

Supplemental Report: Forced Labor Along the Yadana and Yetagun Pipelines

Executive Summary

This report is a supplement to *More of the Same: Forced Labor Continues in Burma (October 2000 – September 2001)*, which documents the continued use of forced labor by the Burmese military despite the government's assertions that forced labor has ended. This report demonstrates that civilians continue to be conscripted for forced labor by military units providing security to two natural gas pipelines in southern Burma, the Yadana and Yetagun pipelines. The multinational oil companies that operate these pipelines, including TotalFinaElf (formerly Total) of France, Premier Oil of the United Kingdom, and Unocal of the United States, continue to be morally complicit and legally responsible for the forced labor occurring in the pipeline region.

Findings

Between mid-2000 and the present, EarthRights International's ongoing investigation into the practice of forced labor in the region of the Yadana and Yetagun pipelines in Burma has specifically found:

- The multinational oil companies operating the gas pipelines, including Unocal, TotalFinaElf, and Premier Oil, use the Burmese military to provide security for their projects despite specific knowledge that the military has used and would continue to use forced labor, and are responsible for the abuses committed by these security forces.
- Forced labor and portering continues in the pipeline region, directed by military units providing security for the pipelines. ERI has found the following kinds of forced labor:
 - (a) Portering for the military;
 - (b) Construction or repair of military camps/facilities;
 - (c) National or local infrastructure project (including clearing roads, building bridges, etc.); and
 - (d) Forced labor and porter fees related to the above.
- Order No. 1/99, which officially outlawed forced labor in Burma, has not stopped forced labor in the pipeline region or changed the practice fundamentally. If anything, the authorities' activities in the aftermath of Order No. 1/99 may have made the practice more insidious and difficult to eradicate in the future. For example, ERI has found:
 - (a) Threats by military commanders and soldiers of retribution if villagers tell others that forced labor is continuing;
 - (b) Announcements regarding no more forced labor have created confusion and fear among the population, resulting in an atmosphere that is not conducive to encouraging villagers to make complaints about ongoing forced labor.

See *More of the Same* for findings with respect to the continuance of forced labor in Burma generally.

Recommendations

Forced labor remains a problem in the pipeline region, and military units providing security for the pipelines continue to conscript civilians for forced labor to benefit the pipeline projects. The multinational oil companies involved thus continue their complicity in, and responsibility for, these human rights abuses. ERI makes the following recommendations to the companies:

- Unocal, TotalFinaElf, Premier Oil, and other companies involved in the pipelines should immediately withdraw from the Yetagun and Yadana projects and cease all business with the Burmese regime.
- The companies should immediately terminate any payments, support, or promises to pay any members of the Burmese military for anything relating to the pipeline projects, as well as any agreements or contracts for the Burmese military to provide security or other services to the pipeline projects, and terminate reliance on the military for security for the pipeline projects.
- The companies should condemn the use of forced labor by the Burmese military and publicly accept their responsibility for forced labor conscripted by military units providing security for their projects.

See *More of the Same* for EarthRights International's general recommendations to the Burmese government and the international community.

Forced Labor in the Pipeline Region

Featured Interview on Forced Labor and the Gas Pipelines

I left the village [in the pipeline region] . . . in May [2001] because I could not face going to porter and pay porter fees in the village. I came here to find a job because I did not have time to work in my village.

In 2001, I had to go porter about ten times. Most of the portering we did was for LIB 282 and LIB 273.¹ They are patrolling for pipeline security, and we had to carry their food and supplies whenever they needed us. The village arranges this kind of portering by rotation.

In January 2001, I had to go porter for LIB 273 for three days. I had to carry my own food and carry their food. We had to go for three days, and that time fifteen porters were with them. We had to walk at night, and we could not use the flashlight. Many people could not carry their loads, so we had to help each other. We had to follow them from our village to [six other villages]. We had to follow them in the jungle. When the soldiers patrolled in the area for pipeline security, there were sometimes about twenty soldiers and sometimes up to 50 soldiers. I also was hit by the soldier when I portered for them. They said I did not walk fast. Before I left I saw a villager . . . die when he was portering [near] to our village.

In August 2000, I also had to porter, and we had to carry food and ammunition for the soldiers. We had to carry our own food and the loads were about 30 viss in weight [about 48 kilograms].

