

Subject: Human rights concerns over EIB loan to TANAP

Brussels, 12 September 2017

Dear President Hoyer,

Dear Members of the Board of Directors,

The European Investment Bank (EIB) is currently considering financing the Trans-Anatolian Natural Gas Pipeline (TANAP), which will run through Turkey transporting natural gas extracted in Azerbaijan.

The signatories to this letter – a group of 25 NGOs – are writing to express our concerns about TANAP in light of the serious human rights violations situation in Azerbaijan and Turkey. Projects related to the development of the Southern Gas Corridor will only strengthen oppression in these countries where civil liberties and the security of individuals are currently being drastically impaired. This runs contrary to the EU Charter of Fundamental Rights which binds the EIB to not finance projects that would encourage or support human rights violations. **Therefore, we call on the EIB to adhere to the principles of fundamental rights and withdraw its offer to finance the project in light of such prevailing conditions.**

In March this year, the Extractive Industry Transparency Initiative (EITI) suspended Azerbaijan's membership in light of a severe crackdown on civil society organizations, despite the country having been given the chance to comply with these international standards. The Azerbaijani government subsequently decided to quit the EITI.

According to a recent report by Amnesty International, human rights organizations forced to suspend their activities in previous years have been unable to resume their work while international human rights monitors have been denied access to Azerbaijan¹. In addition the Azerbaijani government continues to demonstrate its contempt for human rights in various ways, including the use of torture, the arbitrary detention activists, political opponents and journalists on politically motivated charges, and the repression of peaceful protests.

We would like to bring to your attention the case of Ilgar Mammadov, a former member of the Advisory Board of the Natural Resource Governance Institute, a CSO member of the EITI, who was arrested in 2013 by the Azerbaijani authorities on bogus charges. Still in jail, Mammadov published a 'Letter from an inmate of the Southern Gas Corridor' on January 20th 2017 where he states that *"International investment in fossil fuel extraction is making me and other Azerbaijani political prisoners hostages to the Aliyev regime."*²

On 31st August 2017 the Institute for Reporters' Freedom and Safety (IRFS) issued a statement in which it called upon the European Union to strongly respond to the human rights violations being committed by the Azerbaijani authorities. This statement, produced in response to a decision by the Baku Appeals Court to uphold the detention of the journalist Mehman Aliyev, explains how the authorities maintain a climate of fear across Azeri society. IRFS warns that *"the corrupt authoritarian regime will continue to eliminate its critics even more harshly as long as it feels impunity for its*

¹ Azerbaijan 2016/2017, Annual Report, Amnesty International, <https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/>

² <https://www.opendemocracy.net/od-russia/ilgar-mammadov/open-letter-from-inmate-of-southern-gas-corridor>

*criminal actions*³. IRFS calls on the international community to fully stop financial support for the Azerbaijani authorities through the World Bank and other international financial institutions until the authorities release journalists, who are fighting corruption, from prison.

In Turkey, where TANAP will stretch over two thousand kilometers, a state of emergency has been in place for over a year now and is being used to intensify a crackdown on journalists, civil society and political opponents. Arbitrary detention and even the use of torture have been reported by Amnesty International⁴. Freedom of expression has been severely restricted in Turkey where 184 media outlets have already been closed down and there are now 170 journalists in jail. Bans have also been imposed on peaceful assemblies and demonstrations.

In these circumstances, we fear that ensuring the public's right to access information and provide oversight during the pipeline's construction would be impossible. World Bank project documents for TANAP identified insurmountable gaps in the expected requirements for public consultation, livelihood restoration, human rights and gender rights, as well as problematic implementation and subsequent compensation by TANAP and its contractors via the Host Government Agreement in Turkey. This raises serious concern and doubts as to whether the EIB will in any way be able to ensure that project impacts on people living along the pipeline route are mitigated in line with the EIB's own policies and standards, and the EU Charter of Fundamental Rights.

Thus, we are asking the EU's bank to stand up for European values and to suspend its appraisal process for the TANAP loan until:

- The state of emergency in Turkey has been lifted;
- Azerbaijan rejoins the EITI and fully complies with the standards of this initiative, and
- Both countries significantly improve their respect for human rights and release all political prisoners.

In your capacities as EIB president and as the Board of Directors, we call on you to stand behind the EITI and to adopt a stringent position vis-à-vis TANAP so to ensure that the 'do-no-harm' policy of the EIB is properly reflected in the bank's investment decisions.

Signatories:

ARTICLE 19

Banktrack

Bir Duino-Kyrgyzstan

Both ENDS

Bureau for Regional Outreach Campaigns (BROC)

CEE Bankwatch Network

Center for the Development of Democracy and Human Rights

³ The Statement is available at: <https://www.irfs.org/news-feed/irfs-statement-the-european-union-and-the-council-of-europe-must-strongly-respond-to-the-human-rights-violations-committed-by-the-azerbaijani-authorities/>

⁴ Turkey 2016/2017, Annual Report, Amnesty International

Center for Civil Liberties (Ukraine)

Corporate Europe Observatory

Counter Balance

Crude Accountability

Ecologistas en Accion

Food & Water Europe

Food & Water Watch

Friends of the Earth Europe

Humanrights.ch

International Partnership for Human Rights

Kazakhstan International Bureau for Human Rights and the Rule of Law

Legal Policy Research Center

Netherlands Helsinki Committee

Platform London

Public Association for Assistance to Free Economy (Azerbaijan)

Public Verdict

Urgewald

Women of the Don