas output to meet only Myanmar domestic needs;


17 “Myanmar (Burma)” Global Centre For The Responsibility To Protect. https://www.globalr2p.org/countries/myanmar-burma/


- Whether its Myanmar staff could operate the Yadana gas field and pipeline without assistance from TotalEnergies’s international staff.; and
- Whether TotalEnergies commits not to invest in new gas fields or downstream projects in Myanmar until a democratically elected civilian government is in place.

Sincerely,

GMSR (Global Myanmar Spring Revolution) x BMC (Blood Money Campaign)
on behalf of the people of Myanmar, the Myanmar diaspora communitiesin solidarity with 789 international civil society organisations, labour and student unions

ANNEXURE - List of Endorsing Organisations

ASEAN
1. ALTSEAN-Burma
2. ASEAN Parliamentarians for Human Rights
3. MilkTeaAlliance (Friends For Myanmar )

Australia
1. Action Against Myanmar Military Coup (Sydney)
2. All Burma Student Democratic Front - Australia Branch
3. All Young Burmese League (AYBL)
4. Anti-Myanmar Dictatorship Movement
5. Anti-Myanmar Military Dictatorship Network (AMMDN)
6. Australia Burma Friendship Association, Northern Territory
7. Australia Karen Organization WA Inc.
8. Australia Myanmar DNF
9. Australia Myanmar Youth Alliance (AMYA)
10. Australian Burmese Muslim Organisation
11. Australian Centre for Corporate Responsibility
12. Australian Centre for International Justice
13. Australian Chin Community (Eastern Melbourne Inc)
15. Bamar Community Tasmania
16. Burma Lawyers’ Council (BLC)
17. Burmese Community
18. Burmese Community Development Collaboration (BCDC)
20. Burmese Friendship Association
21. Burmese Medical Association Australia (BMAA)
22. Canberra Karen Association
23. Chin Community of Western Australia Inc.
24. Chin Community SA
25. Chin Community Tasmania
26. Chin Youth Organization
27. CRPH/NUG support group Australia
28. Democracy for Burma
29. Falam Community
30. Friends of “Comfort Women” in Sydney
31. Industrial Training Centre (ITC) Family Sydney
32. International Karen Organisation
33. International Women’s Development Agency
34. JFM Hope & Development
35. Joint Action Committee for Democracy in Burma (JACDB)
36. Kachin Association Australia
37. Karen Community
38. Karenni Federation of Australia
39. Karenni/Kayah Community
40. Kayin Community Tasmania
41. Matu Chin Community
42. Mindat Chin Community NSW
43. Mindat Community
44. Mizo Community
45. Mon Families Group
46. Mon National council
47. Myanmar Buddhist Community of South Australia
48. Myanmar Community Coffs Harbour (MCC)
49. Myanmar Democracy and Peace Committee (Australia)
50. Myanmar Democratic Movement (MDM)
51. Myanmar Engineering Association of Australia (MEAA)
52. Myanmar People Residing in Canberra
53. Myanmar Professionals Association Australia (MPAA)
54. Myanmar Students' Association Australia (MSAA)
55. N & S Medical
56. NLD Solidarity Association (Australia)
57. Perth Myanmar Youth Network
58. Publish What You Pay
59. PWVB (Patriotic War Veterans of Burma)
60. Queensland Kachin Community (QKC)
61. Queensland Myanmar Youth Collective (QMYC)
62. Queensland Rohingya Community
63. Red Campaign Nirvana Exhortation Group
64. Remonya Association of WA (Mon Community)
65. Shwe Youth Democratic Alliance (SYDA)
66. Southcare Medical Centre
67. Support for Myanmar
68. Sydney Friends for Myanmar Unity
69. The Institution of Professional Engineers Mysnmar
70. United Myanmar Community of South Australia
71. Victorian Burmese Care Community (VBCC)
72. Victorian Myanmar Youth
73. We Pledge CDM (Australia)
74. Western Australia Myanmar Democratic Network
75. Women Activists Myanmar
76. Yadanaar Foundation
77. Zo Community
78. Zomi Association Australia Inc.
79. Zomi Community Queensland
80. Zomi Community South Australia
81. Arakan Rohingya Development Association - Australia Inc.

