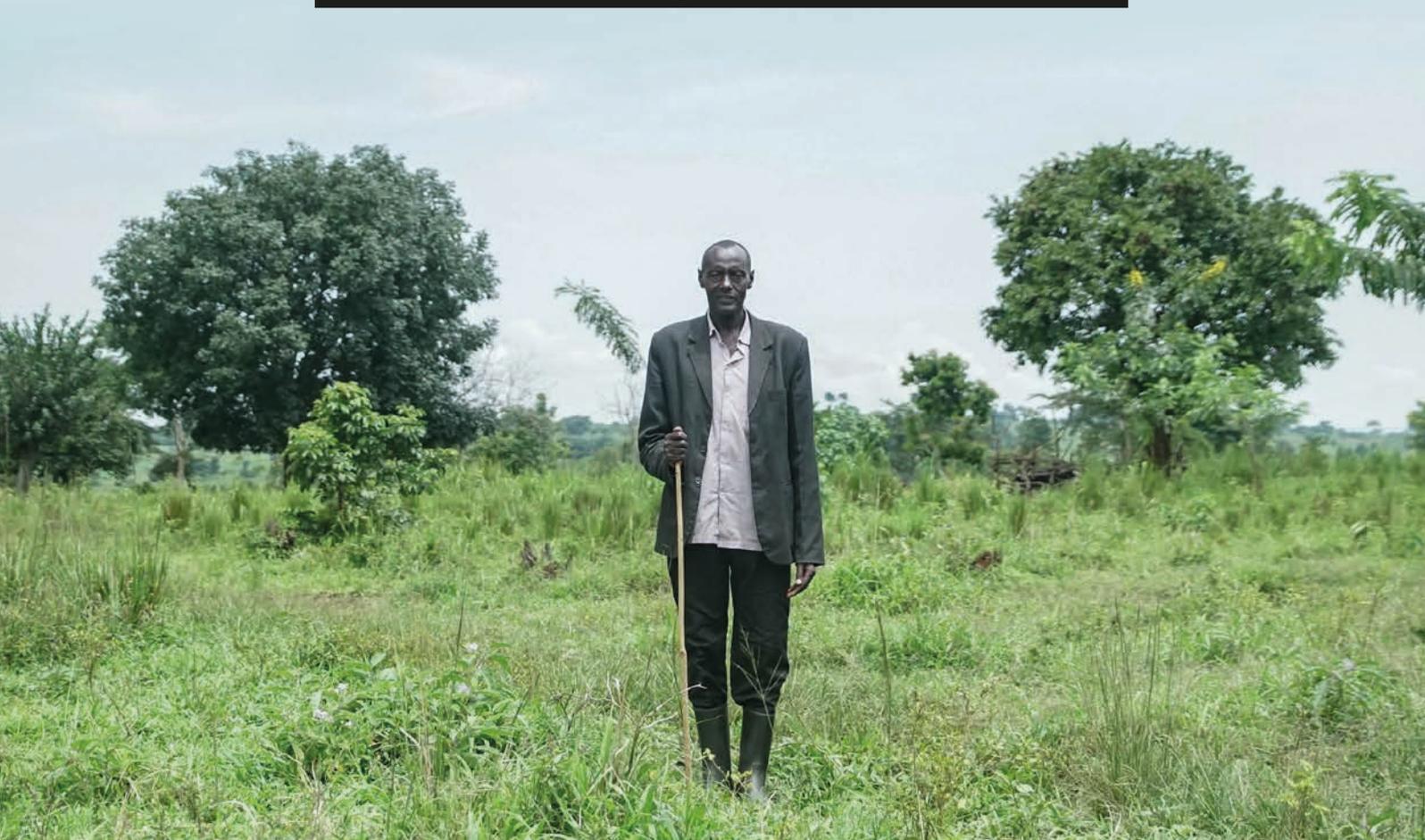


A NIGHTMARE NAMED TOTAL

**An Alarming Rise in Human Rights
Violations in Uganda and Tanzania**



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INTRODUCTION

In June 2019, six organisations – Friends of the Earth France, Survie (France), AFIEGO, CRED, NAPE/Friends of the Earth Uganda and NAVODA (Uganda) – issued a formal notice to French transnational corporation Total, informing it that its mega oil project in Uganda and Tanzania failed to comply with the company's legal obligations to prevent human rights violations and environmental harm.

After Total rejected these accusations outright, our organisations took the company to court in October 2019. Friends of the Earth France and Survie published an initial report detailing the violations taking place and alerting the public to the risks of further violations caused by the activities of Total's subsidiaries and subcontractors. This is the very first legal action of its kind under France's new law on the "duty of vigilance of parent and outsourcing companies" which makes parent companies of transnational corporations legally accountable for the impacts of their operations all over the world. In January 2020, the Nanterre High Court ruled that the case did not fall within its jurisdiction and referred the case to the Commercial Court. We contested this ruling and have appealed. The hearing took place on 28 October 2020 at the Versailles Court of Appeal, which will issue its ruling on 10 December 2020.

A year after we initiated legal proceedings, and despite our urgent appeals to take action in order to put an end to violations and prevent them from reoccurring on an even larger scale, the situation in Uganda has deteriorated. It is more urgent than ever that measures be taken. This report,

based on research undertaken in June and September 2020 in Ugandan districts affected by Total's operations, reveals that tens of thousands of people have now been affected. They have lost their livelihoods and have still not received any compensation whatsoever. Unfortunately, the numerous accounts given by local residents all paint a consistently grim picture of the gravity of violations taking place.

Although we had already noted that affected communities were being pressured to give up their land, over the last year there have been additional threats, acts of intimidation and attacks on community leaders, civil society organisations and journalists working to publicly denounce the negative impacts of oil development projects in Uganda.

Despite our alerts, and the growing involvement of Ugandan, Tanzanian and international civil society organisations, Total seems intent on going ahead, and is even accelerating the projects. The transnational corporation has announced that the final investment decisions for the Tilenga project (oil extraction in a protected natural area) and EACOP project (massive oil pipeline) could be made in the coming months.

And yet it is clear, from the dire human rights violations taking place and the irreversible impacts on the environment, biodiversity and the climate, that these projects should be scrapped.

Chapter I

A COLOSSAL OIL PROJECT

In 2006 massive oil reserves were discovered on the Ugandan shores of Lake Albert, on the border of the Democratic Republic of Congo. They constitute the **fourth largest reserves in sub-Saharan Africa**, estimated at nearly 6.5 billion barrels of crude oil, of which at least 1.4 billion is recoverable.

Total has, since 2012, jockeyed for position on the Ugandan deposits. Through its subsidiary Total E & P Uganda (hereinafter "Total Uganda"), the French transnational is currently leading the **Tilenga project, aiming to extract approximately 200,000 barrels of oil a day**. At its side is the Chinese transnational company CNOOC, in charge of developing a second oil project (the Kingfisher project) which aims to extract 40,000 barrels a day.

Under the Tilenga project, Total is planning on drilling **over 400 wells using 34 drilling pads**. Ten of these drilling pads are located in the country's oldest protected natural area: the Murchison Falls National Park. The project will also require infrastructure between the National Park and Buliisa District: an oil processing plant ("Central Processing Facility", hereinafter "CPF") and a 180-km-long (approximately) network of pipelines connecting the various wells with the CPF and a water extraction system (water will be extracted from Lake Albert). The oil will be transported from the CPF to Kabaale, located in the neighbouring Hoima District, where the Ugandan government plans to build a refinery – the starting point for the mega East African Crude Oil Pipeline (EACOP).



© Pixabay

Total is also the EACOP project's lead developer, through its subsidiary Total East Africa Midstream BV (TEAM). At an estimated cost of 3.5 billion US dollars (3.2 billion euros), the **1,445 km-long pipeline heated to 50 degrees will constitute "the longest heated crude oil pipeline in the world"**.¹ It will transport oil extracted from the shores of Lake Albert in Uganda to the Indian Ocean port of Tanga, located on the north-eastern coast of Tanzania, for export to the international market.

Both these projects involve displacing an enormous number of people. The Tilenga project alone will result

in the displacement of over 31,000 people, mainly communities from Buliisa District, where nearly 27% of the population is affected.² The pipeline will run through 178 villages in Uganda and 231 in Tanzania, resulting in the displacement of tens of thousands of people.³ The "land acquisition and resettlement" programmes for affected communities are carried out by Total's subcontractors, Atacama Consulting Ltd for Tilenga, Newplan Ltd and Infra Consulting Services (ICS) for the Ugandan section of the EACOP, and Digby Wells Consortium for the Tanzanian section of the EACOP. The process and conditions of these programmes are detailed in the respective projects'

“Resettlement Action Plans” (RAP), for the different infrastructure and areas affected by the project. These documents are difficult to access and, for the most part, RAPs have not been made public at all. The government of Uganda has also signed a Land Acquisition and Resettlement Framework (LARF) with the oil companies, which details the norms and standards that they undertake to comply with.⁴

Total increased its stake in 2020, showing how important these projects are to the company. In late April 2020, after a drawn-out standoff with the Ugandan government related to tax issues, which resulted in Total suspending its operations, the French heavyweight announced that **it had acquired the entire stake of British transnational Tullow Oil**. This move made it the majority shareholder with a 66.66% stake in the Tilenga and EACOP projects. Total is also the majority shareholder in the Kingfisher oil project, although CNOOC operates the production licence, with a 33.33% stake in the various projects.⁵

Total agreed to pay the sum of US\$575 million⁶ to acquire the shares of the British company, significantly less than the figure cited in 2017 when negotiations began. The initial deal concerned only acquiring some of the shares owned by Tullow across all exploration blocks (21.57% of its 33.3% stake) for a sum of US\$900 million. This agreement was cancelled on 29 August 2019 after the two oil companies refused to pay a US\$167 million Capital Gains

Tax.⁷ In early 2020, Total and the Ugandan tax authorities finally reached an agreement in principle concerning this tax and the final bill came to only US\$14.6 million.⁸

Yet a new report by Oxfam France denounces Total and CNOOC and their tax evasion schemes in Uganda: “Overall, Oxfam estimates that the government of Uganda will miss out on \$287 million over the 25 years of exploitation of the project – for one Exploration Area (or block) only out of the four of the project. This amount [...] represents a very partial estimate of the potential missing revenues from the Dutch-Uganda DTA (Double Tax Agreement).”⁹

These projects moved forward on 11 September 2020 when Total CEO Patrick Pouyanné flew to Uganda to sign, with the Ugandan government, the Host Government Agreement (HGA), which will govern the EACOP project. “We have today reached major milestones which pave the way to the Final Investment Decision in the coming months,”¹⁰ said Pierre Jessua, director of Total Uganda. The president of Uganda then met with the president of Tanzania on 13 September 2020. According to the president of Uganda, “In principle, we agreed that our governments expedite the harmonization of pending issues in the spirit of the East African Community (EAC), the remaining agreements be fast-tracked including the Tanzanian HGA and we quickly carry out the implementation of EACOP project.”¹¹ It is therefore expected that Total and the Tanzanian government will soon sign the HGA.

THE FIRST LAWSUIT OF ITS KIND IN FRANCE

In October 2019, six organisations – Friends of the Earth France, Survie (France), AFIEGO, CRED, NAPE/Friends of the Earth Uganda and NAVODA (Uganda) – took Total to court for failing to comply with France’s law on the “duty of vigilance of parent and outsourcing companies”.

This constitutes the very first lawsuit that draws on this new law, which remains an international breakthrough despite the fact that it is not as robust as originally intended due to the pressures of corporate lobbies. However, it does address the longstanding issue of the corporate veil, so that those economically accountable for the actions of legally distinct entities can now be pro-

secuted. Despite obvious economic relationships and links of control, subsidiaries and subcontractors of transnational corporations still remain distinct legal persons (companies registered in various countries) which, up until now, were not considered legally dependent on parent or subcontracting companies. It is now possible, however, to take legal action against parent companies in the event of human rights violations or environmental harm caused by their activities in France or abroad.

For further information on the lawsuit, see the briefing by Friends of the Earth France and Survie: “Total Uganda – a first lawsuit under the duty of vigilance law: an update” (October 2020).

