

#STOPEACOP

#StopEACOP Alliance Statement in Response to Total's Recent Disclosures April 12, 2021

On March 8, Total released a series of media statements and disclosures describing the “rigorous” environmental and social risk assessment and mitigation strategies it has undertaken in relation to the Tilenga oil extraction and East African Crude Oil Pipeline (EACOP) projects in Uganda and Tanzania.ⁱ Total’s CEO, Patrick Pouyanné, promised the projects would be “carried out in an exemplary manner and create value for the people in both countries.”ⁱⁱ

This sudden move towards transparency seems to come in response to growing civil society mobilization against the two projects, including the March 1 delivery of an [open letter](#) signed by 263 civil society organizations (CSOs) that warns 25 commercial banks not to finance the EACOP. Our global alliance also launched the new #StopEACOP [website](#) and an [email action](#) targeting ten of the project’s potential financiers.

The pressure has already prompted two of Total’s biggest financiers, Barclays and Credit Suisse, to [publicly state](#) that they have no intention of financing the pipeline. The UK export credit agency, an important potential source of funding for the pipeline, recently [ruled out financial support](#) for the project after the UK’s policy ban on overseas fossil fuel support came into effect.

These actions received widespread media coverage, and Total is clearly feeling the heat.

The #StopEACOP Alliance welcomes transparency around the Tilenga and EACOP projects, but not where disclosures are wielded to push an alternate and misleading narrative. In Total’s own words, *“it is the everyone’s responsibility [sic], in a world where false news is a source of growing mistrust, that public communications should be guided by a concern for the truth. This is all the more true in terms of communication concerning listed companies, since the lack of sincerity is likely to mislead investors[.]”*ⁱⁱⁱ

We could not agree with this sentiment more. Despite its attempts to paint a rosy picture to the concerned public, Total’s recent statements are no more than a strategy to obfuscate the dire reality in Uganda and Tanzania.

Time and again, deep analysis coupled with genuine consultation with local communities have revealed profound gaps between the company’s account of its best practices and the reality of the situation—this case is no different.^{iv} Many of the company’s claims directly contradict what is occurring on the ground, and others are refuted elsewhere in the company’s own documentation. Other concerns, such as the massive climate impacts, are completely ignored.

No matter how Total tries to spin it, these two projects are already causing serious human rights violations and will lead to irreversible environmental and climate impacts.

Insufficiency of Total's Assessments and Failure to Undertake Key Recommendations

In its effort to demonstrate responsible environmental and social practice, Total released four previously confidential documents, which it presents as third-party assessments of its compliance with international standards.^v These assessments were commissioned by Total but are described as “independent.”^{vi} The company also referred to its Environmental and Social Impact Assessments (ESIAs) for both Tilenga and EACOP.

In addition to the assessments commissioned by Total, the company also referred to two community-based human rights impact assessments undertaken by Oxfam, the International Federation for Human Rights (FIDH), and local partners in Uganda and Tanzania.^{vii} For each of the assessments, Total documented its progress on implementing the recommendations.

Failure to Implement NGO Recommendations

Of the “independent” assessments disclosed by Total on March 8, only two of them can be considered genuinely independent of the company: the community-based impact assessments conducted by Oxfam and FIDH, alongside local partners.

These NGOs have already [reacted](#) to Total's March 8 disclosures, cautioning that “*major human rights risks still remain.*” According to FIDH:

“In both Uganda and Tanzania, a large portion of our core recommendations are still unaddressed and the situation for impacted communities remains dire.”^{viii}

This refers to the human rights, environmental and climate risks of the projects—all of which have been brought to Total's attention for years by Ugandan civil society, and more recently by the international community after a lawsuit was filed in France in 2019. The critics and civil society mobilization at the national, regional and international levels have only been growing since.

Inadequacy of ESIAs and Ineffective Consultations

Total's reliance on its own corporate-commissioned impact assessments—which independent experts and local civil society organizations have largely discredited—is not sufficient to demonstrate the company's purported “rigorous” assessment of project risks, nor its adherence to international standards.

Central to this point is the fact that Total is currently being sued in French courts by French and Ugandan NGOs for its failure to comply with the French Duty of Vigilance law, which requires Total to identify and map the risk of human rights violations and environmental harm in its operations, and to effectively implement concrete measures to prevent and mitigate those risks.^{ix} The case was brought following a thorough review of publicly available documentation at the time—including Total's first two vigilance plans,^x which fail to address the specific risks associated with Tilenga and EACOP—and in light of the serious impacts and risks documented during field investigations in Uganda.^{xi}

Beyond the Duty of Vigilance case, the flaws of Total's assessments for Tilenga and EACOP have been well documented by members of the #StopEACOP Alliance,^{xii} as well as by independent experts at the Netherlands Commission for Environmental Assessment (NCEA),^{xiii} and by engineering firm E-Tech International.^{xiv}

The ESIA for the Ugandan portion of the EACOP pipeline was published in 2019 for public consultation, and it was not well received. Africa Institute for Energy Governance (AFIEGO), a Ugandan public policy research organisation, called on Uganda's National Environmental Management Authority (NEMA) and Ugandan citizens to reject it. The Civil Society Coalition on Oil and Gas (CSCO), which represents over 60 Ugandan CSO members, noted that the magnitude of the EACOP's impacts were underrated in the ESIA, which resulted in failure to provide appropriate mitigation measures.

The reviews by NCEA and E-Tech International identified numerous gaps and shortcomings in Total's environmental and social assessments and mitigation plans for both EACOP and Tilenga.

