



**REVIEW OF TILENGA IFC COMPLIANCE IN PROJECT
IMPLEMENTATION PLANNING**

FINAL REPORT REV 0

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EXECUTIVE SUMMARY

Following the development of the ESIA and submission to the regulators for environmental approvals, the Tilenga Project needs to look forward to project implementation and ensure that the environmental and social management processes and strategies are in place to ensure compliance with International Finance Corporation (IFC) Performance Standards (PS) and Environmental, Health and Safety (EHS) Guidelines. In particular, PS1 emphasises the need to manage environmental and social performance throughout the life of a project.

With this in mind, Total E&P Uganda B.V. (TEPU) has engaged Cousins Environmental Consultants Limited (CECL) to evaluate the position of the Tilenga Project with respect to development of plans, programmes and activities and related resourcing that enable the Project to be IFC compliant moving forward through the Project life cycle. This includes progression with detailed design and into implementation of construction activities, as well as the ongoing activities of land acquisition and contract development.

The scope of the Review includes an independent assessment of the Project's compliance with IFC requirements and commitments given in the ESIA package including the management system documents. It also includes the presentation of recommended actions associated with identified non-compliances or areas for improvement. An assessment is provided of the level of readiness for IFC compliance based on the information (including interviews with key Project staff) provided at the time of the review. 'Readiness' is assessed as high (well prepared/few actions), moderate or low (significant actions required).

The CECL team reviewed documentation, held phone meetings with Tilenga team members and completed an in-country visit in March 2019. These activities were focussed on the Project's status regarding environmental, public health and safety and social performance. The review identified one material non-compliance (i.e. The Project is not in compliance with IFC requirements, and there is the risk that the systems, processes and mitigation measures in place are not working towards addressing the deficiencies in a timely manner), which is that the worker grievance mechanism must be available for the entire workforce, so must be reflected in documentation that will guide all worker engagement and grievance management (calls for tenders, Labour Strategy).

The Review of environmental and social aspects of the Project demonstrated robust consideration of the IFC Performance Standards and EHS Guidelines in preparation of the ESIA and Project development.

PS1 provides for assessment of management of environmental and social impacts, through the ESIA and subsequent Environmental and Social Management Plans (ESMPs), which are in varying stages of development. There are motivated and capable resources in environmental and social teams, and substantial experience in country with Total, TEPU and JV partners to develop the Tilenga project. The commitment is in place to apply IFC performance standards, which requires that fluency in IFC Performance Standards is developed within the organisation. This includes business management and unit owners with responsibilities for planning and implementation, to workforce and contractors engaged in the Project.

The E&S elements of the contractor bid process for the Project implementation contracts are largely managed by the H3SE function, however it appears that there was no systematic involvement of E&S resources into Calls for Tender (CFT) documentation, E&S evaluation criteria, final contract documentation and any pre-qualification exercises. A number of CFTs have been issued and were going through clarification at the time of the review, so the opportunity exists to ensure E&S

provisions are included in the same manner as was reported by the Project for the FEED Phase. These will be critical to ensuring risk minimisation in project implementation (e.g. consistency in application of E&S provisions across CFTs, evaluation criteria and contracts) for drilling contracts, shared services and also the initial CFT 1 for Enabling Infrastructure.

Consideration is required regarding organisational processes especially cross-functional inputs. Influx is an example of a cross-functional issue which requires careful coordination between those groups responsible for, and contributing to, its effective management (i.e. social, environmental, land, human resources, security, logistics, construction and Total head office teams), and that there is capacity and competency in addition to the responsibility to manage the issues, both in-house and with project partners (including Government).

Documentation and interviews indicated that governance arrangements include an internal Steering Committee overseeing all Social Management Plans (including influx management) and a series of partnerships with Government departments guided by memorandums of understanding (MOUs), which need to be progressed as soon as practicable, to guide Project and contractor implementation.

Projects in such contexts as Tilenga require considerable E&S resources during implementation and these resource requirements need to be built into project planning and budget estimates, commencing immediately with FID and a fast-paced ramp up. This includes meeting national content commitments (Project commitments and national legal requirements). It does appear that current capacity is insufficient to meet the upcoming needs. This will apply to resources required for such activities as management of pre-construction surveys, review of pre-construction and construction contractor E&S documentation, construction E&S compliance evaluation (field verification, audits, monitoring), land acquisition, ongoing stakeholder consultation, E&S internal and external reporting, implementation of mitigation commitments that are the direct responsibility of the Project, including co-operation with government authorities for mitigation implementation, liaison with engineering design team (including strengthening the link between the HSE team in Uganda and the Engineering team), support to the capacity building of contractors with an adequate timescale to allow capability development prior to when it is needed. All staff with a responsibility to implement E&S risk management measures need to be aware of, and able to implement and report on, their requirements, in line with project commitments. Those team members with responsibility for working with and/or supervising construction contractors will also need to be aware of and able to provide this oversight (i.e. ensure that E&S commitments are implemented in line with project requirements and commitments).

The use of national contractors will present challenges in meeting the project E&S requirements. Job-readiness training, on the job training and close support and supervision by the Company will be required, in addition to support for contractors and other partners (e.g. in district government).

The Project has a Stakeholder Engagement Plan (SEP), which can be strengthened including on issues such as vulnerable people and in reporting back to affected stakeholders.

Compliance summary for PS1:

- 46 recommendations are made requiring *immediate* priority action in relation to *partial compliances* on the following themes:
 - Environmental and social management system (mostly relating to design issues); E&S capacity in the supply chain; inclusion of differentiated measures to ensure vulnerable

- people are not disproportionately affected; cross-functional inputs into management programs and E&S management plans, including into CFT documentation;
- Organisational capacity and competency, particularly around E&S resource availability and competency;
- Stakeholder engagement documentation compliance requirements; external communications and grievance mechanism, including contractor reporting to Tilenga and Project reporting back to communities.
- 14 recommendations are made requiring *intermediate* priority action in relation to *partial* compliances.
- 1 recommendation is made requiring ongoing attention during on-site activities in relation to adaptive management and documentation.
- 13 items are noted as *fully* compliant.

Readiness assessment for PS1: **low**.

PS 2 (Labour Management) compliance is somewhat lagging behind other Performance Standards. The ESIA and draft Social Strategy commit to a Labour Management Plan (MP) however this is somewhat behind schedule and does not appear to have the same momentum internally as yet. However, opportunities for strengthening this aspect of ESIA commitment are imminent, including through information sessions with bidders to cover PS2 requirements and tools for explaining contractors' E&S expectations.

Other HR policies and programs should follow the Labour MP as is committed in the ESIA, with clear statements on issues such as protecting the workforce and supply chain from child and forced labour. Critically all workers must have access to a grievance mechanism, including contractors. This appears to be a substantial gap in current documentation.

Compliance summary for PS2:

- 1 recommendation is made requiring *immediate* priority action in relation to a *material non-compliance* on the following theme:
- Worker grievance mechanism is to be provided for in call for tender (CFT) documentation. 15 recommendations are made requiring *immediate* priority action in relation to *partial* compliances on the following themes:
 - Updating documentation regarding working conditions and management of worker relationships, including those relating to contract labour; strengthening provisions on grievance management, protections for all workers including those engaged by third parties and in the supply chain.
- 1 recommendation is made requiring *intermediate* priority action in relation to *partial* compliances.
- 2 items are noted as *fully* compliant.

Readiness assessment for PS2: **moderate**.

In terms of **PS3 (Resource Efficiency and Pollution Prevention)** and accompanying **Environmental, Health and Safety Guidelines**, modelling demonstrates that air quality standards (AQS) are met for the gas turbines (GTs). The Project will continue to work with the engineering, procurement and construction (EPC) contractor to refine the power requirements for the project lifecycle whilst fully considering the environmental impact. The modelling also demonstrates that a significant amount of the airshed would be utilised. The proportion of the AQS that the Project would consume was not

clear so it is not certain if the IFC guidance for a maximum contribution to ambient AQS of 25% is met.

The Project has not yet decided which design contractor will be selected. The Project has confirmed that there are no exceedances of emission limit values (ELVs) in the Fluor design. The McDermott One of the two proposed designs has an emission limit value (ELV) exceedance for the gas turbine for short-term NO_x. BAT is being fully considered based on the power requirements of the project, the lack of availability of a power export route and the complex technical requirements for burning such a heavy fuel gas (dry low NO_x is not considered viable). The project will continue to build the BAT demonstration around these issues. If an exceedance of the short-term NO_x ELV remains, the Project will need to present a case for derogation justified by an impact assessment-based approach and BAT justification.

The Project is predicted to be in compliance with IFC noise guidelines. Compliance with the draft regulatory night time noise limit is not achievable with the existing designs for permanent equipment and well drilling (supply and operation of plant). The draft noise regulations allow for obtaining a licence to emit noise in excess of the permissible noise levels. A derogation has been drafted by the Project making the case for adopting the IFC standards as the noise design basis for the Tilenga Project. Noise can be a sensitive issue for stakeholders on projects, including community members and take some effort to address concerns. Recommendations for the Project and contractors responsibilities from the draft noise derogation should be implemented as a priority and the need for an exemption licence from the draft national noise standards considered in the Project planning (licenses and consents plan).

