

# Tilenga Project Human Rights Impact Assessment (A short summary)



**This booklet presents a short summary of the full Tilenga Human Rights Impact Assessment which is available on our Internet website: <https://corporate.totalenergies.ug/tilenga-project-human-rights-impact-assessment>**

# A Brief Review

## Publication of the Human Rights Impact Assessment

The following is a brief summary of the Tilenga Human Rights Impact Assessment (HRIA) that has been prepared to support disclosure and dialogue with affected stakeholders, particularly at the community level. A more detailed summary of the HRIA and the full assessment can be found on TotalEnergies EP Uganda website <https://corporate.totalenergies.ug/tilenga-project-human-rights-impact-assessment>

### Introduction

HRIA was commissioned by TotalEnergies EP Uganda (TEPU); to understand the risks and impacts of the Tilenga Project on Human Rights and to develop a proactive and comprehensive Human Rights Action Plan framework for ongoing Human Rights Due Diligence to manage the Project's salient Human Rights issues as it moves through the construction and operational phases.

This HRIA builds upon prior Human Rights studies that the Project has undertaken, notably through the Environmental and Social Impact Assessment (ESIA) and other related studies.



### Process and Methodology

The HRIA was implemented in a collaborative and participatory manner by Eco & Partners Consult (Uganda) and LKL International Consulting Inc. (Canada) between December 2020 and January 2022.

Following a scoping period which included desktop research and review of internal and external reports about the Project, salient Human Rights issues were identified. Extensive fieldwork with stakeholders was carried out including 362 affected stakeholders, 97 duty-bearers (i.e. from TEPU and its business partners); and 54 other key external stakeholders. Stakeholders were engaged through focus groups, key informant interviews and other types of stakeholder engagement such as community meetings. Gender balance was a priority for the assessment team. Focus groups with women were held in each community and key stakeholders focused on women's rights were targeted throughout the assessment.

Representatives of TEPU were engaged throughout the assessment for ongoing dialogue about management approaches and mitigation measures already in place to address the salient Human Rights issues identified.

## Salient Issues

Salient issues are defined in the UN Guiding Principles Reporting Framework as those Human Rights that stand out because they are at risk of the most severe negative impact through a company's activities or business relationships.

The following table presents the salient Human Rights issues that are the focus of this HRIA and each salient issue is described in more detail in the following pages of this brochure.

Workers' Rights	Communities' Human Rights	Security and Human Rights
<b>Contractor and suppliers' workers' rights</b>	<ul style="list-style-type: none"> <li>• <b>Right to information and consultation</b></li> <li>• <b>Land and resettlement</b></li> <li>• <b>Project-induced in-migration</b></li> <li>• <b>Road safety</b></li> <li>• <b>Cultural rights</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Interactions with Government Security Forces</b></li> <li>• <b>Interactions with Private Security Providers</b></li> </ul>
Cross-cutting Human Rights		
<ul style="list-style-type: none"> <li>• <b>Women's rights, gender equality and vulnerable groups</b></li> <li>• <b>Grievance mechanisms and access to remedy</b></li> <li>• <b>Human Rights Defenders</b></li> </ul>		

## Tilenga Project Human Rights

In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out Human Rights Due Diligence" (UN Guiding Principles on Business and Human Rights 2011)



## Workers' Rights of Contractors and Suppliers

This issue was prioritized due to the large number of contractors, sub-contractors and suppliers that will work on the Project, particularly during the construction phase. This is an area where international standards and expectations are evolving rapidly in terms of due diligence in supply chains.

### Workers' rights issues include:

- Non-discrimination,
- Freedom from child labour,
- Freedom from forced labour,
- Freedom of association,
- Just and favourable working conditions,
- Safe and healthy working conditions.

The Project already has many mitigation measures in place to ensure the respect of workers' rights. For example, all contractors are required to adhere to TotalEnergies EP Uganda's Fundamental Principles of Purchasing which set out minimum standards in relation to prohibition and prevention of child labour; prohibition and prevention of forced labour, working conditions, remuneration and compensation, health and safety at work, prohibition and prevention of discrimination and harassment at the workplace, freedom of speech, association and collective bargaining, freedom of thought, conscience and religion, and, mechanisms for grievances and concerns.

Contractors' Human Rights records are considered as part of the pre-selection check at the tendering stage and contracts include provisions to ensure that Human Rights requirements are also incorporated in sub-contracts. Onboarding and induction training, monitoring and auditing procedures all emphasize the need for Contractors to embody the principle of Respect for Others.

