

Total's Reaction to FIDH and FHRI Report: Way Forward for a Constructive Dialogue

Total thanks FIDH and FHRI for the opportunity to provide comments on the FIDH-FHRI report entitled "Community-Based Human Rights Impact Assessment of the Lake Albert Oil Extraction Project and Related Developments in the Albertine Graben, Uganda".

First, Total appreciates the dialogue initiated with FIDH and FHRI since mid-2019 in Uganda and France. This has included several meetings in Kampala and in Paris as well as numerous exchanges of written questions and answers. Total have also had the opportunity to comment on a draft report communicated to us on July 10, 2020.

Total recognizes the value of the Community-based approach taken in this assessment, which is complementary to the engagement and consultation with affected communities carried out by Total teams as part of the environmental and social impact assessment of our projects. Total is interested in pursuing the dialogue with FIDH and FHRI with a view to reinforcing our ambition on certain points and exchanging on best practice. Some recommendations are useful and will be taken as a basis to progress.

However, Total disagrees with some of the statements made in this report especially concerning the Tilenga oil exploration and production project, of which Total E&P Uganda is the operator.

Total reminds that there are several projects in the lake Albert Region:

Tilenga operated by Total EP Uganda , EACOP led by Total , Kingfisher operated by CNOOC , in which Total EP Uganda is partner. And other projects where Total is neither operator nor shareholder (the Refinery, the airport , the roads) and which are led by the Ugandan Authorities.

Total regrets that the report refers to a single project (so called in the report "the Lake Albert Oil Project") which creates an amalgamation of responsibilities.

It would also have been preferable if the report had distinguished on the one hand the direct responsibility of each of the parties (e.g Total E&P Uganda as Operator of the Tilenga Project or UNOC operator of the Refinery) and on the other the expectation that parties will use their leverage to influence business relationships as per *UN Guiding Principles on Business and Human Rights*, which Total adheres to. Finally and as a result of the amalgamation mentioned above, the report leads to unfounded insinuations that Total may have taken part in human rights violations, which is not substantiated and which Total denies.

The following points are also of particular concern:

Stakeholder consultations

The report does not fully reflect the structured approach and the scale of the means deployed by Total E&P Uganda to identify the potential impacts of the Tilenga project and define the measures to be implemented to respond to them.

The social and environmental impact study of the Tilenga project is the result of four years of iterative work bringing together different expertise. The consultation stage involved the participation of 10,000 people and an approval process by the Ugandan authorities. On the field, 35 locally recruited Community Liaison Officers were deployed to maintain a permanent dialogue with the local communities, collect their

concerns and keep them informed. This ESIA report has been elaborated by independent National Environment Management Authority (NEMA) registered Environmental Practitioners from AECOM Uganda Limited (AECOM) and Eco & Partner Consult, based on numerous studies. NEMA mandated an independent review by the internationally recognized Netherlands Commission for Environmental Assessment (NCEA).

Some misunderstandings with the communities noted in the FIDH report had already been identified by the Total E&P Uganda teams and measures taken to resolve them. For example, Total E&P Uganda reinforced communications towards local communities around cut-off dates and the need to continue cultivation afterward, notably through radio broadcasted messages.

Compensation framework

The project was designed with the overarching concern of limiting 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 Ugandan authorities. The first relocation action plan, known as RAP1 concerned 622 households affected by the project. More than 4000 meetings were held with the people concerned.

Compensation rates were defined based on local market studies and were set above market prices. Other livelihood restoration measures have been, and will continue to be, implemented such as training and activities related to agriculture.

At the end of the RAP 1, a follow-up report on a sample of 223 households affected by the project observed an overall improvement in their standard of living including in particular: securing of title deeds to property, better access to hospitals and clinics (1.7% to 37.2%) and the enrollment of children in secondary school which has doubled from 10.8% to 20.4%.

Livelihood and training programs have also been undertaken at household level through a third part Community Integrated Development Initiatives (CIDI)¹.