+ READ THE BRIEFING

TILENGA

PROJECT INFRASTRUCTURE AND LAND ACQUISITION

LEGEND

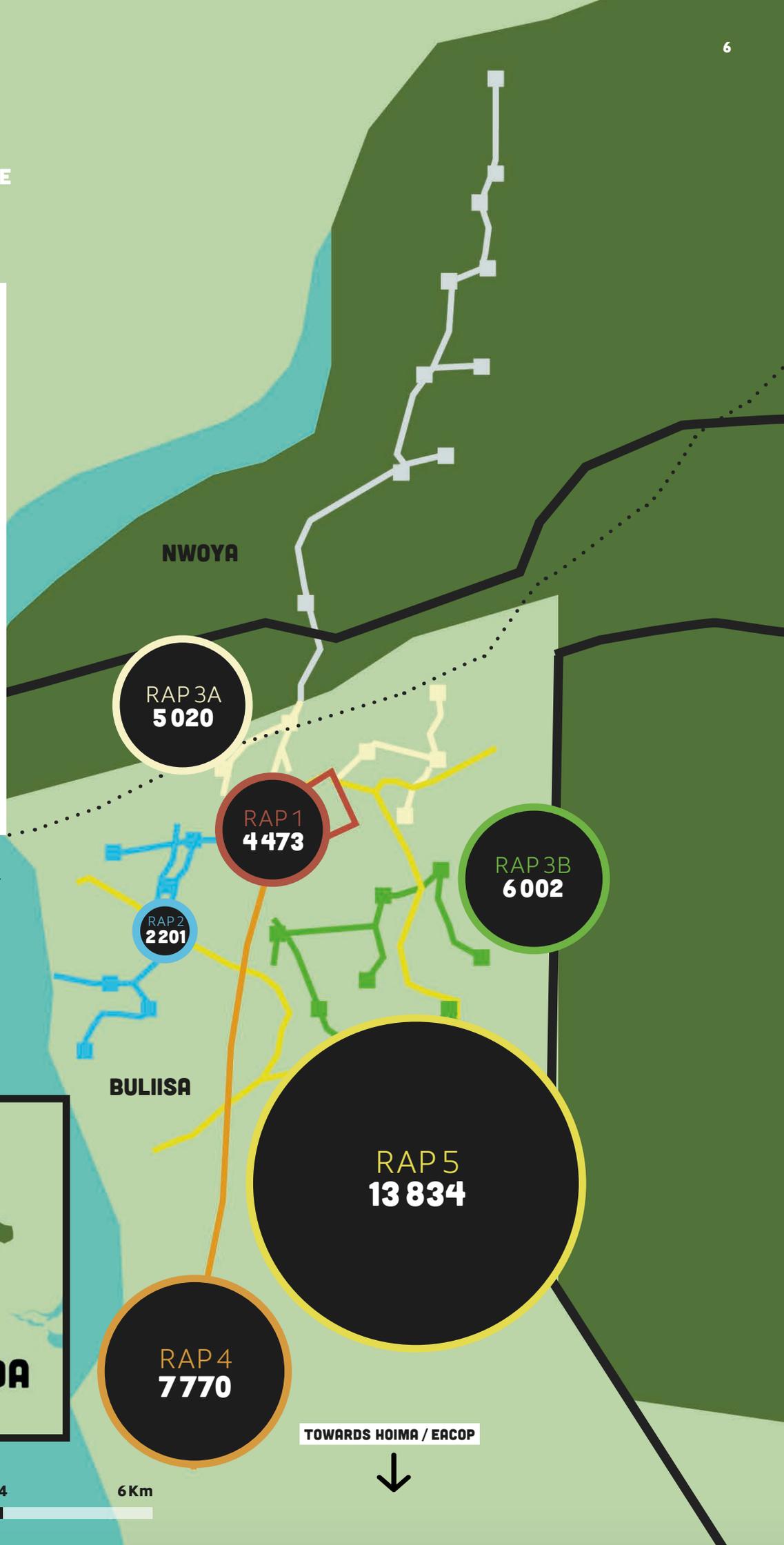
- Number of affected people
- RAP 1 ● RAP 3B
- RAP 2 ● RAP 4
- RAP 3A ● RAP 5
- Murchison Falls National Park
- Lake Albert
- Boundaries of Ramsar wetlands
- District
- Oil well pads

Source: Tilenga Resettlement Action Plans (RAPs 2, 3a, 3b, 4 & 5) - Executive Summary, September 2020.

Some people are affected by several RAPs, which is why the number of affected persons per RAP is greater than the total number of persons affected by Tilenga.

Each oil pad will host a dozen wells.

RAP: Resettlement Action Plan



RAP 3A
5 020

RAP 1
4 473

RAP 3B
6 002

RAP 2
2 201

RAP 5
13 834

RAP 4
7 770

TOWARDS HOIMA / EACOP



Chapter II

SEVERE HUMAN RIGHTS VIOLATIONS AND RISKS OF VIOLATIONS

AGAINST PROJECT AFFECTED PERSONS

In June 2019, when we issued Total with a formal notice informing it that we would undertake legal proceedings due to its failure to comply with the duty of vigilance law, we challenged the company and denounced the human rights violations of persons affected by the oil project ("PAP"), especially those affected by the first resettlement plan ("RAP 1"), which is the area for the Tilenga project's future CPF. A detailed description of these violations can be found in our joint report, *Serious Breaches of the Duty of Vigilance Law: the Case of Total in Uganda*, published in October 2019.¹² We pointed out that if Total failed to comply with the duty of vigilance law and take appropriate measures to address the situation in a timely and effective manner, the violations would continue on an even larger scale, impacting those affected by RAPs 2, 3a, 3b, 4 and 5 of the Tilenga project, and communities located along the entire 1,445 km of the EACOP route. Unfortunately, this report illustrates that this is exactly what has happened.

According to figures cited by Total,¹³ 4,773 people were affected by RAP 1 of the Tilenga project. However, this report illustrates that the activities and practices of Total, undertaken by its subsidiaries and subcontractors in Uganda, have resulted in **a growing number of rights violations, and now affect over 100,000 people in Uganda and Tanzania** (EACOP and Tilenga projects).

Land-grabbing is at the crux of the issue, impinging upon a great number of rights including the right to property, the right to an adequate standard of living, the right to food, the right to education, the right to health, the right to adequate housing, the right to life, liberty and security, the right to freedom of expression, association and peaceful assembly, and the right to free, prior and informed consent.

1 VIOLATIONS OF THE RIGHT TO PROPERTY, IMPACTING LIVELIHOODS

Many of the violations described in this section are due to restrictions on how communities use their farmland, on which their survival depends, with these restrictions imposed well before they receive any compensation. This was one of the main violations we reported on and denounced over a year ago.

The violation of the right to property goes against a number of international norms and standards that Total has pledged to comply with (including the Universal Declaration of Human Rights (UDHR) and the International Finance Corporation's (IFC) performance standard 5, both referred to in the company's vigilance plan). It also contravenes Ugandan law, in particular, article 26 of its Constitution¹⁴, and goes against numerous court rulings¹⁵, as well as the case law of its Supreme Court¹⁶ and the African Commission on Human Rights and Peoples¹⁷.



TOTAL'S LAND ACQUISITION PROCESS: THE THEORY AND THE PRACTICE

There are several stages to the land acquisition process. The first stage involves one or several visits to assess the land and crops in order to calculate the amount of compensation to be paid to each PAP, and the signing of compensation forms by the PAP, signifying acceptance of the assessment and of the compensation amount. This is then followed by payment of the compensation, and lastly the resettlement of displaced communities.

Once the assessment process is complete, the companies set a "cut-off date" for each RAP, i.e., a final date after which no changes to the land, houses and crops of PAPs will be taken into account in the calculation of compensation.

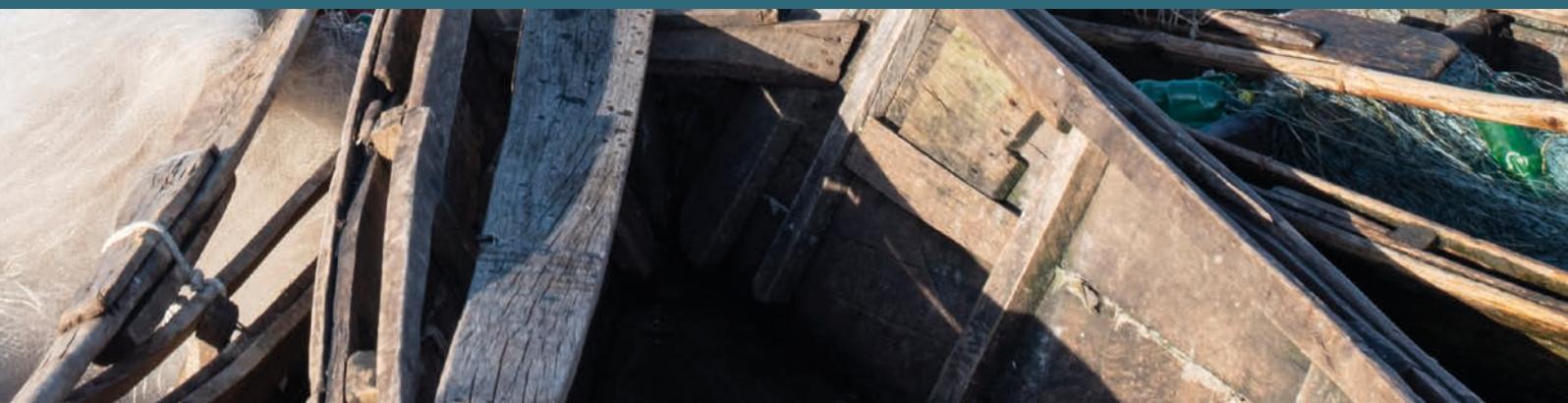
In addition, **compensation must be fair**, that is, sufficient "to improve, or restore, the livelihoods and standards of living of displaced persons"¹⁸, and **it must be paid before residents lose access to the land**.

Total has respected neither of these principles in its management of the Tilenga and EACOP projects. As detailed below, the affected communities are deprived of their land for over one or two years before they even receive compensation. In the case of the Tilenga project, communities have cited a number of additional issues: they have no choice about where they will be resettled nor about the type of compensation (monetary instead of in-kind), assessments of their land and crops are incomplete and compensation rates are inadequate¹⁹. The

same issues have been flagged under the EACOP project, with communities alarmed that they have not been informed of the compensation amounts owed to them.

