



EMPTY PROMISES DOWN THE LINE?

A Human Rights Impact Assessment of the East African Crude Oil Pipeline

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This community based human rights impact assessment highlights the social, environmental, cultural, and human rights risks of the East African Crude Oil pipeline for communities located along the proposed pipeline corridor in Uganda and Tanzania. Co-researched and produced by Global Rights Alert (GRA), Civic Response on Environment and Development (CRED), Northern Coalition for Extractives and Environment (NCEE), and Oxfam, it identifies and documents the actual and potential human rights implications of this major infrastructure project and makes recommendations to the governments and the companies to mitigate the adverse impacts, and to increase the positive impacts of this project and advocate for inclusiveness, transparency and accountability.

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For further information on the issues raised in this paper please email advocacy@oxfaminternational.org

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Cover photo: Mary is a farmer in Rakai, Uganda, near the border with Tanzania, who will lose farmland to the pipeline. Andrew Bogrand/Oxfam.

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EXECUTIVE SUMMARY

BACKGROUND

When commercial deposits of oil were discovered under Uganda's Lake Albert in 2006, the region was quickly transformed into one of the world's top exploration hotspots. More than a decade later, however, oil production has yet to commence. A significant barrier to the commercialization of these deposits is their remote, inland location and the need for an export pipeline to transport the crude oil to the coast and onward to international markets. After years of negotiating, the governments of Uganda and Tanzania finalized an agreement in 2017 to build the East African Crude Oil pipeline (EACOP), with French energy company Total¹ as the lead developer of the project. The final investment decision should be made in 2020, with pipeline construction starting in March 2021.

At a distance of 1,440 kilometers (900 miles) and at an estimated cost of \$3.5 billion, the EACOP would be one of the largest infrastructure projects in East Africa and the longest heated oil pipeline in the world. The pipeline would transport oil from a pumping station near Hoima, Uganda, to a storage terminal near the city of Tanga, on the northeastern coast of Tanzania. The route would run beside Lake Victoria, Africa's largest lake, and pass through diverse ecosystems and human settlements.

Empty Promises Down the Line? highlights the risks of the EACOP for communities located along the proposed pipeline corridor in Uganda and Tanzania. Researched and produced by Global Rights Alert (GRA), the Civic Response on Environment and Development (CRED), the Northern Coalition for Extractives and Environment (NCEE), and Oxfam, the report seeks to identify and document the actual and potential human rights implications of this major infrastructure project from a community perspective. The report also provides recommendations to the governments and companies involved about how to mitigate the adverse impacts, defend human rights, and promote inclusiveness, transparency, and accountability.

'When this pipeline project came, they promised us too many things. Up to now they have done nothing. This is why we have come to fight for ourselves... to help our friends in other communities. Do not get this problem of being promised the empty promises.' – Mary, a farmer in Rakai, Uganda, near the border with Tanzania.

METHODOLOGY

Research for this report was conducted between 2018 and 2020 and involved focus groups, interviews, and long-term engagement with a sample of communities along the pipeline route in Uganda and Tanzania. In Tanzania, the assessment team engaged with 520 community members (279 women and 241 men) from 15 villages. In Uganda, the assessment team engaged with 691 community members (375 women, 316 men, 11 children) from 21 villages from five districts.

This is a relatively small sample when compared to the total number of villages the EACOP will traverse: 231 villages in Tanzania and 178 in Uganda. Accordingly, this human rights impact assessment (HRIA) does not completely represent all of the risks faced by each interviewed community. Rather, it aims to present recurring issues experienced by many communities.

In both countries, validation meetings were held separately with communities, companies, and government. To complete the process, the team sent the report to the oil companies and governments to give them an opportunity to comment on the findings.

FINDINGS

Like all large-scale infrastructure projects, the construction and operation of the EACOP is likely to affect human rights of the communities where the project is situated. Even before construction begins, the assessment and approval of projects like this create significant new risk and uncertainty for those people who currently depend on the land for farming, grazing, forestry, or fishing.²

As specified in its Human Rights Guide and Code of Conduct, Total commits to respect internationally recognized human rights standards. In developing EACOP, it has publicly committed to applying the International Finance Corporation (IFC) Performance Standards. These standards represent an important set of project safeguards; however, communities worry what these commitments mean in practice – will they remain empty promises, leaving them with little to show for their land and crops, and nothing to support their future?

Land and property

A significant amount of land is needed to make way for the pipeline and its related infrastructure. Around 14,000 households will lose land.³ Roughly 200 households will need to be resettled in Uganda⁴ and approximately 330 households in Tanzania.⁵

Respondents describe how the land acquisition process has been marked by confusion, shortcomings in assessment and valuation processes, delayed compensation and lack of transparency – notwithstanding efforts by the oil companies. In both countries, respondents reported having insufficient information about timelines and valuation rates used. Men and women describe being left in a state of speculation as farming cut-off dates have been issued but no compensation has been paid to date. Women face increased vulnerability in land acquisition processes, since land is mainly owned by men. The research also emphasizes the risks for Indigenous and vulnerable ethnic communities that could be affected by the pipeline.

'I am one of the people affected by the pipeline project but what makes me worried is that they took my land but I have not yet been compensated.' – Mary, a farmer in Rakai, Uganda, near the border with Tanzania

Participation and access to information

As experienced in different parts of the world, the lack of free, active, and meaningful participation in decisions over land use is one of the most common drivers of social conflict leading to project delays and stoppages.⁶ Although communities in Uganda and Tanzania are generally knowledgeable about oil development and its alleged benefits, this research revealed that many lack specific information, including about timelines, technical considerations, compensation procedures, and social and environmental risks. Respondents noted they were confused about the identity of representatives coming to communicate project information and implement project activities. Project delays have compounded many of these challenges.

Despite the number of meetings and outreach efforts that Total/EACOP⁷ has undertaken, respondents in Uganda reported that they were still not given sufficient information about the pipeline project and its impacts, noting a tendency by the company and other stakeholders to focus on benefits of the project as opposed to the risks. Women and men respondents also did not feel meaningfully included in the design, monitoring, and implementation of the project to date. In Tanzania, respondents were more positive about their ability to get information about the EACOP project. Nevertheless, as in Uganda, a recurrent concern related to the lack of information about the environmental impacts, the delay in compensation, uncertainty about where and when they would be relocated, lack of clarity about the resettlement process, limited knowledge about employment opportunities, and unfamiliarity with laws that will govern their compensation payments.

The suspension of the project in September 2019 caused important information deficits for communities, driven by a perceived lack of transparency by the company about the consultation process and company shortcomings in providing clarity around next steps. The COVID-19 crisis only further aggravated the lack of information and state of uncertainty for affected households as direct, face-to-face engagement by Total/EACOP stopped for three months during the pandemic.

Money and livelihoods

In addition to the delays in land acquisition and compensation, this HRIA reveals how farming limitations imposed on impacted households – requiring them to only grow seasonal crops⁸ rather than the more lucrative cash crops – , decreases their household income and reduces their standard of living.⁹ Furthermore, communities are worried about finding quality replacement land and finding new sources of income after resettlement.¹⁰

In both Uganda and Tanzania, the pipeline crosses rural areas beset by a lack of job opportunities, underdeveloped markets, limited roads, poor sanitation, and patchy electricity. Respondents described fears that the EACOP will worsen their communities' economic opportunities by robbing them of their land and destroying the wetlands and forests they

'When the oil project came, our husbands got compensation money and they left us with the children. We remained in these homes, suffering.' – Alice, a farmer and women's rights activist in Hoima District, Uganda.

depend on for their livelihoods. Both men and women expressed hope that they would be offered jobs working for EACOP but fear that their limited education and low levels of capital might prohibit them from job opportunities linked to the project.

Environment and health

Although most of the impacts of the construction phase and the production phase are yet to come, communities worry about oil spills, water shortage, deforestation, and many other impacts that could affect their right to a clean and healthy environment. Any decision to choose least cost technology,¹¹ rather than international best practices,¹² could increase environmental risks from the pipeline. Despite environmental and social impact assessments (ESIAs) from the company promising detailed mitigation plans, communities want more information about what will happen in the case of an accident or emergency and who will monitor the environmental and health impacts.

The EACOP project is likely to bring a number of important risks to women, as highlighted in this report and recognized by the company.¹³ These include increases in already high levels of gender-based violence – a problem that both governments are struggling to address. Respondents fear that high-risk sexual behaviors and commercial sex work will increase along the corridor, which may cause an increase in sexually transmitted diseases.¹⁴ All the risks that would disproportionately affect women must be adequately addressed and communicated to local communities.

‘As women who were affected by the oil projects, we came together, we reached out to different leaders at all levels, reached out to different civil society organizations, we came back we met other women who were affected by the projects, we discussed on the matters that were affecting us and right now we are not as bad as we were.’ – Alice, a farmer and women’s rights activist in Hoima District, Uganda.

RECOMMENDATIONS

The companies operating the EACOP project, the governments of Uganda and Tanzania, and financing institutions adopt certain risks in jointly and cooperatively pushing the EACOP project forward, and they share responsibility for the project’s outcome. The risks identified in this report are all heightened by factors including the operational environment – with both countries still grappling with corruption, weak governance, and conflict – the track record of some subcontractors, and the known difficulties associated with land acquisition, resettlement, oil pipeline construction, and spill mitigation.

Total/EACOP

Total/EACOP should be recognized for taking steps to go beyond the standards set forth in Ugandan and Tanzanian law, especially in relation to improving opportunities for participation and inclusion in the land acquisition process (although delays in the investment decision have interrupted the timely implementation of this process). Despite these efforts, significant human rights and environmental risks remain and must be addressed.

Total/EACOP should:

- Provide immediate financial or in-kind assistance to communities currently affected by EACOP developments and delays, including those who have been prevented from growing long-term crops, until affected people's livelihoods have been fully restored.
- Take immediate steps to clarify the land valuation and compensation process and offer affected individuals and households free and independent legal representation of their own choosing in before and during the review period, and for any dispute resolution process, following the entitlement briefings.
- Disclose the company's HRIA and put in place a monitoring and evaluation system that assesses the effectiveness of measures taken to mitigate the project-specific human rights risks. Update this system regularly – especially as the project transitions from construction to operation and then on to decommissioning – ensuring any new human rights risks are quickly identified and mitigated.
- Increase transparency and access to relevant information about the key elements of the resettlement process, along with the budgets that are being allocated to implement and monitor them; monitoring framework; and indicators that will be used to assess the effectiveness of the resettlement program and ensure women and men are not left worse off.
- Fairly negotiate and document the process of securing the free, prior, and informed consent (FPIC) of vulnerable ethnic communities likely to be impacted by the project.
- Ensure communities have access to independent, third party specialists, such as legal advisors, who can help them understand key legal issues, provide support with compensation and resettlement, and document FPIC implementation.
- Use their influence at different levels of government to support the practical implementation of mechanisms for women's full participation, especially at the signing of agreements, including supporting women's security of land tenure.
- Commission an independent analysis of the EACOP's proposed plans for environmental and social management, including construction, for both Uganda and Tanzania, prior to approval by government and before the start of construction, involving civil society's participation.
- Conduct regular audits during pipeline construction to ensure contractors follow approved designs and fully implement agreed-upon environmental mitigation measures involving civil society and local authorities.
- Commit to use the best available technology for the pipeline construction and operation to reduce the risks of long-term environmental damage that is inevitable when cost-cutting.
- Collaborate with local authorities to prepare for worst-case scenarios and disclose the emergency management plans in their entirety.
- Increase training and oversight of all subcontractors, with a focus on human rights training.

- Adopt full contract disclosure policies, and disclose contracts on the EACOP website, including procurement contracts and private firms providing security, along with the beneficial owners of those companies.

The governments of Uganda and Tanzania

As documented in this HRIA, neither the government of Uganda nor Tanzania appears to have adequately fulfilled its human rights obligations. At many junctures, the governments have let Total/EACOP control the process. Both governments should do more to fulfil their duty to protect their people and ensure the protections provided by their national laws do not remain protections on paper only. The governments of Uganda and Tanzania should:

- Support people in participating in decisions about these projects without fear of retaliation.
- Require the use of the best available technology in relation to pipeline construction and operation to reduce the risks of long-term environmental damage that can happen with cost-cutting. This includes minimizing the width of the right-of-way to 15 meters – 10 in sensitive environments.
- Take into account the findings of an independent analysis of the EACOPs proposed environmental and social management, security, and construction plans before issuing final approvals.
- Update statutory valuation rates for all crops, lands, and other assets. Valuation rates should reflect the full replacement cost.
- Update domestic laws on land acquisition, valuation, and resettlement to ensure they align with regional and international standards, including the right to free, prior, and informed consent (FPIC).
- Strengthen the implementation of existing laws to further protect women's rights and eliminate discrimination against women, including increasing investments in programs to reduce gender-based violence.
- Ensure oversight authorities including National Environmental Management Authority (NEMA), National Environment Management Council (NEMC), Petroleum Authority of Uganda (PAU), and Tanzania Petroleum Development Corporation (TPDC) are fully staffed and resourced to monitor and oversee the construction and operation of the EACOP.
- Improve efficiency of local mechanisms for receiving and responding to complaints, especially those relating to human rights and environmental impacts.
- Ensure that human rights impact assessments, such as this one, form a mandatory part of future approval for large land-based investment projects and develop specific guidance on how to integrate gender analysis into the assessment of environmental and social impacts.
- During construction, operation, and decommissioning, ensure that the EACOP partners use the best available technologies and following approved plans.

1 INTRODUCTION

BACKGROUND

Commercial quantities of oil were discovered under Uganda's Lake Albert in 2006. Conservative estimates put the volume of recoverable oil at 1.2 billion barrels.¹⁵ Expectations were high that the discovery of oil would quickly translate into significant new sources of foreign investment and government revenue, as well as opportunities for Uganda to move toward energy self-sufficiency. More than a decade later, however, oil production has yet to commence. A significant barrier to production has been the need for a pipeline that would transport the crude oil to the East African coast for export.

After assessing the merits of three different routes, the governments of Uganda and Tanzania, and the international oil companies with interest in Uganda's oil announced the decision in May 2017 to proceed with the southern route. The East Africa Crude Oil Pipeline (EACOP) would transport Uganda's crude oil to a marine storage and export facility on the Tanzanian coast. The pipeline was planned as a joint venture among the Uganda National Oil Company (UNOC), the TPDC, Total, the China National Offshore Oil Company of Uganda (CNOOC Uganda), and British energy company Tullow Oil. On April 23, 2020, Tullow Oil PLC announced the sale of all its assets in Uganda to Total E&P Uganda, a subsidiary of Total. Total has the largest stake in the project and is leading the design and development of the pipeline. (See Box 1, below, for more detail on these key actors).

Starting near Lake Albert at the Kabaale pumping station in the Hoima district of western Uganda, the EACOP would wrap around Lake Victoria, cross into Tanzania at Mutukula, in the district of Kagera, and cut across northern Tanzania to the Chongoleani peninsula (see Figure 1, below). The pipeline will be buried, insulated, and electrically heated by a cable that will keep the temperature of the oil at 50°C or warmer, which is necessary to keep the waxy Albertine crude oil flowing.

Covering over 1,440 kilometers at an estimated cost of \$3.5 billion,¹⁶ and transporting an average of 216,000 barrels of crude oil per day, the EACOP would be one of the largest infrastructure projects in East Africa and the longest electrically heated pipeline in the world. Of the total distance covered, 296 kilometers of the pipeline would pass through Uganda and 1147 kilometers through Tanzania. The EACOP would cross 10 districts and an estimated 178 villages on the Ugandan side and eight regions¹⁷^[OBJ]. The project was originally slated for completion in 2022 but has faced significant delays.

The construction and operation of any crude oil pipeline carries important environmental and human rights risks. These include potential involuntary resettlement, the loss of land and natural resources critical for

livelihoods, and pollution. These risks are higher for women who largely depend on subsistence agriculture and face particular risk of being excluded from decision-making processes.¹⁸

These risks cannot be understated: For one reason, oil exploration and development projects around Lake Albert are already subject to allegations of human rights violations. Communities claim they have faced violence, social disruption, slow land acquisition and compensation time, inadequate relocation processes, among other challenges.¹⁹ The Government of Uganda acknowledges many of these impacts.²⁰

This community-based human rights impact assessment (COBHRA) highlights the social, environmental, cultural, and human rights risks of the EACOP for communities located along the proposed pipeline corridor in Uganda and Tanzania. This assessment was researched and produced by Global Rights Alert (GRA), the Civic Response on Environment and Development (CRED), the Northern Coalition for Extractives and Environment (NCEE), and Oxfam. The assessment intends to identify and document the actual and potential human rights implications of this major infrastructure project and provide recommendations to the government, the companies, and other actors to mitigate the adverse impacts, and to increase the positive impacts of this project and advocate for inclusiveness, transparency, and accountability.

Figure 1: EACOP route



Source: Oxfam

Box 1: EACOP joint venture

Project shareholders

The Uganda National Oil Company (UNOC) and the Tanzania Petroleum Development Corporation (TPDC) will be shareholders, together with Total Exploration and Production Uganda (Total E&P), and the China National Offshore Oil Company Uganda (CNOOC Uganda) in a joint venture that will develop, construct, and operate the pipeline.²¹ Tullow Oil is a current shareholder but is selling its assets in the EACOP to Total.

UNOC is a limited liability company owned by the Government of Uganda. As required by the government, UNOC holds a mandated 15% interest in the two proposed oil production blocks on Lake Albert, known as Tilenga and Kingfisher. TPDC is the national oil company of Tanzania, through which the Ministry of Energy implements its petroleum exploration and development policies.

The China National Offshore Oil Corporation (CNOOC) is a state-owned enterprise that is the largest producer of offshore crude oil and natural gas in China and one of the largest independent oil and gas exploration and production companies in the world.

British energy company Tullow Oil is an independent oil and gas exploration and production company. In April 2020, Tullow Oil reached an agreement with Total to offload its entire stake in Uganda, including in the EACOP and the Lake Albert oil development project, for \$575 million; in July, Tullow shareholders approved the sale, subject to relevant government approval.²²

Total, which has its head office in Paris, is one of the largest oil and energy companies in the world. Total operates in more than 130 countries and established its first subsidiary group in Uganda in 1955. In 2012, Total began exploration and development to extract oil from Lake Albert. Total's largest shareholder is the investment management corporation BlackRock, Inc., which is listed on the CAC 40 index in France and on the New York Stock Exchange.²³

Total/EACOP

A shareholder agreement to formalize the EACOP company and other related legal agreements have yet to be developed among these shareholders. In the interim, Total East Africa Midstream (TEAM) BV is the developer of the project.²⁴ **This report uses Total/EACOP to refer to any company operating in the name of EACOP (e.g., sub-contractors).**

EACOP will have at least five commercial agreements²⁵: one inter-governmental agreement (IGA²⁶) between the governments of Uganda and Tanzania, which was signed in 2017; two host government agreements between the venture partners and each government, respectively, to account for the transboundary scope of the project; the Shareholder Agreement; and the Tariff and Transport Agreement.

EACOP financing

It is expected that financing for the EACOP could be completed through a mix of debt and equity with venture partners holding 65% of the shares and the governments of Uganda and Tanzania holding the remaining 35%. Between 30 and 40% of funding for the project will come from the equity partners, and 60 to 70% will be raised through debt.²⁷

METHODOLOGY

A human rights impact assessment (HRIA) is designed to identify actual and potential human rights impacts of a project in order to make recommendations for companies and governments to mitigate the risks, address the impacts, and maximize human rights protection in the context of the investment project. An HRIA can be conducted by the company itself or by communities and organizations working closely with them, as with this HRIA.

This community-based HRIA was informed by 'Getting it Right,' a dynamic, participatory tool developed by the Canadian human rights organization Rights & Democracy²⁸ and now promoted by Oxfam America and other allies. An HRIA measures the gaps between the human rights in principle, as adopted by states, and with attendant responsibility for businesses, and the human rights in practice, as experienced by local communities.

The HRIA partners GRA, CRED, NCEE, and Oxfam launched this assessment of the EACOP project in September 2018.

Preparation and adaptation of the tool

This research employed a combination of both desk review and field research. The assignment was carried out using qualitative methodology.

In Tanzania, NCEE launched the research project²⁹ with the inception meeting in November 2018, where the team introduced the project to local government authorities, including the Tanga regional security and safety committee.

In Uganda, the HRIA partners identified target communities using a hotspot identification exercise that was conducted in nine selected villages from the five sampled districts purposively sampled to be as representative as possible of the 10 districts affected by the EACOP. The HRIA partners organized scoping meetings in March 2019 and worked with community members to identify the human rights issues linked to pending oil development.

Following those initial meetings, the 'Getting it Right' tool was adapted to the local context to improve the relevance of the questions. In both countries, the teams organized pretesting activities with sampled communities to validate the relevance and utility of the tools developed.

Sampling

Since the EACOP extends more than 1,400 kilometers across two countries, the HRIA partners did not have sufficient resources to collect data from each and every community along the entire pipeline route. Furthermore, although Total/EACOP shared a list of the affected villages with the team, the exact coordinates of the pipeline in Tanzania were not

disclosed publicly, which further complicates the work. (The route was disclosed in Uganda).³⁰

To select geographical locations to include in the HRIA, the partners were guided by the following criteria:³¹

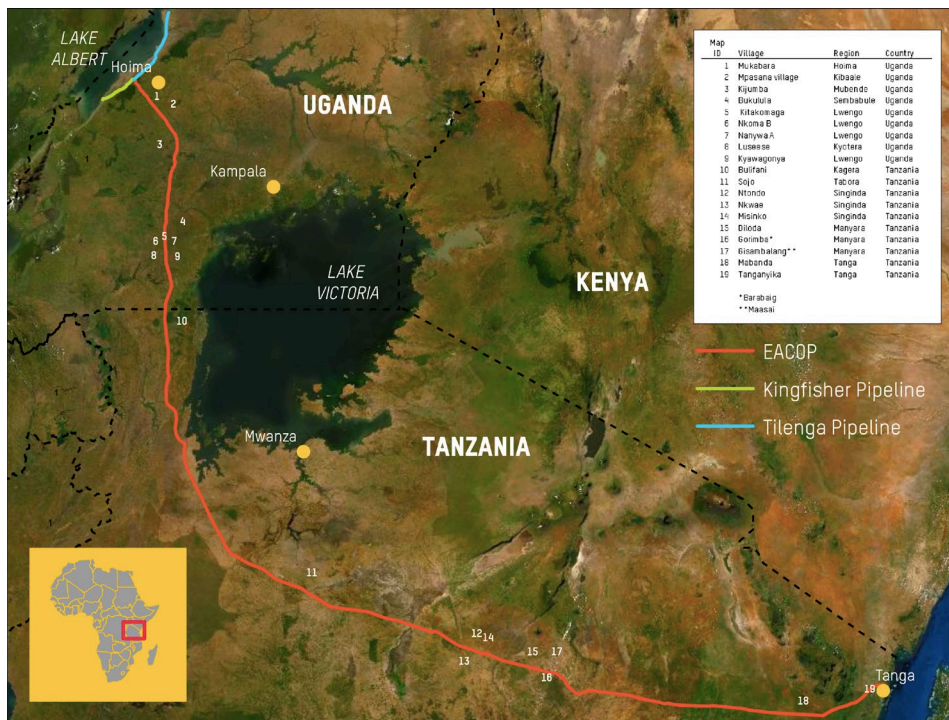
- The current or future location of key infrastructure facilities to support the EACOP project, such as construction camps and pumping stations;
- Population density;
- The type and variety of local economic activity;
- The existence of essential features such as water sources, rivers and streams; and
- The level of development (e.g., rural vs. urban).

With support from Clark University, the HRIA partners used spatial analysis to identify the areas likely to be at highest risk of land conflicts and environmental damage. Factors taken into account included population density, land cover,³² livelihood zones,³³ seismic activity,³⁴ water sources,³⁵ and proximity to refugee camps.³⁶

In Tanzania, a list of 15 villages was developed. In Uganda, 21 villages were identified. Certain criteria varied from one village to another, depending on the nature of the local environment, economic activities, accessibility, traditional activities, and the projected degree of human rights impact. Figure 2 shows the sites where community data was collected.

To select the individual participants, the assessment team used a non-probability purposive sampling whereby community members were selected based on non-random criteria. Community representatives were selected based on their distance from the pipeline route and the projected magnitudes of effects to a community.³⁷ The teams tried to maintain a gender balance: In Tanzania, 53% of participants were women and 47% men; in Uganda, 54% were women and 46% were men.

Figure 2: Location of field sites along EACOP



Imagery Source: Esri, Earthstar Geographics, CNES/Airbus DS, and the GIS User Community

Data Sources: Clark University, OpenStreetMap

HRIA legal framework

To establish the benchmark for assessing the impact of the EACOP project, teams in both countries developed the legal framework through a comprehensive review of the key international, regional, and national laws and treaties protecting the rights potentially affected by the EACOP project. These include international system of human rights, the African Charter on Human and Peoples' Rights, and the Ugandan and Tanzanian constitutions, as well as relevant national legislations and jurisprudences. It also includes international standards such as the United Nations Guiding Principles on Business and Human Rights, International Financial Corporation (IFC) Performance Standards, the United Nations Voluntary Principles on Security and Human Rights, and other instruments that governments can adopt, and companies can adhere to.

Investigation process

The HRIA partners started the participatory data collection process in the selected villages, using individual interviews, focus group discussions, and questionnaires. In Uganda, the assessment team worked closely with community-based monitors (advocates supported by GRA to monitor human rights violations at the community level). In Tanzania, the team worked with local government authorities and key informants, such as political leaders as well as village elders. The HRIA partners also identified strategies to engage women and vulnerable groups separately

to ensure they had a safe space to voice their perspectives, needs, and concerns. The HRIA partners used telephone interviews when in-person interviews were not possible.

In both countries, the HRIA partners used community-mapping techniques to locate communities' key assets. Once superimposed on the pipeline route, the map offers a visual representation of likely key impacts of the pipeline.

In Uganda, the research team met with Total/EACOP representatives, including the environment manager, business and development director, and field staff.³⁸ The HRIA partner also interviewed representatives from government and civil society organizations and coalitions.³⁹

In Tanzania, the team also met with representatives from Total/EACOP, including the land and social manager, the ESIA engineer, the land access and resettlement coordinator, the grievance administrator, and field staff. The HRIA partners also interviewed representatives from government at the district level, including the departments of land, community development, environment, natural resources and planning and economic. Data collection also included interviews with key informants, such as village leaders.

Validation

In both countries, validation meetings were held separately with communities, companies, and government. The initial findings were also shared with community representatives, civil society organizations, and companies to provide them with an opportunity to input and validate the findings in the report prior to publication. As for the entire engagement process, the team maintained a gender balance in participants attending the community meetings.

Validation of data collected in communities was then done through interviews with company representatives in Uganda and Tanzania in February 2020. During those interviews, the details of the findings from communities were shared, and the company had an opportunity to respond to the specific issues raised by the community respondents. A final interview with Total/EACOP representatives was conducted in June 2020. To complete the process, the team sent the report to Total/EACOP and relevant bodies within the governments of Uganda and Tanzania to give them an opportunity to comment on the findings. Not all comments received could be included in this report.

Area covered

UGANDA

In Uganda, the assessment team focused on five districts: Hoima, Kikuube, Kakumiro, Kyotera, and Lwengo. Participants in the process included 691 people (375 women, 316 men, and 11 youth) from 21 villages.

Lwengo District (Central Region)

Located in the Central Region of Uganda, Lwengo district has a total population of 274,953.⁴⁰ A large majority of households are engaged in either crop growing or livestock herding. The pipeline is expected to affect 19 villages. Most of the affected areas in Lwengo are cattle ranches. Other communities farm cash crops like coffee, maize, and bananas.

Kyotera District (Central Region)

Also located in the central region of Uganda, Kyotera has a population of 12,789.⁴¹ A large majority of households are engaged in either crop growing or livestock farming. The pipeline crosses into Tanzania at the Mutukula border, located in Kyotera district. Twenty villages are being earmarked for the EACOP project. The district will also require land for access roads, pumping stations, and heat tracing areas.