In response to EACOP's initial ESIA non-technical summary and executive summary, NCEA notes:

Positive impacts seem to be presented (far too) rosy. The negative impacts are only mentioned in a very superficial and reassuring way (unspecified numbers of negative impacts only), without explaining why the reassurance is justified. The negative (cumulative) impacts have been downplayed [...].^{xv}

In short, NCEA describes the EACOP ESIA as a marketing ploy, rather than a realistic assessment of risks. NCEA's assessment concludes that, "*the ESIA does not yet provide enough information for sound decision making*" and overall is "*not fit for purpose*."^{xvi} In its follow-up assessment of the revised and resubmitted ESIA, NCEA determined that these shortcomings were only partially or insufficiently addressed.^{xvii}

With regard to the Tilenga project, E-Tech states 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*."^{xviii} With respect to EACOP, E-Tech's assessment again rings alarm bells, stating plainly, "*EACOP oil spills will occur over the lifetime of the project*."^{xix}

Among the numerous issues with Total's assessment strategy is its ineffective consultation with local communities. In its March 8 statement, Total claims that it consulted 70,000 people for its project ESIA's.^{xx} However, in the experience of #StopEACOP Alliance members, the ESIA consultations undertaken by Total and the Ugandan government have been ineffective and largely intended to legitimize the projects and attract international financing. In fact, the Tilenga ESIA certificate is currently subject to a legal challenge in Uganda for numerous procedural violations, including the flawed consultation process.^{xxi}

In relation to both EACOP and the various resettlement action plans ('RAPs') of the Tilenga project, Total has failed to meaningfully inform project affected persons of the land evaluation and acquisition process, the project start dates, and the compensation payment dates.^{xxii} Furthermore, affected communities often lack an understanding of their rights in such situations, the complaint mechanisms available to them, and the negative impacts of oil

projects more generally. This combination poses serious threats to the health of land and people. Moreover, affected communities and local CSOs that speak up face intimidation and threats.^{xxiii}

Failure to Account for Climate Risk

Total's recent disclosure fails to even acknowledge the massive climate risks and impacts of the Tilenga and EACOP projects.

The EACOP pipeline is expected to carry 216,000 barrels of crude oil per day (10.9 million metric tons per year) at 'plateau production'.^{xxiv} According to calculations based on the specific fuel density of the EACOP blend, the emissions from the combustion of this fuel would be at least 34.3 million metric tons CO₂-equivalent (CO₂e) per year during the peak of its operations.^{xxv} This is a new source of carbon emissions—greater in sum than the combined emissions of Uganda and Tanzania—that the planet can ill afford. Yet, Total's ESIA's completely avoid the question of climate-related impacts stemming from the consumption of the oil generated and transported by EACOP, failing to even quantify these emissions.^{xxvi}

Biodiversity Risks: Impacts Cannot be Adequately Mitigated

Total itself recognizes that the Tilenga and EACOP projects "*are located in a particularly sensitive natural environment, especially in terms of biodiversity.*"^{xxvii} As such, the company claims that, "*[s]trict measures have been taken to avoid, mitigate and offset their impact.*"^{xxviii}

However, the mitigation measures highlighted by Total in its March 8 statement (including the misleading references to limiting impacts on Murchison Falls National Park, outlined below) fail to meaningfully address the risks to biodiversity, and are intended instead to downplay the anticipated impacts at stake. In addition, Total's own ESIA's have been criticized for failing to account for the gravity of environmental risks. As such, the company has failed in many respects to develop appropriate mitigation measures. This has been well documented in numerous independent studies.^{xxix}

For instance, the EACOP ESIA provides insufficient justification for encroaching on legally protected areas such as Taala Forest Reserve, and does not contain robust preventive measures to minimise the impact on those areas.^{xxx} It also fails to include a robust oil spill and emergency response plan, including compensation measures for people whose drinking water would be contaminated in the case of an oil spill.^{xxxi} Furthermore, the impacts from the construction of the section of the pipeline that runs through wetlands and rivers, including on water flow and on the communities living downstream, are not sufficiently addressed.^{xxxii} The Tilenga ESIA fails to include an analysis of the impact that oil wells within Murchison Falls will have on wildlife and associated mitigation measures.^{xxxiii}

Regardless of any mitigation measures Total adopts, significant biodiversity risks are so inherent to the Tilenga and EACOP project designs that they are impossible to adequately mitigate.

The Tilenga oil project is located in the Albertine Rift, one of the richest natural habitats in the world. It is home to a host of wildlife including elephants, threatened chimpanzee species, and exotic bird species. Similarly, there are at least 13 species "of conservation importance" within the EACOP's area of influence, including at least 10 plants of

conservation importance at risk.^{xxxiv} Six of these are on the IUCN Red List of Threatened Species.^{xxxv} More than 500 square kilometers of habitat for African elephants and Eastern Chimpanzees—species considered endangered by IUCN, and which have already disappeared in several African countries—will be severely degraded by the construction of the pipeline.^{xxxvi} Nearly 2,000 square kilometres of protected wildlife habitats will be negatively impacted.^{xxxvii}

In Tanzania alone, the pipeline corridor will traverse seven forest reserves, two game reserves, two game-controlled areas and one open area that supports wildlife management. The pipeline will impact at least four forest reserves in Uganda, as well as several sacred natural sites, and will cross 32 kilometers of the Wembere Steppe in Tanzania, a Key Biodiversity Area.^{xxxviii}

Given the gravity of these risks and the numerous sensitive biodiversity hotspots that will be impacted by both Tilenga and EACOP, we believe that Total’s stated mitigation hierarchy to preserve the region’s sensitive environment—avoid, reduce/restore, compensate—is neither sufficient nor effective for this type of development. As the mitigation hierarchy has stated, avoiding impact is not possible in this pristine natural environment.