Yet in its vigilance plan, in the LARF and in the RAPs²⁰, Total pledges to comply with Ugandan law and even implies that it going over and beyond the law, by committing to adhere to best international standards, mainly IFC performance standard 5 ("Land acquisition and involuntary resettlement").²¹ The reality, however, is that Total violates this standard. The guidance note for this standard very clearly states that:

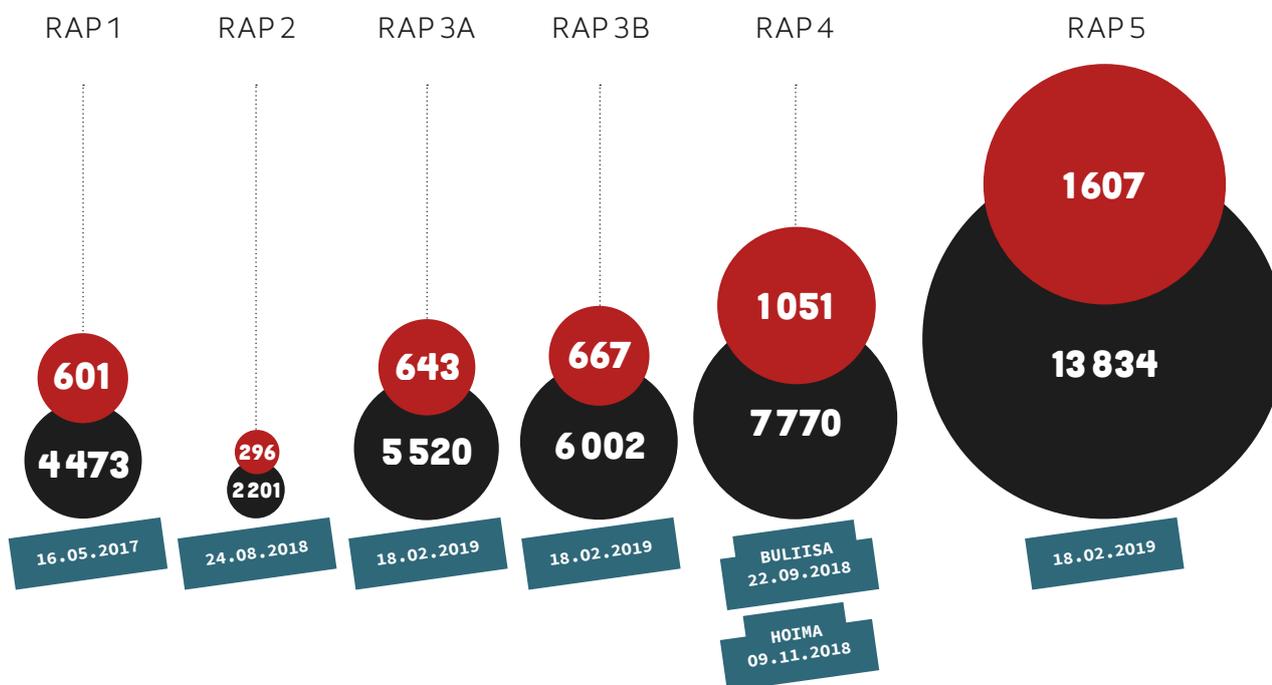
"Establishment of restrictions on activities such as construction, agricultural activities, and home improvements after the establishment of cut-off dates can represent a moderate to severe hardship for affected households and communities. [...] **The time between the establishment of the cut-off date and compensation of displaced individuals and communities should be limited. Losses generated by this restriction of land use should be compensated for by the client.** The client should also consider ways to minimize impacts from cut-off restrictions such as planning development activities, so that affected farmers can harvest crops prior to displacement. Also a firm timetable should be adhered to or the client must be prepared to pay compensation for the delay. For example, **when communities do not plant crops in anticipation of a move, which is then delayed, the community may need assistance in meeting their food needs** because they did not have a harvest that year." (Guidance Note GN33)²²





Communities affected by the Tilenga project

● affected households ● affected persons ● cut-off date



Despite numerous warnings, these violations are ongoing and widespread, concerning communities affected by the resettlement plans under the Tilenga project as well as a number of districts affected by the EACOP projects, in both Uganda and Tanzania. Given that these communities received no compensation when the cut-off dates were set, their right to property has been restricted since (at least) this date, which for the majority of cases is now more than two years ago.

For the Tilenga project, the cut-off dates for RAP 1 were set in May 2017, and between August 2018 and February for subsequent RAPs (see infographic above). For the EACOP project, in Uganda, the cut-off dates were set in June 2018 for so-called “priority” areas, and between April and June 2019 for remaining areas. In Tanzania, the cut-off dates were set between March 6 and 21, 2018 for so-called

“priority” areas, and between May and September 2018 for remaining areas.

In the cut-off date forms given to PAPs by Total or its subcontractors, as well as on the information boards in the districts affected by the projects, it is stated that PAPs may continue to use their land until the “implementation phase” of the project. This means that even if they have not yet received compensation at the time of this phase, PAPs will not be able to use their land. **This provision violates both Ugandan law,²³ which clearly states that persons who have their property taken may continue to use their land until they receive compensation, and international standards (see box page 8).** The “implementation phase” for the RAP 1, for example, began in February 2018, long before most PAPs affected by the resettlement plan had received compensation.

In addition, respondents from various regions affected by Total's projects clearly indicate that communities are not actually free to use the land as they wish after the cut-off date has been set, and sometimes even as early as the date on which the land is assessed. This situation has been documented and reported on by a number of other NGOs and covered by the Ugandan and international media.²⁴ Restrictions on land use vary slightly in the different regions affected, but in all regions, communities are no longer able to freely use their land after the cut-off date is set, and sometimes even before this. Similarly, in all regions PAPs feel that these restrictions have negative effects on their livelihoods, and consequently, on their right to food, education and health, detailed later in this chapter.

Violations under RAP 1 which should have prompted Total to take action

Immediately after the cut-off date was set for RAP 1 of the Tilenga project, in May 2017, PAPs reported that they were no longer allowed to grow crops or use their land at all.

In August 2019, a PAP affected by RAP 1, in Buliisa District, reported: "On the day my crops were counted, **Atacama stopped us from using that land and I lost all my crops** because I never went back to harvest. No crops are allowed there. And anyone who tries to use the land will be tortured. My family suffered famine because we were not allowed to grow crops."²⁵

Another PAP stated:

"In one meeting at Kasinyi, Atacama stopped us from using the land. **They told us that from today – 9 April 2017 – you should not use the land.** Payment only came in 2018 after a long period of suffering. **The consequence of the cut-off date for my family was famine in my home.** We lost fertile land. I started cutting firewood to sell, burning charcoal, and working for other people. That was how I got enough money to survive, through hardship."²⁶

After a while, Total Uganda and its subcontractor Atacama changed their instructions regarding farmland use under RAP 1, as illustrated in the account given by a leader from the village of Kasinyi in Buliisa District, affected by RAP 1:

"**PAPs stopped using their land in May 2017** when Total and Atacama released the cut-off date. It was at that time that they told us that we had to stop using our land. At the beginning, they prevented us from planting crops and using our land. **After a long time, they started to say that it was for seasonal crops, but even the few PAPs who tried [to plant crops] were blocked by Atacama.** They even set up an oil and gas police station to block us and intimidate PAPs to not use their land anymore."²⁷

The following account is from one of the few PAPs from RAP 1 who attempted to use their land after the cut-off date:

"**Everybody has stopped using the land because we were afraid.** Some other PAPs told me that they wanted to use the land. But they were threatened by the RAP team and security organs. At one moment Total organised a meeting at the tree of the cut-off date sign post. [...] **I tried to use my land in October 2018 because the situation was very difficult for me and my family. I received a lot of threats** from the RAP team [Atacama] and subcounty chief LC1 and LC3 of Ngwedo sub-country."²⁸

When asked why PAPs affected by RAP 1 (currently over 90% completed) had stopped farming their land, Total's response was that it was merely a communication problem: "However, following feedback that the "cut-off" date may have been misunderstood, during the summer 2019, the Subsidiary took additional measures."²⁹

Total bans communities from using their farmland across a number of regions

Despite these "additional measures", many PAPs from Buliisa District affected by RAPs 2-5 of the Tilenga project state that, in 2020, Total and Atacama are still telling them that they cannot use their land, revealing that little has in fact changed since the time of RAP 1:

"I had planted crops on my land that Total E&P took for road construction in RAP 5. [...] **The behaviour of Total and Atacama has been same since RAP 1.** [...] Total, through Atacama, stopped me from using my land and yet they have not paid us. Now I am in total suffering. I have no way of getting food because my main source of food was from farming on the land that has been taken."³⁰

Another respondent affected by RAP 3A shares a similar experience:

"When Atacama released the cut-off date by giving me the cut-off date form, **they stopped me from using my land before payment.** I had no piece of land to cultivate when Atacama prevented me from cultivating my land, and there was famine in my home and survival became hard for me."³¹

Total had been aware of this situation for a very long time, and received a number of petitions from the affected communities. In a first petition addressed to the company on 25 July 2019, the following statement was signed by 22 chairpersons of local councils (LC1 – the equivalent of a mayor in France) affected by the various RAPs of the Tilenga project in Buliisa District, as well as 43 leaders of women's groups, senior citizen's groups and youth groups:

"Despite the fact that the government and Total published different official papers and sign posts which explain the definition of the cut-off date, **Total and Atacama staff told PAPs** (mainly during individual discussions) **not to use their land after the cut-off date. This contravenes Article 26 of the Constitution** which guarantees the right to property except upon payment of prompt fair and adequate compensation in cases of compulsory land



acquisition. The consequences of denying farmers the right to use their land as they wish has resulted in famine and impoverishment of PAPs. Many of their children have dropped out of school.”

These complaints were reiterated several months later in a second petition dated 4 October 2019, signed by 48 PAPs affected by RAP 3A, RAP 3B and RAP 5:

“We request that Total implement measures to mitigate the problem we currently face as a result of their activities, particularly those related to the deprivation of our rights to use our land.”

It is not only communities from Buliisa District, affected by the Tilenga project, that have been prevented from using their land. The chairman of the local council (LC1) of a village located in Kikuube District, affected by the EACOP, made the following statement on 11 September 2020:

“During the information meeting held by Total and Newplan [...] we were told not to cultivate our land. My people are not happy and they feel like the project should be shifted to another area because it has been two years now that people don’t even know the value of their property.”³²

Articles on EACOP-affected communities being banned from using their own land have also appeared in the Ugandan press, such as that entitled, “Project Affected Persons Frustrated over Delayed Compensation” (25 December 2019):

“Katongole Joseph, also a project affected person, shared the following experience: ‘One of the officials from the EACOP project who visited the area after the evaluation found me digging the pits for a banana plantation and he instructed me to stop using this portion of the land because it was allocated for the oil pipeline. It is now close to a year, this piece of land has all overgrown because I cannot dig it, neither have I received the money for compensation. These people should come out clearly and give us a particular time frame when exactly they are going to pay the compensation monies.’”³³

Seasonal crops “tolerated”, a policy that is just as devastating for communities

Total’s restrictions on land use vary depending on the areas affected by the projects and may change over time within the same region.

In Buliisa District, for example, after Total banned PAPs affected by the various RAPs from using their land after the cut-off dates were set, they then changed track and said that PAPs could use their land but only for seasonal crops, i.e., those that take under three months to grow. In mid-August 2020, Total began making announcements on the radio stating that PAPs could keep using their land. In other districts affected by the EACOP, “permission” to grow seasonal crops was granted earlier, but perennial crops were still not allowed.

Banning PAPs from freely using their land doesn’t seem to be an issue for Total, even though it completely violates Ugandan law as well as international norms and standards which Total pledges to comply with. The company explained to Oxfam in July 2020 that after cut-off dates, “a person should not add or improve anything to the land, and planting of new perennial crops is considered an improvement.”³⁴ However, banning PAPs from freely using their farmland is a blatant violation of their right to property. Furthermore, in its September 2020 report, Oxfam and partner organisations remarked that: “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.”³⁵

The respondents we talked to in June and September 2020 had similar concerns. A group of PAPs interviewed in Kikuube District, located along the EACOP corridor, complained that Total is putting restrictions on what they do with their land against their will.

In the sub-county of Mpasana in Kakumiro District, also affected by the EACOP, a PAP reports that Newplan explained to them at a meeting held on 6 December 2018 that “they should not use the affected land for construction, planting trees, coffee, banana and any other plants that take more than three months to harvest. [...] It is now close to two years, no compensation has been made and yet we can no longer use our land freely for the activities we want. This has affected my livelihood and income as I stopped looking after part of the land I was using for my cows to graze on and I also stopped using the land.”³⁶

It should be highlighted that many **PAPs don't plant seasonal crops** for a number of reasons. First of all, **these plants simply don't grow (this is the case in many of the affected regions)**, as a PAP explained at a group discussion held in Buliisa in September 2020: “We are obliged to grow seasonal crops. This condition is unfavourable due to the nature of food we eat and the climate conditions which do not allow beans, potatoes and maize to grow, unlike cassava and banana,” (which do grow but are perennial crops banned by Total).

In addition, as FIDH and its partners point out, “companies [have] set cut-off dates without a clear timeline in which effective compensation will take place.”³⁷ According to Oxfam's report, this leaves communities in “a state of speculation”. Consequently “many have resigned from agriculture due to the issuance of cut-off dates by the valuers”. The situation is no different in Tanzania. “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.”³⁸

For PAPs “granted” permission to grow seasonal crops, **this fear that the companies might come and destroy their crops at any moment**, before they are able to harvest them, came up again and again in the accounts given during our most recent investigation. This was the reason given by a PAP (Mpasana sub-county in Kakumiro District – cited above) for why he had stopped using his land: because the companies had reiterated that no compensation would be paid for anything left on the land after the evaluation, and that “these things would be destroyed without payment”. He explained that he was afraid to waste money and energy on crops that could be destroyed at any moment. In all the regions we investigated, it would appear that this is the message they have been given by Total or its subcontractors, which for PAPs amounts to a threat.