A conceptual model is being developed incorporating pump test data to determine the hydraulic properties of the aquifer and reliability of aquifer water supplies for Project use. The model in combination with a quantitative hydrogeological risk assessment will be used to determine sustainable yield for the aquifer and determine whether it is sufficient to meet Project needs.

In parallel, studies are being undertaken to consider surface water abstraction options in the event that the water needs of the Project cannot be met by groundwater.

As part of Detailed Design, the Project should prepare a summary of the actions taken to minimise visual impact and how those choices compare to best practice and include the rationale as to why no further action can be taken, given the potentially significant residual impacts on receptors.

Compliance summary for PS3:

- 7 recommendations are made regarding the PSs and the EHS Guidelines requiring *intermediate* priority action in relation to *partial* compliances, on the following themes:
 - Pollution prevention (air emissions from the CPF, visual impact)
 - Resource efficiency (water, criteria for resource management and energy efficiency)
 - Pesticide management
- 1 recommendation is made requiring *intermediate* priority action in relation to *partial* compliance.
- 5 items are noted as *fully* compliant (1 of which includes a recommendation) from the PS and 7 the General EHS Guidelines 7 items and 7 from the EHS Guidelines – Onshore Oil and Gas Development.

Readiness assessment for PS3: **moderate**

PS 4 (Community Health, Safety and Security): The risks and impacts to the health and safety of Affected Communities have been assessed through the project life cycle in the ESIA, and given the nature of the project area and use of shared facilities (e.g. roads) between Tilenga and Kingfisher, a coordination forum is recommended to focus on those PS4 social issues common between the two projects: influx, disease prevention and road safety.

The ESIA identified a number of residual risks for which mitigations need to be incorporated into the (forthcoming) Community Health, Sanitation, Safety and Security Plan (CHSSSP) and Road Safety and Transport Management Plan (RTSMP). Both will require reflection in CFT documentation for contractors' implementation.

The mitigation hierarchy is provided for in managing influx-related impacts, while still requiring coordination and action between both internal and external stakeholders of the project. Social, human resources, logistics and government relations inputs are required internally, with cooperation from national and local government authorities, and the Project's draft Social Strategy has commenced mapping aspects of influx management and defining internal team responsibilities.

Security personnel are bound by commitments to meet the Voluntary Principles on Security and Rights (VPHSR), which will additionally need to be reflected in the CHSSSP.

Compliance summary for PS4:

- 2 recommendations are made requiring *immediate* priority action in relation to *partial* compliances on the following themes:
 - Coordination on community health and safety measures; documentation of commitments to be reflected in management plans and CFT documentation on infrastructure design and security measures.
- 4 recommendations are made requiring *intermediate* priority action in relation to *partial* compliances.
- 8 items are noted as *fully* compliant.

Readiness assessment for PS4: **high**.

The mitigation hierarchy has also been applied in developing compliance with **PS5 (Land acquisition and Involuntary resettlement)**. A Land Acquisition and Resettlement Framework (LARF) has been prepared with Government partners, along with RAP 1 for the Industrial Area and N1 road. RAPS 2 – 5 are also to be prepared and are currently in the end of planning phase. Lessons should be applied from RAP1 implementation in finalising the remaining Action Plans. Remaining documentation commitments also includes support to the Ministry of Lands Housing and Urban Development and Buliisa District Government to develop a District Land Use Plan, which should be prioritised to address issues of competing land use, such as biodiversity offsets and proximity to protected areas, as well as impacts to host communities.

The Entitlements Matrix provides for compensation and entitlements for physical and economic displacement. Inconsistent approaches between Tilenga and Kingfisher projects should be resolved to avoid potential conflicts within the Basin (for example, on land tenure for displaced persons; support in financial management training for displaced persons; and arrangements with regards to host communities). The JV Partners Land Acquisition and Resettlement Steering Committee (LARSC) should be renewed to achieve this aim.

Compulsory land acquisition is being pursued by authorities with 8 landowners in RAP1 area who have not made an amicable agreement with the project; clarity must be provided to affected stakeholders on the forthcoming process, prior to implementation.

Monitoring and evaluation is provided for under the RAP documentation however must specify the regular internal monitoring to be undertaken.

Information disclosure and stakeholder engagement has been carried out for RAP1 to date, the costs for which have exceeded planned budgets. This lesson should be captured in the forthcoming Years 1 to 5 budget for LAR, as well as the SEP. Information disclosure should also be strengthened on valuations, as although this is a government decision, the Project must still be able to work with affected stakeholders following any grievances raised on this issue.

Compliance summary for PS5:

- 10 recommendations are made requiring *immediate* priority action in relation to *partial* compliances on the following themes:
 - Host communities and engagement and management thereof; strengthening information disclosure; strengthening coordination in RAP implementation, including internally with contracting, with JV and other partners, and in relation to vulnerable people and ecosystem services.
- 8 recommendations are made requiring *intermediate* priority action in relation to *partial* compliances.
- 12 items are noted as *fully* compliant.

Readiness assessment for PS5: **moderate**.

There is a lot of good work ongoing with regard to **PS6 compliance (Biodiversity and Ecosystem Services)**. In response to the updated PS6 Guidance Note of November 2018, following the gap analysis of the Project position with the revised GN, an action should be developed with a timetable to bring the Project in line with the revised GN. As far as feasible, requirements of the new GN should be incorporated as soon as possible and reflected in the Biodiversity Strategy.

Progress is being made on the no net loss (NNL) / net gain (NG) studies. Options for governance of the NNL / NG programme are under deliberation and an early decision is required on the governance structure as this will affect the development of the programme. NNL / NG require time to set up and time needs to be allowed for the lag between impacts and achieving NNL / NG. There is a need for focused planning and implementation of NNL / NG actions to progress the programme in order to achieve the targets in a timely manner. This will require expert resources with capabilities in planning and implementation of offset projects and with specific expertise in the biodiversity resources being addressed in the NNL / NG programme. Since NNL / NG activities can have implications for social aspects, social expertise should continue to be involved from the early stages of planning any initiatives. Since Tilenga, Kingfisher and EACOP are all considering NNL / NG programmes there is a need to establish an effective co-ordination structure to actively manage development of the NNL / NG programmes. The Project recognises that NNL / NG programmes need to be implemented at the landscape level and should progress integration of stakeholders to develop the NNL / NG programme in an integrated manner at the landscape level and improve chances of success. The NNL / NG programmes are combined and since NG is required for critical habitat the Project will need to clearly demonstrate that NG is achieved. The Invasive Alien Species Management Plan should address invasive alien fauna, pests and pathogens.

Compliance summary for PS6:

- 8 recommendations are made requiring *immediate* priority action in relation to *partial compliances* on the following themes:
 - development and implementation of the non net loss / net gain programme
 - demonstration of net gain
 - consideration of the Lake Albert Basin critical habitat to address cumulative effects
 - consideration of alien invasive pests
 - supply chain considerations
- 3 recommendations are made requiring *intermediate* priority action in relation to *partial* compliances.
- 19 items are noted as *fully* compliant (14 of which include recommended actions).

Readiness assessment for PS6: **moderate**.

The gap in implementation requirements on indigenous peoples relates to documentation of the position regarding applicability of **PS7 (Indigenous Peoples)**.

Compliance summary for PS7:

- 3 recommendations are made requiring *intermediate* priority action in relation to *partial compliances* on the following themes:
 - Preparation of a response in relation to the criteria for triggering PS7.

Readiness assessment for PS7: **high**.

PS8 (Cultural Heritage): The ESIA identifies relevant national and international legislation, policies and conventions applicable to the Project's management of cultural heritage, in line with PS8. Competent professionals are required to protect cultural heritage and the relevant ministry and museum representatives have been engaged in the development of the ESIA and subsequent work to date. A Cultural Heritage MP is under development to articulate roles and responsibilities in chance finds, as well as ongoing avoidance, control and mitigation.

Compliance summary for PS8:

- 2 recommendations are made requiring *immediate* priority action in relation to *partial compliances* on the following themes:
 - Updating and completing documentation including management plans, reflecting organisational structure on heritage management.
- 3 recommendations are made requiring *intermediate* priority action in relation to *partial* compliances.
- 8 items are noted as *fully* compliant (4 of which include recommended actions).

Readiness assessment for PS8: **high**.

1. INTRODUCTION

1.1 SCOPE OF THE REVIEW

Total E&P Uganda B.V, China National Offshore Oil Company Uganda Limited, Tullow Uganda Limited and Tullow Uganda Operations Pty Ltd (Upstream Partners) hold interests in petroleum resource licences near Lake Albert, Uganda, which are being developed in an integrated fashion.

There are two developments: Tilenga (formerly Buliisa) in the north of the Lake Albert area and Kingfisher in the south of the Lake Albert area. Consents for the development of the respective development projects are being sought separately by each of the Block Operators.

Following the development of the ESIAs, the Tilenga Project and Kingfisher Project need to look forward to Project implementation and ensure that the environmental and social management processes and strategies are in place to ensure compliance with International Finance Corporation (IFC) Performance Standards (PS) and Environmental, Health and Safety (EHS) Guidelines. In particular, PS1 emphasises the need to manage environmental and social performance throughout the life of a Project.

