



## **EAST AFRICAN CRUDE OIL PIPELINE**

# **HUMAN RIGHTS DUE DILIGENCE REPORT**

**Prepared by LKL International Consulting Inc.  
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## Glossary

CCP	Contractor Control Plan
CCIP	Contractor Control Implementation Plan
CGMP	Community Grievance Management Procedure
CHMP	Cultural Heritage Management Plan
CHSSP	Community Health, Safety, and Security Plan
CLO	Community Liaison Officer
CRC	Community Relations Coordinator
EACOP	East African Crude Oil Pipeline
EIMS	EACOP Integrated Management System
ESIA	Environmental and Social Impact Assessment
ESDD	Environmental and Social Due Diligence
EPcmC	Engineering Procurement Construction Management Contractor
ESMP	Environment and Social Management Plan
ECW	Early Civil Works
FEED	Front-End Engineering Design
GIIA	Gender and Inclusion Impact Assessment
IGA	Inter-Governmental Agreement
HGA	Host Government Agreement
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
IFC	International Finance Corporation
LESC	Lenders' Environmental and Social Consultant
LRP	Livelihood Restoration Plan
MEZ	Marine Exclusion Zone
MoU	Memorandum of Understanding
MST	Marine Storage Terminal
OHSS	Occupational Health, Safety and Security
PAC	Project Affected Community
PAH	Project Affected Household
PAP	Project Affected Person
PIIM	Project-Induced In-Migration
RAP	Resettlement Action Plan
UNGPs	UN Guiding Principles on Business and Human Rights
VPSHR	Voluntary Principles on Security and Human Rights

## Foreword

The following Human Rights Due Diligence (HRDD) Report is part of an ongoing series of activities undertaken by the East African Crude Oil Pipeline Company (EACOP) to meet both its internal commitments and external expectations regarding respect for human rights.

Since EACOP commissioned its first Human Rights Impact Assessment (HRIA) in 2017-2018, the expectations for companies to conduct robust HRDD in line with the UN Guiding Principles on Business and Human Rights have increased. These expectations for HRDD include stronger requirements from governments, including in terms of laws and policies that require companies to undertake HRDD; greater attention from investors and financial institutions as part of their own due diligence on environmental, social and governance (ESG) about the projects in which they invest; as well as ongoing scrutiny and advocacy from civil society organizations.

Part of these expectations is that companies will conduct HRDD as an ongoing part of their business activities and not just as an occasional study. Therefore, in addition to updating the HRIA conducted in 2017-2018, this report explains how EACOP has developed and is implementing a management system for ongoing HRDD and how it will address its salient human rights issues for the duration of the construction phase of the project.

As there is significant attention on the EACOP project, EACOP reiterates its commitment to be transparent and continue reporting and engaging with stakeholders about its salient human rights issues. These communications elements have been highlighted in this report as key components of EACOP's ongoing HRDD process. At the same time, they also present an opportunity to raise awareness about business and human rights in Tanzania and Uganda as there are currently very few companies or projects in the region that have implemented systematic HRDD processes.

## Introduction

The following Human Rights Due Diligence Report (HRDD Report) has been prepared for the East African Crude Oil Pipeline (EACOP or the Project) by LKL International Consulting Inc. (LKL International) to support EACOP's ongoing efforts to establish a robust process of Human Rights Due Diligence in line with international standards and its internal policy commitments related to human rights and the operational management of the salient human rights issues that have been prioritized for the construction phase of the pipeline and associated infrastructure.

The HRDD Report comprises the following 3 sections or components:

- Part One provides an overview of EACOP's approach to HRDD and the management system that has been created to support ongoing HRDD. This includes the development of a stand-alone EACOP Human Rights Policy; the establishment of a cross-functional Human Rights Steering Committee; the elaboration and implementation of a Human Rights Action Plan; and the recruitment of internal and external human rights experts to support the implementation and monitoring of human rights.
- Part Two provides an update on the Provisional Human Rights Impact Assessment that was completed in 2018 (HRIA 2018) and which was issued both as a stand-alone document (and made public on the EACOP website) and was part of the Project's Environmental and Social Impact Assessment (ESIA).<sup>1</sup> This portion of the HRDD Report fulfills one of the recommendations of the HRIA 2018 to update the Project's "salient human rights issues" once key decisions and management plans for the Project had been finalized.<sup>2</sup> Through a process of internal and external consultation and stakeholder engagement, the eight main salient human rights issues prioritized in the HRIA 2018 (see text box below) have been validated with a few nuances and clarifications, but no major additions or changes. The most important of these clarifications relate to: (a) highlighting that grievance mechanisms and access to remedy are a cross-cutting issue for management of each of the Project's salient human rights issues; and, (b) emphasizing contractor and suppliers' workers rights; marine livelihoods; and, women's rights as current priorities amongst the salient issues.

### EACOP's Salient Human Rights Issues

- Interactions with public security forces
- Community safety (road safety)
- Contractor and suppliers' workers' rights

<sup>1</sup> Further details about the objectives, standards and methodology for the HRIA 2018 are found in Part Two of the HRIA 2018, pp. 26 to 36.

<sup>2</sup> "Salient human rights issues" is the terminology used in the UNGPs and associated guidance to signify a company or project's human rights priorities based on the potential severity and likelihood of adverse impacts on human rights. According to UNGP 24 and the growing experience of effective HRDD, companies should use a "salience" analysis in order to focus their attention and resources on their most severe and likely adverse impacts.

- Land and resettlement
- Indigenous peoples (Tanzania)
- Women’s rights
- Marine livelihoods (Tanzania)
- Right to information and consultation

- Part Three provides an overview of EACOP’s plans and commitments for ongoing monitoring and reporting on human rights. This focuses in particular on the monitoring of and reporting on the Human Rights Action Plan during the construction phase, but also contains recommendations for a future HRIA Update in preparation for the operational phase.

Framing this report as a “HRDD Report” and not simply as a “HRIA Update” is in line with the Project’s move from the “assessment phase” to the “integration and action phase” of HRDD under the UN Guiding Principles on Business and Human Rights. It also reflects the evolution of thinking and guidance in the field of business and human rights towards a more comprehensive understanding of the ongoing and integrated nature of a company’s responsibility to respect human rights through HRDD rather than periodic HRIAs.

As discussed below, EACOP has made significant efforts to develop a system of ongoing HRDD commensurate to the size and scale of the Project. It also has prioritized and worked proactively towards the respect of the rights of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania—including their right to Free, Prior and Informed Consent (FPIC) where triggered—in advance of the commencement of the Project’s construction activities in their communities. This is a significant achievement and precedent for extractive sector projects in sub-Saharan Africa.

For the Project’s other salient human rights issues, the additional studies or risk assessments recommended in the HRIA 2018 have been completed or are nearing completion, including: updating Voluntary Principles on Security and Human Rights (VPSHR) Risk Assessments for Tanzania and Uganda; developing Resettlement Action Plans and Livelihood Restoration Plans across the length of the pipeline in accordance with international standards; developing detailed Contractor Control Plans integrating human rights aspects; and conducting an analysis of priority areas for Project-Induced In-Migration (completed in Tanzania in 2019 and in progress in Uganda since October 2022). Moreover, EACOP is currently conducting both a Gender and Inclusion Impact Assessment and developing an Industrial Relations Management System, which should reinforce the Project’s HRDD in relation to women’s rights and contractor & suppliers’ workers’ rights.

Through participation in and observation of the development of the Project’s process of ongoing HRDD, the following are some of the key messages to support and reinforce EACOP’s continuous improvement of its processes for respecting human rights:

- Continue to reinforce a cross-functional and integrated approach to HRDD through the regular meetings of the Human Rights Steering Committee and supporting the ongoing work of the Human Rights Manager to engage with and build the capacity of all the relevant departments involved in the implementation of the Human Rights Action Plan. The message that “human rights are everywhere” has resonated within the Project, but must be sustained to fully integrate human rights at all levels level during the construction phase.
- The commitment and performance of EACOP’s main “Level One Contractors” on labour and social management will be largely determinative of the Project’s human rights successes or challenges during the construction phase.<sup>3</sup> The Project will continue to monitor and evaluate the performance of the Level One Contractors in terms of implementing the Project’s standards on workers’ rights and social aspects, and determine whether additional oversight is required by the integrated EACOP and EPcmC Project Management Team.
- Reinforce and extend in a timely manner the process of HRDD on the Ugandan side of the Project, which had a lower Project activity level in 2022 compared to Tanzania. In this regard, the recent hiring of a Human Rights Coordinator for Uganda is an important step. Furthermore, the Project should continue to seize opportunities for collaboration, coordination and sharing resources on HRDD with EACOP’s upstream partners, notably with Tilenga.<sup>4</sup>
- Build upon some of the lessons-learned from the positive experience in developing the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania for ongoing HRDD on other salient issues, particularly as it demonstrates the value in: (a) working with communities and NGOs to support information, consultation and participatory monitoring, and (b) maintaining a sharp focus on vulnerable groups or sub-groups, including women and youth. These approaches of working collaboratively with external stakeholders and paying close attention to vulnerable groups can be beneficial for the credibility and effectiveness of HRDD on other salient issues.
- Continue to reinforce the communications and transparency aspects of HRDD going forward. If HRDD can be summarized as “knowing and showing” a company’s efforts to address its salient human rights issues,<sup>5</sup> then the “showing” aspect should become increasingly important for the Project’s approach to HRDD over time. In this regard, the Project has good foundations for communications and transparency about human rights, including in relation to publication of the HRIA 2018 (amongst many other important Project documents), and ongoing engagement with civil society organizations. As the Project continues to refine its

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<sup>3</sup> “Level One” contractors refer to the main contractors who will be conducting the construction activities along the pipeline route. They are technically sub-contractors as they are under the main EPcmC contractor. However, as EACOP and the EPcmC have developed an integrated approach to contractor management, they can be considered as “first tier” contractors.

<sup>4</sup> In this regard, the Tilenga Project conducted a HRIA in 2021 and is implementing a Human Rights Action Plan with significant areas of overlap and complementarity with EACOP’s Human Rights Action Plan.

<sup>5</sup> This phase of “knowing and showing” was coined by the late Professor John Ruggie, the author of the UNGPs.

communication plans and tools, including the Project website, find ways to communicate about progress on implementing the Human Rights Action Plan wherever possible.

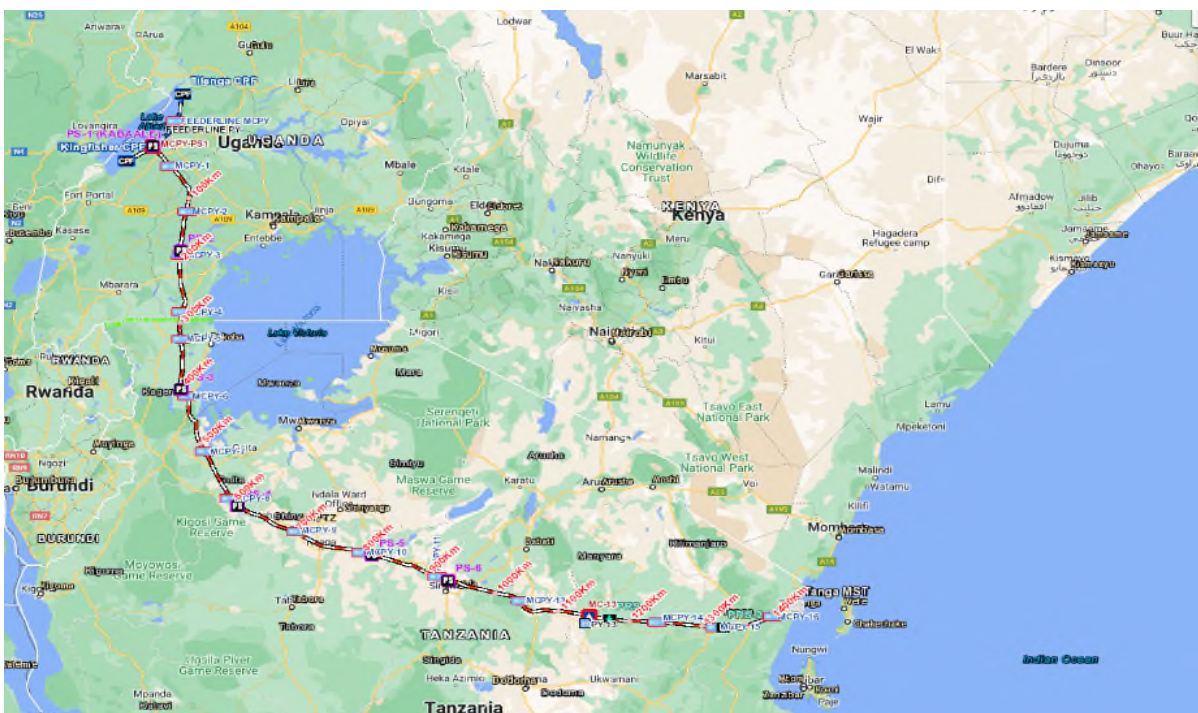
### EACOP Project Update

The following section provides a brief update about the Project since the HRIA 2018. Further information about the ongoing activities of the Project is available on the EACOP website at [www.eacop.com](http://www.eacop.com).

By way of background, the Lake Albert region in Uganda has major oil resources, estimated at over one billion barrels, which the Government of Uganda has decided to develop under the Tilenga Development (operated by an affiliate of TotalEnergies SE) and the Kingfisher Development (operated by an affiliate of CNOOC Ltd).

In order to reach the international markets, the production from these fields will be transported to the Tanzanian port of Tanga by the EACOP cross-border crude oil pipeline. The EACOP pipeline is being designed, constructed, financed and operated through a dedicated pipeline company with the same name. The shareholders in EACOP are affiliates of the three upstream joint venture partners (the Uganda National Oil Company, TotalEnergies E&P Uganda and CNOOC Uganda) together with the Tanzania Petroleum Development Corporation.<sup>6</sup>

The following map shows the pipeline route from Uganda to Tanzania.



<sup>6</sup> Shareholdings in EACOP are TotalEnergies 62%, UNOC and TPDC 15% each and CNOOC 8%.



The overall length of the buried pipeline is 1,443 km of which 296 km runs south through Uganda and 1,147 km west across northern Tanzania to Tanga. The entry point to the pipeline will be at the Kabaale Hub.

The EACOP project comprises the key components included in the following table.

Project Component	Tanzania	Uganda
Export Pipeline from Kabaale to the MST Tanzania	296 km (Kabaale to Mtukula)	1 147 km (to Mtukula to Tanga)
6 Pumping Stations (PS)	2 – PS 1, PS02 in Sembabule	PS-3, PS-4, PS-5 and PS-6 PS4 and PS5 manned stations
2 Pressure Reduction Stations (PRS)	-	PRS-1 and PRS-2
Main Line Block Valve Stations (MLBV) Located in the operational Right of Way	23	53
Electrical sub-stations located in the operational Right of Way	5	15
Main Construction Camps and Pipe Yards (MCPY)	4	12 and 1 Coating Yard (TIS plant)
Control Room	Tilenga CPF	MST
Marine Storage Terminal		1 in Tanga with four tanks of 500 kbbl of each and a Load Out Facility

The following graphic shows the main phases for the development and operation of the EACOP project. The Project is currently in the Project Execution phase, which includes the construction of the pipeline. It is anticipated that this phase will be completed and the pipeline will begin operations in 2025.

Phases of the EACOP Project			
Phase 1	Phase 2	Phase 3	Phase 4
2014-2016	2017-2021	2022-2025	2025+
Feasibility	Pre-Project	Project Execution	Operation
<ul style="list-style-type: none"> <li>Multiple routes considered via Kenya and Tanzania</li> <li>April 2016 Tanzania route selected</li> </ul>	<ul style="list-style-type: none"> <li>Route narrowing and finalization</li> <li>Aerial and technical surveys</li> <li>Land and Environmental surveys including ESIA's and RAPs</li> <li>FEED, engineering development and optimisations</li> <li>Call for Tender process</li> <li>Legal and Commercial Framework and legislation</li> </ul>	<ul style="list-style-type: none"> <li>Land acquisition</li> <li>Contract award</li> <li>Detailed engineering</li> <li>Procurement</li> <li>Construction</li> <li>Commissioning including hydrotesting</li> <li>First oil from Upstream facilities</li> </ul>	<ul style="list-style-type: none"> <li>Transportation of oil from Lake Albert fields to international markets</li> </ul>

From a human rights perspective, the following table outlines some of the key developments in terms of the evolution of international human rights standards, as well as key Project development and HRDD activities.

<b>Human Rights and EACOP: Highlights Since HRIA 2018</b>		
<b>International / National Highlights</b>	<b>Project Development Highlights</b>	<b>EACOP HRDD Highlights</b>
<ul style="list-style-type: none"> <li>• UN issues guidance on Gender and UNGPs (2019)</li> <li>• Equator Principles IV adopts stronger human rights requirements for financial institutions (2020)</li> <li>• Tanzania participates in its 3<sup>rd</sup> Universal Periodic Review before the UN Human Rights Council (2021)</li> <li>• Uganda participates in its 3<sup>rd</sup> Universal Periodic review before the UN Human Rights Council (2021)</li> <li>• Uganda adopts a National Action Plan on Business and Human Rights (2021)</li> <li>• UN recognizes the right to a safe and healthy environment (2021)</li> <li>• ILO includes the right to safe and healthy working conditions as part of the ILO Declaration on Fundamental Principles and Rights at Work (2022)</li> <li>• Tanzania workshop on development of National Action Plan on Business and Human Rights (2022)</li> </ul>	<ul style="list-style-type: none"> <li>• HGAs are signed (2021)</li> <li>• Shareholder agreement is signed (2022)</li> <li>• Fine tuning of pipeline route to avoid impacts and construction planning (ongoing)</li> <li>• EPcmC is selected and Early Civil Works contractors and sub-contractors are selected and commence activities (ongoing).</li> <li>• Land acquisition and resettlement activities, including land valuation, compensation agreements, construction of resettlement housing, relocations, initiation of livelihood restoration plans (ongoing).</li> <li>• Information and consultation activities (ongoing).</li> </ul>	<ul style="list-style-type: none"> <li>• HGAs include commitments to human rights and VPSHR (2021)</li> <li>• Resettlement Action Plans and Livelihood Restoration Plans for Uganda and Tanzania in accordance with IFC PSS (various dates)</li> <li>• Signing of EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (2021)</li> <li>• EACOP Integrated Management System (EIMS) incorporates human rights and worker's rights provisions (2019-2022), including in various Contractor Control Plans.</li> <li>• EACOP adopts a stand-alone Human Rights Policy (2022)</li> <li>• EACOP launches a Human Rights Steering Committee and holds first two meetings (2022)</li> <li>• Signing of FPIC agreement with Akie community and traditional leaders</li> <li>• Signing of EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (2022)</li> <li>• EACOP Community Grievance Management Procedure revisions for Tanzania and Uganda (2022)</li> <li>• VPSHR Risk Assessment (2022)</li> <li>• Conduct of Gender &amp; Inclusion Impact Assessment (ongoing)</li> <li>• Development of Industrial Relations Management System (ongoing)</li> <li>• MoUs for VPSHR (forthcoming)</li> </ul>



- EACOP HRDD Approach and Management System
  - *Introduction*

This section outlines the overall approach to human rights due diligence (HRDD) and management system that EACOP has put in place.

#### **Key References for HRDD**

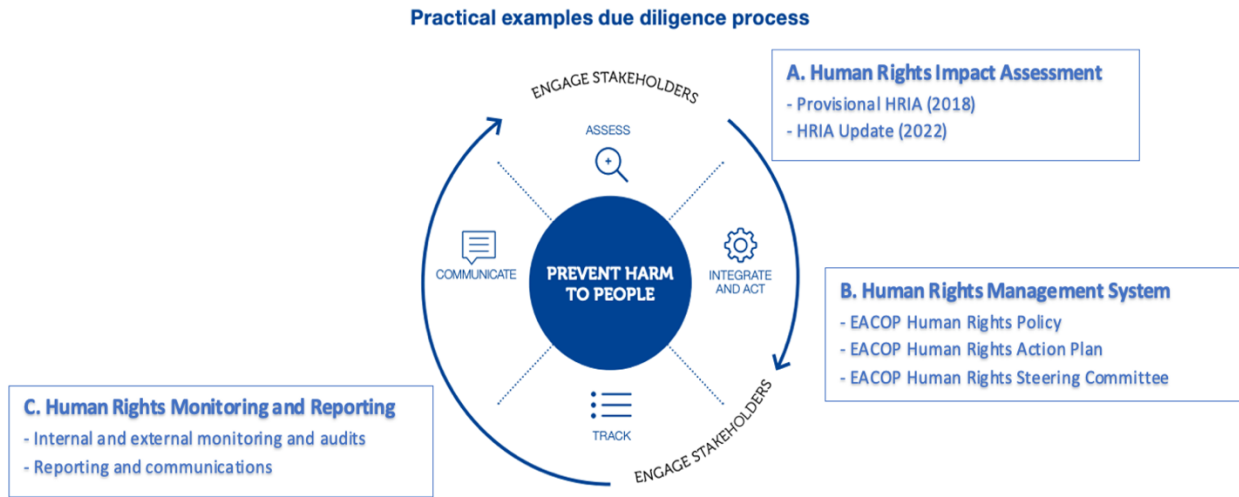
- HRIA 2018: Section 4 on “Overall approach to human rights due diligence” at pp. 23-25.
- EACOP Human Rights Policy: “EACOP commits to ... conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities.”
- UN Guiding Principles on Business and Human Rights, Guiding Principles 17 to 21.

Since the conduct of the initial HRIA in 2018, EACOP has worked to develop and implement a proactive human rights management system and governance structure to support the Project’s commitment to ongoing HRDD. This has been developed with the support of the Project’s senior management team and shareholders and with input from external experts and stakeholders.

As explained below, the key components of the Project’s human rights management system and governance structure include:

- Development of a stand-alone EACOP Human Rights Policy.
- Creation of a Human Rights Steering Committee.
- Development and implementation of a Human Rights Action Plan
- Involvement of Internal and External Human Rights Experts

The following figure shows EACOP’s ongoing HRDD process with the different components of the UNGPs. Box B shows the key components of the EACOP human rights management system as part of the “integrating and acting” phase of HRDD.



○ *EACOP Human Rights Policy*

One of the foundational pieces of EACOP’s approach to human rights has been the development of a stand-alone EACOP Human Rights Policy, which was adopted on February 28, 2022. The full text of the EACOP Human Rights Policy is reproduced below and is also available on EACOP’s website.<sup>7</sup>

<sup>7</sup> See: <https://eacop.com/human-rights-policy/>



# HUMAN RIGHTS POLICY

East African Crude Oil Pipeline (EACOP) commits to respect human rights and applicable laws in all our activities and to implement the United Nations Guiding Principles on Business and Human Rights, the United Nations Global Compact Principles, the OECD Guidelines for Multinational Enterprises, the fundamental conventions of the International Labour Organization and the Voluntary Principles on Security and Human Rights.

This human rights policy aims to define EACOP human rights commitments for the benefit of both internal and external stakeholders.

## EACOP COMMITS IN ALL OF OUR ACTIVITIES TO:

- Respect human rights in carrying out our business activities.
- Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barbaig and Taturu.
- Be sensitive to gender and actively promote the representation, participation and development of women in carrying out our business activities.
- Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders who can freely express their concerns.
- Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.
- Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.
- Ensure that working conditions and remuneration of EACOP employees preserve human dignity and seek that our (sub)contractors and suppliers apply the same. This includes provision of a healthy and safe workplace where workers are protected from accidents, injuries and work-related illnesses.
- Prohibit:
  - Discrimination based on origin, gender, age, disability, gender identity or affiliation
  - Any form of harassment
  - Forced or compulsory labour
  - Child labour.
- Respect the rights for freedom of speech, expression, access to information, association, collective bargaining, freedom of thought, conscience, and religion.
- Recognize the important role of human rights defenders (as defined in the UN Declaration of 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 right to freedom of expression, protest or assembly in relation to our business or activities. We take seriously any allegations of reprisals.
- Promote the Voluntary Principles on Security and Human Rights during engagement with any public security forces and implement them while using private security providers.
- Express to host governments and other stakeholders our commitment to respect human rights. Where there is a difference between a legal requirement and this human rights policy, we seek to respect the principles of internationally recognized human rights to the greatest extent possible in the circumstances.
- The implementation of this policy is subject to periodic review by a dedicated committee and updating in line with our commitment to continual improvement.

This policy applies to all EACOP personnel. We encourage our business partners and contractors to act in a manner consistent with the principles set out in this policy. We actively promote human rights awareness and respect with our business partners, including by adopting and incorporating appropriate legal and contractual frameworks, training and the promotion of multi-stakeholder actions where appropriate.

**Martin TIFFEN**  
 Managing Director, EACOP  
 Date: 28/2/2022

The adoption of the EACOP Human Rights Policy sets out the Project’s responsibility to respect human rights by clearly articulating and embedding a commitment to implement international human rights standards and an ongoing process for human rights due diligence.<sup>8</sup> In addition, there are explicit commitments to human rights that have been included in the EACOP Code of Conduct.

At the time of initial HRIA in 2018, EACOP followed the human rights policies and procedures set out by the Project’s majority shareholder, TotalEnergies, and was incorporating a variety of international standards into the project development process including the UNGPs and IFC Performance Standards.<sup>9</sup> While there is a large degree of continuity with the EACOP Human Rights Policy, the adoption of a stand-alone policy expresses the commitment of all EACOP’s shareholders, as well as updating and addressing the commitments to the Project’s specific salient human rights issues. Furthermore, from experience with other projects, the adoption of a stand-alone human rights policy at the level of the EACOP corporate entity can be quite useful in terms of communicating with local stakeholders and getting buy-in from local workers and business partners.

The EACOP Human Rights Policy was developed through an extensive consultation process with internal and external experts from September 2021 to February 2022. The policy was subsequently presented to civil society organizations in Tanzania and Uganda in meetings held in May 2022. This has been followed by an ongoing series of human rights trainings for EACOP staff and contractors that provide in-depth explanation and awareness of the EACOP Human Rights Policy.<sup>10</sup> The table below shows the progress that has been made in the roll out of the human rights trainings.

The human rights training has been supported by the participation of local and international human rights experts and through the development of practical exercises and communications materials (e.g. video by EACOP’s Managing Director; translations and graphic representation of the policy; flash cards, etc.) to support awareness-raising about the operational implications of the policy.

Country	EACOP Staff	EACOP Contractors
Tanzania	<ul style="list-style-type: none"> <li>• 8 training sessions in June 2022</li> <li>• 3 monthly “lunch and learn” sessions have been provided who</li> </ul>	<ul style="list-style-type: none"> <li>• 8 contractors for Early Civil Works provided with induction training</li> </ul>

<sup>8</sup> See: UNGP Guiding Principle 16.

<sup>9</sup> The EACOP HRIA 2018 referred in particular to the Total Code of Conduct and Total Human Rights Guide (2015) as the applicable human rights commitments for the Project.

<sup>10</sup> A table is included in Appendix A to show how the EACOP Human Rights Policy has been prepared in line with UNGP 16.

Country	EACOP Staff	EACOP Contractors
	<p>were not available for the initial training sessions.</p> <ul style="list-style-type: none"> <li>52% of EACOP staff in Tanzania has received the training<sup>11</sup></li> </ul>	
Uganda	<ul style="list-style-type: none"> <li>5 training sessions in August 2022</li> <li>84% of EACOP staff in Uganda has received the training</li> </ul>	<ul style="list-style-type: none"> <li>EACOP's resettlement contractors were provided with human rights training<sup>12</sup></li> </ul>

EACOP continues to roll-out the initial human rights training to EACOP staff and new contractors through induction trainings.<sup>13</sup> The Human Rights Manager offers monthly “lunch and learn” sessions for staff who have not participated in the initial training sessions.

Additional human rights trainings will continue based on feedback from the initial trainings to address ongoing priorities and/or emerging areas of human rights risk. Furthermore, other human rights training initiatives are planned to support the implementation of the Voluntary Principles on Security and Human Rights and the Project's gender and inclusion activities.<sup>14</sup>

#### Additional Recommendations

The following are additional recommendations for EACOP to continue embedding its Human Rights Policy:

- Continue to roll-out human rights training until all EACOP staff and all contractors and sub-contractors have been covered. Some field-based training sessions will likely be required to reach all the staff and contractors.
- Continue to evaluate the initial human rights training and develop a plan for ongoing training for (a) human rights refresher trainings and (b) advanced training on the Project's salient issues and/or for key departments.
- Continue to develop communication tools that promote the EACOP Human Rights Policy with simple messaging in local languages.

<sup>11</sup> As many of the Tanzanian staff are field-based, not all could participate in the initial training and additional field-based trainings will need to be organized.

<sup>12</sup> Early Civil Works have not commenced in Uganda, so the focus was on training the EACOP resettlement contractors. A specialized training was prepared and included presentations and discussions with Ugandan civil society organizations with experience on human rights and gender issues.

<sup>13</sup> There are different training programmes and materials for EACOP staff and for contractors. The former are more focused on the full range of the Project's salient human rights issues and the latter have more of a focus on workers' rights aspects.

<sup>14</sup> See sections 2(a) and 2(k) below.



### ○ *Human Rights Steering Committee*

The governance and accountability for EACOP's approach and implementation to ongoing HRDD will be provided by a Human Rights Steering Committee, comprising of EACOP's senior leadership and key managers who are relevant to the oversight and management of the Project's salient human rights issues. The establishment of cross-functional committees at the operational level is recognized as one of the good practices for governance of HRDD.<sup>15</sup>

The mandate of the EACOP Human Rights Steering Committee is to provide leadership, support, guidance and oversight of:

- management and mitigation of EACOP's salient human rights risks (as identified in the Project's 2018 HRIA and as updated on a periodic basis);
- engagement with human rights stakeholders, in particular civil society organizations and Human Rights Defenders; and
- EACOP reporting and communications regarding human rights.

Furthermore, the Human Rights Steering Committee has the responsibility to identify new and/or additional mitigation measures or programmes considered necessary to manage human rights risks.