As FIDH summarized in relation to the Tilenga project ESIA:

“Mitigation of this nature starts with a limited ‘avoidance strategy’ that does not prevent the installation of 10 well-pads in an extraordinary national park, or of drilling and processing facilities in internationally-protected wetlands and on the shore of Lake Albert, contrary to international best industry practices. While, according to the companies, such mitigation measures virtually always keep the risks of impacts low, nonetheless the number of unlikely events that could have an impact on extremely sensitive ecosystems is quite significant, mathematically increasing the likelihood that some events could occur, with potentially irreversible consequences.”^{xxxix}

We already see the impact that the construction of roads have had on the remaining chimpanzee populations in the area, and we fear what additional impacts may come. Experience from similar projects around the world have shown that reduction and restoration is ineffective and insufficient in such a delicate environment. Compensation within a “like-for-like” scheme is similarly insufficient, as biodiversity offsets provided simply cannot account for the magnitude of impacts that will occur.

Moreover, the level of intervention needed at this stage to meaningfully prevent biodiversity harm will further jeopardize the project’s already very slim financial base.

Total’s Misleading Statements on the Protection of Murchison Falls National Park

A significant proportion of the oil in Uganda will be extracted in Uganda’s Murchison Falls National Park (MFNP), Uganda’s largest national park and an IUCN category II protected area. The Murchison Falls Protected Area is a savannah ecosystem that is rich in biodiversity and home to several endangered species of mammals, birds and plants. Oil extraction within these oil fields will jeopardize the biodiversity and environment of the park, which is also of great importance for the tourism industry in Uganda.

Among the “strict measures” Total elaborates in its March 8 statement, the company claims that it has restricted the footprint of the Tilenga project within MFNP to only 1% of park land and limited the number of “well locations” to ten.”^{xi}

The claims made by Total that the project will only impact 1% of the surface area of the national park are incorrect and gravely underestimate secondary impacts on the integrity of the park, which extend beyond the physical space occupied by the well pads to include areas impacted by associated infrastructure and construction services, such as transport. MFNP is an extremely delicate ecosystem, and research has shown that even limited impacts on similar protected areas can have grave detrimental effects on the entire ecosystem.^{xii}

Furthermore, Total has offered misleading information regarding the number of oil wells and oil pads to be constructed within the national park. In its initial statement, Total claimed to have limited the number of *wells* within MFNP to ten. However, this appears to contradict the information contained in the company’s own Environmental and Social Impact Assessment. According to the Tilenga ESIA, ten of the *well pads* will be located within the national park, with each well pad corresponding to “up to 22 wells.” Of the total number of 400 oil wells to be drilled under the Tilenga project, **132 wells will be drilled within MFNP** (with an additional 39 potentially added later).^{xiii}

Table 4-7: Summary of Wells and Slots at Each Well Pad

Block	Field	Name	Total Number of Wells	Oil Producer	Water Injection	Observation Well	Unused Slots ^A	Future Slots ^A
CA-1	Gunya	GNA-01	12	6	5	1	3	2
CA-1	Gunya	GNA-02	11	5	5	1	4	0
CA-1	Gunya	GNA-03	8	3	4	1	3	2
CA-1	Gunya	GNA-04	13	6	6	1	4	2
CA-1	JobiRii	JBR-01	6	2	4	0	2	1
CA-1	JobiRii	JBR-02	15	8	6	1	5	1
CA-1	JobiRii	JBR-03	11	4	6	1	4	6
CA-1	JobiRii	JBR-04	22	10	11	1	8	1
CA-1	JobiRii	JBR-05	12	5	6	1	4	10
CA-1	JobiRii	JBR-06	19	8	10	1	6	1
CA-1	JobiRii	JBR-07	6	3	2	1	3	8
CA-1	JobiRii	JBR-08	14	6	7	1	4	5
CA-1	JobiRii	JBR-09	14	6	7	1	3	0
CA-1	JobiRii	JBR-10	13	6	7	0	3	6
CA-1	Ngiri	NGR-01	13	7	5	1	4	0

Although a seemingly small grammatical distinction, the implications of the “wells” vs. “well pads” terminology could not be more significant. After our initial reaction to its disclosure highlighting this discrepancy, Total revised the phrase on its website from, “Number of wells limited to ten,” to, “Number of well locations limited to ten.”^{xiiii} While this is technically more accurate, it still clearly intends to minimize the fact that we are speaking of more than 130 oil wells within the park itself.

Total’s statement also excludes reference to the impact of the well pads to be developed just outside the national park boundaries, which will also impact biodiversity within the park. It similarly fails to account for the network of pipelines which will be built inside the park, and to the 600 truck trips that will travel through the park every month during the construction phase, and over 2,000 trips a day (between wells) during the exploitation phase (amounting to roughly 61,600 per month).^{xlv}

Misleading Figure of Households Affected by Land Loss

In the company's March 8 statement, Total claims that "the Tilenga and EACOP projects require the acquisition of 6,400 hectares of land, on which the primary residences of 723 households are located."^{xlv} This number significantly downplays the scale of land loss resulting from the interrelated oil projects.

Around 13,000 households across Uganda and Tanzania, accounting for more than 86,000 individuals, have lost or will lose land as a result of the EACOP.^{xlvi} A further 4,865 households (accounting for 31,716 individuals according to Total's own figures) are affected by the Tilenga oil project.^{xlvii} In sum, both projects are expected to directly impact the land of around 118,000 individuals.^{xlviii}

Total's reference to "the primary residences of 723 households" fails to account for the catastrophic effects of land loss that prevents people from accessing farmland. In both the Tilenga and EACOP projects, thousands have already been partially or totally deprived of the use of their land to grow perennial food and cash crops before receiving any compensation.

