

**Empty Promises Down The Line ?  
A Human Rights Impact Assessment Of the  
East African Crude Oil Pipeline**

OXFAM  
September 2020

**Recommendations and Actions Plan**

Update : February 2021

No.	Recommendations	Evaluation of recommendations				Actions Plan
		In progress / already implemented	Scheduled to be implemented	Under evaluation	not implemented / NA	
1	Use influence with the governments of Uganda and Tanzania, and their business partners, to encourage the publication of investment contracts in accordance with their contract disclosure commitment	X				Total as a founding member supports the Extractive Industries Transparency Initiatives (EITI) and the disclosure of contracts. A signification progress was made in 2020 as Uganda's application to join the EITI was approved by EITI Board in August 2020.
1,2	Pursue and increase its efforts to clear up any and all confusing 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, 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 .	X				Significant resources have been devoted to this end by EACOP and its subcontractors. Frequent meetings were held with communities to inform all the stakeholders involved . Posting of public notices in villages has been done several times and will be updated as necessary.
1,3	Revisit compensation rates that are more than 12 months old, and ensure the rates reflect changes in the market or an increase in 15%, whichever is greater. 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.		X			An uplift of the monetary compensation is expected in case of delay of acquisition as required by the IFC Performance Standards. In Uganda, a 15% uplift per year of delay is considered. In Tanzania the uplift is regulated and the interest shall be chargeable at the average percentage rate of interest offered by commercial banks on fixed deposits until compensation is paid. This uplift mechanism will be presented during the Resettlement Action Plan disclosure meetings.
1,4	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, if applicable), 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 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.		X			Most of the recommended measures are already planned. Stakeholder engagement will precede the entitlement briefings so that Project Affected Peoples (PAPs) and their spouses are aware in advance. During entitlement briefings PAPs will receive a written copy of their draft compensation agreement and compensations options that they can take away and review for up to 15 days. Physical visits to replacement land options will be organized during this period. A contractor with legal/land specialists will be available to provide independent advice to PAPs. A Grievance mechanism is in place and has been explained to the PAPs.
1,5	Providing free, independent legal representation of their own choice to affected individuals and households in advance, during, and in the cooling off period, and for any dispute resolution process, following the entitlement briefings.		X			Terms of reference were prepared and a call for tender was launched in December 2020 to select independent legal experts providing assistance to Project Affected Peoples (PAPs). PAP will be able to choose from a panel of experts provided by several organisations.
1,6	Documenting clearly the decision made by the individual or household following 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 should maintain a register of all compensation agreements reached as well as clear documentation of what information was provided and when .		X			This is part of the Entitlement Briefing and Compensation Agreement signing process. The Project keeps detailed records of all aspects of the land acquisition process, including a register of all compensation agreements reached.
<b>2</b>	<b>Prioritize efforts to increase women's access to information and participation at key decision moments</b>					
2,1	Given the existing forms of gender discrimination women face, it is not enough to hold mere information sharing meetings for women. TOTAL should implement additional safeguards aim at ensuring the 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.	X				The project is implementing several actions in addition to separate meetings for women and men. This includes ensuring the presence of women during the delimitation of land and surveys of assets, during the disclosure of the inventory and during information meetings on the rights of PAPS. Additional safeguards will be implemented: the requirement of the spouse's signature of the compensation agreement and the creation of a joint bank account.
2,2	TOTAL 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.	X				Measures to ensure the participation of women in the land acquisition process have been implemented and will continue during the pre- construction and construction phase .