#### **EACOP Human Rights Steering Committee Membership**

The current membership of the Human Rights Steering Committee includes the following:

- Managing Director
- General Manager Tanzania
- General Manager Uganda
- Project Director (for Construction Activities)
- Human Rights Manager
- Legal Counsel Tanzania
- Legal Counsel Uganda
- Security Manager
- Land and Social Performance Manager Tanzania
- Land and Social Performance Manager Uganda
- HSE Director
- Human Resources Manager Tanzania
- Human Resources Manager Uganda

In addition, other individuals or parties may attend all or part of the Human Rights Steering Committee meetings such as external human rights experts.

<sup>15</sup> See, inter alia, Shift's "[Leadership and Governance Indicators for a Rights-Respecting Culture](#)," indicator G6 on ensuring cross-functional collaboration through a human rights "governance body."

The Human Rights Steering Committee is planned to meet on a quarterly basis and can also meet on an ad hoc basis in order to address new issues, incidents or allegations related to human rights.

The Human Rights Steering Committee had its inaugural meeting in April 2022 and held its second meeting in September 2022.<sup>16</sup> These meetings have included discussion of the development of the Project’s approach to HRDD—including the update process for the HRIA and preparation of the HRDD Report—and have provided updates on key activities related to the management of salient human rights issues. The steering committee also has been used to address emerging human rights issues and potential impacts related to new Project activities. For instance, a key topic of discussion in the first meetings of the Human Rights Steering Committee was monitoring the performance of the Project’s contractors and sub-contractors now that Early Civil Works activities have commenced.

Furthermore, senior leaders within the Human Rights Steering Committee actively support internal engagement and training on human rights, as well external engagement with stakeholders by participating in workshops and events with civil society organizations and traditional leaders of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples. This has been important in setting a positive “tone from the top” that human rights are a key part of the Project’s values and activities, and that they are applicable to all members of the EACOP team.

#### Additional Recommendations

The following are additional recommendations for the ongoing discussions and activities of the Human Rights Steering Committee to effectively guide and reinforce the Project’s ongoing HRDD:

- Use the information prepared for the Human Rights Steering Committee meetings to support regular internal and external communications about implementation of the Project’s Human Rights Action Plan.
- In addition to reporting upon implementation of the Human Rights Action Plan, continue to use the Human Rights Steering Committee as a forum for discussion about potential human rights impacts related to new Project activities, incidents or grievances.
- Continue to involve members of the Human Rights Steering Committee in stakeholder engagement and communications efforts.
- Consider inviting external experts and/or representatives from civil society organizations in Tanzania and Uganda to Steering Committee when relevant to provide briefings on specific issues and to incorporate additional perspectives in the committee’s deliberations.

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<sup>16</sup> The first meeting of the Human Rights Steering Committee was focused on the Tanzania managers and, as of the second meeting, the Uganda managers have also been included to have a comprehensive committee covering both countries.

○ *Human Rights Action Plan*

Another component of EACOP’s approach to ongoing HRDD has been the development of a detailed Human Rights Action Plan. This is the tangible expression of the move from “assessment” to “integrating and acting” and then to the subsequent phases of HRDD (“tracking” and “communicating”) in the UNGPs. Moreover, for many companies, developing a detailed and effective human rights action plan signifies a move from studying human rights with the support of external experts to implementing ongoing human rights due diligence with the support of the internal organization.

The current version of the Human Rights Action Plan is included in Appendix B of the HRDD Report, and the table below outlines the salient issues and key departments included in its implementation.

<b>Salient Issues</b>	<b>Key Managers / Departments for Implementation</b>
General	<ul style="list-style-type: none"> <li>• Human Rights Manager</li> <li>• Human Rights Steering Committee</li> </ul>
Women’s rights	<ul style="list-style-type: none"> <li>• Land &amp; Social</li> <li>• Human Resources</li> <li>• Project Team</li> </ul>
Workers’ rights	<ul style="list-style-type: none"> <li>• Project Team (package managers with support of Industrial Relations)</li> <li>• Human Resources for EACOP staff</li> </ul>
Security	<ul style="list-style-type: none"> <li>• Security</li> </ul>
Road Safety	<ul style="list-style-type: none"> <li>• Health, Safety and Environment (HSE)</li> <li>• Project Logistics Team</li> <li>• Land &amp; Social</li> </ul>
Land and resettlement	<ul style="list-style-type: none"> <li>• Land &amp; Social</li> </ul>
Marine livelihoods	
Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples	
Information and consultation	

EACOP’s Human Rights Action Plan has been developed on the basis of the recommendations of the EACOP HRIA 2018 in consultation with the relevant internal departments—both in terms of progress made to date on implementing the HRIA 2018 recommendations and for planning further implementation. The Human Rights Action Plan will be revised as part of EACOP’s internal review of the HRDD Report, notably in terms of incorporating any new recommendations that supplement or supersede those made in the HRIA 2018.

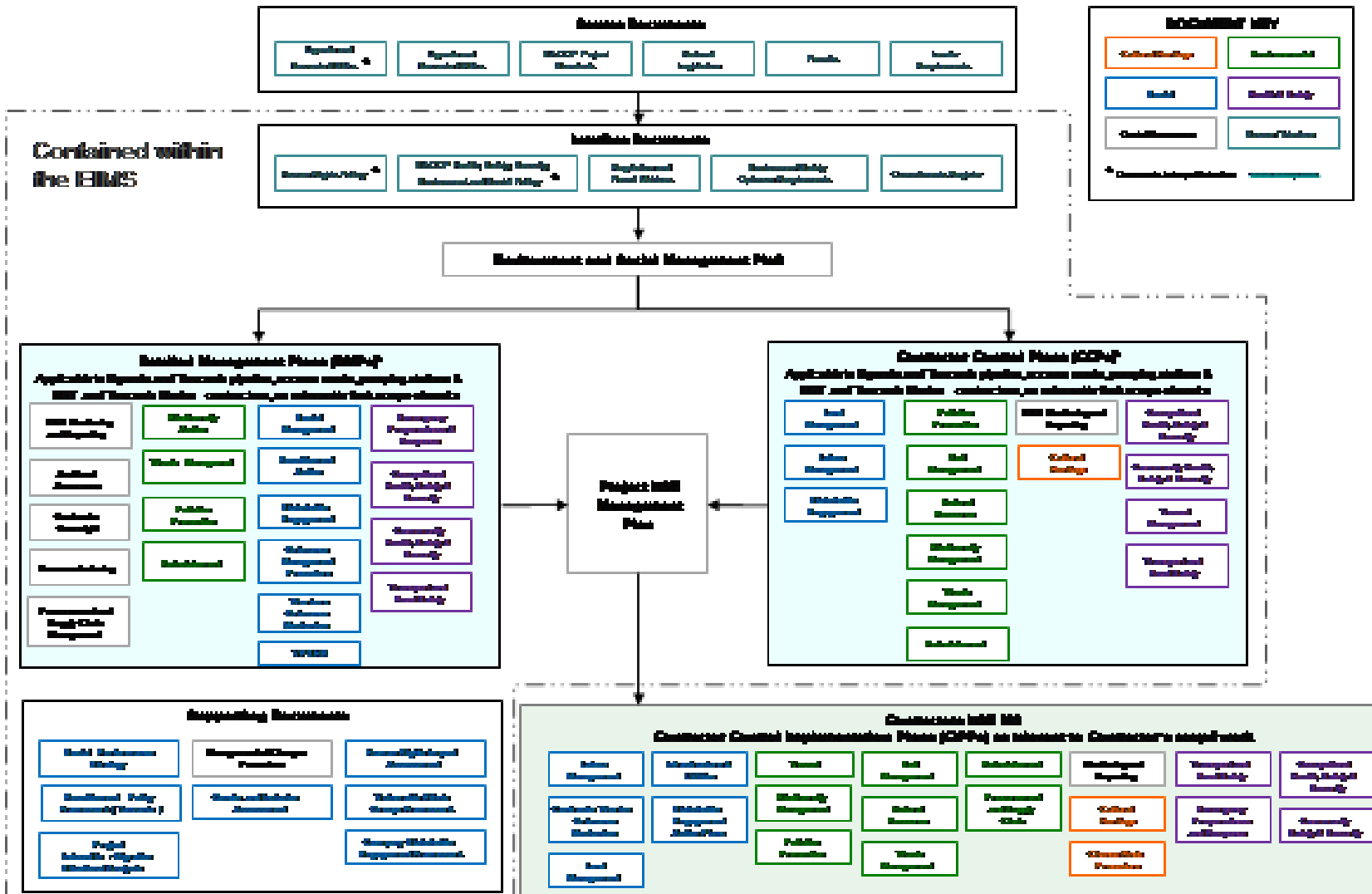
In this regard, the Human Rights Action Plan should be understood as a “living document.” While the overarching framework is defined by the Project’s salient human rights issues and should remain fairly stable for the duration of the construction phase,<sup>17</sup> the specific actions that are included (in the Gantt charts) to address each of the salient issues should be updated on a quarterly basis with reference to ongoing implementation of activities and/or inclusion of new actions are added through ongoing engagement, monitoring and learning. For instance, the Human Rights Action Plan will be updated to reflect the findings and recommendations of this HRIA Update, as well as the forthcoming completion of a number of ongoing studies that are relevant to the Project’s salient issues.<sup>18</sup>

Not only does the Human Rights Action Plan speak to the “acting” component of HRDD, it also incorporates the “integrating” aspect by cross-referencing the various EACOP policies and management plans (including contractor control plans or CCPs) that support the implementation of human rights by key departments, contractors and sub-contractors. Consequently, Human Rights requirements have been integrated into the EACOP Integrated Management System (EIMS) developed since the HRIA 2018. The following figure provides an overview of the environment and social document architecture within the EIMS and highlights that the HRIA 2018 was a key source document.

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<sup>17</sup> The salient issues may be adjusted from time to time by the Human Rights Steering Committee if necessary, and a more formal review of the Project’s salient issues is recommended through another HRIA Update towards the end of the construction phase. This could result in more significant adjustments to the overall framework for the Human Rights Action Plan as the Project prepares for the operational phase.

<sup>18</sup> In particular, the Human Rights Action Plan notes the need for updates based on the conclusions of the Gender & Inclusion Impact Assessment, the development of the Industrial Relations Management System and an additional study related to marine security and options for access to the jetty.



A table is included in Appendix D that provides additional information about the key EACOP policies and management plans—including Contractor Control Plans—that support the implementation of EACOP’s Human Rights Policy and Human Rights Action Plan. These key policies and management plans are also highlighted in the sub-sections on each of the salient human rights issues below.

The process has begun for developing key performance indicators (KPIs) and monitoring systems for tracking and reporting on the implementation of the Human Rights Action Plan based on the KPIs that were developed for the different management plans that form the EACOP Integrated Management System. However, this has not yet been finalized as the various monitoring systems for different functions are still in development. This is understandable given the current stage of development of the Project; however, it will be necessary for the KPIs and monitoring systems for the different functions to be integrated and harmonized within the Human Rights Action Plan as soon as possible. The KPIs will be based on the most relevant indicators for human rights in the different management plans and will be supplemented with additional indicators or methodologies where necessary.

In the interim period, the Human Rights Manager will organize regular meetings with the relevant functional managers to obtain information about their actions, challenges faced or additional support that may be needed to keep on track. Further information about monitoring and reporting is provided in Part Three of the HRDD report below.

#### Additional Recommendations

The following are additional recommendations for the implementation of the Human Rights Action Plan:

- Quarterly update the Human Rights Action Plan (e.g. after each of the Human Rights Steering Committee meetings) to demonstrate progress and identify areas for additional attention.
- Consult with external stakeholders on the implementation of the Human Rights Action Plan on a regular basis (e.g. during the regular meetings with civil society organizations in Tanzania and Uganda) and consider adjusting the KPIs over time to be responsive to frequently asked questions from affected stakeholders.
- Consider publishing the Human Rights Action Plan and any updates as a key vehicle to support transparency and communications about the Project’s ongoing HRDD efforts.

- *Human Rights Expertise*

EACOP has enlisted internal and external experts to support the development of its approach for ongoing HRDD.<sup>19</sup> This includes international human rights advisors and local human rights experts to conduct the HRIA and support implementation of follow-up actions; the support of internal human rights experts from within EACOPs' shareholders' organizations; and the hiring of a dedicated EACOP Human Rights Manager based in Tanzania and Human Rights Coordinator in Uganda reporting to the Human Rights Manager.

Moreover, numerous internal and external social and other experts have contributed to the ongoing process of HRDD through specialized studies and contributions to the ongoing actions that implement the HRIA 2018 and to support the current HRIA Update. Furthermore, the EACOP Human Rights Manager has regular discussions with the Human Rights Manager for the upstream Tilenga project about common issues and development of internal tools and materials.

EACOP intends to continue to involve internal and external experts to support its ongoing HRDD both in terms of ongoing assessment of potential impacts and implementation of the actions in the Human Rights Action Plan. In this regard, EACOP is currently completing a Call for Tender process for ongoing human rights advisory services for the construction phase of the Project.

#### Additional Recommendations

- Consider hiring of an additional internal Human Rights Officer to support implementation of the Human Rights Action Plan, particularly in terms of (a) supporting the Human Rights Manager for ongoing engagement with internal and external stakeholders and (b) for conducting field-based monitoring and training activities. It is likely most useful if this additional Human Rights Officer is based in Tanzania and is fluent in Swahili.
- Continue to have regular meetings with the Human Rights Manager for the Tilenga (and relevant managers for Kingfisher) in order to encourage alignment of approaches to HRDD and sharing of good practices.

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<sup>19</sup> The involvement of internal and external human rights experts is one of the expectations for HRDD (in particular for the assessment of potential impacts) as noted in UNGP 18(b).

- Human Rights Impact Assessment Update

- *Introduction*

The following section provides an update of the Provisional Human Rights Impact Assessment that was completed in 2018 (the HRIA 2018). As mentioned above, the HRIA 2018 was issued both as a stand-alone document (and made public on the EACOP website) and formed part of the Project's Environmental and Social Impact Assessment (ESIA).

As outlined in the text box below, the HRIA 2018 recommended two different steps for ongoing assessment of potential and actual impacts on human rights as part of the development of an ongoing process of HRDD for the Project.

- A first HRIA Update, focussing on a review of the EACOP's salient human rights issues and key management plans when a number of ongoing studies were completed and more definitive information was available about the Project; and,
- A second HRIA Update towards the end of the Project's construction phase to review EACOP's salient issues prior to the operational phase.

The objective of this section is to fulfill the recommendation for the first HRIA Update. Given the passage of time, it was agreed with EACOP that framing this report as a HRDD Report would be more responsive to current trends and expectations in the field of business and human rights, and to be more supportive of EACOP's current focus on integrating human rights into its management systems and activities.<sup>20</sup>

#### **Identification and Assessment of Human Rights Impacts.**

The [HRIA 2018] is a significant first step in assessing the human rights impacts of EACOP. As mentioned above, the HRIA process has hallmarks of both an integrated impact assessment (along with the various environmental and social due diligence processes), as well as a stand-alone HRIA process. The next steps for identifying and assessing potential human rights impacts include:

- Completion of a number of ongoing processes that are compiling information and developing mitigation plans that are relevant for additional assessment of the salient human rights issues. These include the finalization of VPSHR risk assessments for Tanzania and Uganda; completion of the resettlement action plans and livelihood restoration plans for Tanzania, Uganda and the MEZ; additional engagement and research on potential interactions with

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<sup>20</sup> The initial HRIA Update was intended to be completed fairly soon after the completion of the HRIA 2018. However, due to the Project's suspension, it was delayed until the Project details were sufficiently finalized and the Project's mitigation plans and management systems were sufficiently developed.



indigenous peoples; the selection of the ECPM contractor(s) and development of more detailed contractor management plans; the development of a project-induced influx management plan; and, further decision-making about the design and management of camps, transportation routes, etc. To build upon the integrated HRIA approach to date, the HRIA team can provide targeted input and advice into these ongoing processes as needed.

- Agreement on a process for updating the Provisional HRIA and producing a Final HRIA in a manner that incorporates as much of the additional information about mitigation measures in order to further refine the assessment of salient human rights issues. Moreover, the process for producing a Final HRIA should include opportunities for consultation with internal and external stakeholders to validate the final prioritization of salient human rights issues and to get feedback on proposed mitigation measures and the overall approach to human rights due diligence.
- Recognizing that the identification and assessment of human rights impacts is an ongoing process that should be undertaken at regular intervals in a project lifecycle, it is suggested that another human rights impact assessment process should be conducted towards the end of the construction phase and prior to the commencement of operations, taking into account the latest information about the project plans and feedback from affected stakeholders about impacts or concerns that are relevant to human rights. This process would involve reviewing and updating the Final HRIA and should revise the prioritization of potential human rights impacts and adapt relevant mitigation measures for the operational phase, as well as identify areas where remediation may be necessary for impacts from the construction phase.

The remainder of this section focuses on explaining the process to update the Project's salient human rights issues. It includes more detailed sub-sections which provide updates on each of the salient human rights issues. Cross-references to the HRIA 2018 are provided in each sub-section to provide additional information about the research and extensive stakeholder engagement undertaken when preparing the HRIA 2018. While this is now a few years old, it remains relevant and valid except where otherwise indicated or updated.

#### ○ *Update of Salient Human Rights Issues*

The following sub-section provides an overview of the process to update the Project's salient human rights issues using the same Human Rights Heat Map tool that was used in the HRIA 2018.<sup>21</sup>

The purpose of the Human Rights Heat Map is to help companies identify and prioritize their salient human rights issues and focus their attention on the human rights risks and impacts that have the greatest severity of potential adverse impacts on people.

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<sup>21</sup> This Human Rights Heat Map tool was developed by Shift (the leading centre of expertise on the UNGPs) and is used with permission.

As part of the process of updating the HRIA 2018, heat map workshops were held in Q2 and Q3 2022 with internal stakeholders (including members of the Human Rights Steering Committee, the teams involved in construction of the pipeline, and managers from key departments from Tanzania and Uganda) and with civil society organizations who are familiar with the Project. Furthermore, participation in human rights trainings for EACOP staff and contractors provided an opportunity for further discussion and validation of the Project's salient human rights issues.

Generally, the feedback from the internal and external stakeholders was that the heat maps (with and without mitigation) from 2018 were felt to be a fair representation of the Project's human rights risks. There were no challenges to the identification and prioritization of issues in the initial heat maps, but some adjustments were made to the placement and prioritization of the issues in the updated heat map.

In terms of adjustments to the updated heat map, the key points to highlight are as follows:

- Contractor and supplier's worker's rights, women's rights and marine livelihoods (in Tanzania) are the highest priorities in terms of the potential likelihood of impacts.
- Road safety and interactions with public security forces are the highest priorities in terms of potential severity of impacts.
- Land and resettlement remains a priority and the livelihoods aspect has been emphasized as livelihood restoration will soon become the focus of ongoing HRDD as the land acquisition and initial resettlement activities are completed.
- Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (in Tanzania) has been lowered in terms of the likelihood of impacts on indigenous peoples rights due to the development and signature of the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples with the Maasai, Akie, Barabaig and Taturu, and the signature of the additional FPIC Agreement with the Akie.
- Information and consultation has been lowered slightly in terms of likelihood as the Project continues to reinforce its stakeholder engagement and communications activities.
- Access to water have been given elevated attention in the updated heat map.
- Project-induced in-migration has been added to the updated heat map to reinforce its importance from a human rights perspective.
- Access to remedy remains an important issue in its own right but will be treated as a cross-cutting aspect of each salient human rights issue in order to have a comprehensive approach.

Initial Heat Map 2018

Severity of potential impact on people →		Public security forces  Community safety			
			Contractor and supplier workers <sup>22</sup>		
		Private security forces  Cultural rights	Community health  Access to remedies	Land & resettlement  <i>Indigenous peoples*</i>  Women's rights  <i>Marine livelihoods*</i>	
		Freedom of Association (EACOP)  Just and favourable work (EACOP)  Safe and healthy work (EACOP)	Non-discrimination (EACOP)		Right to information and consultation
		Community investment			
	Likelihood that impacts may occur →				

<sup>22</sup> As it has been determined that there is virtually no possibility that EACOP will directly use child or forced labour, these potential impacts have been removed from the heat map; however, as they remain a potential issue in relation to contractor and supplier workers, this is one of the reasons for the elevated rating of potential severity for contractor and supplier workers' rights.

Updated Heat Map 2022

Severity of potential impact on people →	Public security forces		Road safety		
		Project-induced in-migration	Land, resettlement and livelihoods	Marine livelihoods in Tanzania Contractor and supplier workers' rights	
	Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania	Private security forces Cultural rights	Access to remedies Access to Water	Women's rights	
	Freedom of Association (EACOP) Just and favourable work (EACOP) Safe and healthy work (EACOP)		Non-discrimination (EACOP)	Right to information and consultation	
	Social investment (e.g. water projects)				
	Likelihood that impacts may occur →				

## ○ *Interactions with Public Security Forces*

### Human Rights Risks

Interactions with public security forces was highlighted as one of the Project’s salient issues in the HRIA 2018 because there will be interaction between EACOP and public security forces along the pipeline route and at the marine terminal in Tanga, including to enforce the marine exclusion zone (MEZ). Interactions with public security forces are a common concern for extractive industry projects, which may result in impacts on a variety of human rights. While many of the potential impacts on human rights are related to community members, it is important to note that EACOP and contractor workers and the members of security forces also may experience adverse human rights impacts in security-related interactions. The most severe potential impacts would occur if force is ever used to protect EACOP’s assets and workers from criminal activity or in a confrontation with community members.

Potential impacts related to interactions with public security forces were highlighted by civil society reports and studies since the HRIA 2018.<sup>23</sup> Through consultation with internal and external stakeholders for the HRIA Update, interaction with public security forces remains a salient human rights issue—although many of the people consulted suggested that the likelihood of severe human rights impacts is currently lower than they had evaluated them in 2018. This has largely to do with greater familiarity of internal stakeholders with the security context in both Tanzania and Uganda, as well as positive indications about dialogue and cooperation with the public security forces on matters related to the Voluntary Principles on Security and Human Rights (VPSHR).

The text box below shows where this issue was addressed in the HRIA 2018 and the international standards and national laws that are relevant.

<b>Interactions with Public Security Forces</b>
See section 16 of the HRIA 2018 <sup>24</sup>
<i>International standards</i>
<ul style="list-style-type: none"> <li>● Article 3 of the Universal Declaration of Human Rights (UDHR)</li> <li>● Articles 6(1), 7 and 9 of the International Covenant on Civil and Political Rights</li> <li>● Voluntary Principles on Security and Human Rights</li> <li>● The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials</li> <li>● The International Code of Conduct for Private Security Service Providers</li> <li>● IFC Performance Standard 4 on Community, Health, Safety and Security</li> </ul>

<sup>23</sup> See, for example, Oxfam HRIA 2020 at p 22.

<sup>24</sup> See section 16 of the Provisional HRIA (2018) at pp. 127-136.

*Regional Standards*

- Articles 4, 5 and 6 of the African Charter on Human and People's Rights (ACHPR)

*National laws*

- Article 29 of the Constitution of the Republic of Uganda
- Articles 17, 18 and 19 of the Tanzanian Constitution

## Key EACOP Standards and Commitments

The following text box highlights the key human rights standards related to the Project's interaction with public security forces.<sup>25</sup> They focus on implementation of the VPSHR, which is the widely-accepted industry standard for extractive industry companies to manage their human rights risks and impacts related to the interaction with public and private security forces.

**EACOP Standards and Commitments on VPSHR***EACOP Human Rights Policy*

Promote the Voluntary Principles on Security and Human Rights during engagement with any public security forces and implement them while using private security providers.

*Other EACOP Policies and Plans*

- EACOP VPSHR Implementation Guideline for Operations (forthcoming)
- EACOP VPSHR Management Plan for the Construction Phase (forthcoming)
- Community Health, Safety and Security Management Plan (CCP)
- Occupational Health, Safety and Security Management Plan (CCP)

## Key Activities to Implement the VPSHR

Since the HRIA Update, the following key activities have been undertaken to implement the VPSHR in Tanzania and Uganda.

- The Host Government Agreements with Tanzania and Uganda included the VPSHR and Memoranda of Understanding (MoUs) that provide for cooperation with public security

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<sup>25</sup> While this section is focused on the interaction with public security forces, standards and commitments related to private security forces are included since EACOP's and contractors' private security forces must also be aware of the human rights expectations related to potential interactions with public security forces.

forces in Tanzania and Uganda have been developed. These MoUs are in the process of being finalized at the time of writing.

- VPSHR Risk Assessments have been undertaken in Tanzania and Uganda, and action plans for ongoing implementation of the VPSHR have been developed. The VPSHR Risk Assessment for Uganda was originally undertaken for the Tilenga Project in 2020 and has been updated in 2022.<sup>26</sup> A separate VPSHR Risk Assessment was undertaken for Tanzania in 2022. Both of the VPSHR Risk Assessments cover the different public security forces (police, military or navy) that may interact with different Project components and activities in Tanzania and Uganda.
- The EACOP Security Manager has access to a variety of VPSHR training materials (from the Project shareholders, the private security contractors and external experts) which cover interactions with public security forces, as well as important VPSHR topics such as appropriate use of force; procedures for detention and transfer of custody; incident reporting and grievance mechanisms; and, interactions with women, children and Human Rights Defenders. These materials can be adapted for the ongoing training and engagement with public security forces in Tanzania and Uganda.
- A Security Committee has been formed for the Project that comprises the EACOP Security Manager and representatives of public security forces from Tanzania and Uganda. This will be a key forum for EACOP to promote the VPSHR and to track implementation of the MoUs with public security forces.
- EACOP has hired additional human resources to support the Security Manager, including for implementation of the VPSHR. Furthermore, the EPcmC contractor has dedicated security managers in Tanzania and Uganda who are knowledgeable about the VPSHR. This will be the core team for ongoing implementation of the VPHSR, including for overseeing VPSHR training initiatives; updating VPSHR Risk Assessments on a periodic basis; and, engaging with private security contractors.
- The Community Grievance Management Procedures for Tanzania and Uganda can receive grievances from external stakeholders about any misconduct by public security forces (and private security contractors). No such grievances have been received to date. Ongoing attention to promotion of grievance mechanisms as part of EACOP's VPSHR training and stakeholder engagement and communications about community security is important to support access to remedy and can also serve as a deterrent against misconduct.

#### Update of HRIA 2018 Recommendations

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<sup>26</sup> The implementation of the VPSHR for the Tilenga project was reported upon in the Tilenga HRIA, section G (Interaction with Public Security Forces) and section H (Interaction with Private Security Providers).

The table below contains a review and update of the recommendations made in the HRIA 2018 (and integrated into the EACOP Human Rights Action Plan) relating to interactions with public security forces.

HRIA 2018 / Human Rights Action Plan	Review and Update
<p>Develop and implement a Security Management Plan in line with the VPSHR for all project components (i.e. include marine aspects and not only the pipeline security).</p>	<ul style="list-style-type: none"> <li>• EACOP is developing a VPSHR Management Plan for the Construction Phase, which will cover all the project components in Tanzania and Uganda.</li> <li>• An additional security risk assessment is currently being undertaken of various options for community access around the jetty at the Marine Storage Terminal. This will inform the VPSHR risks and implementation for the marine aspects of the Project.</li> <li>• The latest VPSHR Risk Assessment highlighted the need for EACOP to continue working with the private security contractors to align their security risk assessments with EACOP's requirements.</li> </ul>
<p>Update the latest VPSHR risk assessment conducted in order to identify specific risks, mitigation measure and engagement strategies for the private &amp; different public security forces that will potentially interact with EACOP.</p>	<ul style="list-style-type: none"> <li>• VPSHR Risk Assessments have been updated for Tanzania and Uganda, most recently in September 2022 with the support of an external human rights and VPSHR expert. The VPSHR Risk Assessments appropriate methodology and cover the full range of risks and issues in guidance for implementation of the VPSHR.</li> </ul>
<p>Consider developing, if possible, formal agreements (MoUs, protocols and/or standard operating procedures) with the relevant public security forces (police, military, navy, etc.) that are aligned with the VPSHR.</p>	<ul style="list-style-type: none"> <li>• MoUs for VPSHR have been developed and are currently being finalized for Tanzania and Uganda. The next step will be for the MoUs to be signed by the respective governments and to begin implementation, notably through joint training initiatives with the public security forces.</li> </ul>
<p>Develop training materials on the VPSHR that are specific to the EACOP countries and operating context which can be delivered to public and private security forces.</p>	<ul style="list-style-type: none"> <li>• The EACOP Security Manager has access to a variety of VPSHR training materials that have been developed for Tanzania and Uganda from the EACOP shareholders, private security contractors and external experts.</li> <li>• A third-party expert will be engaged in 2023 to support ongoing VPSHR training with the public security forces.</li> </ul>



HRIA 2018 / Human Rights Action Plan	Review and Update
<p>Include information about EACOP's commitment to the VPSHR and any relevant security arrangements in the information disclosure and stakeholder engagement efforts with workers and community members.</p> <p>Ensure that public awareness programmes for PACs include a specific section about the security presence surrounding camps and security protocols which apply.</p>	<ul style="list-style-type: none"> <li>• Now that Early Civil Works activities have commenced and pipeline construction is planned to commence in 2023, it is the appropriate time to start planning disclosure and stakeholder engagement activities related to the VPSHR. This should include information about the Project's arrangements with public and private security contractors and the availability of the Community Grievance Management Procedure to raise concerns about misconduct of any security forces associated with the Project.</li> <li>• The EACOP Human Rights Manager has included the VPSHR in all of the human rights trainings for EACOP staff and induction trainings for contractors.</li> </ul>
<p>Consult with community leaders to find ways to strengthen community security, particularly in relation to prohibited behaviour of Project or contractor workers and Project-induced in-migration.</p>	<ul style="list-style-type: none"> <li>• There is ongoing consultation with community leaders, government representatives and other stakeholders in relation to the Project's efforts to identify and mitigate PIIM. This includes the creation of coordination committees in "PIIM hotspots" which include public security representatives, and which meet on a quarterly basis.<sup>27</sup></li> <li>• To the extent that any of the planned community and government responses to PIIM include the use of public or private security forces, it is recommended that EACOP should extend its training on VPSHR to the relevant forces.</li> </ul>
<p>Consider opportunities to employ or support local community members to enhance community security in a manner that is consistent with the Project's commitments to the VPSHR. Any community security roles that are employed or supported by the Project or contractors should be unarmed and only</p>	<ul style="list-style-type: none"> <li>• All Private Security Providers for the EACOP project are / will be unarmed.</li> <li>• Community members, including Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania, may be qualified to be hired as private security guards. If they are hired by any Private Security Providers, they</li> </ul>

<sup>27</sup> To date, PIIM hotspots have been identified and coordination committees have been established in the Tanga, Nzega, Kahama and Bukombe Districts. A PIIM study is currently being undertaken for Uganda and which will similarly identify potential PIIM hotspots and recommend the creation of coordination committees in those locations.