Kakumiro District (Western Region)

Kakumiro District is located in the Western Region of Uganda. The population of Kakumiro District is estimated at approximately 300,000 people.⁴² Kakumiro District will host a camp at Katikara sub-county, which is believed to accommodate between 800 and 1,000 workers. Land for access roads, electric pumps, and a substation will also be needed. The pipeline will also transverse River Kabale and other small seasonal swamps found in the district. A total of 25 villages are likely to be directly affected by the EACOP and related construction.

Kikuube District (Bunyoro Sub-Region and Western Region)

Kikuube District is in the Bunyoro Sub-Region of the Western Region. The district has a population of 267,455 people. The main economic activities include fishing, tourism, and crop production. The district is composed of Bantu ethnic groups. The EACOP is expected to go through 20 villages with people whose major economic activity is farming maize, rice, and tobacco.

Hoima District (Western Region)

Hoima District is in the Western Region of Uganda and has a population of 573,903.⁴³ The district is home to a Bantu ethnic group. Fishing on Lake Albert and salt mining in Kibiro employ several hundred people. The recent discovery of petroleum in the district is increasingly attracting people to the many activities that the industry involves. Other economic activities include tourism and crop production. In Hoima District, the pipeline passes through only one village of Kijumba. The district will host a pumping station, access roads, and an electric substation.

TANZANIA

In Tanzania, the assessment team focused on seven selected districts: Nzega, Chato, Muheza, Handeni, Hanang, Kahama, and Missenyi. A total of 520 affected community members (279 women and 241 men) participated in the HRIA process.

Nzega District (Tabora region)

Nzega is one of the seven districts in the Tabora Region. The district has a population 502,252.⁴⁴ The Nyamwezi are the main ethnic group, making up 80% of the population. Their primary economic activity is farming, followed by small livestock keeping. The Wasukuma are the second major ethnic group, who migrated from neighboring districts in search of farming and grazing land, followed by the Waha, who migrated from Kigoma and Nyiramba.

Chato District (Geita Region)

Chato is one of the five districts in the Geita Region. The district has a population of 365,127.⁴⁵ The Sukuma are the main ethnic group. Traditional economic activities include farming for both food and cash crops such as rice, maize, and beans, livestock herding, and small-scale gold mining. There are large- and small-scale businesses in Chato.

Muheza District (Tanga Region)

Muheza is one of the eight districts in the Tanga Region. It is located in the northeast of Tanzania and borders the city of Tanga. The district has a population of 204,461.⁴⁶ The livelihood and economy of Muheza district are dominated by farming, forestry, fishing, livestock herding, and mining. Cotton is the main cash crop grown in the district and food crops include paddy (rice), maize, groundnuts, sunflowers, tomatoes, and onions.

Handeni District (Tanga Region)

Handeni is one of the largest districts in the Tanga Region. The district has a population of 276,646.⁴⁷ The Zigua are the main ethnic group, followed by groups such as the Maasai. Farming, including maize and cassava, as well as livestock and mining, are the district's main source of livelihood.

Hanang District (Manyara Region)

Hanang is inhabited by a number of ethnic groups, predominantly the Iraqw as well as the Barabaig,⁴⁸ and a mixed agro-pastoral community made up mainly of immigrants from nearby areas. Traditionally the Barabaig are cattle keepers. The district has a population of 275,990.⁴⁹ The pipeline will affect Barabaig dwellings and graves.

Kahama District (Shinyanga Region)

With a population of 242,208, Kahama is one of the five districts of the Shinyanga Region.⁵⁰ The Shinyanga region is inhabited by a dominant ethnic group called Sukuma. Other groups have emerged from other parts of the country attracted by gold mining and local business opportunities. The traditional activity of the Sukuma is agriculture for food and cash crops, including rice, maize, and cotton. Other minor crops include beans, cassava, and potatoes. The region also has gold mining activities by large- and small-scale mining operations and livestock activities.

Missenyi District (Kagera Region)

Missenyi is one of the eight districts of the Kagera Region. In 2012, the population was 202,632.⁵¹ The dominant ethnic group is Haya, but other groups have also arrived from other parts of the country, as well as from Uganda, engaging in large- and small-scale business. The traditional activities are livestock herding and farming rice, maize, beans, and coffee. Many residents also engage in transboundary businesses.

LIMITATIONS OF THE HRIA

Documenting the impact of a project that is not yet in operation (*ex-ante*) presents unique opportunities to prevent harm before the project breaks ground. But this process brings additional challenges, as some impacts are not yet visible. Furthermore, information about the investment project can be more difficult to access, since agreements are not yet final. In the context of the EACOP, another obstacle faced by the team in Tanzania was the lack of information about the exact route of the pipeline.

Although the list of villages was provided by Total/EACOP, additional research was needed to locate which specific households would be affected. The selection was finally made using a combination of information from the geotechnical survey teams and available maps.

An important limitation of the HRIA is the size of the sample of community members engaged. In Tanzania, due to the major distances between villages and the scope of the project, only 15 villages were accessed, compared to the 231 villages that will be potentially affected by the EACOP. In Uganda, the team was able to engage with communities in only 21 villages out of the 178 that will be affected. This HRIA does not completely represent all of the risks faced by each interviewed community. It aims at presenting recurring issues experienced by many communities.

Another challenge faced by the assessment team in Uganda was the disruption on several occasions of three community consultations by New Plan (one of Total/EACOP's subcontractors). Disturbances included cars arriving and idling near where consultations were occurring, making it difficult for participants to hear each other or focus, as well as, on at least one occasion, a New Plan employee sitting down to listen to the discussions.⁵² In addition to causing delays to the consultations, those intrusions also affected community members' ability to express themselves freely. GRA managed to engage Total/EACOP's team on the issue, and those disruptions stopped during subsequent consultation meetings. GRA contacted Total/EACOP representatives in Kampala to notify them of the intrusions. Total/EACOP requested their subcontractors to leave. This situation stopped after the three intrusions.

Human rights are a complex issue in several developing countries, and HRIAs are still unknown to many governments. In Tanzania, the erroneous perception of HRIA by the government has been a major obstacle to this process. The lack of trust and understanding at the beginning of this project and the numerous bureaucratic processes

required to undertake the assessment may have caused unnecessary delays.

With the number of ethnic groups along the EACOP corridor,⁵³ the diversity of languages was another challenge for HRIA researchers and community members. To be as inclusive as possible, the teams involved interpreters for their interactions with community members, which slowed the natural flow of community consultation. Due to the high level of uncertainty in communities about the pending resettlement process, several community members were searching for opportunities to obtain responses to their questions. The HRIA team was confronted with an unexpectedly high number of community members showing up for interviews and focus group discussions thinking that the HRIA teams could provide the missing information and solve their problems. The team had to clarify the objective of the meeting and the fact that they could not provide them with information about the resettlement process.

OUTLINE OF THE REPORT

This report is structured as follows. In Chapter Two, we present the human rights framework that was developed to assess the project and summarize the key international, regional and domestic laws, as well as the human rights commitments that the companies made. In the subsequent four chapters, we present the key findings from the research on land and property (Chapter Three); participation and access to information (Chapter Four); on money and livelihoods (Chapter Five); and on environment and health (Chapter Six). The report concludes with Chapter Seven, a set of recommendations for the companies and governments.

2 HUMAN RIGHTS FRAMEWORK

Like all large-scale infrastructure projects, the construction and operation of the EACOP is likely to affect the human rights of the communities where the project is situated. Even before construction begins, the assessment and approval of projects like this create significant new risk and uncertainty for those people who currently depend on the land for farming, grazing, forestry or fishing.⁵⁴

Building the EACOP will require major land acquisition, and the right-of-way (ROW)⁵⁵ will pass through community settlements, pastoral regions, agricultural land (including gardens and grazing areas), trading centers, environmentally protected areas (including forest reserves), cultural and religious sites, and local road networks. The most threatened rights, as identified during the scoping exercise, are the rights to own property, to an adequate standard of living (including the right to food, housing, and health), to a healthy and clean environment, and to security and liberty of the person.

PUBLIC SECTOR OBLIGATION

In accordance with international law, states have an obligation to respect, protect, and fulfill human rights. The obligation to respect means that states must refrain from interfering with or impeding the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses committed by third parties, including businesses. Finally, the obligation to fulfill refers to states' obligations to take positive measures to ensure the enjoyment of basic human rights. States therefore have an obligation to ensure that people have access to the necessary resources and recourse to effectively enjoy their rights and, further, an obligation to provide reparation for those whose rights have been violated.⁵⁶

In 2011, the United Nations Guiding Principles for Business and Human Rights (UNGPR) were unanimously endorsed by the UN Human Rights Council. Developed in three pillars, the UNGPR clarifies the duties and responsibilities of governments and businesses with regards to human rights. The first pillar defines the obligation of the state to 'respect, protect, and fulfil the human rights of individuals within their territory and/or jurisdiction. This includes the duty to protect against human rights abuse by third parties, including business enterprises.'⁵⁷ Fulfilling their duty to protect also includes enforcing laws that aim at requiring companies to respect human rights.⁵⁸ The third pillar provides for the access to remedy for victims of human rights abuses, specifying that 'states must take appropriate steps to ensure, through judicial, administrative, legislative, or other appropriate means, that when such

abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.’⁵⁹ The UNGPs constitute a global standard that ‘provides clarity to states on the implications of their existing duty to protect human rights against adverse impact caused by companies, including as it relates to ensuring that those affected by business activities have access to an effective remedy.’⁶⁰

Contemporary international human rights law has its roots in the Universal Declaration of Human Rights (UDHR), which codified norms that the community of states agreed to uphold in order to respect human freedoms and dignity. Subsequently, a host of other international human rights conventions have come into force, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention for the Safeguarding of the Intangible Cultural Heritage.

At the regional level, the African Charter on Human and Peoples Rights (ACHPR) is the major human rights instrument. The ACHPR has a Protocol on the Rights of Women in Africa. Other regional instruments in Africa include the African Charter on the Rights and Welfare of the Child (ACRWC) and the East African Community (EAC) Treaty. Uganda and Tanzania are signatory to and have ratified all these treaties and many other instruments. However, neither Uganda nor Tanzania has ratified the International Labor Organization Convention 169 on Indigenous and Tribal Peoples (ILO 169).

Table 1: Main Human Rights Treaties Ratified by Uganda and Tanzania

Human Rights Treaty	Year of Adoption	Year of Ratification/ Accession by Uganda	Year of Ratification/ Accession by Tanzania
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	1965	1980	1972
<i>International Convention on Economic Social and Cultural Rights</i>	1966	1987	1976
<i>International Covenant on Civil and Political Rights</i>	1966	1995	1976
<i>Convention on Elimination of All Forms of Discrimination Against Women</i>	1979	1985	1985

<i>Convention on the Rights of Persons with Disabilities</i>	2006	2008	2009
<i>African Charter on Human and People's Rights (Banjul Charter)</i>	1981	1986	1986
<i>Protocol to the African Charter on Human and Peoples' Rights (Maputo Protocol)</i>	2003	2010	2007
<i>African Charter on the Rights of a Child</i>	1990	1994	2003

Source: Authors

In both countries, treaty obligations need to be domesticated into national legislation if they are to take effect. In Uganda, this can be done through acts of parliament and through the inclusion of those human rights in the bill of rights of the 1995 Constitution of Republic of Uganda, which provides for most of the country's civil and political rights.⁶¹ The constitution has few provisions for economic, social, and cultural rights,⁶² which can be found in the National Objectives and Directive Principles of State Policy, part of the Constitution of Uganda.⁶³

Government commitments to the Extractive Industries Transparency Initiative

In February 2019, Uganda committed to join the Extractive Industries Transparency Initiative (EITI). The EITI board approved its application in August 2020.⁶⁴ Tanzania has been a member of EITI since 2009. EITI is a global initiative to promote the open and accountable management of oil, gas, and mineral resources. The EITI Standard requires the disclosure of information along the extractive industry value chain from the point of extraction through government revenue agencies to any public benefits.

PRIVATE SECTOR OBLIGATION

Companies and business enterprises have a responsibility to respect the laws and policies of their host countries, though where such laws and policies are weak, this does not exempt them from complying with the international standards set out in the international instruments.

The UNGP is a soft international law instrument. It affirms that companies have a responsibility to respect human rights and to provide access to remedy when these rights are violated. In addition to stating that companies cannot commit human rights violations themselves, it confirms that they cannot be complicit in the face of human rights

violations committed by their subsidiaries and business partners. The UNGP provides more specific guidance on how to implement these commitments in practice. In particular, the second pillar of the UNGP clarifies the responsibility of the companies and establishes that as part of their responsibility to respect human rights, they must identify, prevent, mitigate, and account for how they address their impacts on human rights.⁶⁵

The EACOP and human rights

As the current operator of the EACOP project, Total will apply its internal human rights policies and the human rights commitments it has made externally.⁶⁶ As specified in its human rights guide and its code of conduct, Total commits to respecting internationally recognized human rights standards, including the UDHR, the fundamental Conventions of the ILO, and the UNGP.⁶⁷ Total abides by the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, as well as the principles of the United Nations Global Compact.⁶⁸

French Duty of Vigilance Law

With its headquarters in Paris, Total is subject to the French Corporate Duty of Vigilance Law, which requires companies to deploy reasonable measures to identify and prevent severe violations of human rights, fundamental freedoms, human health and safety, and the environment that may result from their activities, as well as the activities of subcontractors or suppliers.⁶⁹ The law creates legally binding obligations for the company itself, as well as the companies that they directly or indirectly control. Companies can be held accountable for their actions in court.⁷⁰

One of the requirements of the law is for companies to develop, publish, and implement a 'vigilance plan' mapping the risks of their operations on human rights, including health and safety, and the environment. This exercise must be done annually and include appropriate actions to respond to the risks identified and a system monitoring the implemented measures.

In the vigilance plan submitted as part of its compliance with this law, Total identified the most salient human rights risks in its global operation. The human rights issues include: forced labor, discrimination, non-compliance with fair and safe working conditions, and risks related to resettlement of local communities, which affect local communities' right to health, and disproportionate use of force by government or private security force to protect Total's staff and facilities.⁷¹ Although there is no specific mention of countries or projects,⁷² Total is committed to conducting human rights impact assessments at the project level.⁷³

To monitor the implementation of the measures, Total relies on multidisciplinary committees and divisions.⁷⁴

Commitments to International Finance Corporation Performance Standards

Total has committed to respect the IFC Performance Standards for the EACOP,⁷⁵ which represent an important set of project safeguards that many large private companies, including extractive companies, industry associations, and investors have adopted. Although the Performance Standards have gained normative weight as a benchmark for sustainability, they do not expressly adopt human rights standards or requirements for human rights due diligence.

Performance Standard one (PS1) focuses on the assessment of social and environmental impacts, emphasizing the importance of transparency of all project information to ensure effective participation of affected communities. Performance Standards two (PS2) through eight (PS8) address common risks and impacts that are features of large-scale private infrastructure projects and that require special safeguards, including:

- Labor and working conditions (PS2)
- Resource efficiency and pollution prevention (PS3)
- Community health, safety, and security (PS4)
- Land acquisition and involuntary resettlement (PS5)
- Biodiversity conservation and sustainable management of living natural resources (PS6)
- Indigenous peoples (PS7)
- Cultural heritage (PS8).

For the EACOP, Total committed to applying these standards, notwithstanding there is no formal loan agreement between the IFC and any of the EACOP project partners.⁷⁶ Project documents disclosed for the EACOP indicate that all these standards apply in this case, except for PS7, which addresses the special protections afforded Indigenous peoples, which does not apply in Uganda.⁷⁷ For Tanzania, the EACOP project team has confirmed that people within the project area that may be identified as Indigenous will be affected by the project.⁷⁸

Although these standards are important safeguards, they are not without their limitations. For instance, the level of attention given to gender and the analysis of gender impacts within the standards is low.⁷⁹ Where gender is mentioned, it appears as one of several factors to be taken into account in assessing the vulnerability or level of disadvantage that different individuals or groups may face in relation to project impacts. As this assessment will highlight, without minimum standards and clear guidance on how to incorporate gender analysis into impact assessments, proponents and decision makers will continue to underestimate the gendered impacts of extractive industry projects like EACOP.

Commitments to Voluntary Principles on Security and Human Rights

Total is part of the Voluntary Principles on Security and Human Rights, a multi-stakeholder initiative that guides companies on engaging with security providers while respecting human rights.⁸⁰ The principles provide guidance to companies to conduct human rights risk assessments in their engagement with public or private security companies and requests companies consult with governments and communities about the impact of security arrangements around the project. All contract agreements with security providers must include these principles and companies following the initiative must provide human rights training for security providers. The initiative also stipulates that allegations of human rights abuses should be investigated and monitored.⁸¹

Commitments to Equator Principles

Total commits to comply with Equator Principles (EP), a set of principles adopted by financial institutions to form a common baseline to identify, assess, and manage environmental and social risks when financing projects. These principles categorize projects based on the severity of risks and impacts: 'category A are projects with potential significant adverse environmental and social risks⁸² and/or impacts and category B are projects with potential limited adverse risks and/or impacts.'⁸³

Among the requirements, for both categories, is that companies must prepare an environmental and social impact assessment report (ESIA) in compliance with relevant host country laws, regulations and permits, IFC Performance Standards and World Bank Group Environmental, Health, and Safety (EHS) Guidelines. They must conduct an alternative analysis.⁸⁴ They are required to prepare an action plan to implement mitigation measures, corrective actions, and monitoring measures. The EP also requires establishing an environmental & social management system and conducting a stakeholder engagement with the project-affected communities.

For category A projects, companies must establish a grievance mechanism, disclose the environmental and social impact assessment report online, disclose the greenhouse gas (GHG) emissions quantification⁸⁵ and require an independent expert to review the above items. They have to provide periodic reports to demonstrate their compliance with principles and host country's laws and regulations.

Commitment to the Extractive Industries Transparency Initiative

Total is a board member and champion of the EITI. In keeping with the EITI's expectations for industry supporters, companies have the responsibility to promote transparency and engage in rigorous procurement processes, including due diligence, with respect to partners and vendors.⁸⁶ EITI member countries are required to disclose gender disaggregated extractive industries employment data and, wherever available, by company and level. This information should be provided by companies.

Internal human rights policies

Total has recently put an increasing effort into publicizing its human rights principles and practices. The key internal human rights documents developed by Total are the code of conduct of the enterprise (2018),⁸⁷ the human rights guide (2015),⁸⁸ and the human rights briefing paper (updated in April 2018).⁸⁹

Total's code of conduct covers expected behaviors of its employees, as well as how the company should manage relationships with host countries, local communities, customers, suppliers, business partners, and shareholders. Total applies its code of conduct in all joint ventures it controls and expects suppliers, contractors, and business partners 'to apply standards that are equivalent to ours, in particular towards their employees.'⁹⁰

The human rights guide serves as a complement to its code of conduct and presents what Total is doing in the field of human rights, providing examples of good practices. The stated goal of this document is to help employees find answers to their questions about human rights and about what Total is willing to do to protect those rights.

In both documents, Total states its commitment to go beyond legal compliance and expresses 'to governments our belief in the importance of respecting human rights when necessary, whilst respecting their sovereignty.' Beyond compliance means applying the most stringent standard when there is a difference between national standards and their code of conduct.⁹¹ To ensure compliance with the code of conduct, Total asks independent third parties to conduct ethical assessments of their activities.

Total reiterates its commitment to identify and address impacts as well as implement effective measures to address them. The company commits to providing appropriate remedy for adverse impacts that could not be avoided and maintain an ongoing dialogue with stakeholders.⁹²

Total adheres to the principles set up in the UNGP and prides itself as being the first oil and gas company to report on the basis of the UNGP Reporting Framework.⁹³ It identified the more salient human rights issues in its operations, which are:⁹⁴

- Human rights in the workplace, including forced labor and child labor, discrimination, just and favorable conditions of work and safety;
- Human rights and local communities' access to land, right to health and an adequate standard of living; and
- Human rights and security, including the risk of misuse of the force.⁹⁵

Total's approach to community outreach is outlined in its Stakeholder Relationship Management (SRM+), which highlights the company's commitments to engage with communities in:

...regular and meaningful consultation and ensure transparency in their operational activities Total commits to listening to stakeholder concerns and needs and consulting communities

about impacts and mitigation measures throughout the life cycle of their operations.⁹⁶

Total recognizes ILO 169 and the UN Declaration on the Rights of Indigenous Peoples. The company affirms that where necessary, it will 'conduct human rights impacts assessments with an engagement focus on vulnerable groups, including indigenous and tribal peoples.'⁹⁷ Total undertook an HRIA in Papua New Guinea as well as in Uganda and Tanzania.

LEGAL FRAMEWORK GOVERNING THE INVESTMENT PROJECT

Given the scale and potential impacts of the EACOP project, there are numerous national laws in both countries that regulate the assessment, approval, construction, and operation of the EACOP project. These include the following, although this is not an exhaustive list.⁹⁸

In Uganda, the Petroleum Exploration and Production Act (2013) governs the upstream aspects of the industry, whereas the Petroleum (Refining, Conversion, Transmission, and Midstream Storage) Act (2013) provides for the licensing and operation of oil pipelines. The law establishes the PAU with the responsibility to monitor and regulate the exploration, development, and production of oil activities, along with transportation. Uganda's National Environment Act designates the National Environmental Management Authority (NEMA) as the key government agency with responsibility for the assessment and approval of the environmental and social impacts of development projects, including reviewing ESIA's and facilitating public participation throughout the assessment process, as well as the ongoing monitoring and enforcement of environmental conditions of approval. The Water Act (1997) regulates the storage, treatment, discharge, and disposal of waste that may pollute water or otherwise harm the environment and human health. The act requires a developer to secure prior authorization before taking or discharging pollution into a waterway. The Uganda Land Commission is responsible for the acquisition of land for public purposes and for complying with valuation and compensation standards.

In Tanzania, the Petroleum Act No. 8 (2015) regulates all petroleum activities in the country, including oil pipelines, and designates the Tanzania Petroleum Development Corporation (TPDC) as the agency responsible for all aspects of petroleum operations and agreements. In combination with Tanzania's land laws, TPDC is authorized to acquire the land necessary for the construction and operation of the pipeline. In terms of the environment, the Environmental Management Act No. 20 (2004) confers on the NEMC key oversight powers, including to review EIA's and issue approvals; to facilitate public participation in decision making; as well as powers to monitor and enforce environmental protection. The Ports Act No.17 (2004) designates the Tanzania Port

Authority as the body responsible for harbor development and associated activities, such as dredging, that will be necessary for the operation of the marine storage and load out facility. Under the Marine Parks and Reserves Act (1994), special approvals are needed for certain construction or other activities that are likely to harm marine protected areas, in this case the Tanga Coelacanth Marine Park.

3 LAND AND PROPERTY

BACKGROUND

Land is fundamental to the realization of many human rights.⁹⁹ This means that when land is acquired for large development projects like the EACOP, it gives rise to a number of human rights questions related to both physical loss of access to land but also to the loss of economic opportunities this can trigger and the impacts on culture. This HRIA considers land issues through the human right to property, to housing, and the right to practice cultural life, with special attention to the rights of women.

The HRIA reveals potential and reported risks to the right to adequate housing and specific impact on women's rights. The land acquisition process has been marked by shortcomings in assessment and valuation processes, delayed compensation, and a perceived lack of transparency. The majority of respondents reported having insufficient information about timeline and rates used. Men and women are left in a state of speculation as cut-off dates have been issued but no compensation has been paid to date. Women have faced increased vulnerability in land acquisition processes, since land is mainly owned by men.

Housing is a human right guaranteed by multiple human rights conventions, including the UDHR¹⁰⁰ and the ICESCR (ratified by Uganda and Tanzania). At the regional level, although the right to adequate housing is not specifically mentioned in the African Charter on Human and Peoples' Rights (1981), it is recognized as part of the jurisprudence derived from the enjoyment of other human rights, such as the right to health and the right to property.¹⁰¹

The right to property is recognized under numerous international and regional human rights instruments.¹⁰² It is also enshrined in the constitutions of both Uganda and Tanzania.¹⁰³ In simple terms, the right protects someone from being deprived of their property (or having it interfered with) except in certain circumstances and under certain conditions. Land laws in both Uganda¹⁰⁴ and Tanzania¹⁰⁵ set out what those circumstances and conditions are. In both countries, to be lawful, the acquisition or interference must be in the public interest or for a public purpose, be proportional, and it must be accompanied by fair, adequate, and timely compensation paid prior to the land being taken.¹⁰⁶ In both countries, where no agreement on compensation can be reached, the relevant minister may compulsorily acquire land.¹⁰⁷

Resettlement planning is one area where laws in both countries are underdeveloped and fall short of international best practice standards, including those set by project finance lenders themselves. Under the national land acquisition and compensation frameworks in both countries, resettlement or livelihood restoration are not even considered options for

'I have been waiting for these promises of compensation until I am tired. Different project people have come here and given out promises which do not work, until now I do not know when my son's grave will be transferred but I also do not know when that payment will be paid and I do not know how much I will be paid as compensation.' – 78-year-old man from Mabanda ward in the Tanga region of Tanzania

affected people, with decisions being left up to the discretion of project developers on a case-by-case basis.¹⁰⁸ Total/EACOP, for instance, negotiated with the Government of Uganda a dedicated Land Acquisition and Resettlement Framework (LARF) to govern the resettlement planning process for the oil exploration and production blocks on Lake Albert.

Like the upstream oil projects, the EACOP project developers have publicly committed to apply the highest resettlement standards.¹⁰⁹ Notwithstanding this commitment and the efforts of international finance lenders, there is significant evidence from various countries that involuntary resettlement can leave people worse off, with their rights and livelihood opportunities dramatically diminished¹¹⁰ and existing gender disparities exacerbated.¹¹¹

As mentioned in its human rights guide, Total committed to apply international best practices in its land acquisition process, which:

...includes avoiding any physical displacement whenever possible, establishing clear and transparent procedures in consultation with affected people, proposing replacement land of equal quality whenever possible, providing support for livelihood restoration, ensuring people are compensated appropriately and by paying specific attention to vulnerable people and households.¹¹²

International standards related to land acquisition and resettlement emphasize that all steps must first be taken to avoid the need to displace people physically or restrict their land access rights.¹¹³ When this is not possible, the social and economic impacts are to be minimized through compensation or the provision of suitable replacement land, where appropriate.¹¹⁴ Decisions are to be made with full disclosure, consultation, and informed participation of those affected.

These standards make clear that well-designed and appropriately resourced resettlement planning is critical to ensure there are no project disruptions. Compensation should leave people no worse off, and ideally in an improved position. Further, these standards provide that those who are resettled are given secure tenure and not be at risk of further eviction. This cannot be achieved without the informed participation of those affected. Where physical and economic displacement is anticipated, IFC Performance Standard 5 requires the preparation of a Resettlement Action Plan (RAP) and Livelihoods Restoration Plan (LRP).

Box 2: Protecting and respecting community consent

Additional human rights protections apply where impacts are likely to be suffered by Indigenous peoples. The right to give or withhold their consent to projects that have the potential to affect their lands or natural resources is a crucial safeguard for the realization of their rights.¹¹⁵ At the international level, ILO 169 is an important step in protecting the rights of Indigenous peoples, including a recognition of their right to exercise control over their economic development.

Although the concept of indigeneity is debated in some African countries, the protections provided by the right of FPIC have been extended to vulnerable ethnic communities across the continent who have a collective self-identity, special attachments to and the use of traditional lands, and who have been historically marginalized or excluded from the dominant society.¹¹⁶ Indeed, across the continent, regional institutions call for the principle of FPIC to apply to local communities by virtue of customary law.¹¹⁷

The IFC Performance Standards set up a continuum of increasingly intensive community engagement, which builds up depending on the risks and potential impacts on a particular community.¹¹⁸ Performance Standard 7 recognizes FPIC as the most rigorous standard, one that is required for Indigenous peoples if one of three specific circumstances apply.¹¹⁹

Land supports agriculture, which is a core sector of Uganda's economy.¹²⁰ Agricultural exports accounted for almost 50% of total exports in 2012.¹²¹ About 60% of Uganda's population is engaged in agriculture, forestry, and fishing. Agriculture presents immense opportunities for growth in other sectors like manufacturing.¹²²

In Tanzania, land is also one of the most important assets for communities. People depend on their land for water, farming, grazing, fishing, and mining.¹²³ The EACOP project will cross agricultural land and fishing areas in several locations such as Tanga and cross small-scale gold mining areas in the Geita and Shinyanga regions. Along the route, the pipeline will cross rural land that has historically supported land-based livelihoods.

