

Recommendations and Actions Plan

Update : February 2021

No.	Recommendations	Evaluation of recommendations				Actions Plan
		In progress / already implemented	Scheduled to be implemented	Not yet planned, to be studied	Not implemented / NA	
1 Regarding the cases of attacks and harassment documented in this report						
1.1	Total must investigate, through an independent mechanism and according to a methodology established in consultation with civil society, allegations of the dissemination of disinformation and threats by its employees or sub-contractors. The results of this investigation should be made available to NGOs and human rights defenders. The conclusions of this investigation should provide for specific sanctions and remedial measures if the alleged harassment is confirmed.		X			All complaints and allegations reported are investigated in the framework of the grievance management procedures. Such investigations are carried out regardless of the origin or target of the allegations.
1.2	Total must maintain a continuous, constructive and open dialogue with the United Nations special procedures as well as with local and international NGOs which monitor the situation of human rights defenders in the region.	X				An open dialogue has been initiated with United Nations representatives, both locally in Uganda and at a global level with Special Rapporteurs on Human Rights Defenders. Local NGOs have been engaged by TEP Uganda all along the ESIA consultation. Since then, TEPU and Total Corporate Teams have continued to reinforce relations with NGOs.
1.3	The partners in the joint venture must call on the state to investigate and sanction any abuses committed by the police and military forces against human rights defenders.	X				This will be done if such abuses occur and are related to the project activities. The MD of TEP Uganda already held meetings with the authorities on this subject and will reiterate such meetings should the need arise.
2 To address the persistent risk of attacks against human rights defenders						
2.1	The economic actors operating in the region should avoid stigmatization by an antagonistic rhetoric and the dissemination of false information to discredit the work of human rights defenders, as this can endanger within their own communities .	X				Total supports this approach .
2.2	The economic actors operating in the region should refrain from requesting permissions to the PAU or any other government authority before initiating a dialogue with stakeholders in local or international civil society.	X				Subject already widely discussed with FIDH, total does not seek any authorization to the authorities to dialogue with civil society
3 Economic actors in the region should adopt specific policies and procedures to protect human rights defenders, including :						
3.1	independent mechanisms to identify and punish the use of disinformation and other forms of pressure by community liaison officers against members of the community, and in particular human rights defenders ;	X				Total's teams do not use disinformation or any other form of pressure, and are required to respect the Group's code of conduct. Any complaint raised within the framework of the complaints management mechanism will be investigated.
3.2	communication channel for depositing safe and anonymous complaints about the behavior of representatives of business, and to examine the complaints and evaluate them at the highest levels of decision making ; and	X				A process is in place for any internal or external person to file his grievances or report unethical conduct. Regular checks will be made to ensure that this process is known and working.
3.3	strengthened complaint mechanisms and appropriate, independent and accessible to human rights defenders.	X				The mechanisms mentioned above are accessible to human rights defenders as well as to anyone who wishes to report or denounce unethical acts.
4 The partners of the joint venture and other economic players must respect the right to land of communities in the Albertine region. They must comply not only with the international standards to which they adhere (notably the IFC Performance Standard 5), but above all with the requirements arising from international and regional treaties. To comply with this obligation, the joint venture partners must guarantee full access to accessible and complete information and real consultation spaces, and must align their relocation and compensation practices with standards and treaties. international.						
The partners of the joint venture must guarantee full access to accessible and complete information.						
4.1	Joint venture partners must provide access to the full version of the RAP before it is approved by the Chief Government Valuer, in order to allow for community comments to be taken into account.	X				Prior to the submission of the RAP report to the authorities, the strip maps are publicly displayed at multiple locations in all affected villages showing PAP land and garden assets. If PAP have comments, the RAP is revised and the final RAP report is submitted to the authorities for approval. After RAP is approved by authorities it is publicly disclosed without the valuation section which contains private information for each individual PAP.
4.2	Road contractors and UNRA should conduct social and environmental impact studies and draw up resettlement action plans, make them accessible and adapt them based on the feedback and concerns of communities and civil society organizations.	X (in progress)				We have already requested UNRA to provide a copy of the ESIA's related to their projects.
4.3	When surveys are conducted to appraise land and property, the joint venture partners should immediately provide a copy of the appraisal made to the inhabitant (s) concerned, in order to enable them to verify that the compensation process is proceeding satisfactorily.	X				All the surveys conducted on land / property are provided to the concerned PAPs. The valuations are communicated as soon as they are approved by the Chief Government Valuer.

