



TRANSNATIONAL CORPORATIONS AND THEIR DESTRUCTIVE OPERATIONS IN AFRICA

Case Studies of Nigeria, Kenya, The Gambia, Ghana, and Uganda



Cover image: Nowhere is safe from the consequences of gas flares caused by the burning of natural gas linked to the oil extractive activities of corporations in Africa. As the resilience and coping capacities of frontline communities are almost exhausted, environmental assets including air, floral, and fauna are fast depleting.

Iwerekhan, once a fertile community in the Niger Delta part of Nigeria, is progressively losing its identity and rich history. This is one example of impact and devastation caused by transnational corporations in Africa.

Gas flare photography by Olalekan Fagbenro, CAPPA; oil rig imagery by Patrick Hendry, Paul Teysen, and Willian Matiola at Unsplash.

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The project was implemented by the following organizations: Corporate Accountability and Public Participation Africa (CAPPA, Nigeria), Vision for Alternative Development (VALD, Ghana), Household Disaster Resilience Project – The Gambia (HELP-Gambia), African Institute for Energy Governance (AFIEGO Uganda), DWB-Foundation (Kenya).

This year's frontline community report would not have been possible but for the sustained support of Corporate Accountability to CAPPA. Corporate Accountability, through this support, has again demonstrated its strong belief in climate justice anywhere in the world, especially in Africa. The often-unreported contributions of big oil corporations to climate crises in the region have been uncovered and we are extremely grateful.

The communities in Nigeria, Ghana, Kenya, Uganda, and The Gambia were selected carefully by the team. The experiences of these communities captured not only the greenwashing and unsuspecting people tactics of big corporations, but also provided a summary of the climate crises traceable to their operations with a quest to demand commiserate compensation.

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INTRODUCTION

PROJECT RATIONALE:

Social and environmental realities have successfully dispelled the claims of transnational oil corporations that they protect human and environmental rights in their spheres of operation. What has become normal is the total disregard for the safety and well-being of original landowners and frontline communities and instead, a premium placed on profit over and above the natural environment.

Across Africa,¹ communities close to oil infrastructure suffer massive pollution from oil spills, water contamination, and loss of livelihood—usually without meaningful remediation and commiserate compensations when the corporations own up to such incidents, which rarely happens.

Where available, government policies are supportive of corporate interests. There is no debate that fossil fuel corporations have violated quite a few human and environmental obligations signed in by Transnational Oil Cooperation (TNO-C) including illegal divestment, non-transparent dealings, non-disclosure of operating rights, porous operational procedures, and absence of structured and responsive corporate social responsibilities to ameliorate the pains of frontline communities.

As African crude oil stands the risk of becoming stranded in the global market, the region must know that liabilities incurred because of this age-long, inhuman, and anti-nature business cannot be buried. There must be well-planned and executable strategies to demand accountability and reparation from the infractions and in doing so, consequences across social, economic, health, and well-being must be considered.

EXECUTIVE SUMMARY:

Leveraging the best engagement opportunities and varying peculiarities across focused states, CAPPA and partners from Kenya, Ghana, The Gambia, and Uganda opted for one-on-one engagement, focus group discussions, public forums, and a mock tribunal to garner the plights of the people as they demand justice from TNO-C.

Though divergent, overall findings were unanimous: its CORPORATIONS waging war on the PEOPLE. The administered template allowed a holistic understanding of the impacts of TNO-C on people ranging from the impacts on the environment, food systems, health and well-being, livelihood, and social security. Communities understanding of the prevailing discourse on the Loss and Damage Fund were also sieved.



Project Affected Persons (PAPs) of the Bullissi District of Uganda share their ordeals brought on by TotalEnergies, a transnational corporation the Uganda government invited to to carry out exploration, production, and development activities in the region. Photo credit: Kazi Njema News



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NIGERIA

TOGO
ANA

Iwerekham Community

CAMEROON

EQUATORIAL GUINEA

TO ME & PRINCIPE

GABON

COA

CASE STUDY

NIGERIA

COMMUNITY: IWEREKHAN COMMUNITY

TRANSNATIONAL OIL CORPORATION (TNO-C):

Currently ND Western but formerly owned and operated by the Shell Petroleum Development Company of Nigeria (SPDC).

ABOUT IWEREKHAN:

The community is in Ughelli South Local Government Area of Delta State in Nigeria's Niger Delta region. Most of the natives of Iwherekan are farmers and fisher folks. The community hosts the Utorogu Gas Plant as well as oil wells and flow stations which belonged to Shell Petroleum Development Company (SPDC) until ND Western, an indigenous oil and gas firm, acquired it.²

WHY IWEREKHAN?

The community suffers from the negative fallouts of hosting oil facilities. Regular oil spills and gas flares have made life unbearable for the locals.³ These incidents have been ongoing for decades and have allegedly truncated their livelihoods and reduced their life span with many locals coming down frequently with strange ailments traceable to what they inhale and consume in their immediate environment. The community lacks social amenities like hospitals and schools, and places for the locals to voice their concerns.⁴ They tried to get justice by taking SPDC to court in July 2005.⁵

ENGAGEMENT MEANS:

Focus Group Discussion and Structured Interviews

COMMUNITY REFLECTIONS ON TNO-C IMPACTS

THE ENVIRONMENT:

Chief Jyha Ogodien, Community Chief, 62 years old

Before Shell came, we enjoyed this community. Fishermen enjoyed fish from the river and the swamp. When you plant crops, you have sufficient money to take care of your children. But today, the gas company has acquired all our land. By July of every year, everywhere is flooded. There is no land to plant crops again. Secondly, there is massive heat in the community despite the rain. No one enjoys fresh air anymore in the community. Lastly, our children are suffering the pain. We regularly take them to hospitals outside the community for one ailment or another. The flares have brought serious hardship to us. We would be glad if this could stop.

British Osefire, Farmer, 55 years old

All our rivers and streams are polluted. We don't know where or who to cry to. When you look at the roofs of the buildings in this community made of zinc, within three months, they are burnt out. Nothing to show that this community is oil-producing.

Gere V. Gbemre, Fisherman, 63 years old

Before the arrival of the gas plant, people relied on farming to train their children. Oil affects fishing and farming, nothing again does well on the soil. Pollution affects the water bodies. Economic trees such as rubber, palm trees, and bush mangoes are all gone. The government is not looking in our direction. Now if you look at it, the name of the community has gone far but there is nothing to show for it.

Jude Gbemre, Resident, 53 years old

What I want to talk about is the cracking on the walls of most of the houses in the community. About 90% of

the houses in Iwherekan have cracked because of the vibrations from the gas plant.

FOOD SECURITY:

Elder Victor Owokere, Community Elders Council, 76 years old

Our community produced a lot of things before SPDC came but today you can't find them anymore. First, there is no land for cassava planting anymore. The oil and the spills that have erupted in several parts of this community are still in our swamps. Just this morning, I tried again to fish but caught nothing and had to clean the spills off my legs. We cried and cried, yet nobody listened to us. We are not represented at all. If we were represented, the government would have listened to us. We are left alone. This current town hall that we are in was built about 5 years ago. In the next year, just come here, the whole place would have cracked up because of the vibrations from the plant. Our soil is polluted. For example, if you wear a white shirt, just put it under the sun for 30 minutes, it will turn black. This carbon monoxide we breathe in every day. None of our children are working in the gas plant, not that we lack qualified hands.

