

April 20, 2017

Mr. Carlo Messina  
CEO  
Intesa SanPaolo  
Piazza San Carlo, 156  
10121 Turin  
Italy

cc: Elena Flor, Head of Corporate Social Responsibility Unit  
Elena Jacobs, Chief of CEO Staff  
[CSR@intesasanpaolo.com](mailto:CSR@intesasanpaolo.com)  
[sostenibilita.ambientale@intesasanpaolo.com](mailto:sostenibilita.ambientale@intesasanpaolo.com)

Dear Mr. Messina,

The undersigned organizations are writing to continue the conversation that began with our letter of March 30, 2017, in which we expressed our deep concern for Intesa SanPaolo's continued support of the Dakota Access Pipeline (DAPL).

We have noted that Intesa SanPaolo recently chose not to support a new credit facility to ETE.<sup>1</sup> Nevertheless, we forcefully renew our request that Intesa SanPaolo cease all financial support to this reprehensible project and follow ING, BNP Paribas and DNB Norway in selling its stake in the \$2.5 billion construction loan facility. This would send a strong signal to the market that Intesa SanPaolo does not wish to be associated with this project any longer as, indeed, this project DAPL violates the human rights of the Standing Rock Sioux Tribe, infringes on their sacred lands and endangers the water supply upon which their very survival depends. In the words of Standing Rock Sioux Tribe Chief, Dave Archambault II, "Americans know this pipeline was unfairly rerouted towards our nation and without our consent. [...] We are opposed to reckless and politically motivated development projects, like DAPL, that ignore our treaty rights and risk our water."<sup>2</sup>

On March 30, 2017, our organizations mobilized concerned citizens in Italy and worldwide to express our concern to your bank through social media and email. The response from Intesa SanPaolo on Facebook and via email<sup>3</sup> was to copy and paste

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<sup>1</sup> BankTrack: <http://tinyurl.com/lvma2qf>

<sup>2</sup> <http://standwithstandingrock.net/trump-executive-order-dapl-violates-law-tribal-treaties/>

<sup>3</sup> <https://www.facebook.com/intesasanpaolo/posts/10210624028330457> and Presenza: <http://tinyurl.com/khs8ymv>

limited portions of your December 21, 2016 letter<sup>4</sup> to Mr. Frijns of BankTrack.org and your December 23, 2016 press release<sup>5</sup> to justify your participation in the DAPL.

In all three responses, you claim that: 1. the bank's exposure in the project is "limited"; 2. the DAPL project respects the international standards of which you are signatories, namely the Equator Principles and the United Nations Global Compact; 3. you will "review and consider" all recommendations of "an independent human rights expert" [...] "in the areas of security, human rights, community engagement and cultural heritage" and 4. that the "US governmental Army Corps of Engineers, recently, did not approve the Dakota Access Pipeline to cross under Lake Oahe in North Dakota, requesting, instead, to explore an alternative route".

Regarding the first claim, Food and Water Watch reports Intesa SanPaolo's financial involvement at \$339,000,000 as per February.<sup>6</sup> We do not consider this a small sum, but even if you were investing only a single dollar into DAPL, we would hope that human rights and environmental concerns would still be valued by your bank.

With regards to the project's formal compliance with the Equator Principles, we wish to point out that it is now acknowledged by some of your fellow Equator banks that formal compliance with the EPs in this situation has not in any way prevented severe indigenous rights violations from occurring; indeed, some banks maintain that the implementation of the EPs in high income countries must be reevaluated because of this project, to ensure that also in such jurisdictions proper consent is obtained from indigenous groups whose territories are impacted.<sup>7</sup> The Standing Rock Sioux Nation has repeatedly documented its opposition to the DAPL project<sup>8</sup> and has been joined by over 280 other tribes and allies from around the world.<sup>9</sup> Amnesty International has reported Standing Rock Sioux Tribe affirmations that "no good faith consultations have taken place since they first learned of the project in 2014 and that their consent was never obtained."<sup>10</sup>

UN Global Compact Principles<sup>11</sup> 1 and 2 call on companies to "...support and respect the protection of internationally proclaimed human rights..." and "make sure they are not complicit in human rights abuses." Human rights abuses have been amply documented<sup>12</sup>