The objective of the Review is to evaluate the position of the projects with respect to development of plans, programmes and activities that enable the projects to be IFC compliant moving forward into implementation.

The scope of work to achieve the above objective focuses on the process of preparing for Project implementation and the evaluation of the current and planned status of the projects with respect to:

- Project organisation and resources
- E&S management system
- In-progress and planned technical studies and programmes with a focus on the following technical areas which will necessitate development of programmes and strategies to translate Project commitments into actions:
 - PS1 - cumulative effects, Associated Facilities, ESMMPs
 - PS2 – labour and working conditions
 - PS3 –resource efficiency and prevention of pollution
 - PS4- community matters, including influx management
 - PS5 - land acquisition and compensation
 - PS6 - biodiversity strategy, including mitigation and enhancement programmes
 - PS7 – indigenous peoples
 - PS8 – cultural heritage
- Construction contractor selection and management
- Stakeholder engagement

- Grievance management

The Review seeks to:

- Understand the current status
- Identify areas that require further attention to ensure IFC compliant Project implementation, and
- Propose a plan of actions required to achieve compliance with IFC PSs.

1.2 SUMMARY PROJECT DESCRIPTION

The Tilenga Project comprises six oil fields — Jobi-Rii, Ngiri, Gunya, Kasamene-Warindi, Nsoga and Kigogole in License Area 2 North and Contract Area 1 in Buliisa and Nwoya Districts. The facilities comprise:

- Thirty four well pads and some 400 wells (producers, water injectors and observation wells)
- Industrial area, including a central processing facility (CPF), support base, camp, drilling cuttings reinjection facility, liquid mud plant, security camp, helipad, vehicle management area
- Lake Albert water abstraction station
- Tangi operational support base
- Buried pipelines and flowlines
- Export pipeline to Kabaale (Tilenga feeder)
- New and upgraded roads
- Vehicle checkpoint at Masindi

1.3 PROJECT STATUS

On 15th April, 2019 NEMA gave the approval for the Tilenga ESIA.

Engineering studies are ongoing for two field designs – one by Fluor and one by McDermott. One design will be taken forward for further design and implementation. Design studies for enabling works and drilling will also be progressed.

1.4 APPLICABLE PROJECT STANDARDS

Whilst the Tilenga Project is not a financed Project the Upstream Partners have made a commitment to adhere to the standards, requirements and guidelines of the International Finance Corporation (IFC) relating to sustainable development. In addition, Tilenga is an Associated Facility of the East Africa Crude Oil Pipeline (EACOP) Project which is seeking financing. The IFC standards cover:

- IFC Performance Standards (2012)
- Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts

- Performance Standard 2: Labour and Working Conditions
- Performance Standard 3: Resource Efficiency and Pollution Prevention
- Performance Standard 4: Community Health, Safety, and Security
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage
- IFC Environmental, Health and Safety (EHS) Guidelines, including EHS General Guidelines (2007) and Guidelines for Onshore Oil and Gas Development (2007).

1.5 SOURCES OF INFORMATION

Sources of information for this Review include:

- Publicly disclosed, Project Environmental and Social Impact Assessment
- Available relevant ESMPs, procedures and specifications
- Call for tender documentation
- Organisation chart for the existing organisation
- Engineering study documents
- Other documentation available/reported at the in-country visit including interviews.

A full list is provided in *Appendix 3*.

1.6 WORK TASKS

A kick-off meeting was held on 17th January, 2019 by phone conference. Phone meetings were held with various team members leading up to a visit to the Kampala offices in March, 2019. No visit was undertaken to the field. The Review was directed at consideration of the processes and procedures and types of document that have been / are being produced. The aim was not to undertake a detailed technical review of all documents for compliance (and time inputs did not allow for this).

1.6.1 VISIT ITINERARY

In summary, the following topics were covered in face to face or phone meetings with relevant contact persons from the Tilenga Project during the Kampala visit. There were no joint meetings with both the Tilenga and Kingfisher Projects represented.

Date	Topics
Monday 25 March 2019	<ul style="list-style-type: none"> • Project-wide update • Regulatory and HSE (TEPU) • Project development (Tullow) • Project management.
Tuesday 26 March 2019	<ul style="list-style-type: none"> • Health and safety • Community health and safety • Stakeholder engagement • Livelihood restoration • Land access and acquisition • Drilling management • Contracting and procurement • Biodiversity • Ecosystem services • Risk register and permitting • Project management.
Wednesday 27 March 2019	<ul style="list-style-type: none"> • Security • Cultural Heritage • Engineering • HSE (HQ, Paris) • Project and Country management.
Wednesday 27 March 2019	<ul style="list-style-type: none"> • Project-wide update • Community Health and Safety including Influx management • Stakeholder engagement and grievance management • Cultural heritage.
Thursday 28 March 2019	<ul style="list-style-type: none"> • Engineering management.

1.7 REPORT ORGANISATION

The report has been structured to incorporate the full range of environmental and social assessment criteria within the appended tables with the key findings discussed in the text contained in Sections 1-2. The intent is to provide significant findings and recommendations

within the body of text of the report. The appended assessment tables provide the specific details from the in-country visit, other meetings and document review.

The general structure and organisation of the report includes:

Section 1: Introduction

Section 2: Compliance with IFC Requirements

Appendix 1: IFC PS Assessment Table

Appendix 2: IFC EHS General Guidelines Compliance Table

Appendix 3: Document List

1.8 CLASSIFICATION CRITERIA AND REVIEW FINDINGS

The format approach to reporting Project compliance and performance against the assessment criteria have used a risk-based approach, including priority ranking. Indicators, with whole number reference, provide a summary of compliance for each criterion. Justification for any derogation from criteria are summarised in the table and supporting documents referenced.

For each indicator within a PS, the steps below have been completed:

1. Application of a risk-based approach - including priority ranking in findings;
2. Ensuring number reference to specific requirement, standard, guidance or policy;
3. Determination of whether the criteria is applicable and if not then score as N/A and a brief summary provided of the reason given (e.g. indigenous people requirements in Uganda);
4. Determination of whether an opinion is possible - if “no” then no compliance opinion possible (NCOP) finding is made and reasons given (e.g. too early in Project to determine);
5. Provision of commentary on the relevance of the requirements and the reason for allocating the score;
6. Referencing the evidence that was assessed in making the finding.
7. Actions Required: Where applicable, brief description of actions required by the Project to achieve full compliance with each requirement.

Scoring of the indicator has been completed as follows, along with provision of justification:

EC	Exceeding Compliance: The Project has gone beyond the expectations of IFC requirements / standard / principle. International finance institutions (IFIs) should be able to use projects rated EC as a role model for positive environmental and social effects.
FC	Fully Compliant: The Project is fully in compliance with IFC requirements / standards / principles, and local environmental, health and safety policies and guidelines.
PC	Partially Compliant: The Project is not in full compliance with IFC requirements / standards / principles, but has systems, processes or mitigation measure in place which are working towards addressing the deficiencies.

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MN	Material Non-compliance: The Project is not in material compliance with IFC requirements / standards / principles, and the systems, processes and mitigation measures in place are not working towards addressing the deficiencies.
NCO	No compliance opinion possible

The material non-compliance score has significant implications and requires particular care. In judging whether the measures sufficiently address deficiencies CECL considered in a structured way both the level of residual risk and the level of confidence that the Project could successfully bring the issue into compliance with IFC requirements / standards / principles.

The table below illustrates the approach taken.

Risk	High	PC	MN	MN
	Medium	PC	PC	MN
	Low	FC	PC	PC
		High	Medium	Low
		Confidence		

2. COMPLIANCE WITH IFC REQUIREMENTS

This section outlines compliance with IFC requirements. The IFC Performance Standards form the basis of the compliance assessment with narrative descriptions focussed on describing key findings/issues of the Review. This section pulls out key points to highlight whilst the full analysis is included in *Appendix 1*.

2.1 PS1 ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL IMPACTS – KEY OBSERVATIONS

2.1.1 CONTRACTOR SELECTION

As established in PS1 (paragraphs 2 and 14), projects are responsible for managing their contractors E&S performance: *“Contractors retained by, or acting on behalf of the client(s), are considered to be under direct control of the client and not considered third parties. . .”* and the E&S management *“. . . programs may apply broadly across the client’s organization, including contractors and primary suppliers over which the organization has control or influence . . .”*

A critical way to manage construction contractor E&S performance is to ensure that there are sufficient requirements and controls built into the construction contracts. This should start at the outset of the procurement process with input to the prequalification of bidders and inclusion of E&S information in the invitation to tender documentation for pre-qualified companies. To this end, environmental and social involvement in contractor selection and management of construction contractors is vital. IFC guidance calls for the involvement of E&S expertise including E&S performance; worker and community health, safety, and security; and human resources. This allows contractors to understand the projects E&S policies, standards and commitments ensure that there are sufficient resources, procedures and costs built into the bid and for the execution of the work in accordance with Project requirements.