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2,3	TOTAL should monitor and make public the effectiveness of these specific gender protections, with the active participation of women leaders and other members of the community.		X			Monitoring of the effectiveness of mitigation measures including those specifically focused on gender will be undertaken with appropriate KPIs based on consultation and made public.
<b>3 Increase transparency and access to information on the resettlement process</b>						
3,1	As a priority the draft resettlement action plans 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. These RAPs should at minimum identify the replacement land being offered.		X			These points are structural elements of the Resettlement Action Plan (RAP). The RAPs define the selection criteria for replacement land and are available on the EACOP website. The identification of replacement land for each Project Affected People (PAP) is underway and cannot be specified for each PAP in the RAP.
3,2	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 should be clear about the roles and responsibilities of local community leaders and local authorities in monitoring these plans.		X			All the Tanzania RAPs are publicly available on EACOP website, and the Uganda RAP will be also published on EACOP website once validated by the authorities. The RAPs will be publicly disclosed to local communities and PAPs. Resettlement committees will be established to ensure the involvement of local authorities and PAPs in the implementation of the RAPs.
3,3	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 and its subcontractors will take to protect cultural heritage, including graves .		X			Several cultural heritage and archeology surveys have already taken place along the pipeline corridor. A cultural heritage management plan has been developed that will be implemented by the Contractors. A Graves Removals Procedure will guide the removal of graves prior to the start of construction.
<b>4 Strengthen oversight of the resettlement process</b>						
4,1	TOTAL 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.		X			The Lenders Environmental and Social Consultant (LESC) will review the RAPs as well as all other key environmental and societal documents and policies. Findings from this review will be made public.
4,2	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		X (Partly)			Affected individuals and households will be offered access to independent advisors, provided through EACOP, as part of the acquisition process. PAP will be able to choose from a panel of experts provided by several organisations.
4,3	TOTAL should sign legally binding agreements with individuals or households that define the rights and responsibilities of TOTAL, its subsidiaries, as well as local and national authorities, including in the event that Total sells or assigns its rights in the pipeline . Agreements should ensure security of land tenure on the land they are resettled and on the remaining land they have.		X			For the land acquired for the Project, the ownership will be respectively the State of Uganda and the State of Tanzania . The State will lease to EACOP its lands rights and this will not change in case of changes to EACOP Shareholders. For those who are eligible and wish to find equivalent replacement land , EACOP will liaise with land use planning departments and provide legal support for land purchase and registration. Furthermore, the Project will assist the process of land replacement purchasing and will follow up to ensure that the corresponding titles are obtained.
<b>5 Fair and documented negotiation of the process of obtaining the free, prior and informed consent ("FPIC") of vulnerable people and ethnic communities likely to be impacted by the project</b>						
5,1	TOTAL'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.		X			It is one of commitment of the Project . A memorandum was produced in 2018 to define the communities that could be affected by this process in Uganda and Tanzania. In March 2020 an extensive survey was conducted for the Vulnerable Ethnic Groups.
5,2	Widely known and accessible documentation of consent agreements is consistent with the strong emphasis on transparency and accountability throughout IFC Performance Standard 7, as well as in the IFC Access to Information Policy. This means TOTAL 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.		X			Total is committed to implement the requirements of IFC Performance Standard 7, including regarding the process for obtaining Free, Prior, Informed Consent ( FPIC) from vulnerable ethnic communities .
5,3	TOTAL should also ensure regular formal monitoring with active involvement of community leaders, local authorities, and other community members for the life of the EACOP project.		X			These measures are planned and described in the Stakeholder Engagement Plan