4,4	Joint venture partners must reverse budget cuts, and reinvest budget and field staff to ensure residents have adequate access to information.	X				The project budget is set according to annual needs.
5	Joint venture partners should ensure that consultation spaces are not one-sided, but two-way, and that community concerns are heard and effectively addressed, including by:					
5,1	allowing sufficient time for questions and answers;	X				Agreed
5,2	providing full information, including references to potential risks, and using language understandable by community members ; and	X				The ESIA is published in four languages
5,3	ensuring the participation of civil society organizations in the region or at the national level.	X				Regular engagement with civil society organizations
6	Joint venture partners must align compensation and resettlement practices with international standards and treaties. This forces them to:					
	improve the implementation of resettlement principles and procedures, including :					
6,1	strengthening measures to support and encourage communities to prioritize collective resettlement rather than individual compensation; and			X		The idea is good in theory and will be considered but can be difficult to implement in practice, given that each household may have its own aspirations.
6,2	by refraining from limiting the choice of replacement land to the district of origin of the inhabitants whenever this is necessary to preserve their means and standard of living, taking into account in particular the ecological characteristics of the land and the depletion of land and resources available in the project area of influence.			X		The idea is good in theory and will be considered but can be difficult to implement in practice, given that each household may have its own aspirations.
7	The partners of the joint venture must review the compensation scales and procedures in order to guarantee a sufficient level of compensation that better preserves the standard of living of the families and communities affected, taking into account the value of social ties and collective management of natural resources. In particular, the partners of the joint venture must:					
7,1	reassess the amount of compensation per acre of land and adjust it so as to allow community members to move with their families to places where they will no longer be affected by the project and where they can find social, cultural and ecological equivalent;				X	Compensation rates are above market rates and are approved by the Chief Government Valuer.
7,2	provide for compensation before depriving residents (totally or partially) of the use and enjoyment of the rights arising from their property;	X				Prior to payment of compensation, residents have the use and enjoyment of their property
7,3	provide similar compensation for all assets, whether the units are primary or secondary housing ;				X	The compensation for houses is based on the assessment of each property (size, characteristics...). A similar compensation for all assets is not justifiable, as the size and characteristics are variable.
7,4	avoid that the delay between the investigation and the valuation of the value, and the actual payment in cash or the move, is longer than three months in order to prevent the negative effects of long waiting periods after the cut off dates;				X	Agreement on the objective to shorten the time, but difficult to commit on a period of 3 months in the case of a process involving several administrations
7,5	provide compensation for crops planted and structures built by residents, including after the deadline, to ensure that in the event of a delay in project implementation, families are not deprived of their sources of income and be compensated appropriately, whether the delays are less than or greater than one year; and				X	Cannot compensate crops planted after the cut off date . On the other hand, a reassessment of the compensation is provided for in the event of a compensation period exceeding 1 year.
7,6	ensure that the compensation provided for all trees and crops takes into account the stage of maturity of the crops / trees and the time and labor required for their growth, taking into account in particular changing environmental conditions.	X				
8	Since some of the impacts are a direct result of the petroleum well testing activities carried out by Tullow Oil, the company must immediately and urgently take the					
8,1	In particular, T ullow must immediately conduct a field investigation in order to collect all outstanding repair requests following the negative impacts of the exploration phase, in particular following the well tests, and process them as appropriate before Tullow Oil leaves from the Lake Albert area ;			X		Tullow sold its interests in November 2020. As indicated during meetings with FIDH, Total invites FIDH to provide it with the evidence in its possession supporting these allegations so that Total can become aware of and assess them.
8,2	explain in detail the activities carried out in the Kasemene-2 well between 2009 and 2012, and provide a full repair ;			X		Under investigation. FIDH is invited to provide evidence supporting this case.
8,3	for families located within the radius of 300 meters, pay at least the agreed allowance of UGX 300,000 per day and per family, plus interest for the years of late payment, calculated from the day on which the test activities of wells have been finalized; and			X		Under investigation. FIDH is invited to provide evidence supporting this case.
8,4	for families settled beyond the 300-meter radius established as a buffer zone, provide compensation for impacts on health and for the loss of their livelihoods.			X		Under investigation. FIDH is invited to provide evidence supporting this case.
8,5	These remedial measures must be taken into account by Tullow and Total when negotiating to buy back Tullow's shares. Unless fully taken into account prior to the transfer of ownership, the responsibility for remedying human rights impacts will be inherited by Total.			X		FIDH is invited to provide evidence supporting potential cases. Principle agreed if cases are evidenced.
9	The joint venture partners and UNRA must ensure that construction companies operating in the project area meet minimum standards for respect for human rights and the environment, which is a first step in prevention and mitigation of cumulative effects :					