Austria
1. CRPH & NUG Supporters Austria
2. Myanmar Community Austria
Bangladesh
1. Garment Workers Trade Union Center (GWTUC)
2. Kaladan Press Network

Belgium
1. Myanmar Belgian Community VZW

Canada
1. AAMD (Alberta Alliance for Myanmar Democracy)
2. Best Income Tax Service
3. Burmese Canadian Network (BCN)
4. CMQ (Coalition Myanmar-Québec)
5. MMEMYUS (Myanmar Multi-Ethnic Youth United Saskatchewan)
6. MSAO (Myanmar Student Association Ontario)
7. MSCBC (Myanmar Students Coalition BC)

Denmark
1. CRPH/ NUG Supporter Denmark
2. Myanmar Democratic Force

England
1. Industrial Workers of the World (IWW)- (WISERA)

Finland
1. CRPH/ NUG supporter Finland

France
1. Info Birmanie
2. La Communaute Birmane De France
3. Reclaim Finance

Germany
1. In/Progress - Braunschweig (Germany)
2. Citizens Summons
3. CRPH, NUG Support Team Germany
4. Free Workers Union (FAU) Bielefeld
5. Free Workers’ Union (FAU), Hamburg
6. Rohingya Free Coalition

India
1. Getz Phama
2. Rohingya Human Rights Initiative (ROHRingya)
3. Forum for IT Employees (FITE)

Ireland
1. Burma Action Ireland
2. Burmese people in Ireland
3. CRPH & NUG Supporters Ireland
4. CRPH Funding Ireland
5. Industrial Workers of the World (IWW)- (WISERA)
Japan
1. Association of United Nationality Japan
2. Chin Youth Organization of Japan
3. Dawei Youths in Japan
4. GenY For Revolution Japan
5. International Society of Myanmar Scholars and Professionals Japan
6. Japan Myanmar Future Creative Association
7. Know Us More Myanmar
8. Kobe Myanmar Community
9. Mekong Watch
10. Myanmar Development and Support Group, Spring Revolution Restaurant
11. Myanmar Global Support Foundation
12. People’s Hope Spring Revolution
13. Revolution Tokyo Myanmar
14. ShizuYouth for Myanmar
15. Tai Youths Network Japan
16. Try Together At Japan
17. Voice For Justice
18. We For All
19. We Support (Japan)
20. Yokohama Pamphlet Campaign

Malaysia
1. Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MERHROM)
2. Rohingya Women Development Network
3. Spring Learning

Myanmar
540 Organisations in Myanmar endorsed for this open letter. Due to the continuous oppressions and serious human rights abuses of the Military Junta and for the safety of the organisation’s members, we will not disclose the name of these organisations.

New Zealand
1. 8888 Generation (New Zealand)
2. Auckland Kachin Community Inc.
3. Auckland Zomi Community
4. Burmese Rohingya Welfare Organisation New Zealand
5. Chin Community of Auckland
6. Citizen of Burma Award - New Zealand
7. Citizen of People Award - New Zealand
8. Federal Myanmar Benevolence Group (NZ)
9. Karenni Society New Zealand
10. Myanmar Engineers - New Zealand
11. Myanmar Gonye (New Zealand)
12. Myanmar Students’ Union in New Zealand
13. New Zealand Doctors for NUG
14. New Zealand Karen Association
15. New Zealand Zo Community Inc.
17. Pyithu Gonye (New Zealand)
18. Rohingya Welfare Organisation New Zealand
19. Rwang Community Association New Zealand
20. Save Myanmar Fund (New Zealand)
21. Shan Community (New Zealand)