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5,4	Moving ahead, TOTAL 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.		X			Free Prior Informed Consent (FPIC), where triggered according to the IFC Performance Standard 7, is planned.
<b>6 Take action now to ensure that the livelihoods of those affected by the project are improved or restored to their pre-project level</b>						
6,1	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.				X	No Project Affected People has been prevented from growing crops until the land acquisition is effective. Communication campaigns were carried out in order to explain that Project Affected People (PAPs) should continue agricultural exploitation of their land impacted by the Project.
6,2	Involve community members in the development of livelihood restoration plans, with special attention to women.	X				Extensive consultation has taken place during the Livelihood Restoration Plan (LRP) development. Once the LRP is to be cascaded into local level plans there will be further consultation. Some programs will be dedicated to women.
6,3	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	X				Already taken into consideration as explained above.
6,4	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.		X			Planned within the framework of the contracts that will be signed with the banks in which the accounts of the PAPs will be opened.
6,5	Ensure that new grazing, farming, or agricultural land is reasonably accessible as part of the resettlement action plan / livelihood plan.		X			Already planned in the land selection criteria for eligible people.
6,6	Monitor the progress and effectiveness of livelihoods restoration for at least X years with the active involvement of community leaders and other community members. Where progress lags behind, be prepared to increase investments and interventions. Make the findings and lessons learned from livelihood restoration public.		X			Livelihood restoration programs will be undertaken until the livelihoods of PAPs are restored to pre-project level or improved. This for a period of up to 3 years with continuous monitoring during this period and an extension if necessary.
6,7	Commit to auditing RAPs and livelihood restoration plans annually, with recommended actions (and budget) needed to improve outcomes made to a joint community, local authority, national authority and project advisory body.		X			Each RAP has a monitoring plan including: an independent review twice a year for two years after resettlement; and a compliance / completion audit after three years.
6,8	Require all management plans, RAPs, and livelihoods restoration plans to be updated should TOTAL assign its interests in the pipeline				NA	<b>Clarification:</b> The project will be executed by East African Crude Oil Company (EACOP) and EACOP will be directly responsible for all of these elements. In this context, a potential change in EACOP Shareholding will have no impact.
6,9	Take extra steps to protect the livelihoods of women and girls as well as vulnerable populations.		X			Each RAP contains a plan for vulnerable people and a register of vulnerable households.
<b>7 Be transparent about negative impacts and manage expectations regarding the benefits of EACOP</b>						
7,1	Disseminate 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	X				The publication has been made and is available on the project website.
7,2	Track the effectiveness of response to the human rights impacts identified and communicate on measures taken as well as results obtained.		X			Already taken into consideration in the course and will be implemented with the setting of the Human Right working group.
7,3	Cease marketing, public relations, and other public engagement efforts that only highlight the benefits of the project.				NA	<b>Clarification:</b> The approach of the Project is to sustain extensive stakeholder engagements with the local communities and keep them informed of the environmental and social impacts of the Project.
7,4	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.	X				Communication materials on ESIA showing the impacts and mitigation measures were distributed to the communities.  At the beginning of construction, a more detailed explanation of the activities will be provided to each community with appropriate communications equipment for different types of activities to be conducted.
7,5	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.	X				Project Environmental and Social Impacts Assessments are available on the EACOP website and identify in detail all the environmental and societal risks associated with the project and the proposed mitigation measures. The Human Right Impact Assessment is also accessible on the EACOP website.
7,6	Promote consistent messaging with relevant authorities that reduce rumor and speculation. Clarify the communication channels and empower local authorities to become contact points for communities.	X				The project has led and continues to lead meetings with authorities and local communities as part of our stakeholder engagement plan.
<b>8 Strengthen the training and supervision of all subcontractors</b>						