In 2000, I saw a sign in the village stating that they [the military] could not call for porters. But when the soldiers asked the village head to supply them with porters, so they could go on patrol in the jungle, he had to arrange that from them. I do not know why the village head did not argue with the soldiers about providing porters for them after they had announced that they would not ask for porters from the village.

The foreigners who work for gas pipeline came to my village very often, and they also know that we had to porter for LIB 273 and LIB 282 who took security for them. They did not say anything about portering [for their] security's soldiers. We did not get payment for being porters for these soldiers. We had to bring our own food when we did porter for the soldiers. [Another village] also has to give porters to LIB 282 and LIB 273 as we did. If we did [not] want to go porter in our routine, we had to pay 2500 kyat. ERI Interview #GF008 (on file with authors).

¹ These battalions are known locally as "Total battalions" because they were created specifically to guard the pipeline. See *infra* p. 5.

The Pipelines and the Complicity of the Oil Companies

Two consortiums of multinational oil companies are operating natural gas pipelines in southern Burma: the Yadana pipeline consortium, which includes TotalFinaElf (formerly Total) of France as well as Unocal of the United States; and the Yetagun pipeline consortium, which includes Premier Oil of the United Kingdom. Both consortiums also include the military government of Burma as a partner, through its state-run oil company, and one of the military government's primary responsibilities is providing security for the pipelines.

Previous investigation by ERI has documented that the oil companies knew about the Burmese military's propensity to use forced labor and commit other human rights abuses, but nonetheless used the military to provide security for their pipeline projects.² A 1996 report prepared for the Yetagun pipeline consortium, which is now led by Premier Oil, refers to the "harsh policies" of the military, including the widespread conscription of forced labor under "harsh conditions."³ Nonetheless, the report concludes that "military security . . . will have to be increased or relocated to enable the pipeline to be built."⁴ And a declassified cable from the U.S. Embassy in Rangoon relates how a Unocal official explained to the embassy staff that "the companies have hired the Burmese military to provide security for the [Yadana pipeline] project," despite knowledge of the military's conscription of forced labor.⁵

Evidence recently unearthed in a court case against Unocal has confirmed the extent of the oil companies' complicity. An opinion by a U.S. federal judge explains that the agreements between the Yadana consortium and the Burmese government specified that the government would provide "security protection" for the pipeline project.⁶ Discussions and memoranda between Unocal and Total demonstrate that the oil companies had specific knowledge of the military units assigned to protect the pipeline.⁷ The judge concluded that there was

evidence demonstrating that before joining the [Yadana pipeline] Project, Unocal knew that the military had a record of committing human rights abuses; that the Project hired the military to provide security for the Project, a military that forced villagers to work and entire villages to relocate for the benefit of the Project; that the military, while forcing villagers to work and relocate, committed numerous acts of violence; and that Unocal knew or should have known that the military did commit, was committing, and would continue to commit these [human rights abuses].⁸

² EarthRights International, *Total Denial Continues: Earth Rights Abuses Along the Yadana and Yetagun Pipelines in Burma* (May 2000), at 82-99.

³ LeProvost Dames & Moore, *Yetagun Development Project (Phase I): Environmental and Cultural Impact Assessment for Onshore Zone 1* (August 1996), *Confidential Addendum* at 3.

⁴ *Id.*

⁵ U.S. Dep't of State, Cable No. 002067 from U.S. Embassy in Rangoon (1995), ¶¶ 20, 28.

⁶ *Doe v. Unocal*, 110 F. Supp. 2d 1294, 1297 (C.D. Cal. 2000).

⁷ *Id.* at 1298-1302.

⁸ *Id.* at 1306.

ERI has previously documented severe and widespread human rights abuses by security forces guarding the gas pipelines, including forced labor. Since 1991, when negotiations on the pipeline projects began, military units assigned to provide security for the pipeline projects have forcibly conscripted local villagers to build service roads, helipads, and military camps, as well as forcing them to serve as porters for local patrols. Unfortunately, our recent interviews with villagers from the pipeline region confirm that many of these practices continue.