**Norway**
1. CRPH Support Group, Norway
2. Moong Zilom
3. Myanmar Hindu union
4. Rohingya Community in Norway

**Scotland**
1. Industrial Workers of the World (IWW)- (WISERA)

**South Africa**
1. Free Burma Campaign (South Africa)

**South Korea**
1. Activists group for Human Rights ‘BARAM’
2. Asian Dignity Initiative
3. Burmese Information Network in Korea
4. Chin National Front Regional Committee Korea
5. Chin Youth Organization - South Korea
6. CRPH NUG Support Team (Korea)
7. Daejeon Myanmar Democratic Peace Alliance
8. Dawei Youth Organisation
9. Hazel (NST - Host)
10. Incorporated Organization Shilcheon Bulgyo
11. Junta Denouncing Committee
12. Korean Civil Society in Support of Democracy in Myanmar (106 NGOs)
14. Korean Kachin Community
15. KTJ Supporting Group
16. Myanmar Integrated Student Organization
17. Myanmar Revolution Supporters Korea
18. Myanmar Spring Revolution Supporters Korea
19. Myanmar Student Organization (Korea)
20. Myanmar Students Organisation in Korea
21. Myanmar Worker Welfare Center
22. National League for Democracy Organizing Committee
23. Our Force
24. Pa-O Youth Organisation
25. People’s Initiative for Development Alternatives
26. Pocheon Myanmar NUG Youth Organisation
27. Pyeongtaek Myanmar Community
28. Rise Again Myanmar (Daegu)
29. Spring Revolution Nine Youths (SRNY Team)
30. Suwon Migrants Center (Myanmar Community)
31. The Group that Overthrew the Era of Fear
32. Uijeongbu Myanmar Community
33. We Love Myanmar Land - Korea
34. White Raindrops Charity Foundation
Spain
1. General Confederation of Labour (CGT) - Spain Confederación General del Trabajo

Sweden
1. Sveriges Arbetares Centralorganisation (Central Organisation of the Workers of Sweden)
2. the International Committee of SAC-Syndikalisterna (Central Organisation of the Workers of Sweden)

Taiwan
1. Myanmar’s Generation Z (Taiwan)

Thailand
1. Euphoria Learning Planet
2. Karen Women’s Organization

The Netherlands
1. Chin Community in Netherlands
2. KCNL - Kachin Community Netherlands
3. Myanmar Community Nederland
4. Support Group for Democracy in Myanmar (NL)

United Kingdom
1. Answer Myanmar
2. Burma Campaign UK
3. Citizen of Burma award UK
4. GSM (Gurkha society of Myanmar)

USA
1. Anti Dictatorship in Burma- DC Metropolitan Area (ADB-DCMA)
2. Bay Area Young Myanmar
3. Boston Free Burma
4. Burma Fund
5. Burma Spring Revolution Utica
6. Burmese Myanmar Associated Students (SJSU)
7. Campaign for a New Myanmar
8. Chicago Burmese Multi-Ethnic Activists
9. Crane Center for Mass Atrocity Prevention
10. Free Workers Union (FAU) - International Committee
11. Fridays For Future
12. Institute for Asian Democracy
13. International Campaign for the Rohingya
14. Karen Organization of America
15. Los Angeles Myanmar Movement (LA2M)
16. Los Angeles Rohingya Association
17. Myas Creations
18. No Business With Genocide
19. NYCBC (New York City Burmese Community)
20. Project Maje
21. Save Myanmar - USA
22. Save Myanmar San Francisco
23. Support the Democracy Movement in Burma
24. U.S. Campaign for Burma
Wales
1. Industrial Workers of the World (IWW) - (WISERA)

Global Network
1. Action Corps
2. EarthRights International
3. Free Rohingya Coalition
4. Global Movement for Myanmar Democracy (GM4MD)
5. International Confederation of Labor (ICL)
6. International Labour Network of Solidarity and Struggles (laboursolidarity.org)
7. Justice For Myanmar
8. NLD International Network
9. Union Aid Abroad-APHEDA

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