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8,1	Cease all actions internally and with subcontractors or other implementing partners that in any way restrict, obfuscate, or limit the right of local communities and civil society to meaningfully participate in consultations, rebuild livelihoods, and conduct project monitoring.	X				No action has been taken by EACOP to restrict, obfuscate, or limit the right of local communities and civil society. From the start, all the teams of EACOP and its contractors have aimed to achieve an active dialogue with all the stakeholders.
8,2	Include the code of conduct in the contracts of all subcontractors and monitor their compliance with it.	X				All contractors are required to adhere to Total's Code of Conduct and Fundamental Principles of Procurement ( <a href="https://www.total.com/sites/g/files/nytnzq111/files/atoms/files/fundamental_principles_purchasing.pdf">https://www.total.com/sites/g/files/nytnzq111/files/atoms/files/fundamental_principles_purchasing.pdf</a> ) and contractors audits are carried out to monitor compliance.
8,3	Conduct human rights training to subcontractors involved with communities.		X			The training of main contractors will be provided by EACOP. These contractors will then ensure that their subcontractors are properly trained, training programmes including content of training materials will be monitored by EACOP
8,4	Take full responsibility for any misconduct by subcontractors and redress the situation.		X			The grievance mechanism has been developed in order to be able to quickly identify deviations and correct them. EACOP will ensure that all complaints are handled, nevertheless subcontractors can not be release from their legal obligations.
8,5	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				X	This recommendation cannot be implemented, because of the confidentiality of commercial contracts (business secrecy). As part of the Compliance rules, due diligences are carried out on contractors and suppliers and include verification of the owners of the companies.
8,6	Conduct HRIA every 2 years, including all subcontractors' activities.		X			The process initiated for the Human Right Impact Assessment (HRIA) is a regular evaluation. The first evaluation took place in 2018. The next one will take place in 2021.
<b>9</b>	<b>Improve access to grievance mechanisms</b>					
9,1	Take steps now to ensure that the livelihoods of those impacted by the project are improved or restored to pre-project levels		X			The Livelihood Restoration Plan is the guiding document that will be implemented until livelihood restoration is achieved.
9,2	Empower the grievance and dispute-handling committees to effectively perform their roles.	X				In Uganda, local area committees are currently in place and were given initial training to inform them of our grievance management procedure and the critical role they play in this process. Resettlement committees will be set up in Tanzania.
<b>10</b>	<b>Commit to following best practices in pipeline construction and operation</b>					
10,1	As in other countries when TOTAL operates, invest in the best available technology for pipeline construction, not the cheapest. This includes reducing the ROW to 15 m; (and 10 m in sensitive environments); utilizing horizontal directional drilling to cross all permanent watercourses and wetlands; and installing block valves...		X (partly)			The pipeline will be constructed according to the best industry standards. In agreement with the authorities, a ROW width of 30 m has been defined. Horizontal Direction Drilling technique is planned to be used for major river crossings (2 in Tanzania). Block valves, in accordance with international standards, will be installed along the pipeline.
10,2	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.		X			The Lenders Environmental and Social Consultant (LESC) will review the Environmental and Social Management Plans prior to any construction activities.
10,3	Publish all final ESMPs along with the budgets that are being allocated to implement and monitor the plans			X		The ESMPs to be developed are listed in the ESAs. Prior to the start of the construction phase, mitigation measures in the ESMPs will be discussed with civil society representatives and communities. As ESMPs are lengthy technical documents, a non-technical summary of the ESMPs will be published on the EACOP website.
10,4	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			X		Environmental monitoring and control will be carried out by the regulatory bodies of National Environment Management Authority (NEMA) and National Environment Management Council (NEMC). In addition, the project is evaluating the establishment of a community-based monitoring mechanism, through an adhoc committee involving local community representatives.
10,5	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.			X		As part of the management of construction contracts, controls are planned and will be carried out by the project teams. The degree of participation of local communities is under study.
10,6	Create and disclose mitigation measures in conjunction with local authorities.	X				The mitigation measures are clearly defined within the Environmental and Social Impact Assessment reports and are published on the EACOP website.
10,7						

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	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.		X			This monitoring will be carried out as part of the project management with dedicated teams. In addition, audits will be undertaken against Environmental and Social Management Plans (ESMPs) to ensure that all mitigation measures are being implemented by EACOP and its contractors.
<b>11</b>	<b>Address the risks for women and girls in relation to in-migration</b>					
11,1	Communicate mitigation strategies developed to address the risks for women and girls		X			A study on the impacts of risks specifically linked to immigration induced by project activities was carried out in 2019. The mitigation measures were integrated into the ESMPs and a consultation process will be undertaken as stated in 10.3.
11,2	Monitor the implementation and effectiveness of those measures to decrease risks for women and girls.		X			The monitoring program will be put in place including KPIs.
11,3	Provide ongoing human rights training of security company hired along the pipeline (in compliance with UN VPSHR)		X			The project will respect the commitments resulting from the Voluntary Principles on Security and Human Rights (VPSHR).
11,4	In collaboration with the government, invest in sensitization of workers on high-risks sexual behavior.		X			Sensitization programs have been planned as part of the community health plan.
<b>12</b>	<b>Prepare for worst-case scenarios</b>					
12,1	Create and disclose emergency management plans in conjunction with local authorities.		X			These plans will be drawn up before the installations are put into service and shared with the authorities.
12,2	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.		X			These plans will be drawn up before the installations are put into service.
12,3	Communicate those plans with local authorities and communities (and train local communities on responses)		X			Planned