The effects of land loss on the people of Uganda and Tanzania, two countries in which a large majority of people are engaged in the subsistence economy, cannot be overstated. In the case of Tilenga, the loss of access to agricultural land has led to a situation of near famine, driving families further into poverty and resulting in cumulative adverse impacts such as sharp increases in school dropout rates.^{xlix} Many of these impacts disproportionately harm the rights of women and girls. Along the EACOP route, the implementation of "cut-off dates" for compensation is having a similar effect, preventing many from the use of their land for more than one or two years.^l

Misleading Statements on Compensation

Total has also offered misleading information on the status of compensation for affected communities. The company indicates in its press release that, of the 723 households mentioned, *"each of these households will be given the choice between a new house or monetary compensation. The first 29 relocated households, residing on the Tilenga Central Processing Facility site, have all elected to receive a new house."*^{li}

On the contrary, according to the testimonies gathered in the course of various field investigations, Total and its subcontractors have employed tactics of intimidation and manipulation of affected landowners that compel them to accept monetary compensation. Total has also set significant constraints for compensation in kind (in other words, replacement of lost land).^{lii} Only a small minority of the affected families have benefitted from compensation in kind, and this is the minority that Total chooses to focus on in its communication. Despite international standards recommending in-kind compensation, Total has the incentive to push for monetary compensation over compensation in kind because providing land-for-land compensation costs the company significantly more.^{liii}

In addition, project-affected peoples report that Total's assessments of their land and crops are incomplete, and compensation rates are inadequate.^{liv} Crucially, the vast majority of project-affected people have yet to receive any compensation for land evaluated years ago.^{lv} Delays in compensation, coupled with restricted access to farmland, has had a crippling effect on tens of thousands of individuals in the region.

Failure to Acknowledge Risks to Human Rights Defenders

In its March 8 statement, Total presents itself as doing the utmost to respect the rights of community members adversely impacted by its projects in East Africa, stating, “*Everybody has the right to express themselves. Total does not use or tolerate the use by others of aggression or physical or legal threats against people who are exercising their right to freedom of expression or their right to peaceful assembly or protest.*”^{lvi}

Contrary to this claim, however, civil society groups in both Uganda and Tanzania have voiced concerns about their ability to speak freely and openly about the pipeline and other oil-related projects. In both countries, community members, human rights defenders, environmental defenders and journalists who criticize the industry experience harassment, intimidation, threats, and unlawful arrests. Community members who attempt to assert their rights in the face of unfair compensation for land have also been subject to similar treatment. This climate of intimidation makes lawful and human rights-compliant land acquisition and resettlement processes very challenging, if not impossible.

The situation prompted four United Nations Special Rapporteurs to write to Total, alongside the French and Ugandan governments, in 2020.^{lvii} Referring to two community members who have suffered repeated acts of intimidation, including arbitrary arrest after travelling to France to participate in the ongoing lawsuit against Total, the UN experts warned: “***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.***”

Total’s responses to the UN Rapporteurs were wholly insufficient, as analysed by Friends of the Earth France and Survie.^{lviii} Worryingly, the situation has only worsened since then, with an increasing number of community members and local activists reporting threats through anonymous calls and physical surveillance. These individuals live in continuous fear, in a context where abductions are on the rise in Uganda.^{lix}

Key documents remain missing

In its March 8 communique, Total published four documents that were previously unavailable to the public, amounting to roughly 500 pages.^{lx} It also published two “action plans,” in which it tracks the actions taken to implement the recommendations made by Oxfam and FIDH in their respective reports.^{lxi}

However, a large number of key documents have still not been disclosed publicly. These include the exploration contracts, the host government agreements, tax agreements, the environmental and social management plans (ESMPs) for the EACOP, including oil spill emergency response plans, as well as the risk mapping and analysis supposedly undertaken by Total to assess the risk of serious human rights violations.^{lxii}

In some instances, Total has disclosed key documents in a manner that does not constitute genuine and good-faith transparent engagement with external stakeholders. For example, alongside its March 8 communique claiming to act transparently, a document that is crucial for EACOP-affected peoples in Uganda, the Resettlement Action Plan, was published online without any public statement or notification to affected communities or their civil society supporters. The document, divided in 16 chapters containing key information on Total’s

plans for managing land-related issues associated with the EACOP, requires significant digital maneuvering (a specific Google search method) to locate online.

Generally speaking, Total's practice of disclosing thousands of pages of very technical information without establishing sufficient opportunity for comment, and without explaining the documentation in an accessible manner to affected communities and civil society, undermines the company's claims of transparency and public accountability.

Job Creation

In Total's March 8 communique, the company claims that 58,000 jobs will be created, including 11,000 direct jobs.^{lxiii} The company provides no further information about the sources for these figures or how they were calculated, thereby shielding them from meaningful analysis.

However, the figures appear to contradict Total's earlier statements to Oxfam in which the company clarified that the "10,00-job estimate" refers not to jobs directly linked to the project itself, but rather estimates of ancillary jobs created by the increase in economic activity. In reality, Total estimates that **only 4,000 direct jobs will be created, and these jobs will only exist during the construction phase** (lasting between three and four years).^{lxiv} Once the pipeline is operational, **only 200-300 permanent jobs will remain.**^{lxv}

Total also asserts on its website that USD1.7 billion will benefit local companies as a result of the business activities.^{lxvi} Again, no further information is provided to substantiate this figure.