Listening to the possible dissatisfaction of the communities

The project has established a grievance mechanism for collecting and dealing with dissatisfaction and complaints from all stakeholders and this mechanism is being effectively used by the communities. As part of the RAP1, Total E&P Uganda collected 170 complaints between January 2018 and the end of 2019. 87% of them have been resolved to date. This mechanism provides for different levels of resolution,

¹ The programs include establishment of high yielding cassava gardens for 100 households who started to and are continuing to harvest this enhanced variety in 2020 allowing subsistence for their families as well as being able to sell off some cassava as well as cuttings. Many have also replanted the same cuttings in their additional gardens. Value addition and better storage practices are ongoing. 42 Vegetable gardens were established, and 10 households benefited from 10 apiaries and some have started harvesting honey. A tree nursery has been established to give out up to 8000 seedlings to the community.

Trainings have also been undertaken for project affected persons (PAPs) to enhance their livelihoods in Agriculture through 9 farmer groups that are operational. Financial Literacy programs were undertaken and PAPs and other Household members especially Women and Youth were encouraged to attend these. In addition, driving lessons were offered to PAPs and 5 have since received their driving permits (one of them got a job ferrying sugarcane at one of the many plantations in Hoima).

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notably the intervention of third parties for an impartial resolution if the solution proposed by Total E&P Uganda does not satisfy the complainant.

Protection of human rights defenders

Total cannot accept the allegation, which is totally unsubstantiated, that some of its employees and contractors played a role in an act of intimidation against a stakeholder.

Total recognizes the importance of protecting human rights defenders and has initiated discussions with FIDH in order to better understand the difficulties that human rights defenders may encounter and better engage with them. Earlier this year, the representatives of Total E&P Uganda also had the opportunity to reiterate during meetings with various Ugandan authorities in Kampala, that all actions undertaken within the framework of the Tilenga project must ensure the strictest respect for human rights.

To reiterate, Total does not tolerate or contribute to attacks, or physical or legal threats, against those who exercise their human right to freedom of expression, peaceful protest or assembly, including where they are acting as human rights defenders.

To illustrate Total's action on the ground in terms of HR and security, it can be underlined that every quarter, Total E&P Uganda provides trainings on Voluntary Principles on Security and Human Rights (VPSHR) to employees of private security companies but also police forces working in the area of the Tilenga project. The most recent training was extended to contractors.

Net gain commitment on biodiversity

Regarding environmental issues, Total is well aware of the sensitivity of the project given the proximity of both the Murchinson Falls Park and Lake Albert. Total E&P Uganda has not only shown a great level of caution in the avoidance and mitigation measures proposed and approved through the Environmental and Social Impact Assessment process, but it has also made a public commitment to achieve a biodiversity net gain, contributing to an overall better biodiversity in the Murchison Falls Conservation Area than before work started.

Concrete actions are put in place. As an example, a *Biodiversity Stakeholder Engagement* (BSE) was concluded with several environmental NGOs in 2016. Quarterly consultations are implemented with said organizations. These exchanges have improved the relationships with these groups on the ground. Another example, the *Biodiversity Ecosystems Services Plan* incorporates *Community Environment Conservation Program* and further consultation on these were held August 2020 in order to ensure the best possible level of environmental protection of communities' areas. This resulted in an Environment *No Net Loss Program*.

Despite certain key points of disagreement, Total acknowledges the value of FIDH report and wishes to maintain a constructive dialogue in relation to the Tilenga Project. Total welcomes and agrees with many of FIDH's suggestions and recommendations, on issues like the protection of human rights defenders by all stakeholders, or the need to ensure that for RAP 2 to 5 affected communities have access to updated financial compensation and regular information particularly when delays may occur or have occurred.

Total would welcome the opportunity to pursue a constructive dialogue with FIDH to address the recommendations made in the FIDH report in a detailed manner and to consider possible improvements, building on the initiatives already put in place by Total E&P Uganda and their planned updated Human Rights Impact Assessment on its operation in Tilenga.