HRIA 2018 / Human Rights Action Plan	Review and Update
have a mandate to observe and report community security concerns to the Project or the authorities.	will fall under EACOP's requirements for VPSHR training.

#### Additional Recommendations:

The main recommendation for the Human Rights Update relates to the diligent implementation of the recommendations from the latest VPSHR Risk Assessments and the EACOP VPSHR Management Plan for the Construction Phase in collaboration with the EPcmC contractor, private security providers and the public security forces in Tanzania and Uganda. In doing so, it is recommended that EACOP consider the following:

- Progress made on the recommendations in the current version(s) of the VPSHR Risk Assessments should be tracked on a quarterly basis as part of the ongoing monitoring of the Human Rights Action Plan by the Human Rights Steering Committee.
- The VPSHR Risk Assessments should be updated on an annual basis for the duration of the construction phase.
- Once finalized and signed, the implementation of the MoUs (including reporting on training initiatives and any incidents relevant to the VPHSR) should be discussed on a regular basis in the Security Committee and reported upon to the Human Rights Steering Committee.
- The VPSHR training materials should be customized for the different forces and translated into local languages (e.g. Swahili and Luganda) to ensure effective delivery and comprehension with members of the public security forces.<sup>28</sup>
- EACOP should develop speaking points with key messages about its security arrangements with public and private security forces, its commitments to the VPSHR and the availability of the Project's (and contractors') grievance mechanisms for any misconduct involving security forces. The Project's security team can deliver these key messages or else build the capacity of EACOP and contractor Community Liaison Officers and Community Relations Coordinators to include them in ongoing engagements with workers and community members.

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<sup>28</sup> Additional recommendations about ongoing VPSHR training were included in the VPSHR Risk Assessment.

## ○ Road Safety

### Human Rights Risks

Road safety was prioritized in the HRIA 2018 as one of the top community safety risks because of the high number of vehicle movements during the construction phase combined with general concerns and experience from community stakeholders and Project managers about road safety in Tanzania and Uganda, where some of the roads are in poor condition and many community members use the road on foot or bicycles. In this regard, road accidents are one of the leading causes of fatalities in Africa.<sup>29</sup> Road safety was also prioritized as one of the areas where there are additional risks to children.<sup>30</sup> While the focus of this salient issue is on the potential impacts related to community members and children, it should be mentioned that road safety is also a workers' rights issue in terms of the right to safe and healthy working conditions.<sup>31</sup>

During the Human Rights Heat Map exercise, road safety risks were highlighted again by EACOP managers and the likelihood of potential accidents or fatalities was increased in the latest heat map. Moreover, road safety risks related to the driving behaviours of public security forces was also identified as part of the VPSHR Risk Assessment. In addition, concerns around road safety caused, including by reckless or fatigued drivers, have been highlighted in civil society reports and studies since the HRIA 2018.<sup>32</sup>

While EACOP has high standards and rigorous processes for road safety in place, this will be a key area for ongoing HRDD with contractors and sub-contractors—particularly local sub-contractors who may be less familiar with the road safety standards and practices of international companies. At the same time, the process for implementing road safety standard—as a very tangible safety issue—can be useful for modelling HRDD for other salient issues with the more technical people working for the Project.

The text box below shows where this issue was addressed in the HRIA 2018 and the international standards and national laws that are relevant.

<b>Road Safety</b>
See section 11 of the HRIA 2018 <sup>33</sup>
<i>International standards</i>

<sup>29</sup> The World Health Organization provides information about the risks related to road safety and points out that these risks are highest in Africa. See: <https://www.afro.who.int/health-topics/road-safety>

<sup>30</sup> UNICEF prioritizes road safety in its work on children's rights. It points out that road safety is one of the leading causes of death for children and adolescents worldwide. See: <https://www.unicef.org/health/injuries>

<sup>31</sup> See section 2(g) below.

<sup>32</sup> See, for example, Oxfam HRIA 2020 at p. 75.

<sup>33</sup> See HRIA 2018, section 11 at pp. 98 to 101.

- Articles 3 and 25 of the Universal Declaration of Human Rights
- Article 6 of the International Covenant on Civil and Political Rights
- Article 12 of the International Covenant on Economic, Social and Cultural Rights
- IFC Performance Standard 4 on Community Health, Safety and Security

#### *Regional Standards*

- Article 4 of the African Charter on Human and Peoples' Rights

#### *National laws*

- Article 22 of the Ugandan Constitution
- Ugandan Traffic and Road Safety Laws and Regulations
- Articles 14 and 27 of the Tanzanian Constitution
- Tanzanian Road Safety Act and National Road Safety Policy

### EACOP's Standards and Commitments

#### **EACOP Standards and Commitments on Road Safety**

##### *EACOP Human Rights Policy*

Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barabaig and Taturu.

Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.

Ensure that working conditions and remuneration of EACOP employees preserve human dignity and seek that our (sub)contractors and suppliers apply the same. This includes provision of a healthy and safe workplace where workers are protected from accidents, injuries and work-related illnesses.

##### *Other EACOP Policies and Plans*

- EACOP Health, Safety, Security, Environment and Social Policy
- Road Safety Policy
- Land Transportation Management System
- Life Saving Rules on Driving

- Transport and Road Safety Plan (CCP)
- Community Health, Safety & Security Plan (CCP)

#### Key Activities for Road Safety

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to the Project's management of road safety.

- EACOP has developed a strong management system for road safety from the beginning of the Project, which has been applied to EACOP staff, external experts and contractors who have been supporting the development of the Project. This includes driver selection and training; vehicle technical criteria and maintenance; in-vehicle monitoring systems; restrictions on hours of driving and night-time driving; and zero tolerance for alcohol and drugs.
- EACOP has a zero accidents objective that complements EACOP's broader "Zero Harm" core value for safety. Furthermore, EACOP has implemented and publicizes its "Life Saving Rules," which include rules for driving. There is a Road Safety Coordinator who is responsible for promoting a road safety culture throughout the organization.
- Journey management plans are required for all movements, which are reviewed by EACOP's safety team. Furthermore, the logistics team will support the planning of the major vehicle movements during the construction phase (e.g. convoys and travels at certain times of the day).
- EACOP has been piloting a community road safety awareness programme around the Early Civil Work locations. The programme includes a road safety song and theatre developed by the a local Tanzanian association and delivered through "Village Roadshows." In addition, "Road Safety Clubs" have been formed in nearby schools. The following table provides information about the "Village Roadshows" and "School Campaigns" that have been conducted to promote community road safety to date.

Community Road Safety – "Village Roadshows"					
Location	Events	Children	Adult Male	Adult Female	Total
Igunga	2	56	170	150	376
Itobo	1	71	301	131	503
Sojo	1	44	265	203	512
Community Road Safety – "School Campaigns"					
Location	Events	Schools	Primary Students	Secondary Students	Total
Bukombe	1	3	602	401	1003
Igusule	1	2	1097	500	1597
Mwamala	1	2	1189	512	1701
Itobo	1	2	1200	351	1551

Ziba	1	1	-	1050	1050
Bulyang'ombe	1	1	1120	-	1120
Makomero	1	1	1078	-	1078

- EACOP also mandates its contractors to have their own Transport and Road Safety Plans, which include community awareness programmes on road safety risks and mitigation. Contractors are also required to conduct risk assessments for traffic accidents and to implement management measures including use of signage, awareness, communication around roads and provision of alternative access routes. The contractors at the pipeline coating yard, Marine Storage Terminal and some of the main camps and pipeyards have developed road safety campaign materials and are rolling out road safety campaigns in these priority areas.
- The management team has demonstrated strong awareness and sensitivity to the specific risks to children. This aspect has been discussed in the Human Rights Steering Committee in relation to the transportation route for the Coating Yard and potential interactions with the local school.
- The LESC endorsed the management plans for traffic risks that are in place and assessed that they are in line with international best practice. The key recommendation is to ensure that EACOP must ensure these requirements are transferred to the contractors' CCIPs adequately with a robust verification system.<sup>34</sup>

The following text box below contains the review and update of the recommendations made in the HRIA 2018 relating to road safety.

HRIA 2018 Recommendations	Review and Update
Given the vulnerability of children to road safety impacts, it is recommended that ongoing engagement efforts include road safety campaigns targeting children. The involvement of teachers, community leaders and parents in such campaigns can increase their effectiveness.	<ul style="list-style-type: none"> <li>• EACOP is developing and implementing a Community Road Safety Awareness Programme as outlined above.</li> <li>• EACOP currently has a Call for Tenders for community awareness-raising covering road safety; construction safety and community health. These community awareness-raising activities will likely begin in early 2023.</li> </ul>
If ever there are road accidents involving EACOP or its contractors, EACOP has a responsibility to ensure that there is an appropriate investigation and response,	<ul style="list-style-type: none"> <li>• EACOP has developed emergency response plans and contingency arrangements to respond to incidents and accidents, including for road</li> </ul>

<sup>34</sup> LESC ESDD, pp. 82 and 110.

including learning from incidents, medical treatment of those injured and/or compensation of the families of anyone who is killed (including through insurance plans).	<p>accidents. This includes medical care procedures, including medical evacuation if necessary.</p> <ul style="list-style-type: none"> <li>• All contractors and sub-contractors must contribute to government health care funds and workers' compensation insurance, which would provide benefits to workers or their families in the event of an accident.</li> <li>• All contractors are also required to have employer and third party liability insurances that would cover accidents involving community members.</li> </ul>
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The main recommendation for the Human Rights Update relates to the diligent implementation of EACOP's Road Safety Policy and Land Transportation Management System with a strong focus on contractors and sub-contractors.

- From a human rights perspective, there should be a strong focus on the community aspects of the implementation of the contractors' Transport and Road Safety Plans, including in terms of their risk analysis and provision of information and consultation with communities about alternative routes and the planning of road safety campaigns—including in terms of the most effective ways to target children.
- Given the high priority for road safety, the Project and the EPcmC should draw lessons from the implementation and monitoring of contractors' Transport and Road Safety Plans that can be applied to the implementation and monitoring of other CCPs that are relevant to communities and human rights.

#### ○ *Contractor and Suppliers' Workers' Rights*

##### Human Rights Risks

The HRIA 2018 emphasized that workers' rights are an important component of human rights and cover a variety of specific topics including non-discrimination, freedom from child labour and forced labour, freedom of association, just and favourable working conditions, and safe and healthy working conditions.

Contractor and suppliers' workers' rights were prioritized in the HRIA 2018 because there will be a large contractor workforce for the construction phase of the pipeline that will be under the operational control and management by a 3rd party (EPcmC contractor). Current estimates are that there will be 6,900 people employed at the peak of pipeline construction, 1,100 at the peak

of construction of the Marine Storage Terminal, and 300 people for the construction of the Coating Plant. Furthermore, it was anticipated that EACOP will be under significant pressure from governments and communities to maximize local content requirements—which may inadvertently increase the risks of potential impacts on workers’ rights when providing more business opportunities for local contractors or suppliers.<sup>35</sup>

The heightened attention to potential impacts on child and forced labour (which are considered to be inherently severe impacts on human rights) in global supply chains was another reason for prioritizing contractor and suppliers’ worker’s rights: although there is almost no risk of child or forced labour in EACOP’s direct workforce, there is a risk when dealing with local contractors or suppliers.

Furthermore, time pressure related to the construction phase was highlighted as a risk factor for workers’ rights. Ongoing attention to the workers’ rights of smaller contractors and suppliers (e.g. drivers, cleaning staff, catering services, private security guards, etc.) was also emphasized.

Contractor and suppliers’ worker’s rights remain a high priority in the HRIA Update. While many external stakeholders are focused on human rights for community members, internal stakeholders also prioritized the worker’s rights aspects in recognition of the challenge of implementing EACOP’s standards with all the contractors and suppliers during the construction phase.

On the one hand, the Project’s high awareness of the workers’ rights risks is a positive signal; and the Project is currently adding an additional layer of controls and oversight for the contractors and suppliers through the development of an Industrial Relations Management Plan. On the other hand, the experience with some of the local contractors for the Early Civil Works demonstrates that a high degree of capacity-building and monitoring will be necessary to manage the labour and social performance of contractors and suppliers. This will be challenging given the relatively short time period remaining in advance of the major pipeline construction activities, as well as the planned construction configuration with a large number of construction teams working in parallel.

Furthermore, the pressure on the Project to deliver on local content requirements—i.e., to hire as many local contractors, suppliers and workers as possible—is very real and justifiable from the perspective of the Tanzanian and Ugandan governments and communities. Working with a large number of local companies and people provides a tremendous opportunity for capacity-building about international labour standards but will require determined leadership and strong use of leverage to drive standards and rules down from EACOP and the EPcmC to contractors and sub-contractors. Civil society reports and studies also highlight the need for capacity-building and support for the local communities around the pipeline in order to benefit from local employment opportunities.<sup>36</sup>

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<sup>35</sup> Ibid, section 7 at pp. 65-68.

<sup>36</sup> See, for example, Oxfam HRIA 2020, pp 66-67.



The text box below shows where this issue is addressed in the HRIA 2018, along with the relevant international standards and national laws.

### **Contractor and Suppliers' Workers' Rights**

See section 1 of the HRIA 2018

#### **Non-discrimination<sup>37</sup>**

##### *International standards*

- Articles 1, 2, 5 and 23 of the Universal Declaration of Human Rights
- Articles 2, 3 and 7 of the International Covenant on Civil and Political Rights
- Articles 2, 3, 10(2) of the International Covenant on Economic, Social and Cultural Rights
- Article 2(d) of the ILO Declaration on Fundamental Principles and Rights at Work
- ILO Discrimination (Employment and Occupation) Convention C111
- ILO Maternity Protection Convention C183

##### *Regional Standards*

- Articles 2, 3, 15, 18 and 28 of the African Charter on Human and Peoples' Rights

##### *National laws*

- Article 21 of the Ugandan Constitution
- Uganda Employment Act
- Uganda Equal Opportunities Act
- Uganda Persons with Disabilities Act
- Articles 13, 22 and 23 of the Tanzanian Constitution
- Tanzania Employment and Labour Relations Act
- Tanzania People with Disability Act

#### **Freedom from child labour<sup>38</sup>**

##### *International Standards*

- Article 10 of the International Covenant on Economic, Social and Cultural Rights
- Article 32 of the Convention on the Rights of the Child
- Article 2(c) of the ILO Declaration on Fundamental Principles and Rights at Work

<sup>37</sup> HRIA 2018, section 1 at pp. 39-43.

<sup>38</sup> HRIA 2018, section 2 at pp. 44-46.

- ILO Minimum Age Convention C138
- ILO Worst Forms of Child Labour Convention C182
- IFC Performance Standard #2, para. 21 (Child Labour)

#### *Regional Standards*

- Article 15 of the African Charter on the Rights and Welfare of the Child
- Article 18 of the African Charter on Human and Peoples' Rights

#### *National laws*

- Uganda Employment Act
- Uganda Employment (Employment of Children) Regulations
- Uganda Prevention of Trafficking in Persons Act
- Uganda Children (Amendment) Act
- Tanzania Employment and Labour Relations Act
- Tanzania Laws of the Child Act

### **Freedom from forced labour<sup>39</sup>**

#### *International Standards*

- Articles 4 and 13(1) of the Universal Declaration of Human Rights (UDHR)
- Articles 6 and 7 of the International Covenant on Social, Economic and Cultural Rights
- Article 8 of the International Covenant on Civil and Political Rights
- Article 11 of the Convention on the Protection of the Rights of All Migrant Worker and Members of Their Families
- Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women
- Article 2(b) of the ILO Declaration on Fundamental Principles and Rights at Work
- ILO Forced Labour and Servitude Convention C29
- ILO Abolition of Forced Labour Convention C105
- Protocol to ILO Forced Labour and Servitude Convention C29
- IFC Performance Standard #2, para. 22 (Forced Labour)

#### *Regional Standards*

- Articles 5, 6, 12 and 15 of the African Charter on Human and Peoples' Rights

#### *National laws*

- Article 25 of the Ugandan Constitution
- Uganda Prevention of Trafficking in Persons Act

<sup>39</sup> HRIA 2018, section 3 at pp. 47-49.

- Articles 22 and 23 of the Tanzanian Constitution
- Tanzania Employment and Labour Relations Act
- Tanzania Anti-trafficking in Persons Act

### **Freedom of Association<sup>40</sup>**

#### *International Standards*

- Articles 20(1) and 23(4) of the Universal Declaration of Human Rights
- Articles 21 and 22 of the International Covenant on Civil and Political Rights
- Article 8 of the International Covenant on Economic, Social and Cultural Rights
- Article 2(a) of the ILO Declaration on Fundamental Principles and Rights at Work
- Articles 2-5 of the ILO Freedom of Association and Protection of the Right to Organize Convention C87
- Articles 1,3 and 4 of the ILO Right to Organize and Collective Bargaining Convention C98
- Articles 5 and 8 of the ILO Collective Bargaining Convention C154
- Articles 1 and 2 of the ILO Workers Representatives Convention C135
- IFC Performance Standard #2, paras. 13-14 (Workers' Organizations)

#### *Regional Standards*

- Articles 10 and 11 of the African Charter on Human and Peoples' Rights

#### *National Laws*

- Article 29 of the Ugandan Constitution
- Uganda Labour Unions Act
- Uganda Labour Disputes (Arbitration and Mediation) Act
- Uganda Employment Act
- Uganda National Tripartite Charter on Labour Relations
- Article 20 of the Tanzanian Constitution
- Tanzania Employment and Labour Relations Act
- Tanzania Labour Institutions Act

### **Just and favourable working conditions<sup>41</sup>**

#### *International Standards*

- Articles 7, 23, 24 and 25 of the Universal Declaration of Human Rights
- Articles 7, 10 and 11 of the International Covenant on Economic, Social and Cultural Rights

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<sup>40</sup> HRIA 2018, section 4 at pp. 50-52.

<sup>41</sup> HRIA 2018, section 5 at pp. 53-58.

- Article 23 of the International Covenant on Civil and Political Rights
- Article 11 of the Convention on the Elimination of All Discrimination Against Women
- Article 5 of the Convention on the Rights of the Child
- International Committee on Economic, Social and Cultural Rights, General Comment No. 23
- Article 3 of the ILO Minimum Wage Fixing Convention C131
- Article 5 of the ILO Social Policy Convention C117
- Article 34 of the ILO Tripartite Declaration of Principles concerning Multilateral Enterprises and Social Policy
- Article 4(2) of the ILO Holidays with Pay (Revised) Convention C132
- Article 4 of the ILO Maternity Protection Convention C183
- Articles 3 and 4 of the ILO Hours of Work (Industry) Conventions C1 and C14
- ILO Hours of Work (Commerce and Offices) Convention C30
- ILO Weekly Rest (Commerce and Industry) Convention C106
- ILO Forty-Hour Week Convention C47
- IFC Performance Standard #2

#### *Regional Standards*

- Article 15 of the African Charter on Human and Peoples' Rights

#### *National Laws*

- Article 40 of the Ugandan Constitution
- Uganda Employment Act
- Uganda Minimum Wages Advisory Boards and Wages Councils Acts
- Uganda Minimum Wage Statutory Instrument No. 68
- Uganda Workers Compensation Act
- Articles 22 and 23 of the Tanzanian Constitution
- Tanzania Employment and Labour Relations Act
- Tanzania Labour Institutions Act
- Tanzania Workers Compensation Act
- Tanzania National Employment Policy

#### **Safe and healthy working conditions<sup>42</sup>**

##### *International Instruments*

- Article 7 of the Universal Declaration of Human Rights
- Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights
- Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women
- Article 2(e) of the ILO Declaration on Fundamental Principles and Rights at Work

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<sup>42</sup> Ibid, section 6 at pp. 59-64.

- Articles 4, 5 and 13 of ILO Occupational Health and Safety and the Working Environment Convention C155
- ILO Occupational Health Services Convention C161
- IFC Performance Standard #2, para. 23 (Occupational Health and Safety)
- IFC Performance Standard #1, paras. 20-21 (Emergency Preparedness and Response)

#### *Regional Instruments*

- Articles 15, 16, 18 and 24 of the African Charter on Human and Peoples' Right

#### *National Laws*

- Article 40 of the Ugandan Constitution
- Uganda Occupational Safety and Health Act
- Uganda Employment Act
- Uganda Employment Regulations
- Articles 22 and 23 of the Tanzanian Constitution
- Tanzania Workers Compensation Act
- Tanzania Occupational Health and Safety
- Tanzania Employment and Labour Relations Act

### EACOP's Standards and Commitments

#### **EACOP Standards and Commitments on Workers' Rights**

##### *EACOP Human Rights Policy*

Ensure that working conditions and remuneration of EACOP employees preserve human dignity and seek that our (sub)contractors and suppliers apply the same. This includes provision of a healthy and safe workplace where workers are protected from accidents, injuries and work-related illnesses.

##### Prohibit:

- Discrimination based on origin, gender, age, disability, gender identity or affiliation
- Any form of harassment
- Forced or compulsory labour
- Child labour.

Respect the rights for freedom of speech, expression, access to information, association, collective bargaining, freedom of thought, conscience, and religion.

*Other EACOP Policies and Plans*<sup>43</sup>

- EACOP Health, Safety, Security, Environment and Social Policy
- EACOP Fundamental Principles of Purchasing
- EACOP Code of Conduct
- Labour Management Plan (CCP)
- Occupational Health, Safety and Security Management Plan (CCP)
- Industrial Relations Management Plan (forthcoming)

The table below sets out the relevant provisions in the Labour Management Plan which ensure protection of contractor and suppliers' workers' rights.

<b>Worker rights</b>	<b>Labour Management Plan (CCP)</b>
Non-discrimination	<ul style="list-style-type: none"> <li>• Section 2.1.1.3</li> <li>• Section 2.3</li> </ul>
Freedom from child labour	<ul style="list-style-type: none"> <li>• Section 2.2</li> <li>• Section 2.8</li> </ul>
Freedom from forced labour	<ul style="list-style-type: none"> <li>• Section 2.2</li> </ul>
Freedom of association	<ul style="list-style-type: none"> <li>• Section 2.3</li> </ul>
Just and favourable working conditions	<ul style="list-style-type: none"> <li>• Section 2.2</li> <li>• Section 2.3</li> </ul>
Safe and healthy working conditions	<ul style="list-style-type: none"> <li>• Section 2.2</li> <li>• Section 2.4</li> </ul>

## Key Activities for Workers' Rights

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to workers' rights for contractors and suppliers.

- EACOP considers human rights and labour rights during its contracting processes, including through the EACOP Fundamental Principles of Purchasing, EACOP Code of Conduct and the inclusion of the above-noted workers' rights provisions in the Labour Management Plan Contractor Control Plan (CCP) with which contractors must comply through the development of their own labour management implementation plans.<sup>44</sup> The Labour Management Plan CCP has integrated the requirements of Tanzanian and Ugandan labour laws; the provisions of the

<sup>43</sup> Stakeholder engagement and information and consultation aspects are included in many other EACOP policies and procedures, including in the Resettlement Action Plans and Livelihood Restoration Plans.

<sup>44</sup> As explained above in Part One of the report, the Project has developed the EACOP Integrated Management System (EIMS) for the overall governance, management and monitoring of Project delivery. EIMS comprises, amongst other guiding documents, a suite of detailed management plans and contractor control plans that describe the respective responsibilities of EACOP and contractors, including minimum requirements for environmental and social performance. These also include the human rights mitigations identified in the HRIA 2018.

ILO Declaration of the Fundamental Principles and Rights at Work; and the recommendations from the HRIA 2018.<sup>45</sup>

- The working conditions of the Project’s Early Civil Works contractors has been a topic of discussion for the Human Rights Steering Committee in its initial meetings. This has included the following:
  - Clarification that the minimum working age for the Project is 18 years old due to the hazardous nature of the Project’s activities and that no exceptions would be made for local contractors and suppliers.<sup>46</sup>
  - Contractor monitoring has been proactive and has resulted in the dismissal of a local contractor for non-compliance with the Project’s standards for safety and working conditions. To safeguard workers’ rights through the dismissal of the contractor, the Project has had ongoing discussions with the local contractor’s sub-contractors to ensure that workers have been paid, and that the replacement contractor will re-employ as many of the sub-contractors as possible.
  - Based on the initial experiences with other contractors, having a competent Social Manager and Human Resource Manager within the contractor’s organization facilitates collaboration with EACOP CLOs and implementation of EACOP requirements regarding workforce recruitment and management of workers’ rights aspects. Contractors will be encouraged or required to have these functions adequately in place as they mobilize to work for the Project.
  - Areas for ongoing attention by the Project related to workers’ rights include: financial capacity of contractors; adequacy of minimum wages;<sup>47</sup> the recruitment of women;<sup>48</sup> local recruitment procedures; adequacy of contractors’ grievance mechanisms. The ongoing attention will also include all contractors working on the Project and not just those working on the pipeline construction activities (e.g. replacement housing for physically-displaced people).
- As part of the discussions within the Human Rights Steering Committee, one important issue that was raised relates to the timeliness of EACOP’s payments to contractors. From a human rights perspective, delays in payments may contribute to adverse impacts on workers’ rights when these result in late payment of workers. Considering the weak financial capacity (and potential indebtedness) of local contractors, this is a real risk. EACOP is implementing a new

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<sup>45</sup> The LESC has reviewed the Labour Management Plan and confirms that it meets the requirements with IFC Performance Standard 2 (which in turn integrates international labour rights standards). See: LESC ESDD, p. 17.

<sup>46</sup> Contractors must sign a declaration that they understand and will comply with the 18-year old minimum age requirement.

<sup>47</sup> The adequacy of minimum wages in Tanzania and Uganda is currently being reviewed as part of the scoping study for the Industrial Relations Management Plan.

<sup>48</sup> Recruitment of women is being reviewed as part of the Gender & Inclusion Impact Assessment.

financial management system which should ensure prompt payment, but this should be an ongoing area for attention and engagement with contractors (and sub-contractors).

- EACOP is currently developing an Industrial Relations Management System that complies with IFC Performance Standard 2 and international labour rights standards. As mentioned above, this will add an additional layer of controls and oversight for the contractors and suppliers; and, from experience with other major projects with similar industrial relations systems, this can be an effective tool for ongoing HRDD for projects during a construction phase when there are a large number of contractors and suppliers who are active.

### **EACOP Workers' Rights**

During the engagement with internal and external stakeholders for the HRIA Update, it was generally agreed that the prioritization of contractor and suppliers' workers' rights was merited for the construction phase, but it was also suggested that EACOP's own workforce should also be part of the Project's ongoing HRDD. This is an appropriate reminder about an important group of affected stakeholders. While EACOP's working conditions are generally very good, no workplace is exempt from potential impacts on workers' rights.

For this reason, the HRIA Update has recommended that the Human Rights Manager and Human Resource Managers for Tanzania and Uganda conduct a workshop to identify priority actions for ongoing HRDD for inclusion in the Human Rights Action Plan.<sup>49</sup> From the internal engagement for the HRIA Update, some recommended areas for attention include:

- training on inappropriate behaviour and reinforcement of awareness of and potential safeguards for internal grievance mechanisms;
- attention to mental health aspects of occupational health and safety; and
- initiatives for diversity, equality and inclusion in the workplace.

- The text box below contains the key recommendations made in the Provisional HRIA Report relating to workers' rights.

<b>HRIA 2018 Recommendations</b>	<b>Review and Update</b>
In terms of proactive HRDD related to contractor and workers' rights, the main recommendations relate to the onboarding process and ongoing collaboration with and oversight of the ECPM contractor(s) to ensure that their human resources and procurement policies and procedures align with EACOP's commitments to respect international labour standards.	<ul style="list-style-type: none"> <li>• EACOP has developed the EACOP Integrated Management System (EIMS) to ensure that contractor and sub-contractor labour management plans and procedures are fully aligned with EACOP's standards and include international labour rights.</li> </ul>

<sup>49</sup> This will also validate and maximize the role of the Human Resources Managers within the Human Rights Steering Committee.



