



East African Crude Oil Pipeline (EACOP) Ltd

REF: EACOP-2023-10-04-UNHR-01

Office of the High Commission
United Nations Human Rights
Palais Des Nations. 1211 Geneva 10,
Switzerland

Dar es Salaam, October 4th, 2023

Subject: Response to Joint Communication Letter on Human Rights Defenders dated 9 August 2023

Reference is made to your joint allegation letter reference AL OTH96/2023 dated 9 August 2023 (the Letter) seeking clarification on the situation of human rights defenders in Uganda and specifically drawing attention to the individual case of Mr Bob Barigye. We are pleased to respond to the information given in your letter and more generally to clarify the measures which East African Crude Oil Pipeline Ltd ('EACOP Ltd', 'Company') takes to respect the rights of Human Rights Defenders and to exercise leverage on relevant authorities in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

The Government of Uganda (GoU) has decided to develop oil resources in the Lake Albert area under the Tilenga development, operated by TotalEnergies EP Uganda (TEPU), and the Kingfisher Development, operated by CNOOC Uganda Ltd. Oil produced will be exported through Tanzania to the port of Tanga. In order to develop, build and operate the buried crude oil pipeline running from Uganda to Tanzania, a single purpose company, EACOP Ltd has been established. EACOP Ltd has 4 shareholders: the Uganda National Oil Pipeline Company (UNOC) Limited 15%, TotalEnergies 62%, CNOOC (China National Offshore Oil Corporation) Limited 8% and the Tanzania Petroleum Development Corporation (TPDC) 15%.

EACOP Ltd has its own Human Rights and Security Departments, and in Uganda as a fledgling company also liaises on security matters with TEPU's Country Security Officer and his team (Country Security Team). They notably assist in helping to take measures to promote the protection of the rights of Human Rights Defenders including activists who protest against the EACOP project.

EACOP Ltd along with TEPU ('the Companies') take a proactive approach to ensuring that the project is implemented in accordance with internationally recognized Human Rights standards and the Voluntary Principles of Security and Human Rights (VPSHR). The Companies maintain good working relations with Ugandan Government Security Forces units deployed outside the perimeter of the project sites. They notably provide training on VPSHR and internationally recognized Human Rights. To mitigate the risks linked to the use of force or abuse during protests by community members, specific training of field officers on this topic has been held, and year to date 174 Government Security Forces from Uganda Oil and Gas Police, Tourism Police and Uganda Wildlife Authority Rangers, have received this training as well as 1,340 Private Security Guards which are working on the project sites.

Unfortunately, despite regular appeals by Company and authorities, demonstrators do not tend to declare their protests in advance to the authorities as is required by Ugandan law.

Whilst it is not EACOP Ltd or its shareholders' role to intervene in law-and-order enforcement in Uganda, and whilst EACOP Ltd generally only hears of these protests through social media and therefore after demonstrations have taken place, EACOP Ltd is concerned to ensure that the human rights of protestors are respected by the authorities. For this reason, typically on hearing of a protest, either EACOP Ltd or TEPU will mobilise to the site of the protest to seek to engage with protestors and understand their concerns or accept their petition. We believe that activists should be given an opportunity to engage in constructive dialogue in order to obtain long lasting peaceful solutions.

Where protestors have been arrested, TEPU teams as appropriate will typically visit the police station and request information on the protestors' welfare. Systematically the police will be reminded of the need to ensure that the human rights of the detainees are protected. Where particular concerns are raised in this regard, the Country Security Team may escalate its engagement for instance by contacting the Commander of the Uganda Oil and Gas Police Commissioner, the Ministry of the Interior or even, where appropriate, higher levels of Government. It is important to note that the Companies always try to maintain an appropriate balance since it is not the role of these two Companies to govern public order in Uganda.

We have reviewed our files in relation to each of the arrests mentioned in your letter and can confirm that the above process was applied in each case.

Question 1. "Please provide any additional information and/or comment you may have on the above-mentioned allegations" (see page 4 of the Letter)

"On 24 January 2023, Mr Bob Barigye organized an AIFE- Uganda public meeting in a local hotel to debate the environmental, economic and human rights impact of the EACOP. Police intervened, preventing the event from starting, and arrested Mr Barigye." (see page 2 of the Letter)

EACOP Ltd Response:

Neither EACOP Ltd, nor its shareholders were in any way involved in the organization of the public meeting which occurred on 24 January 2023. Nor indeed were representatives of the companies present at such a meeting. Moreover, we were not directly alerted that the meeting was ongoing nor that protests or arrests had occurred.