The E&S elements of the contractor bid process for the Project implementation contracts are largely managed by the H3SE function. Involvement of the Project E&S resources in this process has been inconsistent, with their input into engineering, procurement and construction (EPC) and enabling infrastructure (EI) contracts however not into drilling contracts or shared services contracts. It appears that there was no systematic involvement of E&S resources into Calls for Tender (CFT) documentation and the E&S team’s inputs into these in a systematic, cohesive manner; E&S evaluation criteria and E&S within the evaluation process; final contract documentation and E&S visibility into these prior to contract letting; and, any pre-qualification exercises. Pre-qualification involves a questionnaire which apparently includes environmental questions but it does not seem to include social topics. A number of CFTs have been issued and were going through clarification at the time of the review, so the opportunity exists to ensure E&S provisions are included in the same manner as was reported in the FEED Phase. These will be critical to ensuring risk minimisation in project implementation (e.g. consistency in application of E&S provisions across CFTs, evaluation criteria and contracts) for drilling contracts, shared services and also the initial CFT 1 for Enabling Infrastructure.

EI and EPC: A number of CFTs have been issued and were going through clarification at the time of the review. The input to preparation of the CFTs by in-country E&S teams is variable and does not appear to be systematic or comprehensive. In cases where feedback had been provided by these teams into the CFTs, there was a lack of clarity on whether this had been included in the issued CFT. The Project reports that E&S input was achieved by IPG function but not consistently. This is in the

process of being rectified for EI CFT 1 but has been covered in EPC. After a basic review of the documents provided by the Contracting team for the IFC audit exercise, it appeared that some key requirements had been omitted. For example, whilst some information on the requirements for audits are detailed in the Facilities Engineering, Supply, Procurement, Construction and Commissioning CFT, including topics relevant to E&S performance such as *“respect for the environment”*, *“safeguarding of health”*, *“competence and training”* and *“emergency preparedness”*, the need for frequent and ongoing (e.g. daily / weekly) E&S field inspections is not specified. In this CFT, sufficient clarity is not apparent on the requirements for environmental monitoring e.g. noise. There is limited Project specific information in this CFT e.g. *“effects on LOCAL COMMUNITY”* is identified as a risk but the coverage is rather vague and does not take account of specific concerns, in particular community health.

Drilling: The Project acknowledges that there is a gap in inclusion of an appropriate level of E&S information in the drilling CFTs. Whilst the general H3SE exhibit was included in the CFTs issued so far there is limited Project-specific information. The CFTs were issued prior to the completion of the ESIA. No alternative information was included e.g. scoping report, preliminary mitigation measures. Contracts and Procurement have agreed to include the relevant elements of the ESIA in the remaining CFTs to be issued (well workovers and rigless interventions) and to issue the appropriate extracts of the ESIA to technically qualified bidders.

As part of the bids it is a standard requirement to produce certain plans –for example, Environmental and Social Management Plan (ESMP), Chemicals Management Plan, Waste Management Plan, Spill Response Plan (as applicable to the work scope). These plans are evaluated as part of the bid review. It was not clear if details of all E&S requirements and plans that the successful bidder will be required to comply with and produce had been made clear to bidders for all CFTs. Since the CFTs are at the clarification stage the bidders shall be fully informed of the plans to be produced. Bidders will then have the opportunity to revisit their commercial offer.

Limited information was available on the bid evaluation criteria and the proportion of the score that E&S would account for. There is inconsistent involvement of the E&S teams in developing bid evaluation criteria or in bid review and contractor clarifications. There is some involvement of IPG HSE expertise but there is no social expertise at this level that has been involved.

Recommendations:

E&S requirements appropriate to the contract scope need to be fully transcribed into all contracts. Since the CFTs are at the clarification stage there is the opportunity for E&S to input to the process through clarifications. Going forward, the E&S teams need to be an integral part of the bid process from the outset to help manage the risk of contractor performance.

Since the gaps in E&S requirements in CFTs relate to the ability to manage E&S performance of contractors and thus meet Project commitments, it is important to ensure that contractors allocate appropriate resources to fulfil E&S requirements. If this is not done, the outcome will be that the Project requirements are only partially met or are not met at all.

Capacity building should be undertaken with the Uganda HSE and E&S teams to facilitate input to the CFT process.

Relevant extracts of the ESIA to be included in CFTs and to be issued to technically qualified bidders for ongoing CFTs.

Bidders should be provided with the full list of E&S plans and requirements relevant to their scope in the CFT documentation and, where this has been missed, as part of the bid clarification process.

Specific E&S (as opposed to HSE) bid review criteria should be developed appropriate to the contract scope to highlight Project needs and allow differentiation between bidders.

The E&S bid evaluation scoring needs to make a meaningful contribution to the overall scoring. Consideration could be given to an overall pass / fail for E&S.

2.1.2 ORGANISATIONAL CAPACITY AND COMPETENCY

Consideration was given to organisation, resources and processes (responsibilities between teams).

The Project has a lot of experience and resources on E&S aspects to develop a Project of this nature. Between Total, TEPU, Tilenga Project and JV partners there has been a presence in country for a long time which gives a significant body of experience in operating effectively in the Uganda context.

It was evident that there are a number of motivated and capable staff in place who want to implement the Project commitments.

Cross-Functional Coordination: Influx Management as an Example

Consideration is required regarding organisational processes especially cross-functional inputs. Influx is an example of a cross-functional issue which requires careful coordination for effective management; elements of influx management fit across: labour; human rights; community health, safety and security; logistics and security. As a result, there is not a natural “home” for influx management as it is a multi-faceted consideration. A mapping exercise has commenced (as documented in the Draft Social Management Strategy), which intends to document all aspects of the social management system (IFC Performance Standards, legal framework, national policies and plans, company policies) and the applicability of each SMP within this broader governance framework. There is a need to map all the aspects of influx to ensure that nothing ‘falls through the gaps’ (i.e. that there is capacity and competency in addition to the responsibility to manage the issues). A contrasting example is ecosystem services. This subject area is ‘owned’ by biodiversity and there are the cross-functional inputs established.

Influx management is recognised as a cross-cutting theme (Draft Social Strategy, p.34), which in the Draft Strategy is ultimately owned by the Government and Community Affairs Department. It is to be managed across six themes, which link with other SMPs:

1. Project Attributes during Detailed Design;
2. Promoting Community Content;
3. Labour Management and Conduct;
4. Community Health Protection;
5. Local Government Collaboration and Support;
6. Ongoing Update of Influx Risk Assessment.

Governance arrangements include an internal Steering Committee overseeing all SMPs and a series of partnerships with Government departments guided by MOUs. Additionally, it is intended that area-specific Influx Management Plans (IMPs) be developed by the contractors, in keeping with the

Strategy (Draft Social Management Strategy p.35). A RACI (Responsible, Accountable, Consulted, and Informed) Matrix may be a useful tool for further mapping SMPs to the Strategy and allocating teams, regarding internal and external interfaces on influx management.

Recommendations:

Further define governance arrangements for management of Influx inside and outside the Project. Consider use of a RACI (Responsible, Accountable, Consulted, and Informed) Matrix to define internal and external resources on influx management.

Allocate responsible teams for government department interface on influx issues.

There is no high-level, cross-departmental forum within the Project to co-ordinate E&S management and responses to issues and to escalate issues to management (e.g. district compensation rates).

Recommendation:

A cross-departmental forum should be established involving all teams who have some responsibility for implementing Project E&S commitments and (PS) requirements. The forum should address combined management of E&S, facilitate joint development of solutions to challenges and provide a mechanism to escalate issues for management attention.

Ensuring Adequate Resources for Implementation

Projects of this nature in such contexts require considerable E&S resources during implementation and these resource requirements need to be built into project planning and budget estimates (including for FID). Once FID has been reached, the project will move quickly into implementation. E&S staff will need to be hired, capacity built and the E&S team will need to work with contractors. Note this includes labour management as a PS2 requirement. The project will need to ensure that it is prepared for this rapid acceleration and ensuring that new staff are trained in project systems and team-working ethos. It is recognised that there are budget constraints prior to FID but this is a risk that needs to be identified and included as an explicit issue in the risk register, and managed as such.

Recommendations:

Enhance numbers of E&S staff and build capacity of staff to address a Project of this scale being undertaken in accordance with IFC standards. This includes adequate resources to support the capacity building of contractors with an adequate timescale to allow capability development prior to when it is needed and strengthening the link between the HSE team in Uganda and the Engineering team. The recommendation also applies to having sufficient field staff during construction – the requirements for field staff are often under-estimated in projects. All field staff should be employed sufficiently far in advance of construction to allow them to be trained and familiar with mitigation measures, site conditions, verification procedures and reporting requirements, as well as providing for ongoing refresher training throughout the construction phase once commenced.

Ensure that all staff with a responsibility to implement E&S risk management measures are aware of, and able to implement, their requirements in line with project commitments.

Plan staff resources for the swift Project implementation that will follow FID.

Since having adequate staff resources in place is a Project risk, this aspect should be included in the Project risk register and managed as a risk.

National Content & Contractor Capacity-Building

There are national content commitments (Project commitments and national legal requirements). Use of national contractors will present challenges in meeting the project E&S requirements. One solution is to build capacity of contractors with job-readiness training, on the job training and close support and supervision. An example is the RAP contractor; substantial time and effort were expended over many months to ensure the (national) contractor is able to operate at an appropriate level. This support has enabled the contractor to maintain the role, and project input is ongoing.

Such contractor support requires project resources and time from JV companies' staff for it to be effective and sustainable. For example, Uganda has clear national content requirements which the Project is required to meet. It is possible to meet those requirements but only within support from experienced experts from JV companies' project resources and allowing for a suitable timetable.