HRIA 2018 Recommendations	Review and Update
	<ul style="list-style-type: none"> <li>• EACOP contracts include provisions to permit EACOP to audit contractor and sub-contractors labour management plans, inspect their sites and engage with their workers to ensure workers' rights are respected.</li> </ul>
<p>Above and beyond including contractual provisions related to international labour standards in the ECPM contract(s) (as well as in all relevant sub-contracts), prepare a training module about workers' rights that can be rolled out to sub-contractors in collaboration with the ECPM contractor(s).</p>	<ul style="list-style-type: none"> <li>• EACOP is providing a variety of onboarding / training materials, including on occupational health and safety and on human rights (with a focus on workers' rights aspects).</li> <li>• The LESC has recommended the development of additional training on OHSS for all workers. Workers' rights aspects and access to grievance mechanisms should be integrated into this training programme.</li> <li>• From early experience with the contractors and suppliers for the Early Civil Works activities, the companies with dedicated human resources and social managers appear to have better implementation of the EACOP standards for workers and communities. Not only should EACOP and the EPCmC require the contractors and sub-contractors to have such positions (when merited based on the scope of their activities and number of workers), but EACOP should develop more advanced training / onboarding sessions for these functions.</li> </ul>
<p>Ensure that there are effective grievance mechanisms for contractor and supplier workers and that these are actively promoted during the onboarding process.</p> <p>For smaller contractors and suppliers that may be used throughout the lifespan of the project, ensure that EACOP's grievance mechanism is available and accessible in instances where workers are unable to raise or resolve issues with their employers.</p>	<ul style="list-style-type: none"> <li>• The Project has had a strong focus on requiring grievance mechanisms for contractors' and suppliers. There are specific provisions about grievance mechanisms in the Labour Management Plan (CCP) and a separate procedure has been developed.</li> <li>• The LESC has reviewed the EACOP Worker grievance mechanism which is primarily for staff and direct workers but also accessible to contractors and</li> </ul>

HRIA 2018 Recommendations	Review and Update
	<p>suppliers if they have challenges using their own company’s mechanism or if it is absent. LESC confirmed that it is in compliance with IFC PS2.</p> <ul style="list-style-type: none"> <li>• It is too early to evaluate the effectiveness of these mechanisms, but there are some concerns that the managers from contractors and suppliers may not understand the importance and benefits of proactive worker grievance management. It is therefore recommended that the Project team continue to provide strong messaging about the importance of worker grievance management, and that there are early engagement and monitoring of the contractors and suppliers’ worker grievance mechanisms to demonstrate that the Project is serious about this. It is anticipated that this aspect will be reinforced in the Industrial Relations Management Plan.</li> <li>• EACOP’s community grievance mechanism has been used by local contractor workers in some instances. Ongoing messaging and promotion of the EACOP grievance mechanisms for communities and workers as a “backstop” for the entire workforce is important, but should not undermine the work with contractors and suppliers to develop their own worker grievance mechanisms.</li> </ul>
<p>Conduct regular inspections of the working conditions of contractor and supplier workers in collaboration with the ECPM contractor(s) and other relevant actors (e.g. government labour inspectors). These inspections should be conducted early on to identify and remediate potential human resources issues before they escalate to the level of infringements on workers’ rights.</p>	<ul style="list-style-type: none"> <li>• EACOP has been proactively monitoring the activities of the contractors and suppliers involved in the Early Civil Works activities. This has led to the dismissal of one local contractor and improvements with other contractors and suppliers. This proactive monitoring must continue and the Project will need to ensure that it has the capacity (directly or through the</li> </ul>

HRIA 2018 Recommendations	Review and Update
	<p>EPcmC) to scale this monitoring up for the main pipeline construction activities.</p> <ul style="list-style-type: none"> <li>• Where potential infringements on workers' rights are identified, not only should the Project work with management to improve their processes to avoid recurrence, but also the Project must use its leverage to ensure that any harms to the worker(s) are remediated by the contractor or supplier.</li> </ul>

#### Additional Recommendations

The main recommendation for the Human Rights Update relates to the completion and implementation of the Industrial Relations Management Plan that should provide an additional layer of controls and oversight for contractors and suppliers. In particular:

- Ensure that adequate time and attention is given to the development and review of Contractor Control Implementation Plans that are fully aligned with EACOP CCPs and adequately resourced. Furthermore, the Project should consider what leverage it has to insist that key contractors and sub-contractors have competent Human Resources Managers (and Social Managers) to support the effective implementation of the Project's standards on workers' rights (and broader human rights aspects for communities).
- EACOP should develop more advanced and practical training / onboarding sessions on its workers' rights standards for the Human Resource Managers of contractor and sub-contractor managers. Similar training / onboarding sessions can also be prepared for the Social Managers that focus on broader human rights aspects for communities.
- The Project team should continue to provide strong messaging about the importance of grievance management, and ensure that there is early engagement and monitoring of the contractors and suppliers' grievance mechanisms to demonstrate that the Project is serious about this aspect.
- Continue to conduct proactive monitoring and engagement with the contractors and suppliers for the Early Civil Works activities to identify and provide corrective actions—including remedy where necessary—for any workers' rights concerns. Ensure that lessons learned continue to be discussed in the Human Rights Steering Committee and that any necessary operation changes are made to prevent recurrence and to strengthen the Project's ongoing HRDD on workers' rights.

- The Human Rights Manager and Human Resource Managers for Tanzania and Uganda should conduct a workshop to identify priority actions for ongoing HRDD for EACOP's direct workers for inclusion in the Human Rights Action Plan

- *Land, Resettlement and Livelihoods*

#### Human Rights Risks

Land and resettlement were prioritized in the HRIA 2018 because there are a wide range of potential human rights impacts related to the major land acquisition and involuntary resettlement programme required for the camps, pipeline route, above ground installations (pumping stations, etc.) coating yard and marine storage terminal. Furthermore, land and resettlement were the most common priority issue for the community members interviewed at that time due to the importance of land and negative experiences about land acquisition for other public or private sector projects.

Land and resettlement area also priorities from a Project timeline perspective because land acquisition and resettlement activities are one of the first interactions with communities and thus can have a significant impact on the development of trust and social license to operate. Furthermore, there is pressure on land and resettlement activities from the Project development perspective because construction cannot begin until land acquisition has been completed.

EACOP has developed and implemented a land acquisition and resettlement framework in line with international standards (notably IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement). IFC Performance Standard 5 is widely accepted to be the appropriate framework for conducting ongoing HRDD for land acquisition, resettlement and livelihood issues in accordance with international standards; it addresses many of the key risks related to conducting land acquisition and resettlement solely in accordance with national legal standards.

Land, resettlement and livelihoods remains a salient issue until the land acquisition and livelihood restoration process has been completed. The issues relating to land, resettlement and livelihoods and the risk of associated impacts are also an important focus of civil society and other external reports and studies about the Project.<sup>50</sup> Fundamentally, land acquisition and resettlement activities have permanent impacts on people (some of which can amount to human rights impacts) which must be remediated through monetary compensation at full replacement value and in kind compensation including replacement land, replacement housing, livelihood restoration activities and transitional support among others.<sup>51</sup> Therefore, ongoing attention

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<sup>50</sup> See, for example, Oxfam HRIA at pp. 31 to 50 and European Parliament resolution 2022/2826(RSP).

<sup>51</sup> While land acquisition and resettlement activities are fundamentally about impacts and remediation from a human rights perspective, the LESC has noted that the Project's planning efforts to avoid or minimize physical and economic displacement were consistent with IFC Performance Standard 5, which seeks to avoid resettlement impacts as much as possible. See: LESC ESDD p. 124.

from a human rights perspective is important to ensure that the processes for compensation and other forms of in-kind remediation are completed and that affected people and households standard of living or livelihoods are restored or improved.

The text box below shows where this issue is addressed in the HRIA 2018 and the relevant international standards and national laws.

<b>Land, Resettlement and Livelihoods</b>
See section 8 of HRIA 2018 <sup>52</sup>
<i>International standards</i>
<ul style="list-style-type: none"> <li>• Article 17 of the Universal Declaration of Human Rights</li> <li>• UN Office of the High Commissioner for Human Rights, Basic Principles and Guidelines on Development Based Evictions and Displacements</li> <li>• IFC Performance Standards 5 on Land Acquisition and Involuntary Resettlement</li> </ul>
<i>Regional Standards</i>
<ul style="list-style-type: none"> <li>• Articles 14 and 21 of the African Charter on Human and Peoples' Rights</li> </ul>
<i>National laws</i>
<ul style="list-style-type: none"> <li>• Article 26 of the Ugandan Constitution</li> <li>• Uganda Land Acquisition Act</li> <li>• Uganda National Land Policy</li> <li>• Uganda Land Amendment Acts</li> <li>• Uganda Registration of Titles Act</li> <li>• Article 24 of the Tanzanian Constitution</li> <li>• Tanzania Village Land Act</li> <li>• Tanzania Land Act</li> <li>• Tanzania Land Use Planning Act</li> <li>• Tanzania Land Acquisition Act</li> <li>• Tanzania Land Disputes Settlements Courts Act</li> <li>• Tanzania Valuation and Valuers Registration Act</li> </ul>

EACOP's Standards and Commitments

#### **EACOP Standards and Commitments on Land and Resettlement**

<sup>52</sup> See HRIA 2018, section 8 at pp. 68 to 81.

*EACOP Human Rights Policy*

Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barabaig and Taturu.

Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders.

Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities, and incorporate stakeholder concerns and feedback when appropriate.

Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.

*Other EACOP Policies and Plans*<sup>53</sup>

- Resettlement Policy Framework
- 11 Resettlement Action Plans and Livelihood Restoration Plans (1 in Uganda; 10 in Tanzania<sup>54</sup>)
- Land Management CCP
- Cultural Heritage Management CCP
- Community Grievance Management Procedures for Tanzania and Uganda

## Key Activities for Land Acquisition and Resettlement

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to the Project's land acquisition and resettlement activities, which are required for the priority areas required for pipeline construction (i.e. Coating Plant and the Main Camps and Pipe Yards); the permanent and temporary access roads; and, the permanent facilities for the construction and operation of the pipeline (i.e. the 30 meter right-of-way and Above Ground Installations).

- The Inter-Governmental Agreement (IGAs) signed by the Governments of Tanzania and Uganda, and the Host Government Agreements (HGAs) signed between the Project and each government, include commitments to the application of international financing and human rights standards relevant to land acquisition and resettlement, specifically Equator Principles IV and IFC Performance Standard 5. This is significant because most projects in Tanzania and

<sup>53</sup> Stakeholder engagement and information and consultation aspects are included in many other EACOP policies and procedures, including in the Resettlement Action Plans and Livelihood Restoration Plans.

<sup>54</sup> This includes a Supplementary RAP and LRP for Chongoleani Peninsula.

Uganda are only subject to national legal requirements.<sup>55</sup> The LESC has also confirmed that the agreements between EACOP and the Host Governments create an enabling framework that allows the Project to plan and implement resettlement programmes fully compliant with IFC PS5.<sup>56</sup>

- The following text box summarizes the Project’s high-level commitments for land and resettlement. More detailed commitments and procedures are provided in the Resettlement Action Plans (RAPs) and Livelihood Restoration Programs (LRPs) that have been developed; one for the early project land requirements and one for each of the 8 affected regions in Tanzania and for the Ugandan portion of the pipeline.<sup>57</sup> The LESC has reported that the displaced households generally have an excellent understanding of the resettlement process and schedule.<sup>58</sup>

#### **EACOP’s Commitments for Land and Resettlement**

- Compliance with applicable national legislation and international financing standards requirements
  - Ensuring that all landowners and land users affected by the land acquisition process are treated with respect and receive compensation at full replacement value
  - Identifying vulnerable people affected by land acquisition and assisting them as necessary
  - Signing compensation agreements with each affected person, household, or institution
  - Paying compensation and giving notice prior to accessing land
  - Providing transitional support through food packages to eligible households
  - Developing and implementing livelihood restoration programmes for eligible households
  - Constructing and providing replacement houses for physically displaced households
- The initial land delineation and asset surveys were conducted, and valuation reports developed and approved by the government authorities in the period 2018-2020; however, as discussed below, there have been delays in completing compensation agreements until 2022.

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<sup>55</sup> The national requirements are focused primarily on cash compensation, which may create more significant risks of impoverishment in comparison to resettlements that provide for replacement land, housing and livelihood restoration programs. Furthermore, international standards provide stronger protections for fair compensation, including in terms of “uplifts” through interest payments when there are delays in valuation and compensation.

<sup>56</sup> LESC ESDD, p. 125.

<sup>57</sup> More information about the land acquisition and resettlement process, including the community consultation and engagement for development of the RAPs and the types of impacts that are anticipated, is provided in the EACOP Land Acquisition Summary, sections 5.5 to 5.7.

<sup>58</sup> LESC ESDD, p. 123.

- The following table presents the land area being acquired for the Project; the number of Project Affected People (PAPs);<sup>59</sup> the number of physically displaced people (whose houses are affected); and the number of replacement houses that will be provided by EACOP.<sup>60</sup>

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<sup>59</sup> “PAPs” is the terminology in the resettlement standards and literature to signify “Project Affected People.” The standards also refer to “Project Affected Households” (PAHs) and “Project Affected Communities.” These terms broadly correspond to “affected stakeholders” in the UNGPs.

<sup>60</sup> EACOP confirms these numbers were accurate at time of writing; however, the numbers of PAPs is subject to change if the Project footprint changes.



## Summary of Project's Land Acquisition and Resettlement

The following tables present a summary of the number of people affected by the Project's land acquisition and resettlement process in Uganda and Tanzania.<sup>61</sup>

*Uganda*

Districts	Land Area Affected (Acres)	Land Area Compensated (Acres)	PAPs	PAPs Losing Land*	Physically Displaced PAPs	Replacement Houses	Graves	Vulnerable or Potentially Vulnerable PAPs
Hoima	74	34	82		12	9	4	26
Kikuube	252	233	390		48	40	12	88
Kakumiro (MCPY-01)	311	269	360		16	12	12	98
Kyankwanzi	120	73	215		8	8	25	40
Mubende (MCPY-02)	612	519	665		62	58	50	176
Gomba	139	133	43		1	0	0	9
Sembabule (MCPY-03)	534	434	454		22	17	33	114
Lwengo	216	198	533		19	16	115	129
Rakai	163	142	352		7	5	82	83
Kyotera (including MCPY-04)	319	286	544		15	14	166	156
<b>TOTAL</b>	<b>2,740</b>	<b>2,321</b>	<b>3,648</b>	<b>3,036</b>	<b>210</b>	<b>178</b>	<b>499</b>	<b>919</b>

\*N.B. Additional details about breakdown of PAPs Losing Land is being provided by the Land and Social Team in Uganda.

<sup>61</sup> These figures are taken from the EACOP Land Acquisition Summary with updates provided by the EACOP Land and Social Team in Uganda.

## Tanzania

Districts	Land Area Affected (Acres)	Land Area Compensated (Acres)	PAPs	PAPs Losing Land	Physically Displaced PAPs	Replacement Houses <sup>62</sup>	Graves	Vulnerable or Potentially Vulnerable PAPs
Kagera (including MCPY-05 and MCPY-06)	1519	1285	2179	1839	119	128	184	824
Geita (including MCPY-06 and MCPY-07)	1422	1212	1480	1291	45	50	73	459
Shinyanga	417	408	615	512	12	14	25	194
Tabora (including Coating Yard and MCPY-09 and MCPY-10)	1397	1384	985	891	28	42	83	486
Singida (including MCPY-11)	1197	1176	1258	1138	29	43	230	340
Dodoma (including MCPY-12)	874	846	823	765	19	24	146	339
Manyara (PY-13 and MCPY-13)	1256	1256	493	409	25	29	4	214
Tanga (including MCPY-14, MCPY-15 and MCPY-16)	1821	1739	1680	1191	54	59	306	768
<b>TOTAL</b>	<b>9,903</b>	<b>9,306</b>	<b>9,513</b>	<b>8,036</b>	<b>331</b>	<b>389</b>	<b>1,051</b>	<b>3,624</b>

<sup>62</sup> In some cases, a PAP may be entitled to more than one replacement house and therefore the number of replacement houses is greater than the number of PAPs.

- There have been delays in passing from the planning to the implementation phase of land acquisition and resettlement. These days were largely the results of the time required to complete commercial negotiations between the Project and the Host Governments, as well as due to challenges of implementing field-based activities during the COVID-19 pandemic. This has caused uncertainty, concern and frustration amongst the PAPs and has drawn the attention of external stakeholders and NGOs.<sup>63</sup>
- During the period of delay, EACOP maintained a dialogue with PAPs informing them to continue to farm their land and take care of their trees and structures as usual; moreover, no PAPs were requested to leave their land during this period as they had not been paid compensation or issued with a notice to vacate. Nonetheless, this delay has contributed to the filing of grievances—which are progressively being resolved through the Community Grievance Management Procedures in Tanzania and Uganda.<sup>64</sup> To address the delay, the Project has undertaken various steps including additional market research, the application of interest (in Tanzania) and the application of uplifts or disturbance allowances to ensure that compensation at the time of payment reflects full replacement value.
- The LESC found that interviewed households were generally satisfied with their total compensation amounts which were increased to meet full replacement value at the time of payment.
- Currently, there is pressure from PAPs in Tanzania and Uganda to complete the land compensation and resettlement process as quickly as possible. It is anticipated that the PAPs' concerns and frustrations will be resolved progressively as people begin to receive their compensation, replacement lands and/or houses and start participating in livelihood restoration programmes.
- At present, the signing of compensation agreements and the payment of compensation has been ongoing since 2021 and the resettlement process is expected to continue until 2023:
  - In Tanzania, this process commenced in July 2021 for the Priority Areas with the first PAPs vacating their land in October 2021. The main right-of-way signing and compensation process started in April 2022 and is expected to be completed in Q3 2023 when the last replacement house is constructed. The Project reports that 96% of the compensation agreements were signed and 92% of the compensation was paid at the end of 2022.
  - In Uganda, the signing and compensation process for the Priority Areas was started in December 2021. The main right-of way-process was started in March 2022 and is expected to be complete in Q2 2023 when the last replacement house is constructed. The Project reports

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<sup>63</sup> The LESC noted that vague information about when people will be compensated has caused frustrations, particularly in Uganda. This should be ongoing addressed through the signature of compensation agreements and payment of compensation. See: LESC ESDD, p. 123.

<sup>64</sup> Further discussion about the Community Grievance Management Procedures is included in section 2(m) of the HRDD Report below.

that 81% of the compensation agreements were signed and 69% of the compensation was paid at the end of 2022.

- The calculation of compensation values is intended to ensure that compensation at full replacement value is being paid. As explained in the publicly disclosed EACOP documentation, the compensation calculation includes the elements outlined in the text box below.<sup>65</sup> Furthermore, the Project supports PAPs in opening bank accounts—including joint bank accounts for husbands and wives—and providing them with financial literacy training. These measures can mitigate some of the risks that cash compensation is used on consumables, spent unwisely and/or cause friction within a household.<sup>66</sup>

#### **EACOP Compensation Calculation**

- An inventory is recorded for each PAP (land, trees, crops, structures or other assets)
  - Compensation rates are established and approved by the respective Chief Valuer of each country
  - The compensation value is calculated by multiplying the inventory by the compensation rates
  - A disturbance allowance is then applied
  - Other allowances such as for transport or grave relocation are applied if relevant
  - An additional amount of compensation has been included in consideration of the delays between surveying and the actual payment of compensation.
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- In recognition of the risks associated with cash compensation being paid in a largely land-based economy, the physically displaced PAPs have been encouraged to choose replacement houses rather than cash compensation.<sup>67</sup> EACOP reports that almost 90% of eligible PAPs have elected for replacement houses. There has been engagement with the affected households during the design and layout of the replacement houses and they are equal to or larger in size than the PAPs' existing houses and are of better quality in terms of construction standards, access to water and sanitation, and electricity (solar panels). This approach is consistent with international standards and respectful of the PAP's right to adequate housing; furthermore, early feedback is the PAPs are very pleased with their new houses.
  - The fact that the PAPs are pleased with their new houses is, of course, a positive thing. However, this can create some secondary issues for the new homeowners in terms of potential jealousy of neighbours and security risks. There is also the possibility that some of the homeowners may see an opportunity to rent out the new house to make money or to start a new relationship. In both cases, other family members may find themselves forced out of the new house. While there are limits to the Project's responsibility, these sorts of unintended consequences related to the resettlement housing need to be monitored—especially in terms of potential impacts on women and children. This should be captured in the Project's ongoing (quarterly) monitoring of physically-displaced PAPs.

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<sup>65</sup> The publication of compensation frameworks is important for ensuring fairness between PAPs, i.e. that all PAPs are compensated according to the same principles and formulas. Otherwise, the compensation process can lead to inter-personal suspicions, conflicts and unfair results.

<sup>66</sup> More information about the compensation approach, entitlement framework, valuation process and compensation for agricultural and residential land is provided in the EACOP Land Acquisition Summary, sections 5.8 to 5.10.

<sup>67</sup> *Ibid.*, section 5.11.

- Furthermore, it is important for the Project to continue with clear and consistent communications about the PAPs’ responsibilities for housing maintenance and upkeep expenses. In this regard, the Project has encouraged the PAPs to be actively involved in the housing construction process that may contribute to a greater sense of “ownership” and desire to maintain the houses.
- With the exception of for the 30 physically displaced PAPs from the Tanzania Priority Areas, the construction of replacement housing is completed prior to the PAPs vacating their land. EACOP is providing temporary supports (including certain allowances and food baskets) for PAPs while they are in transitional situations until they can restore their livelihoods.<sup>68</sup> The LESC’s ESDD has noted that EACOP’s resettlement supports have been very effective.<sup>69</sup>
- Looking forward, there are a variety of livelihood restoration programmes (focusing on agriculture, crop diversification, livestock management and enterprise development) which are at the early stages of implementation with support of external experts and organizations.<sup>70</sup> As the Project completes the land acquisition, compensation and resettlement activities, the focus for ongoing HRDD will need to shift to the implementation and outcomes of these livelihood programmes. It will be important that these programmes are effectively supported, monitored and resourced to ensure that the PAPs’ livelihoods are restored to their pre-Project levels. From experience with other projects, the absence of long-term support for or poorly implemented livelihood programmes creates risks of adverse impacts on PAPs’ rights to an adequate standard of living.
- Ongoing attention to vulnerable groups and adaption of livelihood restoration programmes designed to meet their needs is a key part of a rights-based approach. EACOP has developed vulnerable peoples plans that have been integrated into the RAPs, which identify different types of vulnerabilities and categorize PAPs in terms of their risk of vulnerability.<sup>71</sup> 919 households in Uganda and 3,624 households in Tanzania have been identified as vulnerable or potentially vulnerable and are being proactively supported. In addition, a large number of other households who are at risk of vulnerability are being monitored to see if they require additional supports.<sup>72</sup> The LESC has confirmed that the Project’s system to identify vulnerable households meets IFC PS5 requirements for vulnerable people.<sup>73</sup>
- Potential risks to women’s rights in the land acquisition and resettlement process were highlighted in the HRIA 2018.<sup>74</sup> EACOP has put in a number of safeguards in place in terms of the protection of women’s rights in the entitlement and compensation process, and there are livelihood programmes that have been specifically designed to support women (e.g. in terms of agricultural practices or entrepreneurship). As explained in the section of the HRDD Report on women’s rights below, there are currently Gender & Inclusion Impact Assessments being undertaken in Tanzania and Uganda in a participatory manner with female PAPs. It is anticipated that this will contribute more detailed findings and recommendations for safeguards and supports for women’s rights—including for ongoing resettlement or livelihood restoration activities.

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<sup>68</sup> Ibid, section 5.13.

<sup>69</sup> LESC ESDD, p. 9.

<sup>70</sup> EACOP Land Acquisition Summary, section 5.14.

<sup>71</sup> The definitions of vulnerability applied are included in each of the RAPs in Uganda and Tanzania.

<sup>72</sup> Ibid, 5.12.

<sup>73</sup> LESC ESDD, p. 131.

<sup>74</sup> HRIA 2018, section 17.

- Another area of higher risk relates to the risks to the livelihoods of the communities near the Marine Storage Terminal due to government led land acquisition process, the impacts of the marine exclusion zone as well as the potential for cumulative impacts from other activities in the area. Due to the unique nature of these challenges and potential impacts, this was highlighted as a separate salient human rights issue in the 2018 HRIA and is discussed further in section 2(i) of the HRDD Report below.
- The ongoing monitoring of the livelihood restoration programmes is an important part of the Project's ongoing HRDD to ensure that PAPs' can maintain—and hopefully improve—their standards of living. Ongoing attention to vulnerable groups and adaption of livelihood restoration programmes to their needs is a key part of a rights-based approach. In this regard, the ongoing internal, external and participatory monitoring and evaluation processes, which will continue for several years after the physical relocations have been completed, are critical for understanding and demonstrating that there were satisfactory and appropriate human rights outcomes for PAPs.<sup>75</sup>
- The Project has self-identified a number of challenges related to the ongoing land and resettlement process, which demonstrates internal awareness of the key issues as well as the Project's responsibilities to address them in accordance with international standards.<sup>76</sup> These include:
  1. Delays to signing of compensation agreements and delivery of in kind compensation including the relocation of households.
  2. Managing expectations about the timing of compensation payments and relocations.
  3. Coordination and logistics of the implementation of the resettlement process across the long linear route.
  4. Obtaining residential plots and constructing replacement houses.
  5. Obtaining replacement agricultural land.
  6. Supporting vulnerable households.
  7. Delivering the livelihood restoration programmes.
  8. Ensuring that the outcomes of the land acquisition and resettlement process for PAPs affected by government acquired land are consistent with PS 5
  9. Temporary access for contractors.<sup>77</sup>
- These self-identified challenges provide a guide for ongoing HRDD, including in terms of internal, external and participatory monitoring.
- The land acquisition and resettlement process provides a good illustration of the important role that the Lender's Environmental and Social Consultant (LESC) is playing monitoring the Project's execution to ensure alignment with international financing and human rights standards. The LESK team includes

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<sup>75</sup> EACOP Land Acquisition Summary, section 5.17. Additional information about monitoring and reporting of the Project's HRDD, including in relation to land and resettlement, is provided in Part Three of the report below. In this regard, long-term monitoring and reporting of resettlement and livelihood restoration outcomes is a key component of international standards, which is often missing under national resettlement frameworks. This supports an ongoing HRDD approach and the remediation of adverse impacts over time.

<sup>76</sup> Ibid, section 6.

<sup>77</sup> This issue was also flagged in the LESK ESDD report as being important for meeting lender requirements. The concern is that certain technical contractors may need to access land in advance of the land acquisition and compensation process being completed, leading to additional impacts on PAPs and/or the need for additional transition supports.

experienced social and resettlement experts who have conducted desk-based and in-country monitoring of the Project and have provided a variety of observations and recommendations to support the ongoing implementation of the land acquisition and resettlement in accordance with international standards. The ongoing auditing of the LESC before and after financial close should provide another layer of assurance that the Project’s commitments to IFC Performance Standard 5 will be fulfilled and that the processes and outcomes will be respectful of human rights.

The text box below contains the key recommendations made in the Provisional HRIA Report relating to land and resettlement.

HRIA 2018 Recommendations	Review and Update
<p>Preparation of contingency procedures for situations of elevated human rights risk (e.g. refusal to participate, contested inheritance or multiple claims on land, etc.).</p>	<ul style="list-style-type: none"> <li>• The Project will endeavour to resolve refusals during the compensation agreement signing process and until land access is required. This includes documented engagements with PAPs to try and reach a reasonable agreement and the provision of the third-party advisors for PAPs who may also independently seek formal legal advice.</li> <li>• If the above measures fail, a final decision regarding eviction is made with government and the process would include: giving proper and repeated notice; the involvement of government; prior engagement and no use of force; care of vulnerable household members; ensuring alternative accommodation is available; and, monitoring of the eviction process and outcomes.</li> <li>• For other disputes that do not involve land access (e.g. disputes amongst PAPs regarding entitlements), compensation monies are placed in escrow until the disputes are resolved.</li> </ul>
<p>Preparation of a comprehensive plan for vulnerable groups, including meaningful engagement during planning, implementation and monitoring.</p>	<ul style="list-style-type: none"> <li>• Vulnerable peoples plans have been integrated into the RAPs and LRPs and vulnerable households have been identified, categorized, supported and monitored.</li> <li>• Vulnerable peoples are a focus of ongoing attention within the Project’s resettlement monitoring and evaluation programme, as well as within the framework for ongoing HRDD.</li> </ul>

HRIA 2018 Recommendations	Review and Update
	<ul style="list-style-type: none"> <li>The LESC has found that Priority Area household special needs and vulnerability has been assessed and appropriate support agreed.<sup>78</sup></li> </ul>
Development of a participatory monitoring plan for livelihood restoration.	<ul style="list-style-type: none"> <li>A variety of internal, external and participatory monitoring programmes have been developed for the resettlement and livelihood restoration plans, which will continue for several years after implementation in order to monitor actual outcomes on the PAPs.</li> </ul>
Promotion of the community grievance mechanism to address concerns related to land disputes, compensation and livelihood impacts, and ensuring the mechanism has the capacity to effectively resolve such issues.	<ul style="list-style-type: none"> <li>The CGMPs in Tanzania and Uganda have been proactively applied and promoted for the land acquisition and resettlement process as evidenced by the high number of grievances received. In this regard, the CGMPs appear to be serving their intended function in resolving and addressing these grievances.<sup>79</sup></li> <li>The LESC has reported that stakeholders have a clear understanding of where to access project information and lodge a grievance. Grievances raised have been or are being addressed.<sup>80</sup></li> </ul>
Special attention should be given to any land acquisition that has already occurred (at MST) to assess whether any supplemental compensation or livelihood restoration is required.	<ul style="list-style-type: none"> <li>For land required by the Project that was previously acquired by the Governments, the Project will undertake further review of the land acquisition programme and implement any required measures so outcomes are consistent with IFC PS5. This review has been completed in Tanzania at the MST site and a Supplementary RAP and LRP developed.</li> </ul>
As mentioned above, ensure that interactions with public security forces in the context of involuntary resettlements are governed by the VPSHR.	<ul style="list-style-type: none"> <li>The Project has included VPSHR in the HGAs and in the MoUs with the public security forces in Tanzania and Uganda (which are currently being finalized), and the Project has established a dialogue with public security forces such that it likely can manage any involuntary relocations or holdouts with respect for</li> </ul>

<sup>78</sup> LESC ESDD, p. 123.

<sup>79</sup> More information about grievance mechanisms is included in section 2(m) of the HRDD Report below.

<sup>80</sup> LESC ESDD, p. 132.



HRIA 2018 Recommendations	Review and Update
	human rights. To date, no intervention of public security forces in the resettlement process has been necessary.

### Additional Recommendations

The main recommendation for the Human Rights Update relates to the diligent implementation and monitoring of the RAPs and LRPs in Tanzania and Uganda. In doing so, the main areas for attention from a human rights perspective relate to the following:

- Sustaining the Project’s efforts to provide information and to consult with PAPs about the compensation process, the provision of replacement lands and/or housing and transitional supports until these aspects of the resettlement process have been completed. Similarly, sustaining the focus on the Community Grievance Management Procedure to resolve all the grievances related to these aspects of the resettlement process is critical from an access to remedy perspective. In other Projects, some of the more challenging issues or grievances will come towards the end of a resettlement process, so it may be necessary to make more use of the escalation procedures and involve the Grievance Committee in more cases.
- As the focus of the resettlement shifts towards livelihood restoration, ensure that these programmes are effectively supported, monitored and resourced to ensure that the PAPs will be at least as well-off as before in terms of their livelihoods.
- Ensure that any recommendations emerging from the Gender & Inclusion and Impact Assessment related to improving the safeguards and supports for women (and children or other vulnerable groups) in the resettlement programme are implemented and that any impacts identified are remedied expeditiously.