COMMUNAL HEALTH AND WELL-BEING:

Jennifer Bimode, Resident Group, 45 years old

Many of our youths are getting old as the only job available is very draining. We want the flares to come down. We want the old ones to be paid monthly wages to augment their pains and sufferings. We want health centres or even hospitals and quality drugs to be administered. Here in Iwerekhan, people die untimely due to their level of exposure to harmful chemicals and gases coming from the gas plants.

SOCIAL LIVELIHOOD:

Elder Victor Owokere, Community Elders Council, 76 years old

There is no empowerment for our women. Iwerekhan owns the largest gas plant in West Africa. We have phase 1, phase 2, and phase 3 under construction,

yet nothing to show. The government must come to our aid. We need the company to interface with us. We are suffering from environmental pollution. The government should listen to us; the oil company should listen to us. We need health centres, we need schools, we need empowerment for our women. It is by God's grace that I am 76 years old. All my mates are dead.

Jonah Gbemre, Community Mobiliser, 49 years old

Our women don't work again. They now do manual labour to survive. Farming isn't working again. There is hunger and poverty in the community. Amid plenty, we are having economic and food distress. Heat has caused human and animal migration. What Shell is doing here is an assault. They should pay compensation; it will be difficult to relocate us, as this is our ancestral home. What Shell is doing today is against fundamental human rights, the African Charter, and our constitution.

Mary Fresh, Fisherwoman, 75 years old

Back then, our waters were good but now they are bad. The thick smoke causes coughs in our children. The remaining little land is now being taken over by cows. This gas plant was commissioned by President Babangida. The plant is the biggest in West Africa and today the community has nothing to show for it. The community lacks basic amenities. Our women are suffering. They cannot go to the farm, they have completely lost their source of livelihood.



An elder from Iwerekhan community in Delta State of Nigeria speaks about the impact that NG Western, formerly Shell Petroleum Development company, has had on his people.



Residents of Iwerekhan Community of Delta State following the community engagement session, where many shared their stories about ways that TNO-Cs have had on the land, food security, and well-being.



Vibrations from the gas plant have damaged many homes in the Iwerekhan community. Pictured: home with a large crack in its exterior.

OBSERVATIONS:

The people of the Iwerekhan Community are at a losing end. The once fertile community has progressively lost all its identity and rich history of farming and fishing, no thanks to the long history of oil extraction in the community and the associated environmental pollution that continues to reduce the social and environmental worth of the people. The people suffer while oil corporations rake in profits. As garnered through our engagement with the locals and the government, these oil companies must be held responsible for their dangerous operations and wanton disregard for the plights of the people. The people expressed their readiness to agitate for their rights and demand commiserate compensation in the spirit of the Loss and Damage Fund.



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Mijikenda Community

TANZANIA

CASE STUDY

KENYA

COMMUNITY: MIJIKENDA

TRANSNATIONAL OIL CORPORATION:

Vivo Energy Kenya (Owned by Shell)

ABOUT MIJIKENDA:

The Mijikenda are a Bantu ethnic group in Kenya who reside in the coastal region of the country. They inhabit the counties of Kwale, Mombasa, and Kilifi. They majorly occupy the coastal strip of the Indian Ocean, the fertile plains, areas close to woodlands, and hills.

The community's access to the Indian Ocean has historically influenced their livelihoods through fishing and trading activities. Fishing activities range from traditional small-scale operations to more modern commercial fishing. The Mijikenda also engage in subsistence agriculture whereby they cultivate crops like maize, millet, cassava, sweet potatoes, and various vegetables. Some Mijikenda, like Giriama and Chonyi, practice cash crop farming such as cashew nuts, coconuts, and fruits. They are also known for their skill in handicrafts, such as wood carvings, baskets, mats, pottery, and beadwork.

Tourism is also another important aspect of the local economy as the coastal region attracts both domestic and international tourists. The Mijikenda showcase their cultural practices, traditional music, dances, and artifacts to these tourists. Some members of the Mijikenda also work in urban centres in manufacturing and food processing industries, particularly in Mombasa.

They have a rich cultural heritage, characterised by unique customs, traditions, music, dance, and art forms. They have seasonal and annual festivals, ceremonies, and social gatherings. They also have a strong sense of community and maintain an extended family structure. The family unit is the foundation of their social fabric, and kinship ties play a crucial role

in their social organisation and support systems. Their cultural practices and livelihoods are intertwined with the ocean, forests, mangroves, and other coastal ecosystems.

However, over the years, the engaged members of the community alleged that their environment has faced threats from agricultural expansion, pollution, and deforestation, which has resulted in loss of biodiversity and habitat degradation. The Mijikenda are vulnerable to the impacts of climate change, including rising ocean levels, increased temperatures, changing rainfall patterns, and more frequent extreme weather patterns. These changes have had adverse implications on agriculture, fishing, and other livelihoods within the community.

WHY MIJIKENDA:

The Mijikenda is an indigenous community that resides in Mombasa along the coast, where many companies refine crude oil.⁶ The region has been earmarked as one of the places with high effects of climate change in the country, particularly high temperatures, rising ocean levels, and low rainfall.⁷ Being that their livelihoods primarily depend on subsistence farming, fishing, and trade, the natives have experienced adverse effects in recent years, which are believed to have been a result of harmful practices by Vivo Energy Kenya. The community also has a rich cultural heritage that values land, the environment, the Indian Ocean, and related traditional practices, which are deeply rooted in their social fabric. This makes it a suitable group for this study as the changes affect various dimensions of their livelihoods greatly.

ENGAGEMENT MEANS:

One-on-One Engagement

COMMUNITY REFLECTIONS ON TNO-C IMPACTS

THE ENVIRONMENT:

The engaged residents alleged significant environmental degradation, especially water and soil pollution from oil spills and improper waste disposal. Traces of oil were visible on stagnant water and neighbouring land. Temperatures were high, rainfall patterns unpredictable, and ocean levels on the rise. According to Mathias Mwalimo Maghanga, a 36-year-old farmer in Mtongwe, “Temperatures have been higher in the region as compared to previous years. We no longer receive heavy rainfalls that can give us a good yield.”

The people alleged massive displacement of local communities due to Vivo Energy Kenya’s acquisition of land for the construction of infrastructure. Abbas Abdalla, a 48-year-old native of Shimanzi, said, “When the space here became small for the many oil companies being established, we were forced to let our ancestral land give way for expansion. I was relocated to Jomvu and two of my brothers to Ganjoni. We no longer see each other daily like in the past.”

The community experienced changes in the local economy, influx of external workers, and disruption of land use patterns. In a session with Faridi Swalhe, a 54-year-old casual worker in Shimanzi, he said, “I used to work as a fisherman until 2015 when the catch declined tremendously. Fishing, which was a major occupation in this area, could not be sufficient to sustain my family. I knew something was wrong. I had to seek employment in companies in Mombasa town. Many of my colleagues left fishing, too.”

The engaged residents alleged that the activities of Vivo Energy Kenya have had adverse environmental impacts on the community, including water pollution from oil spills and improper waste disposal, fumes from the company, and disruption of ecosystems. During the engagement sessions, residents said that the company traces oil spills into the Indian Ocean making the water unsuitable for use.

