

Mandates of the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the right to development; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL OTH 76/2025

(Please use this reference in your reply)

3 July 2025

Mr. Tshabalala,

We have the honour to address you in our capacities as Special Rapporteur on the human right to a clean, healthy and sustainable environment; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the right to development; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 55/2, 53/3, 57/31, 51/7, 54/14, 58/10, 52/9, 50/17, 51/21, 52/10, 52/4, 50/6, 54/10 and 51/19.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of

The Standard Bank of South Africa Limited

letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning allegations of **the severe environmental, climate and human rights impacts of the East African Crude Oil Pipeline (EACOP) and the Tilenga and Kingfisher Projects**. Based on information received, the The Standard Bank of South Africa Limited provided financing to these projects.

According to the information received:

The East African Crude Oil Pipeline, and the Tilenga and Kingfisher Projects

The East African Crude Oil Pipeline (EACOP) is projected to be a buried 1,443 km pipeline that will transport crude oil from fields in the Lake Albert region to the Port of Tanga in Tanzania, for export. On 24 January 2023, the East African Crude Oil Pipeline Company (EACOP Ltd), received a license for the construction of the East African Crude Oil Pipeline granted by the Ministry of Energy and Mineral Development. The Kingfisher and Tilenga projects are related oil development projects located in Uganda's Lake Albert region, operated by China National Offshore Oil Corporation (CNOOC) and Total Energies EP Uganda.

Based on the information received, EACOP Ltd is registered in the United Kingdom of Great Britain and Northern Ireland. The shareholders of EACOP are Total Energies (62%), the Uganda National Oil Company (UNOC) (15%), Tanzania Petroleum Development Corporation (TPDC) (15%) and the China National Offshore Oil Corporation (CNOOC) Uganda limited (8%). The planning of the project managed by EACOP Ltd in Uganda shows that it will cross several conservation areas, protected areas and highly biodiverse and ecologically sensitive areas.

The planning of the Kingfisher Development Area (KFDA) project indicates that it will comprise 31 wells to be drilled in four well pads, as well as 40,000 barrels of oil per day (bopd) fed by 19 kilometers of flowlines, in the Southeast of Lake Albert. The Tilenga Project covers three production licenses in Jobi-Rii, Gunya, Kasamene-Wahrindi, Kigogole-Ngara, and Nsoga. The total expected production of these fields is 190,000 bopd. The project plans show more than 426 wells with more than 160 kilometres of flowlines. The shareholders of KFDA and of the Tilenga Oil Project are Total Energies E&P Uganda (56.67%), and CNOOC (28.33%), and the Uganda National Oil Company (15%).

According to information received, the EACOP project faced difficulties in securing financing, with earlier public indications from over 60 financial institutions that they would not support the project. However, on 27 March 2025 EACOP Ltd announced the closing of the first financing tranche for the EACOP project, which obtained financing from banks such as African Export Import Bank (Afreximbank), The Standard Bank of South Africa Limited, Stanbic Bank Uganda Limited, KCB Bank Uganda and The Islamic Corporation for the Development of the Private Sector (ICD).

Human Rights Impacts of the EACOP, Tilenga, and Kingfisher Projects, including environmental impacts

The EACOP project and related projects, including the KFDA and Tilenga projects pose severe threats to Uganda's environment, biodiversity, and local communities. The oilfields are planned to be located in one of the world's most ecologically sensitive regions, intersecting key water bodies and conservation areas. Lake Albert, Africa's seventh-largest lake and a vital source for the Nile and Congo River basins, is at the heart of this region, supporting diverse ecosystems and serving as a critical resource for fishing communities. The projects also overlap with the Murchison Falls National Park, Uganda's largest protected nature reserve, and the Murchison Falls-Albert Delta Ramsar wetland system, a globally significant habitat for endangered species. The Murchison watershed sustains over one million people who rely on its fresh water and fisheries, while Lake Albert alone provides 43% of Uganda's fish supply. Moreover, over 400 km of the pipeline are supposed to run alongside Lake Victoria, Africa's largest lake and a crucial water source for over 40 million people, exacerbating the risk of oil spills and water contamination.