- *Marine Livelihoods (Tanzania)*

### Human Rights Risks

The HRIA 2018 prioritized the issue of marine livelihoods as a separate salient human rights issue because of the specificity of how the Marine Exclusion Zone (MEZ) in Tanga creates potential for particularly severe impacts on 2 fishing communities (Chongoleani and Putini).<sup>81</sup> While the marine livelihood issue is very similar to land and resettlement, the HRIA 2018 highlighted some specific potential impacts relate to: increased competition of fisheries now that many farmers in Putini have had their lands acquired and are relying increasingly on fishing and gleaning; the potential that the fishing areas may be inaccessible to community members because of the MEZ; fear and apprehension within the communities that they may be involuntarily relocated by local authorities and public security forces; and, cumulative impacts from other developments in the area (e.g. Chinese and Korean factories and port expansion / infrastructure projects).

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<sup>81</sup> HRIA 2018, section 1 at pp. 18-19.

This remains a salient human rights issue primarily due to the fact that a final decision about the MEZ (in relation to the access of fisherfolk and gleaners to the jetty area) has not yet been made at the time of writing. Ongoing HRDD is being conducted in relation to further studies about the options for community access to the MEZ.

#### EACOP's Standards and Commitments

##### **EACOP Standards and Commitments on Land and Resettlement**

###### *EACOP Human Rights Policy*

Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barabaig and Taturu.

Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders.

Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.

Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.

###### *Other EACOP Policies and Plans<sup>82</sup>*

- Resettlement Policy Framework
- Tanga Resettlement Action Plan and Livelihood Restoration Plan
- Community Grievance Management Procedures for Tanzania

#### Key Activities for Marine Livelihoods

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to the issue of marine livelihoods.

- As mentioned in the section on land and resettlements, EACOP has committed in the Host Government Agreement with Tanzania that the Project will respect international human rights and social performance standards, including in relation to livelihood restoration for Project-Affected People.

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<sup>82</sup> Stakeholder engagement and information and consultation aspects are included in many other EACOP policies and procedures, including in the Resettlement Action Plans and Livelihood Restoration Plans.

- Detailed assessments and commitments for the affected communities have been included Tanga Resettlement Action Plan (RAP) and Livelihood Restoration Program (LRP). Supplemental RAP and LRP for the MST and jetty at Chongoleani has been developed.<sup>83</sup> This has been completed and has been publicly disclosed. Currently, the Project is conducting additional socioeconomic and marine surveys and is assessing different access scenarios to understand potential impacts and adapt the LRP in relation to those access scenarios.
- EACOP has commissioned an additional study of the options for access within the MEZ and jetty area that will consider security risks within the framework of the VPSHR. While this study should determine the optimal options that balance security and human rights considerations, the final decision will also involve the Tanzanian Surface and Marine Transport Regulatory Authority (SUMATRA), the Government authority responsible for marine and port security.
- There have been ongoing internal information-sharing between relevant departments about the potential human rights issues related to marine livelihoods, including within the Human Rights Steering Committee. During the Human Rights Heat Map exercise, this issue was re-confirmed as one of the Project’s salient human rights issues with a higher potential severity than in the original heat map.

The text box below contains the key recommendations made in the HRIA 2018 relating to marine livelihoods.

<b>HRIA 2018 Recommendations</b>	<b>Review and Update</b>
<p>In terms of proactive HRDD, the main recommendation is to ensure that the marine livelihoods study and any resulting Marine Livelihood Restoration Plan are conducted as soon as possible. As the communities affected by the MEZ may be in a bit of a “blind spot” compared with the other communities affected by the pipeline route, it is important for EACOP to ensure that any economic or physical displacement are managed in accordance with international standards.</p>	<ul style="list-style-type: none"> <li>• EACOP completed livelihood studies and develop a RAP and LRP for Tanga in accordance with international standards.</li> <li>• A Supplemental RAP and LRP for the MST and jetty at Chongoleani has been completed and has been publicly disclosed.</li> <li>• Currently, the Project is conducting additional socioeconomic and marine surveys and is assessing different access scenarios to understand potential impacts and adapt the LRP in relation to those access scenarios.</li> </ul>
<p>Ensure that interactions with public security forces in the context of involuntary resettlements are governed by the VPSHR.</p>	<ul style="list-style-type: none"> <li>• The Project has included VPSHR in the HGAs and in the MoUs with the public security forces in Tanzania and Uganda (which are currently being finalized), and the Project has established a dialogue with public security forces such that it likely can manage any involuntary relocations with respect for human rights.</li> </ul>

<sup>83</sup> LESC ESDD, p. 122.

HRIA 2018 Recommendations	Review and Update
	<ul style="list-style-type: none"> <li>• VPSHR considerations are included in the current study about the options for the community access to the MEZ.</li> </ul>

### Additional Recommendations

The main recommendation for the Human Rights Update is related to ongoing inclusion of human rights considerations in the forthcoming decision-making about MEZ in relation to access of fisherfolk and gleaners and the management of any consequences this will have for marine livelihoods.

- *Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples*

### Human rights risks

Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania<sup>84</sup> were prioritized as a salient human rights issue in the HRIA 2018 in light of the potential vulnerability and marginalization of these groups, as well as the challenges of recognizing and implementing indigenous peoples’ rights in the context of extractive industry projects in Africa and around the world.

During the initial HRIA process and subsequently, EACOP has undertaken significant efforts to identify the indigenous peoples affected by the Project and has developed a comprehensive approach for respecting the rights of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania. This process has been quite exemplary: indigenous peoples rights experts in Tanzania, NGOs and the traditional leaders of Maasai, Akie, Barabaig and Taturu believe that EACOP’s ongoing work to respect indigenous peoples rights are setting an important precedent for private sector development in Tanzania. These efforts have recently culminated in the signature of the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (EACOP Plan) in September 2022. The consultative process for the development of the EACOP Plan and its contents are explained below.

It is important to note that EACOP’s efforts to build a positive relationship with the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples were pursued even while the Project’s field-based activities were slowed-down pending resolution of commercial issues between the Project partners<sup>85</sup> and during the COVID-19 pandemic. In some respects, the additional time of this period of reduced activities helped the Project to build relationships with the affected groups and other stakeholders that have been crucial for the effective implementation of indigenous peoples rights.

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<sup>84</sup> As explained in the HRIA 2018, indigenous peoples in Uganda were also considered. However, none of the groups that are internationally recognized as indigenous peoples in Uganda are affected by the EACOP pipeline route or associated infrastructure. This issue was also considered in the Tilenga HRIA. The terminology of “Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples” was developed in consultation with indigenous peoples rights experts and other stakeholders. It is a compromise between national recognition of the affected groups as vulnerable and distinct from other ethnic groups in Tanzania and the fact that the affected groups self-identify as indigenous peoples—which is one of the key criteria for recognition of indigenous peoples under international law.

<sup>85</sup> This was approximately from the fall of 2019 until the fall of 2021.

While the potential severity and likelihood of impacts on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples' rights has diminished significantly through the collective efforts of EACOP, traditional leaders and all the other stakeholders, this remains a salient human rights issue for the Project for two main reasons: first, the recognition of indigenous peoples rights in Africa remains precarious and ongoing attention is required to the broader context for indigenous peoples in Tanzania and in the region;<sup>86</sup> and, second, the traditional leaders and community members of the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples have very high expectations about the EACOP Plan and its diligent implementation is necessary to respect their rights.<sup>87</sup> Furthermore, the need to secure Free Prior Informed Consent from indigenous peoples affected by the Project has been highlighted in civil society reports and studies.<sup>88</sup>

The text box below shows where this issue is addressed in the Provisional HRIA (2018), the international standards and relevant national laws.

### **Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples**

See section 9 of the HRIA 2018<sup>89</sup>

#### *International Standards*

- UN Declaration on the Rights of Indigenous Peoples
- IFC Performance Standard 7 on Indigenous Peoples

#### *Regional Standards*

- African Commission on Human and Peoples Rights Working Group on Indigenous Peoples, Report of Visit to Tanzania (2013)

#### *National Standards*

- Tanzania Commission on Human Rights and Good Governance, Statement on Indigenous Peoples (2017)

#### Key EACOP Standards and Commitments

The following text box highlights the key human rights standards related to Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.

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<sup>86</sup> This issue was highlighted in a recent UNDP report on the status of Business and Human Rights in Africa. See: UNDP, "A Baseline Assessment of Business and Human Rights in Africa: From One Decade to the Next" (2022) at pp. 69-70.

<sup>87</sup> In this regard, indigenous peoples rights (including to Free, Prior and Informed Consent) should be understood as an ongoing process and not only the signature of an agreement at a specific point in time. Moreover, as indigenous peoples have the right to benefit from the development of natural resources on their traditional lands and territories, the implementation of the provisions of the EACOP Plan that support local employment opportunities and provide social investments are significant from a human rights perspective.

<sup>88</sup> See, for example, Oxfam HRIA 2020, at p. 32.

<sup>89</sup> See Section 9 of HRIA 2018 at pp. 83-90.

## Key References on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples

### *EACOP Human Rights Policy*

Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barabaig and Taturu.

Be sensitive to gender and actively promote the representation, participation and development of women in carrying out our business activities.

Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders.

Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.

Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.

### *Other EACOP Policies and Plans*

- EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples
- EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples
- FPIC Agreement with Akie Community of Napilikunya Hamlet
- Land Management Plan<sup>90</sup>
- Cultural Heritage Management Plan<sup>91</sup>
- Stakeholder Engagement Plan<sup>92</sup>
- Community Grievance Management Procedure<sup>93</sup>

## Key Activities for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples

- There has been ongoing consultation by EACOP at the community level and with traditional leaders and influential women since the HRIA 2018. This consultation has gradually evolved into a formalized

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<sup>90</sup> Land Management Plan (TZ-MID-60-0120-200327), section 2.3: Initial stakeholder engagement; pp. 7-8: Engagement with Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.

<sup>91</sup> Cultural Management Plan (TZ-MID-60-0120-200312), section 3.1: Consultation with affected community in pre-construction survey to protect cultural heritage.

<sup>92</sup> Stakeholder Engagement Plan (UT-MID-60-0120-200056), section 5.2: Engagement with Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.

<sup>93</sup> Community Grievance Management Procedure (Tanzania) (TZ-MID-60-0120-200063), section 2.6: Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.

process that includes (a) formal quarterly workshops with traditional leaders and influential women from the affected communities; and, (b) quarterly engagements with leaders, women, youth and elders in each of the communities where Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.<sup>94</sup>

- The ongoing consultation between EACOP and the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples has been facilitated and supported by an internationally-recognized indigenous peoples rights expert and specialized NGOs that work on indigenous and pastoralist rights in Tanzania.<sup>95</sup> The expert and NGOs are members of the affected communities and have good relationships with the traditional leaders and communities, and are able to assist with translation and understanding cultural sensitivities.
- EACOP has undertaken additional studies to support its understanding of the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, including in relation to their traditional leadership and community structures and their sites of cultural significance and/or of importance for their traditional livelihoods.
  - These studies include an Ethnographic Study and follow-up consultations about sacred sites and culturally significant areas that are potentially affected by the pipeline.
  - A targeted medicinal plant study that examined a number of key species of plants that the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples use for medicine and other purposes (*Commiphora swynnertonii*, *Albizia anthelmintica* and *Ximenia americana*). While the study concluded that these species are endemic to Tanzania and are not rare, the dialogue about the study with traditional leaders, community members and NGOs highlighted that medicinal plants are an important subject for ongoing attention.
  - A series of targeted consultations with traditional leaders for the update of the Community Grievance Management Procedure for Tanzania. This is explained further in section 2(m) on Grievance Mechanisms below.
  - Currently, as part of the Gender and Inclusion Impact Assessment, additional consultation and studies are being undertaken with female community members and influential women of the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples. It is expected that this will support ongoing efforts to include women from the affected communities and to build their capacities as part of the implementation of the EACOP Plan.<sup>96</sup>
- Through the ongoing consultations and studies, EACOP has held a series of quarterly workshops with the traditional leaders and influential women from the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples with the objective of developing an agreement for the ongoing interactions

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<sup>94</sup> EACOP has made formal commitments for informed consultation and participation in section 4(a) of the EACOP Plan.

<sup>95</sup> These NGOs are PINGOs Forum, PAICODEO and UCRT. EACOP has developed a Memorandum of Understanding (MoU) with the 3 NGOs, and separate contracts with each of the NGOs, pursuant to which they agree upon quarterly workplans to support the development and implementation of the EACOP Plan.

<sup>96</sup> Specific commitments about the participation and capacity-building of women are included in sections 4(a) and 4(b) of the EACOP Plan.

between the Project and these communities in a manner that respects their indigenous peoples rights.<sup>97</sup>

- In line with guidance for IFC Performance Standard 7 on Indigenous Peoples, the consultations supported the development and signature of the EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples Groups (EACOP Framework) in October 2021. The EACOP Framework set out the general principles and themes (the “skeleton”) that were further elaborated in the EACOP Plan that was signed in September 2022.

#### **Overview of the Commitments in the EACOP Plan**

- Informed consultation and participation with traditional leaders and communities
  - Capacity-building and translation
  - Culturally appropriate grievance management procedures at the community level and with the involvement of NGOs where necessary
  - Addressing potential impacts
  - Providing Project benefits in relation to job opportunities and social investments
  - Support for engagement with government where necessary
  - Support for implementation of the EACOP Plan by EACOP, NGOs and traditional leaders
  - Participatory monitoring and evaluation processes
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- Through the consultations—as well as Ethnographic Study and ongoing fieldwork of the indigenous peoples rights expert—only one location was identified as requiring a separate FPIC Agreement (i.e. above and beyond the EACOP Plan which provides for the consent of all the communities) as per IFC Performance Standard 7. This led to the development of a separate FPIC Agreement with the Akie community in Napilikunya Hamlet for the relocation of a sacred tree used by the community.<sup>98</sup>
  - It should also be noted that, through the process of consultation about potential impacts on sites of cultural significance, EACOP re-routed the pipeline to avoid impacts on the ancestral graves of the Taturu community at Mwamayoka Hamlet. This decision was highly appreciated by the affected family and community, as well as the other traditional leaders as a sign of good faith from the Project.
  - Currently, the implementation of the EACOP Plan is focused on the validation and finalization of Community Profiles, which affirm how the general commitments in the EACOP Plan will be recognized and implemented in each affected community. These are intended to help communicate the priorities

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<sup>97</sup> There have been seven quarterly workshops since early 2021. These workshops alternate between workshops that bring all the traditional leaders and influential women of the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples together in Arusha and individual workshops with each group separately in their areas. Approximately 100 traditional leaders and influential women participate in the quarterly workshops. There is a commitment in section 4(a) of the EACOP Plan to continue with the quarterly workshops to support the implementation and monitoring of the EACOP Plan.

<sup>98</sup> While the entire process of developing the EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples and then the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples has respected the principles of FPIC, an additional “FPIC Agreement” was prepared for this community in consideration of the impact on a sacred site. This FPIC Agreement was signed in July 2022 and documents both the process and consent of the community and its leaders in accordance with IFC Performance Standard 7 and good practices for companies to implement the UN Declaration on Indigenous Peoples Rights.



and commitments for each community to contractors so that they can avoid impacts or incidents during the construction of the pipeline.

- In addition, EACOP is in the process of selecting experts to support the design and implementation of a specific Social Investment Programme for the benefit of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.
- As part of the implementation of the EACOP Plan, there are commitments to participatory monitoring and evaluation, both through the ongoing quarterly workshops with traditional leaders and the development and administration of a community survey on an annual basis with the support of the traditional leaders and NGOs.<sup>99</sup>

Update of HRIA 2018 Recommendations

The table below contains a review and update of the recommendations made in the HRIA 2018 (and integrated into the EACOP Human Rights Action Plan) relating to Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples

2018 HRIA / Human Rights Action Plan	Review and Update
<p>Ongoing consultation and engagement to determine exactly where the pipeline intersects with the lands and/or cultural heritage sites of indigenous peoples, who are their traditional leaders and representatives in order to develop a specific consultation and engagement process that respects the spirit and intent of FPIC.</p>	<ul style="list-style-type: none"> <li>• There has been ongoing consultation and engagement that has been iterative in nature and now has been formalized in the EACOP Plan for ongoing consultation with traditional leaders, as well as for community leaders, women, youth and elders.</li> <li>• The Project has supported an Ethnographic study by an internationally-recognized indigenous peoples rights expert, and follow-up consultation and engagement about cultural heritage sites. This has led to the identification of one sacred tree that would be impacted by the Pipeline’s activities and the development of a separate FPIC Agreement with Akie.</li> <li>• There has been a participatory process for developing Community Profiles for each community with input from NGOs, CRCs and traditional leaders. This is currently at the validation stage where coordinates are being taken for sites of potential importance (e.g. crossing</li> </ul>

<sup>99</sup> This is a good example of the potential for participatory monitoring with civil society organizations that was recommended in the HRIA 2018.

2018 HRIA / Human Rights Action Plan	Review and Update
	<p>points, water sources, etc.) and to confirm the local committees for ongoing consultation and support for grievance management.</p>
<p>Avoid using only national criteria and considerations for the recognition of specific groups as indigenous peoples.</p>	<ul style="list-style-type: none"> <li>• International standards and definitions have informed the identification and recognition of the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in progressive documents: HRIA, Ethnographic Study, EACOP Framework and EACOP Plan.</li> </ul>
<p>Frame respect for indigenous peoples as part of EACOP’s broader commitment to respect human rights for all stakeholders.</p>	<ul style="list-style-type: none"> <li>• Respect for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples has been included as one of the commitments in the EACOP Human Rights Policy and as one of the salient human rights issues within the EACOP Human Rights Action Plan.</li> <li>• Important to reiterate this as part of communications to manage the high expectations on both sides: that the commitment to provide benefits to Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples must be implemented in a broader context where all the communities along the pipeline route are confronting poverty and development challenges.</li> </ul>
<ul style="list-style-type: none"> <li>• Build upon existing processes for stakeholder engagement and due diligence.</li> </ul>	<ul style="list-style-type: none"> <li>• Initially, consultations with Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples were focused on the Project’s initial baseline studies and impact assessments (e.g. HRIA, ESIA and RAPs and LRPs)</li> <li>• This has evolved into more specific studies focusing on the Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (e.g. Ethnographic Study; medicinal plants study, and development of Community Profiles)</li> <li>• Over time, EACOP has included additional supports for ongoing engagement and consultation with traditional leaders and communities through an internationally-</li> </ul>

2018 HRIA / Human Rights Action Plan	Review and Update
<ul style="list-style-type: none"> <li>Consult upon what sort of agreements are desirable and feasible in the context of the EACOP project.</li> </ul>	<p>recognized indigenous peoples rights expert and NGOs.</p> <ul style="list-style-type: none"> <li>There has been an extensive process of consultation with traditional leaders, influential women, community members, NGOs and experts that has led to the development and signing of the EACOP Framework and EACOP Plan.</li> <li>With the support of the internationally-recognized indigenous peoples rights expert and NGOs, additional consultations were undertaken with the Akie traditional leaders and community members to develop and sign an FPIC Agreement for the relocation of a sacred tree at Napilikunya Hamlet.</li> </ul>
<ul style="list-style-type: none"> <li>Be prepared to work with other parties to advance respect for indigenous peoples.</li> </ul>	<ul style="list-style-type: none"> <li>The efforts to develop the EACOP Framework and the EACOP Plan have been very collaborative and have involved traditional leaders, influential women and community members; specialized Tanzanian NGOs and indigenous peoples rights experts; a large number of EACOP team members; and, government representatives.</li> <li>The importance of the teamwork aspect of the ongoing efforts to respect the rights of the Vulnerable Ethnic Groups was highlighted in the remarks of the traditional leaders at the recent signing ceremony for the EACOP Plan.</li> </ul>
<ul style="list-style-type: none"> <li>Be particularly diligent about documentation of all efforts to respect indigenous peoples rights.</li> </ul>	<ul style="list-style-type: none"> <li>EACOP's CRCs, the specialized Tanzanian NGOs and indigenous peoples rights expert have documented all their engagements with the communities in the field.</li> <li>The workshops with traditional leaders are minuted and reviewed by the NGOs.</li> <li>The key agreements have been developed in a participatory manner with expert input and are documented and translated into Swahili.</li> </ul>

## Additional Recommendations:

The main recommendation for the Human Rights Update relates to the diligent implementation of the EACOP Plan. In doing so, it is recommended that EACOP consider the following:

- Balance the pressure from traditional leaders to fast-track the development and implementation of the Social Investment Programme for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples with the need to develop this programme with a rights-based approach that considers women and vulnerable groups in the communities and takes into account sustainability considerations—notably in terms of potential “partnerships for development” with government and other donors to maximize the long-term impact of any social investments.
- Through the ongoing discussions related to the implementation of the EACOP Plan, support the development of a long-term vision for capacity-building with the traditional leaders and for the NGOs that are supporting the EACOP Plan.
- Continue to advocate for increased participation of influential women in the traditional leaders workshops and continue to refine the techniques and protocols for culturally-appropriate engagement with women and youth at the community level.

- *Women’s Rights*

## Human Rights Risks

Women’s rights were prioritized in the HRIA 2018 to validate and highlight the importance of concerns about the status of women and gender equality across a number of workplace and community issues. This was intended to avoid that women’s rights being lost as secondary considerations under a variety of issues.<sup>100</sup> The main areas of focus for women’s rights included: workplace discrimination; unequal and inadequate benefits; unequal rights regarding job opportunity; unequal rights regarding land and resettlement; risks of harassment, sexual health impacts and gender-based violence; and heightened vulnerability to social and environmental impacts. While women’s rights and gender equality are evolving in Tanzania and Uganda, there are still cultural, social, religious, political and legal barriers to full equality.<sup>101</sup>

Women’s rights remain a salient issue for the Project. In the few years between the HRIA 2018 and the present, there has been a strong global movement towards greater recognition and respect for women’s rights issues in the workplace, including in companies and industries that have been typically dominated by men. This is manifesting itself in terms of stronger awareness of and consequences for sexual harassment in the workplace; more prominent policies and initiatives for diversity, inclusion and gender equality; and a trend towards more in-depth risk and impact assessments on gender-related issues. In terms of international standards, some international supply chain standards even explicitly require

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<sup>100</sup> This approach is consistent with the gender guidance for the UNGPs, where it is stated that “business enterprises should integrate gender equality as a cross-cutting issue in all policies, processes and strategies across all departments, rather than treating it merely as a diversity or inclusion issue relevant only for the human resources department;” and, “business enterprises should internalize gender as an equality issue, rather than treating it as a ‘tick-box exercise’ or as an add-on to human rights due diligence.” See, *infra*, note X at pp. 26 and 29.

<sup>101</sup> See HRIA 2018, section 17 at pp. 137-145.

“gender-inclusive HRDD,”<sup>102</sup> and the UN Office for the High Commissioner on Human Rights has issued guidance on “Gender Dimensions of the Guiding Principles on Business and Human Rights.”<sup>103</sup>

The increasing awareness and focus on women’s rights and gender equality resonated through the internal and external consultations for the HRIA Update. Women voiced their opinions and concerns about gender equality issues in the workplace, in communities and in the broader societies in Tanzania and Uganda, and there was greater awareness and openness to speak about these issues amongst male stakeholders. Furthermore, civil society reports and studies about the Project have highlighted issues related to women’s rights and gender—notably in relation to land and resettlement activities.<sup>104</sup> As will be discussed further below, EACOP has commissioned Gender and Inclusion Impact Assessments for Tanzania and Uganda, the results of which will be integrated into a Gender and Inclusion Strategy for the Project. Not only is this study “a sign of the times” and a reflection of leading practice in impact assessment, it should contribute to the development of a comprehensive roadmap for the Project’s ongoing HRDD on women’s rights and gender equality.<sup>105</sup>

The text box below shows where this issue is addressed in the HRIA 2018 and the relevant international standards and national laws.

### Women’s Rights

See section 17 of the Provisional HRIA (2018)

#### *International standards*

- Articles 1, 2 and 23(2) of the Universal Declaration of Human Rights
- Articles 2 and 3 of the International Covenant on Civil and Political Rights
- Articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination Against Women, UN Women’s Empowerment Principles (2010)
- IFC, Unlocking Opportunities for Women and Business: A Toolkit of Actions and Strategies for Oil, Gas and Mining Companies (2018)

#### *Regional Standards*

- Articles 2, 3, 15 and 18 of the African Charter on Human and Peoples’ Rights
- Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

#### *National laws*

- Articles 21 and 33 of the Ugandan Constitution

<sup>102</sup> See, for example, the Aluminium Stewardship Initiative, Social Performance Standard (version 3).

<sup>103</sup> See: [https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Gender\\_Booklet\\_Final.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Gender_Booklet_Final.pdf)

<sup>104</sup> See, for example, Oxfam HRIA 2020 at pp. 44-45.

<sup>105</sup> It should be noted that the scope of the Gender and Inclusion Impact Assessment is broader than just women and includes girls, boys and men in order to have a comprehensive view of gender and inclusion issues.

- Article 13 of the Tanzanian Constitution

## EACOP's Standards and Commitments

### EACOP Standards and Commitments on Women's Rights

#### *EACOP Human Rights Policy*

Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, , acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people.

Be sensitive to gender and actively promote the representation, participation and development of women in carrying out our business activities.

Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders.

Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities, and incorporate stakeholder concerns and feedback when appropriate.

#### Prohibit:

- Discrimination based on origin, gender, age, disability, gender identity or affiliation
- Any form of harassment

#### *Other EACOP Policies and Plans*

- EACOP Code of Conduct
- Labour Management Plan (CCP), including grievance management procedure for workers
- Occupational Health, Safety and Security Plan (CCP)
- Community Health, Safety and Security Plan (CCP)
- Stakeholder Engagement Plan (CCP)
- Resettlement Action Plans and Livelihood Restoration Plans
- Land Management Plan (CCP)
- Community Grievance Management Procedures for Tanzania and Uganda

The table below sets out specific provisions safeguarding women's rights in EACOP's Policies or Plans.

EACOP Policy or Plan	Section protecting women's rights
EACOP Code of Conduct	<ul style="list-style-type: none"> <li>• Section 2</li> <li>• Section 2(b)</li> </ul>
EACOP Framework for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania	<ul style="list-style-type: none"> <li>• Section 3(a)</li> <li>• Section 3(d)</li> <li>• Section 3(e)</li> </ul>

	<ul style="list-style-type: none"> <li>• Section 4</li> </ul>
Labour Management Plan (CCP)	<ul style="list-style-type: none"> <li>• Section 2.1</li> <li>• Section 2.3</li> <li>• Section 2.5</li> <li>• Section 4.1</li> </ul>
Occupational Health, Safety and Security Plan (CCP)	<ul style="list-style-type: none"> <li>• Section 2.1</li> <li>• Section 2.2</li> </ul>
Stakeholder Engagement Plan (CCP)	<ul style="list-style-type: none"> <li>• Section 2</li> <li>• Section 4.1</li> </ul>
Land Management Plan (CCP)	<ul style="list-style-type: none"> <li>• Section 2.3</li> </ul>

### Key Activities for Women’s Rights

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to the Project’s due diligence on women’s rights and gender equality.

- EACOP has included specific commitments to women’s rights—both for communities and for workers—in its Human Rights Policy and in a variety of other policies and plans that are relevant for its ongoing HRDD (see table above).
- Inclusion of women in ongoing information and consultation efforts with communities and developing strategies for holding women-only meetings to provide opportunities for them to speak up. Furthermore, through ongoing consultations, the EACOP Community Relations Coordinators and Community Liaison Officers (including contractors’ CLOs) are developing an understanding of the right times to consult with women in relation to their household responsibilities. The LESC confirmed that the Project’s stakeholder engagement efforts demonstrate the inclusion of women,<sup>106</sup> and the Project is tracking gender-disaggregated information about its stakeholder engagement.
- There have been consistent efforts to promote the inclusion of women in the development of the EACOP Framework for Indigenous Peoples Self-Identifying as Indigenous Peoples and the more detailed EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples. This has been accomplished by mandating the inclusion of “influential women” in the quarterly workshops with traditional leaders, as well as the organization of separate meetings for women and girls at the community level. It is important to note that the traditional leaders have been supportive of these efforts to include women in the consultation process leading towards and some have made compelling appeals to their counterparts about the need for their cultures to evolve and progress towards greater inclusion and equality for women and girls.
- The participation of women during the planning and implementation of the Project’s Resettlement Action Plans (RAPs) and Livelihood Restoration Plan (LRPs) and the development of safeguards and supports for women and girls in the land acquisition, resettlement and livelihood restoration activities.<sup>107</sup>

<sup>106</sup> LESC ESDD, p. 76.

<sup>107</sup> More information is provided in section X above and in the EACOP RAPs and LRPs and Land Acquisition Summary on the Project website.