Nonetheless, the purported USD1.7 billion in benefits to local companies must be viewed in light of the assessment undertaken by Oxfam France. More specifically, the assessment found that Uganda alone could lose up to USD287 million in tax revenue in relation to Total and CNOOC's projects, a figure which likely only represents a small fraction of all potential tax losses associated with the projects (the international tax system's lack of transparency prevents us from determining a full amount).^{lxvii}

Finally, research by the Climate Policy Initiative similarly calls into question the economic viability of the EACOP and associated oil extraction projects, and the extent to which these projects could positively benefit Uganda's economic development plans. The research found that the oil deposits in Uganda have plummeted in financial value by 70% (\$47 billion) since their discovery, and they are expected to devalue even further as the world adapts to align with the goals of the Paris Agreement. The report concludes that the oil projects are no longer commercially viable for Total without the company renegotiating commercial terms with the governments of Uganda and Tanzania. The renegotiation will require the already debt-strapped countries to undertake even greater financial risk and relinquish hundreds of millions of dollars of economic benefit should they want the project to proceed.^{lxviii}

Conclusion

The bottom line is that Total's transparency is disingenuous. Civil society organizations and affected communities have been requesting the disclosure of key documents, and pointing to the gaps in existing documents, for years. Total has continuously failed to engage in a constructive, accessible and good-faith dialogue with these stakeholders. The company's March 8 communique, consisting of numerous inaccuracies and misleading statements,

appears to be a marketing and communications effort rather than a genuine attempt at transparency and engagement. In this sense, the statements appear intended to minimize the seriousness of the human rights and environmental impacts associated with Total's projects in Uganda and Tanzania in the eyes of its shareholders, financiers, and the concerned public.

Yet, as illustrated above, the ultimate conclusion is that neither project meets international best practice—let alone, could be described as “exemplary,” as Pouyanné recently said.

To be effectively transparent, Total needs to:

- 1) Identify & map out all the risks associated with the Tilenga and EACOP projects;
- 2) Identify measures to prevent and/or mitigate those risks, and open those for public comment;
- 3) Effectively implement these measures;
- 4) Implement a system to evaluate the effectiveness of the mitigation measures.

All these must be public and include meaningful consultation with affected persons and CSOs.

ⁱ See, e.g., Total, [“Tilenga & EACOP: Two Projects Rigorously Researched and Assessed.”](#) Total, [“Tilenga and EACOP: Acting Transparently.”](#)

ⁱⁱ Total, [“Uganda and Tanzania: Total Acts in Transparency on Social and Environmental Stakes of the Lake Albert Resources Development Project,”](#) Mar. 2021.

ⁱⁱⁱ Total, [“Clarification: Total Responds to Reclaim Finance and Greenpeace,”](#) Mar. 2021.

^{iv} See, e.g., #StopEACOP, [Publications](#); Les Amis de la Terre, [“Serious Breaches of the Duty of Vigilance Law: The Case of Total in Uganda,”](#) June 2019; Les Amis de la Terre, [“A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania,”](#) Oct. 2020; Oxfam, [“Empty Promises Down the Line?: A Human Rights Impact Assessment of the East African Crude Oil Pipeline,”](#) Sept. 2020; Bill Powers (commissioned by Oxfam), [“Review of Adequacy of Environmental Mitigation in the ESIA for the Tanzania Section of the East Africa Crude Oil Pipeline,”](#) June 2019; FIDH & FHRI, [“New Oil. Same Business?: At a Crossroads to Avert Catastrophe in Uganda,”](#) Sept. 2020; E-Tech International, [“Tilenga Project – Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production,”](#) Dec. 2019; Netherlands Commission for Environmental Assessment, [“Review of the ESIA Report for the Tilenga Project,”](#) July 2018; Banktrack, [“Crude Risk: Risks to Banks and Investors from the East African Crude Oil Pipeline,”](#) Nov. 2020. Others in the international community have also expressed their concerns to the company, including four United Nations Special Rapporteurs who wrote letters to [Total E&P](#), [Total SA](#), the [French Government](#) and [Ugandan Government](#) to highlight their concerns regarding acts of harassment and intimidation against human rights defenders in connection with Total's project. [Survive and Les Amis de la Terre France](#) have addressed the ways in which Total's responses to the UN Rapporteurs were insufficient and erroneous. Civil society organizations and affected communities have also mobilized in response to the company's actions. For example, a [petition](#) that outlined the detrimental effects of the EACOP project was signed by 877 affected communities, community leaders and national and international NGOs and was submitted to Total in Nov. 2020, and a [global petition](#) calling on Total's CEO to urgently abandon these devastating projects has reached more than one million signatures in just over one month. See also [Open Letter to the Presidents of Uganda and Tanzania: Champion Environmental Conservation and Community Livelihoods Over the EACOP](#), Sept. 2020; AFIEGO, [CSO Memorandum Presenting Weaknesses and Gaps in the EACOP ESIA Report and Recommendations to NEMA for Action](#), Aug. 2019; AFIEGO, [CSO Concerns Regarding Irregular and Illegal Tilenga ESMPs Review Process by Total E&P](#), Aug. 2020; [CSO Memorandum of Proposals to the NEMA on the Tilenga project ESIA](#), Nov. 2018; Open Letter (signed by more than 260 NGOs), [Urgent Call Not to Finance the East African Crude Oil Pipeline](#), Mar. 2021.

^v F. Giovanetti Consultant, [“Total E&P Uganda & Tullow Uganda Limited Tilenga Project: Third Party Review of RAP1 Performance and Compliance,”](#) June 2019; Cousins Environmental Consultants, [“Tilenga Project RAP 1 for the Proposed Industrial Area and N1 Access Road: Review of the Current Livelihood Restoration Plan,”](#) May 2020; Cousins Environmental Consultants, [“Review of Tilenga IFC Compliance in Project Implementation Planning,”](#) Sept. 2019; ADIT Consulting, [“Total E&P Uganda -- Investigation Vigilance,”](#) Dec. 2019.