The EACOP project's route is supposed to pass through seven forest reserves, Wambabya Central Forest Reserve, Taala Forest Reserve, Bugoma Forest, Wembere Steppe, Biharamulo Forest Reserve, Swagaswaga Forest Reserve, and Minziro Forest Reserve, as well as two game reserves, the Murchison Falls National Park and Biharamulo Game Reserve. In total, the pipeline would cut through 295 km of protected and conserved areas, threatening critical ecosystems and increasing the risk of deforestation and habitat loss for vulnerable species. Reports indicate that the pipeline could also jeopardizes key water sources, including the Kamugenyi and Wambabya rivers in Kikuube, the Kanywabarogo and Kinfeniyi rivers in Hoima, and the Kijubya and Lwemido swamps in Kikuube, raising concerns about water pollution and ecological degradation.

Beyond its environmental consequences, threatening the human right to a clean, healthy and sustainable environment, the EACOP project implies profound and negative social and human rights impacts. Over 14,000 households face land dispossession and forced eviction, with many receiving inadequate compensation and resettlement, severely impacting farming and fishing livelihoods. The displacement of communities also threatens culturally significant sites, such as sacred shrines in Nansiti village in the Lwengo District and Barabaig graves in the Manyara region, which may be destroyed or forced to be relocated. Additionally, reports suggest that forced evictions are

exacerbating gender-based violence, deepening poverty, and worsening economic insecurity for affected communities.

The construction and operation of the EACOP project are expected to generate widespread environmental risks, including noise pollution, air pollution, and the heightened risk of oil spills. If spills occur, they could severely contaminate land and water sources, posing serious health risks to communities along the pipeline corridor. Health concerns linked to the project include increased rates of waterborne diseases such as diarrhea and typhoid, heightened exposure to tuberculosis, and respiratory illnesses caused by dust and chemical emissions, which affect especially pregnant women and children. Reports further indicate that over 100,000 people may be displaced due to the project, leading to escalating food insecurity, rising household debt, and an increase in school dropout rates among children. This form of development-induced displacement also underscores urgent protection needs, particularly regarding access to adequate housing, livelihoods, education, and safeguards against exploitation and abuse for vulnerable groups.

On a broader scale, the EACOP project, and the associated Tilenga, and KFDA projects represent a significant expansion of fossil fuel infrastructure taking place in the context of a triple planetary crisis of climate change, biodiversity loss, and toxic pollution. These projects have been widely criticized for their potential contribution to worsening climate change, with scientific analyses highlighting the failure of environmental impact assessments to fully acknowledge the long-term climate risks. The large-scale extraction and transportation of oil from these fields both threatens Uganda's natural ecosystems and also contributes to global greenhouse gas emissions, contradicting international climate commitments and undermining the urgent need for sustainable energy transitions.

The situation of environmental human rights defenders in relation with EACOP and associated projects in Uganda

The development of the EACOP project has led to significant opposition from human rights defenders, students, activists, and affected communities due to concerns over toxic pollution, displacement, and human rights violations. Peaceful demonstrations have frequently resulted in arrests, detentions, and legal actions against protestors.

Since October 2022, multiple activists, students, human rights defenders, and community members have been arrested while protesting the project. In several cases, detainees were reportedly subjected to poor detention conditions, denied legal representation, and faced intimidation. Some were charged with offences such as inciting violence, unlawful assembly, and obstruction of police officers, with charges often being subsequently dropped due to lack of evidence. Several protests, including those in front of Total Energies offices, have led to police interventions, with some demonstrations being forcefully dispersed. Reports indicate the use of unnecessary and disproportionate force, including baton beatings and prolonged detentions beyond the legal limit. In some instances, protestors were coerced into surrendering land claims in exchange for

withdrawal of charges.

Community members affected by the oil projects have also reported inadequate compensation for their land. Some individuals, including a minor, were arrested while seeking fair compensation or protesting against evictions. Reports of forced disappearances, gender-based violence, and other human rights violations continue to emerge. Legal proceedings for many arrested individuals are ongoing, with cases frequently delayed. The crackdown on civil society, legal professionals, human rights defenders, and activists remains a major concern, with authorities reportedly using intimidation and arrests to suppress dissent.

Without prejudging the accuracy of these allegations and based on the information received, we would like to express our deep concern about the human rights, environmental and climate impacts of the projects, also contributing to the current planetary crisis of climate change, biodiversity loss and toxic pollution. In particular, we are preoccupied by the potential serious negative human rights impacts resulting from the construction and operation of the EACOP project, and the Tilenga and Kingfisher projects, including due to potential risks on safe access to clean air, water, adequate sanitation, and negative consequences on ecosystems.