Recommendations:

The information sessions run for bidders should be expanded to cover all the PS topics such as labour requirements.

The H&S training to be provided to selected contractors should be extended to cover E&S requirements.

The Project should continue to develop E&S resources and tools to explain to contractors the E&S expectations and assist contractors explaining to their staff.

In order to work towards sustainability in addition to contractor capacity there has been recognition of the need to continue to build capacity with other partners, e.g. in district government, and supporting this through training measures is being provided for e.g. in livelihood restoration.

Recommendation:

Identify capacity building needs with Project partners and put programmes in place. Capacity building should be targeted to the requirements of partners could include such activities as targeted training sessions (as has been done with district government for livelihood restoration), participation in team training events, on the job training, webinars, field visits to on-site activities, involvement in joint Project planning sessions, cooperation with other organisations to deliver support. This can be achieved through for example, support contracts with other organisations, e.g. NGOs with expertise in community-based project planning and implementation, targeted to the needs of partners and the needs of their role in supporting the Tilenga project implementation.

2.1.3 ESMS

An ESMS is under development and the Project will work towards independent certification. Total has a requirement for having an ISO-14001 certified ESMS in place two years after production start-up.

There are a number of positive aspects to having an ESMS prepared and structured for certification. One of the standard parts of an ESMS is ongoing risk assessment and management (including a risk register). Integration of E&S experts into that process is key to making sure that the risk register is an accurate reflection of E&S risks that have implications for schedule and costs.

Another key part of the ESMS is the Management of Change process for the Project (not ESIA) and ensuring E&S consideration and signoff of in that process. The nature, scale and location of the

change will inform what the triggers are for E&S involvement in that change. For example, a major design change during detailed design may necessitate changes in permits, in stakeholder engagement, in resourcing.

Recommendations:

Ensure that Uganda E&S resources are an integral part of the ongoing development of Project risk registers and be involved in updating of the registers. In particular, the Uganda E&S team should be involved in recruitment of the Project Environmental Engineer for the EPC office and there should be a functional reporting line of this position to the E&S team.

2.1.4 CUMULATIVE IMPACT ASSESSMENT

Coordination between projects is essential to manage E&S impacts and facilitate compliance with the PSs. There are some effective structures in place, such as the resettlement action committee (RAC).

The government led Regional Cumulative Impacts Management (RCIM) initiative would allow co-operation on cross-cutting issues such as influx and could provide a platform for topics to be addressed at the landscape context, for example fisheries. The RCIM is not yet constituted.

There will be high combined demands of the projects for resources (e.g. aggregate, murram, timber) and for infrastructure and services (e.g. roads, licensed waste management facilities of adequate standard, health services) that could outstrip supply or compromise capacity and provision of services.

The Tilenga ESIA covers the potential effects of the field and the Tilenga feeder pipeline ESIA covers the effects of the pipeline. There is no document that pulls together the effects of the full Tilenga Project.

Recommendations:

Joint planning is required between Tilenga, Kingfisher and EACOP to address cumulative demands for resources and infrastructure and services. Since such demands will occur from an early stage in Project implementation and solutions may take some time to initiate, attention is required as a priority.

As a priority further attempts should be made to establish the RCIM as this will take some time to launch and some of the aspects will need addressing as prior to Project implementation e.g. influx.

Joint planning is required between Tilenga, Kingfisher and EACOP to address cumulative demands for resources and infrastructure and services. Since such demands will occur from an early stage in Project implementation and solutions may take some time to initiate, attention is required as a priority.

Consider developing a document that collates the full Project impacts and mitigations for:

- use by the Project to comprehensively understand the potential impacts of the full Project
- to facilitate compliance with IFC standards.

2.1.5 COMPLIANCE MANAGEMENT

A gap has been identified with regards to HSE and the need to map Project standards (i.e. includes IFC PSs and WB EHS) and HSE. This has been partially done on PS3 by HQ but needs updating. Due to immediate needs this is best done by the Project / TEPU.

Structures and processes for regulatory compliance management are being defined

Recommendations:

Ensure that the existing out of date gap analysis of national standards and Project standards is updated and act to fill gaps where identified.

Undertake a gap analysis of Project standards with IFC requirements. Due to immediate needs this is best done by the Project / TEPU.

Ensure comprehensive and clear responsibilities and structures for regulatory compliance management and reporting.

Total / the Project should maintain a detailed regulatory compliance matrix which is supplied to contractors to facilitate their regulatory compliance.

2.1.6 MONITORING

Third party monitoring mechanisms are in place: BLAC, RAP external monitoring. An issue which requires careful management and which will be of particular interest to stakeholders is labour. External monitoring is not planned for this aspect but would provide assurance that labour considerations are being adequately managed.

The Project can enhance transparency by having third party monitoring on other aspects, for example on site construction monitoring.

Recommendation:

Consideration should be given to external monitoring during Project implementation (e.g. third party labour monitoring and third party grievance monitoring).

2.1.7 STAKEHOLDER ENGAGEMENT, INFORMATION DISCLOSURE AND GRIEVANCE MANAGEMENT

The Project has developed and updated its Stakeholder Engagement Plan (SEP), with the latest version prepared in January 2019. This SEP provides for background information on engagement, disclosure and grievance response in project activities to date, including the preparation and disclosure of the ESIA.

The SEP can be strengthened by explicitly stating the objective of compliance with IFC PS1. Additionally, the Action Plan component which should provide the detail of who, what, when, frequency and responsibilities of stakeholder engagement and information disclosure.

Currently, vulnerable people are included as a stakeholder group in the ESIA and in the Draft Social Strategy. This group should also be included specifically in the SEP. Next, the special needs for these groups should also be reflected in the SEP, including adoption of Informed Consultation and Participation (ICP) principles, responding to the disproportionate effects that may be experienced by vulnerable groups from the Project.

The SEP does not provide for reporting back to affected stakeholders on the issues that affect them; this can also be updated into a revised SEP.

Lastly, the Grievance Mechanism (GM) should be strengthened to reflect: the timing of key stages in the grievance resolution process; the major issues/grievances raised and a summary of the project's responses to these issues; should be provided. The GM Procedure and SEP should align on the GM principles, processes, and reporting.

2.2 PS2 LABOUR AND WORKING CONDITIONS – KEY OBSERVATIONS

2.2.1 WORKING CONDITIONS AND MANAGEMENT OF WORKER RELATIONSHIPS

The ESIA and draft Social Strategy commit the project to developing a Labour Management Plan with associated policies and procedures. These are yet to be developed. These are critical for ensuring that the obligations of the Project can where relevant be rolled into requirements of contractors and subcontractors through the CFT documentation, hence are time critical.

Recommendations:

Draft and disclose the Labour Strategy and Labour Management Plan. The Strategy and Labour Management Plan should incorporate all the relevant requirements of PS2, including for contractors as well as the commitments provided in the ESIA ESMP. Disclosure of the Labour Management Plan can be, for example, on the project website and with key partners who, in this case, can be involved in meeting the strategy (e.g. contractors, local government, local labour offices. This should include the items below:

Update the policies associated with the Labour Strategy and Labour Management Plan which provide for communication of worker rights and responsibilities, terms of employment, and fair working conditions: Harassment policy; and Regulation for the Rules of Administration of Kampala and Field Based Staff.

Ensure the Labour MP specifically references avoidance of unethical recruitment and contracting terms for migrant workers, and reflect this in CFT documentation and subsequent contracts.

Develop the Workforce Accommodation Plan as per commitments, and include applicability to contractor/subcontractor camps in the area of influence (AoI) and reflect this as appropriate in the CFT documentation.

Develop the Retrenchment Plan (lower priority)

Provide in the Labour MP for: compliance with relevant national legal requirements and international conventions; and for equal opportunity and non-discrimination.

Review the Worker Grievance Mechanism to ensure its applicability to all workers (including contractors) and their organisations, and that it provides for anonymous complaints and access to remedy. This is currently a material non-conformance.

2.2.2 PROTECTING THE WORKFORCE

The Labour Management Plan with associated policies and procedures will also need to provide for policies and procedures to protect the workforce with regards to child and forced labour provisions. These are specific commitments made in the ESIA however will also need to be reflected in ESMPs

and lower tier procedures. The Labour Strategy and Labour Management Plan should provide for compliance with child and forced labour requirements.

Recommendations:

The Labour MP being drafted should provide for compliance with child labour requirements including mechanisms for ensuring child labour is not employed.

The labour management procedure should include mechanisms for ensuring forced labour is not employed.

2.2.3 WORKERS ENGAGED BY THIRD PARTIES

The provisions for access to the grievance mechanism the workforce engaged by third parties are not clear. The CFT documents reflect that third parties should be providing for community complaints and locally engaged labour, however all workers should have access to the grievance mechanism (see recommendation under 2.2.1 above).

Recommendations:

Labour MP procedures will need to document auditing of third party providers to ensure their consistency with project labour commitments.

2.2.4 PRIMARY SUPPLY CHAIN

Provisions for the risk identification of child and forced labour in the supply chain are made in the ESIA. Requirements are outlined however clarity is required through the drafting of the relevant MP, plans and procedures to ensure that there are robust mechanisms for implementation.