### The recommended priorities for ongoing Human Rights due diligence in relation to Workers' Rights include:

- Ensuring that pre-selection engagement, onboarding and induction training process for contractors duly emphasizes the Project's commitments to respect workers' rights.
- Develop procedures to verify that key contractors' human resources, recruitment, procurement and sub-contracting policies and procedures align with the Project's commitments to respect workers' rights.
- Require contractors to put in place effective grievance mechanisms for workers.
- Proactively conduct inspections of the working conditions of selected high-risk contractors', sub-contractors' and suppliers.
- In implementing these measures, special attention should be given to gender equality and non-discrimination in recruitment and labour management practices and raising awareness about the prohibition against sexual harassment.
- Engage proactively to see how the Project can support dialogue and action related to freedom of association within the oil & gas industry, including with its contractors and suppliers.

## Information and Consultation



The right to information and consultation provides the foundation for building strong, constructive, and responsive relationships between the Project and its affected stakeholders.

The need for improvement of information and consultation was highlighted as a priority for many of the Project's stakeholders and particularly for local community members during the HRIA fieldwork.

The Project has considerably increased its stakeholder engagement efforts since it has moved into the development phase, and is currently undertaking a number of actions to address stakeholder concerns about information and consultation.

These actions are focused on the continued implementation of the Project's Stakeholder Engagement Plan and strengthening the Stakeholder Engagement Team, which includes Community Liaison Officers for local communities. Furthermore, the Project has created an NGO Coordination and Human Rights department to proactively engage with local and national Non-Governmental Organizations (NGOs) and community-based organizations about Human Rights issues and concerns.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Information and Consultation include:**

- Strengthen the teams based in TEPU's head office and in the communities who have roles and responsibilities for stakeholder engagement.
- Continue to ensure that the number of CLOs is adequate and provide resources and logistical support in order for them to have regular and visible presence in the local communities.
- Continue to adapt stakeholder engagement activities to accommodate needs and feedback from women and other vulnerable groups.
- Continue to develop and produce information, communications and educational materials in local languages about key environmental, social and human rights issues of recurring concern or interest to local stakeholders.
- Proactively disclose the HRIA Report and the Human Rights Action Plan in a manner that encourages ongoing dialogue about the Project's salient Human Rights issues with local and national stakeholders, and then conduct periodic disclosure and consultation sessions about progress on the implementation of the Human Rights Action Plan.
- Conduct periodic evaluations of the Project's stakeholder engagement efforts using a participatory methodology.
- Develop an agreed framework or protocol with key civil society organizations to reinforce a structured and constructive ongoing dialogue on issues of mutual interest, including human rights.
- Within the framework of the Project's regular stakeholder engagement meetings, consider opportunities for developing a capacity-building program on business and human rights to create the conditions for more constructive dialogue between different stakeholders.

## Land and Resettlement

Land acquisition and resettlement have been prioritized as these are inherently high-risk activities given the range of potential impacts on a variety of Human Rights and the challenge of fully remediating those impacts over the longer term.

In relation to the Tilenga project, activities related to land acquisition and resettlement have been the subject of intense scrutiny and allegations of Human Rights impacts notably related to Resettlement Action Plan 1. Delays in Project agreements and approvals have led to the land acquisition process being delayed. Measures to address these concerns are being implemented and lessons learned are being applied in the implementation of Resettlement Action Plans 2-5.



Current mitigation measures include:

- Land Acquisition and Resettlement Framework, Stakeholder Engagement Plan, Resettlement Action Plans (RAPs 1 to 5)
- Livelihood Restoration Plan, including for vulnerable people and transitional supports, including food rations
- Monitoring and evaluation, including until Project has successfully restored livelihoods, periodic third party evaluations
- Grievance mechanism for resettlement process.

The Project also aims to go beyond the threshold of direct livelihood restoration to pre-Project levels targeting benefit creation above the mitigation threshold through the improvement and diversification of livelihoods

### **The recommended priorities for ongoing Human Rights due diligence in relation to Land and Resettlement include:**

- Continue to work with Project Affected Persons to ensure that land grievances are resolved fairly including working with independent third parties to support the resolution of cases.
- Systematically apply learnings from Resettlement Action Plan 1 to subsequent Plans.
- Consider a program to encourage good practices with respect to use of compensation money and household engagement in Livelihood Restoration Programmes.
- Continue to liaise and work with government to develop process that ensures protection of the rights of people who must be evicted in accordance with the compulsory acquisition process under Ugandan law.
- Following completion of the land acquisition process continue to monitor resettlement outcomes

## Project- Induced In-Migration (PIIM)



Influx or Project-Induced In-Migration (PIIM) is increasingly understood as a predictable phenomenon related to large-scale developments that include potential impacts on community members, notably in terms of Human Rights related to health and safety, as well as on a variety of other economic, social and cultural rights. The individuals who are seeking opportunities from the Project also may experience adverse impacts related to freedom of movement, the right to work and health, safety and security. Potential impacts on women and girls can have high severity, especially related to reproductive and sexual health, harassment or gender-based violence and human trafficking.