The companies maintain that compensation payments are imminent, as a way to justify that crops planted by PAPs will soon be destroyed: “It has been one year and seven months without compensation. It is of no use to me to grow crops for three months when they will be destroyed without compensation, because they keep promising to come back soon.”³⁹

Another group of PAPs affected by the EACOP project explained in early September that even when granted permission to plant seasonal crops, they do not feel that they can do so, as “it is clear that there will be no compensation in the event of damage”. **Most testimonies emphasise the fact that they have no idea when the construction work is scheduled to begin and therefore the date at which they will no longer be able to access their land.** They say that they live in a perpetual state of anxiety and have had no contact with Total or its subcontractors since the project was suspended in September 2019.⁴⁰

As for the Tilenga project, according to a PAP who previously worked for Atacama and who is affected by RAP 4 in Buliisa District: “It has been over one and a half years since they announced the cut-off date. They gave us the opportunity to grow plants that take three months to grow. **The condition of three months makes us scared and we are afraid to plant and lose crops which will be destroyed any time they [Total et Atacama] come back.** There is no one using that land affected by RAP 4 here [...] People know that at any time Atacama could come back and their property will be destroyed.”⁴¹

Worse still, **PAPs affected by EACOP have said that Newplan staff asked them to stop using their land even before the cut-off date was set.** For example, a PAP from the Kiziranfumbi sub-county in Kikuube District, explained that he used to grow tobacco as a cash crop. The Newplan staff came to see him in November 2018, when he was preparing his tobacco nursery – five months before the cut-off date was set in April 2019. It was then that Total's subcontractor told him not to use the land for crops that would take longer than six months to grow. Consequently, he had to forget about his tobacco crops: “It is now two years that I have not been making any money for my family and even the school fees for my children.” We have heard numerous reports of Newplan banning PAPs from using their land as of the land assessment date in various different regions affected by the EACOP.



2 A SHARP DETERIORATION IN THE LIVING CONDITIONS AND LIVELIHOODS OF COMMUNITIES

In an open letter dated 15 September 2020, fifteen NGOs appealed to the presidents of Uganda and Tanzania following the signing of the EACOP HGA: “Delay to compensate project-affected people while stopping them from using their land increases household poverty, school drop-out rates, teenage pregnancies, gender-based violence and other negative impacts.”⁴⁴²

The same issues are described in Oxfam's report: “Farming limitations imposed on impacted households – requiring them to only grow seasonal crops rather than the more lucrative cash crops – decreases their household income and reduces their standard of living”⁴⁴³; and again in FIDH report: “Rather than improving or restoring residents’ standard of living, many have seen their quality of life deteriorate since the beginning of the activities.”⁴⁴⁴

These impacts on PAPs are directly related to Total's restrictions on farmland use described in the previous section. We alerted Total to this situation in June 2019 when we issued the company with a formal notice. Not only does it constitute a violation of the right to property, but also of a number of other rights – the right to development, to food, to education, to health and to an adequate standard of living.⁴⁵

The most common complaint voiced by all PAPs affected by both the Tilenga and EACOP projects is a loss of livelihood and a sharp deterioration in living conditions due to Total's restrictions on accessing farmland, as well as extremely lengthy delays in receiving compensation. Their land and crops indeed constitute their main source of food and income.

Severe food shortages leading to famine

Access to farmland is the main way that families affected by the project meet their food needs. A number of respondents

(from all districts) mention difficulties in getting enough food to feed themselves and their families since Total or its subcontractors put restrictions on accessing their land approximately two years ago.

The chairman of a village (LC1) from Uganda's Nabigasa sub-county, in Kyotera District has said that his family, as well as others in the village, have very little to eat, and that some have nothing at all: **“This pipeline project has just brought hunger in our homes.** We used to have enough food but right now we are just struggling to feed our family because our land was taken, and it is now almost two years that we have not been paid.”⁴⁴⁶

A mother from Lwengo District provided the following account: “My children and I are struggling to have three meals a day. I have no source of money right now. My coffee was the only source of income in my home. I cannot grow more coffee now.”⁴⁴⁷

In a group discussion, when asked if there had been positive changes since the oil project had come into their lives, one participant answered: “We have not seen this, except through **suffering from not having anything to feed our children because the affected land was put on halt** for any further development.”⁴⁴⁸

Other organisations, such as Oxfam, have also blown the whistle on the serious problems and violations taking place: “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.”⁴⁴⁹ The situation is just as grim in Tanzania. According to the same report, “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.”⁴⁵⁰



INITIALS

ENDLESS DELAYS EXACERBATING THE SITUATION

Setting a cut-off date after which no further development is taken into account in the calculation of compensation rates is only valid reasoning if the compensation is actually paid promptly. There have been two official events resulting in an extended delay of the Tilenga and EACOP projects: Total's suspension of the project in August 2019 following a tax dispute with the government of Uganda, and the Covid-19 crisis in 2020.

In both cases, this has resulted in unacceptable delays for PAPs awaiting compensation. In Uganda and Tanzania alike, they have not been able to use their land for more than two years, resulting in dire consequences as described above. In its communication with FIDH, **"Total has admitted the difficulties and confusion created by the delay of the project"** and has instructed its staff to **"do a lot of communication"** to tell families to continue farming, including by broadcasting radio messages.⁵¹ As explained above, this is an inadequate response (see section II.1).

Given that Total suspended the project, it is the company's duty to remedy the situation. According to **IFC Performance Standard 5 with which Total has undertaken to comply, "Transitional support should be provided as necessary to all economically displaced persons,** based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living"⁵². According to the Guidance Note

for Performance Standard 5, transitional support clearly includes "assistance in meeting their food needs because they did not have a harvest that year."⁵³

For RAP 1 of the Tilenga project, Total took a year and half after the cut-off date to finally agree to distribute food to families. Many PAPs, however, commented that the quantity of food, identical for all PAPs regardless of the size of the household, was not enough to meet the needs of larger families.

For RAPs 2 to 5 of the Tilenga project and for EACOP, the situation is even worse. Families have received no food at all, even though Total had been informed of the seriousness of the situation by PAPs and civil society organisations in Uganda, and despite the lawsuit underway in France.

Furthermore, these delays affect the compensation amount. As explained by FIDH, according to Ugandan law, "the timing of the assessment is one of the elements taken into account to determine the fairness and adequacy of the compensation." **Consequently, "as a result of delays, the valuation amounts should,** in line with Ugandan law and case law, **be considered void and be reassessed** at the value of the date when the relocation effectively takes place. In addition, residents should be compensated for the material and moral damages caused by the uncertainty linked to prolonged suspensions that impacted their livelihoods, their children's right to education, and their right to land."⁵⁴



A significant loss in household income

Farming constitutes the main source of income for affected communities.⁵⁵ Limiting access to their land is resulting in a direct loss of income for families, as illustrated by a group of PAPs affected by RAP 4 of the Tilenga project: “After being blocked from growing crops which earn us income, **our economic situation went totally down**. Our income levels went down in our homes to the extent that we can’t afford to do business like produce business [e.g. sell farm products], which most of us survive on.”⁵⁶

Farmland also provides access to loans (especially bank loans) for the affected communities. These loans, which are mostly short term, often provide the capital they need to continue their business activities.

A PAP from the Mpasana sub-county in the EACOP-affected Kakumiro District reported that he used to “take his land title to the bank to get some loans to help cater for his family bills and also buy cows which he would sell.” But he can no longer get these loans, as his title deed now says that, due to the oil project, “part of the land is in another person’s hands.” He has had to stop trading cattle since the project affected his land two years ago: “I feel cheated that I can no longer freely use my land, and I cannot appropriately plan for my future either, yet no compensation was made. I feel hurt about this.”⁵⁷

Another group of PAPs affected by the RAP 4 of the Tilenga project have become exasperated: “We want Total/Atacama to pay us on time now. We can’t do anything on that land and yet life and daily expenses go on.”⁵⁸

A high rate of school drop-outs

This loss of income has meant that many families are no longer able to pay school fees and have been forced to pull their children out of school.

“For the last year and a half I have been struggling to raise school fees for my children and right when the government

finally opens up the school [following closures due to Covid-19], I don’t know where I will find the money to put my children back in school,” said a PAP from Uganda’s Nabiga sub-county in Kyotera District, affected by the EACOP project.

A young PAP living in the village of Uduk 2 in Buliisa District, affected by RAP 3A of the Tilenga project, gave the following account:

“I went to school [middle school] before the oil projects started; I was in school even after the assessment and the cut-off date announcement. Because of the delayed compensation I was forced to drop out of school. Paying school fees became a problem for me because I could no longer afford to, since I was not allowed to grow crops which I used to sell and get school fees. [...] It became totally hard for me to continue going to school and take care of my little brothers and sisters. [...] It is not only me who has dropped out of school, but it is now a general problem in Ngwedo sub-county, Buliisa District. **Most children have dropped out due to oil project activities.**”

The testimonies suggest that school drop-outs concern more girls than boys.

Serious difficulties in accessing healthcare

In addition to food shortages and famine, which are resulting in a deterioration of the overall health of the affected communities, significant loss in income is making it difficult to access healthcare. **Not only are PAPs struggling to pay healthcare costs (appointments, tests and medication), but they are also finding it difficult to actually get to clinics.**

As reported by Oxfam, before cut-off dates were set, land could be sold (or used as collateral) in order to pay for significant healthcare costs, such as surgery: “My only piece of land has been marked for acquisition, but I have since not received compensation, [...] 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," said a 59-year-old farmer from Kijungu village in Kakumiro District, Uganda.⁵⁹

PAPs who are particularly vulnerable, such as the elderly, fear they will die if the situation goes on any longer. Oxfam reports that "an 85-year-old woman resident of Sojo village [Tanzania] said that she is losing her three acres of land and is worried that **the delayed compensation will threaten her life by jeopardising her ability to buy food and other basic necessities.**"⁶⁰

PAPs have reported that a number of people have already lost their lives due to the situation, particularly in Buliisa District where there are families that have been impacted by the project since 2017: "Since 2017 the same issues have been happening. They are not worried about us. [...] Many people have died before getting their compensation due to delay."⁶¹

Home in disrepair

Our 2019 report documented that PAPs living in areas of the future CPF (RAP 1 of the Tilenga project) had been forced to leave their homes well before they received compensation because Total and Atacama had told them they were not allowed to repair their homes. These houses require regular maintenance due to the type of materials used.⁶² Families affected by subsequent RAPs (both Tilenga and EACOP projects) have had similar experiences since, leading to much distress.

The father of a family affected by the pipeline project, living in the Nabigasa sub-county in Kyotera District (Uganda) has said that **after his house collapsed**, he went to talk to Newplan about it. **Total's subcontractor told him that he couldn't build another house** on his land even though he had not yet received compensation to buy another piece of land: "I am just suffering with my family because I cannot freely use my land now. I am not a salary earner and whatever money I make comes from the

garden. Imagine now it is two years that I have been in a dilemma because of this project [...] I was planning to start construction of another house but right now I am stuck."⁶³

3 COMPLETE DISREGARD FOR THE RIGHT TO FREE, PRIOR AND INFORMED CONSENT

As part of the land acquisition process, PAPs are required to sign various forms. Several international standards such as the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples⁶⁴, which the French transnational is committed to respecting, provide that **the involuntary removal and relocation of indigenous populations cannot take place without their free, prior and informed consent.** Ugandan law echoes this, stating that the signing of a contract is only valid provided that it proceeds in a "free and informed" manner. In other words, without any coercion and with all information provided in due time.

A serious lack of information, making an informed choice impossible

According to the French transnational, "From the beginning of the projects, Total places particular importance on informing and consulting the local population and addressing their concerns, both at the local and national level. Their involvement is a key factor in the success of these projects."⁶⁵ Total claims that it has held several thousand "consultation" meetings with communities concerned by the Tilenga and EACOP projects.