Recommendations:

Reflect mechanisms for ensuring child and forced labour are not used in the Project supply chain in the forthcoming Labour MP, in line with Project commitments and national legal requirements.

2.3 PS3 RESOURCE EFFICIENCY AND POLLUTION PREVENTION – KEY OBSERVATIONS

The observations in this section also consider the EHS Guidelines.

2.3.1 AIR EMISSIONS AND AMBIENT AIR QUALITY

The ESIA assesses residual impacts to air quality as being of a Low Adverse significance.

The project has modelled all available scenarios for gas turbine (GT) technology and reviewed compliance against ambient air quality standards (AQS). In all cases the AQS is met and the Project will continue to work with the EPC to refine the power requirements for the project lifecycle whilst fully considering the environmental impact. Discussions with the Project indicate that the post-ESIA air dispersion modelling assessment (using the AERMOD Advanced Dispersion Model) demonstrated that a significant amount of the airshed was utilised. The proportion of the AQS that the Project would consume was not clear.

The EHS General Guideline requires that projects with significant sources of air emissions, and potential for significant impacts to ambient air quality, should prevent or minimize impacts by ensuring that emissions do not contribute a significant portion to the attainment of relevant

ambient air quality guidelines or standards. Significant sources defined in the General EHS Guidelines include as combustion sources with an equivalent heat input of 50 Megawatt thermal input (MWth). The Guidance states that the significance of inorganic and organic pollutants emissions should be established on a project-by-project basis taking into account toxic and other properties of the pollutant. As a general rule, the EHS General Guideline suggests 25% of the AQS to allow additional, future sustainable development in the same airshed (this is reiterated in the EHS Guidelines for Thermal Power Plants). In addition, IFC's guidance note GN36 on PS3 requires that the background concentration of the pollutant is taken into account: *"the project should not normally consume more than 25 percent of the assimilative capacity between the pre-project case and the relevant ambient quality guideline standards."* Assimilative capacity is defined in a footnote within PS3 as *"the capacity of the environment for absorbing an incremental load of pollutants while remaining below a threshold of unacceptable risk to human health and the environment"*. This guidance is not reflected in the Project Environmental Optimum Requirements (EOR).

The Project has not yet decided which design contractor will be selected. The Project has confirmed that there are no exceedances of emission limit values (ELVs) in the Fluor design. The McDermott design basis has an ELV exceedance for the gas turbine for short-term NO_x. BAT is being fully considered based on the power requirements of the project, the lack of availability of a power export route and the complex technical requirements for burning such a heavy fuel gas. One consideration is that dry low NO_x (DLN) is not considered viable with the design. Information from Total rotating equipment experts indicates that the technical challenges of operating DLN technology with the type of GTs to be installed (GE Frame 5) is extremely complex and is likely to result in a significant amount of down time. The project will continue to build the BAT demonstration around these issues. If an exceedance of the short-term NO_x ELV remains, the Project will need to present a case for derogation justified by an impact assessment-based approach and BAT justification.

The ESIA included GHG emission calculations.

Recommendations:

The Project should consider the proportion of the air quality standards (AQS) that would be attributed to the Project. If the contribution is greater than 25% the Project would need to develop a derogation for this IFC standard justified by impact assessment-based approach and BAT justification. As part of best practice, the Project should report on GHG emissions annually (through Project and / or Total annual reports, or other disclosure mechanisms such as the Carbon Disclosure Project)

2.3.2 NOISE

The ESIA describes that the following activities have been assessed to have Moderate Adverse significance:

- Construction and Pre-Commissioning Phase – night-time wellpad drilling noise;
- Commissioning and Operations Phase – Night-time central processing facility (CPF) (Option 2) for the scenario of site layout with high noise generating plant located in the northeast of the site, which is the nearest location to receptors; and
- Commissioning and Operations Phase – Night-time wellpad noise.

Of the identified residual significant (Moderate Adverse) impacts, it is considered in the ESIA that the potentially significant CPF noise impacts can be designed out through selection of the CPF (Option 1) layout with high noise generation equipment located further from the receptors, and it is proposed that additional noise modelling for well pad sites is undertaken once the final locations of the plant items is known to identify if significant impacts can be suitably reduced / offset.

Both potential FEED Contractors (McDermott and Fluor) were requested to comply with IFC requirements in the design. Noise modelling in addition to that in the ESIA has been undertaken by both potential FEED Contractors with various mitigation scenarios. Both designs comply with IFC standards.

The engineering studies demonstrate that compliance with the regulatory night time noise limit of 35dBA in the draft national standards (National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) and the National Environment Act Guidelines (3) for noise and vibration) is not achievable with the existing designs. This is the case for permanent equipment - the Central Processing Facility (CPF), 10 wellpads located North of Nile, 20 wellpads located South of Nile, interfield pipeline network and Lake Water Abstraction (LWA) facility. The exceedance of the draft national noise standards also applies to well drilling (supply and operation of plant). Under Part VI, Section 34 of the draft National Environment (Noise and Vibrations Standards and Control) Regulations, it is permissible to apply for a licence to emit noise in excess of the permissible noise levels specified by Schedule 1 of the Regulations. A derogation has been drafted by the Project (Derogation request - Noise requirements as described in Environmental Optimum Requirement for Tilenga Project, March 2019) in this regard, making the case for adopting the IFC criteria as detailed in Table 1.7.1 of the General EHS Guidelines as the noise design basis for the Tilenga project activities. In addition, the following recommendations are made [within Section 2.4 of the draft derogation memo] with respect to post FID activities:

- A Noise Management Strategy should be developed for the engineering, procurement, supply and operation of equipment to address all project phases;
- Further detailed noise modelling shall be done by facilities contractor to confirm the ability to meet the revised thresholds and full BAT demonstration submitted as part of detailed engineering scope;
- Noise contours to be uploaded to GIS to confirm the number of receptors impacted by CPF and South of Nile wellpad locations for McDermott design basis;
- Confirm design basis for Enabling Infrastructure with respect to berm design;
- Further noise monitoring at identified discreet receptor locations should be undertaken to provide a more comprehensive understanding of daytime and night time noise levels in the areas close to CPF and specific wellpad locations GNA-02, GNA-03, GNA-04, NGR-03A, KW-02A and KW-02B;
- Noise modelling should be undertaken by the Drilling and Wells contractors for walking rig and surface facilities at the wellpads and also the mud mixing area to confirm the ability to meet the revised thresholds. Full BAT demonstration to be submitted as part of contractors' scope;
- Formal engagement with the relevant authorities and key stakeholders should be undertaken to present the project Noise Management Strategy;

- Applications for licenses to emit noise levels in excess of the permissible noise levels should be drafted for operational activities at CPF and wellpads including drilling activities as per the requirements of Part IV, Section 34 of the draft regulations; and
- Noise impacts associated with construction activities to be reviewed with relevant contractors (Drilling, Enabling Infrastructure, and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC)) against construction noise standards as detailed in the Environmental Optimum Requirements.

Noise can be a sensitive issue for stakeholders on projects, including community members and take some effort to address concerns. Since the National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) it is presumed that there is not a good body of experience within the government or on projects of obtaining the licence for an exemption to the standards. As such, this may take some time to obtain. Review of noise management with Drilling, Enabling Infrastructure and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC) contractors to manage noise during implementation will also need some time complete.

Recommendation:

In view of potential stakeholder sensitivities around noise and the potential length of time to identify noise management measures, recommendations for the Project and contractors responsibilities from the draft noise derogation should be implemented as a priority (covering development of a Noise Management Strategy, undertaking noise modelling and receptor analysis, noise monitoring, stakeholder engagement, application for licence for exemption from draft national noise standards, confirming some elements of Project design, development of BAT and review of noise management with Drilling, Enabling Infrastructure and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC) contractors). The requirement for an exemption licence from standards in National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) should be considered in the project planning (licenses and consents plan).

2.3.3 RESOURCE EFFICIENCY

The ESIA describes that *"there is very limited pumping test information for boreholes within the Study Area to facilitate determination of the hydraulic properties of the unconsolidated sand aquifer – though a commitment is made by the Project Proponents to gather additional information via a survey which is currently underway as part of the FEED Water Abstraction Feasibility Study. The results of this additional work will be used to up-date the baseline information and to refine a detailed hydrogeological conceptual site model (CSM)"*.

Pump testing was completed in 2019 to determine the hydraulic properties of the aquifer and reliability of aquifer water supplies for Project use. The data provides one of the inputs for the hydrogeological conceptual site model being developed which, along with a quantitative hydrogeological risk assessment, will determine sustainable yield. As part of the water abstraction study, consideration will be given to whether the results affect the conclusions of the ESIA.

The Project is in the early stages of looking at developing a contingency in case of low yields including consideration of engineering options for temporary water abstraction plants. The construction water CFT specifically covers the need to have a surface water abstraction in the event that the water needs of the Project cannot be met by groundwater.

The Fluor BAT Assessment Report (May 2018) describes the project status for Energy Efficiency as 'Substantial Compliance' with only the follow actions required: Energy Management Plan; and, Energy Efficiency Maintenance Plan. The Project will develop criteria for resource management and energy efficiency with each contractor depending on the scope.