The Project has developed an Influx Management Strategy that cuts across a variety of other management plans and seeks to minimize the incentives for PIIM and to manage the residual impacts of PIIM that does occur. In particular, the Community Health, Sanitation and Safety Management Plan aims to address a number of the specific concerns noted by stakeholders and will focus attention on potential influx “hotspots” for proactive influx management. Furthermore, the Labour Management Plan prioritizes local hiring for non-skilled and semi-skilled jobs which should minimize the opportunities and incentives for employment seekers to migrate to the Project region if it is well-communicated and includes other measures to reduce the risks of health risks for communities from workers.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Project-Induced In-Migration (PIIM) include:**

- Proactively monitor and validate PIIM hotspots originally identified in the Influx Management Strategy and prioritize implementation of the mitigation measures where influx is already occurring or is now predicted to occur.
- Appoint a coordinator for PIIM matters to oversee the implementation of the Influx Management Strategy (and related management plans) internally with contractors and other actors.
- Seek to use leverage with local government, community leaders and other actors to proactively build capacity and multi-stakeholder initiatives related to PIIM preparedness and management (e.g. related to community health, safety, gender, local content, agriculture.).
- Establish the monitoring framework for PIIM to allow the Project and other actors to respond to early indications of negative impacts caused by PIIM.
- Ensure that the monitoring framework for identifying PIIM hotspots includes proactive assessment of potential activities and impacts on women, and that organizations that support women are engaged in the multistakeholder planning and coordination activities for the implementation of the Influx Management Strategy.



## Road Safety

Road safety was prioritized as a high-risk activity because of the increase in road traffic during the construction phase. The project may cause impacts related to accidents involving its own employees; and, it may contribute or be directly linked to accidents involving contractors or suppliers or other third parties. To avoid contributing to Human Rights impacts, it will be essential to avoid compromising on road safety requirements due to time pressures related to construction.

Road safety is taken very seriously by TotalEnergies EP Uganda and current Project mitigation measures are set out in a Community Road Safety Management Plan and Transport Management Plan which include a variety of measures related to road safety awareness in communities and schools, enforcement of speed limits, vehicle compliance inspections, driver management including assessment training and monitoring.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Road Safety include:**

- Collaboration is planned with school officials, police and parents to implement the sensitization and mitigation measures related to the road safety of children, given their greater vulnerability to accidents.
- Raising awareness about implementation of road safety measures and reporting channels for complaints about unsafe driving behaviour.
- Monitoring of driver wellness including fatigue management.
- Thorough investigation of serious road accident involving injuries or fatalities to ensure that any adverse impacts are remediated and that there are appropriate learnings and corrective actions to avoid recurrence.





Cultural rights have been prioritized in order to bring a focus on the collective elements of culture and to draw attention to the rights of the ethnic groups affected by the Project. In the short-term, the potential adverse impacts on cultural rights are focused on the relocation of sacred sites. In the longer-term, potential adverse impacts relate for example to local cattle culture and the language of ethnic groups in the Project area. These cultural aspects risk being eroded over time through Project-induced in-migration and fragmentation of communal lands.

Existing mitigation measures are notably set out in the Cultural Heritage & Archaeological Management Framework which includes the need to carry out a pre-construction survey to inventory all archaeological and cultural heritage sites in the Project area; cultural and archaeological heritage training; and, a capacity building program for relevant workers. A procedure sets out excavation, relocation/restoration and monitoring of graves, sacred and other sites of cultural importance.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Cultural Rights include:**

- Roll out the Cultural and Archaeological Heritage Training and Capacity Building Program and emphasize that there are potential Human Rights impact associated with it.
- In the implementation of the Cultural Heritage Program, continue to engage and consult with the cultural institutions and representatives of the ethnic groups in the area to develop long-term strategies for cultural and linguistic preservation. Consider opportunities to work with partners or provide trainings that support a participatory and rights-based approach to any initiatives or programmes.

