

Total's Reaction to Oxfam Report: Way Forward for a Constructive Dialogue

Total thanks Oxfam for the opportunity given to provide comments on Oxfam's report on the Human Rights Impact Assessment it has conducted of the East African Crude Oil Pipeline.

Total also appreciates the dialogue with Oxfam over the past years. Total has had face to face meetings in France, in Uganda and in Tanzania as well as numerous exchanges of questions and answers. Total has had the opportunity to comment on the draft report communicated on July 27, 2020.

Total recognizes the value of the Community-based approach taken by Oxfam in this assessment as it is complementary to the engagement and consultation with affected communities that contributes to the methodology for assessing environmental and societal impacts of its projects. Total is interested in pursuing the dialogue with Oxfam with a view to reinforcing Total's ambition on certain points and exchanging on best practice. Some recommendations are useful and will be taken as a basis to progress.

In implementing its environmental and social strategy Total not only respects, but goes beyond, the requirements set out in Ugandan and Tanzanian law following good international industry practice including the International Finance Corporation (IFC, a member of the World Bank Group) Environmental, Health and Safety and Performance Standards, and uses its influence wherever possible to ensure that all actors involved in the project follow best practices.

Many of the recommendations proposed by Oxfam in the report are valuable, indeed most are already reflected in the many initiatives being implemented by Total in relation to the project. However, Total disagrees with some of the statements made in this report and take note that part of our points have not been reflected. The following non-exhaustive list of points are of particular concern:

Human Rights protection

Total regrets that the report tends towards an amalgamation of descriptions of various different projects operated by different parties and does not distinguish the roles of such parties over time. Of particular concern are the insinuations in relation to human rights violations in the Hoima and Buliisa districts around Lake Albert. Such allegations are not substantiated and appear to relate to allegations dating back to events prior to Total's commencement of operations. Total strongly denies any implication in human rights violations and deeply regrets that the report may create doubts. Moreover, Total is not aware that the Government of Uganda has acknowledged any Human Rights violations related to the Tilenga or Kingfisher projects.

Duty of Vigilance law

With respect to the report's references to the French Vigilance Law, Total would like to clarify that this Law requires large French companies to establish and effectively implement an internal vigilance plan (hereafter "Vigilance Plan"), with reasonable measures to identify and prevent risks that can have serious impacts on human rights and the environment resulting from its activities, those of the companies it

Sept. 10, 2020

controls, and those of subcontractors and suppliers with whom it has an established business relationship. The Vigilance Plan and a report of their implementation must be included in companies' annual management report. Total S.E.'s Vigilance Plan is updated on a yearly basis, most recently in its 2019 Annual Report dated 20 March 2020. Its implementing report for 2019 includes a section dedicated to the implementation of the plan in the EACOP and Tilenga Projects.

Stakeholder consultation

Total thinks that the report does not acknowledge the structured approach taken by Total to engagement at the community level. Whilst it cannot pretend to have reached every single member of the impacted communities, Total has used significant time and resources to identify the potential impacts of the EACOP project and define the measures to be implemented to mitigate and respond to them.

The environmental and social impact assessment (ESIA) of the EACOP project is the result of four years of iterative work bringing together different expertise and an approval process by Ugandan and Tanzanian Authorities. The consultation stages during all of the technical, social and environment studies as well as engagement by the EACOP field teams involved the participation of 58,000 people, more than 3100 meetings along the route of the future pipe (600 in Uganda and 2500 in Tanzania). In the field, 30 locally recruited Community Liaison Officers were deployed to maintain a permanent dialogue with the local communities, collect and answer to their concerns and keep them informed.

While the Project accepts that community perceptions may not always align with the Project messaging, it would have been more constructive that the report acknowledge the inputs from the Project and support Total in improving community level understanding of the Project going forward.

Compensation framework

The project was designed with the overarching concern of minimizing and mitigating the impacts on local communities and in particular the need to relocate households. For the acquisition of the necessary land, a framework of fair compensation and relocation has been established following International Finance Corporation (IFC – a world bank organization) standards, recognized to represent best practice, and validated by the authorities. Compensation is proposed to meet full replacement value. Other accompanying measures such as provision of replacement housing and access to livelihood programs are planned once the project moves into the implementation phase.

One of the key issues faced by the EACOP project and which is a direct cause of many of the issues raised by OXFAM in the context of land acquisition is project delays, not all of which are within the direct control of Total and its partners. Considerable efforts have been made to maintain contact and communicate the situation to affected households, and to ensure that they continue using their land for farming and grazing. Total is committed to continue and reinforce such efforts.

“Empty Promises Down the Line”

On several occasions the report and its Executive Summary uses the tagline “Empty Promises Down the line” and similar vocabulary which can create doubt on the veracity of commitments made by Total and its partners in relation to Human Rights. This communication style fails to reflect the reality of considerable resources which have been put in place to ensure that the project respects its commitments.

Environment

Regarding potential environment issues, Total recognizes the sensitive nature of many of the areas affected by the project including the Murchison Falls National Park (MFNP) and the Murchison Falls-Albert Delta Ramsar site. Total is committed to applying international best practices (in accordance with IFC Performance Standards) in addition to national regulations to manage impacts to biodiversity and ecosystem services.

In relation to the risk of safety and environment incidents, it is recognized by the OXFAM report that there are two distinct phases in a project's life: construction and operation. The risks related to these two phases are different and have been identified and fully assessed from the initial stages of EACOP project design. The actions that need to be taken in relation to these risks are implemented in rhythm with the advancement of the project. For example, one of the risks during the construction phase is Road Transport accidents. Whilst these risks and phases have been and are explained to the communities, Total acknowledges that it is complex for people to fully grasp them since they are not familiar with such activities and Total understands that communities have concerns today. Planned dedicated campaigns involving contractors and local communities immediately before and during the construction phase will help to build capacity in order to improve community level understanding and will aim to address concerns.

An Oxfam suggestion that the EACOP project is not prepared for a major oil spill and has not communicated on this. Total wishes to comment that the potential oil spill risks have been fully taken into account during the design of the project and all necessary measures taken to mitigate such risks identified, including the ability to isolate sections of the pipeline in order to avoid any major oil spill, which is unlikely considering the type of oil. Up until commencement of operations pipeline facilities are "cold" and no hydrocarbons are present. For this reason, oil spill response plans have not yet been communicated to stakeholders. This has been explained during engagement. The community emergency preparedness and response plans were already planned to be developed and stakeholders involved in their elaboration. Oil spill response plans will be finalized prior to commissioning of the pipeline when hydrocarbons are introduced into the system.

Overall, Total acknowledges the value of Oxfam report and wishes to maintain a constructive dialogue in relation to the EACOP Project. Total welcomes and agrees with many of Oxfam's suggestions and recommendations for example: to increase communication and access to information; to increase the level of protection of women's rights; and to better share with communities how the project has assessed and addressed worst case scenarios in the design phase.

Many of these recommendations were already identified, and implementation by the Project and work had already started. Total would be pleased to discuss further with Oxfam in order to challenge its action plans and share with Oxfam a planning of implementation of the recommendations consistent with operations. In particular, Total is open to debate with a view to ameliorating its action plans and share with Oxfam plans relating to the above recommendations. As a first concrete step, with a view to further transparency, Total is committed to publishing the EACOP Human Rights Impact Assessment in the coming weeks.