However, the vast majority of PAPs we talked to are blatantly ignorant of the land evaluation and acquisition process, the project start dates (for both the EACOP project and the various RAPs of the Tilenga project), the compensation payment dates, and have little understanding of their rights and the complaint mechanisms available, or of the negative impacts of oil projects in general.

Many respondents have said that those representing the oil project don't make time for questions at the meetings or fail to reply to the questions asked. This has also been reported by FIDH: **"Yet despite having participated in meetings and exchanges, many community members lack information and fail to understand their rights,** the procedures in place, and the impacts of the project. [...] Community members [...] expressed that little time was left for questions and that the answers provided were rarely satisfying, and that local staff on the ground often either lacked the knowledge to respond to inquiries, or disregarded concerns voiced by community members."⁶⁶

In an attempt to address the lack of information provided about the project, Total announced on local radio stations that PAPs should contact municipal council officials for more information. But various village officials and chairmen (LC1) told us that they themselves had not received any additional information from Total, Atacama or Newplan to pass on to the communities.⁶⁷

Consequently many PAPs maintain that they had to sign forms without knowing exactly what they were signing, and sometimes without even knowing the exact area of land to be acquired. A community leader from Kyotera District, impacted by EACOP, maintains that "the assessment forms do not show the size of the land affected" and that in his sub-county, **"54 households were affected and no one knows how much of their land was affected, or even how much compensation they will get for the affected property, including land."**⁶⁸

Other Ugandan districts including Buliisa, Kiuube and Kakumiro also reported receiving inadequate information regarding the content of the forms.

This issue was also covered by Uganda's local and national media. On 12 July 2020, Uganda's most popular TV channel, NTV, reported that **"some PAPs were forced to sign assessment forms and others signed without knowing what they were signing.** [...] They couldn't translate the content into the local language. And others used different tactics, [...] they were in a hurry to get the forms signed."⁶⁹

The little knowledge PAPs have of the land acquisition process is compounded by the fact that, in many regions, **it is not easy for them to consult civil society organisations.** These organisations play a key role in supporting communities and informing them of their rights and yet they are often impeded from doing their work: they are prevented from organising public meetings, they are arrested or threatened with arrest, or PAPs that consult them are arrested, etc. [\(See chapter III\).](#)

Moreover, it would appear that there were irregularities in the election of PAP representatives on the Resettlement Planning Committees (RPC) for RAPs 2-5 of the Tilenga

project in June 2019. These committees are supposed to pass on information from the project's promoters to PAPs and to report any problems encountered by the latter. We were informed, however, that Atacama, allegedly illegally prevented a number of community leaders from standing in the RPC elections, many of whom had taken a critical stance against the oil project or the practices of Total and/or Atacama.

Lastly, at a meeting held by AFIEGO and 350.org Africa in September 2020 and attended by NGOs concerned about the impacts of the EACOP project, participating organisations stated that: "The Resettlement Planning Committees on which community members have representatives were put in place for formality's sake. The committees are not independent, as Total, the project developer, set them up. The community members on the committee also lack information and have no powers. This leaves grievances unresolved."⁷⁰

PAPs pressured to sign forms

The interviews held with PAPs reveal feelings of despair, due to the suffering from restrictions on the use of farmland, as well as fear, due to a perceived connivance between Total and its subcontractors and the security forces (police and army).⁷¹

This is explained by the fact that they are often seen moving around together: "When they began demarcating the land, they [Total et Newplan] came with security personnel and that put fears in me [...] I couldn't even ask a lot of questions," said a PAP from the Kassas sub-county in Kyotera District affected by the EACOP project. There have also been accounts of security forces present at meetings on oil projects. And in Buliisa, an "oil police" station was set up in the spring of 2018, located at the entrance of the CPF area, right next to the office of Total's subcontractor, Atacama.

In addition, **when a PAP or community leader openly criticises the practices of Total, Atacama or Newplan, it is not uncommon for the police or even the RDC (Resident District Commissioner – Uganda's local state commissioner) to retaliate.**⁷² In the Nabigasa sub-county, in Kyotera District, a PAP said that after he complained on the local radio station about the consequences of oil operations for him and his community, he was "harassed by the RDC and people from Newplan who came" to his house.⁷³ [\(See also chapter III\).](#)

Lastly, as already noted in 2019 in regards to RAP 1 of the Tilenga project,⁷⁴ many PAPs, affected by other RAPs under the Tilenga project in Buliisa as well as by the EACOP, reported that Total or its subcontractors put them under a lot of pressure to sign the forms. Oxfam also received similar reports regarding the EACOP project across all five



districts it investigated: “Nevertheless, many respondents stated that **EACOP project subcontractors – Newplan Group and Infra Consulting Services (ICS) [...] pressured them into signing** assessment forms”; “To make matters worse, several respondents said that they were often forced to sign these documents in pencil.”⁷⁵ FIDH also reported that “Residents [affected by the Tilenga project] complained about being forced to sign compensation agreements.”⁷⁶

As was the case for RAP 1, **many PAPs we talked to as part of our recent research said that they signed out of fear**, because Total and/or its subcontractors told them that if they didn't sign, they would have to go to court to claim compensation. This is a blatant form of intimidation which amounts to coercion, as PAPs don't have the financial resources (or sufficient knowledge of their rights) to take legal action, and the chances of winning a case in the Ugandan courts are virtually nil, as even the authorities acknowledge.⁷⁷

Uganda is one of the twelve worst countries in the world when it comes to the rule of law and access to justice, and Tanzania isn't far behind.⁷⁸ As FIDH notes, “Irregularities in the procedures as well as circumstances affecting the independence of judicial authorities often appear. [...] **Judicial remedies appear more as a threat than as a tool for communities to defend their rights.**” It also highlights the delays involved in accessing justice, citing 2000 pending cases at the Massindi court: “Most cases spend between five and seven years in court before they are disposed of.”⁷⁹

4 INACCURATE ASSESSMENTS AND A SKEWED GRIEVANCE MECHANISM

Inadequate and unfair compensation

The same “errors” made by Total's subcontractors in the assessment of land and crops of persons affected by RAP 1 of the Tilenga project⁸⁰ have again been made for

subsequent RAPs of the Tilenga and EACOP projects. As a PAP from the village of Kabolwa (Buliisa District) affected by RAP 4 of the Tilenga project reports: “When Atacama came to assess the crops in this village, **I had many crops, but they only counted a few.** For instance my cotton, acacia trees and some banana stems were not counted.”⁸¹ Even the chairman of a Resettlement Planning Committee (RPC) in Kikuube District affected by the EACOP maintains that his land was not properly assessed.⁸²

The crop maturity rate (which affects the amount of compensation) was also inaccurately assessed, according to a number of persons affected by the Tilenga or EACOP projects.⁸³ No compensation at all was given for other crops: “Herbs we use for treatment of some diseases were never assessed for compensation. Atacama never took it seriously. We don't know why,” reports a PAP affected by RAP 4 in Buliisa District.⁸⁴

In addition, there are ongoing issues regarding the distinction between a primary and secondary residence. For the Tilenga project, only those persons made to leave their main homes may choose between compensation in kind (construction of a new house) or compensation in cash. Others are only entitled to monetary compensation.⁸⁵ **Many houses used as permanent homes were incorrectly classified as secondary residences** because PAPs were not correctly informed of the difference between the two.⁸⁶ This meant that some members of the community were denied in-kind compensation or, in some cases, even cash compensation, when they were in fact entitled to it.

Moreover, a PAP affected by RAP 4 reports that **although they were landowners, “many people were made to sign [only] as land users** because Atacama had always told them that those who signed as land users would be given compensation money very quickly, after they realised the community's vulnerability in terms of income generating activity.”⁸⁷

Lastly, **“land to land” compensation was only offered to a tiny fraction of those affected**, and these people were not even given the choice of where they would go. A PAP

from Buliisa District and affected by RAP 4 reports that as he was given no choice in the location of his future house, he chose monetary compensation instead.⁸⁸ **According to PAPs, however, monetary compensation remains largely inadequate**, with neither the communities nor the local authorities sufficiently involved in setting the compensation rates. As summed up by FIDH, “Joint Venture Partners shared minimal information and lacked a community-based approach when establishing compensation rates.”⁸⁹

The situation is no different in Tanzania. Oxfam reports that PAPs “explained how the quoted amounts would not meet the cost of buying equal and adequate property.” They added that “the valuation offered by the EACOP representatives for their land and housing is less than the market price.”⁹⁰

Failure to provide PAPs with information concerning the assessment

As explained above, once the assessment is complete, PAPs must sign the assessment form without being informed of the compensation amount and/or without receiving a copy of the assessment form. This means they are unable to check the information or contest the assessment.⁹¹ For example, residents affected by RAPs 2 and 4 of the Tilenga project were only given a copy of the assessment form more than a year after the assessment was carried out (February 2019 - March 2020).

The same shortcomings have been noted with the EACOP project, as illustrated by a PAP from Kikuube District: “They later made me sign assessment forms, but I was not left with a copy.”⁹² This is also the situation in Tanzania, although PAPs are able to consult the compensation schedule.⁹³ Some PAPs have reported that **even if they don't agree with the assessment, they were told that they had to sign the forms anyway and follow a grievance procedure later.**⁹⁴

A skewed grievance mechanism

Although the idea of legal action is often used as a threat to silence communities (see section II.3.), it is crucial that there be effective redress for violations resulting from the oil project. Yet, as documented in our 2019 report, **the grievance mechanisms set up by Total (for the Tilenga and EACOP projects) for this purpose are neither effective nor reliable nor independent.**⁹⁵ Unfortunately, this is still the case today. As complaints are handled by Total's subcontractors, i.e., by the same people that are involved in violating the rights of PAPs, they can not be considered independent.

In addition, our investigations illustrate that complaints often go unanswered. As a PAP from the Tilenga project's

RAP 4 sums up, “Atacama wrote down my grievances, and others even got letters from the sub-county, but they have never held a meeting to solve these problems. **Since they are judge and jury**, we can't say anything. All we can do is wait for them.” A PAP from the village of Kabolwa, in Buliisa District, affected by RAP 4 and whose crops were not counted by Atacama reports: **“I complained to them many times but they ignored me up until now”.**

The simple act of lodging a grievance sometimes seems to be impossible. Various PAPs report that after Newplan assessed their land, Total and its subcontractors never came back to their village, and that they didn't know where their offices were located.⁹⁶ This may explain why Total told Oxfam that it had not received any grievances regarding assessments under the EACOP project.⁹⁷

Moreover, **Total often refers to the number of “resolved cases”.** In mid-September, for instance, Total reported that out of the 531 grievances lodged with the grievance mechanism for RAPs 2-5 under the Tilenga project, 434 of these had been resolved. This does not mean, however, that the grievances of these communities have actually been addressed.

Firstly, Total draws attention to the number of grievances lodged. However, many people have opted not to lodge a complaint due to the fact that the grievance mechanism is not independent. **It is clear that PAPs cannot complain to the very companies (subcontracting companies in charge of registering grievances) that are behind the alleged violations** (particularly in regards to the issue of PAPs being pressured to sign forms).