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<sup>4</sup> [http://www.banktrack.org/show/bankprofiles/intesa\\_sanpaolo#popover=documents](http://www.banktrack.org/show/bankprofiles/intesa_sanpaolo#popover=documents)

<sup>5</sup> Intesa SanPaolo: <http://tinyurl.com/kfh88ut>

<sup>6</sup> <http://www.foodandwaterwatch.org/news/who%27s-banking-dakota-access-pipeline>

<sup>7</sup> see for example: <https://www.credit-agricole.com/responsable-et-engage/la-rse-facteur-de-performance-durable-pour-le-groupe-credit-agricole/nos-positions/precisions-sur-le-projet-dakota-access-pipeline-dapl-aux-etats-unis>

<sup>8</sup> <http://earthjustice.org/cases/2016/the-dakota-access-pipeline>

<sup>9</sup> <http://standwithstandingrock.net/supporters/>

<sup>10</sup> [http://www.amnestyusa.org/sites/default/files/pdfs/un\\_spec\\_rap\\_consultation.pdf](http://www.amnestyusa.org/sites/default/files/pdfs/un_spec_rap_consultation.pdf)

<sup>11</sup> <https://www.unglobalcompact.org/what-is-gc/mission/principles>

<sup>12</sup> [https://www.democracynow.org/2017/2/8/a\\_violation\\_of\\_tribal\\_human\\_rights](https://www.democracynow.org/2017/2/8/a_violation_of_tribal_human_rights)

and the lack of FPIC of indigenous peoples clearly constitutes a violation of human rights.

UN Global Compact Principles 7, 8 and 9 call for a “precautionary approach” to environmental issues, greater responsibilities and the development of environmentally friendly technologies. The dangerous nature of an oil pipeline passing close to vital and unique water sources, as well as sacred indigenous lands, and indeed its basic function of transporting fossil fuels is clearly in contrast with these three principles. In this respect, it is important to note that ETE has a well-documented, disturbingly bad track record in causing oil spills.<sup>13</sup>

The United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, an independent human rights expert, conducted a Mission in the United States to assess the impact of energy development projects.<sup>14</sup> Her March 3, 2017 End of Mission report<sup>15</sup> concluded that local indigenous populations were not adequately consulted in the DAPL project. She stated that there were not “effective and informed consultations with tribal governments.” This conclusion demonstrates a lack of FPIC as required by both the Equator Principles and the UN Global Compact and a consequent breach of human rights. Indeed, Amnesty International’s testimony during the Special Rapporteur’s Mission states that “the right of Indigenous Peoples to self-determination, [is] a fundamental human right as outlined in the Universal Declaration of Human Rights.”<sup>16</sup>

Your point that the pipeline was to be rerouted to avoid Lake Oahe has not come true in the meantime. Initially blocked by the previous US Administration, an executive order by the current US President on January 24, 2017<sup>17</sup> allowed the pipeline to be completed and it also waived a planned Environmental Impact Study. In early February, the US Department of the Army approved construction of the pipeline to cross under Lake Oahe near the Standing Rock reservation, which has now neared completion.<sup>18</sup>

In the light of Intesa SanPaolo’s stated justifications for participating in the DAPL project, and in light of the considerations presented here, it is apparent that bank’s continued support for DAPL violates its stated principles on sustainability.

There is significant and growing precedent for divestment from DAPL. In addition to DNB, ING, Norwegian Pension Fund KLP and the city of Seattle, among others, French banking group, BNP Paribas, announced on April 5, 2017 that it has sold its \$120 million share in a \$2.5 billion DAPL loan. BNP Paribas no longer has any exposure and the

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<sup>13</sup> <http://www.ecowatch.com/energy-transfer-partners-track-record-2260932274.html>

<sup>14</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21290&LangID=E>

<sup>15</sup> <http://unsr.vtaulicorpuz.org/site/index.php/en/statements/177-usa-end-mission>

<sup>16</sup> [http://www.amnestyusa.org/sites/default/files/pdfs/un\\_spec\\_rap\\_consultation.pdf](http://www.amnestyusa.org/sites/default/files/pdfs/un_spec_rap_consultation.pdf)

<sup>17</sup> White House: <http://tinyurl.com/hy0a2t4>

<sup>18</sup> <https://www.nytimes.com/interactive/2016/11/23/us/dakota-access-pipeline-protest-map.html>

decision was made following consultation with all stakeholders.<sup>19</sup> In total more than \$5 billion has been divested from the pipeline. When will Intesa SanPaolo follow through on its stated commitments to uphold fundamental human rights and safeguard the environment?