Past efforts by other operators to secure land around Lake Albert for upstream oil exploration and development have been marred by allegations of forceful evictions.¹²⁴ Communities relocated to make room for an oil refinery in Hoima and a central processing facility in Buliisa faced alleged human rights violations.¹²⁵ Respondents along the midstream route were concerned that their experience with land acquisition would follow these patterns of violence.¹²⁶

LAND ACQUISITION: A NATIONAL PRIORITY

Despite the risks, land acquisition for the EACOP is a national priority in both Uganda and Tanzania. Securing this land was declared a matter of public interest by both governments. Both presidents have advocated for expedited acquisition.¹²⁷

More than 5,300 hectares of land will be needed for the construction and operation of the EACOP.¹²⁸ In addition to the pipeline ROW, land will be required for six pumping stations, two pressure-reduction stations in Tanzania, 25 electrical substations, 16 main construction camps and pipe storage yards,¹²⁹ a pipeline coating facility, the marine storage terminal, and a load-out facility.¹³⁰

Although some of this land is needed only during the construction phase both governments are seeking to acquire all land on a permanent basis¹³¹ and planning to lease it to Total/EACOP for the project duration.¹³²

Civil society organizations have raised concerns that a 30 meter ROW is unnecessary given smaller ROWs of about 15 meters are standard in other countries.¹³³ This concern was raised by civil society groups in Uganda in their joint written comments on the EACOP ESIA.¹³⁴ Minimizing pipeline ROWs during construction and operation is recommended by the IFC.¹³⁵ Total/EACOP acknowledged the importance of minimizing the ROW, explaining this was something they had stressed but that the decision to maintain 30 meters was made by the governments of Uganda and Tanzania.¹³⁶

Box 3: Displaced by EACOP

In Uganda, approximately 200 households¹³⁷ will be relocated in the project priority areas and right-of-way (losing either their house and land, or their house with no land).¹³⁸ An estimated 3,200 to 3,500 households¹³⁹ will be economically displaced, meaning they will lose land.¹⁴⁰ In Tanzania, 391 households will lose land as part of the priority areas and 9,122 will lose land for the pipeline ROW. Thirty-four households will be physically displaced in Tanzania in priority areas and 297 households will be displaced for the pipeline.¹⁴¹

Overview of the land acquisition process

Land acquisition is ordinarily facilitated by government, since it is the only entity with the power to compulsorily acquire land. However,¹⁴² Total/EACOP is leading on the implementation of the land acquisition process with the approval of government. The land acquisition process in each country is supported by a consultants and subcontractors. Government representatives also participate during key stages of the process.¹⁴³

In Uganda, the land valuation process began in early 2017 and concluded between June and August 2018 for the priority areas.¹⁴⁴ Between April and June 2019, cut-off dates¹⁴⁵ for the pipeline corridor were issued. In April and May of the same year, subcontractors representing the EACOP project started visiting affected areas and assessing property values. Total/EACOP explained that once this step is done, EACOP project representatives organize village meetings with all affected communities and the information is displayed on notice boards.¹⁴⁶

The valuation process in Tanzania has been shaped by starts and delays. It began in February 2018 with the determination of base compensation rates and the identification of land areas for surveys.¹⁴⁷ The cut-off dates for priority areas were announced in March 2018 and individual compensation schedules were disclosed in September and October 2018.¹⁴⁸ The valuation reports and compensation schedules

were approved by the chief valuer in July 2019.¹⁴⁹ The company was at the stage of opening bank accounts when the project was suspended in September 2019.¹⁵⁰

For people who were to be affected by the pipeline right-of-way, the cut-off dates were announced between May and September 2018. According to Total/EACOP, the registered valuer was compiling valuation reports when the EACOP project was suspended in September 2019.¹⁵¹

Once land acquisition recommences, first for priority areas and then for the ROW, Total/EACOP will schedule 'entitlement briefings' with those individuals and households eligible for compensation.¹⁵² The purpose of those entitlement briefings is for the registered valuers, supported by Total/EACOP project, to present the compensation options that are available in each case. Compensation options include cash or in-kind options, such as housing, as well as any transitional assistance that may be necessary.¹⁵³ Eligible individuals are then given at least two weeks to reflect on the options and seek outside legal or other advice before being asked to make their choice.¹⁵⁴

Where physical displacement is necessary, Total/EACOP noted that it encourages people to choose in-kind compensation such as replacement housing and replacement land options, where applicable, over monetary compensation.¹⁵⁵ Total/EACOP explained this was one example of going 'beyond compliance,' with the entitlement briefings and review period not being required under land laws in either Uganda or Tanzania.¹⁵⁶

Complexity of the process

The majority of respondents have experienced the complexity of the land acquisition process, with its many steps, procedures, and documents, detailed in the table below, as an important challenge.

In Uganda, respondents expressed concerns that they had only a basic understanding of the evaluation and compensation processes.¹⁵⁷ Total/EACOP affirmed the RAP process involved extensive stakeholder engagement, including use of translated printed and summarized materials.¹⁵⁸ Nevertheless, many respondents stated that EACOP project subcontractors – New Plan Group and Infra Consulting Services (ICS) – started evaluating their property without first securing their full understanding of the process and pressured them into signing assessment forms.¹⁵⁹

Table 2: Steps in the EACOP Valuation and Compensation Process

Steps in EACOP Valuation and Compensation Process	Priority areas (camps, etc.)	Pipeline ROW	Documentation/ details
TANZANIA			
1. Commencement of valuation • Cut-off date	6–21 March 2018	May – September 2018	Cut-off date notices posted in the villages prior to the start of

			valuation.
<p>Asset surveys</p> <ul style="list-style-type: none"> • Engagement with local government authorities and communities • Land delineation and adjudication • Asset valuation and • Socioeconomic surveys 	Concluded in April 2018	May – October 2018	Valuation Form 3 left with individuals – record of assets recorded during the surveys Certificate of Completion
<p>2. Disclosure and inspection of draft compensation schedule by affected individuals</p> <ul style="list-style-type: none"> • Private meetings with affected individuals, during which they were shown extent of property to be acquired, the list of eligible assets, valuation rates for assets, and proposed compensation amounts) • Permitted to inspect the draft schedule for up to 7 days • Preparation of valuation reports 	10 September 10– October 5, 2018	September to October 2019 Valuation reports were in preparation at time of suspension	Signature that disclosure occurred. According to Tanzania law, hard copies of the draft compensation schedules could not be left behind
<p>3. Compensation schedules and valuation reports submitted to local government for verification</p>	October 2018	Not started	
<p>4. Compensation schedules verified by local government</p>	October 2018	Not started	
<p>5. Valuation reports and compensation schedules submitted to</p>	October 1–9 2018	Not started	

chief valuer			
6. Chief valuer approves valuation reports and compensation schedules	July 2019	Not started	
7. Entitlement briefings <ul style="list-style-type: none"> Individual & Spouse (not household), and anyone else they want to have present Registered Valuer 	Still to be scheduled	Not started	Individuals given a hard copy of approved compensation schedule and options for in-kind compensation
8. Cooling off period	Not started	Not started	15 days
9. Signing of compensation agreement	Not started	Not started	Individuals given a hard copy of signed compensation agreement
10. Payment of compensation and/or resettlement, implementation of livelihood restoration and assistance program	Not started	Not started	Following payment of compensation people will be given a minimum of 6-week notice to vacate
UGANDA			
1. Completion of valuation (Cut-off date)	June 2018 (general cut-off date for Priority Areas) March 2019 (General cut-off date for access road)	April – May 2019	Each household issued on a rolling basis an individual cut-off date when the socioeconomic census and asset inventory for each household was completed and he/she signed the assessment form. The general cut-off date notices were displayed at meetings and at each site/village.
2. Asset surveys	April to May 2019	November 2018 to December 2019	

3. Sign-off by owners on Asset surveys	August 2019 to April 2020	August 2019 to April 2020	Signed copy of the asset survey forms to be returned to each affected individual. The form details the list of all assets to be impacted including size of land to be acquired.
4. Valuation report prepared by resettlement planning contractor	Valuation reports were in preparation at time of suspension	Valuation reports were in preparation at time of suspension	
5. Chief government valuer approves valuation	Three reports approved on July 14, 2020	All 10 reports approved on July 14, 2020	Letter of approval from the chief government valuer
6. Compensation agreement <ul style="list-style-type: none"> • Entitlement briefings • Agreements with affected households and villages • Notification of approved valuation to affected individuals 	Not started	Not started	
7. Cool-off period	Not started	Not started	15 days
8. Payment of compensation and/or resettlement and implementation of livelihood restoration and assistance program	Not started	Not started	Households will receive 3-month notice to vacate following payment of compensations

Source: Authors

Assessment form shortcomings

Respondents said they did not have any copies of these signed documents and therefore had no evidence for any legal claims in the future. To make matters worse, several respondents said that they were often forced to sign these documents in pencil.¹⁶⁰ 'A group of men from New Plan approached me and told me that they were going to acquire my land where I stay with my wife,' said Patrick from Kikuube, Uganda.

He added:

They later made me sign assessment forms, but I was not left with a copy. The form I was given to sign on already had some writings on it and I was made to sign in pencil. Because I do not have a title to the land, I opted for cash which I have since never received.

Total/EACOP said that the process for evaluating property, collecting assessment forms, and securing signatures was and remains in compliance with relevant domestic laws.¹⁶¹ They explained that the governments of Uganda and Tanzania do not permit the EACOP project implementers to leave copies of the forms, however, as these forms must be reviewed and ratified by officials in Kampala and Dar Es Salaam, respectively, before they enter into legal force.¹⁶²

Total/EACOP also said that not providing households with a copy of the property valuation assessment form was not ideal but was part of their compliance with government procedures which specifies that the property assessment form must be harmonized with the land and cadastral survey, then submitted to be endorsed and signed by the Ministry of Energy and the company before being returned to the households.¹⁶³ In February 2020, the company claimed¹⁶⁴ property valuation assessment forms would be returned to each household by April 2020. Due to the coronavirus pandemic, our research team was not able to return to the area to confirm if this had or had not occurred.

Compensation schedules are documents produced later than the property valuation assessment form. They are disclosed to households as a separate process once they have been approved by the chief government valuer and as part of the entitlement briefings. (See step 6 for Uganda and step 8 for Tanzania in table)¹⁶⁵

New processes and procedures

The confusion in Tanzania owes partly to the fact that the government recently adopted a new valuation process, as Total/EACOP explained (and described above).¹⁶⁶ Although the assessment form must be signed by the affected household as an acknowledgement that they have seen the document, project representatives cannot leave a copy of the document with the household until the chief valuer signs it in Dar Es Salaam.¹⁶⁷ According to Total/EACOP, the signature does not mean that the household accepts the listed assets or their value.¹⁶⁸ Total/EACOP said that households can still dispute the information on the form, even though it has their signature and even though they do not have a copy of the signed document,¹⁶⁹ given that households can keep the valuation form 3 and the certificate of completion, which show the details of assets that have been valued.¹⁷⁰

In Tanzania, it has been almost two years since individuals affected by the priority areas were allowed to inspect their draft compensation schedules, although without receiving the copy (step 3 in the table).¹⁷¹ When entitlement briefings are eventually scheduled (step 8), individuals

will finally be given a copy of their approved compensation schedule and presented with different compensation options. According to Total/EACOP, no changes should have been made since disclosure except for addition of interest and inflation.¹⁷² But people will have been waiting all this time without knowing if what they have been presented with has been approved at government levels.

Valuation and compensation: complaints and confusion

Both countries have guidelines to assist in determining what is fair and adequate compensation.¹⁷³ Compensation will be paid for eligible physical and economic losses, including losses suffered by those who do not hold formal land titles.¹⁷⁴ Full replacement value is used in both Uganda¹⁷⁵ and Tanzania¹⁷⁶ to determine the value of land and assets. This is also the requirement of IFC Performance Standards.¹⁷⁷ Replacement value is based on market rates. In both countries, valuations must be approved by the chief valuer¹⁷⁸ before compensation is paid.¹⁷⁹

During property valuation in Uganda, Total/EACOP asked district governments to develop updated compensation rates.¹⁸⁰ They started with the 2012 guidelines for compensation and updated the rates to reflect 2018–2019 market conditions.¹⁸¹ Total/EACOP claims to have carried out extensive market research to ensure the rates reflect full replacement value and a fair and adequate compensation as legally required by the Land Acquisition Law of Uganda and as laid out in the IFC Performance Standards.¹⁸² However, Total/EACOP acknowledges that in Uganda, rates are not revised frequently enough by governments and that certain rates do not adequately compensate for actual losses, in which case Total/EACOP indicates that specific processes are put in place to adequately reflect the value of the acquired land.¹⁸³

The majority of the respondents whose crops had been destroyed during the geological surveys and received disturbance fees for the crops expressed anger and dissatisfaction with the level of information provided by the contractor. Respondents don't understand the valuation and rate development and approval process.¹⁸⁴

Households that do not agree with the valuation of their assets must nonetheless sign the assessment form and follow a grievance procedure, even though they do not yet have the final signed copy of their assessment.¹⁸⁵ Total/EACOP representatives claimed that reduced compensation amounts were generally the result of asset overvaluation, such as false claims on the evaluation forms.¹⁸⁶

Suspected fraud is scrutinized: Total/EACOP said that EACOP project implementors completed aerial surveillance with drones to verify claims and grievances. The drone images will be used if a landowner 'files a complaint that does not feel genuine.'¹⁸⁷ Total/EACOP said it had not yet received any grievances on any returned assessment. But it confirmed

that the most common complaints they hear from community members are about the rates.¹⁸⁸

Many respondents in Uganda feared not being compensated for land they had inherited. A community member from Kicuunda village in Kikuube, Uganda said:

I inherited land from my late father and the land has no title. New Plan is now asking me for titles to the land and letters of administration or a sale agreement – or else I will not be compensated for the land that they are taking. I rightly inherited this land from my father, but these companies are taking it away. Where shall I move to at my old age?

But Total/EACOP affirmed that people with or without land titles will be compensated.¹⁸⁹ The only difference is the person who does not have the title will not be paid the additional amount to cover costs incurred to get titles.¹⁹⁰ Total/EACOP recognizes the additional challenges of customary land tenure, one of the four land tenures in the country, which accounts for more than 60% of land, in terms of security for landowners and specifically for women.¹⁹¹ Some respondents in Uganda mentioned that the company has been supporting communities to obtain the required letters of administration and certificates where possible. Even if the person does not have a written document, as long as the local leadership recognizes that person, and in the absence of any dispute, the project will pay. A person who is farming land that they do not own will be compensated for the crop and not the land.¹⁹² Total/EACOP representatives noted that compensation for residual land¹⁹³ would be handled on a case-by-case basis and individuals would be compensated for their residual land.¹⁹⁴

Property in Tanzania was valued according to national valuation guidelines and following a valuation awareness process in each impacted community.¹⁹⁵ Respondents said that they participated in counting their crops and taking pictures of their assets. After the valuation process, respondents signed a form listing what was valued and the amount that they would be compensated.¹⁹⁶

Respondents in Tanzania said that affected households were informed of their options and that they would be allowed to choose between in-kind or cash compensation.¹⁹⁷ Based on information provided by Total/EACOP, the majority of community members who will lose their land or house are considering opting for in-kind compensation. Individuals losing only a small portion of their land would be tempted to opt for cash compensation.¹⁹⁸

However, in Uganda, some respondents claimed they have been discouraged to take in-kind compensation.¹⁹⁹

Although aware of their compensation options, respondents in Tanzania did not know about any laws or guidelines that will be used for compensation, apart from knowing that they will be compensated by a company with money. In Bulifani village, for example, respondents reported that they are not aware of the compensation process or where

they will be relocated.²⁰⁰ There was also general confusion between the two types of offered compensation in almost every village where data was collected, a signal that the community engagement and information sharing by Total/EACOP or its subcontractors has not been effective.²⁰¹

A respondent in Tanganyika village reported that over 200 of the mango and oranges trees on his farm would be cut down and that he had been promised by an EACOP project representative, working for a subcontractor, that there will be more benefits to cover his lost crops: 'They told me I would be provided with health care, accommodation and food as well as paying rent and education for my children for the entire period of infrastructure construction.' The respondent was not given a written document of these promises but relied on the meeting minutes he assumed would be at the village office.²⁰²

Respondents were worried about unfair compensation and explained how the quoted amounts would not meet the cost of buying equal and adequate property.²⁰³ They explained that the valuation offered by the EACOP representatives for their land and housing is less than the market price.²⁰⁴

Delayed compensation

In all seven regions included in the Tanzania portion of HRIA, respondents explained that although they took part in the valuation process – submitting photos, working with the EACOP project valuer, and signing their forms – no one has been compensated yet.²⁰⁵

The local government authorities first confessed that payments were delayed by bureaucratic procedures and that they would need to wait for the chief valuer to approve all payments. The delays have then increased due to the suspension of the EACOP project in September 2019. After two years since the land valuation started, there is no certainty when compensation will be paid as the land acquisition will only restart once the Final Investment Decision is made.²⁰⁶ For example, in Mabanda ward (Tanga region), respondents in a group discussion in March 2019 were not hopeful of receiving compensation, even though all land valuation procedures had been completed. Neither the local government nor the community knew when compensation would be paid, the reasons for delay or when the project activities would start on the ground.

An 85-year-old woman resident of Sojo village said that she is losing her three acres of land and is worried the delayed compensation will threaten her life by jeopardizing her ability to buy food and other basic necessities. Another 80-year-old woman who will be relocated explained, 'My age has gone too far, I am tired of waiting for the promise of compensation. I need to be paid to see the value of my farms.'

Based on Uganda's Guidelines for Compensation under the Land Acquisition Law, 'if the compensation award has not been paid within one year from the project cut-off date, the report shall be reviewed annually at 15%'²⁰⁷ for every year of delay, the compensation award should increase by 15%. Beyond two years, the whole property has to be reassessed.

In Tanzania, the law specifies 'interest at market rate will be charged or paid for the delayed compensation.'²⁰⁸ This has not happened so far, since Total/EACOP confirmed that interest and inflation can only be calculated at the time of payment of compensation to ensure the full time period is covered.²⁰⁹

According to respondents in Tanzania, delays in compensation and sporadic information flow from the company about compensation timelines are frustrating and confusing.²¹⁰ Total acknowledges the delays and appreciates that households resent these delays. Nevertheless, men and women are still waiting. In addition, the difference in the way people are treated who live in priority areas and those in the pipeline right-of-way is leading to community tensions. said one man in a focus group discussion in Tanganyika.

It creates differences in the community whereby few affected members feel inferior and unattended when the company calls meetings only for priority areas for further steps such as money management training and opening bank accounts.²¹¹^[00]

Compensation conflicts

Respondents in Tanzania also explained how the compensation process was creating land conflicts among community members.²¹² In Tanganyika village, in Muheza, respondents said that farmers who had been taking care of the land without the rights of occupancy demanded their compensation as landowners rather than as tenants. Although the situation was resolved (AGRO TANGA, the landowner, will be compensated for the land and the farmers will be paid as cash for their crops), similar owner-tenant problems exist along the pipeline route.

'Farmers will be compensated [in] cash for their existing crops and AGRO TANGA will be compensated for his land ownership ... there are no land disputes after compensation education is given,' said one of the local government leaders during a focus group discussion in Tanganyika village.

Many affected communities in Uganda are worried that the EACOP project will increase land grabbing and social unrest as speculators buy large chunks of land hoping for larger gains through compensation.²¹³ Respondents mentioned that in Kyotera and Madu sub-counties, some speculators purporting to work with companies are telling people that they can help them get better compensation, if affected communities give money or land to these brokers.²¹⁴ The company has relied heavily on local council chairpersons (LC1) to validate the assessment forms.²¹⁵ This has led to a situation where a chairperson in Kanga village, in Nabigasa sub-county, requested 10% of the household compensation for the assessment forms he had endorsed.²¹⁶ This act was reported to the district security committee, which then warned all the LCIs against this dishonest practice.

Land and gender

Large-scale mining, oil, and gas projects can have a profound and negative effect on women's rights and gender equality. Because of long-standing forms of discrimination, in both Uganda and Tanzania, women in rural areas are especially vulnerable when it comes to the human rights risks related to land. Discrimination manifests itself in different ways, including in terms of women's ability to formally own land or be recognized on land titles, as well as their exclusion from community, company, and government consultation and decision-making processes.²¹⁷ This is despite legislative efforts in both countries to strengthen protections for them.²¹⁸

The question of who signs these assessment forms and receives compensation is a major point of social contention and risk in both Uganda and Tanzania. Land in both countries along the pipeline is generally owned by men. Women are at risk of failing to see any benefit from the project.

Uganda has a dual framework for land governance: The Constitution (1995) and the 1998 Land Act formalized legal pluralism by explicitly recognizing customary rights to property while also gaining formal protections for women's land rights. The Land Act defines customary tenure rights and lays out a process for registration and administration of customary rights. With an estimated 80% of all land in Uganda held under customary tenure, customary rules for land governance play a major role in determining women's land and property rights.

The constitution was the first of many ongoing reforms that have significantly strengthened protections for women's rights under the formal framework. The Constitution of Uganda prohibits discrimination based on gender and accords men and women the same status and rights (Article 21); provides for the right of every person to own property (26(1)); guarantees women equal rights with men (Article 33); provides special help and protection for mothers and women because of previous historical discrimination against women (Article 33); and prohibits any customary laws, traditions, or customs that discriminate against women (Article 33). Article 32 of the constitution also provides for:

...affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

In Tanzania, respondents from Mabanda ward and Ntondo village confirmed that in their village, men and women were equally engaged in project meetings and were both able to voice their concerns. Rather, the main issue faced in those communities was about the short notice about the meetings, which made it difficult for several community members, men and women, to participate, either because of the distance to the meeting or because they are already working on the farm.²¹⁹

According to Total/EACOP, special efforts were made to ensure that women would be present during consultation processes when explaining the options. 'The directive given to our team is if you have to wait a half day for the women to be present, you wait a half day.'²²⁰

Although the company confirms that women and other vulnerable groups have been taken into account in the RAP report,²²¹ respondents in Uganda felt that women were excluded during land acquisition processes led by the company. According to respondents, community consultations were often conducted early in the morning, a time when most of the women were farming or doing household chores and unable to attend. During property assessments, contractors require details of the landowners who are predominantly men; although both spouses are required to sign and acknowledge valuation forms,²²² when the compensation is awarded, most women remain excluded from receiving money.

In several cases the woman wants to have house-for-house compensation, but the man wants the cash. In other cases, it is the opposite. Total/EACOP affirms it wants to have women present as witnesses so they understand the package. 'Those are extra protections, but at the end of the day, the company can go that far. The husband might take the money anyway.'²²³ Total/EACOP promises that although the company cannot stop a person from taking monetary compensation, 'it can and will ensure the transitional support and livelihood restoration packages are focused on female spouses or members of the household to ensure greater safeguards for household members.'²²⁴

Progress on gender inclusivity

Some communities are working to counter gender risks. In Bulifani village in Tanzania, for example, both local government authorities and community members confirmed that during land valuation and compensation processes, both men and women – husband and wife in terms of family property – were involved in the process and decision-making.²²⁵ This was done to ensure women could benefit from their property.

There are examples of the EACOP project and local government bodies combating gender discrimination, too. In the Manyara region of Tanzania, the EACOP project implementors team is putting into practice a non-discrimination and gender equality policy whereby both men and women are equally engaged in the valuation and compensation processes. The couple must appear together when signing the contracts. However, in cases where the land is owned only by the men, although women are present in these meetings, men make the final decision on signing.

Resettlement

Well-designed and appropriately resourced resettlement planning is critical to ensure that the human rights risks associated with the land acquisition for EACOP are minimized and families are not left worse off.

Decisions relating to land acquisition and resettlement are to be made with full disclosure, consultation, and informed participation of those impacted.

Resettlement planning in both countries has been difficult to follow. In Uganda, Total/EACOP decided against developing a separate midstream Land Acquisition and Resettlement Framework (LARF) for the pipeline, opting instead to use the framework they developed for their oil fields for communities down the line.²²⁶ Then, in early 2020, Total/EACOP acknowledged that the existing LARF would not apply to the pipeline,²²⁷ shortly afterward insisting it was equally relevant.²²⁸ This signals that there remains significant confusion, especially regarding what standards Total/EACOP is holding itself to. Recently, Total/EACOP decided to produce a single RAP for the Uganda section that integrates both ROW and other areas, including the four camps and one pump station.²²⁹

Respondents in both Uganda and Tanzania were generally unsure about where they would move after receiving their cash compensation or relocation package. Some respondents were under the impression that local government bodies had no clear plan for the reallocation of land and that it would be upon the individual to decide where to establish another homestead or farm if they choose.

Finding adequate housing for those who lose their home is a major concern. In the districts of Singida and Nzega in Tanzania, houses will be demolished to build campsites and construction yards. Although respondents said that resettled families were told they would receive good housing options, they are worried about the level of infrastructure and social services in the resettlement villages, as well as water, electricity, and road access. Women were particularly concerned about access to already limited health care services.

In Uganda, the EACOP Stakeholder Engagement Officer in the greater Masaka region said that all people who opted to be resettled will be provided with new houses in a location mutually agreed to with Total/EACOP.²³⁰ EACOP project representatives have told communities that they would provide them with new and better houses with full facilities. This information was also communicated to communities by the local government authority in Tanzania's Nzega District.²³¹

In Tanzania, Total/EACOP asked a local firm of architects to develop different housing options. They have designed eight model homes, with some variations, so households can choose among 10 different models. Total/EACOP has tried to be culturally sensitive.²³² In Tanzania, this means offering to members of the Massai homes with outside cooking options and a separate room for small livestock, since their preference is to keep animals in the house.²³³

Land and cultural life

The right to participate in cultural life is recognized under all major international and African regional human rights instruments.²³⁴ Another concern for communities along the pipeline corridor is the loss of cultural

life, tightly linked to the loss of land and the destruction of the environment.²³⁵ Land and structures of spiritual value, such as sacred sites, graves, and cemeteries, have a profound religious significance for many communities in both Uganda and Tanzania, including those along the pipeline corridor. Cultural ways of life are linked to agriculture, fishing, and hunting, and cultural festivals and rituals rely heavily on access to specific lands and spaces.

Tanzania has a diverse culture and tradition based on more than 120 tribes, each with its own cultural norms and practices, including language, dance, and style of dress often linked to their way of life and their land. In this regard, there are communities that are especially vulnerable to developmental impacts of the EACOP project.

These communities include those of the Barbaig, Sandawe, Ndorobo, Maasai, Akie, and Taturu – Indigenous tribes that depend on nature for their livelihoods.²³⁶

Indigenous peoples in Uganda include the traditional hunter/gatherer communities and pastoralists. These peoples are not specifically recognized as Indigenous by the government. Former hunter-gatherers include the Benet, Batwa (or Twa), the Ik and the Karamojong. Those communities are not specifically affected by the EACOP. The Bagungu, who identify as Indigenous, reside in different parts of the Albertine region along the shores of Lake Albert, mainly in Buliisa District. Some of them who migrated to Kijumba village in Hoima District, where the pipeline will pass, fear their livelihoods will be affected.

Loss of sacred sites

Respondents in Uganda oppose relocating graves, worship places, shrines and other sacred sites that could be affected by the EACOP. At a minimum, they requested oil companies and the government help them observe certain practices so as to ensure peace in the community and in affected families, lest they be disturbed and haunted by the spirits of their relocated deceased. Total/EACOP affirmed it has presented the proposed mitigation measures and management plans that aimed at limiting loss and damage to sacred sites.²³⁷ However, based on information collected during community consultations,²³⁸ this information does not seem to have reached everyone or have been clearly understood, as this complaint was frequently mentioned.

Due to the sacred nature of cultural sites, especially shrines, three of the respondents whose shrines are affected by the EACOP declined to show the research team the exact location of their shrines.