Total's figures are also misleading in that a “resolved case” doesn't necessarily mean that the grievance has been resolved in a way that is satisfactory to the PAP, nor that it meets international standards. Employees of Total or of its subcontractors, sometimes with the assistance of a third party, are the ones that come up with the proposed “solution”.⁹⁸ According to respondents, **if the “solution” put forward fails to satisfy a PAP, but they choose not to contest it** (which is often the case, as they are discouraged by the lengthy processing time, the pressures they are subjected to and the fact that the mechanism is company-led), **Total considers the case “resolved”.**



Chapter III

THREATS AND ARRESTS: HUMAN RIGHTS AND ENVIRONMENTAL DEFENDERS UNDER ATTACK

1 DISREGARD FOR FREEDOM OF EXPRESSION AND THE RIGHT TO DEMONSTRATE PEACEFULLY

Tanzania and Uganda both feature among those countries at the bottom of the list when it comes to freedom of expression⁹⁹ and press freedom.¹⁰⁰ In Uganda, journalists are arrested, harassed, intimidated, and subjected to retaliation just for doing their job. NGOs, human rights defenders and environmental/human rights activists are kept under surveillance, harassed, threatened, intimidated, arrested and assaulted¹⁰¹. Several Ugandan human rights defenders recently reported that they had been subjected to increasing attacks.¹⁰² The situation is no brighter in Tanzania.¹⁰³ New restrictions due to the Covid-19 pandemic have made it even harder for NGOs to travel between different districts and to meet with communities.¹⁰⁴

In the last six months alone, there have been many attacks on environmental defenders. In June 2020, for instance, seven lawyers were arrested while investigating the circumstances surrounding the forced eviction of more than 35,000 people due to a project to plant sugar cane plantations in Kiryandongo District.¹⁰⁵

This situation is particularly concerning for those mobilised against oil projects. Recent events illustrate that they are subject to increasing threats, harassment and acts of intimidation. On 23 August 2020, a group of around ten people were arrested during a meeting on the EACOP project, held by the NGO Global Rights Alert in Kakumiro District. The organisation's representative was ordered to leave the premises.¹⁰⁶ On 15 and 16 September, three journalists and six environmental defenders were arrested in Hoima where they were denouncing the destruction of one of the country's largest forest reserves and speaking out about the risks of oil development projects in Western Uganda, including those managed by Total. The police said that the arrest was "preventive", in order to stop them from demonstrating.¹⁰⁷ On 25 September, environmental activists from Fridays for Future were arrested while rallying for the protection of this forest reserve on the Global Day of Climate Action.¹⁰⁸

Tribunal de grande instance



OUR WITNESSES AND PARTNERS IN DANGER

Since the lawsuit was filed against Total, there have been increasing attacks in the oil region of Uganda, with the two community representatives who came to testify in France last December particularly affected. Community leader Jelousy Mugisha, and farmer Fred Mwesigwa, who had both been subjected to intense pressure the week before they came to France, were intimidated on their return to Uganda. Jelousy was arrested and interrogated by the police and unknown people attempted to break into Fred's home two nights in a row and then locked him inside.¹⁰⁹

According to several respondents, Total employees told the communities that the delay in compensation payments was due to the trial in France, putting the blame on the two witnesses. This created an enormous amount of hostility towards them, and they even had stones thrown at them. They have had to leave their homes several times and have thus been under an EU protection programme. **They told us recently that they still live in fear, and continue to receive threats from anonymous callers.** On 19 September 2020, in the middle of the night, two people in a car came to Kasinyi village looking for Fred and a member of our partner organisation NAVODA, claiming that they had "lied to PAs".

Members of our partner organisations involved in the lawsuit against Total in France have also been subjected to these attacks. The director of AFIEGO reported that its offices were broken into, and that the police and the government have attempted to stand in the way of their work, preventing them from going to see the affected communities.¹¹⁰ According to several organisations, it would appear that **the oil police in Buliisa District regularly prevent them from holding public meetings and from going to visit affected communities to inform them of their rights.** A member of NAVODA, based in the oil region, has been subjected to threats and acts of intimidation for over a year, as well as being under regular police surveillance: "After I saw several policemen waiting for me in my office, I had to leave my village. I had to move to another district."¹¹¹

In September 2020, communities from Kakumiro District reported that the police had said that if members of an NGO came to see them to assist and inform them, they would be arrested. The research undertaken and interviews held in 2019 and 2020, which formed the basis of our reports and are part of our legal summons, were indeed undertaken in particularly difficult conditions, with our investigators forced to hide from the police and Total's local employees on several occasions.

2 INTERNATIONAL ORGANISATIONS SOUND ALARM BELLS

Uganda's politically repressive environment as well as the ongoing threats experienced by locals clearly act as deterrent to those who wish to speak out against oil projects, or who just wish to exercise their rights.

We are not the only ones to find the situation alarming. In April 2020, four United Nations Special Rapporteurs sent a letter to Total, the French government and the Ugandan government in regards to the scare tactics that the two community representatives who came to France have endured: **"We are concerned that the harassment against them may stifle the freedom of opinion and expression of other Ugandan individuals impacted by the Total Uganda oil project."**¹¹²

The Delegation of the European Union to Uganda has also expressed concern regarding the treatment of human rights defenders in the country, especially those working on oil projects. It has, in this regard, set up a focal point for human rights defenders, which we have contacted.¹¹³ FIDH has reported "a fear to speak up about the impacts that are being felt by communities on the ground", and notes that "this fear is often proved justifiable by the concrete threats, violence, and harassment against defenders" who express themselves.¹¹⁴ Oxfam reports that meetings with communities on the impacts of the EACOP project, held by its partners in Uganda, were disrupted several times by Total's subcontractor, Newplan: "In addition to causing delays to the consultations, those intrusions also affected community members' ability to express themselves freely."¹¹⁵

3 TOTAL FAILS TO REACT

Although the Ugandan police and authorities are behind some of the violations, and many others don't have an easily identifiable perpetrator or backer, the reality is that the serious attacks against human rights defenders are connected to their actions against Total's Tilenga and EACOP projects. When affected communities are not able to exercise their rights without fear of retaliation, and the organisations that support them and journalists that cover their stories cannot freely do their jobs, it is Total's responsibility to suspend its operations. And yet Total's vigilance plan does not even mention risks for human rights defenders.

There is, unfortunately, a real divide between Total's actions and Total's words. In an interview with FIDH, Total acknowledged that its grievance mechanism was not necessarily adequate when it came to complaints lodged by or about human rights defenders and it even suggested setting up an alert mechanism to protect them. But FIDH also reports that when the issues at hand were brought

to the attention of Total's Community Liaison Officers and the authorities, the latter are "prone to making antagonistic remarks about members of communities who attempt to defend their rights, whom they often describe as liars or 'speculators' seeking financial gain through compensation mechanisms."¹¹⁶

FIDH is also concerned about Total's failure to assess the associated risks in its plans to conclude an agreement with Ugandan authorities for the deployment of a specialised oil and gas police force: "The risks of human rights abuses linked to these agreements were highlighted during the exchanges [with Total] – and illustrated by previous cases of abuse by Ugandan police forces – and are identified by Total S.A.'s Vigilance Plan, published in March 2020, as one of the risks associated with its operations in general. But the company was unable or unwilling to share information about any measures it plans to undertake to prevent or mitigate similar abuses in the future, besides a commitment to a 'legal and security screening' of the contract. The terms of the MoU [Memorandum of Understanding], moreover, will remain confidential."¹¹⁷

There is an ongoing lack of transparency from Total. The group claims to have conducted an internal investigation into the acts of intimidation that our two witnesses experienced and concluded that they were not attributable to any of its direct employees or those of its subcontractor, Atacama. However, as no details on these investigations have been disclosed, this can not be verified.¹¹⁸



Chapter IV

RISKS OF IRREVERSIBLE HARM TO THE ENVIRONMENT AND THE CLIMATE

1 MAIN IMPACTS OF THE TILENGA AND EACOP PROJECTS

In our previous report, we provided a detailed analysis of the environmental risks of the Tilenga and EACOP projects.¹¹⁹ These have been summarised below.

Under the Tilenga project, Total seeks to drill more than 400 wells located on 34 well pads. **A third of these well pads – a total of 132 wells (and potentially another 39) – are located within the Murchison Falls National Park**, a protected natural area since 1926. It should be pointed out that even the wells outside the National Park will have an impact on the Park's biodiversity as they are situated in close proximity to it.

Part of the 181 km-long pipeline that will be built for the Tilenga project will run through the National Park, and one will run under the Victoria Nile, requiring extensive digging. Roads will also be built inside the Park, with approximately 600 truck trips through the Park a month during the construction phase, and over 2,000 trips a day (between wells) during the exploitation phase; i.e., 61,600 a month. A water extraction system will also be installed on the shores of Lake Albert, with 9 million cubic litres

to be re-injected into the reservoirs each year in order to maintain reservoir pressure.¹²⁰

The Tilenga project therefore endangers the biodiversity of the Murchison Falls National Park, as well as the lakes, rivers and streams that local communities depend on for their survival. Lake Albert is home to approximately 30% of Uganda's fish stocks. The project is also likely to degrade the soil that farmers depend on to grow crops and pollute the air that they breathe. These numerous risks of irreversible environmental damages are in addition to the inherent risks of any oil activities, which include spills, fumes, wastewater discharge and above all, global warming. This in itself should be reason enough to abandon the project. According to the IPCC (Intergovernmental Panel on Climate Change), 80% of known fossil fuel reserves must stay in the ground so as to avoid exceeding a 2°C global temperature increase. Concretely, this means scrapping projects already underway and abandoning plans to extract from new deposits such as those in the Tilenga area.¹²¹

The EACOP pipeline will traverse an area rich in biodiversity and will have disastrous environmental impacts. It will run through several protected areas and wildlife corridors¹²²

in close proximity to areas protected by the Ramsar convention.¹²³ In Uganda, the pipeline will cross the Kabale river as well as a number of wetlands. In Tanzania, it will run through Lake Tanganyika and 35 other lakes and rivers. It will also affect Lake Albert, from which the Nile issues, and **over 400 km of pipeline will run through the Lake Victoria Basin, the world's second largest freshwater lake on which millions of people depend.**¹²⁴

The renowned American ecologist Bill McKibben can barely conceal his outrage in *The New Yorker*: **“The proposed route looks almost as if it were drawn to endanger as many animals as possible:** the drilling pads are in the Murchison Falls National Park, in Uganda, and the pipeline runs through the Taala Forest Reserve and encroaches on the Bugoma Forest (home to large groups of chimpanzees) before crossing into Tanzania and the Biharamulo Game Reserve, home to lions, buffalo, elands, lesser kudu, impalas, hippos, giraffes, zebras, roan antelopes, sitatungas, sables, aardvarks, and the red colobus monkey. The pipeline also manages to traverse the Wembere steppe, a seasonal paradise for birds, and hundreds of square kilometres of elephant habitat. [...] And, once the pipeline gets to Tanzania, tankers the length of three football fields will try to transport the oil out through mangrove swamps and over coral reefs, in waters teeming with dugongs and sea turtles.”¹²⁵

The pipeline therefore constitutes a threat to millions of people living in the region, and will have a detrimental effect on their water and food sources; it will run through forests, wetlands and mangroves, causing deforestation and biodiversity loss, destroying the livelihoods of local communities and exacerbating global warming.¹²⁶

The Tilenga and EACOP sites are also located in a zone with high seismic risk ([see map page 27](#)), especially around Bukoba District in Uganda, which increases the risk of accidents and spills.

2 FLAWED IMPACT ASSESSMENTS

In spite of the magnitude of these risks, the social and environmental impact assessments conducted by Total are clearly flawed, both in regards to the process – communities and civil society have not been properly consulted – and in regards to content. **The risks have not been adequately identified and measures to mitigate residual risks and impacts are lacking**, as illustrated in our previous report and in a number of additional reports.¹²⁷ Furthermore, there has been no public consultation meetings with the affected communities regarding the ESIA for the Tanzanian section of the pipeline, which has already been approved by the government, as this is not required by Tanzanian law.¹²⁸

For an oil project of this scale (approximately 200,000 barrels of oil a day), it is very surprising to see in the ESIA that the company estimates that “the residual effect of Greenhouse Gas (GHG) emissions on the atmosphere and climate is judged to range between insignificant to moderate adverse.”¹²⁹

E-Tech, a consulting group specialised in the environmental impacts of extractive industries, provided an analysis of the Tilenga ESIA and the EACOP ESIA (for Tanzania).

Tilenga

In the case of the Tilenga project, E-Tech warns that: **“the core area of the potential UNESCO Biosphere Reserve – Murchison Falls NP – would be irreversibly compromised by the development of a major oil field in the heart of the park.”**¹³⁰ A number of other shortcomings are identified in the review, which describes Total's chosen oil extraction method inside the National Park as a “minimum cost, maximum surface impact approach”, going against international best industry practice that Total claims to follow.