FOOD SECURITY:

According to community members, the operations of Vivo Energy Kenya have led to reduced agricultural productivity due to soil contamination and water pollution. The community members we interacted with said that oil leaching into neighbouring lands has reduced their farm produce. The resident claimed that the expansion of the company, especially in 2015, has resulted in the displacement of farming activities and the loss of fishing grounds. Community members in the region, particularly in Shimanzi, have been forced to shift to trade since they lost their land to the company. Furthermore, the dependency of the community on external food sources has increased because they cannot produce enough for themselves and this leads to increased vulnerability.

COMMUNAL HEALTH AND WELL-BEING:

Members of the community alleged that the activities of Vivo Energy Kenya have had detrimental effects on the health and well-being of the community by exposing them to toxic substances that have led to increased respiratory issues and skin diseases. It has also limited their access to clean water sources, resulting in waterborne diseases. The continuous environmental degradation and land disputes have led to mental stress and social disruptions among members of the community.

SOCIAL LIVELIHOOD:

According to the locals, the operations of the company have led to displacement and loss of traditional lands, leading to social unrest and conflicts. It has also diminished cultural practices and traditions due to the disruption of customary activities. Furthermore, the community has lost income-generating opportunities, particularly in fishing, because the company has disrupted fishing grounds and caused water pollution. Many locals have resorted to trade and looked for other employment opportunities, which has increased competition. These changes have resulted in a reduction in the income and economic stability of members of the Mijikenda community.

SUMMARY OF FINDINGS:

The people of Mijikenda expressed deep concern about the negative impacts of Vivo Energy Kenya's operations on their environment, livelihoods, and overall well-being. They emphasised the importance of involving community members in decision-making processes related to the establishment and expansion of oil companies in the region as they are the ones directly affected by those activities. They have raised concern about the adverse effects of pollution for oil corporations in the region and requested that efforts be put in place to prevent climate change, develop maintenance strategies, and implement sustainable land and water management practices.

OBSERVATIONS:

From our engagement with the residents, it is evident that the Mijikenda is deeply affected by the operations of Vivo Energy Kenya. The community members have experienced significant environmental degradation and loss of traditional livelihoods and well-being. They are actively yearning for a solution to their predicaments, especially by mitigating the adverse effects and supporting their community's sustainable development.

The community's priority is the restoration of the environment and the development of sustainable livelihoods. They have a strong desire for active participation, transparency, and accountability in the operations of Vivo Energy Kenya and other oil companies in the region as well as the operationalization of the Loss and Damage Fund.

RECOMMENDATIONS:

Based on the community engagement sessions, it is recommended that oil companies in the region, particularly Vivo Energy Kenya, should allocate a significant portion of their budget to environmental restoration projects, focusing on cleaning up polluted water sources, restoring contaminated lands, and implementing sustainable land and water management practices.

These companies should be held accountable for oil spillage. Resources should be allocated from the fund to support alternative income-generating activities to help mitigate the negative impacts on traditional livelihoods while independent environmental agencies and government environment institutions should conduct a robust and consistent monitoring and evaluation to track the progress and impact of the oil company on the environment in the region.

They should regularly assess the effectiveness of projects and gather feedback from the community before their full implementation. There is also the need to educate the residents about the Loss and Damage Fund so that they understand its scope.



Shama District

CASE STUDY

GHANA

COMMUNITY: SHAMA DISTRICT

TRANSNATIONAL OIL CORPORATION:

Tullow (Ireland), ENI Oil (Italy), and Kosmos Energy (United States of America)

ABOUT SHAMA DISTRICT:

The Shama community constitute the Fantes, from the majority tribe in the district. Fishing migration is a prevalent practice in the Shama community. Due to the availability of fish or the need to raise funds to repay debts, individuals and sometimes entire families migrate to other coastal areas in Ghana or neighbouring countries within the sub-region. These fishing migrations can last from two months to two years, or even longer, depending on the destination and market. Fishmongers work in these locations to earn money, which they then remit back home and use to pay off their debts. This migration pattern highlights the economic strategies employed by the community and its dependence on the fishing industry.

WHY SHAMA?

Shama is located along the shoreline and is near the offshore Jubilee Oil Field, where significant oil extraction and production activities are taking place. This geographical proximity makes Shama a frontline community directly affected by the operations of transnational oil companies. Studying the impacts in this community can provide valuable insights into the immediate and localized effects of oil activities.

The residents of Shama heavily rely on fishing as their primary livelihood. Several studies and reports⁸ have revealed that the activities of transnational oil companies have negatively impacted the fishing industry, which has been the backbone of the local economy for generations. Some of these impacts include foreign vessels destroying nets, boats, and

canoes with no compensation, destruction of the aquatic environment leading to a reduced population of fish in the sea, and other activities that have led to fish stocks moving away from Ghana's territorial waters which have affected the local fishing industry.^{9,10,11}

The environmental impacts of the operations of the oil company have affected the community economically, and their ability to pay their children's school fees and meet other social responsibilities. Understanding the specific impacts of these activities can shed light on the broader consequences of oil extraction on coastal communities.

Studies conducted into the impact of the oil companies' activities on shoreline communities¹² have shown that the communities have made calls for immediate intervention to improve their situation and way of life but have fallen on deaf ears.^{13,14}

The community faces challenges with poor road infrastructure, which hinders mobility and access to essential services and overall socio-economic development in the area. The sea in the community appeared creamy and muddy, indicating the presence of pollutants and sedimentation resulting from TNO-C activities. According to the Ghana Jubilee Field Phase 1 development,^{15,16} a non-technical executive summary of the environmental impact statement, the TNO-C activities will involve a lifespan of discharges from their oil drilling and operation into the sea including black water, grey water, bilge water, and ballast water, which will all occasionally be contaminated with hydrocarbon.

The activities of TNO-C have caused a reduction in the fish population in the sea.^{17,18} This has had a significant impact on the fishing community, as their livelihood depends on the availability of fish. The reduction in fish availability has led to a decrease in the fishing business,

which has resulted in unemployment for many of the community members.^{19,20} During working hours, there was a noticeable presence of community members on the streets, as they had no alternative livelihood to fall back on.

The TNO-C activities have also made it more difficult for fishermen to access their fishing grounds. The engaged residents alleged that the construction of oil rigs and the creation of exclusion zones and other infrastructure has blocked traditional fishing routes.²¹ As a result, many community members have lost their livelihoods and are now struggling to make ends meet.

The residents claimed that most of the canoes and nets owned by community members who fish for a living were destroyed when they were hit by boats operated by the TNO-C without adequate compensation to cover the damages.²² This has had a significant impact on the community's ability to fish, as well as on the economic well-being of those who rely on fishing for their livelihood.

The destruction of the canoes and nets has limited the number of operational fishing vessels available to the community and has hurt their income. The economic well-being of the community has been significantly affected by the destruction of the canoes and nets. The occurrence of these collisions, resulting in irreparable damage to canoes and fishing nets, has tragically led to the loss of life for a significant number of fishermen on board these vessels.^{23,24,25}

These unfortunate incidents have been compounded by the challenges faced by the fishing community, characterized by illiteracy and the absence of technological resources to document or identify the specific oil companies responsible for these accidents. As a consequence, the affected families are left bereft of any means to seek justice for their loved ones whose lives were lost in these unfortunate occurrences.