## Interactions with Government Security Forces



The Project's interaction with Government Security Forces was prioritized as a salient Human Rights issue based on the inherent risk to people if and when Government Security Forces interact with community members, workers or other individuals. This is widely recognized as a key Human Rights risk for extractives and energy projects. The Project's approach for interaction with the Government Security Forces is through the continuous implementation of the Voluntary Principles on Security and Human Rights (VPSHR) notably through the application and monitoring of the Memorandum of Understanding (MoU) between TEPU and the Government Security Forces; ongoing VPSHR and Human Rights training of Government Security Forces deployed in the Project area; and, ongoing efforts to ensure that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of Government Security Forces without retaliation.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Interactions with Government Security Forces include:**

- Ensure that the MoU with the Government Security Forces is signed as soon as possible in order to give the Project a clear framework for continuous engagement on the VPSHR.
- Update the VPSHR risk assessment and review of mitigation measures for the Government Security Forces. As part of this update, clarify the role and mandate of different units of the Government Security Forces that will interact with the Project, including potential interactions with respect to the Ugandan Wildlife Authority's Rangers and Environmental Police Force.
- Continue to implement a VPSHR training program for all Government Security Forces that may interact with the Project and its stakeholders. As part of the ongoing VPSHR training program, strengthen the training materials and messaging about tackling gender-based violence, freedom of expression and the rights of Human Rights Defenders; and the importance of registering and responding to complaints.
- Through the MOU ensure that the Government commits not to deploy commanders of units who have in the past been responsible for Human Rights abuses.
- Ensure that there is a transfer procedure for material or financial resources provided to Government Security Forces under the MoU.
- Work with the Project's Social Affairs Department and Community Liaison Officers to ensure that information about the Project's security arrangements are shared with communities and workers, and that the Project's grievance mechanisms for community members and workers are effective and have the necessary safeguards to receive complaints about the conduct of Government Security Forces without retaliation.
- Consider how the Project can work with other organizations to seek to establish a national working group or structure for the VPSHR in Uganda.

## Interaction with Private Security Forces



There is a concern from a Human Rights perspective regarding the potential use of force in the interaction between Private Security Providers and workers or community members. As the Private Security Providers for the Project do not have lethal weapons and do not have a mandate to apprehend suspects, the Human Rights risks are significantly less severe than those for the Project's interaction with Government Security Forces. Private Security Providers also have a mandate to protect Project workers and contribute to their rights to a safe and healthy working environment. Furthermore, private security guards also have Human Rights, including in terms of their own health, safety and working conditions, and there are also indications that they are at risk of false accusations of harassment by members of the communities.

The Project's approach for Human Rights due diligence is through the continuous implementation of the VPSHR, notably through the inclusion of contractual provisions on the VPSHR in its contracts with Private Security Providers; screening for past Human Rights abuses by Private Security Providers; ongoing VPSHR and Human Rights training; constant dialogue with the Private Security Providers through regular meetings; appointment of TEPU supervisors in Kampala and onsite to oversee daily security activities and, ongoing efforts to ensure that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of Private Security Providers without retaliation.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Private Security Providers include:**

- Update the VPSHR risk assessment and review mitigation measures with Private Security Providers,
- Continue to implement a VPSHR training program for all Private Security Providers, strengthen the training materials and messaging about tackling gender-based violence, freedom of expression and the rights of Human Rights Defenders; and the importance of registering and responding to complaints.
- Continue to ensure that background checks are conducted on Private Security Providers hired by the Project.
- Work with the Private Security Providers to ensure that incidents or complaints that relate to potential Human Rights impacts are rapidly escalated
- Work to ensure that information about the Project's security arrangements including its Private Security Providers are shared with communities and workers
- Consider whether the Project can support the establishment of a national working group or structure for the VPSHR.



Women's rights and gender equality are a cross-cutting issue that are relevant to the other salient issues addressed in the HRIA. In terms of severity, the risk and impacts related to women's rights and gender equality are the highest in relation to Gender-Based Violence (GBV), including Sexual Violence against Children (SVAC) and Intimate Partner Violence (IPV). Indeed, the likelihood of impacts is high as cultural norms and practices in the Project area are patriarchal and tolerant to Gender Based Violence.

While they are complex and sensitive situations, the Project should support programs that address IPV. This is an area where international expectations and standards are rapidly evolving and there are heightened expectations on companies to have strong policies and robust mechanisms for handling complaints or incidents related to GBV.

