

**TotalEnergies Response to Allegations collated by Business & Human Rights Resource Centre in relation to Human Rights Defenders with respect to the Tilenga and EACOP Projects**

**Response dated 17 April 2023**

We are grateful for the opportunity to respond to these allegations and to set out the extensive measures which TotalEnergies subsidiaries in Uganda and Tanzania have taken to protect the rights of Human Rights Defenders (HRD) and to exercise leverage on relevant authorities in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

TotalEnergies EP Uganda (TEPU) is operator of the Tilenga upstream oil project and TotalEnergies Holdings EACOP is a major shareholder in the East African Crude Oil Pipeline (EACOP) company in Uganda and Tanzania.

**Governance**

Both EACOP and Tilenga Human Rights Policies, refer specifically to HRDs: *“In particular we recognize the important role of Human Rights Defenders (as defined in the UN Declaration on Human Rights Defenders of 1998) in the promotion and protection of Human Rights. We do not tolerate any threats, intimidation, harassment or violence against those exercising their Human Rights to freedom of expression to protest peacefully against our business or activities. We take seriously any allegations of reprisals”* [https://corporate.totalenergies.ug/system/files/atoms/files/human\\_rights\\_policy.pdf](https://corporate.totalenergies.ug/system/files/atoms/files/human_rights_policy.pdf)

<https://eacop.com/human-rights-policy/>

In addition, in Uganda regarding HRDs, a Statement was issued by the General Manager of TEPU in December 2022. This statement emphasizes that TEPU seeks to promote dialogue and exchanges with HRDs in the framework of its activities and sets out a commitment to act where it is alerted to allegations of threats, intimidation, harassment or violence against HRDs in relation to its activities. The statement also reiterates the various means which HRDs can use for making complaints or raising alerts in relation to the Project.

[https://corporate.totalenergies.ug/system/files/atoms/files/statement\\_on\\_human\\_rights\\_defenders\\_word.pdf](https://corporate.totalenergies.ug/system/files/atoms/files/statement_on_human_rights_defenders_word.pdf)

Any allegations of harassment and threats against HRDs and NGOs in relation to the Projects are considered in the subsidiaries’ Human Rights Committees. The Projects regularly encourage their stakeholders including NGOs to inform them immediately if they have knowledge of concrete incidents or events providing sufficient detail for investigations to be carried out.

The Projects are cognizant of their role in encouraging other actors to respect human rights of all stakeholders including HRDs, and in order to exercise leverage they regularly repeat the following message including in meetings with the authorities:

*TEPU is strongly committed to the defense of Human Rights in all its activities. In particular TEPU recognizes the importance of protecting Human Rights Defenders and does not tolerate any attack or threats against those who peacefully promote Human Rights in relations to its activities. TEPU seeks to promote dialogue and exchanges with Human Rights Defenders in the framework of its activities. Where appropriate as recommended by the UN Guiding Principles on Business and Human Rights, TEPU seeks to exert its leverage to influence others to respect these principles.*

### ***Government Security Forces and Private Security Companies***

TEPU is aware there is an expectation by civil society that the company will exercise its leverage when made aware of allegations related to Human Rights Defenders in proximity to its activities and as such in April 2021, Michel Forst, an independent consultant, specialized in Human Rights and former Rapporteur on the situation of Human Rights Defenders for the Office of the United Nations High Commissioner for Human Rights (OHCHR) was commissioned by TEPU to provide a report.

The report is in the public domain [Human-Rights-Defenders-Report-2021.pdf](#) ([totalenergies.com](#)) and includes a number of recommendations. The subsidiary has subsequently taken action towards implementing these.

The Company notes that the allegations of HRDs' rights violations raised by the Business & Human Rights Resource Centre are made against authorities rather than TotalEnergies subsidiaries or the Projects. TEPU and EACOP representatives interact on a continuous basis with Government Security Forces, including district police and national military forces, and Private Guarding & Security Companies which are deployed in the area of TEPU activities with the aim of promoting good practices.

The Project has a programme for continuous implementation of the Voluntary Principles on Security and Human Rights (VPSHR), notably through the negotiation of a Memorandum of Understanding relating to VPSHR between TEPU and the Government Security Forces; ongoing VPSHR and human rights training of both Government Security Forces and Private Security Companies 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 or Private Security Companies without retaliation. More detail on interaction with Private Security Companies and Government Security Forces can be found in the company VPHSR report<sup>1</sup>

### ***Meetings and Coordination with Human Rights Defenders and NGOs***

Engagements and meetings with various national Coalitions and NGOs for the protection of HRDs regularly occur including detailed discussions on expectations on companies with respect to the civic space.