We request that Intesa SanPaolo issue a public statement:

1. condemning the documented human rights violations resulting from this project
2. affirming the important of all people's right to clean drinking water
3. announcing your bank's complete and total withdraw of all its financial involvement in the DAPL project.

Sincerely,

Resistance Events Italy, Peter Luntz, [resistanceeventsitaly@gmail.com](mailto:resistanceeventsitaly@gmail.com)  
Women's March Milan, Melissa Saucedo, [womens.march.milan@gmail.com](mailto:womens.march.milan@gmail.com)  
American Expats for Positive Change (Rome and London), Tanya Halkyard,  
[aepc00@gmail.com](mailto:aepc00@gmail.com)

and

BankTrack (The Netherlands)  
Food & Water Europe (Korbach, Germany)  
Water Protector Legal Collective (Mandan, North Dakota, USA)  
1Earth Institute INC (Miami, Florida, USA)  
Rete Clima (Capiago Intimiano – Como)  
US Citizens for Peace & Justice (Rome)  
Women's March Rome  
Re:Common (Rome)  
Indivisible Tuscany (Florence)  
US Citizens Against War (Florence)  
Women's March Florence  
Democrats Abroad Italy  
Solidarity for Humanity (Switzerland)  
Standing With Standing Rock – Basel (Switzerland)  
Society for Threatened Peoples (Ostermundigen, Switzerland)  
Frack Off Fife (Scotland)  
Radical Independence Campaign (East Kilbride, Scotland)  
FisNua (Ireland)  
Keep Ireland Fracking Free (Ireland)  
Women's March Barcelona (Spain)  
Madrid Resistance (Spain)  
Ecologistas en Acción (Spain)

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<sup>19</sup> <http://uk.reuters.com/article/brief-bnp-paribas-sells-its-share-in-idUKFWN1HD0IS>

Paris Against Trump (France)  
PAGE Paris (France)  
Wasser Ist Leben (Berlin, Germany)  
The Coalition Berlin (Germany)  
Stand With Standing Rock Heidelberg (Germany)  
urgewald (Berlin, Germany)  
Romania Fara Ei (Romania)  
Quantic Association (Bucharest, Romania)  
Climate Action Coalition Bulgaria  
Turtle Island Restoration Network (Forest Knolls, California, USA)  
Toxics Information Project (TIP) (Providence, Rhode Island, USA)  
Fairmont Peace Group (Fairmont, Minnesota, USA)  
Breathe Easy Susquehanna County (Montrose, Pennsylvania, USA)  
Citizens United for Renewable Energy (CURE) (Ocean City, New Jersey, USA)  
New Energy Economy (Santa Fe, New Mexico, USA)  
FreshWater Accountability Project (Grand Rapids, Ohio, USA)  
PAUSE - People of Albany United for Safe Energy (Albany, New York, USA)  
San Luis Obispo Clean Water (San Luis Obispo, California, USA)  
Earth Action, Inc. (Pensacola, Florida, USA)  
Crawford Stewardship Project (Wisconsin, USA)  
New Brunswick Anti-Shale Gas Alliance (Rothesay, NB, Canada)  
Jan Slakov (British Columbia, Canada)  
Americans Resisting Overseas (Medellin, Colombia)  
PAGE (Progressive Action, Global Exchange) International (Washington, DC, USA)  
PAGE group (Niger)  
Progressive Americans Action League (Oslo, Finland)  
PAGE Freiburg (Germany)  
PAGE Abidjan (Ivory Coast)  
PAGE Dakar (Senegal)  
PAGE Amboise (France)  
PAGE Delhi (India)  
PAGE Uganda