We are furthermore deeply concerned by the arbitrary detention, including incommunicado detention, torture, enforced disappearance, and judicial harassment of environmental human rights defenders, members of civil society, affected communities and students in Uganda who have opposed the project, including by participating in peaceful assemblies and protests. These acts seem to be part of a broader pattern of intimidation and harassment of these groups which limits their right to carry out their legitimate activities in promotion and defence of human rights without fear of reprisals. Such legitimate activities include raising awareness about the detrimental effects the projects' completion will have on the environment, cultural heritage, and livelihood of the local communities and the potential forced displacement of more than 100,000 people without guarantees of proper resettlement.

We are deeply concerned about the potential negative impact the projects would have on the local communities' human rights including the rights to a healthy environment, life, health, water and sanitation, food, freedom of movement and residence, adequate housing, culture, and education. Due to the environmental impacts described above, the proposed EACOP, Tilenga and KFDAProjects would potentially affect all the key substantive elements of the right to healthy environment: clean air; a safe climate; healthy and sustainably produced food; access to safe water and adequate sanitation; non-toxic environments in which to live, work and play; and healthy ecosystems and biodiversity.

We are further concerned that the implementation of the project will gravely impact the food production, food consumption and the overall food security of the affected communities. The pollution of the water resources of these communities will impede their safe exercise of traditional practices and deprive them of their source of economic livelihood and well-being, their cultural identity around fishery that constitutes an important and integral part of their life as well as affect their right to food and the right to feeding oneself directly from productive land or other natural resources

as well as the fundamental right to freedom from hunger. The full enjoyment of human rights for small-scale fishers and all fish workers is a necessary precondition for the realization of the right to food. It is more urgent than ever to respect and fulfil the human rights of vulnerable populations, such as small-scale fishermen, in the face of acute needs arising from climate change.

In connection with the above-alleged facts and concerns, please refer to **the Annex on Reference to International Human Rights law and standards** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, in accordance with the mandates given to us by the human Rights Council, to seek to clarify the information brought to our attention. In this regard, we would be very grateful to have your cooperation and comments on the following matters:

1. Please provide any additional information or comments in relation to the above allegations.
2. Please provide information on the human rights due diligence policies and processes established by your company to identify, prevent, mitigate and account for adverse human rights impacts of its investment programs, including contributions to climate change. In particular, please indicate whether any human rights due diligence process was carried out prior to investing in the project, and whether such process included climate change considerations and risks of serious environmental harm, as well as whether the outcomes of such processes were made public, in line with the responsibilities of investors under the UN Guiding Principles on Human Rights (UNGPs).
3. Please provide detailed information with respect to measures taken by your company to respect human rights, including whether and/or how your company assesses the actual and potential human rights impacts of investees prior to investing as well as on an ongoing basis once invested.
4. Please provide information with respect to measures to undertake meaningful stakeholder engagement, including with human rights defenders and civil society organizations, to prevent and address human rights related impacts linked to its investments. In particular, please describe the measures that your company has taken, or plans to take to avoid displacement, the criminalization of human rights defenders and other human rights violations and abuses in the context of the EACOP, Tilenga and KFDA.
5. Please provide information on whether your company publicly discloses how it is addressing human rights risks and impacts connected with its investment activities.
6. Please provide information on whether and/or how your company has enabled and/or promoted the provision of remedy to victims of business-

related human rights abuse, recalling the expectation for investee companies to each have in place operational-level grievance mechanisms, in line with the effectiveness criteria under the UNGPs.

7. Please explain what measures have been adopted to ensure that the staff of your institution have adequate awareness, knowledge, and tools to identify and report on human rights abuses, including those alleged in the present letter, throughout your investment activities.

This communication and any response received from your company will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to exert pressure to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please note that a letter expressing similar concerns was sent to the Governments of Uganda, United Kingdom, France, China, Tanzania, Egypt, and South Africa as well as to EACOP Ltd, EACOP Tanzania, EACOP Uganda, Uganda National Oil Company, Total Energies EP Uganda, Total Energies, China National Offshore Oil Corporation, Tanzania Petroleum Development Corporation, African Export Import Bank, Stanbic Bank Uganda Limited, KCB Bank Uganda Ltd, The Islamic Corporation for the Development of the Private Sector and the Islamic Development Bank Group.