^{vi} Total, [“Tilenga & EACOP: Two Projects Rigorously Researched and Assessed.”](#)

^{vii} Total, [“Tilenga & EACOP: Two Projects Rigorously Researched and Assessed.”](#)

^{viii} FIDH, [“Oxfam and FIDH Respond to New Disclosures by Total in East Africa, Urge Caution,”](#) Mar. 17, 2021.

^{ix} The Law on the Duty of Vigilance, <https://vigilance-plan.org/the-law/>.

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- ^x Total, [“Universal Registration Document 2019,”](#) 2019 Vigilance Plan at pp. 102-127.
- ^{xi} See Les Amis de la Terre France, [“Total Uganda: A First Lawsuit Under the Duty of Vigilance Law,”](#) Oct. 2020. Total’s vigilance plan is also the subject of a second legal case in France, in relation to its failure to map out risk and implement mitigation measures related to climate change. See Notre Affaire à Tous, [Legal Action Against Total.](#)
- ^{xii} See, e.g., AFIEGO, [CSO Memorandum Presenting Weaknesses and Gaps in the EACOP ESIA Report and Recommendations to NEMA for Action,](#) Aug. 2019; AFIEGO, [CSO Concerns Regarding Irregular and Illegal Tilenga ESMPS Review Process by Total E&P,](#) Aug. 2020.
- ^{xiii} Netherlands Commission for Environmental Assessment, [“Advisory Review of the Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline,”](#) June 2019.
- ^{xiv} E-Tech International, [“Tilenga Project – Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production,”](#) Dec. 2019; E-Tech International, [“Review of Adequacy of Environmental Mitigation in the ESIA for the East African Crude Oil Pipeline in Uganda,”](#) May 2019.
- ^{xv} Netherlands Commission for Environmental Assessment, [“Advisory Review of the Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline,”](#) p. 6, June 2019.
- ^{xvi} Netherlands Commission for Environmental Assessment, [“Advisory Review of the Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline,”](#) p. 4, June 2019.
- ^{xvii} Netherlands Commission for Environmental Assessment, [“Advisory Review of the Resubmitted Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline,”](#) p. 7-9, Oct. 2020.
- ^{xviii} E-Tech International, [“Tilenga Project – Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production,”](#) p. 1, Dec. 2019.
- ^{xix} E-Tech International, [“Review of Adequacy of Environmental Mitigation in the ESIA for the East African Crude Oil Pipeline in Uganda,”](#) p. 12, May 2019. While Total’s ESIA aims to minimize the risk of oil spills, it has failed to publicly disclose its oil spill response plans. The company has stated that the plans will be “finalized prior to commissioning of the pipeline when hydrocarbons are introduced into the system.” [Total’s Reaction to Oxfam Report,](#) Sept. 2020. However, Total should make these plans public and consult stakeholders well before the pipeline is given the green light. Les Amis de la Terre, [“A Nightmare Named Total: An Alarming Rise in Human Rights Violations in Uganda and Tanzania,”](#) p. 25-26, Oct. 2020.
- ^{xx} Total, [“Tilenga and EACOP: Acting Transparently.”](#)
- ^{xxi} See Oil in Uganda, [“Tilenga ESIA Certificate: CSOs Want Court to Strike Out NEMA’s Evidence,”](#) Nov. 2019; AFIEGO, [“Update on Hearing of Tilenga Case,”](#) Oct. 2019.
- ^{xxii} See Oxfam, [“Empty Promises Down the Line?: A Human Rights Impact Assessment of the East African Crude Oil Pipeline,”](#) pp. 51-57, Sept. 2020; Liam Taylor, [“Families Left in Limbo as Uganda Oil Project Earmarks Land”](#) (Reuters, Oct. 2020); FIDH & FHRI, [“New Oil, Same Business?: At a Crossroads to Avert Catastrophe in Uganda,”](#) pp. 52-54., Sept. 2020; FIDH et al., [“Oil in East Africa: Communities at Risk,”](#) pp. 10-13, Sept. 2020.
- ^{xxiii} AFIEGO, [Media Release from AFIEGO and COTFONE’s EACOP Engagements In Greater Masaka & Bunyoro,](#) April 2021.
- ^{xxiv} East African Crude Oil Pipeline, [Key Figures.](#)
- ^{xxv} ELAW Evaluation of the ESIA for the East Africa Crude Oil Pipeline Tanzanian Span, at p. 1.
- ^{xxvi} See FIDH & FHRI, [“New Oil, Same Business?: At a Crossroads to Avert Catastrophe in Uganda,”](#) p. 12, Sept. 2020; E-Tech International, [“Review of Adequacy of Environmental Mitigation in the ESIA for the East African Crude Oil Pipeline in Uganda,”](#) p. 17, May 2019; AFIEGO, [CSO Memorandum Presenting Weaknesses and Gaps in the EACOP ESIA Report and Recommendations to NEMA for Action,](#) p. 4, Aug. 2019; AFIEGO, Summary report of the meeting between CSOs and EACOP’s development team, February 2020. Remarks made by EACOP Project director Mr Marchenko.
- ^{xxvii} Total, [“Tilenga and EACOP: Acting Transparently.”](#)
- ^{xxviii} Total, [“Tilenga and EACOP: Acting Transparently.”](#)
- ^{xxix} See, e.g., FIDH & FHRI, [“New Oil, Same Business?: At a Crossroads to Avert Catastrophe in Uganda,”](#) pp. 119-121., Sept. 2020 (examining the “major underestimation of environmental risks” and noting that the ESIA report for Tilenga “reveal[s] a certain number of particularly disturbing blind-spots and limitations.”); Netherlands Commission for Environmental Assessment, [“Review of the ESIA Report for the Tilenga Project,”](#) July 2018 (highlights a number of technical and legal flaws, inconsistent numbers, incomplete design, lack of justification for choices among various alternatives, lack of credibility of Total’s “net gain” concept, failure to consider trade-offs between oil development and other potential uses of resources and ecosystem services, absence of mitigation measures for some identified impacts, and failure to undertake best available technique); E-Tech International, [“Tilenga Project – Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production,”](#) p. 1, Dec. 2019. (Total “has chosen a least-cost, high impact development model for the Tilenga Project in the face of the profitability risks associated with the venture,” and “is not applying BAT” [Best Available Technique]); E-Tech International, [“Review of Adequacy of Environmental Mitigation in the ESIA for the East African Crude Oil Pipeline in Uganda,”](#) May 2019; Netherlands Commission for Environmental Assessment, [“Advisory Review of the Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline,”](#) June 2019.
- ^{xxx} Netherlands Commission for Environmental Assessment, [“Advisory Review of the resubmitted ESIA for the EACOP,”](#) sec. 3.7, p. 18, October 2020.
- ^{xxxi} *Ibid.*, sec. 4.8 p. 24, sec. 4.4 and 3.1.
- ^{xxxii} *Ibid.*, sec 3.4 p. 12. See also, E-Tech International, [“Review of Adequacy of Environmental Mitigation in the ESIA for the EACOP in Uganda,”](#) p. 7-11.