The LC1 of Nansiti village, in Lwengo District, said:

Six of my shrines are going to be affected by the pipeline. My house is also going to be affected. They would rather destroy my house but not my shrines, because my family is nothing without our shrines which protect us, provide for us, give us rain, protect our crops and shields us from our enemy. My heart is bleeding

terribly ever since those New Plan people came into my land and began taking measurements of my land without any prior information. My pressure has gone up because of worrying about our family shrines.

In the Manyara region, the pipeline will cross pastoral land. Traditionally, the Barabaig are cattle keepers who dwell over the area in both wards of Gisambalang and Lalaji. The rest are mixed agro-pastoral communities and most of them are immigrants from nearby regions and districts. Although the pipeline has tried to avoid residential areas to minimize disturbance, it will cause the relocation of Barabaig graves. According to the affected community members met during a focus group discussion, graveyards are worshiping areas for the Barabaig as they are believed to hold ancestral remains. Unlike other regions, in Manyara, graveyard relocation is regarded as a taboo and relocation of graves may be sensitive to the family.

Loss of traditional products

Respondents in Uganda reported that the EACOP will destroy cultural goods and practices, such as plants gathered or grown for traditional rituals and medicines, trees or animal hides used for crafts and other cultural objects, flora and fauna that provide essential material for culturally adequate housing, clothing or diet, may become unavailable where land and ecosystems are destroyed or when the community is displaced or relocated away from their environment.²³⁹

The communities feared that the EACOP might damage areas of cultural and spiritual importance to local communities such as churches, mosques, shrines, rocks, graves and other sacred places.

The respondents noted that over 90% of the populace in the five sampled districts in Uganda rely on traditional herbs and trees for medicine whenever they felt unwell. Communities expressed fears of losing their source of medicine as a result of EACOP activities. These are communities that are already living in poverty and may not be in position to afford contemporary medicines if their traditional herbs are destroyed.

Some of the traditional herbal medicines that will be affected by the EACOP include: mululuza which treats malaria and wounds, kavamagombe which enables pregnant women's pelvic bones widen up to aid easy delivery of children, ebombo used commonly among adolescent boys and girls to treat bad body odors, emumbwa which is made out of clay soil and helps pregnant women in widening their pelvic bones for easy delivery of children, kibwankulata which helps wounds heal faster, omutuliika which treats measles in children, ekifumufumu which treats colds and cough in children.

Lack of Indigenous consultation

Communities expressed concern at the lack of involvement of and consultation with cultural leaders and traditional healers during the designing and implementation of the project. They strongly believe that

consulting the cultural and traditional leaders would have provided these leaders with an opportunity to advise on how to appropriately handle the traditional sites, herbs and on other cultural amenities without interfering. 'We are Africans and as Africans we believed in traditional healers and herbs way before the missionaries polluted our minds with religion, so we need to preserve a culture that is rightly ours,' said Nakawuma Rose, community-based monitor from Gomba District.

Although Total/EACOP indicated that 'communities should appreciate and opt for in-kind compensation for traditional sites affected,' communities reported that oil companies do not consider traditional items such as herbal trees and plants during valuation processes.²⁴⁰

A respondent from Mukabara village in Kikuube District said:

As a family, we have shrines that have been passed on over generations. These shrines have been our source of protection and provision as a family for over 50 years. Our gods reside in these shrines and we worship them from these shrines. Now, this land has been marked for acquisition because the pipeline is supposed to go through it. Our gods will not be happy and bad omen is going to strike our family if these shrines are destroyed.

LEFT IN LIMBO

As demonstrated in this chapter, the EACOP project will require a significant amount of land and property acquisition to make way for the pipeline and its related infrastructure. The data collected in the context of this community-based HRIA documented the uncertainty caused by a confusing land acquisition process and the negative consequences that delayed acquisitions and compensations have had on the people. It also highlights the vulnerabilities faced by women in the context of land acquisition in Uganda and Tanzania and emphasizes the risks for Indigenous communities that could be affected by the pipeline.

The IFC Performance Standards require that projects avoid, whenever possible, displacement of people. When relocation happens, resettlement processes must be implemented with 'appropriate disclosure of information, consultation, and the informed participation of those affected.'²⁴¹ As part of its internal policies, Total/EACOP has also committed to:

...avoid] any physical displacement whenever possible, establishing clear and transparent procedures in consultation with affected people, proposing replacement land of equal quality whenever possible, providing support for livelihood restoration, ensuring people are compensated appropriately and by paying specific attention to vulnerable people and households.²⁴²

This report emphasizes the need for the company to:

- Increase transparency and access to information about the resettlement process;

- Increase oversight of the resettlement process to avoid additional impacts on men and women; and
- Negotiate fairly and document the process of securing FPIC of vulnerable ethnic communities likely to be affected by the project.

The governments of Uganda and Tanzania have obligations to enforce a fair, adequate, and timely valuation and compensation process as mandated by domestic legislations and global human rights law.

According to the UN guiding principles, they are responsible for creating mechanisms that allow affected communities to seek remedy for their grievances independent of Total and other EACOP companies.²⁴³ In the context of the EACOP, communities can share their grievances with local authorities, but the level of formality of those mechanisms vary between villages and wards.²⁴⁴ Important delays between the moment the person submits their grievance and the reception of an answer have made those processes frustrating for local communities.²⁴⁵ Individuals must have access to an independent mechanism, outside the operational-level mechanism created by the company, which can address in an efficient way the grievances brought by community members. Furthermore, both governments must take additional measures to ensure women are really part of the decision process in the resettlement and selection of compensations and to protect them from a potential increased vulnerability.

Therefore, to decrease the risks of potential human rights impacts and to increase access to remedy for communities, both governments should:

- Update statutory valuation rates for all crops, lands, and other assets. Valuation rates should reflect full replacement cost;
- Implement existing laws to further protect women's rights and eliminate discrimination against women; and
- Improve the efficiency of local mechanisms for receiving and responding to complaints, especially around human rights and environmental impacts, which could include independent third-party mechanisms.

4 PARTICIPATION AND ACCESS TO INFORMATION

BACKGROUND

Access to information is a precondition to meaningful participation in decision-making processes and it is a fundamental human right recognized by various international²⁴⁶ and regional human rights instruments.²⁴⁷ Lack of free, active, and meaningful participation in land-related decision making is one of the most common drivers of social conflict leading to project delays and stoppages.²⁴⁸ Special protections exist for groups routinely excluded from decision making – including women and Indigenous peoples, in particular.

The right of access to information is recognized under the constitutions of both Uganda²⁴⁹ and Tanzania. Both countries have enacted national laws and subordinate legislation that regulate how people can access the information held by duty bearers.²⁵⁰ These domestic laws emphasize the right as a necessary condition for efficient, effective, transparent, and accountable governance. Furthermore, both countries have recognized the right of access to information as part of a broader commitment to transparency and accountability in their nascent oil and gas sectors.²⁵¹

Project documents describe how the impact assessment for EACOP was conducted to meet both Ugandan and Tanzanian environmental legal requirements.²⁵² Despite national laws recognizing the importance of public participation in environmental decision making,²⁵³ formal opportunities to participate in the impact assessment are limited in both countries. Formal public consultation is limited to commenting on the ESIA scoping report, to participating in public hearings (if deemed necessary), and to the final ESIA review. In Tanzania, the period for formal consultation on the final ESIA is only 14 days. In Uganda, the period for formal consultation on the final EIA is only 21 days for affected individuals and 28 days for the public. In practice, however, people in Uganda and Tanzania continue to face challenges realizing their rights to access information. Broad powers to exempt disclosure, bureaucracy, and ineffective complaints' mechanisms continue to be used to prevent people in Uganda and Tanzania from realizing their rights to access to information.²⁵⁴ Taken together, for communities who are under-resourced, might have limited access to the Internet, ability to read and comprehend English; and access to information and independent advisors, and who may be learning for the first time about the social, environmental, and economic impacts of these projects, periods of two or three weeks are woefully inadequate and, on their face, cannot be seen to facilitate any form of meaningful public participation.

'We want a two-way engagement where we can express our opinions, share ideas and listen to alternative views from other stakeholders.' – Joyce Kabatalya, Community Development Officer, Buseruka Sub County, Hoima District Local Government

A PHASED APPROACH

The engagement with local communities has been done in different phases, including the ESIA, which started in 2017, the company-led HRIA, which started later, and the geotechnical and geophysical surveys. The engagement team includes EACOP team members, community relations coordinators (CRC), community liaison officers, the local point of contact for community members,²⁵⁵ and various consultants. The engagement was done at various levels – national, regional, district, ward, village, hamlet/*mtaa* – with the government focal persons for the project at the national, regional and district levels.²⁵⁶ They would also engage the ward development committee every month and at the village level, through monthly meetings for priority areas, and every three months for villages affected by the pipeline.

There are a total of 231 villages affected by the project in Tanzania. Through its engagement, Total/EACOP realized the company needed to go to hamlet level, so it remapped the stakeholders down to 450 hamlets.²⁵⁷

In Uganda, Total/EACOP and its subcontractors passed information through LC1s regarding consultation meetings, cut-off dates for valuation, and other relevant public notices.²⁵⁸ Total/EACOP said that communities believe their local council chairpersons are trusted sources of information, despite their shortcomings.²⁵⁹ In fact, there are community concerns that LC1s can sometimes contribute to fueling land conflicts, allegedly taking bribes from investors and speculators, and may be sharing unreliable information with communities.²⁶⁰

Total/EACOP added that it used radio stations and community notice boards to share information about the EACOP. The radio announcements were in English, Luganda, and Runyoro, the most widely spoken languages on the Ugandan side of the project.²⁶¹

Based on information provided by Total/EACOP, hundreds of formal and informal meetings have taken place in Uganda over the past three years and many thousands of stakeholders have been met. In Tanzania, they conducted more than 3,200 meetings from the national to the hamlet level. A total of 71,000 people participated, including 26,000 women. (Note that the same people can participate more than once, some come just once.)

LEFT UNINFORMED IN UGANDA

Despite the number of meetings and outreach efforts that Total/EACOP has undertaken, respondents in Uganda feel they were not given sufficient information about the pipeline project and its impacts, including transparent information about the compensation processes and the specific timeframes for payment of these awards.²⁶² The majority of respondents from Kakumiro, Lwengo, and Kyotera reported that the new plan gave them only limited information on evaluation and compensation

'It is always discouraging to have no updates of what is going on the procedures. The government should be able to inform the local people especially the affected ones on the current situation otherwise people wouldn't be tempered.'
– John Mwebe Kalibala,
National Coordinator,
International
Accountability Project

rates and processes, cut-off dates for valuation, commencement dates for the pipeline project, grievance mechanisms, and environmental and social risks.²⁶³

Women and men respondents also did not feel meaningfully included in the design, monitoring, and implementation of the project to date. This concern echoes the findings of the Corporate Human Rights Benchmark report, which qualifies as 'not met' the commitment to engage stakeholders in the design phase.²⁶⁴ Respondents also cited the lack of structured engagement, particularly around land resettlement plans, as a major hurdle to fully understanding the EACOP project.²⁶⁵

Despite existing laws, policies, and stated corporate commitments regarding access to information, respondents in Uganda did not feel sufficiently informed about the EACOP project – a finding that reflects broader trends in Uganda's oil and gas sector, which has been shrouded in secrecy.²⁶⁶

Adequate information access in Tanzania

In Tanzania, respondents were more positive about their ability to get information about the EACOP project. In Mabanda, respondents said they had received adequate information from local government officials, including about resettlement actions and land reclamation, and in Handeni District, the president of Tanzania informed the community about the project. In Gisambalang village, in Manyara, the EACOP representatives and local government authorities have taken initiatives to inform the local communities about the project development through community meetings.

In general, the government of Tanzania maintains it provided sufficient information about the EACOP from the beginning of the project, especially in those communities where some members will be affected by land acquisition, such as Ntondo, Nkwae and Msisi villages along the right-of-way. Local government authorities also affirmed that meetings were held at different public and indoor meetings about the pipeline project, its benefits, and expected challenges for all 10 wards and 20 villages in Singida region. In Mkungo village, in Geita, as in other communities, the EACOP project team held inception meetings at the beginning with local communities to inform them about the project development and the benefits and opportunities that might arise during construction. This is the common process in each community: The protocol dictates that district community development officer, the focal person at the district office, communicates with the local government leaders and organizes the community meeting.

Information gaps in Tanzania

Although community members thought they had enough information in general, a recurrent concern was the lack of detail about key aspects, including the environmental impacts of the projects, delay in compensation, exact timing of relocation, qualifications required for

employment opportunities and the laws that would govern their compensation payments. In Sojo, Bulifani and Nkwae villages, respondents complained about not knowing when or how they would be compensated. In Gisambalang, respondents expressed dissatisfaction at not understanding how their land was valued for compensation. They felt the market land value was higher than the rates used during land valuation.²⁶⁷

Respondents noted that community members were confused about the identity of representatives coming to communicate project information and/or implement a project activity. This has also been documented by CDA.²⁶⁸

In addition, respondents in Manyara, Nzega, Geita, and Kagera voiced their confusion about the pipeline route, which has changed over the course of the project and created false expectations for communities about compensation.²⁶⁹ One local leader from Mabanda ward said:

The EACOP working team is not providing project working guidelines for community engagement, this leads to confusion of information and there is a lack of clear standards on the quality of service provision that will be required by EACOP project.

'Until now it is not clear to us which compensation guideline will be used... and when that compensation will be paid to us' said another affected community member in Mabanda ward. Respondents in Nkwae, Ntondo and Sojo villages also reported that their communities missed important information on the project, including how their land would be valued and when their compensation would be paid.

A question of outreach efficacy

There are competing narratives about the efficacy of public outreach. Total/EACOP said²⁷⁰ that communicating information with impacted communities was complicated due to the number and distribution of affected villages, the overlapping messages with the Government of Tanzania, and linguistic and cultural barriers.

Total/EACOP has developed a number of documents to present its approach towards stakeholder engagement²⁷¹ and designed different brochures in local languages, speaking point messages for field teams, frequently asked questions and toll-free mobile numbers to facilitate information sharing, but developing material does not imply understanding of communities, especially for more specific or technical messages. Total/EACOP explained that the project has a top-down approach to bring the messages from the national/district level down to hamlet level, and to the individuals, but insisted that community members also have CLOs' mobile numbers and they reach out to them.²⁷²

Before coming into the communities, the EACOP team reaches out to village leaders or local contact point by telephone to inform them of their need to organize a meeting along with the agenda items to be discussed. A larger number of community members are often showing up to the

meeting even if they were not targeted by the topics as they are searching for an answer on when they will receive their compensation.

Lost in the details

In general, most respondents²⁷³ in Uganda and Tanzania were aware that EACOP was being constructed and said that they were informed about the alleged benefits. They lacked specific information, however, around timelines, technical considerations, and compensation procedures.²⁷⁴ In Mhungula village, in Shinyanga, Tanzania, for example, EACOP representatives and local government authorities informed impacted communities about the project through community meetings, however respondents said they were not presented with sufficient information about the technical aspects of the project, its environmental impact, relevant laws, or the timeline for compensation.

The assessment process revealed a tendency by the company and other stakeholders to focus on benefits of the project as opposed to the risks.²⁷⁵ Respondents from communities mentioned that they had been informed widely that the EACOP project would create job opportunities, enhance infrastructural developments such as roads, schools, health facilities and provide global visibility.

Communities admitted knowing very little about the risks that the pipeline could potentially pose to them, which they attributed to the fact that companies had not given them such information.²⁷⁶ Most of the potential risks communities highlighted were based on their own knowledge and fears. Respondents from Mabanda said they were informed of social impacts the project would have including the increase of sexually transmitted diseases but were not informed about environmental impacts.²⁷⁷

Other affected community members from Sojo village mentioned that they don't know the kind of oil that will be piped through EACOP and others were unsure if the oil would be consumed domestically. Respondents also believe that communication between EACOP project representatives and the local government at the district level is stronger than between project representatives and local communities.

Reaching vulnerable groups

Total/EACOP identified four types of vulnerable groups: women headed households, children, elderly and disadvantaged/marginalized communities.²⁷⁸ Although the meeting with Total/EACOP confirmed the engagement of vulnerable groups in their project activities along the EACOP route, respondents have shared divergent experiences related to access to information for vulnerable groups in the different locations.²⁷⁹ For example, in the Singida region, elderly affected people expressed that it has been difficult for them to participate in project meetings due to the distance from their houses to the meeting locations and information is sometimes given in a short time notice.²⁸⁰ Another young deaf woman who attended a focus group discussion at Ntondo village expressed that

it has been difficult for her to get project information and how she will benefit from the project.²⁸¹ According to community members, children who are out of the school system have not been considered during project meetings yet it is a group at high risk during a project construction phase as they could be endangered by trucks and machinery while playing and circulating near the construction area.

In some villages, disabled groups and older community members reported being inadequately involved and provided with project information. A person with a disability explained that she was left with no project information and did not know anything about the oil pipeline: 'I have until recently come to this meeting. I do not know anything about the project you are talking about and I have no information on the project even though I am in a disabled group.'

Both respondents' officers from Ntondo and Sojo villages said they would see how to include specific disenfranchised groups in future public engagement campaigns. Local village officials from Ntondo villages also acknowledged during a focus group discussion of not taking into account the people with disabilities and special groups: although women and elderly attended project meetings and understood the project, disabled people so far lack understanding of the project. However, local leaders promised that they will find a way to include such kind of groups in the project process.

Although some variations exist between villages, convergence of views among participants, including local authority wards and village leaders on themes, was seen during consultations. For example, Singida is experiencing greater challenges with access to information while Tanganyika had important challenges regarding land issues.

MORE INFORMATION, PLEASE

As documented in this HRIA report, despite the number of consultations held and the information provided on the project and its benefits, there is a generalized concern about the lack of information around issues that really matter to the communities: how their land will be affected and what compensation are they entitled to.

The COVID-19 crisis has further aggravated the lack of information and state of uncertainty for affected households as direct face to face engagement by Total/EACOP was stopped for three months during the pandemic.²⁸² At time of publication, Total/EACOP was considering reactivating their offices and starting again the engagement in the field.²⁸³

In addition to its international human rights responsibilities under the UNGPs, Total/EACOP has made various commitments regarding transparency and access to information for affected stakeholders. In its Human Rights Guide, Total/EACOP states that;

...regular and meaningful consultation, transparency regarding operational activities, listening to stakeholder concerns, needs and perceptions, consulting communities about impacts and mitigation measures are all critical to establishing and maintaining constructive relationships with stakeholders throughout the life cycle of our operations.²⁸⁴

In addition, Total/EACOP has made a commitment, per its internal code of conduct, to apply the most stringent standard when national legislation falls short of the company's internal requirements.²⁸⁵ This must also apply to access to information and disclosure of key documents and processes.

Considering the commitments made and the challenges documented in this HRIA, the company should:

- Take immediate steps to clarify the land valuation and compensation process.
- Increase transparency and access to relevant information about the key elements of the resettlement process - the information that really matters to communities.
- Reinforce efforts to increase women's access to information and participation at key decision moments, including the signature of agreements.

Both governments and their relevant institutions (specifically NEMA and NEMC) should:

- Take proactive steps to provide adequate and sufficient information on questions of high importance for community members to enable them to participate in decisions around the EACOP.
- Play a key role in ensuring public participation with special attention to ensuring that women can meaningfully participate.

5 MONEY AND LIVELIHOODS

BACKGROUND

The HRIA has revealed the important impacts already experienced by local communities as compensation has not yet been provided in a timely manner. The delay between the cut-off date and the payment itself results in loss of revenues for households who are facing limitations to what they can grow, causing food insecurity for households affected by relocation thus affecting their right to an adequate standard of living. Furthermore, given the increased scarcity of land, households could face food insecurity if replacement lands are not as productive as their current land which would impact their access to adequate food. Once again, women who are mainly relying on land but without legal title are exposed to greater vulnerability.

In both Uganda and Tanzania, the pipeline crosses rural areas beset by few job opportunities, underdeveloped markets, limited roads, poor sanitation, and patchy electricity. Many respondents fear that the EACOP will further reduce their communities' economic development by robbing them of their land and destroying their sources of critical natural resources, such as wetlands and forests for crafts in Uganda and artisanal and small-scale gold mines in Tanzania. Both men and women are hoping to receive employment opportunities but realize that their limited education and low levels of capital might prohibit them from job opportunities linked to the project.

The link between land protection and the enjoyment of other human rights has been well documented.²⁸⁶ Depriving communities from the land they are cultivating has clear implications for the right to an adequate standard of living, which includes the right to adequate food, clothing and housing, and to the continuous improvement of living conditions (article 11.1 of ICESCR). For the population of Tanzania and Uganda, as it is the case in many other countries, land is a key source of livelihood and central to their economic wellbeing. Losing access to agricultural land impacts people's access to food and farm revenues. This lost income can impact other rights such as the right to adequate housing and the right to health.

The right to an adequate standard of living and the right to food are protected under the International Covenant on Economic, Social and Cultural Rights. At the regional level, although the African Charter on Human and Peoples Rights (1981) does not expressly provide for the right to livelihood, the Commission for Human and Peoples Rights established connections between the right to livelihood and the right to life.²⁸⁷ This connection between livelihood and life was also made in

'My mother gets my school fees from farming. My mother told me that our land is going to be taken away and she does not know where she will get money for school fees and food.' – A community member from Kicuunda village, in Kikuube District

Uganda where the court held that depriving one of their right to livelihood amounts to a violation of their right to life considering that no person can live without their means of subsistence.²⁸⁸

At the national level, the Constitution of Tanzania affirms the government's obligation to direct its programs and policies towards the use of national wealth for the eradication of poverty.²⁸⁹ In Uganda, the constitution does not cover livelihood but protects the right to food security.²⁹⁰

FARMING, AGRICULTURAL, AND GRAZING LAND

Landlessness and relocation are central to the concerns over livelihoods in both Uganda and Tanzania. Total/EACOP reassures that the impact will be very limited for people affected by the pipeline due to the linear nature of the project.²⁹¹ However, households affected by the construction camp, above-ground installations and the terminal can face a greater impact. Without their land for agribusiness, subsistence farming, and livestock grazing, respondents are worried that they will face hunger and food insecurity. They are also concerned about losing their ability to obtain essential goods from their land to use and sell such as water, honey, timber, firewood, and supplies for arts and crafts. Others, especially pastoralist communities in Tanzania, are concerned about losing their hunting and grazing land.²⁹²

In addition to land loss, respondents voiced frustrations and uncertainty about their ability to grow crops. In both countries, the pipeline will pass through agricultural land with cash and food crops such as cassava, maize, coffee, plantains, and beans. Many respondents in impacted communities expect to lose their farmlands.

Cut-offs and cash crops

Respondents in both countries reported that they have been required to reduce their agricultural footprint. In Uganda, respondents reported that sub-contractors, including New Plan and ICS, had issued farming cut-off dates in April 2019 as well as guidance to halt any agricultural activities except for growing short-term, seasonal crops (crops that grow in six months to one year). Communities in Uganda are left in a state of speculation and many have resigned from agriculture due to the issuance of cut-off dates by the valuers.²⁹³

In Tanzania, respondents whose land will be acquired similarly claimed that they are not allowed to farm cash crops, only seasonal ones. Even though seasonal crops are permitted, some respondents are afraid that if they receive abrupt notice to vacate their property that they might not harvest their crops and would fail to recoup their short-term investment. Accordingly, some farmers are making the decision not to plant.

The Chairperson LC1 from Kijungu village said:

I get all the money for paying school fees for my children and other needs from farming coffee and matooke and now my land is going to be affected by the pipeline. How will I survive? How will my family live? How will my children go to school?

Many of the respondents in Uganda noted that losing control over their land, not being able to use their land in whatever way they would like and being limited to only growing seasonal crops amidst issuance of cut-off dates, is a deprivation of their rights and a direct threat to their livelihoods.

'My only piece of land has been marked for acquisition, but I have since not received compensation,' said a 59-year-old farmer from Kijungu village in Kakumiro District, Uganda. 'The right to own and benefit from my property has been stripped off me. I need money to undergo a medical surgery, but I cannot sell my only piece of land that has been taken by the project.'

Total/EACOP informed the HRIA team that whenever possible, households will be given time to harvest prior to land acquisition.²⁹⁴

Infertile land, inadequate information, insufficient compensation

Communities in Uganda expressed fears of being relocated to infertile areas where agricultural productivity is low. Respondents expressed worry over how they would support themselves if their land is taken away from them because of the EACOP project.

This risk has been clearly identified by Total/EACOP. The company's baseline data indicates that:

There is increasing scarcity of land and replacement land for economically displaced individuals may not be as productive as previous land holdings. The impacts will be very long-term and will affect some households within the PACs. Due to their large magnitude and very high sensitivity, before mitigation the impacts are considered significant.²⁹⁵

Total/EACOP confirmed that during entitlement briefing, households will visit the land available before making a decision. This phase has not started yet.

Food insecurity and market shocks

Food accessibility and availability is a major concern for impacted communities along the EACOP route. Respondents in seven regions of Tanzania that were visited for data collection are worried about severe food shortages, especially since restrictions were placed on cultivating long-term crops two-years ago and in light of the delayed compensation payments. One resident from Ntondo village in Tanzania said:

So far I have been banned from cultivating sustainable crops in my area, I only grow maize and vegetables because I do not know how long the project will take before it starts and until now I haven't been paid my compensation and I do not know when will I be paid so I am afraid of my current food situation.

An influx of new workers along the EACOP route, and the subsequent increase in food prices, along with the impact of heavy construction is another consistent concern of farmers along the route. In Tanganyika village, located in Muheza District, Tanzania, residents do not have any significant area of farming land apart from the sisal farms that belong to Agro Tanga. Respondents in the village fear that new arrivals will price the villagers out of the market for local foodstuffs and they will have nowhere to turn. 'Food availability will be less of a problem at the moment, we do not know when the population will increase. I fear if I can manage my huge family with enough food if the price will go high during a project implementation' said a respondent from Tanganyika. Respondents in Uganda were concerned about damage from heavy vehicles on their roads and land, making it difficult to continue with agricultural activities.

Sojo village in Tanzania is another community where farmers and pastoralists fear the market consequences of newcomers. They are hoping that government commitments to increasing agricultural productivity, warehousing capacity, and market knowledge in their area will strengthen their ability to compete with new suppliers and grow their bottom line. The EACOP project risks undermining an already underdeveloped agricultural sector: in certain regions of Tanzania, such as Singida, most farms are reliant on rainfall and lack adequate food storage facilities.

While the pipeline route will largely avoid residential areas In Tanzania's Manyara region, respondents are still concerned about accessing new farmland as EACOP will pass through local agricultural land, primarily rice fields. They worry that their new farming land will not provide them with the same level of food output.

Some respondents in Uganda are concerned that the influx of workers and economic migrants will drive up the cost of living and exclude communities from participating in the local market, too.

What does the future hold?

When it comes to their economic well-being, respondents in both Uganda and Tanzania shared feelings of frustrations and a sense of speculation. Many will give away their land but are confronted with delayed compensation and are unsure of what to expect or how to plan.

Total/EACOP and local governments, for their part, admit they are trying to address these issues. In the fall of 2019, EACOP project representatives developed and distributed a 'keep cultivating' land message.²⁹⁶ But some communities had already stopped farming their land, some for more than a year, as they were expecting imminent

relocation. According to a representative from Total/EACOP in Tanzania:

From the beginning, no one should have been told to stop farming. This comes from miscommunication from village leaders. On our side, we keep encouraging farming (seasonal crops only). EACOP needs to be supported by stakeholders and organizations to help share the messages and manage expectations for timing.²⁹⁷

In Tanzania, Total/EACOP explains how they have trained a team to reinforce messaging from the government to avoid confusion and speculation. The company representative also explained that long-term crops could be harvested if they were planted before the cut-off dates.²⁹⁸

Delayed compensation has created perverse economic incentives. Farmers and cattle keepers in Manyara, Kagera, Nzega, and Singida, for example, believe that it is better to simply hold onto their livestock and wait for their compensation payout rather than sell their livestock on the open market.

In Uganda, Total/EACOP noted that in the process of developing the resettlement action plans they will take into consideration the livelihoods of affected communities and pledged to continuously conduct effective consultation of communities as they implement livelihood restoration plans.²⁹⁹ To comply with international standards, Total/EACOP is developing livelihood restoration plans for cases of economic displacement. According to the EACOP RAP for Priority Areas:

The key guiding principle for livelihood restoration is:

To improve, or at least restore, the livelihoods and standards of living of displaced persons. Per international standards, mitigation measures for resettlement (physical and economic displacement) are not optional and should be in place before any physical or economic displacement takes effect.³⁰⁰

Their aim is to have 'measurable improvement in the lives and livelihoods' of all affected households.