In addition, coordination meetings on matters relevant to Human Rights Defenders occur with relevant international organizations. As an example, meetings with the EU Committee on Democratic Governance and Human Rights have taken place including a presentation on the Tilenga Human Rights Impact Assessment focusing on Human Rights Defenders matters. Equally regular coordination meetings occur with both the Office of the High Commission on Human Rights (OHCHR) and the Ugandan Human Rights Commission.

On 3 May 2022, which is celebrated as World Press Freedom Day, Senior Management representatives attended an event with the Uganda Journalism Association (UJA) to raise awareness of the importance of the human right to freedom of expression.

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### **Information related to Cases raised by Business & Human Rights Resource Centre**

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<sup>1</sup>[https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2022-04/vpshr\\_annual\\_report\\_2021\\_totalenergies.pdf](https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2022-04/vpshr_annual_report_2021_totalenergies.pdf)

- **Individual's home and offices raided on Feb 1<sup>st</sup> 2022.**

**Information on BHRRC website : *Kayinga Muddu Yisito is the Network Co-ordinator for Community Transformation Foundation Network (COTFONE) and one of the petitioners who challenged Total in court to stop the EACOP project in Uganda. In February 2022, Yisito's home and offices were raided, allegedly in retaliation to his human rights work.***

Following information received about the break-in of these premises, EACOP staff immediately contacted the individual in question since both TEPU and EACOP have well-developed communications channels with this organization having entered into dialogue with them since mid-2021 with a view to establishing dialogue and creating a pathway for mutual exchange of information. Indeed this organization was part of a group of NGOs invited to observe the EACOP land valuation disclosure process.

Following such contact to show concern and seek further information, TEPU also contacted the Oil and Gas police to raise awareness of this case. EACOP and TEPU then put Mr Kayinga Muddu Yisito of COTFONE in touch with the EU Delegation in Uganda who provided support thereafter. TEPU verified that the EU Delegation had followed up on this.

- **Detentions following a demonstration on Oct 5<sup>th</sup> 2022.**

**Information on BHRRC website: *A group of students were arrested for holding a peaceful demonstration in support of the recent European Union resolution calling for the delay of the East African Crude Oil Pipeline (EACOP). On 5th October 2022, nine students from various universities across the country were remanded to Luzira prison on allegations that they participated in an illegal demonstration.***

#STOP EACOP protests occur from time to time in Uganda although numbers of protestors are generally limited. The largest such protest occurred in the wake of the EU Parliamentarian Resolution in relation to the Project. Whenever the Projects are aware that protests are occurring members of staff are immediately mobilised to the site of the protests to verify that protestors are being treated in accordance with the law and that no abuse or violence occurs against them. Follow up also occurs where arrests are made again to respectfully request the authorities that the protestors are dealt with in accordance with the law and human rights.

In relation to the October 2022 protests, EACOP followed up closely with the Director of the Oil & Gas Police in particular emphasizing the importance of engaging in discussions with demonstrators. It is important to note that the reasons for the arrests was that the demonstrators had not sought clearance in line with the legal requirements for public gatherings.

Indeed, it is important to note that, as is the case in many European countries, it is illegal to hold a public demonstration without first giving prior notice to the authorities. None of the demonstrations mentioned here were declared in advance to the authorities which in most cases is the reason why the protesters were arrested.

TEPU values the work of all NGOs and activists and respects their freedom of expression even when they do not share the same views as TEPU.

**Arrests occurring on Dec 9<sup>th</sup> 2022.**

**Information on BHRRC website : *On 9 December 2022, human rights defenders Barigye Bob, Ivan Kabale, Musoke Hamis Walusimbi, and Ssemwanga Jackson were arrested violently by the police without an arrest warrant. The four defenders are members of the global campaign Stop the East African Crude Oil Pipeline (StopEACOP). The campaign is led by an alliance of local groups, communities, and African and international organizations protesting against the construction of the East African Crude Oil pipeline (EACOP).***

Upon hearing through Twitter about a protest on 9 December 2022 the Company sent a representative to the central police station to check the status of the anti-EACOP activists. The representative was able to confirm that none of the persons arrested had been injured contrary to some information on the social media. In parallel the Oil and Gas Police were informed and support requested to provide information and ensure that the situation was kept under control and human rights of the protestors respected. Regular follow up occurred until the protestors were released.

Early 2023 TEPU and EACOP reached out to several students who had been part of these and similar protests. Through the organisation of breakfast meetings and discussions a meaningful dialogue has been established and has been greatly appreciated by the students who have complimented that Projects on this proactive approach which has allowed them an alternative means to give voice to their concerns.

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