

“Yemen: Total asked to clarify position regarding torture in gas liquefaction plant it allegedly controls”, 30 June 2020

Total Response

The Balhaf facility is operated by Yemen LNG, in which Total has a 39.6% interest alongside U.S.-based Hunt Oil (17.2%); South Korean companies (South Korea’s SK Innovation, Hyundai and Kogas, a combined 21.4%); and Yemen’s state-owned YGC and state organization GASSP (a combined 21.7%). Total, therefore, does not have a controlling interest in Yemen LNG and does not intervene directly at the Yemen LNG-operated Balhaf site.

In April 2017, Yemen LNG informed its shareholders that the U.N.-recognized government of Yemen had requisitioned some of the Balhaf facilities (not including the plant) for the coalition forces supporting the Yemeni government. Yemen LNG complied with the order by the Yemeni government. Two distinct areas were established. Each area is fenced-off and has its own separate entrance. Yemen LNG does not manage the requisitioned area, which is under the control of the Coalition Forces by virtue of the Yemeni government’s order.

As a minority shareholder, Total has no authority to act on behalf of Yemen LNG (including vis-à-vis the Yemeni government). When made aware of allegations with regards to the handed over area, Total requested, and continues to request, information from Yemen LNG. Yemen LNG has asked the Commander of the Coalition in Balhaf who has denied such allegations. Total does not have any further information on how the Coalition is using the requisitioned area.

In accordance with the French law on the corporate duty of vigilance, the Vigilance Plan of Total sets out the reasonable measures of vigilance put in place to identify risks and prevent severe impacts on, notably, human right and fundamental freedoms resulting from the activities of Total SA and the companies it controls directly or indirectly, as well as the activities of certain suppliers or subcontractors of suppliers. As Yemen LNG is not controlled by Total, it falls outside the scope of the Vigilance Plan by virtue of the law itself.

Nevertheless, Total chose to include information on Yemen LNG in the *Declaration of Extra-Financial Performance* of its 2019 Universal Registration Document (https://www.total.com/sites/g/files/nytnzq111/files/atoms/files/2019_total_universal_registration_document.pdf, P.238). Total is mindful of the principles of both the OECD Guidelines for Multinational Enterprises and the United Nation Guiding Principles on Business and Human Rights.

Since 2015, neither Yemen LNG nor Total have received any profit, compensation or advantage of any kind related to this situation. In fact, since 2015, Total and the other foreign shareholders have continued to finance Yemen LNG at a loss, to preserve the site and continue supplying power and water to local communities. The Balhaf plant has therefore remained in good condition. Total’s actions since 2015 as a Yemen LNG shareholder have been solely intended to (i) ensure the safety of local employees, and (ii) preserve the Balhaf site so that it can resume LNG production once peace has been restored in Yemen.