Women's livelihoods

Respondents in both Uganda and Tanzania were worried that the EACOP project presents specific risks and challenges to women and girls that would be disproportionately affected by various forms of economic or other social exclusion (e.g., property loss, restricted access to financial resources, restricted access to the labor market). Many of these risks stem from gender norms and cultural practices that limit women and girl's access to property, political participation, and economic or educational attainment.

Both countries still face challenges when it comes to implementing gender equality and women's rights protections. In Uganda, for example, despite a strong legal framework, the effective implementation of those gender protections remains low. The UNDP has warned that this gap

leaves women in precarious legal and economic positions, with their rights far from guaranteed.³⁰¹

Gender is a major factor in who benefits and loses out from projects like EACOP. A local government officer in Singida, Tanzania explained:

It is true that women and men of different ages will experience project impacts differently, they frequently bear a different burden of adverse impacts resulting from large resource developments and are often less likely to benefit from the positive impacts.

The majority of rural women in both Uganda and Tanzania are farmers without other skills or capital to explore different economic opportunities. Many are often economically dependent on their husbands. During a discussion with women impacted by the pipeline project in Tanzania, women said that gender roles, family relationships, cultural norms, and regional attitudes or practices (in some tribes, men and women don't sit together; in certain parts of Tanzania women are not considered adults if they are unmarried) will limit their ability to benefit from the project and increase their exposure to risks.

Total/EACOP confirmed those important risks for women. The company acknowledges the central role of women in crop farming and the fact that incomes from cash crops reinforce food security for families, advance children's education, and support community healthcare.³⁰² Total/EACOP admits that if suitable alternatives to producing or securing food are not available, it may result in decreased food security, with women-headed households being particularly vulnerable.³⁰³

Total/EACOP affirms they will apply their human rights commitments which include specific policies on women and equal opportunity. They committed to develop strategies to ensure women are informed about employment opportunities. They also committed to provide all the adequate facilities to make it possible for women to work and will 'advise men on adequate behaviors.'³⁰⁴

Economic development and employment

While large-scale development projects bring a host of associated risks, they are also linked to economic development and employment opportunities, which can theoretically provide new opportunities for poor communities. Not surprisingly, communities are expecting to benefit from the EACOP. Both Uganda and Tanzania also have specific legislation regulating the need for companies to maximize the use of national human and material resources, including in the petroleum sector.³⁰⁵

In addition to requiring that Ugandans are prioritized in hiring and training opportunities, Uganda legislation requests companies to promote participation of women, persons with disabilities and persons from different geographical areas or ethnic backgrounds. There is no specific mention of gender in the Tanzanian legislation.

Based on Tanzanian legislation, the company must provide a forecast of the hiring and training needs for the project (with the specific targets for the different types of jobs³⁰⁶), a timeframe for which the company will provide employment opportunities and the efforts made to train Tanzanians. Companies shall make available on their website the obligations and procedures related to local content.³⁰⁷ As part of the local community content plan, the company must specify the recruitment and training procedures, their needs in terms of training and hiring (with skills breakdown) and the remuneration strategy.

High expectations

While some communities are worried about being priced out of the local economy, others are anticipating an expanded market for their agricultural products, particularly in Uganda. The personnel employed to service the EACOP pipeline and other project stakeholders, such as representatives from non-governmental organizations and development agencies, are expected to boost the local economy, increasing demand for food, lodging, and other necessities.

Expectations of economic development are widespread in surveyed communities. The governments of both Uganda and Tanzania have publicly promoted the projects' expected benefits, too. At the EACOP project launch in 2017, both countries claimed that the pipeline would bring over 10,000 jobs to the region.³⁰⁸ Central and local governments are also eyeing an expected windfall and host communities are anticipating infrastructure development, including improved internet networks, schools, health facilities, water sources, and electricity.

There is some justification for the expectations. There are signs of industrialization and development in Uganda's oil region around Lake Albert, such as a modern water treatment plant in Hoima District and an oil refinery plant in Kikuube District, despite human rights rollbacks. There have also been improvements to social services such as the construction and renovation of schools, churches, and health centers in Hoima, Kikuube, Kabaale, and Buseruka.

New jobs

In Uganda, the project is expected to create approximately 1,800 jobs during the construction phase, plus around 8,500 indirect jobs including in logistics, supply chain, catering and security. 1,600 of the direct project jobs are skilled jobs, and 1,080 for nationals.³⁰⁹ The ESIA is silent on the number of jobs created during operation of the project.³¹⁰

Total/EACOP estimates that approximately 4,000 direct construction jobs will be generated in Tanzania over the three-year construction phase, although only 400 of these will be for unskilled workers³¹¹. Based on local content requirements, approximately 2,400 workers (60% of the workforce) will be nationals, and the remaining 1,600 will be foreign workers. Project documents assert that it will create indirect and induced employment (estimated at 18,700 employment opportunities) in other

sectors such as logistics and supply chains, catering and security during the construction phase.³¹²

Local content plans are being developed in each country and communities expect that the pipeline will provide training for people involved in its implementation, from welders to pipeline operators. As presented in its Tanzania Local Content Plan Booklet, the EACOP project has laid out the specific regulatory targets for the minimum %age of Tanzanians selected for hiring. The targets increase over the course of the project except for unskilled workers, who are expected to come from local communities.³¹³

Rosy predictions meet reality

Unfortunately, rosy predictions about jobs, oil money, and development are unrealistic for most communities – and will likely come with the risks that have defined Uganda’s oil-producing region already.³¹⁴

Respondents in Uganda raised concerns over being denied employment opportunities at the initial stages of the EACOP project as Total/EACOP worked through sub-contractors, drivers, and service providers from Kampala.³¹⁵ Communities argued that there should be specific consideration to hire locally especially for jobs like drivers and service providers. ‘I would like to see New Plan hire a driver from the local community not the Kampala drivers’ said Hon. Komakech Geoffrey, a district councilor.

Despite early challenges in Uganda, Total/EACOP observed³¹⁶ that communities still have overly high expectations about the EACOP project, although the company has tried to inform communities about what to realistically expect.³¹⁷ They noted that it is critical that community expectations be managed right from the initial stages of the project, otherwise such expectations will only shoot up when the project advances and when such expectations are not met, communities will be left disappointed and highly aggrieved.

Total/EACOP noted that in order for a community service provider to qualify to provide services to oil companies, they should be registered in the national suppliers’ database.³¹⁸ Total/EACOP also categorically stated that they were not going to bend their standards of services provided in a bid to ensure promotion of local content. They made it clear that any local service provider that was interested in providing services to them had to meet their expected standard.³¹⁹

Respondents in Uganda noted, however, that they had not been trained on how to register their services under the national suppliers’ database.³²⁰ In Uganda, the Petroleum Authority (PAU) which falls under the Ministry of Energy and Mineral Development has the responsibility to inform people.³²¹ PAU also works with local government structures such as the District Community Development Officers, Community Development Officers, and Local Council 1 chairpersons to ensure that information is trickled down to the grass root level.

The HRIA revealed a departure from the national aspiration of realizing the national local content policies for the petroleum sector that aim to enhance local capacity and promote the local participation of Ugandans. Many respondents expressed concerns about their limited access to information on the employment opportunities.

Local jobs, skills training

As in Uganda, respondents in Tanzania had high expectations regarding employment opportunities and receiving local tenders, although most recognize their low educational levels and limited knowledge of the oil sector. Most working-age respondents confirmed that they only possess primary school certificates and thus it limits their access to employment opportunities. This study found out that most communities where the project pipeline passes are in rural areas whereby almost 90% of household workers are farmers, herders, or fishers. However, with adequate training they could work as casual labors, which would increase local employment rather than relying on foreign workforce.

Communities in Tanzania reported that they were not informed as to when, how, or what types of jobs will be available for local communities along the pipeline. 'We have seen drivers who came here with cars, they are all new people, some workers could hardly speak Swahili, we are not sure if it will be possible for us villagers to be employed in this project,' said one man during a discussion in Tanganyika village.

Total/EACOP makes a distinction between Nationals and local communities stating that for technical and management positions 'priority should be given to the Nationals' while for the category 'Other staff', no recruitment should be done outside of the Local Community (communities in the vicinity of work's site(s) of execution) unless the pool from the Local Community has been exhausted.'³²²

'We have young men who could work as casual labor here, we have people who are motorcyclists who could be hired in the camp sites construction, ditching and other simple jobs, why do they hire drivers from far away?' said a man from Sojo village in Nzega District, Tanzania. The employment situation in places like Sojo village have amplified worries about the job opportunities that will be created by the project. 'The employment opportunities for the local people seems to be unclear to us as to what kind of job will be available to us and the means to get that job information is very difficult,' said one of the community members.

Some EACOP project officers in the Sojo village meeting did mention a few types of jobs that will be found during a project implementation such as ground sweeping, clothes washing, and cleaning household utensils. This information discouraged the community members whose expectations of employment for rural residents were higher than what these jobs would provide. Despite these challenges, the community still asked to be considered for employment especially for drivers and manual labor.

In all villages that data was collected in Tanzania, respondents reported that there has not been any information on specific qualifications for employment opportunities or standards for service provision.

Respondents in Tanzania said that, to their understanding, most camp sites will be built by outside subcontractors. In Gisambalang village, in Manyara, respondents said that they were informed that they do not qualify for skilled pipeline labor, although they would be eligible for casual labor like clearing paths and cleaning. An affected community member from Gisambalang said:

We have seen newcomers such as drivers in the first activities such as surveys, they were not local from here, they got employment from Dar Es Salaam; we are worried if it will be easy for us here to get that information here for us to get jobs in the project, this may affect us.

Respondents in Gisambalang reported that they have been highly motivated by government leader's statements about the employment opportunities associated with the project, but the government has not taken a clear initiative to help them obtain basic entrepreneurship skills. A similar sentiment was echoed in Muhungura village, Shinyanga, where the community was informed about employment opportunities during project inception meetings; unfortunately, they see no clear plans by the government and EACOP project representatives to support local workers. 'There are no means promoting and supporting youth and women groups with entrepreneurship skills that they could provide quality goods and services as will be required in the project,' said one of the community members in a group discussion in Muhungura.

Managing expectations

Total/EACOP acknowledged the risk of not meeting rising expectations and managing to fulfill its employment needs locally. A representative from Total/EACOP said:

The country is new to oil and gas. It is difficult to find the expertise locally. To qualify someone to weld the pipeline could take 4-5 years. We will try to identify transferable skills that could be built, something that can be reproduced to other services.³²³

The company said that the 10,000-job estimate has been circulated widely, probably by local politicians along the route. They clarified that these are not direct jobs working on the project itself, but rather estimates of ancillary jobs created by the increase in economic activity. Total/EACOP estimates that there will be 4,000 direct jobs during the construction phase which will last between three and four years, not the full lifecycle of the pipeline.³²⁴

Total/EACOP intends to do a baseline to determine activities and services that will be needed along the route, within camps/during construction (logistics, casual labor, local education services to the camps.³²⁵ For these jobs, labor will be from communities around. But camp activity will only last between 6 to 9 months. Therefore, it will not

generate permanent work for everyone. Once the pipeline is operational, the employment needs locally will be significantly reduced, with only 200-300 employees remaining. Most of them will be domestic workers, but they will not necessarily be from the communities adjacent to the route.³²⁶

Women's economic exclusion

While the ESIA presents a clear overview of jobs to be created by the EACOP project, it does not provide a clear overview of which jobs will benefit women and economically excluded groups. The EITI Global Standard requires the disclosure of employment data disaggregated by gender and, where available, by level of employment. For the moment, this information has not been provided for existing employment opportunities nor for jobs to be created.

The ESIA acknowledges the difficulty women are likely to face in accessing project procurement opportunities and the fact that incomes earned by men engaged with the project either directly through employment or indirectly via project procurement opportunities may not necessarily be used to benefit the household, and that increased access to cash by men may result in increased substance abuse and gender-based violence.³²⁷

This concern was shared by women respondents who fear to be losing out on economic opportunities. Women expressed fears that they will not be able to enjoy the same employment opportunities as the men because of the greater barriers to education they have faced. A woman respondent said:

Discrimination will never end in our societies as women are not given equal opportunities even though they are educated...though women show their ability to work, traditional norms do not allow us and that is our biggest fear.

Not everyone is worried about gender discrimination – in fact, some communities had the concerns about the process empowering women as they felt that contravened traditional social norms. Male respondents in some traditional communities, such as in Shinyanga region in Tanzania, are concerned about the social and economic ramifications of women being given priority in jobs and tenders. The same community admitted having not seen any gender discrimination during the land acquisition process, valuation, and prior engagement with the EACOP company.

LIVELIHOODS FIRST

As protected under various international and regional instruments, both governments must defend the lives of their people and ensure an adequate standard of living.³²⁸ As defined in international law, the right to food requires having access to food that is sustainable and that is available in sufficient quantity and quality. Governments have a duty to

ensure food availability as hundreds of herders and farmers, who rely on subsistence farming, risk losing access to their agricultural and grazing land. As the Special Rapporteur on the Right to Food states:

States would be acting in violation of the human right to food if, by leasing or selling land to investors (whether domestic or foreign), they were depriving the local population of access to productive resources indispensable to their livelihoods.³²⁹

The information collected in the context of this community-based HRIA has revealed important delays in the payment of compensation.³³⁰ Furthermore, the limitation imposed on households to only grow seasonal crops³³¹, limiting their ability to grow more lucrative crops and really controlling their lands, has impacted on the livelihood of communities as they experience a decrease in revenues thus affecting their standard of living.³³² Furthermore, the uncertainty regarding the quality of the replacement land and the possibility of not finding livelihood opportunities after the relocation is a major concern for several community members.³³³

Although the company has committed to develop livelihood restoration plans, it is crucial that the company:

- Takes immediate steps to ensure that the livelihoods of those impacted by the project are improved or restored to pre-project levels.
- Involve affected households in the development of those plans to make sure they are appropriate to their needs and reality.

As the main duty-bearer, the governments must:

- Take immediate action to ensure people are adequately compensated for losses caused by project activities.
- Support the provision of immediate financial or in-kind assistance to individuals or households currently impacted by EACOP.

6 ENVIRONMENT AND HEALTH

BACKGROUND

In addition to food, communities along the pipeline route rely on their land and natural resources to meet their daily water needs. Respondents in both Uganda and Tanzania expressed fears that pipeline activities will disturb their ecological system such as, contaminate their water, degrade their soil quality, contribute to noise and air pollution, and negatively impact people's health. Some respondents voiced broader concerns about the project contributing to climate change by reducing trees and vegetation in places like Mwakalundi Forest, Tanzania.

Although not explicitly protected in the key International Human Rights instruments, there have been several discussions at the international level about the right to a healthy environment and it has been embraced by regional human rights treaties, including the African Charter on Human and Peoples' Rights, and recognized by the Economic Social Rights Committee.³³⁴ Furthermore, this right can be inferred from other rights such as the right to health, water as part of the right to food and protected under the ICESCR and the right to life covered under the ICCPR. With the evolution of International Environmental Law, states have ratified a plethora of treaties on the protection of the environment and conservation of nature. The most prominent environmental protection treaty in the recent past is the Paris Agreement.³³⁵ This encourages states and corporations to protect the environment in the course of development in order to combat the threat of climate change.

At the regional level, the right to a healthy environment is protected under the African Charter which states that 'all peoples shall have the right to a general satisfactory environment favorable to their development'.³³⁶

The right to a clean and healthy environment is protected under both the Ugandan and Tanzanian constitutions.³³⁷ Further, both countries have National Environmental laws that provide for a right to a clean, safe, and healthy environment.³³⁸ These Acts create obligations on all persons to prevent pollution while also making it possible for a person affected by an act or an omission which has caused harm to human health or the environment to bring an action against that entity causing the harm.

Both National Environmental laws provide a framework for the assessment and approval of major infrastructure projects. This includes the carrying out of environmental and social impact assessments as the key decision-making tool used by the government to decide if a project should be approved or not and, if so, under what conditions.

'The government and oil companies have not informed us about the negative impact that the EACOP will have on our wellbeing. All they tell us are good things that the EACOP will bring like roads and jobs. We also want to know the negative impact of the pipeline so that we can make informed decisions,' – A community member from Rujunju village, Kikuube District in Uganda

Water and pollution

In both countries, the EACOP will pass through critical sources of water for local communities.³³⁹ In Uganda, this includes the Kamugenyi and Wambabya rivers in Kikuube, the Kanywabarogo and Kinfenyi rivers in Hoima, and the Kijubya and Lwemido swamps in Kikuube. In Tanzania this includes Kagera river in Kagera, Wembere river in Tabora, Pangani and Sigi rivers in Tanga, water dam in Mpera village, in Shinyanga region. The pipeline will also wrap around Lake Victoria, whose watershed is essential for over 40 million people in the region.³⁴⁰

Pipeline construction poses significant risks to these bodies of water, especially where pipes will need to be buried under them.³⁴¹ Avoiding or limiting the need to restrict water flow is a key impact mitigation strategy, so too is guaranteeing the integrity of the buried pipe during high flow events. In this case, however, Total/EACOP has opted to use the lowest cost construction method³⁴² (being open cut trenching³⁴³) for all but two bodies of water in Tanzania³⁴⁴ and for all the crossings in Uganda.³⁴⁵ During the public comment period for the ESIA processes, civil society groups have urged Total/EACOP to utilize horizontal directional drilling – representing industry best practice – to cross floodplains of major watercourse.³⁴⁶ Total/EACOP affirms that in Uganda ‘the detailed design (which is yet to commence) will take on board conditions and requirements that will be specified in the ESIA certificates of approval. These conditions will take into account input from the public disclosure process’. In Tanzania, all comments raised during pre-submission meetings were said by Total to have been incorporated in the final ESIA submitted to the National Environment Management Council which issues a certificate with conditions attached to it.³⁴⁷

Along the route, most villagers rely on a percentage of groundwater to meet their daily water needs. For example, roughly half of the water in Nkwae and Ntondo villages in Singida region of Tanzania comes from the ground, according to an affected community member from Ntondo village.

Project induced population in-migration may increase the pressure on local water resources causing a decline in the quality and quantity of available potable water resources. Along with poor sanitation facilities and potentially poor hygiene practices, this may cause an increase in water-related diseases (i.e., diarrhea) and potentially increase the risk of outbreaks of typhoid, dysentery and cholera in project areas.³⁴⁸

Host communities in both Uganda and Tanzania fear that oil spillage would affect the safety of their water sources. During a focus group discussion with an affected community from Mabanda in Tanzania, respondents said that they were informed by the EACOP representatives during a village meeting that their water source would not be destroyed during the project implementation. But they are still concerned about oil spillage as they are aware of accidents that occurred in other projects and other countries. ‘Environmental pollution that will occur during construction may affect access to clean and safe water to the

community,' said one respondent from Mabanda in Handeni during a focus group discussion with affected communities.

Although considered a low risk by Total/EACOP,³⁴⁹ communities are aware of the severity of the impact caused by oil spills, such as in Nigeria.³⁵⁰ Some respondents in Uganda even feared that the pipeline, which passes close to Lake Victoria, might burst and explode causing property damage, injuries, and major disruption of the aquatic life of the lake. They fear an oil spill would not only affect Uganda but rather become a trans boundary issue affecting all the East African states.

These are well founded fears. Oil spills have already occurred upstream³⁵¹ and are likely to occur over the life of the EACOP project. During construction, there may be incentives to lay pipe quickly and not always according to approved plans, making it imperative that independent inspectors are verifying approved work plans are being followed. During operation, periodic testing must assure the integrity of the pipeline; block valves need to be positioned to minimize spills into waterways and/or critical habitats; and there must be confidence the contingency plans will enable rapid response and remediation when spills occur.

Furthermore, communities are worried that in-migration might reduce the availability of water. A district leader reported: 'Water is not a problem in the village of Tanganyika because there is a [water] pipeline distributed to the public but there is also a well, only if there will be population increase then water may not be sufficient.'³⁵² Strained water capacity is recognized as a risk by Total/EACOP. In Uganda, respondents from Kakumiro, Kikuube and Hoima also feared that deforestation to make way for the project would lead to or contribute to drought. Although there are no major recognized forests that will be affected by the EACOP, many communities along the pipeline corridor planted trees in large numbers on their land and according to them these are their 'forests.' Unfortunately, some of these trees are going to be affected by the EACOP.

Pollution and ecological destruction

Respondents in Mabanda were also worried about air and noise pollution that might occur during camp construction especially from the dust and trucks. Similarly, respondents in Uganda feared that there would be a lot of noise pollution during the construction phase of the pipeline as a result of the activities from EACOP. In Shinyanga village, Tanzania, local government authorities admitted that pollution and environmental disturbance is inevitable since it is necessary to use loud, heavy machinery that creates smoke, dust, and noise. Pipe joining operations might also produce noise and fumes as pipes are installed and painted.

Respondents in Uganda were consistently worried about soil degradation caused by the construction of the pipeline and any related spills. Given local reliance on agricultural, poor soil and low crop yields from soil contamination or pollution could lead to hunger along the corridor.

Respondents from Shinyanga village in Tanzania were similarly worried that clearing forests would cause environmental degradation – impacting their soil quality, agricultural output, and grazing land. In Sojo village, Tanzania, the community fears that pipeline activities might result in land degradation and disturbance of their ecological system, especially during the construction phase of the project.

In the Singida region of Tanzania, the project is expected to bring an increase in solid waste production in camp sites according to an environmental officer at the district level, noise and air pollution during construction, and deforestation as well as the loss of animal corridors due to bush clearing.³⁵³ Ecological disturbance over the existing grassland and Forest Reserves that would cause habitat fragmentation, habitat of endemic birds and reptile species will be disturbed during and after construction. In the region of Tanga, the pipeline construction will likely lead to pollution, soil degradation, and environmental damage as it was reported by an officer in Muheza District.³⁵⁴

Women's priorities

In meetings, women respondents sometimes raised different concerns than men. For one, women, who are often responsible for collecting clean water for their families, are worried about water pollution that might result from leaks, pipeline work, and camp construction. 'Won't relocation affect distance and time spent accessing firewood and water collection and food preparation to their families?', asked one respondent from Bulifani village in Tanzania.

In Singida region in Tanzania, women respondents raised concerns about accessing water and health service as well as schools for their children. They were worried about the distances they would need to walk to access their farms and were worried about their physical security after resettlement. Problems with distance to the available health centers and the presence of the local Nkwae river. During the rainy season when the river is full of water, women already have difficulties crossing. Respondents hoped a bridge over the river might be built for easy access to the health center after they have been relocated. 'Access to health facilities especially during childbirth is a challenge crossing to zambi ya fisi village' said one woman from Ntondo village in a group discussion.

Mitigation measures

Total/EACOP explained that the Environment and Social Impact Assessment (ESIA) for the EACOP is complete and includes mitigation measures for the project. The company also noted that it has completed an Environment and Social Management Plan (ESMP), which is a key document to address the risks identified in the ESIA. However, Total/EACOP explained that:

...specific management plans won't be public because they are contractual control plans put in place by contractors. They are basically the plans to mitigate the risks identified in the ESIA.

They don't have to be public. They contain sensitive information regarding security which would be of concern for the government.³⁵⁵

In Tanzania, the ESIA certificate was awarded in February 2020. The Environmental Management Plan proposed in this assessment has not been distributed and discussed at district level at the time data was collected. In Uganda, the government has not yet approved the ESIA.³⁵⁶

In Tanzania, an environment officer from Muheza District said that most of the findings in the ESIA are manageable and that the district authority is preparing for any possible waste and damage: they set aside a piece of land to be used as a collection center for solid waste dumping and provided safety and environmental education courses for the local public.

Limited transparency, major fears

An environmental officer in Nzega District in Tanzania commented that the ESIA should be explained and discussed with local authorities in order to reduce concerns about the expected environmental challenge: 'at the moment, there is no environmental management plan that is known either to local leaders or to the communities.' To date, the ESIA conducted in 2018 by Total/EACOP has not been presented in an accessible way to the local government authorities and they do not know which management plan will address the environmental challenges posed by pipeline construction.

Respondents in Uganda reported the National Environmental Management Authority pledged to provide communities with indigenous trees, which would facilitate environmental conservation.

According to many respondents, the lack of transparency and awareness at the village level about disaster management strategies contributes to the uncertainty and fears. Many community members met during collection feel they are lacking knowledge about early warning signs in case of disaster such as fire outbreak and oil spills.

Total/EACOP said it will develop several emergency response plans to define mitigation measures to respond in cases of emergencies during construction and operation such as an oil spill. Those plans, as it is the case for other management plans, will not be made public, however. Rather, Total/EACOP affirms that 'concerned local authorities and communities will be engaged on the content of these plans at the appropriate times with the use of supporting communications materials translated into local languages,' which according to Total/EACOP complies with the requirements of IFC Performance Standard 1.³⁵⁷ On the other hand, the 2019 EITI Standard encourages the disclosure of environmental information such as emergency management plans.³⁵⁸

Although there is an operational-level grievance mechanism operated by Total/EACOP, communities are disappointed that there are no independent grievance mechanisms to address environmental damage,

and related concerns, along the pipeline route. The existing local mechanisms have highly variable levels of formality.

Despite commitments from Total/EACOP and the local government authorities, HRIA researchers in Tanzania found no evidence of oil spill awareness training or disaster management preparation for incidents that could occur during the operation phase.³⁵⁹

Health and security

Respondents worry that if environmental mitigation is not taken seriously, there will be health consequences for residents along the pipeline corridor, including a rise in diarrhea, typhoid, and tuberculosis as well as respiratory illnesses from dust and chemical exposure. Camps will house hundreds of workers and might strain waste management facilities and increase the risk of disease outbreak.

A respondent from Muheza District in Tanzania said:

I fear that there will be no mobile toilets along the pipeline routes during construction, this may lead to people pollute the environment by using bushes as their latrines, uncovered feces may lead to cholera and typhoid outbreak during the construction of the pipeline, especially during rain seasons will cause serious diarrhea if the community toilets scheme in the village is not implemented.

Although epidemiological information has been provided to the public through meetings about the benefits and challenges of the oil pipeline, most affected communities fear the worst without strong mitigation measures in place. Villages along the route often lack access to medical facilities and pharmacies. In Muheza District in Tanga region, the government is building a district-wide hospital that will help solve urgent health care challenges - but this seems to be an exception, rather than a norm. In Singida District, Ntondo village there is only one health center, which is already inadequate for the population, according to the local community.

Respondents along the pipeline route in Tanzania have continually expressed concerns about reckless or fatigued drivers and road safety. Total/EACOP is aware of risks and rates 'medium to high' the likelihood of traffic accidents causing injury or mortality during construction phase.³⁶⁰ Total/EACOP has worked with international NGOs to undertake a scoping study of road safety hot spots. Further work to develop specific mitigation measures specifically on these areas will be needed. They said they would enforce strict rules, including no driving at nights and speed limits, while also constructing speed bumps.

Crime and safety

Respondents in both Uganda and Tanzania are concerned that the pipeline project might expose communities to safety risks, including from trenches or pits that are left exposed after construction as well as

increased road traffic. Respondents in Uganda wanted to know who will provide security to communities and whether they will be mindful of communities' human rights.

There are also broad concerns that an influx of people and compensation cash will lead to an increase in personnel and property crimes and create social unrest or conflict among minority or tribal groups. One respondent from Sojo village in Nzega District said;

We were informed by the pipeline project officers that all those affected people will require to open a bank account before compensation and that the process cost will be incurred by the pipeline project as a safeguard measure against robbery of compensated people.

In Tanzania, respondents noted that there is no police station in the village and expressed fears that the project will bring about population increase that might put their community and property at risk. A local government leader informed the community about a plan to address security risks and claimed that a police station will be constructed in neighboring Nkwae.

