



Free Prior and Informed Consent Agreement
Between
The East African Crude Oil Pipeline
And
The Taturu Community of Mwamayoka

Introduction

The following **Free Prior and Informed Consent Agreement** (FPIC Agreement) between the East African Crude Oil Pipeline (EACOP) and the Taturu community of Mwamayoka in the Igunga District, Tabora Region of Tanzania documents EACOP's respect for the community's request that graveyards with cultural and spiritual significance (known in their language as Bung'eda) not be relocated for the construction of the pipeline. EACOP has agreed to re-route the pipeline to avoid impacts on (or relocation of) the Bung'eda and to respect the community's rights to Free, Prior and Informed Consent with respect to sites of critical cultural heritage in line with IFC Performance Standard 7 on Indigenous Peoples.

This FPIC Agreement is also an expression of the EACOP project's broader commitment to engage with and address impacts on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples who are impacted by the Project in a manner that is culturally appropriate and respects national and international human rights standards. It implements the commitments made by EACOP and the traditional leaders of the Taturu in the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (EACOP Plan) set out below. It is also an expression of the community's acceptance of and consent to the activities of the EACOP project in their community in consideration of the commitments outlined in the EACOP Plan.

EACOP Commitments

EACOP's commitments to the Taturu community (as well as other Vulnerable Ethnic Group Self-Identifying as Indigenous Peoples) are documented in the EACOP Plan, which was signed by the traditional leaders of the Taturu, Barabaig, Akie and Maasai in Arusha, Tanzania on 16 September 2022.¹ These commitments are:

- (a) supporting informed consultation and participation;
- (b) providing capacity-building;
- (c) providing a culturally-appropriate grievance mechanism;
- (d) addressing potential adverse impacts associated with the development of the EACOP Project;
- (e) promoting development benefits in culturally appropriate ways; and
- (f) engaging with government as appropriate.

¹ The development of the EACOP Plan was preceded by the signature of the EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (EACOP Framework), which was signed by EACOP and the traditional leaders of the Taturu, Barabaig, Akie and Maasai in Arusha on 28 October 2021.



In particular, the EACOP Plan includes a commitment to “review and propose options for avoidance of sacred sites whenever technically feasible” in section 4(d). The implementation of the commitments in the EACOP Plan in the Taturu community in Mwamayoka is set out in further detail in the Community Profile for Mwamayoka that is annexed to the EACOP Plan.

Community Consent to EACOP Project Activities

The Taturu community of Mwamayoka consents to the activities of the EACOP Project in their community during the development, construction and operation of the pipeline. Through the ongoing process of informed consultation with the Taturu community and their traditional leaders, EACOP is addressing potential adverse impacts associated with the project’s activities—including avoidance of impacts on the Bung’eda—and will promote development benefits in culturally appropriate ways. EACOP will support capacity-building efforts to assist the Taturu community in their understanding of and participation in the project’s activities in a culturally appropriate manner. EACOP will also provide a culturally appropriate grievance mechanism and support the engagement of the Taturu community with the government as appropriate.

Re-Routing of the Pipeline to Avoid Impacts on the Bung’eda

In consideration of the particular vulnerabilities of the Taturu community and the EACOP project’s potential impact on a site of cultural and spiritual significance to the community, additional consultations were undertaken with the entire community and their traditional leaders that led to this FPIC Agreement.

During these additional consultations, the Taturu community and traditional leaders reiterated their consent to EACOP’s other activities and the process to address and remedy other impacts should they arise as described in the EACOP Plan and Community Profile for Mwamayoka. However, the community requested that the Bung’eda due to its cultural and spiritual significance for the entire community. Therefore, it was mutually agreed that the pipeline will be re-routed to avoid impacts on (or relocation of) the Bung’eda. A map showing the agreed re-routing and avoidance of the Bung’eda is attached as Appendix A.