- For workers, provisions related to non-discrimination and prohibitions on any form of harassment have been included in the EACOP Human Rights Policy and the Labour Management Plan for contractor and sub-contractor workers. In particular, specific requirements have been included for:
  - Transparent and open recruitment procedures and the prohibition of discrimination or harassment of job applicants.<sup>108</sup>
  - Fair treatment, non-discrimination and equal opportunity in the workplace.<sup>109</sup>
  - Maternity protections in line with international standards.<sup>110</sup>
  - Worker conduct, including prohibition of sexual relations based on power inequality.<sup>111</sup>
- As discussed in section 2(g) on Workers’ Rights above, the Project is currently focused on monitoring and strengthening the implementation of fair recruitment procedures by the contractors and sub-contractors involved in the Early Civil Works construction activities. Over time, EACOP’s and the EPcmC’s monitoring of contractors and sub-contractors will need to ensure that the other aspects of fair treatment, non-discrimination, equal opportunity, maternity protections and worker conduct are properly implemented and monitored. It is anticipated that the current development of an Industrial Relations Management Plan should strengthen the implementation and monitoring of workers’ rights—including women’s rights in the workplace.
- There have been no allegations or incidents of gender-based violence (GBV) raised during the HRIA Update;<sup>112</sup> however, some concerns about inappropriate workplace behaviour have been raised. The Project has responded proactively to these concerns and has quickly commissioned an external expert to implement a training programme on appropriate workplace behaviour, which is currently being piloted internally. This initiative should also serve to reinforce awareness of the grievance mechanisms that female workers can use to raise issues related to inappropriate behaviour and may provide additional insights or recommendations about any additional supports or safeguards required for female workers to raise issues.
- The HRIA 2018 flagged risks related to sexual harassment in relation to the interactions between public and private security forces and community members. As discussed in the section 2(e) above, the Project is implementing the VPSHR with public and private security forces and will be providing training on human rights to the public security forces and private security guards that are involved with the Project. In line with good practices for the VPSHR, this training should include the Project’s expectations for appropriate behaviour by security forces; prohibitions against sexual harassment and GBV; and, the availability of grievance mechanisms for community members or workers to raise such issues to the Project.

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<sup>108</sup> L3-CCP-LSO-TZ-0103, section 2.1.

<sup>109</sup> L3-CCP-LSO-TZ-0103, section 2.1.1.3.

<sup>110</sup> L3-CCP-LSO-TZ-0103, section 2.3.

<sup>111</sup> L3-CCP-LSO-TZ-0103, section 2.5.

<sup>112</sup> From a human rights perspective, GBV and sexual harassment must always be prioritized because these are severe human rights impacts. As highlighted in the gender guidance for the UNGPs: “business enterprises should always regard sexual harassment and gender-based violence as risks of severe human rights impacts. They should have zero tolerance for such impacts throughout their operations.” See, supra note X, at p. 29.



- As mentioned above, EACOP has started Gender and Inclusion Impact Assessments (GIAs) for the pre-construction and construction phases in Tanzania and Uganda, which will be combined into a Gender Inclusion Strategy (G&IS) for the Project. The GIAs are currently ongoing and are being implemented in a participatory manner with the support of international and local gender experts.<sup>113</sup> The key objectives of the GIAs are provided in the text box below.

<b>Objectives of EACOP’s Gender &amp; Inclusion Impact Assessments</b>
<ul style="list-style-type: none"> <li>• Identify how the Project may potentially impact the rights of PAC women, men, girls, and boys and offer mitigations to address potential negative impacts,</li> <li>• Improve understanding of gender contextual inequality within PAC, including the way in which it manifests,</li> <li>• Identify and assess harmful gender roles, norms, and power relations in PAC, including S/GBVH risks and impacts,</li> <li>• Design gender responsive PAC consultation and decision-making processes including removal of barriers to women’s participation,</li> <li>• Identify strategic social investment projects that the Project can implement to address women’s practical gender needs and strategic gender interests as well as men’s needs and interests,</li> <li>• Identify within PAC effective and achievable gender-responsive mitigations and enhancement opportunities and identify practical interventions to address common areas of gender inequality associated with Project activities,</li> <li>• Identify realistic and measurable monitoring indicators with clear outputs and targets.</li> <li>• Prepare key information for PAC; develop tools and strategies to support implementation of approved initiatives, and</li> <li>• Provide gender responsive implementation strategies for delivery; and supporting monitoring, evaluation, and reporting framework.</li> </ul>

The following text box below contains the recommendations made in the Provisional HRIA Report relating to women’s rights.<sup>114</sup>

<b>HRIA 2018 Recommendations</b>	<b>Review and Update</b>
<p>Have a designated expert on women’s rights and gender equality to ensure that both principled and practical measures are integrated into the more detailed policies and procedures (including training) that are being developed for various aspects of EACOP.</p>	<ul style="list-style-type: none"> <li>• EACOP has contracted international and local gender experts to support the development of the GIAs in Tanzania and Uganda, which will lead to a Gender &amp; Inclusion Strategy for the Project. It is anticipated that the GIAs will provide updated recommendations on the internal and external resources required for implementation of the Gender &amp; Inclusion Strategy.</li> </ul>

<sup>113</sup> This aligns with the good practices for impact assessment and the gender guidance for the UNGPs. In addition, EACOP consulted with international organizations about the Terms of Reference for the GIAs which helped to reinforce their alignment with international expectations.

<sup>114</sup> Other recommendations related to women’s rights are also included in the other sections of the HRIA 2018 and HRIA Update.

	<ul style="list-style-type: none"> <li>• EACOP has involved a gender and human rights expert to support the implementation of training programme on appropriate workplace behaviour, which is currently at the pilot stage.</li> </ul>
<p>Ensure that internal and external grievance mechanisms are accessible for women and that they are equipped to handle women’s concerns in a rights-compatible way (e.g. gender sensitive handling of sexual harassment allegations).</p>	<ul style="list-style-type: none"> <li>• The EACOP Community Grievance Management Procedures are accessible and have been used by female community members, primarily related to land and resettlement issues. To date, the mechanisms have not been used for more severe or sensitive concerns, but the current procedures and managers should be able to handle women’s concerns in a rights-compatible manner.</li> <li>• The current training initiative on appropriate workplace behaviour should also serve to reinforce awareness of the grievance mechanisms that female workers can use to raise concerns, and may provide additional insights or recommendations about any additional supports or safeguards required for female workers to raise issues.</li> </ul>
<p>Adopt a zero-tolerance policy for sexual harassment by contractors, including private security forces.</p>	<ul style="list-style-type: none"> <li>• The Labour Management Plan (CCPs) requires contractors (including private security contractors) to have Codes of Conduct prohibiting inappropriate conduct, including sexual relations based on power inequality. These should also cover the broader prohibitions against any form of harassment in the EACOP Human Rights Policy.</li> <li>• EACOP is implementing induction training for contractors and sub-contractors on human rights and for private security forces on the VPSHR. These trainings can be used to underline the Project’s prohibition against any forms of harassment.</li> <li>• It will be important to EACOP to respond to any early incidents or allegations of sexual harassment by contractors, including private security contractors, to</li> </ul>

	demonstrate its seriousness on this issue. <sup>115</sup>
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The main recommendation for the Human Rights Update relates to the completion of the Gender & Inclusion Impact Assessments in Tanzania and Guanda and development of a Gender & Inclusion Strategy in a participatory manner, and then integration of the relevant aspects into the Human Rights Action Plan as a key part of the Project's ongoing HRDD in a gender-sensitive manner. Additional recommendations (to be validated through the GIIA) include:

- Ensure that the implementation of the Gender & Inclusion Strategy is integrated into the Project's overall governance and management system for ongoing HRDD (i.e. under the mandate of the Human Rights Steering Committee) and there are adequate resources for its successful implementation with the support of internal or external gender experts. Ensure that senior leaders and male colleagues are included in the development and implementation of the Gender & Inclusion Strategy so that they can become champions for gender and inclusion.
- Using the current training initiative on appropriate workplace behaviour to reinforce awareness of the grievance mechanisms that female workers can use to raise concerns, and to provide recommendations about any additional supports or safeguards required for female workers to raise issues. This training should also be evaluated and adapted for ongoing training for EACOP workers, contractors and sub-contractors, as well as integrated into training for public and private security forces related to the VPSHR.
- Ensure that the development of the Industrial Relations Management Plan has specific requirements and actions for implementing and monitoring the various provisions of the Labour Management Plan (CCPs) that protect women's rights and gender equality. This should include consideration of how the requirements in the Labour Management Plan for female CLOs and partnerships with local organizations (to support female recruitment) can be operationalized effectively.

○ *Right to Information and Consultation*

#### Human rights risks

The right to information and consultation was prioritized in the HRIA 2018 as a salient human rights issue related to access to information and the transparent governance of extractive industries. Information disclosure and meaningful consultation are also cross-cutting indicators of respect for a variety of other human rights. In the initial consultations for the HRIA 2018 with community members in Tanzania and Uganda, there were recurrent requests for more information and consultation about the Project.

In the human rights heat map exercise, the overall risk rating related to the right to information and consultation was lower than in 2018 in acknowledgment of EACOP's ongoing stakeholder engagement

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<sup>115</sup> Prompt and appropriate action on sexual harassment or gender-based violence is increasingly important for all businesses in order to protect their reputation (including with female staff) and to avoid legal actions.

efforts and outcomes. Nonetheless, the right to information and consultation remains a salient issue in the HRIA Update given the ongoing need for awareness-raising efforts with community members, workers and other stakeholders in advance of the pipeline construction. In this regard, civil society reports and studies also highlight the importance of access to information and community participation in decision-making processes about the Project.<sup>116</sup>

Maintaining a meaningful and responsive level of stakeholder engagement will always be a challenge for EACOP given the scale of the Project and the number of potentially affected stakeholders and communities, as well as the number of different actors—notably contractors and sub-contractors—who will be interacting with and providing information to stakeholders. In this regard, a coordinated and comprehensive approach to ongoing engagement with affected stakeholders is critical for the successful implementation of the Project’s Human Rights Policy and Human Rights Action Plan, as well as to address the concerns and perceptions of affected stakeholders which sometimes may be based on rumours and allegations rather than facts.

The text box below shows where this issue is addressed in the HRIA 2018 and the international relevant international standards and national laws.

<b>Right to Information and Consultation</b>
See section 10 of the Provisional HRIA (2018) <sup>117</sup>
<i>International standards</i>
<ul style="list-style-type: none"><li>• Article 19 of the Universal Declaration of Human Rights</li><li>• Article 19 of the International Covenant on Civil and Political Rights</li><li>• IFC Performance Standard 1, paras. 25 – 36</li></ul>
<i>Regional Standards</i>
<ul style="list-style-type: none"><li>• Article 9 of the African Charter on Human and Peoples' Rights</li></ul>
<i>National laws</i>
<ul style="list-style-type: none"><li>• Article 41 of the Ugandan Constitution</li><li>• Article 18 of the Tanzanian Constitution</li></ul>

EACOP’s Standards and Commitments

<b>EACOP Standards and Commitments on Information and Consultation</b>
<b>EACOP Human Rights Policy</b>

<sup>116</sup> See, for example, Oxfam HRIA 2020 at pp. 51-57.

<sup>117</sup> See Section 10 of the HRIA 2018 at pp. 91-98.

Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders.

Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities, and incorporate stakeholder concerns and feedback when appropriate.

#### **Other EACOP Policies and Plans<sup>118</sup>**

- Environmental and Social Management Plan<sup>119</sup>
- Stakeholder Engagement Plans for Tanzania and Uganda<sup>120</sup>
- Contractor Stakeholder Engagement Plan<sup>121</sup>
- EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (Tanzania)<sup>122</sup>

#### Key Activities to Support Information and Consultation

Since the HRIA Update, the following are some of the key activities that have been undertaken in relation to information and consultation.

- The Project's Environmental and Social Management Plan highlights that engagement with stakeholders, and the associated feedback, provides an essential input to the management of risk during Project planning and execution.
- Stakeholder engagement is guided by ten principles described in the Stakeholder Engagement Plan (SEP) for each country, including openness and transparency, listening and dialogue, focussing on impacts, safety and effectiveness.

#### **EACOP Principles for Stakeholder Engagement**

The EACOP Project is committed to meaningful engagement with all of its stakeholders based on the principles of participation, respect for human rights, non-discrimination, empowerment, transparency and accountability. The following principles apply to the Project and its Contractors ensuring that stakeholder engagement is:

- **Open and Transparent:** Information relevant to Project activities will be as accessible and transparent as possible, providing stakeholders with a comprehensive understanding of Project activities and how they are or may be affected by them.

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<sup>118</sup> Stakeholder engagement and information and consultation aspects are included in many other EACOP policies and procedures, including in the Resettlement Action Plans and Livelihood Restoration Plans.

<sup>119</sup> ESMP Online Summary, pp. 26-27.

<sup>120</sup> Stakeholder Engagement Plan (UT-MID-60-0120-200056).

<sup>121</sup> Contractor Stakeholder Engagement Plan (TZ-MID-60-0120-200299).

<sup>122</sup> EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, section 4(a).

- **Based on Listening and Dialogue:** Stakeholders will be invited and encouraged to actively engage with the Project. Stakeholders will be listened to, their questions and concerns taken seriously, and responses provided in a timely manner.
- **Empowering:** Engagement should ensure stakeholders have an opportunity to share their perspectives. This will include informing them of what they can expect in terms of feedback and responses to their inputs.
- **Proactive:** The engagement process will provide information in advance of Project related activities.
- **Impact-focused:** Engagement with communities affected by the Project will be, whenever possible, focused around the potential and actual negative Project impacts and mitigation measures that may concern them.
- **Safe:** Steps will be taken by the Project towards ensuring stakeholder engagement is free from manipulation, interference, coercion or intimidation and that participation in any form of engagement will be safe and without risk or fear for retaliation.
- **Effective:** Information and forms of engagement will be acceptable to and effective for the stakeholder for whose use they were intended, and will be accessible, legitimate and transparent.
- **Appropriate:** Different forms of engagement may be required for different kinds of stakeholders and for different purposes. Information provided to stakeholders will be provided in formats appropriate and accessible to the stakeholder concerned.
- **Equal and Human Rights respectful:** Everyone, without discrimination, will be afforded the right to participate on equal terms.
- **Gender and culture sensitive:** Engagement approach will include the need for and use of any special measures to ensure that marginalized or vulnerable individuals and groups are inclusively engaged.

- Each SEP identifies vulnerable groups that may require specific considerations and stakeholder engagement methods and approaches to ensure they are reached and able to meaningfully participate. As discussed in the section on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, specific plans and commitments for information and consultation with traditional leaders and community members have been included in the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.
- Stakeholder engagement activities were pursued even while the Project’s field-based activities were slowed-down pending resolution of commercial issues between the Project partners<sup>123</sup> and during the COVID-19 pandemic. Twelve Community Liaison Officers were employed during this period to continue informing stakeholders about Project updates. During the periods where field activities were not possible, the CLOs kept in contact with community leaders and other stakeholders via phone, WhatsApp and e-mail.
- The Project has developed a variety of Information, Education and Communication (IEC) materials and disclosure materials to provide simplified messages and graphic representation of the Project and key management plans and procedures. These have been translated into local languages. The following textbox provides some examples of the IEC materials that have been developed to date.

### Examples of Information, Consultation and Education Materials

<sup>123</sup> This was approximately from the fall of 2019 until the fall of 2021.

- Description of the Project in brochure and poster format
- ESIA leaflet, describing the ESIA process, objectives, and key milestones
- Geophysical and geotechnical surveys leaflet
- Grievances leaflet
- Frequently Asked Questions (FAQ) booklets
- Resettlement Action Plan (RAP) Disclosure leaflets
- RAP Guide for local government
- Guide for eligibility and entitlements
- Process description for entitlement briefing and compensation agreements
- Animated film about grievances
- Project newsletters

- Currently there are efforts to update the EACOP website and make more information publicly available.<sup>124</sup> This is supported by the use of social media tools (e.g. YouTube channel) to make information more accessible.
- Stakeholder engagement activities are ongoing on a daily basis; and, the meetings (including those conducted by contractors, sub-contractors, advisors and consultants on behalf of the Project) are documented and recorded in the Project’s management system (Borealis). The following table provides a snapshot of the Project’s stakeholder engagement statistics for the latest quarter of activities.

	<b>Number of meetings in Q3 2022</b>	<b>Number of stakeholders engaged in Q3 2022</b>
Tanzania	1,777	15,336
Uganda	1,935	4,622

- From a human rights perspective, current activities and priorities for stakeholder engagement at the community level relate to the following topics:
  - Community-level consultations about the Early Civil Works activities, including in terms of impact management, local content opportunities and grievance mechanisms.
  - Ongoing disclosure and awareness-raising of the mitigation measures and management plans from the Environmental and Social Impact Assessment (ESIA) prior to the main pipeline construction activities.
  - Providing information and consultation with PAPs and PACs about the land acquisition process in Tanzania and Uganda including monetary and in kind compensation values and options, livelihood restoration programmes, replacement housing etc.
  - Providing information and consultation about local recruitment and local content opportunities, particularly for communities where there are Early Civil Works activities.

<sup>124</sup> In addition, since the HRIA 2018, one of EACOP’s shareholders, TotalEnergies, has made a significant amount of information about EACOP and Tilenga, including various studies, publicly available on the following website: <https://totalenergies.com/projects/liquids-low-carbon-fuels/tilenga-and-eacop-acting-transparently>

- Establishing working groups for ongoing engagement about the prevention and mitigation of adverse impacts related to Project-Induced In-Migration (PIIM) in the “hotspots” that have been identified in Tanzania.
  - Engaging with traditional leaders and community members of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, particularly about local content opportunities, the development of a social investment programme and mitigation measures for priority impacts.
  - Awareness-raising about the EACOP Community Grievance Management Procedure for community members and vulnerable groups.
  - Awareness-raising about EACOP security arrangements and VPSHR commitments as part of the follow-up on the VPSHR Risk Assessments in Tanzania and Uganda.
  - Targeted engagement with female stakeholders as part of the development of the Gender and Inclusion Impact Assessment.
- Ongoing engagement with civil society organizations is organized in regular (quarterly) meetings in Tanzania and Uganda. A variety of CSOs, including human rights, environmental and women’s organizations, attend these meetings.

#### Update of HRIA 2018 Recommendations

The table below contains a review and update of the recommendations made in the HRIA 2018 (and integrated into the EACOP Human Rights Action Plan) relating to information and consultation.

HRIA 2018 / Human Rights Action Plan	Review and Update
<p>In terms of proactive HRDD, the main recommendation relates to the development and implementation of a comprehensive and effective Stakeholder Engagement Plan (SEP). In this regard, some specific approaches and actions are recommended:</p> <ul style="list-style-type: none"> <li>● The SEP should be based on a social and human rights risk analysis;</li> <li>● The SEP should be supported by a system for recording and tracking the stakeholder engagement activities and commitments.</li> <li>● There should be regular public reporting on the implementation of the SEP and the fulfillment of commitments.</li> </ul> <p>The SEP should be accompanied by a communications plan and targeted</p>	<ul style="list-style-type: none"> <li>● SEPs have been prepared for Tanzania and Uganda. The key principles for the SEPs include a focus on impacts and management of social and human rights risks.</li> <li>● There has public reporting on stakeholder engagement efforts, including in meetings with civil society organizations and Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.</li> <li>● EACOP is currently conducting a targeted campaign for all affected communities on awareness-raising about the ESIA and associated mitigation measures and management plans in the lead-up to the construction of the pipeline. This includes specific awareness-raising activities for Vulnerable Ethnic Groups</li> </ul>



HRIA 2018 / Human Rights Action Plan	Review and Update
<p>information campaigns that use local languages and a variety of media tools (radio, print, telephone, internet and social media, etc.). In the short term, there is an important opportunity to prepare targeted information campaigns related to the ESIA.</p> <p>Meetings will also serve to:</p> <ul style="list-style-type: none"> <li>• communicate the measures that have been, or will be, implemented to protect their health and safety (e.g., provision of safe access);</li> <li>• receive comments, grievances or queries; and</li> <li>• provide feedback on previous grievances.</li> </ul>	<p>Self-Identifying as Indigenous Peoples in Tanzania with the support of NGOs.</p> <ul style="list-style-type: none"> <li>• EACOP has developed a communication plan for the construction phase of the project that includes an updated website and the use of social media.</li> <li>• A variety of Information, Education and Communication (IEC) and disclosure materials have been prepared and translated into local languages to support local communications.</li> <li>• EACOP’s presentations during the regular engagement meetings with civil society organizations, Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples have included information about the Community Grievance Management Procedure.</li> <li>• Comment and queries raised during these regular engagement meetings are either responded to immediately or at subsequent meetings. These meetings are normally attended by a number of EACOP representatives from different departments in order to provide the relevant information.</li> <li>• Stakeholder engagement activities, including those undertaken by contractors and sub-contractors, are recorded in the Project’s management system (Borealis).</li> </ul>
<p>The plan will ensure that engagement with higher-risk PACs where more significant impacts are anticipated, is implemented on a more frequent basis. As well, engagement with vulnerable groups within the community will have special attention</p>	<ul style="list-style-type: none"> <li>• The EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples includes specific commitments and targets for (at least) quarterly engagements with traditional leaders and communities. The EACOP Plan also includes specific commitments for separate engagements and targeted awareness-raising initiatives for women and youth in these communities.</li> <li>• The Gender and Inclusion Impact Assessment is anticipated to provide additional feedback for engagement and</li> </ul>

HRIA 2018 / Human Rights Action Plan	Review and Update
	awareness-raising for women and children.
Stakeholder consultation around water in particular should be held and the local authorities responsible, for example for water, should also be consulted so that a plan is put in place before initiating operations. Particular attention should be paid to identifying and including disenfranchised individuals in the community.	<ul style="list-style-type: none"> <li>• There has been both general engagement with community members and specific engagement with PAPs and PAHs about water-related issues. This has also been an important topic in the ongoing consultations with Vulnerable Ethnic Groups Self-identifying as Indigenous Peoples, including for the development of the Community Profiles.</li> </ul>
The engagement plan is based on risk analysis, stakeholder analysis and will include for each stakeholder groups: <ul style="list-style-type: none"> <li>• The approach</li> <li>• The venue</li> <li>• Frequency of interaction</li> <li>• The objective of the engagement</li> <li>• Measurement of success</li> </ul>	<ul style="list-style-type: none"> <li>• The Stakeholder Engagement Plan describes these aspects—including the types of issues to be engaged upon—at a high level.</li> </ul>
The project will provide quarterly public updates on progress against the register.	<ul style="list-style-type: none"> <li>• The Project has formalized quarterly reporting and engagement cycles with government representatives, civil society organizations, traditional leaders of Vulnerable Ethnic Groups Self-identifying as Indigenous Peoples. As discussed in Part Three on Monitoring and Reporting below, it is recommended that these formalized reporting cycles incorporate some reporting on implementation of the Human Rights Action Plan.</li> <li>• All commitments are now present in the EACOP Detailed Management Plans and Contractor Control Plans have their own performance indicators and reporting which can provide information for the ongoing stakeholder engagement.</li> </ul>
Community Liaison Officers will be stationed in the entire project area and will use local key stakeholders (Ward Executive Officers, Teachers, Village Executive Officers, informal leaders) as venues to inform the wider community as well as use periodic public meetings to ensure that information reaches the grassroots population.	<ul style="list-style-type: none"> <li>• The Project has a team of Community Relations Coordinators and Community Liaison Officers along the pipeline route who have developed relationships with affected communities, Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples and other relevant stakeholders</li> </ul>

HRIA 2018 / Human Rights Action Plan	Review and Update
	from government and civil society organizations.
A community friendly non-technical summary of the ESIA will be made available Swahili.	<ul style="list-style-type: none"> <li>A variety of IEC materials, including a leaflet with a summary of the ESIA and a FAQ brochure, have been prepared translated into Swahili and other languages (see textbox above).</li> </ul>
Ensure that all engagement are recorded, tracked and analysed in a central stakeholder engagement database management system.	<ul style="list-style-type: none"> <li>EACOP has implemented a management system (Borealis) for recording and monitoring stakeholder engagement, including grievance management. These aspects are reported on a monthly basis to EACOP shareholders and government.</li> </ul>
Have a more proactive approach to outreach and engagement with civil society organizations as part of its ongoing human rights due diligence efforts.	<ul style="list-style-type: none"> <li>Ongoing engagement with civil society organizations is organized in quarterly meetings in Tanzania and Uganda. There are also regular bilateral meetings with NGOs, including with human rights organizations.</li> </ul>

#### Additional Recommendations:

The main recommendation for the HRIA Update relates to the diligent implementation of the SEPs and the development of Stakeholder Engagement Action Plans for each spread for the construction of the pipeline, including ongoing attention to engagement efforts for vulnerable groups.

- Ensure that the Project’s resourcing of the stakeholder engagement function is sufficient for effective engagement at the community level and with other key stakeholders—including civil society organizations with a focus on human rights issues.
- Support ongoing capacity-building and team-building for EACOP and contractor field teams working on stakeholder engagement issues to support consistent messaging. Include training on the EACOP Human Rights Policy and Human Rights Action Plan so that the field teams can support the stakeholder engagement and communications components of HRDD.

#### ○ *Grievance Mechanisms*

#### Human Rights Risks

Access to remedy and grievance mechanisms were included in the HRIA 2018; however, grievance mechanisms were not prioritized as a stand-alone salient human rights issue at the time and were framed more as a cross-cutting issue. During the HRIA Update, grievance mechanisms were raised and discussed on a number of occasions during the consultations about EACOP’s salient human rights issues. It was

agreed that grievance mechanisms must be a clear priority for ongoing HRDD, but that it remains valid to view grievance mechanisms as a cross-cutting component of all of EACOP’s salient human rights issues rather than as a stand-alone issue.

In particular, it was felt that this cross-cutting approach could help to emphasize that there are different grievance mechanisms for community members, workers and contractor workers. It also helps the different internal managers who are responsible for mitigation and management of each salient human rights issue in the EACOP Human Rights Action Plan be aware of their role in supporting access to remedy through the relevant grievance mechanisms.<sup>125</sup>

The text box below shows where this issue is addressed in the HRIA 2018 and the relevant international standards and national laws.

<b>Grievance Mechanisms</b>
See section 18 of the Provisional HRIA (2018) <sup>126</sup>
<i>International standards</i>
<ul style="list-style-type: none"><li>• Articles 7 and 8 of the Universal Declaration of Human Rights</li><li>• Article 2 of the International Covenant on Civil and Political Rights</li><li>• Principles 26, 27, 29 and 31 of the UN Guiding Principles for Business and Human Rights</li><li>• IFC Performance Standard 1, para. 35</li></ul>
<i>National Judicial and Non-Judicial Institutions</i>
<ul style="list-style-type: none"><li>• Uganda Industrial Court</li><li>• Uganda Land and Anti-Corruption divisions of the High Court</li><li>• Uganda Human Rights Commission</li><li>• Uganda Equal Opportunities Commission (EOC)</li><li>• Uganda Arbitration and Conciliation Act (2010)</li><li>• Tanzania Labour and Land Tribunals</li><li>• Tanzania Commission for Human Rights and Good Governance</li></ul>

#### EACOP Activities to Implement Grievance Mechanisms

EACOP has been implementing a variety of grievance mechanisms for community members and workers as presented in the text box below. Of these mechanisms, the most robust experience and practice relates to the Community Grievance Mechanism Procedure being implemented in Uganda and Tanzania.

<b>EACOP Grievance Mechanisms</b>
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<sup>125</sup> Furthermore, from a human rights risk perspective, the level of human rights risk related to the lack of effective grievance mechanisms or access to remedy is correlated to the severity and likelihood of the underlying impact that the grievance is about.

<sup>126</sup> See HRIA 2018, section 18 at pp. 146-150.

- Community Grievance Management Procedures (CGMPs) for Tanzania and Uganda, which address grievances from community members and external stakeholders.<sup>127</sup>
- EACOP Worker Grievance Mechanism for EACOP staff and direct workers in Tanzania and Uganda.
- Grievance mechanisms for contractor and sub-contractor workers, which are required for all contractors and sub-contractors through the Labour Management Control Plan.<sup>128</sup>

Of the grievance mechanisms listed in the textbox above, the Community Grievance Management Procedures have been the main focus in order to address all potential complaints or grievance from community members during the development of the Project. In particular, the CGMPs were have supported the resolution of potential grievances related to the land acquisition and resettlement process given that would be one of the Project’s first visible activities and impacts on community members.

Grievance mechanisms for workers (especially contractor and sub-contractor workers) are rapidly becoming a key focus for the Project’s ongoing HRDD as construction activities begin for the Early Civil Works.<sup>129</sup>

The CGMP was launched in both countries in March 2017 with the same procedure being used for both countries. The CGMP was revised in 2022 to create a specific procedure in each country that reflects local dispute resolution processes and stakeholders at the governmental and community levels. In addition, the development of country-specific CGMPs integrated feedback from users, external stakeholders, the Grievance Committee and external advisors. As discussed in the section on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, in Tanzania there has been a specific process of consultation and revision of the CGMP to incorporate the traditional committees of these groups as access points and to support grievance resolution.

The CGMPs have handled the following numbers and types of grievances as presented in the table below.

Country	Grievances Received	Grievances Resolved	Types of Grievances
Tanzania	280	240	<ul style="list-style-type: none"> <li>• Land and resettlement (262)</li> <li>• Livelihoods (8)</li> <li>• Social conduct and security (2)</li> <li>• Environment and health (1)</li> <li>• Employment and supply chain (7)</li> </ul>
Uganda	806	761	<ul style="list-style-type: none"> <li>• Dispute over compensation value (284)</li> </ul>

<sup>127</sup> L2-ST-LSO-TZ-0136 and E-UG-LSO-PRO-0001.

<sup>128</sup> L3-CCP-LSO-0103, section 2.6. Note that the EACOP Community Grievance Management Procedures can also be used as an access point by contractor or sub-contractor workers if their own company does not have an effective mechanism or if they fear retribution for using it. The CGMP has already been used by contractor workers as some of the contractors are still in the process of putting in place grievance mechanisms in line with EACOP standards.

<sup>129</sup> Grievance mechanisms for workers are discussed in further detail in the section on Workers’ Rights.

			<ul style="list-style-type: none"> <li>• Land and housing (245)</li> <li>• Dispute over compensation rates (144)</li> <li>• Livelihoods (Economic loss) (66)</li> <li>• Dispute over land ownership (28)</li> <li>• Temporary land access for surveys (1)</li> <li>• Land acquisition for construction facilities (1)</li> <li>• Land acquisition for pipeline and AGIs (4)</li> <li>• Damage to public property, assets, and structures (3)</li> <li>• Environment and health (nuisance and pollution) (16)</li> <li>• Cultural Heritage (6)</li> <li>• Safety and logistics (transport, explosion) (4)</li> <li>• Grievance management (2)</li> </ul>
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The CGMP is supported by a dedicated Grievance Administrator. EACOP’s field-based team (Land and Social) leads on implementation of the CGMPs, but the wider EACOP Project team is involved in the resolution of grievances. Internal cross-functional Grievance Committees that includes relevant functional managers from key departments have been established for the governance and oversight of the CGMPs in each country. The text box below provides an example of the roles and responsibilities of the EACOP Grievance Committee in Tanzania.