Total/EACOP noted that the issue of security is addressed under the Inter-Governmental Agreement and there are detailed provisions about national content specifically for security.³⁶¹ A security specialist will be contracted to train security agencies subcontracted in both countries on operating in compliance with United Nations Voluntary Principles on Security and Human Rights. They assure that grievance mechanisms will be available for security issues.³⁶²

Taking health and safety seriously

A Total/EACOP representative addressed the issue of safety during a presentation on the ESIA in early March 2019 in Dar Es Salaam, saying that 'all mitigation measures will be taken seriously regarding the identified health and safety risks.' This would include education and awareness programs on health risks; continuous engagement with communities on construction processes and associated safety risks; minimal duration of open trench construction; the use of safety signs and fencing in sensitive areas; safety awareness programs for employees and community members; cooperation with local government authorities to reduce risk of conflict and manage arising issues early; and the creation of grievance mechanisms in the case of accidents or damages.

Women's health and security

There are broad concerns in Uganda and Tanzania that the influx of workers and economic migrants may result in increased communicable and non-communicable diseases such as HIV/AIDS and sexually transmitted diseases while straining weak health care systems. 'HIV/AIDS might increase as well as dengue, and malaria,' argued a respondent in Sojo village, Tanzania.

Women in both countries fear that influx of people might lead to crimes such as sexual assault and robbery that might affect mostly women who walk in the early morning to farms or to collect water from the wells. They also fear an increase in gender-based violence. This risk is supported by alarming statistics provided by the UNDP documenting the persistent high level of sexual and gender-based violence in Uganda, where conviction rate for rape and defilement cases stands at 0.8% and 1.8% respectively.³⁶³

Women respondents in Tanzania fear the project may result in an increased of HIV/AIDS transmission, more new infected women, more street children, higher divorce rates in the villages, inadequate health service provision especially during child delivery, inadequate clean and safe water with the increased walking distance looking for fire woods and water, school drop out for young girls especially in camp sites areas, and child labor. A woman in Mabanda, Handeni District in Tanzania said:

As a woman, I fear most about my girl child who walks every day from home to school, mostly that she passes through a camp site. Will she be safe from rape, early pregnancies and other sexual transmitted diseases? How will I protect her because the camp is built where the road to her school is?

Respondents in Nzega, Handeni, and Hanang districts in Tanzania said that most women are worried about rise in sex work and sex trafficking, which may result in unwanted pregnancies, dropping out of school, sexually transmitted diseases and sexual violence near worker camps. 'Although pre-emptive training has been provided yet, I think the increase in people will increase HIV transmission,' said one mother in Tanzania.

Respondents also fear that the pipeline project could be harmful to women especially if a large population increase could affect access to maternal and child health, since the current services are inadequate in most rural areas due to remoteness and few numbers of health facilities.

Acknowledged risks

Total/EACOP's ESIA does highlight the concerns raised by women, acknowledging that there is the potential for increased high-risk sexual behaviors along transport corridors to, from, and within the project area that may promote the spread and incidence of sexually transmitted infections, including HIV.³⁶⁴ The ESIA recognizes that despite requirements that employees housed at the project camps remain there after work hours, there will inevitably be interaction between the project's workforce and local communities.³⁶⁵ Further, interactions between workers (and the conditions at the workers camps) may result in the spread of communicable diseases including pulmonary tuberculosis and HIV, initially from labor sourced outside the project area to local workers, and then to local workers' families and to communities.³⁶⁶

The ESIA states that because of the potential for employment opportunities and other indirect economic possibilities, the in-migration of job seekers, commercial sex workers and people seeking business

opportunity is likely to occur, particularly near project camps.³⁶⁷ The in-migration of job seekers may lead to an increase in commercial sex work, which, in the existing polygamous environment, may cause an increase in sexually transmitted diseases.³⁶⁸ Further, in-migration may result in increases in so-called 'social ills' in local communities, including substance abuse, unplanned pregnancies and GBV.³⁶⁹

Health implications of in-migration

The company's ESIA confirmed the concerns acknowledging that local health facilities have limited capacity to manage an outbreak of any communicable disease,³⁷⁰ and that the in-migration of people to project areas will place additional pressure on local health facilities.³⁷¹ To address those risks and concerns raised by communities (and identified in the ESIA), Total/EACOP informed communities that they would develop a project induced in-migration management plan to define the 'measures to avoid or minimize consequences associated with the in-migration of people' as well as 'measures to manage planned and unplanned in-migration and the indirect impacts of this on biodiversity and host communities.'³⁷² Those measures will aim at reducing in-migration and include monitoring relations between communities and newcomers, providing education of project workers and communities, coordination with local leaders, etc. However, the details of the plans, if they already exist, are still unknown to communities.³⁷³

WHAT LEGACY WILL BE LEFT?

This research has documented a high level of concerns around environmental risks that the EACOP project could pose. Communities are worried about oil spills, water shortage, deforestation and many other impacts that could affect their right to a clean and healthy environment. Both governments are mandated by national legislation - including the National Environment Act in Uganda and the Environmental Management Act in Tanzania to protect their environment and only approve development projects like EACOP if they are satisfied the environmental and social impacts can be adequately managed. Unfortunately, a decision to opt for least cost technology³⁷⁴ rather than international best practices³⁷⁵ could increase risks of environmental impacts of the EACOP pipeline.

The data collected in this community-based HRIAs has highlighted a gap in terms of the type of information provided to the communities concerning the risks and measures in place to address them.³⁷⁶ As required by the UNGPs (and further recalled in its Code of Conduct and Human Rights Guide), Total/EACOP must not only identify, prevent or mitigate potential human rights impacts, but they must also account for how they address their impacts on human rights and communicate to the different stakeholders.

Under France's Duty of Vigilance law, passed in 2017, Total/EACOP is legally required to adequately and effectively implement measures to

identify risks within their supply chain (including subsidiaries, the companies it controls and sub-contractors) and prevent associated human rights violations. These measures must be more than exercises in box-ticking. As part of this law, Total/EACOP must develop a 'vigilance plan' and make it public, enabling stakeholders to monitor if the relevant risks were identified, such as those laid out in this HRIA, and if adequate mitigation measures were taken.

Furthermore, the EACOP project is likely to bring a number of important risks to the security of women, as highlighted in this report and recognized by the company in its Environmental and Social Impact Assessments.³⁷⁷ These include an increase of already high level of gender-based violence, high-risk sexual behaviors along transport corridors, increase in commercial sex work, which may cause an increase in sexually transmitted diseases.³⁷⁸ All those risks that would disproportionately impact women must be adequately addressed and communicated to local communities.

The engagement with local communities as carried out in this HRIA has highlighted the importance of the company to:

- Be transparent about negative impacts in order to comply with its different human rights commitments;
- Commit to following best practices in pipeline construction and operation in order to decrease the risks of environmental damages.
- Prepare for worst-case scenarios and disclose the full emergency management plans in conjunction with local authorities.

It emphasizes the need of the governments of Uganda and Tanzania to:

- Take an active role in ensuring the company is complying with the national and international standards.
- Ensure close monitoring of the EACOP project and
- Commission independent expert evaluations of all draft environmental and social management plans, community health and security plans.

7 SHARED RESPONSIBILITIES AND RECOMMENDATIONS

Total (as well as other companies operating on the EACOP project), the governments of Uganda and Tanzania, and financing institutions adopt certain risks in jointly and cooperatively pushing the EACOP project forward. While these actors have a shared responsibility for the EACOP outcome, obligations and legal duties around human rights are distributed separately.

As the lead operator of the EACOP, Total shares a burden of responsibility to respect human rights and conduct human rights due diligence processes as stated in the UNGP and in the company's internal policies. Total, and the other venture partners, must comply with relevant national legislations and its various international responsibilities in constructing the pipeline, and avoid actions that would aid, abet, or directly violate human rights. They must respect the human rights of local communities and implement proper human rights due diligence. This project has already tested Total/EACOP's international commitment to transparency, human rights, good governance, and independent oversight. Although the company has supported broad consultations, communities alleged that critical information was and still is missing.

As the main duty bearer, the governments of both Uganda and Tanzania have the duty to protect their people from human rights violations, including from third parties, and they must enforce compliance of their own internal constitutions and national land and environmental laws as well as human rights protections included in international treaties ratified by both states.

TOTAL/EACOP

While Total/EACOP has analyzed relevant environmental, social, and human rights impacts of the EACOP project, the company has not widely shared or published all of these findings. For example, Total/EACOP conducted a complete HRIA of the EACOP in both countries. Civil society groups have maintained that this report should be disclosed in accordance with the right to information. In considering this request, Total/EACOP did commit to share key findings and integrate these into the ESIA. However, identifying these key human rights risks, understanding their significance, and how they have or have not been taken into account within the proposed mitigation measures is difficult.³⁷⁹ Further, during the public consultations on the Tanzania ESIA, Total/EACOP was unable for legal reasons to share the document, putting responsibility on the government of Tanzania to do so. In

contrast, according to respondents, the company has promoted the benefits of the EACOP project, such as local employment and opportunities for service provision, but has not provided the same level of information about environmental risks or shared their ESIA in a format that is accessible.³⁸⁰

Total/EACOP needs to be recognized for taking steps to go beyond the standards set in Ugandan and Tanzanian laws, especially in relation to improving opportunities for participation and inclusion in the land acquisition process (although delays in the investment decision has interrupted the timely implementation of this process).

This said, significant human rights and environmental risks remain and need to be urgently addressed. Total/EACOP should ensure what they say they will do translates into practice, that their promises are not empty promises. This includes using its influence to ensure the actions of its business partners align with these commitments. It also means applying a gender lens to everything they do.

At minimum, Total/EACOP should:

1. Increase transparency about the EACOP project, including:

- Using its influence with both the Ugandan and Tanzanian governments, and their business partners, to encourage the disclosure of the investment contracts in accordance with their contract disclosure commitment.
- Taking immediate steps to clear up any and all confusion and misunderstanding surrounding the land valuation and compensation process. All affected people should be able to understand the process, timeframes, and roles and responsibilities of Total/EACOP, its subcontractors, and local and national authorities. If further delays in the land acquisition process are likely, this should be communicated clearly to each and every person and household who is affected, and public notices of the delay posted in each village along the pipeline route. Affected people should be able to continue to cultivate their lands until compensation is received.
- Revisiting compensation rates that are more than 12 months old, and ensure the rates reflect changes in the market and continue to represent full replacement value as required by international standards. These updated rates (and any future updates to them) should be published in each village that is traversed by the pipeline, or any related infrastructure, in a language and place that can be easily and freely accessed by any interested person. Hard copies of updated rates should be given to all eligible individuals or households, along with the list of eligible assets they will be compensated for.
- Providing affected individuals and households at least a month's written notice before the compensation 'entitlement briefings' are to be scheduled along with their options for retaining free, independent legal representation. As part of these briefings, written documentation should be given to each individual and household of the applicable valuation rates, complete list of eligible land, crops, homes, or other assets, and compensation options available to them (including

replacement land), the date compensation will be paid, the method of payment, and details of the livelihood restoration services available to them. All individuals or households should be given full information about and be allowed to physically review their new land before choosing resettlement or land-for-land compensation. Total/EACOP should ensure all household members (men, women) understand the basis for compensation, what is (and is not being compensated), and what options are available, and the process should they wish to challenge any aspect of the compensation package.

- Providing to affected individuals and households free, independent, legal representation of their own choosing in advance, during, and in the cooling off period, and for any dispute resolution process, following the entitlement briefings.
- Documenting clearly the final decision made by the individuals or household following the cooling off period after the entitlement briefings, leaving hard copies with each affected individual or household. Ensure that all household members (men, women, elders) understand and agree to the decision. Total/EACOP should maintain a register of all compensation agreements reached as well as clear documentation of what information was provided and when.

2. Prioritize efforts to increase women's access to information and participation at key decision moments

- Given the existing forms of gender discrimination women face, it is not enough to hold mere information sharing meetings for women. Total/EACOP should prioritize efforts to ensure all project information shared is understood by all women, taking into account literacy levels, education, and complexity of the project information and that, with the information, they are able to participate meaningfully at each stage of the land valuation, compensation, livelihood restoration, and resettlement processes, and especially at key decision moments and through livelihood restoration.
- Total/EACOP should use its influence at different levels to support the practical implementation of mechanisms for women's full participation, including supporting women's security of land tenure.
- Total/EACOP should monitor and publicly report on the effectiveness of these gender specific safeguards, with the active involvement of women leaders and other community members.

3. Increase transparency and access to information about the resettlement process

- As a priority the draft RAPs for Uganda and Tanzania (non-priority areas) and proposed budgets and staff resourcing that is being allocated to implement and monitor the plans should be disclosed and feedback on these plans from affected communities, civil society, local authorities, and other interested parties should be sought. Affected individuals, especially women, should have a say in the choice of replacement land being offered, which should, at minimum be identified in the RAPs.
- All the approved RAPs, along with the budgets that are being allocated to implement and monitor the plans, should also be

disclosed along with the monitoring framework and indicators that will be used by Total to assess the effectiveness of the resettlement program. Total/EACOP should be clear about the roles and responsibilities of local community leaders and local authorities in monitoring these plans.

- Cultural heritage management plans should be developed with affected people, community leaders, and local authorities along the pipeline route village level cultural heritage management plans to identify steps Total/EACOP and its subcontractors will take to protect cultural heritage, including graves.

4. Increase oversight of the resettlement process

- Total/EACOP should commission an independent analysis of the proposed RAPs for both Uganda and Tanzania and publish findings along with details of changes to be made as a result.
- Affected individuals and households should be offered access to free and independent legal representation of their choice prior to, during, and after the resettlement process.
- Total/EACOP should sign legally binding agreements with those individuals or households that set out rights and responsibilities of Total/EACOP, its subsidiaries, as well as local and national authorities, including in the event Total sells or assigns its rights in the pipeline. The agreements should guarantee security of land tenure over the land where they are resettled and for the remaining land they have, including security of tenure for lands held under customary law. Total/EACOP should ensure that all members of the household fully understand the contents of these agreements and their rights while they are being negotiated. Total/EACOP should maintain a registry of all signed agreements as well as documentation of what information was provided to each individual or household and when.
- Affected individuals and households should be involved throughout the process, either directly or through representatives they freely select. All issues or grievances raised by individuals or through resettlement monitoring efforts should be addressed quickly.

5. Negotiate fairly and document the process of securing the free, prior, and informed consent ('FPIC') of vulnerable ethnic communities likely to be impacted by the project

- Total/EACOP's recognition that the pipeline is likely to impact vulnerable ethnic communities who fulfil the international law definition of indigenous peoples and that they will therefore commit to comply with IFC Performance Standard 7 is welcomed.
- Widely known and accessible documentation of consent agreements is consistent with the strong emphasis on transparency and accountability throughout IFC Performance Standard 7. This means Total/EACOP should take all steps within their power to ensure vulnerable ethnic communities are able to document consultation processes and agreements in appropriate languages and to ensure that this is readily accessible by all community members. This includes ensuring communities have access to third party, independent specialists, such as legal advisors, who can assist them

to understand key issues and monitor and document FPIC, again putting in place safeguards to ensure all women and men are able to fully participate.

- Total/EACOP should also ensure regular formal monitoring of consent agreements with active involvement of community leaders, local authorities, and other community members for the life of the EACOP project.
- Moving ahead, Total at the corporate headquarter level (being Total S.A.) should adopt an explicit and unambiguous policy commitment to FPIC that aligns with international law and develop detailed accompanying implementation guidelines, making these publicly available. This policy should include clear and overarching commitments to gender equality, and it should guarantee the durability of FPIC practices after mergers and acquisitions and following the assignment of rights and interests in individual projects.

6. Ensure that the livelihoods of those impacted by the project are improved or restored to pre-project levels

- Provide immediate financial or in-kind assistance to communities currently impacted by EACOP developments and delays, including those who have been prevented from growing long-term crops. This assistance should continue until affected people's livelihoods have been fully restored.
- Involve community members in the development of livelihood restoration plans, with special attention to women.
- Develop with affected people, community leaders, and local authorities along the pipeline route village level livelihood restoration plans, prioritizing women's full and meaningful participation in the development of these plans.
- In collaboration with local authorities, conduct comprehensive financial literacy training for affected households prior to the disbursement of compensation and invest in the livelihoods of impacted communities.
- Ensure that new grazing, farming, or agricultural land is reasonably accessible as part of the resettlement action plan / livelihood plan.
- Monitor the progress and effectiveness of livelihoods restoration for at least six years with the active involvement of community leaders and other community members. Where progress lags behind, be prepared to increase investments and interventions, including increasing the length of the monitoring period as necessary. Make the findings and lessons learned from livelihood restoration public.
- Commit to independent auditing of all RAPs and livelihood restoration plans regularly, with recommended actions (and budget) needed to improve outcomes made to a joint community, local authority, national authority and project advisory body.
- Require all RAPs, and livelihoods restoration plans to be updated should Total/EACOP assign its interests in the pipeline.
- Take extra steps to protect the livelihoods of women and girls as well as vulnerable populations. Provide equal employment opportunities.

7. Be transparent about negative impacts and manage expectations about EACOP benefits

- Communicate the specific human rights and environmental risks at the project level by disclosing the complete version of the company's HRIA and develop a summary that is accessible to all interested people, including steps that will be taken to mitigate these risks.
- Put into place a monitoring and evaluation system that assesses the effectiveness of measures taken to mitigate the project-specific human rights risks. Update this system regularly, especially as the project transitions from construction to operation, and then on decommissioning, ensuring any new human rights risks are quickly identified and mitigated.
- With an independent third-party auditor, track the effectiveness of response to the human rights impacts identified and communicate on measures taken as well as results obtained.
- Cease marketing, public relations, and other public engagement efforts that only highlight the benefits of the project. Present a fair, realistic, and transparent assessment of risks and benefits for communities living along the pipeline route and develop written material about the project, its impacts, the measures taken and their effectiveness.
- Develop a section on the EACOP website presenting the human rights and environmental risks associated with the project as well as the measures taken to address the risks.
- Promote consistent messaging with relevant authorities that reduce rumor and speculation. Clarify the communication channels and empower local authorities to provide timely responses and remedies to communities' questions and complaints.

8. Increase training and oversight of all subcontractors

- Include the code of conduct in the contracts of all subcontractors and monitor their compliance with it.
- Conduct human rights training to subcontractors involved with communities and undertake regular monitoring of operations to increase protection against violations.
- Take full responsibility for any misconduct by subcontractors and redress the situation. Immediate action should be taken where subcontractors or other implementing partners are alleged to have acted in any way to restrict, obfuscate, or limit the right of communities or civil society to meaningfully participate in consultations, livelihood restoration, or conduct project monitoring.
- Adopt full contract disclosure policies, and proactively disclose contracts on EACOP website, including procurement contracts and private firms providing security, along with the beneficial owners of those companies.

9. Improve access and efficiency of grievance mechanisms

- Improve access for community members to impartial and transparent grievance mechanisms to voice complaints and ensure the forums provide for a fair two-way exchange. The involvement of a legitimate,

independent third-party mechanism as stipulated in the UNGP should be considered in the context of the EACOP.

- Empower the grievance and dispute-handling committees to effectively perform their roles.

10. Commit to following best practices in pipeline construction and operation, in order to avoid long-term environmental harm

- As in other countries where Total and the other venture partners operate, invest in the best available technology for pipeline construction, not the cheapest.
- Commission an independent analysis of the proposed environmental and social management plans, including construction plans, for both Uganda and Tanzania prior to approval by government and prior to any construction activities commencing. Publish the findings and measures taken to address findings.
- Publish all final ESMPs along with the budgets that are being allocated to implement and monitor the plans.
- Support the establishment of an independent community based environmental monitoring program in partnership with local authorities. These monitors should be empowered to monitor pipeline operations and report on water quality, soil quality, ecological health, and other environmental and health concerns.
- Conduct regular audits during pipeline construction to ensure contractors are following approved designs and fully implementing agreed environmental mitigation measures. Audits should involve local authorities, community leaders, and community-based environmental monitors.
- Create and disclose mitigation measures in conjunction with local authorities.
- Monitor the implementation of mitigation strategies, track the effectiveness of response to the human rights impacts identified and communicate on measures taken as well as results obtained.

11. Address the risks for women and girls in relation to in-migration

- Communicate mitigation strategies developed to address the risks for women and girls.
- Monitor the implementation and effectiveness of those measures to decrease risks for women and girls.
- Provide ongoing human rights training of security company hired along the pipeline (in compliance with UN VPSHR).
- In collaboration with the government, invest in sensitization of workers on high-risks sexual behavior.

12. Prepare for worst-case scenarios

- Create and disclose emergency management plans in conjunction with local authorities.
- Develop plans for responding to pipeline rupture and/or oil spill in the watershed of Lake Victoria or one of the region's many water sources.

- Communicate those plans with local authorities and communities (and train local communities on responses).

GOVERNMENTS OF UGANDA AND TANZANIA

Even though the EACOP project is a national priority in both Uganda and Tanzania, the governments have duties and obligations under national, regional, and international legal frameworks and human rights mechanisms: they have a legal duty to protect their people and provide access to remedy in cases of human rights abuses.

Unfortunately, as documented in this HRIA, neither government appears to have adequately fulfilled these legal duties. At many junctures, the governments have let Total/EACOP control the process. Project starts and stops, message confusion, limited transparency (despite national legislation mandating otherwise), and other challenges have led to delays and, at times, community conflicts over who is paid and when. Both governments should do more to ensure the protections provided by their national laws do not remain protections on paper only. Given land ownership is one of the key challenges faced by women, both governments must implement existing laws to further protect women's rights and eliminate discrimination against women.

To complicate matters, this HRIA has documented where national legislations fall short of certain regional and international standards, especially when it comes to livelihoods restoration, resettlement, and the rights of Indigenous and other vulnerable ethnic communities. Both governments should prioritize efforts to:

1. Support people to participate in decisions about these projects without fear of retaliation

- Investigate all allegations of threats or intimidation of community members and prosecute anyone who is found to have threatened or otherwise interfered with a person's right to freedom of speech, association or assembly.
- Provide adequate funding to the agencies overseeing community participation, including human rights training for police and military deployed along the pipeline route (in compliance with UN VPSHR).
- Empower local authorities to become focal points for communities in the context of the EACOP.

2. Increase transparency and access to information about the project

- Disclose investment contracts, including the final Intergovernmental Agreement (IGA) and Host Government Agreements.
- Oversee and maintain an active participation in the engagement mechanisms and process established by the company to ensure coherence in messages by the different stakeholders.

- Empower local authorities to become focal points for communities in the context of the EACOP.
- Expand access to complete, independent, relevant, and accurate information for affected communities by investing in low-cost public engagement efforts along the right-of-way

3. Take immediate action to ensure people are adequately compensated for losses caused by project activities

- Support the provision of immediate financial or in-kind assistance to individuals or households currently impacted by EACOP developments and delays, including those who have been prevented from growing long-term crops.
- Update statutory valuation rates for all crops, lands, and other assets. Valuation rates should reflect full replacement cost. Publish these updated rates and make copies available in all villages along the pipeline route. Ensure relevant district authorities are given the mandate and resources to update these rates regularly so that they reflect changes in the market and adequately compensate people for the losses they suffer.
- Ensure access to the highest quality for replacement land and secure land tenure over it and any remaining land.
- Support impacted communities by investing in programs that build financial literacy, strengthen agricultural and entrepreneurial skills, and improve health knowledge.

4. Commission independent expert panel to evaluate and make recommendations on the environmental and social management plans, community health and security plans, livelihood restoration plans, and resettlement action plans before issuing final approvals

- Involve civil society and affected communities in the selection of the relevant independent experts. Experts should be encouraged to reach agreement on whether the plans should be approved or whether amendments should be made before plans are approved. Communicate the results of the assessment so that all affected communities understand the mitigation measures. Monitor the implementation and success of these restoration plans and publish the results.
- Require the use of the best available technology in relation to pipeline construction and operation to reduce the risks of long-term environmental damage that is inevitably when cost-cutting. This includes minimizing the width of the ROW to 15 meters; (and 10 meters in sensitive environments).
- Monitor the quality and availability of water and other ecosystem services along the pipeline.
- Monitor the capacity of existing health services and identify additional alternatives for incoming workers to decrease the pressure on health infrastructures and ensure constant accessibility of local communities.
- Invest in sensitization programs to decrease high-risk sexual behaviour.

5. Increase monitoring and oversight of Total, venture partners and all EACOP subcontractors

- Ensure oversight authorities (NEMA, NEMC, PAU, and TPDC) are fully staffed and resourced to monitor and oversee implementation of EACOP by Total, the other venture partners and all EACOP subcontractors. This includes ensuring compliance with all laws before final approvals are issued.
- Conduct routine monitoring activities, especially during pipeline construction activities, and publish the findings of these monitoring activities. Investigate and enforce non-compliance over the life of the project.
- Provide funding for the establishment and ongoing work of an independent community based environmental monitoring program in partnership with local authorities. These monitors should be empowered to monitor pipeline operations and report on water quality, soil quality, ecological health, and other environmental and health concerns.
- Make human rights training of security personnel a mandatory and routine requirement.
- Invest in programs to reduce gender-based violence.

6. Update domestic laws on land acquisition, valuation, and resettlement to ensure they align with regional and international standards

- Ensure the object and purpose of these laws is the protection, restoration, and improvement of peoples' livelihoods, including at minimum the requirement for full replacement value for assets lost during compulsory land acquisition
- Protect customary land rights by requiring the written consent of customary landowners as part of the assessment and approval process for large-scale land-based investment projects that are likely to have a significant impact on people's land access and use
- Draft and adopt national laws or regulations giving effect to the special protections afforded Indigenous peoples' and vulnerable ethnic communities under the African Charter and in accordance with Resolution 224 of African Commission. These regulations should be developed in consultation with civil society and affected communities
- Ensure laws encourage in-kind compensation instead of monetary.
- Protect against project delays, and indirect impacts these delays have on peoples' livelihoods
- Increase protections for women by broadening the definition of spouses under the law to accommodate partners in long-term cohabitation arrangements

7. Ensure that human rights impact assessment forms a mandatory part of future assessment and approval of large land-based investment projects and develop specific guidance on how to integrate gender analysis into the assessment of environmental and social impacts.

- 8. Ensure affected individuals have legal standing to bring administrative or civil proceedings for non-compliance with national laws and have access to free legal representation (legal aid) and are afforded protections against adverse costs orders for cases brought in the public interest.**
- 9. Assess the cumulative negative impacts of all new oil and gas developments, including the contribution of these projects to both Uganda and Tanzania's climate mitigation goals, and re-evaluate this and other pending fossil fuel projects based on this assessment.**

8 CONCLUSION

Despite the climate crisis, the 2020 oil price collapse, and the variety of environmental, social, and human rights risks enumerated in this HRIA, the EACOP project is scheduled to move forward. These risks can become serious and systemic human rights violations that exacerbate inequality and poverty if not appropriately addressed or managed.

The pipeline will cross poor, rural communities in both Uganda and Tanzania that lack the political and financial capital of the project stakeholders; the lopsided complications of this power dynamic are well-documented in similar extractive industry projects. Powerful companies are often able to hide their operations behind local contractors and permissive government authorities. Often the only hope that local communities have for remediation or justice is through local government bodies that are often weak, fragile, or captured by corporate and national interests.

As part of its responsibility under the UNGP to conduct due diligence processes, Total/EACOP must engage meaningfully with impacted communities at all stages of the project. According to international standards, to be considered meaningful engagement, communities must have access to prior disclosure and dissemination of relevant, transparent, objective, and easily accessible information. This includes that the information must be written in a culturally appropriate local language and in a format that is understandable to those affected.

As part of its community engagement, Total/EACOP has a unique responsibility toward Indigenous peoples impacted by EACOP development. Although neither the government of Uganda nor Tanzania recognize Indigenous peoples as separate legal entities, human rights bodies have interpreted treaties such as the International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, and International Convention on the Elimination of All Forms of Racial Discrimination as requiring Indigenous peoples' FPIC in the context of extractive industry projects. The company has also committed to following IFC performance standards, which provides specific provision for Indigenous rights and FPIC.

IFC performance standard seven identifies the three contexts in which FPIC is triggered (see footnote 112 in Box 2: Protecting and respecting community consent). According to the Total/EACOP's ESIA, there will be an impact on some ethnic groups, including the Bagungu, in Uganda. Similarly, Total/EACOP confirmed the Massai will be impacted in Tanzania and said that they were still evaluating if FPIC would be triggered for Indigenous communities in the country (referring to criteria as described in IFC performance standard seven).³⁸¹ Given these considerations and impacts, Total/EACOP has a responsibility to identify Indigenous groups and obtain FPIC when required along the pipeline route.