The review notes that the ESIA fails to include an analysis of the impact that oil wells will have on wildlife, nor any mitigation measures. The review also points out that there is no information in the ESIA on why best practices in terms of waste and wastewater management were not selected, and makes the disturbing observation that “there is no history in Uganda of successful operation of hazardous waste landfills at a standard necessary to process drilling wastes from the Tilenga Project.”¹³¹

E-Tech concludes that “Total E&P Uganda has chosen a least-cost, high impact development model for the Tilenga Project in the face of the profitability risks associated with the venture.”¹³²

EACOP

The same conclusion is drawn regarding the EACOP project. It is crucial that the impacts of the pipeline are kept to a minimum, and yet **Total has again chosen a low-cost high-impact construction method.** The company has opted for open cut trenching for most of the pipeline's route and virtually all of the areas where it runs through rivers and lakes in Tanzania and Uganda. The EACOP project will also result in the destruction of biomass in the thirty metres surrounding the pipeline right-of-way (ROW), as a corridor will be dug to build it. Even if Total states that the corridor will be restored, the damage done to the surrounding biomass will be irreversible. In addition, industry best practices recommend that this corridor be only fifteen metres – and preferably ten in protected areas.¹³³

Several NGOs have noted that a waste management plan has not been included in the ESIA. Total has stated that this will be developed at a later date.¹³⁴ However, waste from oil operations represents a major source of pollution. If the company opts to burn it, fumes will harm local flora and fauna and cause air pollution. If waste is buried, both the soil and the water table will be polluted. Given the fact that communities are greatly reliant on agriculture, soil contamination will have a disastrous effect on their livelihoods.¹³⁵

Again, E-Tech's assessment rings alarm bells: "EACOP oil spills will occur over the lifetime of the project".¹³⁶ Despite the fact that these spills are uncontrollable – and have occurred in countries where regulations are even more stringent¹³⁷ – Total's ESIA considers them to be a low risk even though spills have already occurred upstream.¹³⁸ In its response to Oxfam's report, Total states that a major oil spill "is unlikely considering the type of oil" and **acknowledges that oil spill response plans have not yet been made public**, but that these will be "finalised prior

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to commissioning of the pipeline when hydrocarbons are introduced into the system.”¹³⁹ These plans should, however, be made public and stakeholders consulted well before the pipeline is given the green light.

In addition, the ESIA does not contain any preventive measures in order to minimise the impact on forest reserves or security measures aimed at preventing fires or other accidents. Impacts from the construction of the section of the pipeline that runs through wetlands and rivers, especially on water flow and on the communities living downstream from the rivers, is not addressed either. And lastly, the pipeline's impact on the climate is downplayed in the ESIA. Its calculations do not include indirect greenhouse gas emissions that will result from the use of the 10.9 million tonnes of oil to be transported through the pipeline – which amounts to 34.3 million tonnes of CO₂ per year between 2025 and 2029,¹⁴⁰ far more than the emissions of Uganda and Tanzania combined.

3 KEY DOCUMENTS STILL MISSING

Key documents relating to the environmental impact of the projects and mentioned in the ESIA were not publicly disclosed (this is still the case for certain documents), despite numerous requests from Ugandan civil society.

Neither of the ESIA's contain environmental and social management plans (ESMP). It is therefore impossible to assess whether or not risk avoidance, mitigation and compensation measures are satisfactory.

Documents required for the Tilenga project were finally given to communities and NGOs in July 2020 – more than two years after the ESIA was published and almost a year and a half after it was approved, even though these were supposed to be included in the ESIA. **Despite this delay, civil society organisations were only given a fortnight to review the 1,774 pages of the 28 management plans.** On 7 August 2020, several Ugandan organisations wrote to the country's environmental authority NEMA, requesting that it address illegalities and irregularities in the Tilenga ESMPs public review process.¹⁴¹ In spite of the unreasonably short time frame, the organisations noted that the ESMPs lacked critical components including a statement of risk, a list of relevant stakeholders and their roles in line with the identified risks, and most importantly, a timeline for implementing mitigation actions. Regarding EACOP's ESMPs, at a meeting with stakeholders, the project's director, Mr Marchenko, noted that these would be implemented once the ESIA was approved.¹⁴² The E-Tech review clearly recommends that these be reviewed and approved by way of independent audits before construction begins.¹⁴³

LEGAL ACTION IN UGANDA TO HAVE ENVIRONMENTAL CERTIFICATE OF APPROVAL REVOKED

In May 2019 our partner organisation AFIEGO filed a lawsuit with the Kampala High Court against the National Environment Management Authority (NEMA) and the Petroleum Authority of Uganda (PAU) over the consultation process concerning the Tilenga project's environmental and social impact assessment (ESIA).¹⁴⁴ The organisation maintains that the ESIA's approval process violates Ugandan law and has requested that the certificate of approval granted in April 2019 be revoked.

Legal action was taken due to the many irregularities in the public hearings. Not all the documents relating to the project (including the RAP) were made available prior to the hearings, even though these form an integral part

of the ESIA about which communities were consulted. Moreover, **there is an alleged conflict of interest**, which constitutes a violation of Ugandan law: the individual who chaired these public hearings, Fred Kabagambe Kaliisa, was at the time adviser to President Museveni on oil-related matters, following his role as Permanent Secretary of the Ministry of Energy and Mineral Development.

The last court hearing was in November 2019, and another was scheduled for June, but proceedings continue to be delayed. A hearing is scheduled for November 2020 at which the complainants as well as NEMA/PAU officials will be heard. If the lawsuit is successful, the certificate will be revoked, and the authorities will have to start the process again, hold a new round of public consultations and gather feedback from the public.



Conclusion

OIL PROJECTS FORCED UPON COMMUNITIES DESPITE WARNINGS AND CRITICISM

Our organisations sounded the alarm in France over a year ago: Total's mega oil project in Uganda and Tanzania is already causing severe human rights violations and portends further dire consequences for local communities, for the environment and for the climate. We were calling for urgent action to put an end to these violations and prevent them from reoccurring and affecting even more families.

By taking action, we join forces with our Ugandan partners, which actively challenged the oil transnational on the project's environmental risks and the detrimental effects on the living conditions of affected communities before the project even began. In 2019 we denounced the fact that the Tilenga and EACOP projects had caused several thousand people to lose their livelihoods. Our most recent investigation, as well as those undertaken by other NGOs, now show that tens of thousands of people have been awaiting compensation for more than two years. The land on which their survival depends has been taken from them and they are completely destitute.

These projects are forced upon the communities and their land taken, without their free, prior and informed consent. This is happening in a context where human rights defenders and those who criticise oil development projects are facing a growing number of attacks.

In order to address this appalling situation, the movement against the Tilenga and EACOP projects is gathering momentum. Local and international NGOs as well as

journalists continue to investigate and document ongoing violations, putting the spotlight on the issues at hand so that Total executives and the public are aware of them. In barely a month, more than a million people worldwide have signed the petition urgently calling on Total CEO Patrick Pouyanné to cancel construction of the EACOP and drop the Tilenga project.¹⁴⁵

Yet, despite this growing movement, Total is choosing to turn a blind eye to the long list of violations that it is well aware are taking place. For the transnational, "the conditions are set for the ramp-up of project activities and in particular, we will resume the land acquisition activities in Uganda while respecting the highest human rights standards."¹⁴⁶ It is intent on forging ahead, again attempting to dodge its responsibilities even though these are now legal obligations under France's duty of vigilance law.

A massive 90-day campaign on the "benefits" that oil production would bring to Uganda is currently underway.¹⁴⁷ France's ambassador to Uganda is actively taking part in the campaign, flouting France's pro-human rights stance and its pledge to protect the environment.¹⁴⁸

In addition to its disastrous impacts on the climate, the human and environmental costs of the oil mega project are unacceptable. It is our view that the project should be put to an end and that the affected communities obtain adequate and effective reparation.

NOTES

- 1 See the [website on the EACOP project](#).
- 2 *Resettlement Action Plans (RAPs 2, 3a, 3b, 4 & 5) Executive Summary*, September 2020, p. 138.
- 3 According to information given by Total to Oxfam on 21 July and 17 August 2020, the EACOP project will result in the displacement of approximately 14,000 families. The average size of a family ranging from 4.5 persons (based on a population survey undertaken in 2014) to 6.5 persons per household (figures provided by Total for the Tilenga project resettlement plans), it is estimated that between 63,000 and 91,000 people will be affected by the EACOP project, more than two thirds of them in Tanzania. Total draws a distinction between “physically displaced” persons (those who will lose their homes and the land they live on) and “economically displaced persons” (those who will lose assets (including land) or access to assets, resulting in a loss of income or livelihood). See Total East Africa Midstream BV, *Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section Resettlement Policy Framework*, September 2018, pp. 23-24.
- 4 For further information on the LARF, see Friends of the Earth France and Survie, *Serious Breaches of the Duty of Vigilance Law: the Case of Total in Uganda*, October 2019, pp 9-13 (hereinafter “Report by Friends of the Earth France and Survie”).
- 5 It should be noted that Uganda's national oil company (UNOC) has pre-emption rights on 15% of the shares.
- 6 In addition to the 575 million dollars, “conditional payments will be made to Tullow linked to production and oil price, which will be triggered when Brent prices are above \$62/bbl.” See Total's press release, “[Total Acquires Tullow Entire Interests in the Uganda Lake Albert Project](#)”, 23 April 2020.
- 7 Oxfam France, *The Money Pipeline - Cursed by Design: How the Uganda-Netherlands Tax Agreement is denying Uganda a fair share of oil revenues*, October 2020, p. 16.
- 8 Total's press release of 23 April 2020, op. cit., “[Tullow Oil: agrees sale of its entire stake in the Lake Albert Development Project in Uganda to Total](#)”, in *Marketscreener*, 23 April 2020.
- 9 Oxfam France, op. cit., p. 4.
- 10 “[Uganda, Total reach agreement bringing crude pipeline construction closer](#)”, in *Reuters*, 11 September 2020
- 11 [Tweet from President Museveni](#), 13 September 2020.
- 12 Report by Friends of the Earth France and Survie, op. cit.
- 13 *Tilenga Project, Resettlement Action Plan 1 (RAP 1)*, January 2018 (hereinafter “RAP 1”), p. 40, “The total number of affected households is 601 with a total population of 4,773, or an average of 7.9 persons per household.”
- 14 Article 26 of the Constitution of the Republic of Uganda (1995): “The compulsory taking of possession or acquisition of property is made under a law which makes provision for – (i) prompt payment of fair and adequate compensation. prior to the taking of possession or acquisition of the property”. [Available here](#). For further information, see Report by Friends of the Earth France and Survie, op. cit., pp. 19-21.
- 15 International Federation for Human Rights (FIDH) and Foundation for Human Rights Initiative (FHRI), *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda*, September 2020 (hereinafter “FIDH Report”), pp. 45-52 and 65. This report cites several references in Ugandan case law, such as *Sheema Cooperative Ranching Society & 31 Ors v Attorney General* [2013] High Court Of Uganda, Civil suit: No. 103 of 2010.
- 16 *Advocates for Natural Resources Governance and Development, Irumba Asumani, Peter Mageloh vs. Attorney General Uganda and National Roads Authority*, Constitutional Petition No. 40 of 2013: the Constitutional Court nullified section 7, paragraph 1 of the Land Acquisition Act, judging it to be inconsistent with Article 26, paragraph 2 of the Constitution of Uganda (1995), to the extent that the law does not provide for prior payment of compensation before the government compulsorily acquires or takes possession of any person's property. Cited in FIDH Report, op. cit., p. 65.
- 17 FIDH report, op. cit., p.50: “In the *Endorois* case, the African Commission held that compensation should be full, prompt, fair, and just. The key criterion for assessing the fairness of compensation was the free acceptance by the victims.”
- 18 RAP 1, op.cit., p.14: “Land acquisition and resettlement should be conceived as an opportunity for improving the livelihoods and living standards of PAPs.”
- 19 For a detailed description of the issues pertaining to the compensation type, the assessment procedure and the compensation rates for land, homes and crops, see the Report by Friends of the Earth France and Survie, op. cit., pp. 11-19. See also FIDH Report, op. cit., p. 60.
- 20 See also Annex 2 of FIDH Report (op.cit): “[Complementary elements on the institutional and legal framework on the right to land in Uganda](#)”.
- 21 IFC, *Performance Standards on Environmental and Social Sustainability*, 2012.
- 22 IFC, *Guidance Notes: Performance Standards on Environmental and Social Sustainability*, 2012, Guidance Note 5, pp. 14-15.
- 23 See references cited in notes 15-16.
- 24 See the sources cited in the Report by Friends of the Earth France and Survie, op. cit., as well as two recent reports: FIDH Report, op. cit. ; Oxfam America, Global Rights Alert (GRA), Civic Response on Environment and Development (CRED) and Northern Coalition on Extractives and Environment (NCEE), *Empty Promises Down the Line ? A Human Rights Impact Assessment of the East African Crude Oil Pipeline*, September 2020 (hereinafter “Oxfam Report”). Their findings, summarised in *Oil in East Africa: Communities at Risk*, are the result of two years of independent research undertaken by each organisation respectively but which complement each other.
- 25 Interview in Kisomere village, Buliisa District, 7 August 2019.
- 26 Interview in Kisomere village, Buliisa District, 7 August 2019.
- 27 Interview in Kasinyi village, Buliisa District, 24 August 2019.
- 28 Interview in Buliisa District, 31 May 2019.
- 29 Total, Vigilance plan's implementation report, in its *Universal Registration Document 2019*, p.112.
- 30 Interview with a PAP affected by RAP 5, 12 June 2020, Buliisa District.
- 31 Interview with a PAP affected by RAP 3a, 12 June 2020, Buliisa District.
- 32 Interview on 11 September 2020.
- 33 “[Project Affected Persons frustrated over delayed compensation](#)”, in *Oil in Uganda*, 25 December 2019.
- 34 Oxfam Report, op. cit., p. 106, note 331: Total/EACOP, Response to Oxfam's additional questions, 21 July 2020.
- 35 Oxfam Report, op. cit., p. 60.
- 36 Interview in September 2020.
- 37 FIDH Report, op. cit., p. 63.
- 38 Oxfam Report, op. cit., pp. 31 and 59.
- 39 Account from a woman affected by the Tilenga project living in Uduk 2 village, Buliisa District, September 2020.
- 40 Various interviews held in September 2020; Meeting held by AFIEGO and 350.org Africa on 21-22 September 2020 in Kampala.
- 41 Interview in September 2020.
- 42 “[Champion environmental conservation and community livelihoods over the EACOP](#)”, open letter to the presidents of Uganda and Tanzania, signed by fifteen NGOs, 15 September 2020.
- 43 Oxfam Report, op.cit., p. 69.