#### **EACOP Grievance Committees<sup>130</sup>**

EACOP seeks to reach resolution with the Complainant that is satisfactory to both sides. However, if the Project/Contractor and the Complainant are unable to agree on a solution, the Grievance Administrator escalates the grievance to the Grievance Management Committee and if resolution is not accepted by the complainant then the mediator will be involved . The Grievance Administrator convenes the Internal Grievance Management Committee.

**Note:** Cases where the Complainant disputes or declines to acknowledge the implementation of an agreed resolution are also referred by the Grievance Administrator to the Grievance Management Committee for review.

The Grievance Management Committee is composed of EACOP staff and Contractors when relevant:

- The EACOP General Manager
- The EACOP HSE Director
- The Land and Social Manager
- The Grievance Administrator
- The Security Manager
- The Human Rights Manager
- Social Lead

<sup>130</sup> This excerpt is taken from the CGMP in Tanzania. The Uganda has a similar Grievance Committee, but with fewer members.

- The Grievance Officer/Community Relations Coordinator/Community Liaison Officer might be invited if relevant
- The Grievance Owner
- The Company representative for the activity and if relevant the Site Representative
- Other relevant Project or Contractor staff may be invited if relevant and
- EACOP Legal Counsel

The Committee may be held face-to-face, or by video or telephone conference. The quorum consists of the General Manager, Land and Social Manager, Grievance Administrator and Grievance Owner.

The Grievance Management Committee meets every two months as a minimum. During peak construction with an anticipated increase in the number of Grievances related to construction activities, the Grievance Management Committee may meet as often as every two weeks according to need. In addition, Grievance resolution meetings are organized by field-based Grievance officers with the Grievance administrator as often as weekly as needed.

The Grievance Management Committee reviews the Grievance and identifies alternative or additional solutions if appropriate.

Current activities and priorities for the CGMP in Tanzania and Uganda include:

- Working with different project teams and functions to raise awareness about grievance mechanisms and to reinforce a positive attitude towards grievance management. Currently, there are initiatives being undertaken with the Early Civil Works contractors in Tanzania to understand that grievances should not be viewed negatively.
- Working on a system to track concerns or requests that do not qualify as a grievance (i.e., not about a specific impact on an identifiable individual or group, but which should still be tracked as part of the Project’s ongoing stakeholder engagement and management of social issues).

The following table presents the result of self-assessment exercise undertaken as part of the HRIA Update with the EACOP Grievance Administrator for Tanzania and the Human Rights Manager.

<b>Assessment of EACOP’s Community Grievance Management Procedure According to the UNGP</b>	
<b>Effectiveness Criteria</b>	<b>Observations from the HRIA Update</b>
<p><b>Legitimacy</b></p> <p><i>Definition: Enabling trust from the stakeholder groups for whose use they are intended and being accountable for the fair conduct of grievance processes.</i></p>	<ul style="list-style-type: none"> <li>• The accountability and legitimacy of the CGMPs is reinforced through the oversight of a Grievance Management Committee that includes senior leadership.</li> <li>• Legitimacy can be supported by involving independent experts in the resolution of grievances. The involvement of independent experts is foreseen in the CGMPs’ Appeals Committees.</li> <li>• Participation of stakeholders (e.g. government representatives, community leaders, NGOs and traditional</li> </ul>

Assessment of EACOP's Community Grievance Management Procedure According to the UNGP	
Effectiveness Criteria	Observations from the HRIA Update
	leaders of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania) in ongoing discussions and revisions of the CGMPs helps to reinforce legitimacy.
<p><b>Accessibility</b></p> <p><i>Definition: Being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.</i></p>	<ul style="list-style-type: none"> <li>• EACOP has produced brochures to promote the CGMPs with pictorials of the key steps and access points.</li> <li>• EACOP has also produced a video to promote the CGMPs that it uses in meetings. The video is also posted on EACOP's YouTube channel as part of the update to the Project's website and communications plan.</li> <li>• Information about the CGMP in Tanzania has been translated into local languages, including Swahili and Maa. Information about the CGMP in Uganda will also be translated into local languages.</li> <li>• There has been engagement with local government, community leaders and traditional leaders of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples in Tanzania to promote the CGMPs and to incorporate them as access points.<sup>131</sup></li> <li>• There are a wide variety of ways that grievances can be submitted in the CGMP.</li> </ul>
<p><b>Predictability</b></p> <p><i>Definition: Providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.</i></p>	<ul style="list-style-type: none"> <li>• There is a clear process in the CGMP.</li> <li>• There is a need to maintain flexibility about timelines for the resolution of more complex grievances. In particular, it may be challenging to maintain the normal timeliness of land-related grievances due to need for involvement of government valuers (e.g., with respect to valuation). In these cases, ongoing communication with the complainants about progress and follow-up on the grievance status is important so that they do not feel ignored. EACOP's current practice is to follow-up with complainants every 15 days.</li> <li>• As discussed below in relation to transparency, providing high-level summaries of the outcomes of past grievances also helps to manage expectations and support predictability. However, the summaries of past grievances must be sufficiently anonymized to preserve the</li> </ul>

<sup>131</sup> As part of the EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples, traditional committees or groups (including traditional committees for women) have been identified in each community to serve as access points and to support the promotion and implementation of the CGMP.



Assessment of EACOP's Community Grievance Management Procedure According to the UNGP	
Effectiveness Criteria	Observations from the HRIA Update
	confidentiality of personal information related to specific grievances.
<p><b>Equitability</b></p> <p><i>Definition: Aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.</i></p>	<ul style="list-style-type: none"> <li>• Incorporation of government representatives, community leaders and traditional leaders from Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples has been part of the revision to the CGMP to support the principle of equitability.</li> <li>• Furthermore, NGOs which are trusted by Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples may be involved in grievances resolution related to those communities and can further support equitability, including promoting the grievance mechanism in meetings with elders, women and youth.</li> <li>• Similarly, the involvement of independent experts in the Appeals Committee should be selected in consultation with complainants to provide equitability at the appeals stage.</li> </ul>
<p><b>Transparency</b></p> <p><i>Definition: Keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.</i></p>	<ul style="list-style-type: none"> <li>• Currently, regular updates are provided in Tanzania during the following meetings: <ul style="list-style-type: none"> <li>○ Community Relations Coordinators meet with communities on a regular basis and provide reminders about the grievance mechanism's access points and process steps.</li> <li>○ Regional update meetings with district government and other stakeholders every 2-3 months.</li> <li>○ Civil society update meetings every quarter.</li> <li>○ Workshops with traditional leaders and NGOs supporting Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples every quarter.</li> </ul> </li> <li>• While responding to ongoing requests for further information about the CGMPs (notably from national and international civil society organizations), it is important to balance the need for transparency with need to respect the confidentiality of complainants. However, providing high-level summaries of the outcomes of grievances helps to support transparency and predictability of the CGMPs.</li> <li>• In addition to regular meetings above, the ongoing reporting on the implementation of the EACOP Human</li> </ul>

Assessment of EACOP's Community Grievance Management Procedure According to the UNGP	
Effectiveness Criteria	Observations from the HRIA Update
	Rights Action Plan can help to reinforce the transparency of the CGMPs and other grievance mechanisms. <sup>132</sup>
<p><b>Rights-Compatibility</b></p> <p><i>Definition: Ensuring that outcomes and remedies accord with internationally recognized human rights.</i></p>	<ul style="list-style-type: none"> <li>• To support rights-compatibility in the mitigation and management of grievances, EACOP can involve internal or external human rights advisors in the resolution of challenging cases that raise potential human rights impacts and/or contain explicit human rights allegations.</li> <li>• Furthermore, the escalation mechanisms and Appeals Committee can involve independent experts, including human rights experts to support rights-compatible outcomes.</li> </ul>
<p><b>Source of Continuous Learning</b></p> <p><i>Definition: Drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.</i></p>	<ul style="list-style-type: none"> <li>• Ongoing dialogue with internal and external stakeholders about the grievance mechanism can also provide feedback for continuous learning. The experience with grievance management has led to revisions of the CGMP. For example, in Tanzania, the Project has learned about the need to provide grievance desks at the entitlement briefings and compensation agreement presentations so that grievances about the details of the compensation can be proactively registered and addressed.</li> <li>• The Grievance Management Committees in Tanzania and Uganda provide a useful internal forum for analyzing trends and lessons learned from the CGMPs, as do ongoing meetings with community members, government representatives and NGOs.</li> <li>• From a human rights perspective, the participation of the Human Rights Manager in Tanzania (and Human Rights Coordinator currently being recruited in Uganda) in the Grievance Management Committees should support trends analysis and continuous learning from a human rights perspective. This can be supplemented by discussions about grievances in the Human Rights Steering Committee.</li> <li>• Furthermore, the close-out procedure for the grievance mechanisms is used to soliciting systematic feedback from users of the grievance mechanisms about process and outcomes. This can provide further information for the purposes of continuous learning.</li> </ul>

<sup>132</sup> For example, the [UN Guiding Principles Reporting Framework \(section C6\)](#) provides guidance for reporting on grievance mechanisms and enabling remedy. Furthermore, the Global Reporting Initiative (GRI) was recently revised and provides additional guidance on this subject.

Assessment of EACOP's Community Grievance Management Procedure According to the UNGP	
Effectiveness Criteria	Observations from the HRIA Update
	<ul style="list-style-type: none"> <li>• Opportunities can also be identified for dialogue with other companies in Tanzania and Uganda for continuous learning.</li> <li>• In discussion with the EACOP staff involved in grievance management, ongoing awareness-raising and training for other relevant managers involved in grievance management (from EACOP and contractors or sub-contractors) will be important to support continuous learning and implementation of good practices.</li> </ul>
<p><b>Based on Engagement and Dialogue</b></p> <p><i>Definition: Consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.</i></p>	<ul style="list-style-type: none"> <li>• Engagement and dialogue with complainants is one of the explicit process steps of the CGMP.</li> <li>• As a non-judicial mechanism, engagement and dialogue is the main modality for how grievances are resolved. To date, all the grievances in Tanzania have been resolved through dialogue (i.e. none have been escalated to legal proceedings).</li> <li>• As noted above, the CGMP has been revised to produce country specific procedures in consultation with internal and external stakeholders. This process should be continued and replicated for all of EACOP's other grievance mechanisms.</li> </ul>

#### Additional Recommendations

The main recommendation for the Human Rights Update relates to the ongoing implementation and promotion of the CGMPs in Tanzania and Uganda, including to new stakeholder groups as the Project's activities transition from land acquisition and resettlement to construction of the Early Civil Works and then the pipeline. In doing so, it is recommended that EACOP consider the following:

- Continue to promote and implement the CGMP using government representatives, community leaders, traditional leaders and influential women from Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples. Consider whether specific meetings or materials are needed to promote the CGMPs to women, youth and elders.
- As many of the community grievances are currently about land-related issues that require the involvement of government valuers, continue the good practice of communicating regularly with the complainants about progress and follow-up on the grievance status to maintain the transparency of the CGMPs.
- For challenging cases, consider involving independent human rights experts in the Appeals Committee and proactively identifying suitable experts who can be called upon on an as-needed basis.

- Ensure that the outcomes of current studies and training initiatives are used to reinforce continuous learning for the grievance mechanisms (i.e. Gender & Inclusion Impact Assessment; development of the Industrial Relations Management System; and, the internal training on appropriate behaviour).
- Consider additional training for all managers who are involved in grievance management (from EACOP, contractors and sub-contractors) on good practices for grievance management.
- Consider how to best monitor and support effective grievance management by contractors, including through collaboration with the EPcmC contractor and training initiatives for contractor' and sub-contractors' social and human resources managers.
- As part of the dialogue with the Human Resources Managers about ongoing HRDD, consider how to promote and effectively implement the Worker Grievance Mechanism for EACOP employees.

- Part Three: Monitoring and Reporting

- *Introduction*

The following part of the report focuses on EACOP’s commitments for monitoring and reporting on its ongoing HRDD efforts. While monitoring and reporting has been touched upon in the previous sections of the report, a separate section has been prepared to highlight monitoring and reporting in relation to the “tracking” and “communications” components of HRDD. This emphasis on EACOP’s commitments and responsibilities for ongoing monitoring and reporting is an important part of framing this report as a “HRDD Report” rather than just as a “HRIA Update.”

In terms of monitoring and reporting, EACOP will have several layers of internal and external reporting as described below. On the one hand, this can be seen as quite positive in terms of continuous improvement, accountability and transparency. On the other hand, multiple layers of monitoring and reporting can lead to fatigue for internal and external stakeholders, potentially contradictory findings and recommendations, and the danger that managers and staff spend more time on monitoring and reporting than on acting and engaging. Therefore, long-term planning of the monitoring and reporting systems and cycles is important to strike the right balance.

From a HRDD perspective, it is also important to emphasize that ongoing stakeholder engagement and grievance mechanisms are meant to contribute to the tracking and communications components of HRDD. Investment in and support for strong stakeholder engagement performance and effective grievance mechanisms should be a central part of the Project’s strategy for human rights monitoring—and may ultimately be more effective than auditing approaches.

- *Internal and External Monitoring Processes*

The current monitoring plans and commitments for the Human Rights Action Plan (and related management plans) are summarized in the following table.

Salient Issues	Internal Monitoring Processes	External Monitoring Processes
General (applicable to all salient issues)	<ul style="list-style-type: none"> <li>• Human Rights Steering Committee: Quarterly meetings and discussion of emerging issues, incidents or grievances</li> <li>• Human Rights Manager: ongoing engagement and observations with key departments, EPcmC, contractors and sub-contractors and affected stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• Human Rights Advisors: Support for engagement and monitoring activities; HRIA Updates.</li> <li>• LESC: ESDD and post-financial close monitoring</li> <li>• Civil society: quarterly meetings with EACOP<sup>133</sup></li> <li>• Community and workers grievance mechanisms</li> </ul>

<sup>133</sup> Although EACOP does not have a formal civil society monitoring function, the purpose of its ongoing engagement with civil society organizations is to get feedback and monitoring information from organizations who have relationships with affected stakeholders and/or field-based activities.

Salient Issues	Internal Monitoring Processes	External Monitoring Processes
Interactions with Public Security Forces	<ul style="list-style-type: none"> <li>• EACOP Security Manager: Ongoing engagement and observations of public security forces and private security providers; annual VPSHR Risk Assessment updates</li> <li>• EACOP and EPmC Security Teams: Ongoing engagement, observations and training of private security providers</li> <li>• Security Committee: Regular discussion of VPSHR implementation or incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Human Rights Advisors: Support for annual VPSHR Risk Assessment updates</li> </ul>
Road safety	<ul style="list-style-type: none"> <li>• HSE team: Ongoing inspections of vehicles and journey management plans, etc.</li> <li>• Engagement with community members through road safety campaigns</li> <li>• Transport and Road Safety Management Plan (CCP)<sup>134</sup></li> <li>• Community Health Safety and Security (CCP)<sup>135</sup></li> <li>• HSE Steering Committee: regular discussion on Road Safety and progress with strategy implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Community and workers grievance mechanisms</li> </ul>
Contractor and suppliers' workers rights	<ul style="list-style-type: none"> <li>• Project teams with support of Industrial Relations Manager</li> <li>• EACOP CLOs and Grievance Officers</li> <li>• Labour Management Plan (CCP)<sup>136</sup></li> </ul>	<ul style="list-style-type: none"> <li>• ESIA requirements for town hall meetings in communities (which would include local employees)</li> <li>• To be determined as part of the development of the Industrial Relations Management System</li> </ul>
Land and resettlement	<ul style="list-style-type: none"> <li>• Land and social team monitoring of replacement housing and livelihood programmes</li> </ul>	<ul style="list-style-type: none"> <li>• External monitoring framework for RAPs and LRPs, including completion audits</li> </ul>

<sup>134</sup> L3-CCP-HSE-UT-0504, section 4.

<sup>135</sup> L3-CCP-HSE-UT-0412, section 4.

<sup>136</sup> L3-CCP-LSO-TZ-0103, section 4.

Salient Issues	Internal Monitoring Processes	External Monitoring Processes
	<ul style="list-style-type: none"> <li>Land Management Plan (CCP)<sup>137</sup></li> </ul>	
Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples	<ul style="list-style-type: none"> <li>Quarterly engagements with traditional leaders for implementation of EACOP Plan</li> <li>Regular engagements with community leaders and members by CRCs</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders and NGOs involved in participatory monitoring framework in EACOP Plan, including development and administration of an annual community survey</li> <li>Culturally appropriate grievance mechanisms and access points</li> </ul>
Women's rights	<ul style="list-style-type: none"> <li>All internal monitoring should include a focus on women's rights and gender equality aspects.</li> <li>Additional internal monitoring to be determined through the GIAs and Gender Inclusion Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>All external monitoring should include a focus on women's rights and gender equality aspects.</li> <li>Additional external monitoring to be determined through GIIA and the Gender Inclusion Strategy</li> </ul>
Marine livelihoods	<ul style="list-style-type: none"> <li>Land and social team monitoring of livelihood programmes</li> <li>Land Management Plan (CCP)<sup>138</sup></li> </ul>	<ul style="list-style-type: none"> <li>External monitoring framework for RAPs and LRPs, including completion audits</li> </ul>
Information and consultation	<ul style="list-style-type: none"> <li>EACOP CLOs and GOs support for and monitoring of contractors' and sub-contractors' CLOs and community engagement activities</li> <li>Stakeholder Engagement Plan (CCP)<sup>139</sup></li> </ul>	

○ *KPIs and Monitoring Systems*

The Project has developed KPIs for the different management plans that form the EACOP Integrated Management System and which will, in turn, be integrated into the Human Rights Action Plan. The monitoring systems, including databases and dashboards, are still being rolled out and refined. This is understandable given the current stage of development of the Project. Going forward, it will be necessary for the relevant KPIs and monitoring systems for the Project's salient issues (with information coming from different functions) to be integrated and harmonized so that the Project can track and report in a consistent manner across the different salient human rights issues.

<sup>137</sup> L2-SD-HSE-01XX, section 4.

<sup>138</sup> *Ibid.*

<sup>139</sup> L3-CCP-LSO-TZ-0133, section 4.

In the interim period, the Human Rights Manager will organize regular meetings with the relevant functional managers to obtain information about their actions, challenges faced or additional support that may be needed to keep on track.

○ *Reporting*

Reporting helps to fulfill the “communicating” part of the HRDD process and supports the rights of affected stakeholders to information and consultation, as well as broader principles of transparency.

From a human rights perspective, it is important to remember that ongoing stakeholder engagement, translation and simplification of complex information and key messages are critical for effective communications with affected stakeholders in Tanzania and Uganda, many of whom have low levels of education and literacy. In other words, a discussion about a human rights topic in Swahili, Luganda or Maa underneath a mango tree is equally important as the production of lengthy progress reports with lots of footnotes and appendices or a PowerPoint presentation with nice graphics.

The Project is in the process of developing a number of different processes and tools for reporting explicitly on its ongoing HRDD (apart from communications about specific reporting and communications in relation to the different salient issues). These are summarized in the table below.

Modes of Communication	Communication materials
Engagement with affected stakeholders (workers and community members)	<ul style="list-style-type: none"> <li>• Human Rights Policy</li> <li>• Human rights training materials for EACOP staff and contractors</li> <li>• Graphic representations of human rights</li> <li>• Video on community grievance mechanism</li> </ul>
Engagement with civil society organizations	<ul style="list-style-type: none"> <li>• Quarterly update presentations</li> <li>• Guest speakers</li> </ul>
Communications with external stakeholders	<ul style="list-style-type: none"> <li>• HRIA 2018 and HRDD Report</li> <li>• Human rights section of EACOP website<sup>140</sup></li> <li>• Shareholders’ website(s) on EACOP<sup>141</sup></li> <li>• Annual progress reports on Human Rights Action Plan</li> </ul>

Additional Recommendations

- Ensure that the study for the Industrial Relations Management System and Gender and Inclusion Impact Assessment provide practical and operational recommendations for monitoring of workers’ rights and women’s rights aspects and that these are properly resourced and implemented.

<sup>140</sup> See: <https://eacop.com/human-rights/>

<sup>141</sup> See, for example, [TotalEnergies’ website for Tilenga and Uganda](#).



- Hold an internal workshop with relevant managers to review the KPIs (from the existing management plans) that will be used for tracking the Human Rights Action Plan and agree upon how these will be monitored.
- Begin publishing an annual progress report on the Human Rights Action Plan starting at the end of 2023.
- Provide quarterly updates to civil society organizations (as well as the traditional leaders of Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples and other stakeholders) as part of ongoing engagement meetings.
- Continue to simplify and translate materials about EACOP's salient human rights issues and management plans for communications to affected stakeholders.

## Appendix A: Alignment of EACOP Human Rights Policy with the UNGPs

<b>Overview of EACOP Human Rights Policy in relation to expectations from the UNGPs</b>	
<p>UNGP 16. As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:</p>	
<p>a) Is approved at the most senior level of the business enterprise;</p>	<ul style="list-style-type: none"> <li>The policy was signed by the EACOP Project Director after consultation with the Project's shareholders.</li> </ul>
<p>b) Is informed by relevant internal and/or external expertise;</p>	<ul style="list-style-type: none"> <li>The policy was developed through an extensive process of internal consultation with key managers, shareholders and with the input of external human rights experts.</li> </ul>
<p>c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;</p>	<ul style="list-style-type: none"> <li>The policy addresses expectations for EACOP staff, business partners and contractors and encourages multi-stakeholder action where appropriated</li> </ul>
<p>d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;</p>	<ul style="list-style-type: none"> <li>The policy is available on the EACOP website and has been communicated internally through human rights training for staff and contractors and externally to civil society organizations.</li> </ul>
<p>e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.</p>	<ul style="list-style-type: none"> <li>The policy is reflected in the Project's key environmental, social, health, safety, security and human resources policies and in the Contractor Control Plans that set out standards for contractor and sub-contractor performance.</li> </ul>

## Appendix B: EACOP Human Rights Action Plan

**EACOP**  
**HUMAN RIGHTS ACTION PLAN**  
**2022**

# Acronyms

CCP	Contractor Control Plan
CCIP	Contractor Control Implementation Plan
CHMP	Cultural Heritage Management Plan
CHSSP	Community Health, Safety, and Security Plan
CLO	Community Liaison Officer
CRC	Community Relations Coordinator
EACOP	East African Crude Oil Pipeline
ESIA	Environmental and social impact assessment
EPcmC	Engineering Procurement construction management Contractor
ESMP	Environment and Social Management Plan
ECW	Early Civil Works
GoT	Government of Tanzania
HRDD	Human Rights Due Diligence
HRIA	Human rights impact assessment
HuRi	Human Rights
IFC	International Finance Corporation
MEZ	Marine Exclusion Zone
MoU	Memorandum of Understanding
MST	Marine storage terminal
PAC	Project Affected Community
UNGPs	UN Guiding Principles on Business and Human Rights
VPSHR	Voluntary Principles on Security and Human Rights

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## INTRODUCTION

This document presents the EACOP Human Rights Action Plan (HuRi Action Plan) for Uganda and in Tanzania. It describes the general approach and specific commitments by EACOP first set out in the 2018 Human Rights Impact Assessment and updated in the 2022 Human Rights Due Diligence Report. The HuRi Action Plan also includes separate Gantt charts for tracking the actions to be implemented for each of the salient human rights issues in Uganda and Tanzania (see a Gantt chart example in Appendix A). These Gantt charts will be updated in October 2022 to include any new recommendations from the HRIA update and to take into account the updated schedule for activities for 2023.

## BACKGROUND

In 2018, EACOP conducted a Human Rights Impact Assessment (HRIA) in Uganda and in Tanzania. An internationally recognized third-party was commissioned to conduct the HRIA exercise. The primary objective of the HRIA was to provide a comprehensive review of any actual and potential human rights impacts related to the EACOP project (the Project) and to provide recommendations for further strengthening the measures undertaken to address these impacts.

The HRIA identified eight salient human rights issues listed below. They apply for both countries, Uganda and Tanzania, except otherwise specified:

- Women's rights
- Workers' rights in the whole supply chain
- Community health & safety
- Public Security Forces
- Marine livelihoods (Tanzania)
- Land and resettlement
- Indigenous People (Tanzania)
- Information and consultation

This HuRi Action Plan has been reviewed and updated alongside the preparation of the Human Rights Due Diligence (HRDD) Report, which includes an update of the initial HRIA report to ensure the prioritization of salient issues and key recommendations are relevant for the current stage of development of the Project. This process to update the HRIA has confirmed with internal and external stakeholders that the prioritization of salient human rights issues remains valid with some additions or nuances that have been incorporated into the HuRi Action Plan as outlined below.

## HUMAN RIGHTS ACTION PLAN

This HuRi Action Plan is based on component Gantt charts developed for each identified salient issue (See Appendice A for an example). Each Gantt chart proposes an annual schedule for the delivery of the specified actions/recommendations as from end 2021. The following presents a summary description of the rationale and the recommended actions for each salient issue.

### ***General – EACOP Human Rights Framework***

The EACOP Project started the priority area land acquisition process in June 2021 (completed January 2022) and continues land acquisition of the pipeline right of way, above ground installation and access roads throughout 2022 and into mid-2023. Completion of the priority area land acquisition process enabled the start of Early Civil Works in priority work areas from late 2021 and throughout 2022 in advance of the main construction phase (from 2023 to 2025). Many of the Project's activities and potential Human Rights related risks and impacts will be related to contractors and sub-contractors establishing themselves in the Project work area(s) to prepare for and deliver their work scopes. Therefore, a key element of the Project's approach to ongoing HRDD has been to integrate

human rights management and mitigation measures into the Project's Contractor Control Plans (CCPs-which apply for all contractors) on topics that correspond to the salient issues prioritized in the HRIA (e.g. Community Health, Safety and Security Management Plan; Occupational Health, Safety and Security Plan; Labour Management Plan, Land Management Plan, Natural Resources Plan and Pollution Prevention Plan)<sup>142</sup>.

In addition to Project's commitments and oversight of the salient issues, human rights provisions have been integrated into EACOP's policy and management framework, including the respective country's Social Management Plan, the Stakeholder Engagement Plan, Resettlement Action Plans the Project Grievance Management Procedure. Focus now turns to implementing the mitigation set forth in the abovementioned plans and procedures and performance monitoring.

The EACOP Human Rights Action Plan has been developed in accordance with the UNGPs and also to be consistent with the HRIA. The Human Rights Action Plan framework includes:

- (i) A system for ongoing assessment of context and evolving human rights impacts and risks and development of appropriate templates for reporting
- (ii) establishment of a HuRi Policy (available on website)
- (iii) establishment of a HuRi Steering Committee (done)
- (iv) development and implementation of a HuRi Action Plan (this document)
- (v) development of an internal periodic report
- (vi) development of an external HuRi report and define communications.

### ***Women's Rights***

The HRIA report focused on the importance of clear commitments to women's rights in (i) the EACOP policies and Code of Conduct related to non-discrimination, harassment and Gender Based Violence (GBV) including a zero-tolerance for sexual harassment as a key platform in the HuRi Action Plan (ii) assess EACOPs actual and potential gendered impacts through Gender & Inclusion (G&I) Impact Assessment and development of a Gender & Inclusion (G&I) Strategy and supporting Action Plan(s) ; (iii) strengthen accessibility for women to raise grievances (including in relation to harassment or gender-based violence); (iv) Ensure all relevant data obtained is gender-disaggregated.

In 2022 Gender & Inclusion Impact Assessments have started in Tanzania and Uganda with international and local gender experts. The HuRi Action Plan will incorporate the G&I Strategy and Action Plan(s) (due January 2023) activities relevant to women's rights and gender equality into the abovementioned Gantt charts to track implementation and monitoring and reporting data.

### ***Workers' Rights***

Key recommendations from the HRIA are focused on the following components of workers' rights in line with international labour rights standards:

- Non-discrimination
- Freedom from child labour
- Freedom from forced labour
- Freedom of association
- Just and favourable working conditions
- Safe and healthy working conditions

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<sup>142</sup> A mapping of the integration of human rights into all EACOP policies and procedures is included in the HRIA update.



- Contractor and suppliers' workers' rights

The main risks related to workers' rights for EACOP are mitigated through the management of its contractors and suppliers' workforce. There will be a large contractor workforce for the construction phase of the EACOP facilities. Construction Contractors are managed by the EACOP Project Integrated Management Team comprising EACOP and EPmC (Worley) resources. Workers' rights during the land acquisition process, inclusion replacement housing construction and livelihood restoration is managed by EACOP.

EACOP's Human Rights Policy makes strong commitments to upholding and respecting workers' rights across its operations. For contractors and suppliers' workers, these are cascaded in EACOP's Fundamental Principles on Purchasing, which are incorporated into all contracting and procurement processes. The Labour Management CCP covers some potential impacts on workers' rights in line with international and national labour rights standards. It is necessary to ensure that all CCIPs (Contractor Control Implementation Plan) are well aligned and meet EACOP minimum requirements regarding worker's rights as they pertain to the Contractor scope of work.

There are high expectations from regional and district government, ward authorities and local communities to maximize local content requirements, with a focus on employment opportunities and procurement of goods and services from within the District and Region. In situations where construction contractors require a temporary workforce for relatively short durations, the nature of the recruitment process, labour agreement, working conditions during employment and demobilisation arrangements if not managed carefully may increase the risks of potential impacts on workers' rights. Therefore, EACOP must be vigilant regarding workers' rights impacts related to smaller contractors and suppliers (e.g. unskilled labour, drivers, cleaning staff, catering services, private security guards, etc.).