9,1	for future construction and / or seismic exploration activities: establish larger buffer zones and avoid areas close to communities, in accordance with best practices and international standards and treaties ; and		X			
9,2	assess and adequately mitigate the damage that could be caused to buildings in the next phases of the project due to increased truck traffic, drilling and construction operations, use of generator sets, excavation and air traffic, among other activities.		X			
9,3	Contractors must ensure the replacement of structures such as wells and other water supplies when existing structures are damaged as a result of their operations. New wells must provide water of equal or better quality to the original wells, and their access must be secure.		X			
10	The partners of the joint venture also have the responsibility to respect the rights to water, health and a healthy environment, by respecting not only the commitments they					
10,1	review the ESIA's and other operational plans in order to fully implement the best available technologies, in particular through additional avoidance measures and the reinjection of produced water, wastewater and waste. This includes commissioning an independent study on the best available techniques that can be put in place in the project before the extraction phase, and taking into account in depth the recommendations made by the experts on the ESIA, especially those emanating from the study by Bill Powers (E-Tech)				X	The technical file has already been widely audited (internal, external, through the ESIA process).
11	For past violations resulting from oil well testing activities, full redress must be provided prior to Tullow Oil's departure from the area and must include guarantees that					
11,1	Tullow must immediately conduct a field investigation to collect all outstanding repair requests due to the negative impacts of the exploration phase, including during seismic testing and oil well testing, and repair them as required. must before departure:			X		Tullow left the block in November 2020. As indicated during meetings with FIDH, Total invites FIDH to provide it with the evidence in its possession supporting these allegations so that Total can become aware of and assess them.
11,2	Total must ensure that these repairs are complete and effective before finalizing its share buyback operation. If the repairs provided by Tullow Oil before its departure are not complete or insufficient, Total will be obligated to provide these repairs, in its capacity as buyer of the securities of Tullow Oil :			X		See comment above
11,3	CNOOC, Total, and UNOC, and any other joint ventures or operating partners who join the project, must agree not to perform oil well testing unless strictly necessary. If well tests are required at a later stage, they should apply the best available technologies and best practices, including establishing a buffer zone large enough to avoid any impact on neighboring communities .	X				
11,4	It is recommended to all the joint venture partners to undertake a study of impact on human rights that takes due account of the voice of communities and civil society .	X				

Notes :

A general recommendation was made to all the partners and must be reviewed with UNOC and CNOOC. For EACOP the HRIA has been made and published and for Tilenga it is ongoing.

"It is recommended that all joint venture partners develop an impact study on human rights which should take into account the voices of community and civil society and adopt measures to prevent, reduce the risk and mitigate all future impacts, present and past with regards to human rights and environment, caused or linked by their activities"

Finally, two recommendations had been done and go beyond TEPU, and will be addressed during the regular engagements with FIDH:

1) From the Paris agreement, to commit towards a sensible transition of fuels from fossil energies to renewable energy , and include the downstream consumption in all GHG emission impacts. A recent shareholders petition submitted to the general shareholder assembly in June 2020 requesting Total increase its commitments to the agreement of Paris.

2) Finally, in line with the law on the duty of care, Total must take adequately the risk elements identified in this report, in its risk map and include adequate measures to treat in its Compliance Plan in line with the recommendations raised in the report.