The details of the prior consultations that were undertaken in a culturally appropriate manner and that led to this FPIC Agreement have been documented in the attached Minutes of Meetings and in a report prepared by EACOP’s Advisor on Vulnerable Ethnic Groups Self-identifying as



Indigenous Peoples, Dr. Elifuraha Laltaika (a Tanzanian indigenous peoples' rights expert). These documents are attached to this agreement as Appendix B.

Signing of the FPIC Agreement

It has been agreed that the FPIC Agreement will be signed in the community of Mwamayoka on 21 March 2023.

The date of the Signing and modalities for EACOP's support were agreed in advance in consultation with the Taturu community and traditional leaders. With the agreement of the Taturu and traditional leaders, EACOP has invited representatives from the Tanzanian government to participate in the signing.

Role of Advisors and NGO Representatives

To ensure that this FPIC Agreement has been developed in a culturally appropriate manner and in line with international standards, the additional community consultations leading to the FPIC Agreement were led by EACOP's Advisor on Indigenous Peoples Rights, Dr. Elifuraha Laltaika, with input from the NGOs who are supporting the implementation of the EACOP Plan.

Furthermore, to validate that the community consent to the FPIC Agreement has been given in accordance with FPIC principles, representatives of the NGOs who are supporting the EACOP Plan will participate in the signing and Dr. Elifuraha Laltaika will witness the signature of the FPIC Agreement. They will review the final text of the FPIC Agreement with the community members and traditional leaders prior to the signing to ensure that there is full understanding and consent to the agreement.

Selection of Community Representatives

The three community representatives who will sign the FPIC Agreement on behalf of the community at Mwamayoka have been freely selected by the community through a process that has involved consultations with community members, women and youth.

Signatures

We, the undersigned, acknowledge the EACOP project's present and future activities in the Taturu community of Mwamayoka and EACOP's commitments to address adverse impacts and support development benefits for the community in accordance with the EACOP Plan, the Community Profile for Mwamayoka and this FPIC Agreement for the re-routing of the pipeline to avoid impacts on the Bung'eda.




EAST AFRICAN
CRUDE OIL
PIPELINE


This FPIC Agreement has been agreed and signed in the presence of the community on March 21st, 2023 in Mwamayoka, Igunga.