The Environmental and Social Due Diligence (ESDD) report by Lender Group Consultants (Golder) identified the following specific Environmental and Social Action Plan (ESAP) actions related to labour rights:

- ESAP Action PS 2.1: To establish a robust management system to monitor labour aspects across the workforce, including those managed by Contractors, to ensure compliance with International Finance Corporation (IFC) Performance Standard (PS) 2: Labour & Working Conditions along the supply chain, and
- ESAP Action PS 2.5: To develop a Construction phase Industrial Relations Management System (IRMS) including organization, roles, responsibilities, lines of communication and training, to consistently manage industrial relations across the countries, lots, spreads, and camps.

The ESAP actions have been incorporated into a scope of work being delivered by experienced Industrial Relations Consultants between September and December 2022. The initial deliverable for the scope is the development of a PS2 compliant Industrial Relations Management System (IRMS). Following the IRMS development Project will determine the training, capacity building and guidance required to contractors on implementation of the IRMS requirements and determine the resourcing requirements to support IR management during the Project construction phase and monitor and report on Project IR performance. It is anticipated that this process should significantly strengthen the Project's ongoing HRDD in relation to contractors' worker rights. One specific issue where the IRMS is expected to provide additional guidance relates to the adequacy of minimum wages in Tanzania and Uganda.

*N.B: Although the main focus for workers' rights is on Contractors' workers, the rights of EACOP staff will also be reviewed as part of ongoing human rights due diligence in collaboration with the EACOP Human Resources Managers for Tanzania and Uganda.*

## **Security**

There will be interaction between public security forces and EACOP staff and community members and other stakeholders along the pipeline, at the EACOP facilities including at the marine terminal in Tanga in order to enforce the marine exclusion zone (MEZ).

Interaction between EACOP and public security forces may result in impacts on a variety of human rights either directly for EACOP, its Contractors and their workforce or for the wider community in the vicinity.

The most severe potential impacts would occur from the inappropriate use of force by public or private security in a range of potential situations. For example, to protect EACOP's assets and workers from criminal activity or during a non-violent demonstration by community members.

Given that the EACOP facilities are in the "national interest" and that the national petroleum companies of Tanzania and Uganda are EACOP shareholders, there will be a strong perceived connection between EACOP and any interventions by public security forces.

Taking this into account, EACOP has to ensure

- The development and the implementation of a Security Management Plan in line with the VPSHR for all project components (i.e including marine aspects and not only the pipeline security)
- An updated VPSHR risk assessment identifying specific risks, mitigation measure and engagement strategies for private & public security forces.
- The development of formal agreements (MoUs) with the relevant public security forces (police, military, navy, etc.) aligned with the VPSHR.
- The development of VPSHR training materials specific for the EACOP countries and operating context which can be delivered to public and private security forces.
- The development of a community security strategy, shared with and known to community leaders and Project Affected Communities, to ensure improved awareness, development of positive relations with security actors, and access to remedy.

## **Community Health and Safety**

The HRIA has focused primarily on the road safety aspects of community safety. Road safety is a priority given the high number of Project related truck movements that will occur, particularly during the construction phase and transportation of pipe sections across Tanzania and into Uganda. Road safety presents human rights risks for community members in terms of the right to health and in the case of serious accidents on the right to life itself. Children are particularly vulnerable to road safety risks. In addition, the drivers themselves may have impacts in terms of the right to health, the right to life, as well as the right to safe and healthy working conditions.

As the greatest risk of road safety impacts relates to trucking contractors, EACOP will not directly cause these impacts; however, it has a responsibility to ensure that its Transport and Road Safety requirements are rigorously applied by its Contractors and Suppliers. EACOP must also ensure that appropriate community road traffic awareness campaigns are implemented.

In addition, EACOP shall include in its emergency response plan a community emergency response component in case of any emergency event which also could affect the communities.

### *Specific topic: Water and Environment*

A site-specific groundwater study will be conducted to determine the risk of the Project's water use through groundwater and surface water abstraction, potentially impacting on Project Affected Communities (PACs) water supplies.

EACOP will monitor the Project's water use to identify any impact on the local population's water supply and manage the potential contamination of surface water and soil which can potentially pollute superficial ground water sources.

In addition, EACOP has initiated a number of studies on climate change in Tanzania and Uganda and the relevant issues and mitigation measures from a human rights perspective will be integrated in future revisions to the Human Rights Action Plan.

### **Marine livelihoods**

A baseline and marine livelihoods study has been undertaken and a preliminary Livelihood Restoration Plan developed as part of the Chongoleani Peninsula Supplementary Resettlement Action Plan. Further data collection is ongoing and the RAP and LRP will be updated accordingly. The implementation of the livelihood restoration programmes will start in 2023.

There are ongoing discussions about whether local community members will be granted access under the jetty for either gleaning or fishing. A security risk assessment is ongoing and will evaluate a number of access scenarios (including no access) to provide further input to decision making process. The HuRi Action Plan will be updated after the final decision is made.

### **Land and resettlement**

EACOP has invested significant resources in the land acquisition process, resettlement planning for changes to the project footprint and resettlement implementation for the majority of the project footprint are ongoing. The main approaches to mitigation are defined in the 11 Resettlement Action Plans (1 in Uganda and 10 in Tanzania) which each include a Livelihood Restoration Plan (LRP). Separate RAPs and LRPs have been developed for Tanzania and Uganda to take into account the distinctive legal framework and social issues related to land tenure in both countries.

The main areas for ongoing attention and integration into the relevant resettlement action plans and livelihood restoration plans are:

- Implementation of contingency procedures for situations of elevated human rights risk (e.g. refusal to participate, contested inheritance or multiple claims on land, etc.).
- Implementation of a comprehensive plan for vulnerable groups, including meaningful engagement during planning, implementation and monitoring.
- Implementation of a participatory monitoring plan for livelihood restoration.
- Promotion of the community grievance mechanism to address concerns related to land disputes, compensation and livelihood impacts, and ensuring the mechanism has the capacity to effectively resolve such issues.

### **Indigenous People (Tanzania)**

Regarding indigenous peoples (called in Tanzania: vulnerable people and groups recognized as indigenous peoples according to international standards), the immediate priority related to ongoing consultation and engagement to determine exactly where the pipeline intersects with the lands and/or cultural heritage sites of indigenous peoples, who are their traditional leaders and representatives in order to develop a specific consultation and engagement process that respects the spirit and intent of FPIC.

Wherever it is determined that there is an interaction between EACOP and indigenous peoples lands and/or cultural heritage sites, it is recommended that the overall approach for respecting indigenous peoples rights should be based on the following principles:

- Avoid using only national criteria and considerations for the recognition of specific groups as indigenous peoples.
- Frame respect for indigenous peoples as part of EACOP's broader commitment to respect human rights for all stakeholders.
- Build upon existing processes for stakeholder engagement and due diligence.
- Consult upon what sort of agreements are desirable and feasible in the context of the EACOP project.
- Be prepared to work with other parties to advance respect for indigenous peoples.
- Be particularly diligent about documentation of all efforts to respect indigenous peoples rights.

Extensive efforts have been undertaken by the Project to develop an EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (EACOP Plan) in Tanzania in collaboration with traditional leaders, community members, NGOs, experts and government representatives. The EACOP Plan was signed by traditional leaders in September 2022 and builds on the EACOP Framework signed in October 2021. The key commitments from the EACOP Plan will be included in the HuRi Action Plan update.

### ***Information and consultation***

The main recommendation related to the ongoing development and implementation of a comprehensive and effective Stakeholder Engagement Plan (SEP). In this regard, some specific approaches and actions have been already implemented:

- The SEP should be based on a social and human rights risk analysis,
- The SEP should be supported by a system for recording and tracking the stakeholder engagement activities and commitments,
- There should be regular public reporting on the implementation of the SEP and the fulfilment of commitments.

Grievance mechanisms were included as part of information and consultation in HRIA. Based on feedback from stakeholders, this is an important area of attention for the Project. Rather than creating a separate salient human rights issue on grievance mechanism, actions related to the implementation of grievance mechanisms will be integrated into each of the salient human rights issue in the HuRi Action Plan update.

## **IMPLEMENTATION**

As described above, a 2022 workplan has been defined for each salient issue.

Responsibility for addressing the workplan for each salient issue has been assigned to the relevant functional entity and manager (Table 1).

Table 1. Assignment of Identified Salient Issues by Function

NO	SALIENT ISSUE	HRIA FINDINGS & SALIENT ISSUES	LEAD FUNCTIONAL ENTITY
1	General	<ul style="list-style-type: none"> <li>▪ Human Rights Policy</li> <li>▪ Coordination for HRIA Action Plans</li> <li>▪ Stakeholder engagement</li> </ul>	Human Rights Manager
2	Women's rights	<ul style="list-style-type: none"> <li>▪ Women's Rights and Gender Equality</li> </ul>	Land & Social Human Resources Project Team
3	Workers' rights	<ul style="list-style-type: none"> <li>▪ Non-Discrimination</li> <li>▪ Freedom for child labour</li> <li>▪ Freedom for forced labour</li> <li>▪ Freedom of association</li> <li>▪ Fair and safe working conditions<sup>143</sup></li> <li>▪ Direct workers</li> <li>▪ Contractors</li> </ul>	Project Team – Package managers with support of Industrial Relations  Human Resources for EACOP staff
4	Security	<ul style="list-style-type: none"> <li>▪ VPSHR</li> <li>▪ Interaction with private security providers Community Based Security,</li> </ul>	Security
5	Community Health & Safety	<ul style="list-style-type: none"> <li>▪ Community to be included in Emergency Preparedness</li> <li>▪ Water and Environment</li> </ul>	Health, Safety and Environment (HSE) and Land & Social
6	Marine livelihoods	<ul style="list-style-type: none"> <li>▪ Conduct a marine livelihoods study and develop a Marine Livelihood Restoration Plan</li> <li>▪ attention to 2 fishing communities: Changoleani and Putini (MEZ)</li> </ul>	Land and Social
7	Land and resettlement	<ul style="list-style-type: none"> <li>▪ Land acquisition and compensation process incl. the farm season</li> <li>▪ Flexible strategy to manage the complex reality of spousal relationships during compensation process</li> <li>▪ The whole process ensures fair compensation</li> <li>▪ Plan for livelihood restoration</li> <li>▪ Involuntary resettlement and GSF</li> </ul>	
8	Indigenous People	<ul style="list-style-type: none"> <li>▪ Develop a specific consultation and engagement process that respects the spirit and intent of FPIC.</li> </ul>	
9	Information and consultation	<ul style="list-style-type: none"> <li>▪ SEP proper implementation</li> <li>▪ Record &amp; Communication</li> </ul>	

As such each functional manager will:

- Participate in and contribute to ongoing human rights impact and risk assessment stemming from a change in content and/or project operations. Assume primary responsibility for ensuring that the actions identified in the workplan are addressed. The functional manager may assign the component actions to specific sub-functions and/or team members to ensure

<sup>143</sup>in the HR policy this is defined as Working conditions and remuneration which preserve Human dignity

the actions are addressed in accordance with the schedule outlined in the specified Gantt chart.

- Ensure that the relevant KPIs are well defined and tracked to monitor and follow that progress in addressing the actions are tracked on a regular basis such that tracking can be shared with the Human Rights Manager. At the outset this information will be shared through regular meetings (at least quarterly) until the dashboard is created.
- Ensure that evidence of continuous assessment and continuous improvement and/or new initiatives is collated and made available to the Human Rights Manager as required.
- Support the Human Rights Manager 'trust and verify' requirements including the compilation of evidence, facilitating access to staff with specific actions and facilitating field visits as required.

## **MONITORING AND EVALUATION**

The Human Rights Manager will have responsibility for monitoring the ongoing implementation of the HuRi Action Plan. Monitoring will involve the following activities:

- Review KPIs to be followed and ensure they are well tracked in the relevant system(s).
- Regular update meetings with functional leads responsible for addressing actions for each priority salient issue and discussing any grievances that may be relevant to human rights.
- Periodic field visits to verify continuous improvement and/or implementation of actions for each priority salient issue and assess the adequacy of these actions in addressing the identified human rights impacts and risks.
- Development of internal quarterly HuRi Action Plan progress reports.

The Human Rights Manager will work with the relevant teams to ensure the progress is tracked on a regular basis (on different basis according to the topics), providing input into functional quarterly reports and the annual report for the HuRi Action Plan. A HuRi Action Plan monitoring matrix has to be developed in EACOP Management System to track progress in Human Rights.

The HuRi Steering Committee will oversee implementation of the HuRi Action Plan. The HuRi Steering Committee meets on a quarterly basis although ad hoc meetings can be called to address critical concerns as they arise. During each meeting the Human Rights Manager will provide an update on the implementation of the HuRi Action Plan including:

- Overview of evolving context and new human rights impacts and risks
- Need for new and/or additional assessment of salient issues and/or present results of such assessments
- Progress on implementation of HuRi Action Plan and corrective actions
- Summary of engagement with Human Rights stakeholders

## **REPORTING**

EACOP will prepare an annual report to describe the implementation of the HuRi Action Plan. The annual report will provide an overview of the HuRi Action Plan (i.e., this document) and specifically provide an update regarding the delivery of actions addressing the recommendations for key salient issues. The draft annual report will be shared with the HuRi Steering Committee and once approved, the final report will be made available to internal and external stakeholders in both English and Swahili.

## **COMMUNICATION**

### ***Internal Stakeholders***

The Human Rights Manager will provide quarterly updates (based on the material prepared for and the decisions made by the HuRi Steering Committee) regarding ongoing assessment of human rights impacts and risks and delivery of the HuRi Action Plan as appropriate. The annual progress report will be shared with EACOP staff.

### ***External Stakeholders***

The Human Rights Manager will establish and maintain relationships with external stakeholders including the non-governmental and civil society organizations with an interest in EACOP Project management of human rights impacts and risks and also the non-governmental organizations with a partnership with EACOP. In addition, periodic updates of the progress in implementing the HuRi Action Plan will be provided through the Project's regular CSO/NGO engagement meetings.

As described above the annual progress report will be made available in English and Swahili. A specific meeting to present the report will be arranged with Tanzanian & Ugandan Human rights stakeholders. The report will also be disclosed on the EACOP website.

## APPENDIX A: HRDD ACTION PLAN FRAMEWORK

### EXAMPLE : ACTION PLAN FRAMEWORK TO ADDRESS GENERAL RECOMMENDATIONS 2022

Recommendation	2021	2022												Targets/ KPIs	Methodology	Result		
	Q4	Q1			Q2			Q3			Q4							
	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV				DEC	
A system for ongoing assesment of context and evolving human rights impacts and risks																		
Develop a stand-alone Human Rights Policy and HURI Action Plan in a participatory manner																		
<b>Implement a cross-functional Steering Committee to assist with implementation of the HuRi Action Plan</b>																		
Develop a template for periodic internal reporting that compiles the relevant information about the different components of HuRi Action Plan across the various salient issues.																		
Develop a communication plan for public reporting and proactive information-sharing at local, regional, national levels that is aligned with good reporting practices in the UNGP Reporting Framework.																		



## Appendix C: Review of HRIA Recommendations on Approach to HRDD

EACOP's Overall Approach to HRDD	
Recommendations from HRIA 2018	Actions Taken
<b>Identification and Assessment of Impacts</b>	
<ul style="list-style-type: none"> <li>• Completion of a number of ongoing processes that are compiling information and developing mitigation plans that are relevant for additional assessment of the salient human rights issues. These include the finalization of VPSHR risk assessments for Tanzania and Uganda; completion of the resettlement action plans and livelihood restoration plans for Tanzania, Uganda and the MEZ; additional engagement and research on potential interactions with indigenous peoples; the selection of the ECPM contractor(s) and development of more detailed contractor management plans; the development of a project-induced influx management plan; and, further decision-making about the design and management of camps, transportation routes, etc. To build upon the integrated HRIA approach to date, the HRIA team can provide targeted input and advice into these ongoing processes as needed.</li> </ul>	<ul style="list-style-type: none"> <li>• The following studies have been completed and are integrated into the Human Rights Action Plan:               <ul style="list-style-type: none"> <li>○ VPSHR Risk Assessments for Tanzanian and Uganda</li> <li>○ Resettlement Action Plan and Livelihood Restoration Plans for all districts in Tanzania and Uganda</li> <li>○ Additional studies on marine livelihoods affected by the MEZ</li> <li>○ Ethnographic Study on Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples</li> <li>○ Development of detailed Contractor Control Plans that incorporate human rights aspects</li> <li>○ A Project-Induced In-Migration study to identify potential “hotspots” and strategies for managing potential influx</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Agreement on a process for updating the Provisional HRIA and producing a Final HRIA in a manner that incorporates as much of the additional information about mitigation measures in order to further refine the assessment of salient human rights issues. Moreover, the process for producing a Final HRIA should include opportunities for consultation with internal and external stakeholders to validate the final prioritization of salient human rights issues and to get feedback on proposed mitigation measures and the</li> </ul>	<ul style="list-style-type: none"> <li>• The Project has agreed upon a process for updating the HRIA 2018 and the HRIA Update is included in Part Two of this HRDD Report.</li> <li>• The preparation of the HRIA Update has included consultation with internal and external stakeholders to validate and refine the salient issues identified in the initial assessment.</li> </ul>

EACOP's Overall Approach to HRDD	
Recommendations from HRIA 2018	Actions Taken
<p>overall approach to human rights due diligence.</p>	
<ul style="list-style-type: none"> <li>Recognizing that the identification and assessment of human rights impacts is an ongoing process that should be undertaken at regular intervals in a project lifecycle,<sup>144</sup> it is suggested that another human rights impact assessment process should be conducted towards the end of the construction phase and prior to the commencement of operations, taking into account the latest information about the project plans and feedback from affected stakeholders about impacts or concerns that are relevant to human rights. This process would involve reviewing and updating the final HRIA and should revise the prioritization of potential human rights impacts and adapt relevant mitigation measure for the operational phase, as well as identify areas where remediation may be necessary for impacts from the construction phase.</li> </ul>	<ul style="list-style-type: none"> <li>The mandate of the Human Rights Steering Committee includes the ability to adjust or add salient human rights issues during the construction phase.</li> <li>A recommendation is included in the HRIA Update to conduct a HRIA Update towards the end of the construction phase.</li> </ul>
<b>Integrating and Acting</b>	
<ul style="list-style-type: none"> <li>Once the HRIA and other relevant environmental and social due diligence processes have been finalized, an overall Human Rights Action Plan can be finalized for EACOP. To effectively integrate the findings, the UNGPs suggest that responsibility for addressing impacts is assigned to the appropriate level and function within the business enterprise and that internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.<sup>145</sup> Given that EACOP's final organizational structure has not yet been</li> </ul>	<ul style="list-style-type: none"> <li>A Human Rights Action Plan has been prepared in 2022. As described above, this action plan will be updated to incorporate the results of the HRIA Update and other ongoing studies.</li> <li>A Human Rights Steering Committee with cross-functional membership has been created to support integration and action across all relevant functions; and, the Human Rights Action Plan assigns responsibilities to the relevant functions for ongoing implementation and monitoring.</li> </ul>

<sup>144</sup> See: UNGP 17(c) and Commentary to UNGP 18.

<sup>145</sup> See UNGP 19 and Commentary.

EACOP's Overall Approach to HRDD	
Recommendations from HRIA 2018	Actions Taken
<p>finalized, it is premature to assign responsibility for follow-up actions. However, experience from other companies suggests that an internal working group or task force is often an effective vehicle for sharing responsibility and oversight among the various departments that have a role in addressing human rights.</p>	
<ul style="list-style-type: none"> <li>Another part of acting upon findings relates to using leverage to address potential impacts that are caused or contributed to by EACOP's business partners. Training and capacity-building often are effective ways to exercise leverage with business partners. Therefore, it is recommended that EACOP can proactively develop training and capacity-building strategies to help mitigate human rights risks related to different business partners. For example, training materials on the VPSHR could be prepared in anticipation of early engagement with private and public security forces, and training materials on workers' rights could be prepared to support early engagement with the ECPM contractor(s) and sub-contractors.</li> </ul>	<ul style="list-style-type: none"> <li>EACOP has developed various human rights training initiatives for staff and contractors that are based on the EACOP Human Rights Policy. This training is being rolled out in a comprehensive manner with the intention of building awareness with all staff and contractors.</li> <li>A separate VPSHR training programme is being developed and implemented for private security contractors and public security forces.</li> </ul>
<b>Tracking and Monitoring</b>	
<ul style="list-style-type: none"> <li>The UNGPs state that business enterprises should track the effectiveness of their responses and actions to prevent and mitigate human rights impacts.<sup>146</sup> In essence, this involves developing a monitoring plan to accompany the Human Rights Action Plan suggested above. Ideally the monitoring plan will include appropriate qualitative and quantitative indicators and will draw upon feedback from both internal and</li> </ul>	<ul style="list-style-type: none"> <li>The Project is developing KPIs and monitoring systems for each of the salient human rights issues included in the Human Rights Action Plan. While those monitoring systems are being finalized, the Human Rights Manager is engaging with the relevant managers to track progress on the implementation of the current actions and commitments for the salient human rights issues in the Human Rights Action Plan.</li> </ul>

<sup>146</sup> See UNGP 20 and Commentary.

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Recommendations from HRIA 2018	Actions Taken
external sources, including affected stakeholders.	<ul style="list-style-type: none"> <li>It is recommended that progress on implementation of the Human Rights Action Plan will be consulted with internal and external stakeholders.</li> </ul>
<ul style="list-style-type: none"> <li>In considering the development of a monitoring plan, the potential integration into mechanisms for monitoring the ESMP implementation should be considered.</li> </ul>	<ul style="list-style-type: none"> <li>One of the monitoring systems being developed by the Project is for monitoring the implementation of the ESMP, including by contractors. This will be integrated into the overall monitoring for the Human Rights Action Plan.</li> </ul>
<ul style="list-style-type: none"> <li>To the extent possible, participatory monitoring processes that involve consultation with affected stakeholders and other actors (e.g. civil society organizations or National Human Rights Institutions) should also be considered.</li> </ul>	<ul style="list-style-type: none"> <li>It is recommended that ongoing monitoring of the Human Rights Action Plan will involve regular consultation with civil society organizations in Tanzania and Uganda.</li> <li>The EACOP Plan for Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples includes commitment for participatory monitoring by NGOs and traditional leaders.</li> </ul>
<b>Communication</b>	
<p>In the longer-term, EACOP may consider various forms of formal reporting about its environmental, social and human rights performance, but in the shorter-term it is recommended that EACOP begins to communicate about its human rights commitments and due diligence efforts in the following ways:</p>	
<ul style="list-style-type: none"> <li>Include some information about the human rights aspects that have been integrated into the ESIA in forthcoming consultations or communications campaigns about the ESIA.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing communications and engagement about the ESIA are in process for community members and Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples.</li> </ul>
<ul style="list-style-type: none"> <li>Consider publishing the Final HRIA in as transparent a manner as possible, but at a minimum publish a summary of the main findings, recommendations and agreed HRDD actions.</li> </ul>	<ul style="list-style-type: none"> <li>EACOP has published the full Provisional HRIA and is committed to publishing the HRIA Update included in this HRDD Report.</li> </ul>
<ul style="list-style-type: none"> <li>As part of the overall Stakeholder Engagement Plan for the project, develop a specific stakeholder engagement plan</li> </ul>	<ul style="list-style-type: none"> <li>EACOP has developed an ongoing process for regular meetings with civil society organizations in Tanzania and Uganda.<sup>147</sup></li> </ul>

<sup>147</sup> In Uganda, EACOP's engagement with civil society organizations is complementary to the ongoing engagement efforts of the Tilenga Project.

<b>EACOP's Overall Approach to HRDD</b>	
<b>Recommendations from HRIA 2018</b>	<b>Actions Taken</b>
for local and national civil society organizations who are interested in human rights to facilitate ongoing communication and feedback on other components of human rights due diligence.	As mentioned above, the ongoing meetings with civil society organizations should include regular discussion of implementation of the Human Rights Action Plan.

## Appendix D: EACOP Policies and Plans to Support HRDD

The following table shows the EACOP policies, management plans and contractor control plans (CCPs) that support the implementation of the Human Rights Policy and Human Rights Action Plan. This is intended to illustrate the “integration” part of the process of HRDD.

Salient Issue	Human Rights Policy	Additional Policies and Procedures
Interaction with public security forces	<ul style="list-style-type: none"> <li>Promote the Voluntary Principles on Security and Human Rights during engagement with any public security forces and implement them while using private security providers.</li> </ul>	<ul style="list-style-type: none"> <li>MoUs with Public Security Forces (currently being finalized)</li> <li>EACOP VPSHR Management Plan for the Construction Phase (forthcoming)</li> <li>EACOP VPSHR Implementation Guideline for Operations (forthcoming)</li> <li>EACOP Health, Safety &amp; Environmental Policy</li> <li>Community Health, Safety and Security Management Plan (CCP)</li> <li>Occupational Health, Safety and Security Plan (CCP)</li> <li>Labour Management Plan (CCP)</li> <li>Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>
Road safety	<ul style="list-style-type: none"> <li>Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders who can freely express their concerns.</li> <li>Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>EACOP Health Safety &amp; Environmental Policy</li> <li>Transport and Road Safety Management Plan (CCP)</li> <li>Community Health, Safety and Security Management Plan (CCP)</li> <li>Occupational Health, Safety and Security Plan (CCP)</li> <li>Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>

Salient Issue	Human Rights Policy	Additional Policies and Procedures
	<ul style="list-style-type: none"> <li>• Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.</li> </ul>	
Contractor and supplier's workers' rights	<ul style="list-style-type: none"> <li>• Ensure that working conditions and remuneration of EACOP employees preserve human dignity and seek that our (sub)contractors and suppliers apply the same. This includes provision of a healthy and safe workplace where workers are protected from accidents, injuries and work-related illnesses.</li> <li>• Prohibit: <ul style="list-style-type: none"> <li>- Discrimination based on origin, gender, age, disability, gender identity or affiliation</li> <li>- Any form of harassment</li> <li>- Forced or compulsory labour</li> <li>- Child labour.</li> </ul> </li> <li>• Respect the rights for freedom of speech, expression, access to information, association, collective bargaining, freedom of thought, conscience, and religion.</li> </ul>	<ul style="list-style-type: none"> <li>• EACOP Code of Conduct</li> <li>• EACOP Health Safety &amp; Environmental Policy</li> <li>• Labour Management Plan (CCP), including grievance management procedure for workers.</li> <li>• Industrial Relations Management System (forthcoming)</li> <li>• Camp Management CCPs</li> <li>• Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>
Land and resettlement	<ul style="list-style-type: none"> <li>• Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders who can freely express their concerns.</li> <li>• Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly</li> </ul>	<ul style="list-style-type: none"> <li>• Land Management Plan</li> <li>• Resettlement Policy Framework</li> <li>• Resettlement Action Plans</li> <li>• Livelihood Restoration Plans</li> <li>• Stakeholder Engagement Plans</li> <li>• Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>

Salient Issue	Human Rights Policy	Additional Policies and Procedures
	<p>affected by our activities and incorporate stakeholder concerns and feedback when appropriate.</p> <ul style="list-style-type: none"> <li>• Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.</li> </ul>	
Vulnerable Ethnic Groups Self-Identifying as Indigenous Peoples (Tanzania)	<ul style="list-style-type: none"> <li>• Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people and groups that are recognized as indigenous peoples according to international standards, meaning the Maasai, Akie, Barabaig and Taturu.</li> </ul>	<ul style="list-style-type: none"> <li>• EACOP Plan for Vulnerable Ethnic Groups Self Identifying as Indigenous Peoples in Tanzania, including culturally-appropriate grievance mechanisms</li> <li>• EACOP Framework for Vulnerable Ethnic Groups Self Identifying as Indigenous Peoples in Tanzania</li> <li>• EACOP Health Safety &amp; Environmental Policy</li> <li>• Resettlement Action Plans and Livelihood Restoration Plans</li> <li>• Cultural Heritage Management Plan</li> <li>• Land Management Plan (CCP)</li> <li>• Community Health, Safety and Security Management Plan (CCP)</li> <li>• Stakeholder Engagement Plan (CCP)</li> </ul>
Women's rights	<ul style="list-style-type: none"> <li>• Be sensitive to gender and actively promote the representation, participation and development of women in carrying out our business activities.</li> </ul>	<ul style="list-style-type: none"> <li>• EACOP Human Rights Policy</li> <li>• EACOP Code of Conduct</li> <li>• Labour Management Plan (CCP), including grievance management procedure for workers</li> <li>• Occupational Health, Safety and Security Plan (CCP)</li> <li>• Stakeholder Engagement Plan (CCP)</li> </ul>



Salient Issue	Human Rights Policy	Additional Policies and Procedures
		<ul style="list-style-type: none"> <li>• Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>
Marine livelihoods (Tanzania)	<ul style="list-style-type: none"> <li>• Conduct ongoing human rights due diligence using a risk-based approach identifying, assessing, acting, tracking and communicating on human rights risks and impacts related to EACOP activities, including paying attention to the rights of vulnerable people...</li> <li>• Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders who can freely express their concerns.</li> <li>• Engage in specific consultation in a way that is culturally appropriate, timely and respectful with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.</li> <li>• Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.”</li> </ul>	<ul style="list-style-type: none"> <li>• EACOP Health Safety &amp; Environmental Policy</li> <li>• Vessel Environmental and Social Management Plan (CCP)</li> <li>• Resettlement Action Plan (Tanga Region and MST)</li> <li>• Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>
Information and consultation	<ul style="list-style-type: none"> <li>• Maintain a comprehensive stakeholder-engagement process including information sharing, meaningful and inclusive consultation and dialog with stakeholders who can freely express their concerns.</li> <li>• Engage in specific consultation in a way that is culturally appropriate, timely and respectful</li> </ul>	<ul style="list-style-type: none"> <li>• EACOP Health Safety &amp; Environmental Policy</li> <li>• Stakeholder Engagement Plan</li> <li>• Community Grievance Management Procedures for Tanzania and Uganda</li> </ul>

Salient Issue	Human Rights Policy	Additional Policies and Procedures
	<p>with local communities directly affected by our activities and incorporate stakeholder concerns and feedback when appropriate.</p> <ul style="list-style-type: none"> <li>• Provide access to remedy for impacted stakeholders through the implementation of grievance mechanisms aligned with the UNGP effectiveness criteria.</li> </ul>	