Portering for the Military

Several army battalions are known to be providing security for the gas pipelines, and in some cases—such as in Interview #GF008, featured at the beginning of this report—the villagers conscripted to porter are aware that they are patrolling for pipeline security. ERI has identified over a dozen battalions with responsibility for guarding the pipelines, including LIB 104, 273, 282, 402, 405, 406, 407, 408, 409, and 410. At least two of these battalions—LIB 273 and 282—were created specifically for pipeline security, according to deserters interviewed by EarthRights International, and known locally as the “Total battalions.”⁹

Villagers in the pipeline region continue to report that they are forced to porter by these battalions:

I was a porter for LIB 104 [in the pipeline region]. I knew Lieutenant [name] but did not know the battalion commander’s name. I had to be porter in April [2001]. I do not remember the [exact] date. I had to go for six days. There were about 70 soldiers patrolling in the area after one of their soldiers was killed on the car road. There are two companies from LIB 104—Company 2 and Company 3. The soldiers collected eighteen porters from [three villages]. As the soldiers divided into two groups, we porters also separated into two groups. The group that I had to follow was Company 3, eight porters among them, and we had to carry food and cooking supplies for the soldiers. We also had to bring our food when we carried their food while they were patrolling. . . . Before I had to go porter, the soldiers came . . . and arrested about twenty villagers to carry for them. . . . They left in the morning and came back in the evening. They had to carry foods for the soldiers when they were patrolling. . . . The next day they asked for ten porters, but they were given five porters, and I was among the five. The time when the village called me to go porter, I was going to see a movie in the village. At first I planned to run away, but my mother told me not to. She did not want the village head to get in trouble I had to go because that time my father was not homeThe first day we walked half the day . . . and slept in the jungle. The second and third day, we traveled the whole day and slept in the jungle, too. The fourth day we patrolled until 3pm and we arrived at [a] Mon village [in the Mon ceasefire area]. The next day we walked from the Mon village to [another] village (there were about ten households). On the sixth day we were released to go back home in the evening. On that morning one of the porters ran away because the soldiers said that they had to go more days. He escaped in the morning, and we

⁹ EarthRights International, *Total Denial Continues*, at 72-77.

were allowed to come back in the evening. ERI Interview #GF009 (on file with authors)

In 2001, our village [in the pipeline region] had to give emergency porters for LIB 410, which is the battalion that patrols in my village. The military units that used to come to our village are LIB 407, 408, 409 and 282. In May 2001, LIB 282 came to the village and arrested villagers while they were watching a video around 7pm and forced them to carry their load as porters. [I know by name] the villagers who had to go porter. The porters had to carry food and ammunition for LIB 282 while they patrolled in the area close to our village. ERI Interview #GF024 (on file with authors).

Villagers in the pipeline region also report the continued practice of paying portering fees. Such fees could be levied regularly, with the military conscripting those who cannot pay as porters, or sometimes fees could be paid as an alternative to portering:

The military asked for a porter fee of 500 kyat per family. They ask for the money every month. . . . If you could not give the money, the villagers had to go porter. The military made many difficulties for the village head, and the village head said that if nobody pays the money, he would make us join the military. . . . In January 2001, the military asked for porter fees, 500 kyat for one household. They will ask for the money for porter fees every month. My friend told me that the Burmese soldiers said that they would ask villagers to feed them—rice, money, and any food they need. ERI Interview #GF004 (on file with authors).

The soldiers asked for fifteen porters and if anybody could not go, they would have to pay 2,500 kyat. [Name] village had to provide ten porters and if this village could not provide them, they had to pay 2,000 kyat for each porter. ERI Interview #GF025 (on file with authors).

Villagers in the pipeline region are also forced to pay fees to support the creation of village militia:

In my village, the SPDC formed a government people's militia (*Pyi Thu Sit*) to take security for the village. In [my village in the pipeline region], there are four government people's militia and in [a nearby] village there are twenty government people's militia. Each household from [my] village had to pay 500 kyat for government people's militia and each household in [the other] village had to pay 300 kyat for the government people's militia. Each government people's militia got 5000 kyat for their salaries. ERI Interview #GF024 (on file with authors).

In the village, every household has to pay 500 kyat each month towards the salary of the *Pyi Thu Sit*. ERI Interview #GF009 (on file with authors).