Please accept, Mr. Tshabalala, the assurances of our highest consideration.

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Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
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Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate
standard of living, and on the right to non-discrimination in this context

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Paula Gaviria
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management and disposal of hazardous substances and wastes

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Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that apply to the issues raised by the situation above.

We wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right, noting that guaranteeing a “safe climate” constitutes one of the substantive elements of this right.

In her latest thematic report (A/HRC/58/59), the Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment has acknowledged that businesses have a responsibility to address and disclose their climate impacts transparently while ensuring compliance with human rights standards. They are also required to evaluate and report emissions (scope 1, scope 2 and scope 3) across their operations and assess the sustainability of their activities. Extractive industries must incorporate human rights considerations into their energy transition programmes and all other initiatives, ensuring respect for ecosystems and communities’ rights. She also underscored that in cases of business-related human rights abuses, States have an obligation to ensure access to justice and effective remedies to victims through independent grievance mechanisms, including, for example, legislation to counter undue corporate influence and install mechanisms to protect environmental defenders so that they can enjoy a safe environment and keep performing their role. In general, breaches of the obligations to respect, protect and fulfill the right to a clean, healthy and sustainable environment give rise to the application of human rights obligations beyond a State’s territory when the source of harm is under its control.

Regarding the mentioned allegations, we would like to mention the guiding principles on Business and Human Rights (A/HRC/17/31). The guiding principles were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations involving governments, civil society, and the business community. The guiding principles have been established as the authoritative global standard for all states and companies, regardless of their size, sector, location, ownership and structure, to prevent and address negative consequences related to business activities on human rights, including the human right to a clean, healthy and sustainable environment. The responsibility to respect human rights exists regardless of the capacity and/or willingness of States to fulfill their own human rights obligations and does not diminish those obligations. It is an additional responsibility to complying with national laws and regulations protecting human rights.

In its report A/HRC/53/24/Add.4, the Working Group on Business and Human Rights have reiterated that the corporate responsibility to respect human rights under the guiding principles applies to financial institutions (both public and private) and their clients. Further to this, pillar II of the guiding principles requires financial institutions to make a policy commitment to respect human rights, carry out human rights due diligence and provide for, or cooperate in, remediation where the financial institutions

identify adverse impacts that it has caused or to which it has contributed.

According the UNGPs, "The responsibility to respect human rights requires that business enterprises:

- a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.
- b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." (guiding principle 13).

"In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- a) A policy commitment to meet their responsibility to respect human rights.
- b) A human rights due diligence process to identify, prevent, mitigate, and account for how they address their impacts on human rights.
- c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute." (guiding principle 15)

Furthermore, principle 22 states that if companies "identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."

We wish to underscore that the guiding principles recognize the important and valuable role played by independent civil society organizations and human rights defenders. In particular, principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts.

We refer to the Working Group on business and human rights' report on ensuring respect for human rights defenders (A/HRC/47/39/Add.2) which highlights the need for addressing the adverse impact of business activities on human rights defenders and unpacks for States and businesses the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.

We would also like to draw your attention to the obligations under international human rights instruments.

We would like to refer to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the right of every individual to freedoms of expression, peaceful assembly and association, respectively. We remind that these 9 obligations, as interpreted by the Human Rights Committee in its general comment No. 34, imply not only the direct respect by all State authorities for these freedoms, but

also protection against acts by private persons or entities that obstruct their enjoyment.

We furthermore wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, annex 1) which specify that evictions can only take place in “exceptional circumstances”; that they must be authorized by law, and ensure full and fair compensation and rehabilitation. We further wish to draw your attention to the Guiding Principles on Internal Displacement. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, including in cases of large-scale development projects, which are not justified by compelling or overriding public interests. (principle 6). Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)).

If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) a specific decision shall be taken by a State authority empowered by law to order such measures; (b) adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) the free and informed consent of those to be displaced shall be sought; (d) the authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) the right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against inter alia rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18).

The principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17) prohibits the “forced eviction, demolition of houses and destruction of agricultural areas and the arbitrary confiscation or expropriation of land as a punitive measure or as a means or method of war” (principle 5).

Finally, we would like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.