ENGAGEMENT MEANS:

Focus Group Discussion, Public Forum, and One-on-One Engagement

COMMUNITY REFLECTIONS ON TNO-C IMPACTS

THE ENVIRONMENT:

The engaged residents complain of ballast water. Ballast water is a type of water which is trapped in a ship's ballast tank from the sea to help ensure the ship's stability during the voyage.²⁶ Their concern with the ballast water is that it contains sediments, oil, and organisms from international waters which when introduced into the sea, contaminate it. The ballast water introduces foreign substances and organisms that affect the natural habitat of the fish and pose a threat to the public health of the communities.^{27,28,29}

They claim this activity contaminates the sea and changes the ecosystem affecting the population of fish. One of the community members stated, "...we do not know what this water contains and where they filled it up from. When they come to pick up the oil, they dump it into our part of the sea and we end up using the same water to cook when we go fishing. It is sometimes very discomfoting when you are on your boat fishing and cooking with the seawater and you turn and look at the sea and realize that the sea is liaised with petroleum oil. Frankly speaking, nowadays we have developed some chest pains when we use the seawater to cook."

The project-affected people (PAPs) claimed that the activities of the TNO-C have gravely affected the sea and have caused an outgrowth of seaweeds preventing fishermen from effectively engaging in their fishing activities.^{30,31} The excess seaweeds trap their nets when fishing and take hours to cut their way through it to escape. The time that could have been used for fishing to better their livelihood is spent on escaping excess seaweeds which had grown due to the activities of the oil drilling. Others made references to the seaweed inflaming their bodies resulting in itchiness, red and bumpy skin causing them to spend more than months treating themselves for.

Also, they linked the operations of the TNO-C activity including flaring to have contributed to the detrimental impact on the quality of air in the community. In the

Shama community, the gas flaring associated with TNO-C activities has resulted in the release of harmful substances and pollutants into the air.³²

The community reported that before the activity of the oil companies, the air and the breeze they experienced during their time at sea gave them a sense of refreshment and vitality and improved their health. But in recent times, due to the activities of the TNO-C, the air quality in the community has lost the significance and profile it used to have, and they are worried it may degrade the local ecosystems, harm vegetation, and impact the overall ecological balance.

FOOD SECURITY:

The engaged residents claimed that the activities of the TNO-Cs have significantly reduced the availability of fish in the sea and the designated fishing zones,³³ making it increasingly difficult for the community to access vital food sources. Previously, fishing was a reliable means of sustenance for the community. However, the quality of fish they catch nowadays is not comparable to what it used to be. “We have been experiencing a problem with fish spoilage. Previously, it took a long time for fish to go bad after being caught. However, in recent years, the fish go bad quickly, sometimes even before we reach the shores. This has made the fish unsafe for consumption or sale” said Justice Mark Ackun, the chief fisherman. The community has attributed this deterioration to the current TNO-C activities in the area:

“We have resorted to consuming fish that has gone bad despite the risk of food poisoning. This has resulted in several incidents of foodborne illnesses, further compromising the health and well-being of the community.”

“The substandard quality of the fish has made it challenging for us to sell the fish we catch. As a result, the money and resources invested in fishing activities have become losses for us. This discouraging situation has diminished the desirability of engaging in fishing within the community.”

“Fishing activities have traditionally been the main source of income for the community, and the decline

in fish quality and reduced marketability have had severe consequences. The limited income generated from fishing severely restricts our ability to afford nutritious foods for ourselves and our families. This situation exacerbates the already existing food security challenges faced by the community.”

COMMUNAL HEALTH AND WELL-BEING:

It was gathered that the TNO-C was alleged to have contaminated the water bodies with chemicals thereby killing fishes and other aquatic creatures in their numbers.³⁴ The community reported several cases of food poisoning, indicating the potential health risks associated with the consumption of contaminated fish. Community members reported a surge in cases of inflammation, particularly on the skin and feet which is presented as itchiness, redness, and bumpy skin. They attributed these health issues to the activities of TNO-Cs, highlighting the adverse impact on their overall well-being and quality of life.

SOCIAL LIVELIHOOD:

Despite fishermen and sellers not getting fish at Shama due to this oil formation, fishermen and fishmongers have relocated to Elmina, Axim, and Sekondi to fish and make sales there, but return home with little. They complain that the transport fares from Shama to Axim for instance, are 200 cedis in and out whilst they don't earn better profit in the end.

The impact of the TNO-C activities as expressed by the community has led to the loss of jobs on the part of traders in the Shama community. The trading activities like selling dresses, food, and juices to fishermen have collapsed.^{35,36} As these have deeply affected the community, exacerbating existing challenges and hindering their ability to thrive as they do not earn much to boost the local economy.

Fishermen lamented that, even though they are not living wealthy, the oil drilling activities have worsened the issue. This is because of the rise in the cost of living.³⁷ Meanwhile, there has been no compensation from the side of the government or the oil industries. They are left out of all decision-making processes and

there has been little to no regard for the impact they are currently enduring due to the TNO-C activities. For instance, their children's school fees, transportation fares, electricity bills, and rent are rising, which is leading some of their children to drop out of school. The discovery of oil came along with the demarcation of the exclusion zone. The exclusion zone is defined as 500 meters away from the oil ridge with no clear visible indication of where the zone ends.³⁸

The Chief fisherman lamented, "...we are illiterate with little to no education, but you have created an exclusion zone of 500 meters so how do you expect us to know where that zone begins if the zones have no clear signage to show that any movement beyond this point is into the exclusion zone. The oil rig where the exclusion zone compass is located where most of the fish now habitate due to the light from the rig making it difficult for us to get enough fish to improve our lives." Others added that "We don't control the flow of the sea and before you realized the Navy is harassing us for entering the exclusion zone whilst there is nothing there to show that that place is an exclusion zone. They will sometimes take away our nets and fish." Fishermen who fish near the exclusion zone were reported to have been physically assaulted by the Navy^{39,40}

A participant, Egya Egyire, also expressed his grievances saying, "We are Ghanaians and most of the oil companies coming in are from foreign countries. So why will the Navy be harassing us and impeding on our livelihood while protecting the foreigners and their work which is severely destroying our way of life?"

SUMMARY OF FINDINGS:

The residents were unanimous in their concerns against the emergence and development of a new construction site for a gas pipeline.⁴¹ During the structured interviews and focus group discussions, the community expressed concern about a new industry that has set plans in motion to develop and construct a gas pipeline that passes through their homes and farmlands. They indicated that the oil corporation has held no consultative meeting with the community to discuss the impact of the plant on the community.

It is however rumoured that the people who own the lands for the location of the plants have been compensated but those who own the land and property on the routes tended for the pipeline have not been engaged. The community demanded that they need a non-technical impact assessment statement carefully explained to them before the industry commences any activity within the community. They worried that a case of fire outbreak during construction or operation could cause significant damage, loss of lives, and homelessness on the part of the community.

From the interviews, Tullow Oil Company was alleged to have restricted fishing activities in certain areas of the sea without providing compensation for the halt of the livelihood the community depends on for survival.⁴² In some cases, the TNO-C may issue a monthly restriction of no fishing activities in the sea while they conduct surveys to determine new sites for their activities.