In addition to Indigenous peoples, Total/EACOP has a responsibility to mitigate the human rights risks facing women and other vulnerable groups identified in this HRIA. Total/EACOP has identified the risks faced by women in the context of the EACOP project and more specifically related to access to land and resettlement as well as access to water and the various threats to their security posed by in-migration. Although Total/EACOP is committed to integrating measures to mitigate those risks into different management plans (in-migration, labor, community health and safety), the company needs to ensure proper implementation and monitoring of those plans. Furthermore, as part of its responsibility to account for how they are addressing the risks under the UNGP, Total/EACOP must communicate those plans to women and men affected by the EACOP.

This HRIA has revealed important fears within communities about increased violence against women as well as sex work and impact on the health of women and girls.³⁸² Total/EACOP must make specific commitments to gender equality and women's rights to ensure their rights are protected. Conducting a stand-alone gender impact assessment (GIA) would provide a deeper understanding of the human rights risks as well as the consequences of those risks on the lives of women and girls. Total/EACOP said they are not excluding carrying out a stand-alone GIA. However, to comply with its responsibility to mitigate those impacts, it is again crucial that this assessment is accompanied by comprehensive mitigation measures that the company will revise routinely to ensure their efficiency and communicate widely with the different stakeholders. Engaging with women's rights organizations and affected women and girls for the follow-up and implementation of measures is key to ensure the relevance of the responses.

NOTES

- ¹ Total East Africa Midstream BV (TEAM BV).
- ² Anthony Bebbington, John Rogan, and Nicholas Cuba, 'Geographies of Conflict Mapping Overlaps Between Extractive Industries and Agricultural Land Uses in Ghana and Peru,' Oxfam America, Washington, DC, 2014, <https://www.oxfamamerica.org/explore/research-publications/geographies-of-conflict/>
- ³ Total/EACOP, response to Oxfam additional questions, July 21, 2020, and August 17, 2020.
- ⁴ Total uses the IFC terminology 'Project Affected Persons' to refer to people who will be affected by the EACOP project by being economically or physically relocated. A PAP is defined as a person (natural or legal) who, at the time of the asset registration, was identified as having rights to one or more displaced assets' RAP for Priority Areas). A PAP means several individuals. For the purpose of this community-based HRIA, we are using 'households' to refer to the same entity.
- ⁵ Interview with Total/EACOP, Kampala, February 2020, and Total, response to Oxfam additional questions, July 21, 2020.
- ⁶ United Nations Office of the High Commissioner for Human Rights, 2015.
- ⁷ A shareholder agreement to formalize the EACOP company has yet to be developed. In the interim, Total East Africa Midstream (TEAM) BV is the developer of the project. This report uses Total/EACOP to refer to any company operating in the name of EACOP (e.g., sub-contractors).
- ⁸ The company confirmed that after cutoff dates, 'a person should not add or improve anything to the land and planting of new perennial crops is considered an improvement.' In Total/EACOP, response to Oxfam additional questions, July 21, 2020.
- ⁹ Information collected during focus group discussions in various communities between January and June 2019.
- ¹⁰ Information collected from communities during focus group discussions in various communities between January and June 2019.
- ¹¹ Meeting between CSO and Total/EACOP in Kampala, February 2020. The objective to extract oil for the least possible cost is also clearly stated by Total in Le Monde, 'Patrick Pouyanné, PDG de TOTAL, La question de la pérennité des compagnies pétrolières est posée,' June 2020: 'Si l'on tombe sur des gisements géants, si on peut extraire du pétrole pour moins de 20 dollars le baril, on reste dans notre mandat.'
- ¹² See expert opinion of Bill Powers on the adequacy of environmental mitigation of EACOP, Uganda section, Uganda section, ESIA, May 2018, commissioned by Oxfam and submitted during the public consultation period for the ESIA.
- ¹³ Environmental and social impact assessments, Tanzania and Uganda.
- ¹⁴ Identified in Total/EACOP's environmental and social impact assessments.
- ¹⁵ Tullow, 2017, <https://www.tulloil.com/media/press-releases/tullow-announces-substantial-farm-down-Total-uganda/>
- ¹⁶ Of this, \$2.5 billion is estimated to be debt financed, with Stanbic Bank Uganda and Sumitomo Mitsui arranging finance. See Banktrack, EACOP, Uganda, last updated: June 3, 2020, https://www.banktrack.org/project/east_african_crude_oil_pipeline#
- ¹⁷ Total East Africa Midstream BV, Uganda ESIA, January 2019, and Tanzania ESIA, December 2018. The number of villages in Uganda was later corrected by Total/EACOP in their responses to Oxfam.
- ¹⁸ Caroline Sweetman and Maria Ezpeleta, 2017, 'Introduction: Natural Resource Justice,' Gender & Development, 25(3), 353-366; see also Adriana Eftimie, Katherine Heller, and John Strongman (2009), Mainstreaming Gender into Extractive Industries Projects Guidance Note for Task Team Leaders (World Bank, Extractive Industries and Development Series No. 9 August 2009).
- ¹⁹ See Lizabeth Paulat, 2014, 'Land Eviction Breeds Violence in Oil-Rich Hoima,

- Uganda, VOA News, September 24, 2014, <https://www.voanews.com/africa/land-eviction-breeds-violence-oil-rich-hoima-uganda>.
- ²⁰ Uganda Human Rights Commission, 'Oil in Uganda: Emerging Human Rights Issues' (Kampala: UHRC), 2013.
- ²¹ See Tullow Oil, press release, April 23, 2020, <https://www.tulloil.com/media/press-releases/tullow-agrees-sale-its-entire-stake-lake-albert-development-project-uganda-Total/>.
- ²² See Tullow Oil, press release, July 15, 2020, <https://www.tulloil.com/media/press-releases/shareholder-approval/>.
- ²³ For list of directors, see [TOTAL.com/en/group/identity/governance/biographies/board-of-directors-members](https://www.total.com/en/group/identity/governance/biographies/board-of-directors-members)
- ²⁴ Total East Africa Midstream BV, East African Crude Oil Pipeline Environmental and Social Impact Assessment Report, 2019.
- ²⁵ Based on information provided by Total/EACOP, the EACOP project will also have thousands of other agreements, as well as financing agreements.
- ²⁶ The Intergovernmental Agreement, signed by the president's governments of Uganda and Tanzania in 2017, is understood to set out a set of high-level commitments regarding how the EACOP project will be developed, including, inter alia, a commitment to apply the highest social and environmental standards. The IGA has never been disclosed.
- ²⁷ Banktrack, EACOP Financiers, https://www.banktrack.org/project/east_african_crude_oil_pipeline#financiers.
- ²⁸ Rights & Democracy, Getting It Right, 2011, <http://hria.equalit.ie/en/>.
- ²⁹ Before proceeding with the assessment, the Northern Coalition for Extractives and Environment first applied to the Tanzania Commission for Science and Technology (COSTECH) for a research permit under the title 'Assessment of Impact of Oil and Gas on Environment, Social, Cultural and Human Rights along EACOP Pipeline.' The permit was issued in October 2018.
- ³⁰ Based on information provided by Total/EACOP, the route is not public but it is also not secret. The government has the exact route, but to limit land speculation, it has not publicly disclosed it. Phone meeting, August 10, 2020.
- ³¹ The criteria were selected by the implementing partners in Uganda and Tanzania. The objective was to have a diverse sampling covering the majority of the options included in the criteria. The criteria have not been given a different weight.
- ³² Land cover data were provided by the European Space Agency Climate Change Initiative (2017), a prototype high resolution LC map at 20 meters over Africa, based on one year of Sentinel-2A observations, <http://2016africallandcover20m.esrin.esa.int/download.php>.
- ³³ Livelihood data were provided by the Famine Early Warning System Network, a data set that takes account of 'agro-climatology, elevation, land-cover, market accessibility, sources of food, and major economic activities.' The Tanzania livelihood zones date to 2009, and the Uganda livelihood zones date to 2013. Data sets are available at <http://fews.net/fews-data/335>.
- ³⁴ Earthquake data for the past five years were collected from the U.S. Geographical Survey.
- ³⁵ River data were sourced using River Network from U.S. Geographical Survey's HydroSHEDS program. Stream locations were cross-referenced with Open Street Map.
- ³⁶ Refugee data were provided by RefugeesMap, 2019, <http://www.refugeesmap.com/index.php/main>
- ³⁷ It is important to note that the team approximated the pipeline route as much as possible using the information available.
- ³⁸ The meetings occurred on October 2, 2019, at Total/EACOP's offices, and February 18, 2020, at Naguru Skyz Hotel.
- ³⁹ The meetings took place on September 28 and October 4, 2019. The teams engaged with organizations working on the themes of extractives, human rights and corporate accountability, including the International Accountability Project, Resource Rights Africa, Civil Society Coalition on Oil and Gas, and Advocates Coalition for Development and Environment. No meetings with

women's rights organizations took place during the investigation phase. Some of these interviews took place on the phone, others at offices of organizations, and others in public places.

- 40 Uganda National Population and Housing Census 2014 Area Specific Profiles Lwengo District.
- 41 Uganda National Population and Housing Census 2014.
- 42 Uganda National Population and Housing Census 2014 Area Specific Profiles Kakumiro District, <https://ubos.org/wp-content/uploads/publications/2014CensusProfiles/KAKUMIRO.pdf>.
- 43 Uganda National Population and Housing Census 2014.
- 44 Tanzania National Bureau of Statistics, 2012 Population and Housing Census, March 2013.
- 45 Tanzania Census.
- 46 Tanzania Census.
- 47 Tanzania Census.
- 48 The Barabaig identify themselves as Indigenous peoples and have 'organized themselves and their struggles around the concept and movement of indigenous peoples.' See International Work Group for Indigenous Affairs, Indigenous Peoples in Tanzania, <https://iwgia.org/en/tanzania.html>.
- 49 Tanzania Census.
- 50 Tanzania Census.
- 51 Tanzania Census.
- 52 The consultations were disrupted. Focus group discussion in Nkoma B village, Lwengo District, May 15, 2019; Lusese, May 27, 2019; and Kanga villages, Kyotera District, May 27, 2019.
- 53 According to Total's ESIA, the main ethnic groups that can be found along the pipeline route are the Sukuma people, in the southern parts Geita and Shinyanga, Tabora; the Nyamwezi, mainly in Tabora Region; the Haya, in Kagera Region; the Nyaturu and Nyiramba, in Singida; the Barabaig, Akie and Maasal, in Manyara; the Gogo, Hadzabe and Rang'i, in Dodoma; and the Sambia, Zigua and Bondei, in Tanga Region. Our sampling did not meet communities who identified as Indigenous.
- 54 Bebbington, 'Geographies,'
- 55 The right-of-way refers to the width of land that will be permanently acquired for the operation of the pipeline (not including the construction camps).
- 56 United Nations Economic and Social Council, General Comment on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, prepared by Olivier De Schutter and Zdzislaw Kedzia, October 17, 2016.
- 57 United Nations Human Rights Office of the High Commissioner, Guiding Principles on Business and Human Rights, 2011, 3, https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_e_n.pdf.
- 58 UNGPs, 2011, 4.
- 59 UNGPs, 2011, 27.
- 60 Frequently asked questions about the Guiding Principles on Business and Human Rights, 7 https://www.ohchr.org/Documents/Publications/FAQ_PrinciplesBusinessHR.pdf.
- 61 Civil and political rights in the Uganda constitution include right to life, fair hearing, non-discrimination, liberty, freedom from inhuman and degrading treatment, freedom of movement, expression, association, etc.
- 62 Some of the economic, social, and cultural rights in the Ugandan constitution include the right to property, education, family, work and clean and healthy environment, among other things.
- 63 Parliament of Uganda, 2005, Amendment to the 1995 Constitution.
- 64 EITI, Uganda joins the EITI, August 2020, <https://eiti.org/news/uganda-joins-eiti>.

- ⁶⁵ UN OHCHR Guiding Principles.
- ⁶⁶ Interview with Total/EACOP, Tanzania, February 2020.
- ⁶⁷ Total, Human Rights Briefing Paper, updated in 2018.
- ⁶⁸ For an assessment of Total's policy commitments to human rights, see <https://www.corporatebenchmark.org/download-benchmark-data>.
- ⁶⁹ The law on duty of vigilance applies to companies established in France with more than 5,000 employees in France or 10,000 employees in the world within the companies and their direct and indirect subsidiaries. For more on this French law: 'The law on duty of vigilance of parent and outsourcing companies. Year 1: Companies must do better' collective report by Action Aid, Les Amis de la terre France, and others, February 2019, https://corporatejustice.org/2019_collective_report_-_duty_of_vigilance_year_1.pdf.
- ⁷⁰ ActionAid, Amis de la Terre et al. Loi française relative au devoir de vigilance des sociétés mères et entreprises donneurs d'ordre: Questions fréquemment posées. July 2017 <https://plan-vigilance.org/wp-content/uploads/2019/06/2017-FAQ-en-fran%C3%A7ais.pdf>.
- ⁷¹ Total, 2019 Vigilance Plan, March 2020. <https://www.sustainable-performance.Total.com/en/reporting/vigilance-plan#mapping>.
- ⁷² In its 2019 vigilance plan, Total refers to an analysis of 'risks of severe impacts on human rights and fundamental freedoms (which takes into account the country, activities and types of raw materials or purchased products and services). It took into account international country risk indicators established by a third-party consultant. The resulting new procedure will be deployed in 2020. The goal is to update potential risks of severe impacts on human rights, continuously improve the management framework of said risks, and define priority action plans at a local level. The procedure will offer a support to Subsidiaries located in geographic areas at higher risk of severe impacts on human rights.'
- ⁷³ An HRIA was conducted in both Uganda and Tanzania. However, the report has not been publicly disclosed. Total/EACOP explained that the findings were included in the ESIA reports that are publicly available.
- ⁷⁴ It includes the ethics committee, the health, safety and environment division, the responsible procurement committee and the human rights committee.
- ⁷⁵ Idem. See also Uganda ESIA, 8-241, 'where a discrepancy exists between lender requirements (EPs and IFC PSs) and national legislation, the more stringent of the two will be used and/or applied. EPs refers to Equator Principles, whereas PS refers to IFC Performance Standards.'
- ⁷⁶ EACOP, Environment and Safety, July 25, 2020, <http://eacop.com/environment-safety/environment/>.
- ⁷⁷ Total affirmed in its ESIA that 'no indigenous peoples were identified in the area of influence during the baseline surveys,' 4-85.
- ⁷⁸ ESIA Tanzania, 4-83.
- ⁷⁹ Oxfam, Position Paper on Gender Justice and the Extractive Industries, 2017, https://www.oxfam.org.au/wp-content/uploads/2017/04/EI_and_GJ_position_paper_v.15_FINAL_03202017_green_Kenny.pdf.
- ⁸⁰ Voluntary Principles on Security and Human Rights, <https://www.voluntaryprinciples.org/the-initiative/>.
- ⁸¹ Voluntary Principles.
- ⁸² The Equator Principles describes Category A as 'Projects with potential significant adverse social or environmental impacts that are diverse, irreversible or unprecedented' and Category B as 'Projects with potential limited adverse social or environmental impacts that are few in number, generally site-specific, largely reversible and readily addressed through mitigation measures.' Equator Principles, June 2006, https://equator-principles.com/wp-content/uploads/2017/03/equator_principles_II.pdf
- ⁸³ Equator Principles.
- ⁸⁴ This applies when GHG emission is more than 100,000 tons of CO2 equivalent annually. 'The alternatives analysis requires the evaluation of technically and financially feasible and cost-effective options available to reduce project-related GHG emissions during the design, construction and operation of the Project,' Equator Principles, Implementation Note, 16

https://equator-principles.com/wp-content/uploads/2017/03/equator_principles_implementation_note_july_2014.pdf.

- ⁸⁵ For projects emitting more than 100,000 tons of CO2 equivalent annually.
- ⁸⁶ Extractive Industries Transparency Initiative, Expectations for EITI supporting companies, https://eiti.org/files/documents/eiti_company_expectations_en.pdf.
- ⁸⁷ Total, Code of Conduct: Our Values in Practice, December 2018, https://www.Total.com/sites/g/files/nytnzq111/files/atoms/files/Total_code_of_conduct_va_0.pdf.
- ⁸⁸ Total, Human Rights Guide, December 2015, https://www.Total.com/sites/g/files/nytnzq111/files/atoms/files/human_rights_internal_guide_va.pdf
- ⁸⁹ Total, Human Rights Briefing Paper Update, April 2018, https://www.sustainable-performance.Total.com/sites/g/files/wompnd1016/f/atoms/files/Total_human_rights_briefing_paper_update_april_2018.pdf.
- ⁹⁰ Total, Code of Conduct: Our Values in Practice, December 2018.
- ⁹¹ Total, Code of Conduct, December 2018, 21, accessed December 12, 2019, www.Total.com/sites/default/files/atoms/files/Total_code_of_conduct_va_0.pdf
- ⁹² Total, Code of Conduct, December 2018, 21, accessed December 12, 2019, www.Total.com/sites/default/files/atoms/files/Total_code_of_conduct_va_0.pdf
- ⁹³ Total, Human Rights - UNGP, assessed December 18, 2019, <https://www.sustainable-performance.Total.com/en/reporting/reporting-standards/human-rights-ungp>.
- ⁹⁴ Total, Human Rights Briefing Paper Update, April 2018,
- ⁹⁵ Total, Human Rights Briefing Paper July 2016, 17, accessed on December 18, 2019, https://www.Total.com/sites/default/files/atoms/files/Total_human_rights_briefing_paper_july_2016_0.pdf
- ⁹⁶ Total, Human Rights, 26.
- ⁹⁷ Total, Human Rights Briefing Paper Update, 14 and 32, accessed on April 2018.
- ⁹⁸ For a full list of applicable domestic laws, see Chapter 4, ESIA for Uganda and Chapter 4, ESIS for Tanzania, www.eacop.com
- ⁹⁹ OHCHR, 2015, 'Land and Human Rights: Standards and Applications,' Office of the High Commissioner for Human Rights, R/PUB/15/5/Add.1, United Nations,
- ¹⁰⁰ United Nations Declaration of Human Rights, Article 25, International Covenant on Economic, Social, and Cultural Rights (Article 11).
- ¹⁰¹ United Nations Office of the High Commissioner for Human Rights, The right to adequate housing Fact Sheet 21, https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf.
- ¹⁰² Universal Declaration of Human Rights, Article 17; African Charter on Human and People's Rights, Article 14. Article 2 of ICESCR provides for non-discrimination with regards to property.
- ¹⁰³ In Uganda, see Article 26; in Tanzania, see Article 24. Article 26 vests land in the people. This is different from Tanzania, where it is vested in the office of the president on behalf of the citizens. This departure is quite instructive in determining the powers of the government over the people in law and practice.
- ¹⁰⁴ Uganda's land laws include the Land Act, 1998, as amended; the Land Acquisition Act, 1965; and the Registration of Titles Act, 1924.
- ¹⁰⁵ Tanzania's land laws include the Land Act 1999; Village Land Act, 1999; Valuation and Valuers Registration Act, 2016; and Valuation Regulations 2018.
- ¹⁰⁶ Legal and Human Rights Center, 2018, 'Unknown Assailants: A Threat to Human Rights,' Tanzania Human Rights Report 2017, 75.

- ¹⁰⁷ Uganda's Land Act, Section 73, provides that 'where it is necessary to execute public works on any land, an authorized undertaker shall enter into a mutual agreement with the occupier or owner of the land in accordance with this Act (see s73) and where no agreement is reached, the Minister may, compulsorily acquire land (in accordance with section 42).' For the purposes of EACOP, the Uganda Land Commission is the authorized undertaker.
- ¹⁰⁸ In Uganda, the Ministry of Lands, Housing and Urban Development recognized this and other regulatory gaps, and in 2017 adopted Guidelines for Compensation Assessment under the Land Acquisition, which cited the IFC Performance Standard 5 as the reference for cases involving resettlement.
- ¹⁰⁹ See Uganda ESIA, 8-241, 'The RS [Resettlement Strategy] ensures that, where a discrepancy exists between lender requirements (Equator Principles and IFC PSS) and national legislation, the more stringent of the two will be used and/or applied.'
- ¹¹⁰ See, for example, findings from a 2015 World Bank internal review, <https://www.worldbank.org/en/news/press-release/2015/03/04/world-bank-shortcomings-resettlement-projects-plan-fix-problems>.
- ¹¹¹ Asian Development Bank, Gender Checklist Resettlement, February 2003.
- ¹¹² Total, Human Rights Guide, 27.
- ¹¹³ See IFC Performance Standard 5 Land Acquisition and Involuntary Resettlement, 2012.
- ¹¹⁴ IFC Performance Standard .
- ¹¹⁵ Indigenous peoples' right to free, prior, and informed consent is protected under international law. Human rights bodies have interpreted treaties such as the International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, and International Convention on the Elimination of All Forms of Racial Discrimination, as requiring Indigenous peoples' FPIC in the context of extractive industry projects. See Cathal Doyle and Andrew Whitmore, 'Indigenous Peoples and the Extractive Industries: Towards a Rights Based Engagement,' London: Tebtebba, Middlesex University, PIPLinks, 2014, <http://www.piplinks.org/report%3A-indigenous-peoples-and-extractive-sector-towards-respecting-engagement>.
- ¹¹⁶ See African Commission of Human and People's Rights, Resolution 224 (2012) and Centre for Minority Rights Development, Kenya, and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya ('Endorois case') (276/2003) 2003; *African Commission on Human and Peoples' Rights v. Republic of Kenya ('Ogiek case')* (006/2012) 2017. Uganda's constitution refers to Indigenous groups as vulnerable and marginalized (Uganda ESIA, 6-123). See Emily Greenspan, 2014, 'Free, Prior, and Informed Consent in Africa: An Emerging Standard for Extractive Industry Projects,' Oxfam America Research Backgrounder series, www.oxfamamerica.org/publications/fpic-in-africa.
- ¹¹⁷ Legal Resources Center, 'Free, Prior, and Informed Consent in the Extractive Industries in Southern Africa,' 2018, http://lrc.org.za/art_external/pdf/2018%20Free%20Prior%20and%20Informed%20Consent%20OXFAM.pdf.
- ¹¹⁸ According to IFC performance standard seven, FPIC is triggered when there are 'impacts on lands and natural resources subject to traditional ownership or under customary use'; when there is 'relocation of indigenous peoples from lands and natural resources subject to traditional ownership or under customary use'; or when 'critical cultural heritage' is subject for removal.
- ¹¹⁹ In 2017, Oxfam published research assessing the application of FPIC by Tullow Oil in Turkana County, Kenya, with reference to IFC Performance Standard 7 and to Tullow's own Human Rights Policy. See Dan Mullins and Justus Wambayi, 2017, 'Testing Community Consent: Tullow Oil Project in Kenya,' Oxfam International, Nairobi, <https://www.oxfam.org/en/research/testing-community-consent-tullow-oil-project-kenya>.
- ¹²⁰ Government of Uganda, <https://www.gou.go.ug/content/agriculture>.
- ¹²¹ Government of Uganda, <https://www.gou.go.ug/content/agriculture>.
- ¹²² Government of Uganda, Agriculture, <https://www.gou.go.ug/content/agriculture>.
- ¹²³ Food and Agriculture Organization of the United Nations, Tanzania at a

- glance, <http://www.fao.org/tanzania/fao-in-tanzania/tanzania-at-a-glance/en/>
- ¹²⁴ See Lizabeth Paulat, 'Land Eviction Breeds Violence in Oil-rich Hoima, Uganda' VOA News, September 24, 2014, <https://www.voanews.com/africa/land-eviction-breeds-violence-oil-rich-hoima-uganda>.
- ¹²⁵ See Paulat, "Land Eviction."
- ¹²⁶ Information collected during focus group discussions in Uganda across the five sampled districts of Hoima, Kikuube, Kakumiro, Kyotera, and Lwengo.
- ¹²⁷ <https://eacop.com/presidents-museveni-magufuli-lay-foundation-stone-for-crude-oil-pipeline-construction/>.
- ¹²⁸ According to the Uganda ESIA, approximately 1,300 ha of land will be required for construction and operation (8-243). In Tanzania, more than 4,000 ha will be required, including 325 ha for priority areas. The priority areas are the portions of land that the company needs temporarily for construction, such as workers' camps and pipe yards. Although these priority areas will only be needed for three to four years, depending on the time it takes to complete the pipeline, the Ministry of Land has requested to purchase these areas on a permanent basis. Tanzania ESIA, 8-317.
- ¹²⁹ BankTrack, EACOP, Uganda, 2018, https://www.banktrack.org/project/east_african_crude_oil_pipeline.
- ¹³⁰ Resettlement Action Plan for Priority Areas, 2019, iv, and Environmental Impact Statement Non-Technical Summary.
- ¹³¹ In Uganda, it is the Uganda Land Commission that is authorized to acquire land. In Tanzania, the Tanzania Petroleum Development Corporation is the relevant entity.
- ¹³² Uganda Resettlement Strategy, 7.
- ¹³³ See for example, Matt Finer, Clinton N. Jenkins, and Bill Powers, 'Potential of Best Practice to Reduce Impacts from Oil and Gas Projects in the Amazon,' 2013, PLoS 8(4), DOI:10.1371/journal.pone.0063022.
- ¹³⁴ See the expert opinion of Bill Powers on the adequacy of environmental mitigation of EACOP, Uganda section, ESIA, May 2018, commissioned by Oxfam and submitted during the public consultation period for the ESIA, <https://uganda.oxfam.org/latest/policy-paper/review-adequacy-environmental-mitigation-esia-east-africa-crude-oil-pipeline>
- ¹³⁵ IFC, Environmental, Health, and Safety Guidelines for Onshore Oil and Gas Development, April 30, 2007, 12, <https://www.ifc.org/wps/wcm/connect/f0167aa2-edd2-4b46-aeb6-b2935a9e6c95/Final%2B-%2BOnshore%2BOil%2Band%2BGas%2BDevelopment.pdf?MOD=AJPERE&S&CVID=jkD2DAU&id=1323153172270>
- ¹³⁶ Interview with Total/EACOP, August 2020.
- ¹³⁷ Total uses the IFC terminology 'Project Affected Persons' to refer to people who will be affected by the EACOP project (economically or physically relocated). 'A PAP is defined as a person (natural or legal) who, at the time of the asset registration, was identified as having rights to one or more displaced assets.' (RAP for Priority Areas, 4) A PAP means several individuals. For the purpose of this community-based HRIA, we are using households to refer to the same entity.
- ¹³⁸ Interview with Total/EACOP, Kampala, February 2020.
- ¹³⁹ Those numbers are for the EACOP portion of the project only and do not include the Tilenga project.
- ¹⁴⁰ Total/EACOP, response to Oxfam additional questions, July 21, 2020.
- ¹⁴¹ Uganda ESIA, 8-243, and Total/EACOP, response to Oxfam additional questions, July 21, 2020.
- ¹⁴² Interview with Total/EACOP, June 2020.
- ¹⁴³ Email exchange with Total/EACOP, August 2020.
- ¹⁴⁴ Total response to Oxfam additional questions, July 21, 2020.
- ¹⁴⁵ The cutoff date refers to the first date of valuation in a given area. ESIA Tanzania, 1001.