However, during the morning of 24 January 2023, the Companies became aware through social media that this meeting had occurred, and those arrests had been made. Through the TEPU Country Security Team, the Companies mobilized to the police station to ask about the welfare of detainees. Calls were also made to the Oil and Gas Police requesting that they insist on the need for the detainees' rights to be respected. The team was assured that the health of the detainees was good. The team continued frequent interactions with the police to ensure the safeguarding of detainees' rights until their release.

We are not aware that Mr Barigye alleged to have been beaten by 15 police officers. The video footage of his arrest can be found on Twitter and whilst he clearly resisted arrest it is not evident that he was beaten.

AIFE Uganda organization published a post with pictures of Mr Barigye on social media on the date of his release on 27 January which contained no indication of Mr Barigye's alleged injuries.¹

“On 9 December 2022, M. Barigye and three members of the StopEACOP global campaign were arrested while protesting peacefully against the EACOP” (see page 3 of the Letter)

EACOP Ltd Response:

With respect to the arrests of StopEACOP protestors on 9 December 2022, the Companies sent a representative to the central police station to check the status of # StopEACOP activists. A TEPU Security representative went to the police station, discussed with the police officer in charge and reminded the said police officer of our VPSHR requirements. At the same time, the TEPU Security representative also met the arrested people and could see that they had no apparent injuries. In parallel the Oil and Gas Police were informed, and support requested to provide information to the Companies 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.

“On 11 July 2023, Mr. Barigye was arrested again after participating in protests against EACOP in Kampala. He is currently on police bond”

EACOP Ltd response:

In the morning of 11 July 2023, the Companies teams were made aware of a protest occurring in downtown Kampala. The Country Security Team contacted the Oil and Gas Police and encouraged them to ensure that the rights of the individuals that had been arrested were respected. The Country Security Team continued to engage with the Police until the arrested protestors were released, again to enquire about their wellbeing and insist on the respect of their rights.

Question 2: “Please provide information on the human rights due diligence policies and processes in place by EACOP UK to identify, prevent, mitigate, and remedy the adverse human rights and environmental impacts of the project’s activities, in line with the UN Guiding Principles on Business and Human Rights. This includes information on the risks assessments that EACOP UK carries out prior to engaging in business activities or business relationships, and whether these studies are prepared with a human rights-based approach, as well as social and cultural impacts on relevant communities located in affected areas.” (see page 4 of the Letter)

EACOP Ltd response:

1

<https://twitter.com/aifeuganda/status/1617856901534068736?s=48&t=WHkwoVGRn3TuWOQNT1f18g>

<https://x.com/aifeuganda/status/1618962265876885505?s=12&t=CWGkRdLEyJz8wuF7YkhrCQ>

The EACOP Ltd Human Rights Impact Assessment (HRIA) was finalised in September 2018 and disclosed both internally and externally including on the EACOP website.² In 2022, to ensure continued alignment with the UN Guiding Principles on Business and Human Rights, EACOP Ltd conducted a further Human Rights Due Diligence (HRDD) including an update of the HRIA. The report was disclosed on the EACOP website in February 2023.³

EACOP Ltd considers Human Rights Due Diligence to be an ongoing part of its business activities. Therefore, in addition to updating the HRIA conducted in 2017-2018, the HRDD report explains how EACOP has developed and has implemented a management system for ongoing HRDD and how it will address its salient human rights issues for the duration of the project. One such salient issue is the interaction of Public Security Forces with communities.

To address this salient issue, the Company has enshrined in its agreements with the Host Governments of both Uganda and Tanzania that Government Security Forces and Private Security Personnel involved in the Project Company security are trained in accordance with the VPSHR prior to engaging in such functions and receive ongoing training from time to time thereafter. The Company and the Host Governments have set up a Security Committee comprised of both EACOP and Government representatives. There were two meetings of the Ugandan security committee held on 15th and 18th August 2023 respectively. The Human Rights & Security salient issue was one of the items discussed during these Committee meetings. EACOP Ltd presented the Human Rights Impact Assessment report and conclusions regarding Security and Human Rights and also the mitigation actions already implemented to address this issue (VPSHR trainings of Private Security Personnel, EACOP Grievance Mechanism to raise any issues).