Gisuda Masanja Makobe
Taturu Representative 1




Ghwande Sulumbu Makobe
Taturu Representative 2



Kalolo Masumbi Bato
Taturu Representative 3



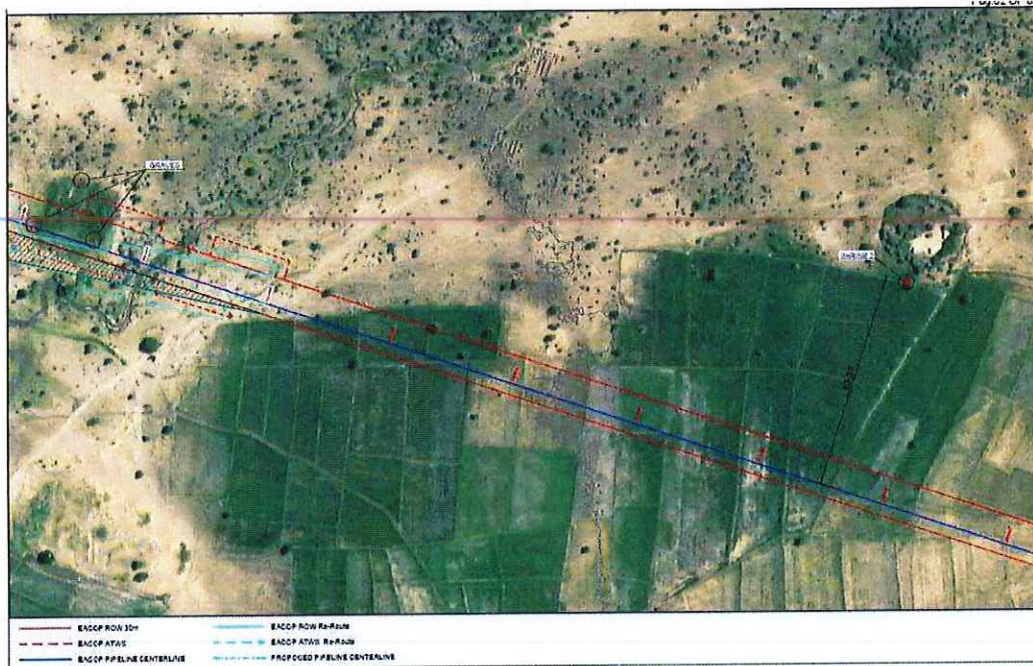
Wendy Brown
EACOP Representative



Dr. Elluraha Laltaika
Witness

Appendix A

Figure 1 – Map showing the re-routing of the EACOP pipeline to avoid the Bung'eda

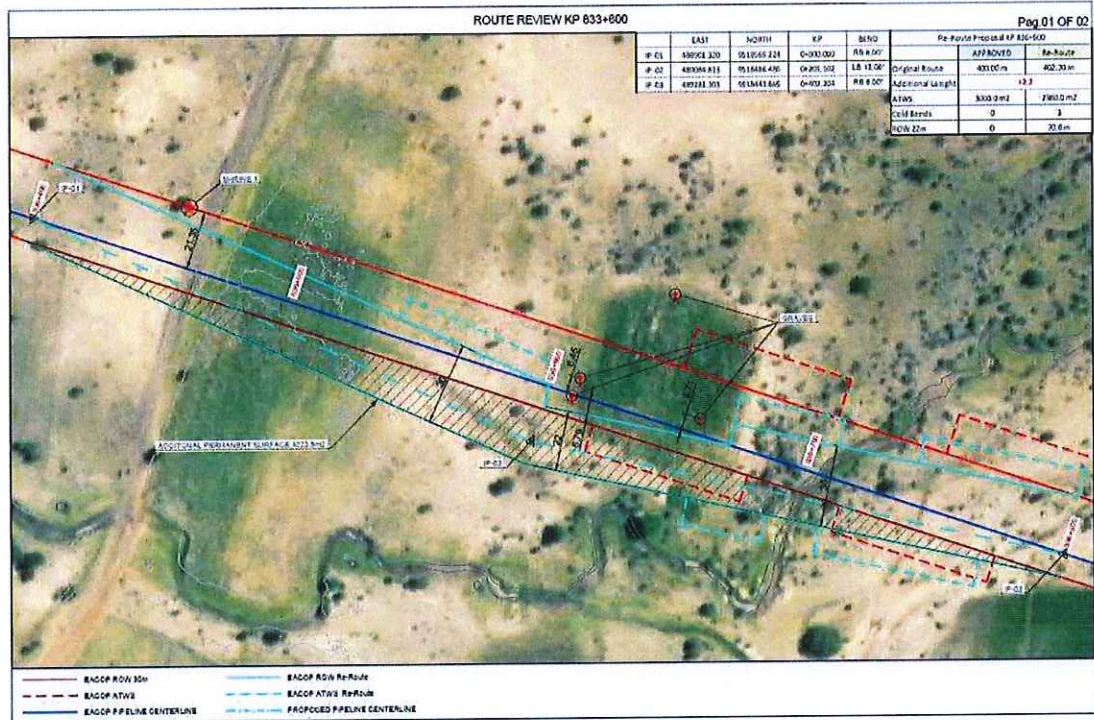


All graves are located at KP 836+650 and 3 out of 4 are very close to the Pipeline Centerline - less than 6 meters.

Tree 1: this shrine is located at the edge of the ROW.

Tree 2: shrine is located 83m away from the Pipeline centerline and is not impacted. There is no action required to avoid this shrine.