Villagers in the pipeline region also have to do stand-by portering, in which they are regularly required to be on call for the soldiers:

Until August 2001 [in the pipeline region], before I came here, everyday one person by rotation has to go for stand-by portering, and they have to go and stay in village headmen's house and wait for the soldiers. If there is anything that the soldiers ask for, this person has to do it. I myself I did not go, but my brother had to go for me, and he is about 20 years old. ERI Interview #GF110 (on file with authors).

Construction and Repair of Military Camps

Since pipeline security units began moving into the region in 1991 and 1992, many villagers have been forced to work clearing and building military barracks, camps and outposts. Recent interviews indicate that forced labor for construction and maintenance of these facilities continues:

Since 1992, when the [gas pipeline] project started, we did not have a chance to work any more because we cannot go out to look after our farmland. . . . In 1999 they [the military] did not come and force us to do labor as before, but they just gave orders to our village headmen. We had to build the fence, cut the bamboo and also they took some of the people's land for themselves. . . . What we have to do for them is we have to cut the bamboo, repair the soldier's barracks and we have to do it by rotation. ERI Interview #GF001 (on file with authors).

The situation in [my] village [in the pipeline region] in 1999 and 2000 as far as what we did for the soldiers was we had to cut bamboo and build and repair the barracks, and also we had to repair the road. We had to work for them everyday until it was finished. In 1999, the soldiers based in that area were LIB 273. They were really bad for us, and now [in 2000] in my village LIB 282 is based there. . . . Now, mostly what we have to do for the soldiers is cut bamboo and build a fence around the outpost because they are making the two fences around the outpost. The order came from the soldiers to the village headman, and the village headman ordered the village. Now in [my] village, the LIB 282 is based there, and it has about six or seven soldiers and a commander is staying there. Every month, we have to go and work for the soldiers more than ten days and sometimes it was almost the whole month. Last year, in August, we had to cut bamboo and build the fence and repair the road almost the whole month. We had to go on a rotational basis. Each section in the village has to go turn by turn. Every day, we have to clean the outpost, cut the firewood, carry the water, and cut the bamboo. One person from each household has to go in turn. In my house, I did not go because I am old, and my son went for us. We cannot send him to school anymore because we do not have time to earn money for him. Moreover, he just has to go to work every time when it is our house's turn. ERI Interview #GF002 (on file with authors).

After I went back to [my village in the pipeline region] . . . I had to start to go do labor for the battalion that is based in [my village]. I had to go and rebuild the fence, and it was for one day. It was about six people who had to go this time, and I had to go because it was my turn. I do not know how many days that our villagers had to go rebuild the military outpost fence, but it took more than three days. It was in the summer before the water festival [mid-April 2001]. The last time that I have to do labor for the soldiers was when I had to bring the bamboo with my buffalo to the military camp for one day. The order was from LIB 273, and he ordered our village headmen to ask our villagers. This bamboo was to repair the soldiers' huts and outpost. Five buffalo owners had to go to pick up the bamboo and another five villagers from [my village] had to cut bamboo for us to pick up. It was about 300 pieces of bamboo, and we had to take it to the front of the outpost and the other villagers who did not go cut the bamboo or carry the bamboo had to go this time to make it into pieces to build a hut wall. It . . . was in the end of July 2001. ERI Interview #GF110 (on file with authors).

National or Local Infrastructure Projects

Many villagers in the pipeline region have been conscripted for infrastructure projects, especially roads and bridges:

After the villagers provided porters for LIB 282 [in 2001], they had to clear both sides of the car road [in the pipeline region]. We had to clear 250 feet away on each side. Each village had to take responsibility for three miles. This order came from LIB 282 to the village head and then the village head told the villagers to work. Nobody got the payment. ERI Interview #GF024 (on file with authors).

There were about 50 households in [my] village [in the pipeline region]. The village also had to do free labor for cleaning the car road, 50 feet on both sides of the road. After one of the soldiers was killed, they ordered the villagers to clean another 100 feet on both sides. So, if you add the first time and the second time, there were 150 feet on each side of the road that the villagers had to clear. Before I came to the border [in April 2001], they still had to clear the car road because they did not know who killed the soldiers. LIB 104 said that they must have been the Mon resistance group. ERI Interview #GF009 (on file with authors).