Recommendations:

If there are major changes regarding water supply, the Project will need to consider how this is permitted. The options will be to complete Project Briefs for water abstraction facilities or to go through the management of change process with NEMA (as discussed under PS1 para 1.5) The Project will develop criteria for resource management and energy efficiency with each contractor depending on the scope.

2.3.4 LANDSCAPE AND VISUAL

The ESIA concludes that *"The residual impacts on landscape and visual receptors ranged from Insignificant to High Adverse significance, with significant residual impacts predicted for all Project phases with the exception of Decommissioning. Although implementation of the additional mitigation measures would result in a slight reduction in effects for a number of Landscape Character Areas and Viewpoints, due to the scale and spread of activity including removal of vegetation, loss of landscape pattern and introduction of uncharacteristic infrastructure within MFNP, significant impacts (Moderate to High Adverse) are predicted to remain to five Landscape Character Areas and 14 Viewpoints during at least one Project phase. Negative impacts were identified to the perceptive qualities and pockets of tranquillity experienced throughout the landscape."* The ESIA describes that the Project Proponents will continue to explore design options which may further reduce the potential impacts on landscape and visual receptors.

TEPU has developed an Environmental Optimum Requirements EOR document (2016), to supply the environmental standards to be adopted for all phases. The EOR been developed in line with the requirements of the Uganda National Regulatory Framework and associated guidance; World Bank/IFC Performance Standards and the Environmental Health and Safety Guidelines and GIIP. This includes a Section 7.1.4 on Aesthetic aspects requiring that visual impact of permanent facilities shall be considered in design so that impacts on the existing landscape are minimised. Section 7.2.3 Lighting contains lighting specifications, also intended to minimise light impact. This includes that in MFNP the base case shall be no lights at night.

The Project reports that the requirement to minimise visual impact has been a key consideration during FEED and enabling infrastructure (EI) design. The requirements from the EOR were transposed into the FEED Environmental Philosophy documents. In addition visual impact from the wellpads in the MFNP was a key consideration for bund wall design for the EI designer. Consideration was also given to minimising the height of structures both on the wellpads and at the CPF.

With specific regard to the flare, the design considered the flare stack. The Project considers the elevated flare structure to be less visually impacting (50m with very small diameter <0.5n) than an enclosed ground flare (EGF) design (25m stack at 25m diameter). With regard to stack height on power generators, this has been determined by the air emission limits and will be minimised to as low as reasonably practicable. In addition, tank structures will be painted to ensure minimal glare and this has been written into the coating specification for the project.

Recommendation:

In order to demonstrate good practice, the Project should prepare a summary of the actions taken to minimise visual impact and how those choices compare to best practice and including the rationale as to why no further action can be taken, given the potentially significant residual impacts on receptors.

2.3.5 EMERGENCY PREPAREDNESS AND RESPONSE

A study was underway at the time of writing (May, 2019) for blowout contingency.

The Project have confirmed that government capacity for emergency response e.g. Tier 3 spill response is limited. National oil spill contingency plan (OSCP) is available. The Project is implementing a phased approach to OSCP development and is progressing with the Project OSCP with drilling as a priority and the operational OSCP to be developed later. The strategy is to ensure the project has a robust Tier 1 response and looking to understand what partners are available in this regard. Studies are ongoing to look at options available for spill response. The main gap appears to be in Tier 2 where the Project will work with OSRL for Tier 2 resourcing and discussing with HQ how to utilise the existing Total expertise and resources in Africa. PS4 COMMUNITY HEALTH, SAFETY AND SECURITY – KEY OBSERVATIONS

2.3.6 MITIGATION MEASURES COMMENSURATE WITH RISKS

The risks and impacts to the health and safety of Affected Communities have been assessed through the project life cycle in the ESIA, resulting in the highest residual risks of HIV/AIDS and unwanted/teen pregnancy. An earlier In-Migration study (2016) had also informed the ESIA. Given the nature of the project area and use of shared facilities (e.g. roads) between Tilenga and Kingfisher, a coordination forum is recommended to focus on those social issues common between the two projects: influx, disease prevention and road safety.

Recommendation:

Establish a coordination forum with Kingfisher to identify, mitigate and manage common community health, safety and security impacts.

2.3.7 INFRASTRUCTURE AND EQUIPMENT DESIGN AND SAFETY

Good international industry practice (GIIP) has been applied in designing the project with the safety risks to Affected Communities in mind. The ESIA identified a number of residual risks for which mitigations need to be incorporated into the (forthcoming) Community Health, Sanitation, Safety and Security Plan (CHSSSP). These measures will need to be implemented to ensure public safety through restrictions of access to the ROW in certain areas and at certain times of construction, and so will be the responsibility of the construction contractor to manage and need to be included in the CFT documents.

Similarly, the Road Safety and Transport Management Plan (RTSMP) is also being revised by the Logistics team. This requires all ESIA commitments to be included and reflected in the CFT documents where these responsibilities lie with contractors.

Recommendation:

Ensure residual community health and safety mitigations are included in the CHSSSP and Road Safety and Transport Management Plan (RSTMP), and reflected in CFT documents where implementation of mitigations is the responsibility of contractors.

2.3.8 COMMUNITY EXPOSURE TO DISEASE

The potential for transmission of communicable diseases is recognised by the Project, and so has used the In-migration Risk Assessment and Situation Analysis to inform the ESIA, and now the Influx Management Framework and Strategy. This Strategy is currently under development by external consultants.

Also, well recognised is that the avoidance, mitigation and management of influx-related impacts requires coordination and action across both internal and external stakeholders of the Project. Namely, social, human resources, logistics and government relations inputs are required internally, with cooperation from national and local government authorities. The project's currently draft Social Strategy has commenced mapping aspects of influx management and defining internal team responsibilities. Currently, it appears that not all internal teams have been fully engaged in mapping out their areas of responsibility with regards to influx management. This process should be completed, including responsibilities for liaison with the various government partners, to then be included in the Influx Management Plan, and CFT documents where responsibilities will be passed on to contractors for implementation.

Recommendation:

Engage with all internal teams to complete the process of mapping out responsibilities for influx management, including responsibilities for liaison with the various government partners, to then be included in the Influx Management Plan, and CFT documents where responsibilities will be passed on to contractors for implementation.

2.3.9 SECURITY PERSONNEL

The Project has made commitments with regards to security through the Total Safety, Health, Environment Quality Charter and the Total Human Rights Guide, which are also reflected in the ESIA. Aspects of these commitments have been reflected in the CFT Documents. However, these will also need to be included into the forthcoming Community Health, Sanitation, Safety and Security Plan (CHSSSP).

Recommendation:

The forthcoming CHSSSP will need to reflect the Project's commitments to the Voluntary Principles on Security and Human Rights (VPSHR) including training, use of force, appropriate conduct and proportionality. It should also provide for access to the grievance mechanism on issues of security, and reflect the Project's approach to use of public and private security forces. The CHSSSP should then be publicly disclosed.

2.4 PS5 LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT – KEY OBSERVATIONS

2.4.1 GENERAL

The mitigation hierarchy has been applied in the design process of the FEED including consideration of social sensitivities. A Land Acquisition and Resettlement Framework (LARF) has been prepared with Government partners, along with RAP 1 for the Industrial Area and N1 road. This was developed and then approved by the Government of Uganda in January 2018, identified 632 PAPs who will be displaced by the Project and is in implementation. RAPs 2-5 are at the end of planning phase. Further, the project has committed to supporting the development of Land Use Plan¹, which should be prioritised to ensure that resettlement options consider competing land uses (e.g. biodiversity offsets, proximity to protected areas, other projects in the Basin) and significantly, host communities (currently a gap in RAP1, which does not provide detail on host communities or how in-fill of PAPs to these communities will be implemented).

Compulsory land acquisition is being pursued by authorities with 8 landowners who have not made an amicable agreement with the project on land acquisition ('hold-outs'); clarity should continue to be provided for stakeholders on the process prior to its initiation and during the process. The Land Act provides for compulsory land acquisition and this has been communicated to date with PAPs. The Project has identified (through the ESIA) where there are gaps that require further work/specification prior to implementation.

RAP1 will benefit from strengthening its interaction with environmental constraints. This includes: inclusion of biodiversity monitoring and evaluation (M&E) indicators; and close management of opportunistic settlement should be prioritised in coordination with relevant authorities in sensitive environments (e.g. wetlands).

On M&E more widely, indicators should be reviewed to address objectives, especially regarding vulnerable groups, hold outs and cultural assets. Regular internal monitoring frequency and responsibility should be clearly articulated.

Recommendations:

Finalise planning for RAPS2-5, including providing for unanticipated land take.

Support the development of a district level Land Use Plan in line with ESIA commitments.

Use JV partner structures to coordinate on land use planning in the Basin more widely.

Develop a specific legal framework for compulsory land acquisition for disclosure prior to its initiation.

Initiate encroachment management measures in sensitive environments.

Conduct regular internal implementation monitoring and track corrective actions.

¹ESMPp.23-52, to be included in the Community Content, Economic Development and Livelihood Plan

2.4.2 COMMUNITY ENGAGEMENT AND INFORMATION DISCLOSURE

In addition to the Project Stakeholder Engagement Plan (SEP, V1, 2019), RAP-specific SEPs are prepared for implementation by the contractor with oversight and support by the Tilenga stakeholder engagement (SE) team. It was reported that costs for implementation of SE have exceeded initial budgets however this lesson does not appear to have been incorporated into the coming five-year budget for SE, which also includes preparation and implementation of more complex RAPs.