- xxxiii See E-Tech International, "[Tilenga Project – Review of Adequacy of Mitigation in Environmental and Social Impact Assessment by Total Exploration and Production](#)," p. 6, Dec. 2019; Netherlands Commission for Environmental Assessment, "[Review of the ESIA Report for the Tilenga Project](#)," p. 9-10, July 2018.
- xxxiv Total, "[Uganda ESIA: EACOP Project Executive Summary](#)," p. 8, Feb. 2020.
- xxxv Ibid.
- xxxvi WWF and CSCO, "[Safeguarding People & Nature in the East African Crude Oil \(EACOP\) Pipeline Project, A preliminary environmental and socio-economic threat analysis](#)," p. 1, 2017.
- xxxvii Ibid.
- xxxviii Ibid., p. 14.
- xxxix FIDH & FHRI, "[New Oil. Same Business?: At a Crossroads to Avert Catastrophe in Uganda](#)," p. 119, Sept. 2020.
- xi Total, "[Tilenga and EACOP: Acting Transparently](#)."
- xii Durán AP, Casalegno S, Marquet PA, Gaston KJ (2013) Representation of Ecosystem Services by Terrestrial Protected Areas: Chile as a Case Study, p. 272; Sonter, Barrett, Moran (2013), Mining, deforestation and conservation opportunities: A case study of the Quadrilátero Ferrífero land use change dynamics. Conference: XVI Brazilian Remote Sensing Symposium At: Foz do Iguaçu, Paraná, Brazil, p. 6300.
- xlii Total, "[Tilenga Project: ESIA Non-Technical Summary](#)," p. 21, 23, Feb. 2019 ("A total of 34 Well Pads are planned to be located within CA-1 and LA-2 North, each . . . holding up to 22 wells."); Total, "[Tilenga Project: Environmental and Social Impact Assessment](#)," Vol. I, Ch. 4, Feb. 2019.; Ten of the well pads are within MFNP. This can be determined by examining Figure 4-1 on p. 4-6 of the [ESIA](#), which indicates that well pads JBR-01 to JPR-10 are located inside MFNP. Table 4-7 on p. 4-19 of the [ESIA](#) further specifies the total number of wells that each well pad holds. See also [ESIA Tilenga](#), Chap. 4, p. 6 (4-6), figure 4-1: wellpads JBR 01 to JBR 10 inside the park, and the table p. 4-19 lists the number of wells with each pad.
- xliii Total, "[Tilenga and EACOP: Acting Transparently](#)."
- xliv Total, "[Tilenga Project: Environmental and Social Impact Assessment](#)," Vol. I, Ch. 4, p. 4-84, Feb. 2019 ("Preliminary estimates indicate that a peak of approximately 2,000 truck deliveries per month will be required to the CPF and well pads during the peak Construction and Pre-Commissioning Phase"). The estimated 61,600 trips per month between wells can be determined by adding up the estimated monthly trips between well pads JBR-01 to JPR-10 listed in Table 4-31 on p. 4-86 of the [ESIA](#); E-Tech [Tilenga ESIA Review](#), p. 11.
- xlvi Total, "[Uganda and Tanzania: Total Acts in Transparency on Social and Environmental Stakes of the Lake Albert Resources Development Project](#)," Mar. 2021.
- xlvii Calculations made on the basis of the number of affected individuals listed in documents published by the EACOP consortium led by Total: [RAP EACOP Tanzania, Priority Areas](#) (2,231, Chapter 1, p. 5), in the [RAP EACOP Uganda](#) (24,744 individuals, p. 76) and those affected by the RAPs in the other regions of Tanzania (59,293), which totals 86,268. This total of 59,293 is obtained by multiplying the number of households indicated for each of the 8 RAPs (see list below) by the average number of individuals per household as indicated in the RAPs themselves. The 8 RAPs are for the [Dodoma](#), [Manyara](#), [Shinyanga](#), [Singida](#), [Tabora](#), [Tanga](#), [Geita](#), [Kagera](#) regions - for more details and specific sources, see [this document compiled by Friends of the Earth France and Surviv](#). In some cases, one person can be affected by several RAPs and therefore there can be marginal double counting, but it is less common than for Tilenga for which RAPs are concentrated in the same region.
- xlviii Total et al., "[Tilenga Project Resettlement Action Plans: Executive Summary](#)," p. 138 (Table 25), Sept. 2020.
- xlix It is also worth noting that the CNOOC-owned Kingfisher oil fields will impact 680 households, or 2,949 individuals. CNOOC, [Environmental and Social Impact Assessment for the Kingfisher Field Development Area, Uganda](#), Nov. 2019.
- l Les Amis de la Terre, "[A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania](#)," pp. 10-16, Oct. 2020; Les Amis de la Terre, "[Serious Breaches of the Duty of Vigilance Law: The Case of Total in Uganda](#)," 2019; FIDH & FHRI, "[New Oil. Same Business?: At a Crossroads to Avert Catastrophe in Uganda](#)," p. 52-70, 101-119, Sept. 2020; Julius Niringiyimana, William Muhumuza and Rutanga Murindwa, "[Oil Politics and Land Tenure Changes in Uganda: Understanding the Curse of Dispossession in the Albertine Region](#)," African Social Science Review, Vol. 101 art 7, p. 30-32.
- ii Les Amis de la Terre, "[A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania](#)," pp. 10-16, Oct. 2020; Oxfam, "[Empty Promises Down the Line?: A Human Rights Impact Assessment of the East African Crude Oil Pipeline](#)," 58-70, Sept. 2020; Tom Ogwang, Frank Vanclay, "[Cut-off and forgotten?: Livelihood disruption, social impacts and food insecurity arising from the East African Crude Oil Pipeline](#)," Energy Research & Social Science, 2021.
- iii Total, "[Uganda and Tanzania: Total Acts in Transparency on Social and Environmental Stakes of the Lake Albert Resources Development Project](#)," Mar. 2021.
- iv Les Amis de la Terre, "[A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania](#)," p. 17, Oct. 2020.
- v See, e.g., UN General Assembly, "[Basic Principles and Guidelines on Development-Based Evictions and Displacement](#)," para. 60, Feb. 2007 ("Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.").
- vi Les Amis de la Terre, "[A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania](#)," pp. 8, 18-19, Oct. 2020.
- vii Les Amis de la Terre, "[A Nightmare Named Total: An Alarming Rise in Human rights Violations in Uganda and Tanzania](#)," pp. 8-10, Oct. 2020.
- viii Total, "[Tilenga and EACOP: Acting Transparently](#)."
- ix Read [here](#) a letter to Total's CEO, Patrick Pouyanné, sent by the UN Special Rapporteur on the right to freedom of expression; UN Special Rapporteur on the right to a safe, clean, healthy and sustainable environment; UN Special Rapporteur on the situation of human rights defenders; and chair of the UN Working Group on Business and Human Rights. They sent a