Whilst these restrictions have aided and improved the TNO-C activities and operations, the community has suffered major economic losses due to restrictions placed on their livelihoods. This creates financial difficulties for fishermen who have taken loans to expand their businesses, as they are unable to generate an income during the ban period. This puts them at risk of not being able to repay their loans and cover other expenses.

Fredrick Essien, a community member, expressed concerns about the financial implications of the fishing restrictions, as many fishermen rely on loans to operate. Some fishermen do not have access to smartphones, nor do they bring them when fishing.

As a result, they lack the means to record and document most of the dilemmas they endure to provide evidence when reporting cases of abuse and theft of fish to the authorities. This leads to no charges being filed against the industry and complicates their case when they demand compensation.

OBSERVATIONS:

The engaged residents and fishermen reported declining catch and reduced diversity of marine species within drilling proximity, as well as contamination and pollution. They also reported instances of oil spills and toxic waste disposal into coastal waters harming marine life and affecting the quality of the catch.

RECOMMENDATIONS:

Local fishermen assert that the profits from oil extraction primarily benefit foreigners and the government, while the community suffers from negative impacts. Therefore, they propose receiving adequate compensation from the oil revenue to address the current negative impacts they are experiencing. They call for the protection of the coastal platform and harbour to guide against destructive waves caused by TNO-C activities. This infrastructure would safeguard the coastline, preserve properties, and support economic activities like fishing and tourism. Authorities should establish rules and regulations to regulate and restrict the actions of Navy personnel at sea, thus protecting the rights of fishermen. Strict enforcement of these laws will ensure that fishermen can fish without fear and panic and live a healthy life free from harm.

VERDE

SENEGAL

Mandinari Village

GAMBIA

GUINEA

BISSAU

GU

REPUBLIC OF THE GAMBIA

COMMUNITY: MANDINARI

TRANSNATIONAL OIL CORPORATION:

Gam-Petroleum Gambia Co. Ltd

ABOUT MANDINARI:

Mandinari is a village located in Kombo North/St. Mary, West Coast Region of The Gambia. It is nine km south of Banjul, the country's capital city and its geographical coordinates are 13° 22' 22" North, 16° 36' 10" West. Mandinari is located near the River Gambia, which is navigable throughout the length of the community.

Like all other parts of The Gambia, the community experiences a Sahelian climate, which is characterized by a long, dry season (November to May) and a short, wet season (June to October). It has flat land with fertile soil that supports the cultivation of various crops, including rice, vegetables, and fruits. Many farmers in the village engage in subsistence farming, producing food for their consumption. However, some of the farmers who are involved in gardening and petty trading sell some of their surplus produce in local markets to earn income.

In addition to agriculture, fishing is another important economic activity in Mandinari. Local fishermen use traditional methods and small boats to catch fish, which are then sold in nearby markets or consumed locally. Some of the women are also involved in harvesting oysters and cockles.

Mandinari is a peaceful village well known for its fishing activity. It has a population of not more than two thousand residents, most of whom are women and young people. People in the village make a living through fishing. Apart from using the water for fishing, young people are usually out to swim in the water. The village is a major tourist centre as it is along the River Gambia. The people of Mandinari have a rich cultural

heritage, deeply rooted in traditional Gambian customs and practices. They have their distinct traditions, music, dance, and folklore, which are often celebrated during festivals and social gatherings.

The community operates under a traditional social structure, with elders and community leaders playing an important role in decision-making and conflict resolution. Respect for authority and communal harmony are valued in Mandinari.

Located at the mouth of the River Gambia, the village is a hub of mangroves that serves as a nesting or



In May 2022, the Mandinari village experienced a major oil spill, causing massive pollution and biodiversity loss. Pictured: A resident stands in front of the highly polluted tributary of river Gambia.

breeding ground for fish. The primary livelihood in Mandinari is agriculture. The community relies heavily on rain-fed agriculture to cultivate crops and vegetables. The community also benefits from the natural resources of the surrounding area, including sand mining and fishing in the nearby river. However, sustainable management practices are crucial to preserve these resources for future generations.

WHY MANDINARI?

Because of its strategic location and Banjul's lack of capacity to store a large quantity of fuel, the government decided to build the country's largest fuel storage in Mandinari, which was inaugurated on 24 May 2008.⁴³ The storage cost €32 million (US \$50 million) to build. Initially split between Gam-Petroleum's holding group and Total International, the storage is largely controlled by Gam Petroleum today.

On 28 May 2022 at 14:00 hrs GMT, Mandinari experienced an oil spill of 70 metric tonnes of Heavy Fuel Oil (HFO) discharged into the river and land.⁴⁴ This occurred during a transfer of oil from a vessel to the depot through the River Gambia. The cause of the spill has been associated with a ruptured submerged pipe. The spill caused huge pollution and biodiversity loss along the riverbank and disrupted the economic activities of the community whose livelihoods are dependent on the river. Most of the people dependent on the river were left hopeless and jobless after the devastating impact.

ENGAGEMENT MEANS:

Focus Group Discussions

Note: During our preliminary visit to the community of Mandinari, we could not meet the head of the village commonly called Alkalo. However, we were able to have conversations with some community members who gave us insights into the spillage and how it has affected their social livelihoods and economic activities as well as food security.

COMMUNITY REFLECTIONS ON TNO-C IMPACTS

THE ENVIRONMENT:

According to the fishermen, the spill has led to a significant loss of biodiversity and this was evident because there were no traces of young fish for 2 - 3 months after the spillage. This was never the case before the spill. The slick on the water's surface prevented the exchange of oxygen and sunlight penetration, which affected the natural balance of the ecosystem. Marine animals like fish, shrimp, and more, could be seen coated in oil, impairing their ability to swim, fly, or breathe, causing their eventual death.

Furthermore, the spill caused serious damage and destruction of the habitats of marine life, including coral reefs, mangroves, and wetlands. These ecosystems provide shelter, breeding grounds, and food sources for a wide range of species. The oil smothered these habitats, suffocating organisms and disrupting the delicate balance of the ecosystem.

The spill also had a significant impact on the land and coast, affecting the activities of the fishermen, local economies, and the livelihoods of communities that depend on the river and its coast. Additionally, the spill posed a significant threat to birds and terrestrial wildlife that came in contact with oil floats, causing them to lose their natural insulation and ability to fly.

Also, the fishermen highlighted that the toxic compounds and chemicals released into the water have hugely polluted the water body making it unsafe for both humans and animals. In addition, the long-term environmental damage will also have an impact on the entire food chain of the ecosystems as toxic substances can accumulate in the food chain, affecting higher-level predators and humans who consume contaminated seafood.^{45,46}

FOOD SECURITY:

The oil spillage has not only wreaked havoc on the environment but has also had a direct and detrimental impact on the community's food security. The contamination of the river by the spilt oil has destroyed a once-thriving source of food and livelihood. The

destruction caused by the oil spillage has resulted in a significant decline in fish and shrimp populations in the river. Previously, a single net would yield an abundant catch of around 10 kilograms, providing sustenance for the community. However, in the aftermath of the spill, even after casting ten nets, it has become a challenge to obtain a meagre two kilograms of fish or shrimp. This drastic reduction in catch has left the community struggling to secure an adequate food supply.