- ¹⁴⁶ Total/EACOP, response, July 21, 2020.
- ¹⁴⁷ Interview with Total, Dar Es Salaam, February 2020.
- ¹⁴⁸ Total/EACOP, response, July 21, 2020.
- ¹⁴⁹ Total/EACOP, response, July 21, 2020.
- ¹⁵⁰ Interview with Total/EACOP, Dar es Salaam, February 2020.
- ¹⁵¹ Interview with Total/EACOP, Dar es Salaam, February 2020.
- ¹⁵² Interview with Total/EACOP, June 2020.
- ¹⁵³ Transitional assistance refers to baskets of goods that are provided to households on a monthly basis to complement compensation and ensure they can meet basic needs and maintain their standards of living once the land has been lost and before they find other livelihood opportunities. Resettlement Action Plan, Tanzania, xxi.
- ¹⁵⁴ Interview with Total/EACOP, June 30, 2020
- ¹⁵⁵ Interview with Total/EACOP, Kampala and Dar es Salaam, February 2020.
- ¹⁵⁶ Interview with Total/EACOP, June 30, 2020.
- ¹⁵⁷ Focus group discussion in Uganda, October 2019. This was a cross-cutting issue from all the five sampled—the districts of Hoima, Kikuube, Kakumiro, Kyotera, and Lwengo
- ¹⁵⁸ Total/EACOP response to the draft HRIA, August 2020.
- ¹⁵⁹ Focus group discussions in Uganda, October 2019.
- ¹⁶⁰ Focus group discussions in Uganda, September 2019. This was a crosscutting issue from all the five sampled districts.
- ¹⁶¹ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ¹⁶² Interview with Total/EACOP, Kampala and Dar Es Salaam, February 2020.
- ¹⁶³ Total/EACOP, response to the draft HRIA, August 2020.
- ¹⁶⁴ As of February 18, 2020, EACOP representative confirmed that 70% of the forms had been returned to the household. Interview with Total/EACOP, Kampala, February 18, 2020.
- ¹⁶⁵ Total/EACOP, response to the draft HRIA, August 2020.
- ¹⁶⁶ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ¹⁶⁷ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ¹⁶⁸ Interview with Total/EACOP, Kampala and Dar Es Salaam, February 2020.
- ¹⁶⁹ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ¹⁷⁰ Total/EACOP, response to the draft HRIA, August 2020.
- ¹⁷¹ Total/EACOP, response to Oxfam additional questions, July 21, 2020.
- ¹⁷² Total/EACOP, response to the draft HRIA, August 2020.
- ¹⁷³ In Uganda, the Minister for Land, Housing and Urban Development issued Guidelines for Compensation Assessment under Land Acquisition in June 2017, <http://mlhud.go.ug/wp-content/uploads/2015/10/Guidelines-for-Compensation-Assessment-under-Land-Acquisition.pdf> In Tanzania, guidance on valuation is provided in the Land (Assessment of the Value of Compensation) Regulations, 2001. Valuation rates for crops were set by the Minister of Land, Housing, and Human Settlement Development in 2012 and for land in 2016. With respect to the EACOP project, the Valuer team undertook market research and rates for crops and land were uplifted to reflect current market value. Rates were approved by the Chief Valuer as the rates for the project.
- ¹⁷⁴ In Tanzania, Total/EACOP developed FAQs that are available on the project website, accessed July 7, 2020, <http://eacop.com/publication/download/eacop-land-faq-tanzania>
- ¹⁷⁵ See MLHUG Guidelines, above, note53.
- ¹⁷⁶ See Section3, Land (Assessment of the Value of Compensation) Regulation, 2001 (Tanzania).

- ¹⁷⁷ Information confirmed by EACOP interview, February 13, 2020.
- ¹⁷⁸ In Uganda, the Chief Government Valuer heads the valuation division in the department of Land Administration. In Tanzania, the Chief Government Valuer heads and approves the compensation process conducted by the Ministry of Land under the Valuation Department.
- ¹⁷⁹ In Uganda, see Land Acquisition Act, 1965. In Tanzania, see Section 6 Land (Assessment of the Value of Compensation) Regulation, 2001.
- ¹⁸⁰ Interview with Total/EACOP, Kampala, February 2020.
- ¹⁸¹ Interview with Total/EACOP, Kampala, February 2020.
- ¹⁸² According to Total/EACOP, they applied a 40% increase on the existing rates, from 2012, in the Tanzania case. Interview with Total/EACOP, June 30, 2020.
- ¹⁸³ Uganda Resettlement Policy Strategy, 57, in the Uganda ESIA and Total's response to draft HRIA, August 2020.
- ¹⁸⁴ Focus group discussions in Uganda, October 2019. Based on information provided by Total/EACOP, response to draft HRIA, August 2020, the geotechnical and geophysical contractor used the services of an independent valuer who applied approved district rates.
- ¹⁸⁵ Focus group discussion, September 2019.
- ¹⁸⁶ Interview with Total/EACOP, February 2020.
- ¹⁸⁷ Interview with Total/EACOP, February 18, 2020.
- ¹⁸⁸ Interview with Total/EACOP, June 30, 2020.
- ¹⁸⁹ For example, the sub-county chief in Lwanda testified that a number of people who had secured letters of administration were helped by Total/EACOP.
- ¹⁹⁰ Interview with Total/EACOP, Kampala, February 2020.
- ¹⁹¹ Total/EACOP, ESIA Uganda, ES14.
- ¹⁹² Interview with Total/EACOP, February 2020.
- ¹⁹³ Residual land is a small portion of land is too small for any substantial activity and left to the owner after the project has acquired the major portion of its land..
- ¹⁹⁴ Interview with Total/EACOP, Kampala, February 2020.
- ¹⁹⁵ This document explains the land acquisition and valuation process in Tanzania.
documents.worldbank.org/curated/en/906411468121127028/pdf/RP12330RP0P124020Box365782B0AFR0RPF.pdf.
- ¹⁹⁶ Focus group discussion, Singida region, May and June 2019.
- ¹⁹⁷ Focus group discussions in Tanzania, June 2019.
- ¹⁹⁸ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ¹⁹⁹ Focus group discussion, Uganda, Nkoma B village in the Lwengo District, May 27, 2019.
- ²⁰⁰ Focus group discussion, Bulifani village, May and June 2019.
- ²⁰¹ Focus group discussions, various locations, March and June 2019.
- ²⁰² Interview with respondent from Tanganyika, June 2019.
- ²⁰³ Focus group discussion, Gisambalang village and Singida, May and June 2019.
- ²⁰⁴ Focus group, Gisambalang village and Singida.
- ²⁰⁵ Focus group discussions, Tanzania. June 2019.
- ²⁰⁶ Total/EACOP, response to Oxfam questions, July 21, 2020.
- ²⁰⁷ Guidelines for compensation assessment under land acquisition, Ministry of Lands, Housing and Urban Development, Uganda, 10.
- ²⁰⁸ TASAF III Resettlement Policy Framework, 2012, 8.

- ²⁰⁹ Total/EACOP, response to the draft HRIA, August 2020.
- ²¹⁰ Focus group discussion in various locations between May and June 2019.
- ²¹¹ Focus group discussion, Tanganyika, June 2019.
- ²¹² Focus group, Tanganyika.
- ²¹³ Focus group discussion, Kijumba village in Hoima District, June 20, 2019, Kicuunda and Butyamba LC1 village in Kikuube District on June 18, 2019, Mukabara and Kakende villages on June 19, 2019.
- ²¹⁴ Interview with Global Rights Alert's community-based monitor, Kyotera, May 2020.
- ²¹⁵ The local council is the lowest political unit at village level and the company's first point of contact in the community.
- ²¹⁶ Information provided by a community-based monitor who wished to remain anonymous, focus group discussion, Kyotera district, April 2020.
- ²¹⁷ Sweetman and Ezpeleta, 353-366.
- ²¹⁸ For example, in Tanzania, protections for women's land rights are 'provided in the Constitution of the United Republic of Tanzania, Land Act and Village Land Act.' Despite this, most women only have limited access to land and few own property, especially in rural areas. Tanzania Human Rights Report, 2017, 85.
- ²¹⁹ Focus group discussion, Mabanda ward, February and March 2019.
- ²²⁰ Interview with Total/EACOP, February 13, 2020.
- ²²¹ Total/EACOP, response to the draft HRIA, August 2020.
- ²²² Total/EACOP, response to Oxfam draft report, August 2020.
- ²²³ Interview with EACOP, February 13, 2020.
- ²²⁴ Total/EACOP, response to the draft HRIA, August 2020.
- ²²⁵ Although we recognize that households can take different forms, not only headed by a man and a woman in the context of this assessment, we are basing household structures on cultural norms as reflected in consultation with local communities.
- ²²⁶ Interview with Total/EACOP, Kampala, February 2020.
- ²²⁷ Meeting hosted by the Civil Society Coalition on Oil and Gas, between civil society groups and EACOP joint venture partners, February 13, 2020, at the Protea Hotel in Kampala.
- ²²⁸ Interview with Total/EACOP in Uganda, February 2020.
- ²²⁹ Interview with Total/EACOP, June 2020.
- ²³⁰ Focus group discussion, Nkoma B village in Lwengo District (Greater Masaka region) on May 15, 2020.
- ²³¹ Focus group discussion, Nzega district, June 2019.
- ²³² Interview with Total/EACOP, Dar es Salaam, February 13, 2020.
- ²³³ Interview with Total/EACOP, Dar es Salaam, February 13, 2020.
- ²³⁴ UDHR, ICCPR, ICESCR, ICERD, CEDAW, ICRC, and African Charter. See also OHCHR, 2015.
- ²³⁵ OHCHR, 2015. See note above.
- ²³⁶ Those communities have been in constant struggle to be recognized as Indigenous peoples, but the government of Tanzania does not formally recognize the existence of Indigenous people in the country.
- ²³⁷ Information presented in Tanzania ESIA, section K1.1 Generic Impact ESMoP, K1-2 to K1-18
- ²³⁸ Information collected in consultations in Uganda and Tanzania between January and June 2019.
- ²³⁹ Based on data collected in this HRIA process, the locations that will be affected include: Nansiti village and Nkoma B village in Lwengo District, Mukabara village and Kicuunda village in Kikuube District, Kijungu LC1

village in Mpasana sub- county in Kakumiro District, Kijumba village in Hoima District.

- ²⁴⁰ Interview with Total/EACOP, Kampala, February 18, 2020.
- ²⁴¹ IFC Performance Standard, 2.
- ²⁴² Total/EACOP, Human Rights Guide, 2015, 27.
- ²⁴³ UN Guiding Principles, guiding principle 25, 2011.
- ²⁴⁴ Total/EACOP, response to the draft HRIA, August 2020.
- ²⁴⁵ Data collected in community consultations, various locations, Tanzania), January to June 2019.
- ²⁴⁶ For instance, see the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights; the Declaration on the Rights of the Child; the United Nations Declaration on the Rights of Indigenous People, Article 15; and the United Nations General Assembly Resolution, 59 (1).
- ²⁴⁷ At a regional level, the right to gain access to information is enshrined in Article 9 of the African Charter on Human and Peoples' Rights, which states that 'Every individual shall have the right to receive information and the right to express and disseminate his/her opinions within the law.'
- ²⁴⁸ UN OHCHR, 2015.
- ²⁴⁹ See Article 41, Constitution of the Republic of Uganda, 1995; and Article 18(b), Constitution of United Republic of Tanzania, 1977.
- ²⁵⁰ In Uganda, see the Access to Information Act, 2005, and Access to Information Regulations, 2011; in Tanzania, see Access to Information Act, 2016.
- ²⁵¹ In Uganda, see, for example, the Petroleum (Exploration, Development and Production) Act, 2013, Section 15; National Environment Act 2019, Section 146; and, generally, the national oil and gas policy. In Tanzania, see for example, the Tanzania Extractives Industries (Transparency and Accountability) Act, Section 16, 2015.
- ²⁵² In Uganda, the National Environment Act, 2019 and Environmental Impact Assessment Regulations, 1998 regulate the ESIA process. In Tanzania, it is the Environmental Management Act, 2004; and Environmental Management (Environmental Impact Assessment and Audit) Regulations, 2005, as amended in 2018.
- ²⁵³ For instance, Tanzania's Environmental Management Act defines participation as 'opportunity and ability, to influence the outcome of a decision-making process.' It mandates the National Environment Management Council to facilitate public participation in environmental decision-making.
- ²⁵⁴ CIPESA; Position Paper on the State of Access to Information in Uganda, April 2017.
- ²⁵⁵ 'Stakeholder Engagement,' Tanzania ESIA 1: 7-34.
- ²⁵⁶ Interview with Total/EACOP, Dar es Salaam, February 2020.
- ²⁵⁷ Interview with Total/EACOP, Dar es Salaam, February 2020.
- ²⁵⁸ Focus group discussions in all of the five sampled districts of Hoima, Kikuube, Kakumiro, Kyotera, and Lwengo.
- ²⁵⁹ Meeting with Total/EACOP, October 2, 2019, at Total Offices, and February 18, 2020, at Naguru Skyz Hotel during the validation meeting.
- ²⁶⁰ Global Rights Alert's Community Based Monitor in Kyotera District, April 2020.
- ²⁶¹ The majority of the respondents reported that they obtain most of the information from the following sources: the LC1 chairpersons, CDOs, radio, NGOs, CBMs, community meetings, schools, community hearsay, and NGOs, e.g. GRA.
- ²⁶² Information coming from various focus group discussions in Uganda, between March 2019 to November 2019.
- ²⁶³ Information coming from focus group discussions in Kakumiro (August 14-15, 2019), Kyotera (May 27, 2019), Hoima (June 20, 2019), and Kikuube

(June 18-19, 2019).

- ²⁶⁴ Corporate Human Rights Benchmark, 2019 Company Scoresheet—Total,3.
- ²⁶⁵ Information collected from CSO representatives in September 2019.
- ²⁶⁶ Peter Magelah Gwayaka, 'Community Information Needs in the Oil and Gas sector in Uganda,' 2018, available at <http://library.fes.de/pdf-files/bueros/uganda/14992.pdf>.
- ²⁶⁷ Focus group discussion, Gisambalang, February 2019.
- ²⁶⁸ CDA, East African Crude Oil Pipeline Site Assessment Report, <https://www.cdacollaborative.org/publication/east-african-crude-oil-pipeline-site-assessment-report..>
- ²⁶⁹ Information collected in various focus group discussions held in Manyara, February 2019; Nzega June 2019; Geita June 2019; and Kagera, May 2019.
- ²⁷⁰ Unless otherwise noted, all information reported as coming from Total/EACOP was collected during the interview in Tanzania, February 2020.
- ²⁷¹ Based on information provided by Total/EACOP, response to the draft HRIA report, August 2020. This includes a stakeholder engagement framework, stakeholder engagement guidelines, and stakeholder engagement plans.
- ²⁷² All information reported as coming from Total/EACOP in this section was collected during an interview with Total/EACOP in Dar es Salaam, February 2020.
- ²⁷³ In Tanzania, the team engaged with 279 women and 241 men; in Uganda, with 375 women and 316 men.
- ²⁷⁴ Focus group discussion, Nkwae, Ntondo, and Sojo, May 2019.
- ²⁷⁵ Information collected in various focus group discussions with community members in Tanzania, including Mabanda (February and March 2019), Handeni district, and Singida between May and June 2019, and Uganda, including Kakumiro District, August 14-15, 2019; Hoima, June 20, 2019; Kikuube, June 18-19, 2019; Lwengo, May 14-16, 2019; and Kyotera, May 27, 2019.
- ²⁷⁶ Focus group discussions, Kyotera, Kikuube, Hoima, Lwengo, and Kakumiro, between March to November 2019.
- ²⁷⁷ Focus group discussion, Mabanda, February 2019.
- ²⁷⁸ EACOP Resettlement Policy Framework in Tanzania, 2018, Chapter 4, 99-100.
- ²⁷⁹ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ²⁸⁰ Focus group discussion, Singida, May 2019.
- ²⁸¹ Focus group discussion, Singida, May 2019.
- ²⁸² The company specified that the engagement by telephone with local governments, community leaders, and households has continued. Interview with Total/EACOP, June 2020.
- ²⁸³ Interview with Total/EACOP, June 2020.
- ²⁸⁴ Total, Human Rights Internal Guide, 2015, 26.
- ²⁸⁵ Total, Code of Conduct, 2018.
- ²⁸⁶ Office of the High Commissioner, Land and Human Rights, <https://www.ohchr.org/EN/Issues/LandAndHR/Pages/LandandHumanRightsIndex.aspx>
- ²⁸⁷ The commission made a landmark ruling in which the right to life was given broader interpretation to include violation of the right to livelihood. In the Darfur case, the commission recognized 'the potential of the permeable right to life to be used in an interdependent approach to cover issues of livelihood and facets of such rights as the rights to health and food.' Sudan Human Rights organization & Another v Sudan (2009) AHRLR, 153 (ACHPR).
- ²⁸⁸ In the case of Salvatory Abuki v. Attorney General (Constitutional Case No. 2 of 1997).
- ²⁸⁹ The Constitution of the United Republic of Tanzania (CAP.2), Article 9 (i).
- ²⁹⁰ See Constitution of the Republic of Uganda, Article 14 (1995)

- ²⁹¹ According to Total/EACOP, of households in Tanzania affected by land acquisition, 69% lose less than 1 acre of land and 44% less than half an acre. TOTAL/EACOP, response to the draft HRIA, August 2020.
- ²⁹² According to the plans stated in the ESIA, grazing land will be available once the construction is complete.
- ²⁹³ Information collected in various focus group discussions in Uganda, Kijumba village in Hoima District, June 20, 2020; Kicuunda and Butyamba LC1 villages in Kikuube District, June 18, 2019; Mukabara and Kakende villages in Kikuube District on June 19, 2019.
- ²⁹⁴ Total/EACOP, response to the draft HRIA, August 2020.
- ²⁹⁵ Uganda ESIA, 8-205.
- ²⁹⁶ Interview with Total/EACOP in Tanzania, February 2020.
- ²⁹⁷ Interview with Total/EACOP in Tanzania, February 2020.
- ²⁹⁸ Interview with Total/EACOP, Tanzania, February 2020.
- ²⁹⁹ Interview with Total/EACOP, Kampala, February 2020.
- ³⁰⁰ Tanzania Resettlement Action Plan for Priority Areas, chapter 7, 256.
- ³⁰¹ UNDP, 2015, 'Uganda: Country Gender Assessment,' United Nations Development Program, October 2015, Geneva, https://www.ug.undp.org/content/uganda/en/home/library/womens_empowerment/UGANDACOUNTRYGENDERASSESSMENT.html
- ³⁰² Uganda ESIA, 8-205.
- ³⁰³ Tanzania ESIA, 8-379.
- ³⁰⁴ Interview with Total/EACOP, Uganda, February 2020.
- ³⁰⁵ Referred to as 'local content' in the Tanzania Petroleum (Local Content) Regulations, 2017, and 'national content' in Uganda. The Petroleum (Exploration, Development and Production) (National Content) Regulations, 2016.
- ³⁰⁶ Both countries specify their targets for local employment for each type of job. The requirements increase from year 0 to year 5, except for unskilled workers, who are expected to be 100% Nationals in Tanzania and 95% in Uganda from the start of the project.
- ³⁰⁷ Tanzania, Petroleum Act, Article 6 (2), 2017.
- ³⁰⁸ John Odyek, New Vision, 'Hoima crude oil pipeline project creates 10,000 jobs,' January 11, 2017, <https://www.newvision.co.ug/news/1443827/hoima-crude-oil-pipeline-project-creates-jobs>.
- ³⁰⁹ Uganda ESIA, 8-162, 8-163.
- ³¹⁰ Uganda ESIA, 8-162, 8-163.
- ³¹¹ Tanzania ESIA, 8-227, 8-228.
- ³¹² Tanzania ESIA, 8-228.
- ³¹³ EACOP Local Content Plan for Tanzania. At the time of publication, the company had not publicly disclosed the details of the Uganda Local Content Plan.
- ³¹⁴ CRED Uganda, Ensure Local Participation in the Oil Pipeline Project, <https://creduganda.org/2019/04/20/ensure-local-participation-in-the-oil-pipeline-project/>.
- ³¹⁵ Focus group discussion, Kakumiro District, August 14-15, 2019; Kikuube District June 18-19, 2019, Kijumba village in Hoima District, June 20, 2019.
- ³¹⁶ The information from Total/EACOP presented in this paragraph was collected during a meeting in Kampala, in February 2020.
- ³¹⁷ Interview with Total/EACOP, Kampala, February 18, 2020.
- ³¹⁸ Interview with Total/EACOP, Kampala, February 18, 2020.
- ³¹⁹ Interview with Total/EACOP, Kampala, February 18, 2020.
- ³²⁰ Focus group discussions in Uganda, January 2019.

- ³²¹ Petroleum Authority of Uganda, <https://pau.go.ug/#...>
- ³²² EACOP Local Content Plan for Tanzania.
- ³²³ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ³²⁴ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ³²⁵ Validation meeting with Total/EACOP, February 18, 2020, at Naguru Skyz Hotel, Kampala.
- ³²⁶ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ³²⁷ Uganda ESIA, 8-172.
- ³²⁸ United Nations International Covenant on Economic, Social and Cultural Rights.
- ³²⁹ United Nations Office of the High Commissioner for Human Rights, Land and Human Rights: Standards and Applications, 2015, 19.
- ³³⁰ Resettlement process and timeline confirmed by Total/EACOP in interview, February and June 2020.
- ³³¹ The company confirmed that after cutoff dates, 'a person should not add or improve anything to the land and planting of new perennial crops is considered an improvement.' In Total/EACOP, response to Oxfam additional questions, July 21, 2020.
- ³³² Information collected from communities during focus group discussions in various communities between January and June 2019.
- ³³³ Information collected from communities during focus group discussions in various communities between January and June 2019.
- ³³⁴ The ESCR Committee has stated in General Comment 14 that the right to a healthy environment includes, *inter alia*, preventive measures in respect of occupational accidents and diseases; the requirement to ensure an adequate supply of safe and potable water and basic sanitation; and the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health. Furthermore, industrial hygiene refers to the minimization, as far as is reasonably practicable, of the causes of health hazards inherent in the working environment. Article 12 (2) (b) of the covenant also embraces adequate housing and safe and hygienic working conditions, and an adequate supply of food and proper nutrition, <http://www.humanrights.is/en/human-rights-education-project/comparative-analysis-of-selected-case-law-achpr-iachr-echr-hrc/the-right-to-health/right-to-a-healthy-environment>.
- ³³⁵ The United Nations Framework Convention on Climate Change.
- ³³⁶ Article 24 of the African Charter on Human and People's Rights.
- ³³⁷ In Uganda, the protection is explicit and is contained in article 39, Constitution of the Republic of Uganda, 1995. In Tanzania, the constitutional protection of the right to life has been interpreted to include the right to a clean and healthy environment. See also Festo Balegele and 749 others v. Dar es Salaam City Council, Miscellaneous Civil Cause No. 90 of 1991.
- ³³⁸ In Uganda, National Environmental Act, 2019. In Tanzania, Environmental Management Act, 2004.
- ³³⁹ In Uganda, the pipeline is said to cross four perennial rivers, two perennial streams, and 29 ephemeral streams, a Total/EACOP distance of two kilometres. Uganda, ESIA, 2-44). In Tanzania, 35 waterbody crossings are anticipated. Of these, four flow year-round, with the remaining 31 being seasonal, with variable flow rates. Tanzania ESIA, 6-111).
- ³⁴⁰ World Bank, 'Reviving Lake Victoria by Restoring Livelihoods,' February 2016, <https://www.worldbank.org/en/news/feature/2016/02/29/reviving-lake-victoria-by-restoring-livelihoods>.
- ³⁴¹ Matt Finer, Clinton N. Jenkins, and Bill Powers, 2013, 'Potential of Best Practice to Reduce Impacts from Oil and Gas Projects in the Amazon,' PLoS ONE 8(4): DOI:10.1371/journal.pone.0063022.
- ³⁴² Tanzania ESIA, 3-43
- ³⁴³ Open cut trenching requires temporarily blocking the watercourse with physical barriers while the pipe is laid. Mini-pipes can be used to allow the waterbody or watercourse to continue to flow through the temporary barriers.

- 344 The Kagera and Sigi rivers (Tanzania ESIA, 2-33 and 2-34).
- 345 Uganda ESIA, Table 6.4-18.
- 346 Total/EACOP confirmed that ‘open cut is the base case methodology for river crossings. However, during detailed engineering, each location will be assessed taking into account terrain, environmental, social and cost before a final decision is made on the method to be used.’ Total/EACOP, response to the draft HRIA, August 2020.
- 347 Total/EACOP, written response to Oxfam, July 21, 2020.
- 348 Uganda ESIA, 8-307.
- 349 Uganda ESIA, 9-23, and Tanzania ESIA, 9-28.
- 350 Tanzania ESIA, ES-36.
- 351 ‘Oil spill scare causing panic in Hoima District,’ Daily Monitor, April 4, 2020, www.monitor.co.ug/News/National/Oil-spill-scare-causing-panic-in-Hoima-District/688334-5513766-atcq9pz/index.html.
- 352 Interview with respondent from local government authority, Tanganyika, June 2019.
- 353 Total/EACOP affirms that animal corridors will not be affected by the pipeline and specifies that any corridors impacted by the camp sites or above-ground installation will be rerouted on agreement with local communities. TOTAL/EACOP, response to the draft HRIA, August 2020.
- 354 Interview with respondent from local government authority, Muheza District, June 2019.
- 355 Interview with Total/EACOP, Uganda, February 18, 2020.
- 356 Total/EACOP held public hearings and produced a revised report integrating the comments received. The report was submitted to the government of Uganda for approval in March 2020.
- 357 Total/EACOP, written response to Oxfam, July 21, 2020.
- 358 EITI, EITI Standard 2019, 30. https://eiti.org/files/documents/eiti_standard_2019_en_a4_web.pdf.
- 359 Total/EACOP emphasized that there are two stages with very distinct risks—construction and operation. They affirmed that they will inform the local communities in due time. They said that as things stand today, no activity is taking place on the ground and it is just too early to have such engagement.
- 360 Tanzania ESIA, ES-35.
- 361 Interview with Total/EACOP, Kampala, February 18, 2020.
- 362 Interview with Total/EACOP, Kampala, February 18, 2020.
- 363 UNDP-Uganda Country Gender Assessment, October 2015, 3-5, https://www.ug.undp.org/content/uganda/en/home/library/womens_empowerment/UGANDACOUNTRYGENDERASSESSMENT.html.
- 364 Tanzania pipeline and MSF EIA, 8-382.
- 365 Uganda ESIA, 8-303.
- 366 Uganda ESIA, 8-304.
- 367 Uganda ESIA, 8-305.
- 368 Uganda ESIA, 8-305.
- 369 Uganda ESIA, 8-333.
- 370 Uganda ESIA, 8-304.
- 371 Uganda ESIA, 8-306.
- 372 Uganda ESIA, 10-11.
- 373 Uganda ESIA, E4-26.
- 374 Meeting between CSO and Total/EACOP in Kampala, February 2020. The objective—to extract oil for the least cost possible—is also clearly stated by Total in the article Le Monde, ‘Patrick Pouyanné, PDG de TOTAL, La

question de la pérennité des compagnies pétrolières est posée,' June 2020.
'Si l'on tombe sur des gisements géants, si on peut extraire du pétrole pour moins de 20 dollars le baril, on reste dans notre mandat.'

- ³⁷⁵ See expert opinion of Bill Powers on the adequacy of environmental mitigation of EACOP, Uganda section, ESIA, May 2018, commissioned by Oxfam and submitted during the public consultation period for the ESIA.
- ³⁷⁶ Information collected in the different focus group discussions in Tanzania, including Kagera, Manyara, and Singida regions between February and June 2019, and Uganda, in Kakumiro District on August 14-15, 2019; in Kyotera District on May 27, 2019; in Hoima on June 20, 2019, in Kikuube on June 18-19; and in Lwengo between May 14 and 16, 2019.
- ³⁷⁷ ESIA Tanzania, ESIA Uganda.
- ³⁷⁸ Identified in Total/EACOP's ESIA.
- ³⁷⁹ Interview with Total/EACOP, February 2020.
- ³⁸⁰ Information collected during data collection with communities in Tanzania and Uganda, January through June 2019.
- ³⁸¹ Interview with Total/EACOP, Dar Es Salaam, February 2020.
- ³⁸² Focus group discussions in Tanzania, including Mabanda, Tanganyika, Ntondo, and Gisambalang, and in Uganda, including Kijumba village in Hoima District; Kicuunda, Butyamba LC1, Mukabara, and Kakende villages in Kikuube District; Kanga and Lusese villages in Kyotera District (May 27, 2019), Kijungu LC1, Kalabata LC1, Kyerimira LC1 and Nyakabungo LC1 in Kakumiro District, and Kitakogoma, Lwengo Town Council, Kibundaza, Lwengo Rural, Nansiti LC1, Bukulula, and Kisalira B LC1 villages in Lwengo District.



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