Annex 2: Proposed avoidance Strategy for Mwamayoka Burial sites



Appendix B

FREE PRIOR AND INFORMED CONSENT DEVELOPMENT PROCESS AMONG THE TATURU COMMUNITY IN MWAMAYOKA HAMLET, IGUNGA DISTRICT: A BRIEF REPORT

1. Introduction

This report summarizes Free, Prior and Informed Consent (FPIC) development process among the Taturu Community of Mwamayoka Hamlet, Igunga District. The objective of the FPIC development process and the missions conducted was to consult the community in a culturally appropriate manner, prior to implementing any activities. The community agreed to the implementation of EACOP activities in their land and withheld their agreement on relocating graveyards which they described to be of immense spiritual significance.

2. Background to engaging obtaining the Taturu FPIC

EACOP study entitled '*Ethnographic Study of Vulnerable Ethnic Groups Potentially Affected by the EACOP Project*' (the Ethnographic Study) indicates that the Taturu maintain strong spiritual connection with their departed loved ones, especially prominent elders. Building on the Human Rights Impact Assessment (HRIA), the ESIA and RAP studies, the Ethnographic Study confirmed that in Mwamayoka, the EACOP Project would have impacts on four graves (called *Bung'edas* in the language of the Taturu) belonging to the Masala clan. EACOP subsequently held numerous consultations with the family and other clan members.

A prominent elder Mbushi Masala and Ali Masala (who is the spokesperson of the clan) lead the consultations. In a meeting held in October 2021, the Masala family explained that they have been adequately consulted on several occasions about relocation of the graves and they agreed to the relocation.

The spokesperson indicated that compensation would be needed to enable family members to conduct prayers of forgiveness to the spirits of their loved ones. Additionally, the normal *Bung'eda* celebration costs would apply. *Bung'eda* is a term which means both a grave mound as well as the ceremony associated with it. The ceremony happens following the passing away of an elder who is regarded by his peers to be prominent enough to deserve a unique burial ceremony.

Once a decision is made, a ceremony involving slaughtering of several oxen ensues and may last for up to a month and a half, depending on the prominence of the deceased man. While preceded by mourning and sadness, the *Bung'eda* is largely a joyous gathering that brings together hundreds of villagers to celebrate the life of a departed prominent clan member.

3. Change of Community decision

EACOP accepted that the Taturu community needed additional time to consult further among themselves. In August 2022, EACOP Advisor on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (the Advisor) visited the community for further engagement on the relocation of graves. The Masala family and the clan members more generally, explained that they have changed their minds. They indicated that partly based on the capacity building seminars and quarterly meetings of traditional leaders, the Taturu community has decided to withhold their agreement to relocation of the graves and requested EACOP to honor the new position.

In a series of meetings attended by clan members and neighbors, elders took turns to educate the Advisor about the *Bung'eda* ritual among the Taturu. For example, elders indicated that dead bodies are not laid down for burial but instead they are buried seated. An incurable curse would ensue during the burial process if any bone of a dead person is broken.

Regarding the case at hand, elders explained that none of them has seen dead bodies relocated, and when they went to Dirma (a village in Hanan'g district which is regarded as a pilgrimage), they could not get 'permission' from their ancestors despite using their resources for the rituals. Their worry is that massive deaths of people and livestock will result from angering their ancestors.

4. EACOP's decision

To signify its respect for the cultural integrity and human rights of the community self-identifying as indigenous peoples, EACOP confirmed its willingness to re-route of the pipeline to avoid any impacts on the graves. This signifies not only good faith on the part of EACOP, but also the robustness of abiding by its commitments to respecting international standards relevant to Vulnerable Ethnic Groups Self-identifying as Indigenous Peoples.

5. Signing an FPIC Agreement

The decision to re-route the pipeline to avoid any impact on or relocation of the *Bung'eda* was reached after a thorough consultation with the affected clan members. It was therefore reached freely prior to implementing any activities in Mwamayoka. This process will be concluded and documented by signing an FPIC Agreement between the Taturu and EACOP in the presence of the Advisor, government leaders and representatives of the NGOs that are supporting the implementation of the EACOP Plan on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.

Submitted to EACOP by:

Dr. Elifuraha Laltaika (EACOP Advisor-Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples)

Date: 09/03/2023