The economic implications of this environmental disaster are equally severe. The destruction of their fishing boats and nets, coupled with the scarcity of fish, has devastated the local fishermen's income. Previously, the proceeds from their catches would enable them to purchase a bag of rice without difficulty. However, the dire situation caused by the oil spillage has rendered even this simple necessity unaffordable for the fishermen. Their livelihoods, dependent on the river's resources, have been undermined, and they find themselves in a state of economic desperation.

COMMUNAL HEALTH AND WELL-BEING:

When the spill occurred, it contaminated the river, turning it into a toxic environment that threatened human health. According to the fishermen, when their skin came into contact with the water "it felt as if it was a fire they came into contact with." This reflects the acute and immediate dangers faced by individuals exposed to the contaminated water. Also, the toxic smell emanating from the polluted water has made it unbearable. Additionally, consuming fish from the contaminated water was unsafe as it could lead to various health issues, including gastrointestinal problems, respiratory disorders, skin irritations, and long-term health risks from exposure to toxic substances present in the oil.^{47,48,49} This further exacerbates the challenges faced by the community, as they are unable to cope with the food scarcity.

The stress and anxiety caused by the situation described as a "living hell" had significant impacts on the mental and emotional well-being of individuals and families. The loss of income, food insecurity, and uncertainty about the future created a sense of

helplessness and despair, leading to increased rates of depression, anxiety, and other mental health disorders due to the crisis. The social cohesion and sense of community that are crucial for communal health were also affected.

The dire consequences of the oil spill have compelled the fishing community to seek medical attention to assess the impact on their health. The need for hospital visits highlights the severity of the situation, as people are genuinely concerned about the potential health risks posed by the contaminated environment.

SOCIAL LIVELIHOOD:

The residents claimed that the spill has had significant economic consequences on the community. Farming industries suffered due to the contamination and the eventual closure of affected areas, leading to job losses and decreased revenue for local communities. Moreover, the spillage has not only impacted fishing activities, but also hindered recreational and leisurely pursuits along the coast. Swimming, once a source of joy and respite for the community, has become impossible due to contamination.

The destruction caused by the oil spill has decimated the fish population, resulting in a lack of fish for cooking and generating income. The only remaining option for sustenance has been crabs, but unfortunately, they are unsuitable for cooking and fail to provide adequate income. Despite assurances and promises made by authorities and other parties involved, the community's hope for restoration and support has been met with disappointment. One of the residents interviewed claimed that the fishing community was asked to create an account and deposit some money into it with the promise of assistance. This never resulted in any tangible improvements or assistance.

SUMMARY OF FINDINGS:

The oil spillage has not only destroyed the river and its ecosystem, but has also devastated the community's food security. The scarcity of fish, the destruction of nets, and the contamination of the environment have



At the focus group discussion, residents give insights into the spillage and how it has affected their social livelihoods, economic, and food security.

left the community in a state of despair. Their once thriving source of sustenance and income has been obliterated, leading to economic hardships and a struggle to secure even the most basic food supplies. The broken promises and lack of support have added to the community's frustration and despair in their pursuit of restoring their livelihoods and food security.

Isatou Seck expressed the profound impact of the oil spill on the community in the following manner: "The consequences of the oil spill have been devastating. We used to rely on selling fish for our livelihood, but now we can't even afford to buy necessities. To feed our families, we have been forced into various forms of strenuous labour that are unfamiliar to us. This has compelled us to abandon our traditional fishing practices and become small-scale farmers, which is a significant shift for us. The struggle to provide enough food has made it difficult for us to spend time with our

spouses and loved ones. The burdens of putting food on the table have taken a toll on our well-being and family relationships."

Mahmud Pam expressed his disappointment with the response to the oil spill, highlighting the lack of direct engagement from key authorities. Despite paying their annual license fee to the fisheries department, only the individual responsible for fee collection visited the affected community.

"When the oil spill occurred, we were disheartened by the absence of high-ranking officials, such as the Minister, who could have visited us to understand our plight. Despite faithfully paying our annual license fee to the Fisheries Department, their response was limited to a mere fee collector. Additionally, while Gam-Petroleum had assured us of support, we were left disappointed as the promised assistance never materialized."

Jariatou Gibba expressed her concerns about the difficulties she faces in meeting her family's financial needs, including paying her children's school fees.

“When the spill occurred, oysters were found sticky like gum on mangroves, and when we fetch and cook them, after two days, they start to smell and eventually spoil, making it hard to sell them in the market.”

Additionally, residents envision the fund to be used in conducting assessments and issuing compensations. A comprehensive assessment of the duration and extent of the oil spillage, along with the resulting financial losses incurred by the fishermen and their families should be conducted. The statistics related to the duration and magnitude of the spillages will contribute

to estimating the overall cost of the damage suffered. Subsequently, appropriate compensation should be provided to the affected families to help them recover and rebuild their lives.

The women oyster and cockle farmers also envision that the fund will cater to their basic amenities such as taps, toilets, and refrigeration. These amenities are essential for maintaining proper hygiene, sanitation, and food preservation. Additionally, the women emphasized that a consistent and reliable supply of electricity is vital for their work, especially considering that they sometimes work late into the night. Thus, access to electricity will not only support their oyster and cockle production activities but also improve their overall quality of life.

OBSERVATIONS:

It was observed that the village has been hugely affected by the oil spillage, especially in the biodiversity aspect (including oysters, crabs, and mangroves). Men and women who solely depended on fishing and oyster business along the shores were left jobless. The women now venture into gardening and petty trading while the men still go to sea daily with little or no catch. During the spill, the fishermen lost most of their fishing nets and were forced to stay at home for a couple of weeks because of the dilapidated condition of the water before returning to sea. During our visit, no trace of oil was observed in the water but all fishing and oyster harvesting activities were at a standstill. The community looks calm about the issue now but is urgently in need of support to get back to their normal life. The support requested is mainly fishing and oyster harvesting materials.

RECOMMENDATIONS:

It is recommended that comprehensive research be conducted by the government to ascertain the gravity of the oil on the river and its impact on marine species while the government also take responsibility for the damages caused by the oil spillage and conducts a comprehensive assessment of the impact of the spillage and financial losses incurred by the fishermen and subsequently compensate them. Women involved in the oyster business and affected by the oil spill should be given financial support to sustain themselves and their families and also to acquire working materials to get back to business.

SOUTH
SUDAN

Buliisa District

UGANDA

KE

RWANDA

BURUNDI



UGANDA

COMMUNITY: KASINYI COMMUNITY IN BULIISA

TRANSNATIONAL OIL CORPORATION:

TotalEnergies

ABOUT KASINYI:

Buliisa District is bordered by Pakwach District to the northwest, Nwoya District to the northeast, Masindi District to the east, Hoima District to the south, and the Democratic Republic of the Congo, across from Lake Albert, to the west. The 'main town' in the district, Buliisa, is located approximately 100 kilometres (62 mi), by road, northwest of Masindi, the nearest large town. Buliisa Town is approximately 91 kilometres (57 mi), by road, north of Hoima, the largest city in the Bunyoro sub-region. Since the advent of oil discovery⁵⁰ and extraction processes in the Albertine region of Uganda, the government of Uganda and its licensee TotalEnergies embarked on massive acquisition of land from the natives including the people of Kasinyi community in Buliisa District-Uganda. This acquisition is being done through compulsory land acquisition by the government of Uganda,⁵¹ however, the process is riddled with utter disregard for the law,⁵² a grave violation of human rights, as well as environmental degradation and high-handedness which has left the natives landless and aggrieved in so many ways.