- 44 FIDH Report, op.cit., p. 92.
- 45 For a detailed description of these violations and the national and international standards that Total fails to comply with, see the Report by Friends of the Earth France and Survie, op.cit., pp. 8-28.
- 46 Interview in the Nabigasa sub-county, Kyotera District, September 2020.
- 47 Interview with a PAP affected by the EACOP project, taken in the Lwengo sub-county, Lwengo, early September 2020.
- 48 Account taken during a group discussion of those impacted by the EACOP project, held in the Kisiita sub-county, Kakumiro District, early September 2020.
- 49 Oxfam Report, op.cit., p. 58.
- 50 Oxfam Report, op.cit., p. 60.
- 51 FIDH Report, op.cit., p. 64.
- 52 IFC, *Performance Standards on Environmental and Social Sustainability*, 2012, p. 7.
- 53 IFC, *Guidance Notes: Performance Standards on Environmental and Social Sustainability*, 2012, Guidance Note 5, p. 15.
- 54 FIDH Report, op.cit., pp. 49 and 72.
- 55 According to Atacama's own statistics, 93-99% of PAPs from RAPS 2-5 (Tilenga project) make a living from farming. See [Atacama's presentation](#), September 2020, p. 41.
- 56 Group discussion held in early September in Buliisa District.
- 57 Interview in September 2020.
- 58 Group discussion of those impacted by RAP 4, late September 2020.
- 59 Oxfam Report, op. cit., p. 60.
- 60 Oxfam Report, op.cit., p. 42.
- 61 Interview in September 2020.
- 62 Report by Friends of the Earth France and Survie, op.cit., p. 21.
- 63 Interview in September 2020.
- 64 *Indigenous and Tribal Peoples Convention* (N°169), Articles 7 and 16.
- 65 Total, *"Inform and involve the people and local actors"*, October 2019.
- 66 FIDH Report, op.cit., p. 53.
- 67 Interviews held in September 2020.
- 68 Interview in September 2020.
- 69 [Report broadcast by NTV on 12 July 2020](#).
- 70 See the press release by NGOs that took part in this meeting, held on 21-22 September in Kampala and organised by AFIEGO and 350.org Africa.
- 71 Interviews held in June and September, 2019; FIDH Report, op.cit., p. 73.
- 72 The RDC is appointed by the Ugandan president, and represents him and his government at district level.
- 73 Interview in September 2020.
- 74 Report by Friends of the Earth France and Survie, op. cit., pp. 13 and 25.
- 75 Oxfam Report, op.cit., pp. 35 and 38.
- 76 FIDH Report, op.cit., p. 69.
- 77 FIDH Report, op.cit., p. 43.
- 78 World Justice Project Rule of Law Index 2020: [Uganda](#) is ranked 117th across 128 countries; [Tanzania](#) is ranked 93rd across 128 countries.
- 79 FIDH Report, op.cit., p. 43.
- 80 Report by Friends of the Earth and Survie, op. cit., pp. 11-19.
- 81 Interview held in the second week of September 2020, Buliisa District.
- 82 Interview held on 11 September 2020 in the Kiziranfumbi sub-county, Kikuube District.
- 83 Report by Friends of the Earth France and Survie, op. cit., pp. 16 and 18; Accounts taken in June and September 2020 in all districts covered by our investigation in Uganda.
- 84 Interview held in the second week of September 2020, Buliisa District.
- 85 Report by Friends of the Earth France and Survie, op. cit., p. 14.
- 86 FIDH Report, op. cit., pp. 53-54. See also note 61.
- 87 Interview in September 2020, Buliisa District.
- 88 Interview held in the second week of September 2020, Buliisa.
- 89 FIDH Report, op. cit., p. 54.
- 90 Oxfam Report, op. cit., p. 42.
- 91 FIDH Report, op. cit., p. 52; Oxfam Report, op. cit., p. 38.
- 92 Oxfam Report, op. cit., pp. 38-39.
- 93 FIDH Report, op. cit., p. 52; Oxfam Report, op. cit., pp. 38-39.
- 94 Oxfam Report, op. cit., p. 40.
- 95 Report by Friends of the Earth France and Survie, op. cit., pp. 25 and 41.
- 96 Interviews held in the Lwengo rural and Ndagwe sub-counties, Lwengo District, September 2020.
- 97 Oxfam Report, op. cit., p. 40.
- 98 RAP 1, op. cit., p. 107.
- 99 Freedom House's Global Freedom Status rates Uganda as "not free" and Tanzania as "partly free", [Freedom in the World 2020](#).
- 100 Reporters Without Borders (RSF), [2020 World Press Freedom Index](#), Tanzania is ranked 124 and Uganda ranked 125 across 180 countries.
- 101 Freedom House's page on Uganda; African Defenders, ["Uganda: human rights in peril as Covid-19 escalates in the face of the 2021 elections"](#), 29 September 2020; Albertine Watchdog, ["Environmental human rights defenders in the Albertine region under attack: the Tilenga oil development project raise these threats"](#), 24 January 2020.
- 102 ["Rights activists decry increasing attacks"](#), report by NTV Uganda, 15 September 2020.
- 103 Freedom House's page on Tanzania; Human Rights Watch, ["Tanzania: Freedoms Threatened Ahead of Elections"](#), September 2020; [Defend Defenders' page on Tanzania](#); ["Tanzania to build Stiegler's Gorge dam in a wildlife reserve and Unesco site"](#), in *Lifegate*, 9 January 2020.
- 104 FIDH Report, op. cit., p. 70.
- 105 African Defenders, ["Uganda: human rights in peril as Covid-19 escalates in the face of the 2021 elections"](#), 29 September 2020.
- 106 According to an account from a PAP who was arrested, September 2020.
- 107 Press release by Friends of the Earth France, Lawyers Without Borders, the Observatory for the Protection of Human Rights Defenders (a FIDH-OMCT partnership) and Survie, ["Abusive arrests in Uganda : NGOs call for the immediate release of journalists and environmental defenders"](#), 17 September 2020; [NTV news broadcast](#), 16 September 2020.
- 108 [Tweet from Fridays For Future](#), 26 September 2020.
- 109 Friends of the Earth France, the Observatory for the Protection of Human Rights Defenders (a FIDH-OMCT partnership) and Survie, ["Two defenders who testified in the trial against Total are at risk in Uganda"](#), 26 December 2019.
- 110 Interview with Dickens Kamugisha (in French), September 2019 in *La Baleine 197*, the magazine published by Friends of the Earth France.
- 111 Interview in *Libération*, ["Projet pétrolier de Total en Ouganda : 'J'ai dû fuir mon village'"](#) (in French), 16 April 2020.
- 112 Communication from four UN Special Rapporteurs: version sent to [Total SA](#) and [Total E&P Uganda](#), to [the Ugandan government](#), and to the [French government](#). See also Friends of the Earth France and Survie's [critical analysis of Total's replies to the UN Special Rapporteurs](#).
- 113 FIDH Report, op. cit., p. 38.
- 114 FIDH Report, op. cit., p. 34.
- 115 Oxfam Report op. cit., p. 20. Oxfam's partner organisation alerted Total/EACOP representatives in Kampala, and there were no more disruptions (after three intrusions).
- 116 FIDH Report, op. cit., p. 39.
- 117 FIDH Report, op. cit., p. 35.
- 118 FIDH Report, op. cit., p. 38.

- 119 Report by Friends of the Earth France and Survie, op. cit., pp. 30-37.
- 120 Tilenga Project, *Environmental and Social Impact Assessment*, February 2019, (hereinafter "Tilenga ESIA") Vol. I, Table p. 200 (4-19) (JBR 01 to JBR 10 wells), pp. 270 (4-86) ; Vol. II, p. 475 (10-83); E-Tech, *Tilenga Project - Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production B.V. Uganda*, 8 December 2019 (hereinafter "E-Tech Tilenga ESIA Review"), pp.1, 11, 18.
- 121 Oil Change International, *Big Oil Reality Check, assessing oil and gas company climate plans*, September 2020.
- 122 Murchison Falls National Park, Talawai open area, Kitwai and Handeni wildlife reserves, and the Ruiga River Forest Reserve.
- 123 These include the wetlands of Murchison Falls-Albert Delta, Lake Mburo-Nakivali, Nabajjuzi, Lake Nabugabo, Mabamba Bay, and Lutembe Bay.
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- 130 E-Tech Tilenga ESIA Review, op. cit., p. 2.
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- 133 Oxfam Report, op. cit., p. 71; AFIEGO Summary report, p.7; E-Tech EACOP ESIA Review, op. cit., pp. 1 and 5-6.
- 134 "Champion environmental conservation and community livelihoods over the EACOP", open letter to the presidents of Uganda and Tanzania, signed by fifteen NGOs, 15 September 2020; *EACOP Tanzania Environmental and Social Impact Assessment*, August 2019, Vol. I, pp. 2-64.
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- 136 E-Tech EACOP ESIA Review, op. cit., p. 13.
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A NIGHTMARE NAMED TOTAL

Report published by Friends of the Earth
France and Survie (October 2020).

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PHOTO CREDITS Lambert Coleman
(pp. 3, 8, 22 & 33) ; Friends of the Earth
France (Cover, pp. 9-21 and 23-29).

We would like to thank our Ugandan
partners AFIEGO, CRED, NAPE/Friends
of the Earth Uganda and NAVODA, as
well as our lawyers Louis Cofflard and
Céline Gagey, for their valuable input.



Friends of the Earth France is a non-profit
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Created 35 years ago, the NGO Survie analyses
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