Current mitigation measures are focused on a Gender Management Plan (GMP), including a plan for a capacity assessment of local communities and capacity building program to improve outcomes for women.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Women's Right and Gender Equality include:**

- Assess risks and impacts: IPV that could be triggered by Project activities; harassment or GBV in the workplace or community; increases in prostitution and trafficking; and increases in sexually transmitted diseases, substance abuse and other negative health outcomes. Develop a monitoring and evaluation framework for tracking the effectiveness of recommended measures over the longer term. Ensure that this assessment includes consideration of issues and impacts for LGBTQ+ persons.
- Appoint a gender focal point for the Project.
- Review the Project's and contractor grievance mechanisms to ensure that there are adequate safeguards for handling complaints or incidents related to GBV.
- Identify opportunities to work in partnership with local authorities, security forces, health centers and relevant organizations (e.g. donors, civil society and NGOs) to strengthen positive gender relationships and create safe spaces for women within communities.



The corporate responsibility to develop effective operational grievance mechanisms (and to enable access to remedy through other non-judicial or judicial mechanisms) are an important focus of the UN Guiding Principles on Business and Human Rights and other international standards. Grievance mechanisms and access to remedy are a cross-cutting salient issue for the Project since all Human Rights require access to remedy in order to be meaningful.

Key feedback about improving the effectiveness of the Project's grievance mechanisms are currently focused on the community grievance mechanism, notably in terms of improving the speed of resolution of -

grievances; more consistent recording and documentation of grievances; providing more feedback and explanation before closing out grievances; strengthening the mechanisms for escalation of grievances; using third parties to support resolution and to strengthen trust in the mechanism; and, increased transparency and reporting on the implementation and effectiveness of the grievance mechanism. In terms of ongoing Human Rights due diligence, the Project has established multiple grievance mechanisms for community members; contractors, sub-contractors and suppliers; and its own direct workers. These include:

- A Community Grievance Procedure to receive and respond to community grievances.
- Requirements for contractors to establish grievance mechanisms for their workers.
- Requirement for contractors to establish Community Grievance Procedures.
- My Safety for All using mobile app technology to allow workers and contractors to raise issues about safety performance.
- Tilenga Road Safety mobile app technology piloted to allow workers and contractors to raise road safety issues.
- TEPU Employee Grievance Procedure and Bullying and Harassment Policy.

In addition to the Project's grievance mechanisms, the Project has been supportive of other organizations working on access to remedy issues in the area for instance through community legal clinics to mediate outstanding grievances related to the land and resettlement process.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Grievance Mechanisms include:**

- Develop an updated communications strategy to promote the Project's comprehensive approach to grievance management.
- Emphasize the importance of grievance mechanisms in the early engagement with contractors.
- Review the community and workers' grievance mechanisms to ensure that there are appropriate safeguards against retaliation and for handling sensitive grievances including sexual harassment or Gender Based Violence and Human Rights Defenders issues.
- Reinforce work with independent third parties for assistance in resolving complex or sensitive grievances.
- Review the monitoring and evaluation framework to ensure that it is aligned with the UNGPs effectiveness criteria



Human Rights Defenders are defined, in part, by what they do, the following text provides an overview.

### **Actions of Human Rights Defenders**

- Promotion and protection of all Human Rights for all in every part of the world
- Collecting and disseminating information on violations
- Supporting victims of Human Rights violations
- Undertaking action to secure accountability and to end impunity
- Supporting better governance and government policy
- Contributing to the implementation of Human Rights law and policy
- Conducting Human Rights education and training

TEPU has stated publicly that it is committed to the importance of freedom of expression and recognizes the essential role that Human Rights Defenders play in upholding rights and ensuring constructive dialogue and an open civil space. TEPU also states that it does not tolerate or contribute to attacks, or physical or legal threats, against those who safely and lawfully exercise their Human Right to freedom of expression, peaceful protest or assembly, including where they are acting as Human Rights Defenders.

TEPU regularly takes opportunities to discuss and promote Human Rights issues during its dialogue with Government, petroleum authorities and private and public security forces. For instance, where TEPU is alerted of allegations that a Human Rights Defender carrying out work in relation to Project activities has been subject to threats or Human Rights breaches, TEPU has contacted the authorities in order to insist that the rights of such defenders are protected.

### **The recommended priorities for ongoing Human Rights due diligence in relation to Human Rights Defenders include:**

- Develop an updated communications strategy
- Emphasize the importance of grievance mechanisms in the early engagement with contractors.
- Review grievance mechanisms to ensure appropriate safeguards Human Rights Defenders issues.
- Reinforce work with third parties for assistance in resolving sensitive grievances.
- Review monitoring and evaluation to ensure alignment with UNGPs effectiveness criteria



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