WHY KASINYI?

TotalEnergies was granted a license to carry out exploration, development, and production activities by the government of Uganda⁵³ in the Albertine region including Kasinyi where an estimated 1.7 billion to 2.2 barrels of recoverable oil was discovered in January 2006. TotalEnergies has for decades known its role as one of the global contributors to climate change⁵⁴ through its unrestrained extraction of fossil fuels that have subsequently resulted in violations of human

rights and the environment as evidenced in Buliisa and various countries across the globe where its incorporation attracted several lawsuits.

A case in point is a suit filed in France in 2019 by the African Institute for Energy Governance-Uganda (AFIEGO) and six other French activist groups.⁵⁵ This suit challenged the company's inaction in protecting the people and environment from the negative impacts of Tilenga oil development and the 3.5-billion-euro East African Crude Oil Pipeline. They prayed for the court to order TotalEnergies to stop the East African projects under France's Duty of Vigilance law of 2017, which requires companies to identify human rights and environmental risks in their global operations and supply chains and to take measures to prevent them.

This case was dismissed in February of 2023 citing insufficiency of evidence supporting allegations made against TotalEnergies.⁵⁶



A Project Affected Person shares her story of pain, neglect, and government abandonment during mock tribunal.

ENGAGEMENT OPTION:

Mock Tribunal and Focus Group Discussion organised by the Make Big Polluters Pay Africa Coalition

COMMUNITY REFLECTIONS ON TNO-C IMPACTS:

The Tribunal received a total of ten cases from ten persons affected by the Tilenga Oil project, East African Crude Oil Pipeline (EACOP) and other activities of TotalEnergies in different villages of Buliisa District, Uganda.

Asimwe Julius, Male, 58 years old, Kasinyi Village, Nile Parish, Ngwedo Sub-County in Buliisa District

Not so long ago, TotalEnergies came into our village to carry out oil exploration and extraction activities, and we were happy to receive them because we hoped to benefit socially and economically from their presence and activities. TotalEnergies and the government of Uganda then requested our land which we then gave up because we trusted our government to act in our best interest. We gave up land that was handed down to us by our ancestors.

On the loss and damage suffered, ASIIMWE said:

My house that I lived in was demolished but I was never compensated for it because TotalEnergies assessed it and found it not worthy of compensation. My farmland was taken and when I told TotalEnergies that I needed compensation in the form of land and not money, I was made to sign an agreement to that effect and evicted immediately.

TotalEnergies also wanted to take my land that was developed with a commercial building on it and when I objected to monetary compensation in favour of a piece of land developed with a commercial building, I was threatened with a lawsuit. I have recently received a letter from TotalEnergies giving me 30 days' notice to vacate, yet I have not yet been compensated. I have also lost 3 acres of crops that were destroyed by water that floods from TotalEnergies' Central Processing Facility every time it rains. I have been assured by TotalEnergies officials that they will not compensate me for the damage which is caused by rain.

Kigwabya Jackson, Male, 65 years old, Kisansya West Village, Kisansya Parish, Kigwera Sub-County in Buliisa District

Kamokore Valley has never in my life flooded until May of 2021 after oil companies set up their facilities in a way that disrupted the natural flow of water. There is water that collects in the TotalEnergies Central Processing Facility and flows and floods our homes and farmlands causing serious damage. We have requested TotalEnergies to construct bridges to prevent these floods, but nothing has been done till now. Floods swept away my livestock which was comprised of ten cows, 15 goats, and countless chickens. My pit latrine and urinary shelter were destroyed by floods. My passion fruit plants were destroyed in floods. My house was also submerged in the flood.

Byensi Robert, Male, 35 years old, Kigwera South West Village, Kigwera Parish, Kigwera Sub-County in Buliisa District

Water that flows from the Central Processing Facility and floods our land is very dirty, muddy, and destructive. Recently, we rescued four of my sister's children from being swept away by the floods. As a result, we now live in fear of rain which had in the past been considered a blessing to us as a community that survives solely on farming.

Floods destroyed a quarter of an acre of my sweet potatoes, and 140 of my musizi trees. When it floods, the community borehole gets submerged in water and is inaccessible. Now I want adequate compensation for my losses and TotalEnergies should construct a bridge to avoid these floods.

Tholith Emmanuel, Male, Kasinyi Village, Nile Parish, Ngwedo Sub-County in Buliisa District

TotalEnergies has not shown us any neighbourly behaviour, it has instead subjected us to dust, floods, and sound pollution. Floods have destroyed my one acre of watermelon plants, 80 neem trees, 135 moringa trees, 486 pine trees and tomato plants. My fence was also demolished by the floods. I want adequate compensation for the losses I have suffered.

Leunia Okella Itho, Female, Avogera Village, Avogera Parish, Ngwedo Sub-County in Buliisa District

My husband and I opened up a joint account for purposes of compensation for our land which was taken by TotalEnergies. He then took up with another woman and squandered most of the money we were paid leaving me in a desperate situation. This scenario has happened to many other women in our community. In 2019, an assessment was done in my absence, but my cassava plants were not made part of the assessment. When I complained, I was advised to first take the compensation they were offering and that my cassava plants would be compensated for later. I was later told that my land had now been placed under investigation but have never received any compensation since then. I want adequate compensation for the loss I have suffered.

Nyakato Magreat, Female, Kasinyi Village, Nile Parish, Ngwedo Sub-County in Buliisa District

I am a single mother with children of school-going age. TotalEnergies took my 6 acres of land. We objected to the amount of compensation we were being given, Hon. Minister for Lands came to our community with many soldiers who were carrying guns. Most of us accepted the compensation amount of UGX 3,500,000 shillings per acre which we had earlier rejected out of fear. TotalEnergies then gave me a small one-bedroomed house on a small plot of land despite my large family.

Barikenda Fred, Male, Kirama Village, Kirama Parish, Kigwera Sub-County in Buliisa District

TotalEnergies agreed with me that they were going to construct a house elsewhere and resettle me in it so they could take over my land for their activities. Shortly after that, I was put under pressure to vacate the land, but I objected to this because I had nowhere to go. TotalEnergies then fenced up my home and brought trucks which cleared my garden and the areas surrounding my home and to date, I have not yet been resettled.

Ayebazibwe Christine, Female, Kirama Village, Kirama Parish, Kigwera Sub-County in Buliisa District

When TotalEnergies first took my land, my property was assessed and I was told I would receive 20 million (20,000,000 shillings) but later on, I only received 6 million (6,000,000 shillings) with no house and yet other people were given houses. I lost two houses, 50 neem trees, and 30 pumpkin plants which I have not been compensated for. I lost maize, watermelon, and pumpkin which I had planted on my grandfather's land near the central processing facility as a result of the floods.