In 2000 up to now [interview was conducted in April 2001], villagers had to pay 250 to 500 kyat for building the bridge in Ye Pyu Township. People used to call it Ye Pyu bridge. The military asked many villages to build the bridge. The bridge was built in 1999. We had to build it every year because the bridge is made of wood and during the rainy season it was destroyed by water. They asked for money for the bridge once a year. If the money was not enough, they asked for more. ERI Interview #GF004 (on file with authors).

In one case, villagers were forced to work on a bridge in Kanbauk, the village where both TotalFinaElf and Premier Oil have set up their local headquarters:

[In late 2000,] we had to go and build the bridge in Kanbauk called Yay Nan bridge, and one person from each household had to go. . . . [I]t took about five days to finish it. ERI Interview #GF002 (on file with authors).

Implementation of Order 1/99 in the Pipeline Region

Order 1/99 officially abolished forced labor in Burma. An official of TotalFinaElf recently stated that the company has posted notices in the villages along the pipeline route that there will be no forced labor.¹⁰ Interview #GF008, featured at the beginning of this report, demonstrates the disregard for these notices; another villager had a similar experience:

At the beginning of the rainy season [2001], the village headman gave us one piece of paper that said there was no more forced labor in the village and that times will be peaceful. But even though I saw the signed paper, forced labor continued to go on. They only changed their strategy and they are saying that [the labor] is for social things and that we need your help. ERI Interview #GF110 (on file with authors).

Apparently the authorities in Rangoon were concerned that even people in the villages closest to the pipeline route, which receive development assistance from the oil companies, were conscripted for forced labor. One village headman lied and told the authorities there was no more forced labor:

In the beginning of this year [2001], around May, the authorities from Rangoon came to our village [name] because they received a report that the people from the thirteen villages, which are receiving social development assistance from the foreign companies [in the pipeline region], had to go porter or do forced labor. But when they came and asked the headman, he said that we did not have to porter or do forced labor, that now everything was fine. I know this because the village headman asked me and another person to go with him when the authorities came to our village. We knew the village headman was lying, but we did not know why. ERI Interview #GF022 (on file with authors).

The reasons for this denial are unknown, but an incident from another village in the region demonstrates that the local military has threatened others to deny the existence of forced labor, regardless of what the regime in Rangoon may say:

In early 2001, I do not remember the exact date, the supreme commander with his soldiers from Rangoon came to the village [in the pipeline region] and met with the village head. About seven or eight trucks came that time. The supreme

¹⁰ Unpublished statement of Jean-Pierre Cordier, Chair of TotalFinaElf's Ethic Committee, to the Committee on Development and Cooperation of the European Parliament (Oct. 11, 2001).

commander told the village head that villagers do not have to provide porters for the military. We already knew this from our village head. After the supreme commander went back, a captain from [name] township came to the village and told the village that if anybody came and asked whether there is any portering or forced labor still in the village, you have to say no. If anybody says that villagers still have to provide porters and forced labor, that person will have be punished. ERI Interview #GF024 (on file with authors).

Conclusion

Throughout the life of the Yadana and Yetagun pipeline projects, military units providing security for the projects have conscripted forced labor for a variety of purposes. Although government officials in Rangoon have announced the end of forced labor, recent interviews indicate that, as in other parts of Burma, the military in the pipeline region continues to use forced labor in clear violation of international law.

The oil companies investing in the pipelines are morally and legally responsible for the human rights abuses committed by the soldiers, who essentially act as a private security force. The companies knew that using the Burmese military for security would result in such abuses, and continue to benefit from the depredations of the army. EarthRights International therefore repeats its recommendations to the companies:

- Unocal, TotalFinaElf, Premier Oil, and other companies involved in the pipelines should immediately withdraw from the Yetagun and Yadana projects and cease all business with the Burmese regime.
- The companies should immediately terminate any payments, support, or promises to pay any members of the Burmese military for anything relating to the pipeline projects, as well as any agreements or contracts for the Burmese military to provide security or other services to the pipeline projects, and terminate reliance on the military for security for the pipeline projects.
- The companies should condemn the use of forced labor by the Burmese military and publicly accept their responsibility for forced labor conscripted by military units providing security for their projects.