



EAST AFRICAN
CRUDE OIL
PIPELINE

East African Crude Oil Pipeline (EACOP) Ltd

REF: EACOP-2022-11-30-EHC-01

Hon. Major Gen. Kahinda Otafiire,
Minister of Internal Affairs,
Kampala, Uganda.

Kampala, November 30th, 2022.

Dear Honourable Minister,

RE: COMPLAINT OVER INTIMIDATION OF EACOP PROJECT -AFFECTED PEOPLE (PAPS) IN BUNYORO AND GREATER MASAKA

I am writing to provide you with clarifications related to various concerns raised in a letter to you dated November 15, 2022, by one, Mr. Clinton Bikorwa, Team Leader of East African Crude Oil Pipeline Host Communities (EACOPHC). A copy of the letter is here attached for your ease of reference.

- a. **Threats from security personnel:** The East African Crude Oil Pipeline Ltd (EACOP) has never requested security officers, whether GISO or otherwise, to intervene on the company's behalf. Therefore, it is difficult for us to speak to this specific concern and it is best raised with authorities. However, we have taken note of the concern and will raise it in our regular discussions with government stakeholders. EACOP has in place an accessible Grievance management system and will follow up any such grievance through dialogue with PAPS via its Grievance Administrator and Community Relations team. In the past 4 months, 139 open grievances have been resolved. Many of these involved corrections of compensation amounts in the favour of PAPS, given that the grievances were deemed to be valid.
- b. **Intimidating PAPS' family members:** same comment as above.
- c. **Threats to take land before pay:** Compensation rates for crops and structures has been set by each district and approved by the Chief Government Valuer (CGV). As you may know, land rates are based on market assessments conducted by expert valuers and also approved by the CGV. On top of the compensation, a statutory 30% disturbance allowance is added, and a 15% annual uplift (for a year of delayed compensation) is applied to the sum of these amounts. Currently this is done for 2 years (30%) considering that the signing of compensation agreements started before the third anniversary of each district cut-off date. Many grievances about land compensation rates

have been received and were reviewed on a case-by-case basis after which a significant number have been deemed valid with corresponding changes appearing in supplementary valuation reports being submitted to the CGV. These changes will be communicated to the PAPs following CGV approval.

Regarding the Masindi High Court ruling on the 9 households in the CPF/Industrial area of Tilenga, it should be noted that this was linked to compulsory land acquisition of so-called 'hold-outs'. Compulsory acquisition is where government acquire private rights in land for public use or in the interest of inter alia public safety, order or morality. This mechanism, which is not unique to Uganda, is necessary for social and economic development and the protection of the natural environment. Article 26 of the Ugandan Constitution enshrines the right to property and the protection from deprivation of property, subject only to the prompt payment of fair and adequate compensation prior to taking possession of the property. Compulsory acquisition can occur in the public interest or in the interest of defense, public security, public order, morality, or public health. Only the State has the prerogative of acquiring land by compulsory purchase. For the 7 PAPs out of the original 9 who refused to sign compensation agreements and receive payment, the funds were deposited in a Court account as instructed in the ruling. These PAPs were served with the notices to vacate after the money had been deposited in court.

- d. **Threatening PAPs with disabilities:** EACOP has made a strong public commitment to respect human rights (<https://eacop.com/human-rights/>) and expects its contractors to do the same. If any person is feeling threatened by somebody purporting to represent EACOP, they should lodge a grievance with EACOP or make contact with the EACOP Uganda Human Rights Coordinator, Ms. Barbara Nakayenze (barbara.nakayenze@eacop.com) so that investigations can be launched immediately. EACOP is also working with Local Governments through District Consultative Committees (DCCs) and District Action Centres (DACs) where grievances and gender related issues are addressed.
- e. **Fencing of land:** Since February 2022, EACOP is a completely separate corporate entity from TotalEnergies, and therefore issues associated with the Tilenga project are not under EACOP's purview.
- f. **Nowhere to report:** PAPs are always welcome to lodge grievances using EACOP's grievance procedure (<https://eacop.com/wp-content/uploads/2022/08/GRIEVANCE-PROCEDEURE-1.pdf>). EACOP proactively engages with host governments and civil society on human rights matters. Amongst other matters, our Human Rights Policy recognises 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.



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With respect to the recommendation that the Honorable Minister “engage the EACOP project developers to implement their human rights and other policies aimed at protecting EACOP PAPs’ rights”, we would like to assure you that EACOP is indeed implementing its Human Rights Action Plan and aiming to be compliant with the Voluntary Principles on Security and Human Rights. We always remain available for dialogue for all issues concerning the EACOP project.

Yours Sincerely,

A handwritten signature in blue ink that reads "M Tiffen".

MARTIN TIFFEN
EACOP MANAGING DIRECTOR

CC:

The Minister of Energy & Mineral Development (MEMD)
The Minister of State for the Presidency
The Permanent Secretary, MEMD
The Inspector General of Police (IGP)
The Chairperson, Human Rights Committee of Parliament
The Chairperson, Natural Resources Committee of Parliament
All EACOP Resident District Commissioners (RDC)
The Executive Director, Petroleum Authority of Uganda
The Chairperson, Uganda Human Rights Commission
The Resident Representative, Office of the High Commissioner for Human Rights; Uganda.
Mr. Clinton Bikorwa; Team Leader, EACOPHC