similar [letter to the government of Uganda](#). Read Total's responses [here](#) and [here](#). Read Friends of the Earth France and Survie's critical analysis of Total responses [here](#).

^{lviii} Survie & Les Amis de la Terre France, [Analysis of the Answers Provided by Total SA and Total E&P Uganda to the UN Special Rapporteurs](#), June 2020.

^{lix} Daily Monitor, "[600 Abducted NUP Members Still Missing](#)," March 2021.

^{lx} F. Giovanetti Consultant, "[Total E&P Uganda & Tullow Uganda Limited Tilenga Project: Third Party Review of RAP1 Performance and Compliance](#)," June 2019 and associated [Recommendations and Actions Plan](#); Cousins Environmental Consultants, "[Tilenga Project RAP 1 for the Proposed Industrial Area and N1 Access Road: Review of the Current Livelihood Restoration Plan](#)," May 2020 and associated [Recommendations and Actions Plan](#); Cousins Environmental Consultants, "[Review of Tilenga IFC Compliance in Project Implementation Planning](#)," Sept. 2019 and associated [Recommendations and Actions Plan](#); ADIT Consulting, "[Total E&P Uganda -- Investigation Vigilance](#)," Dec. 2019 and associated [Recommendations and Actions Plan](#).

^{lxi} Total, [Oxfam recommendations and action plan](#), accessed March 2021; Total, [FIDH Recommendations and action plan](#), accessed March 2021.

^{lxii} See Total, "[Universal Registration Document 2019](#)," 2019 Vigilance Plan at p. 103 (referring to a new Group risk map, drawn up in November 2019); p. 104 (referring to risk mapping work that was carried out in 2016 in accordance with the UNGPs); p. 105 (referring to a risk analysis process by country and by type of activity, which would be implemented in 2020); p. 108 (referring to assessments of the impacts on human rights and fundamental freedoms of the Group's activities in sensitive situations, including according to criteria relating to human rights risks in the relevant country); p. 111 (referring to human rights and ethics assessments conducted in seven subsidiaries—including Egypt, Brazil, South Korea, Russia, Nigeria and Cameroon—identified on the basis of criteria related to each country's human rights risks).

^{lxiii} Total, "[Tilenga and EACOP: Acting Transparently](#)."

^{lxiv} Oxfam, "[Empty Promises Down the Line?: A Human Rights Impact Assessment of the East African Crude Oil Pipeline](#)," p. 67, Sept. 2020.

^{lxv} Oxfam, "[Empty Promises Down the Line?: A Human Rights Impact Assessment of the East African Crude Oil Pipeline](#)," p. 67-68, Sept. 2020.

^{lxvi} Total, "[Tilenga and EACOP: Acting Transparently](#)."

^{lxvii} Oxfam France, "[L'argent du pétrole : le jeu trouble des Pays-Bas et de Total en Ouganda](#)," Oct. 2020.

^{lxviii} Matthew Huxham, Muhammed Anwar, Eoin Strutt & David Nelson, "[Understanding the Impact of a Low Carbon Transition on Uganda's Planned Oil Industry](#)," Dec. 2020 (Since Uganda signed an initial agreement in 2013, the value of Uganda's oil reserves has fallen more than \$40 billion or over 70% to \$18.1 billion. Under a low-carbon transition aligned with the goals of the Paris Agreement, the value of the oil would drop further, to 88% of its value seven years ago.").