Nyamagunge Beatrice, Female, Kigoya Village, Kigoya Parish in Buliisa District

TotalEnergies first told us they wanted land measuring 30 meters wide for the pipeline and a buffer zone of 30 meters on both sides of it. However, when they demarcated, we found out that we were only 7 meters away from the demarcated area. We then complained to TotalEnergies but they responded that we are in the 200 meter buffer zone and further, we shall not be compensated or resettled.

Oloya Edgar, 44 years old, Buliisa District

I have not received any compensation for my undervalued crops, instead, all I have experienced is a loss of livelihood and my inability to keep my children in school because I could afford their fees.

OBSERVATIONS:

Following the evaluation of cases presented, the tribunal found that PAPs suffered the following because of infractions on their rights. A few people have been displaced, and some project-affected persons who signed as couples were made to open joint accounts for compensation which led to family conflicts and breakdown. TotalEnergies fenced off the premises of some community members, resulting in isolation, loss of livelihood, and insecurity. Some community members have developed health complications because of the air and sound pollution caused by the company's activities.

Community members have continued to experience a loss of livelihood because of a lack of land for farming while project-affected persons have begun to experience cracks in the buildings as a result of the heavy machines used by the company. Wastewater from the Central Processing Facility (CPF) pollutes and floods the community destroying crops and roads and many children and wards of PAPs have dropped out of school due to loss of livelihoods and disruption of income.

VALIDATION AND VERDICTS:

After careful consideration of the facts and evidence presented, the Tribunal unanimously agreed as follows:

Land and its accompaniments belong to people and communities, and they are to be managed in manners that meet their needs without compromising the rights and dignity as well as preserving the environment. This ought to be the fine balance on which a decent existence should be based.

The various violations of rights registered in the ten cases presented by the PAPs are instances of systemic systematic oppression, undue influence, duress, and resort to intimidation of communities and people who are helpless in the face of a system that has failed and is still failing to protect them.

The tribunal found existing infractions on the affected persons' right to dignity of human person

amongst others and that TotalEnergies is in breach of Article 26 of the Constitution of Uganda. Also, the barest minimum of compliance has not been met by TotalEnergies in situating dangerous facilities within acceptable perimeters of homes, farmlands, and public facilities.

Also, the Tribunal found out that TotalEnergies is in breach of ILO Convention 169, which requires free, prior, and informed consultation and consent of potential persons to be affected by the project. In the presented cases, the location, type, size, quality, and other specifications of alternative houses provided for the affected person (in the few cases where they were relocated) were without adequate consultation or input from the affected persons. The Tribunal made locus-in-quo visits to those locations during the hearing.

The Tribunal condemns the alleged use of force and harassment tactics on community members, through

whose testimonies, have glaringly suffered gender-based discrimination, harassment, and trauma. The Tribunal further condemns the weaponization of power, financial resources, close ties to the state and its authorities, militarization, and other forms of violence about the people, their communities, and their lands.

The Tribunal finds that the construction of TotalEnergies' Central Processing Facility and pipelines is as close as about 7 meters to an affected person's property and such close range to other affected persons' properties. This is not only offensive, but

deeply dangerous to the lives, health, and well-being of the people, their communities, and nature around them. The Tribunal was unanimous in its decision that the Tilenga project has direct consequences such as ecological damage, land grabbing, corruption, corporate capture, and greenwashing.

The Tribunal finds that there is an urgent need by TotalEnergies to respect people's dignity and rights especially those of local communities that have been affected by their activities and make immediate remedies for the avoidance of further actions, both collective and individual.



TotalEnergies Project Affected Persons gather for the mock tribunal. The group demands that the corporation and the government act in the interest of the people and the severe consequences of the project.

RECOMMENDATIONS:

On the strength of the realities of real people, their communities, and livelihoods, beyond the ten persons who are only a fraction of many affected lives and those currently under the threat of future attacks, the tribunal makes the following recommendations:

- Adequate, free, prior, and informed consultations always be made as a preliminary step in any community where a transnational corporation wishes to carry out operations, with full disclosure of motives, plans and possible consequences of those plans.
- TotalEnergies is compelled to urgently map out actions to respect the full rights of the people to a safe environment to improve their lives and safeguard their health and culture in consultation with communities and civil society.
- That government should continuously be on the side of its people, protecting and safeguarding them from preying on corporations, as opposed to putting corporate interest ahead of the collective good of its people and environment.
- That a healing and reconciliation process be commenced without delay to reconcile the affected communities, people, and other beings to nature.
- That feminists and women's rights organizations take up specific cases of affected women in the communities whose peculiar cases make them more vulnerable.
- TotalEnergies set up a Women's Development Program to rehabilitate women affected by the project.
- TotalEnergies set up a program for children and students whose education was disrupted because of the project.
- That relevant government agencies, including the Ugandan Human Rights Commission, assess these community's claims for reparation and restitution.

Overall Recommendations

Going by the findings obtained from multiple sources, it is not debatable that Transnational Oil Corporations are chiefly responsible for the heavy environmental damages across Africa. While interests and profits remain their utmost motivation, they care so little for the impacts and aftermaths of their operation. Government rule books where available are passive, silent, and inadequate to curbing sustained infractions as we confirmed.

GOVERNMENT MUST:

- Adjust its policies and laws to enforce caution and punishment targeting the aftermaths of extractivism.
- Mandate oil corporations to be responsible for their infractions either deliberate or operational.
- Ensure that corporations adhere to the conduct and public issuance of Environmental Impact Assessment Report.
- Empower affected frontline communities in their journey to adaptation and resilience.
- Rely on the shared concerns of frontline communities in the draft and implementation of its interventions.
- Immediately set up a Climate Victims Support Fund to attend to impacts targeting livelihood and existence.
- Institute timely response mechanism to cases of environmental infractions.

CIVIL SOCIETY ORGANIZATIONS MUST:

- Continue to bridge the gap between the people and the government. Giving honest feedback on government policies and programs aimed at addressing climate change.
- Facilitate dialogue between corporations and the communities and supervise corporate social responsibility efforts.
- Constantly engage government policies to guide against foreign influence and suggestions.
- Harmonize actions and demands.

THE MEDIA MUST:

- Deepen the knowledge of the citizens on the realities of climate change and how best to leverage existing measures.
- Demystify the UNFCCC processes, its processes, deliberations, negotiations, and supposed benefits to the frontline communities.
- Assist in advancing the Loss and Damage Agenda, especially for frontline communities across the globe.
- Communicate climate change policies and policy directions of the government.

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About Make Big Polluters Pay (MBPP):

The Make Big Polluter Pay Campaign was launched in September 2019 by a global coalition of climate justice activists on the sidelines of the United Nations Secretary General's Climate Action Summit in New York. Chief among the campaign's objectives is to protect the rights of frontline communities to ownership of their ancestral homelands. They must not be victims of rising seas, floods, droughts, deforestation, land grabs, and other destructive fallouts of fossil fuel extraction. The industries that have consciously fueled the climate crisis, funded climate denial, and blocked just climate progress for decades must pay for the damage they have caused. Holding them liable means ensuring that they are held criminally and financially responsible and that they are made to end the practices that have driven this crisis in the first place.

The campaign stresses the need for joint and organized actions against these corporations to pay the debt owed and commit them to no further infractions. Given the above, crucial stakeholders must also play critical roles. With this new report, the MBPP campaign has covered ten African countries and continues to expand.

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