Question 3: “Please provide information on the steps taken by EACOP UK to establish, implement and/or participate in operational-level grievance mechanisms and how it provides an effective remedy when harm occurs, in line with UNGPs” (see page 4 of the Letter).

EACOP Ltd response:

EACOP Ltd has been implementing a grievance mechanism for community members since 2017 whose effectiveness criteria meet those prescribed by the UNGP. The Community Grievance Management Procedure (CGMP) was revised in 2022 to create a specific procedure in each country (Tanzania and Uganda) that reflects local dispute resolution processes and stakeholders at the governmental and community levels.

[GRIEVANCE PROCEDEURE \(eacop.com\)](https://www.eacop.com/grievance-procedure)

While the EACOP Ltd’s field-based team (Land and Social) leads on implementation of the CGMPs, it is the EACOP team as a whole that is involved in the resolution of grievances. Internal cross-functional Grievance Committees that include relevant functional managers from key departments have been established for the governance and oversight of the CGMPs in each country. EACOP Ltd investigates any allegation of threats brought to its attention. However, one ongoing concern is that often such allegations are insufficiently precise in terms of dates, times, and details, and therefore difficult to verify. EACOP Ltd

² Human Rights Impact Assessment – September 2018 on EACOP website: [EACOP - Provisional HRIA - Final Report](#)

³ Human Rights Due Diligence- December 2022: [EACOP HRDD Report DISCLOSURE FEBRUARY 2023](#)

therefore strongly encourages complainants to provide sufficient detail in order to allow for thorough investigation and is open to direct dialogue whenever possible.

In Uganda, the cumulative number of EACOP project-related grievances registered from November 2018 to August 2023 is 891. 880 grievances are closed for the same period and 11 grievances are still open pending resolution.

In addition, EACOP Ltd maintains an on-going and active dialogue with Human Rights organizations and carries out regular engagement of Civil Society Organizations (CSOs) in both Countries. Specifically in Uganda, on a quarterly basis, stakeholders engagement meetings are held both in Kampala and/or in the field in order to give an opportunity for CSOs to be updated on the project and to provide their comments including on the EACOP Grievance Mechanism, and on key Human Rights documents such as Human Rights Impact Assessment, Human Rights Policy, Human Rights Due Diligence report. Thus, EACOP Ltd can incorporate the CSO's diverse feedback to the benefit of the project and society.

Question 4: “Please provide information on how EACOP UK ensures respect of the work of human rights defenders, specifically in light of the recommendations provided to Businesses in the Report of the Working Group on Business and Human Rights” (see page 4 of the Letter)

EACOP Ltd's Human Rights Policy refers specifically to the Human Rights Defenders (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://eacop.com/human-rights-policy/>

EACOP Ltd encourages its stakeholders including NGOs to inform its representatives either directly or via the grievance mechanism if they have knowledge of concrete incidents or events providing sufficient detail for investigations to be carried out. Ongoing efforts are also made to ensure that the project's grievance mechanisms for community members and workers are effective and able to receive complaints.

EACOP senior management holds a quarterly Human Rights Steering Committee of EACOP Ltd which is in charge of the oversight and management of the Project's salient human rights issues, including the review of any specific incidents. (see page 17 [HRDD REPORT](#))

EACOP Ltd's representatives interact on a regular basis with Government Security Forces, including district police and national military forces, and Private Guarding & Security Companies which are deployed in the area of the project with the aim of promoting good practices.

EACOP Ltd also has a programme for continuous implementation of the Voluntary Principles on Security and Human Rights (VPSHR) and is working closely with its shareholders to further deploy VPSHR in the project area.



East African Crude Oil Pipeline (EACOP) Ltd

In summary EACOP publicly commits to respect National Laws, IFC Performance Standards, the UN Guiding Principles on Business and Human Rights and VPSHR standards in the conduct of its activities in Uganda and Tanzania. Furthermore we are committed to dialogue and transparency in our activities, including 3rd party reviews <https://eacop.com/report/environment-and-social-due-diligence-esdd-non-technical-summary-nts>. We would be pleased to welcome an in country visit from you or your teams.

A handwritten signature in black ink, appearing to read "M Tiffen".

Martin TIFFEN
EACOP Managing Director