Lessons from RAP1 stakeholder engagement should be reviewed and incorporated into RAPs 2-5, currently in the end of planning phase.

Information disclosure on rates should be strengthened². It is recognised that this is outside the control of the Project (government establishes the rates), however disclosure should seek to reduce grievances raised on this issue, alongside disclosure of other grievance summary data.

Recommendations:

Strengthen information disclosure regarding rates calculations including with government on rates once published. Also consider other common grievances / issues and review engagement and information disclosure on these topics.

2.4.3 PHYSICAL AND ECONOMIC DISPLACEMENT

The Entitlements Matrix provides for compensation and entitlements for physical displacement. However, the support available to vulnerable households should be strengthened, especially at the time of agreement development (e.g. Minutes of Attendance, where decisions with long-term consequences are agreed). This should also include legal assistance to vulnerable people.

Inconsistencies exist between Kingfisher and Tilenga projects regarding those with no formal rights or claims to land; this creates the potential for friction/conflict in the Project area, particularly as both projects progress further and implement successive RAPs. It was stated that the JV Partners Land Acquisition and Resettlement Steering Committee (LARSC) has not been active recently; this should be reconvened as a matter of priority to revisit consistency of approach. Examples of areas of difference include on: land tenure for displaced persons; support in financial management training for displaced persons; and arrangements with regards to host communities.

ESIA commitments are required to be implemented; this includes implementation of livelihood restoration measures, as a key commitment under PS5, the LARF and RAP1. All parts of the Project team should have a clear understanding of which matters must be delivered versus areas for negotiation, including in establishment of contracts.

Recommendations:

Strengthen support available to vulnerable households during implementation, and particularly at critical times such as during agreement making processes, prior to documenting agreements.

Reconvene the JV partners internal LAR Steering Committee to establish consistency of approach on future land tenure.

²References: Interviews and internal Grievance Reports (Nov, Oct and Sept 2018).

Ensure C&P has a clear line of sight of ESIA commitments and requirements including external implementation of livelihoods programs.

2.5 PS6 BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES – KEY OBSERVATIONS

2.5.1 PS6 GUIDANCE NOTE

An updated PS6 Guidance Note was produced in November 2018 after the Project had completed the ESIA and progressed with biodiversity management plans and some of the further biodiversity related studies. The Project consulted with IFC through its contractor (The Biodiversity Consultancy - TBC) and the advice was to continue with the old GN and incorporate the requirements of the new GN6 as documents are updated or new documents produced. At the time of writing (May, 2019), the Project is finalising the Biodiversity Strategy (incorporating the Biodiversity Monitoring and Evaluation Plan and Net Gain Implementation Plan). The Project expects that the Biodiversity Strategy (and other biodiversity documents) will be reviewed and updated in the order of every three years. A gap analysis of the new GN6 with work done to date is to be undertaken to understand any changes in requirements.

Recommendations:

Following the gap analysis of the Project position with the revised GN, an action should be developed with a timetable to bring the Project in line with the revised GN.

As far as feasible, requirements of the new GN should be incorporated as soon as possible and reflected in the Biodiversity Strategy.

Some requirements can be addressed more easily (for example, the requirement to consult the IUCN Species Survival Commission, rather than the previous version which gave the SSC as an example of species specialists) whilst others will be more complicated (for example, re-evaluating critical habitat in terms of the revised triggers).

2.5.2 NO NET LOSS / NET GAIN PROGRAMME

Progress is being made on the no net loss (NNL) / net gain (NG) studies with the focus on the three concept strategies identified in the ESIA for residual biodiversity mitigation (Reducing human pressures and increasing resilience of the Murchison Falls Protected Area (MFPA), Conserving and restoring wetlands and riparian vegetation and Conserving and restoring Forests in two landscape units [Landscape Contexts D & F]). A scoping study has been undertaken to collate information on ongoing programmes in the Albertine Graben that will be investigated further to evaluate whether there is the opportunity for the Project to build on the programmes. If contribution to existing initiatives does not meet the needs of the Project new programmes will be developed.

Options for governance of the NNL / NG programme are under are under deliberation. A special purpose vehicle (e.g. the TEPU Foundation) could be developed or dedicated internal or external resources could be utilised.

Recommendation:

An early decision is required on the governance structure for the NNL / NG programme as this will affect the development of the programme.

The Implementation of actions to achieve no net loss and net gain will commence when the BAP is approved, some of which will be prior to the final investment decision (FID). Pilot mitigation initiatives will be followed by full-scale initiatives. This will allow some progress with on the ground activities. NNL / NG initiatives often take time to set up, in many cases longer than anticipated. Programmes also need to address the 'lag time' between Project impacts and achieving NNL / NG.

Recommendation:

There is a need for focused planning and implementation of NNL / NG actions to progress the programme in order to achieve the targets in a timely manner.

To this end, adequate resources (numbers, technical expertise) need to be utilised to develop the programme. As the NNL / NG programme is defined, adequate resources (numbers, specific relevant expertise in planning of offset projects and with specific expertise in the biodiversity resources being addressed in the NNL / NG programme as well as social expertise) need to be need to be utilised to develop and implement the programme.

NNL / NG activities often have implications for social aspects, often due to changes in the provision of ecosystem services. The integration of social aspects in the NNL / NG initiatives is vital for the success of any programmes. There is some level of awareness of this aspect within the Project, for example there is interaction between the environment and social teams and it was stated that conservation initiatives would have poverty reduction component e.g. fisheries management.

Recommendation:

Involvement of expertise on maintenance of livelihoods and alternative livelihood strategies and community consultation should be a key consideration from the early stages of planning any initiatives in the NNL / NG programme.

In recognition that NG is something new in Total, the inception of the Total Net Gain Task Force in late 2018 is a constructive move. It is understood that the objectives of the task force are:

- Providing a forum for HQ to follow up on affiliate NG programmes
- Supplying a platform to support and align affiliates
- Developing tools to manage risk for Total and affiliates
- Ensuring involvement of social teams in NG programmes

The task force NNL / NG workshop in March 2019 involving representatives from the Tilenga Project, EACOP and from such bodies as Total headquarters, IUCN and the Wildlife Conservation Society (WCS) was a good initiative in facilitating technical discussions and aligning the Tilenga and EACOP projects. It is understood that Tilenga will lead on implementing mitigation measures in the MFPA, Budongo and the immediate surrounding area and would support programmes in other areas of the landscape led by other projects. Close co-ordination on NNL / NG programme across the Tilenga, Kingfisher and EACOP is vital to promote success of the programmes and support cost effectiveness.

Recommendation:

Establishment of a co-ordination structure between Tilenga, Kingfisher and EACOP to actively manage development of the NNL / NG programmes.

The Project recognises that NNL / NG programmes need to be implemented at the landscape level and that this requires the involvement of government and non-government organisation (NGO) stakeholders. Structures are not in place to foster such co-ordinated inputs. The government led

committee – the Lake Albert Development Plan Group (LADPG) - is no longer in existence. It is understood that attempts to co-ordinate the entities have not been successful to date.

Recommendations:

The Project should progress with plans to facilitate integration of stakeholders - government, other projects, conservation organisations - to develop the NNL / NG planning in an integrated manner at the landscape level and improve chances of success.

It is suggested that a focal point is identified to drive this forward. This may be an NGO representative or possibly a member of BLAC.

The NNL / NG programme will cover a range of habitats that will capture a number of species as well as specifically addressing a number of larger faunal species in the Murchison Falls National Park (MFNP) e.g. giraffe, elephants. The programme is outcome based with targets set for habitats and selected species and the overall effectiveness of the programme being considered. There is no differentiation between NNL and NG with the aim being to achieve at least NNL. Since NG is required for critical habitat the Project will need to clearly demonstrate that NG is achieved. It may be that the Project needs to aim for NG as a minimum where there is potential for critical habitat.

Recommendations:

Consider how to demonstrate NG is achieved for critical habitat. Whilst the nature of interventions may be the same for NNL and NG, habitat and species targets need to be set to clearly aim for net gain for critical habitat. The aim for overall effectiveness of the programme need to be considered – NNL or NG – and this will partly depend upon the proportion of critical habitat in the programme.

2.5.3 INVASIVE ALIEN SPECIES MANAGEMENT

The Project has a number of management principles guiding IAS management – development of a permanent awareness and monitoring system for IAS on the Project Area during all phases of the Project, implementation of biosecurity and prevention procedures and development of an IAS infestation management protocol. An Invasive Alien Species Management Plan is under development. For the 15 invasive alien plant species identified a risk ranking has been defined considering the potential biodiversity impact. This accords with the risk based approach in PS6. The IAS Management Plan does not discuss invasive alien faunal species, pests or pathogens as required by PS6.

Recommendation:

Ensure coverage of invasive alien fauna, pests and pathogens in the IAS Management Plan (or provide an explanation that they are not a risk to explain why they are not addressed).

2.6 PS7 INDIGENOUS PEOPLES – KEY OBSERVATIONS

2.6.1 APPLICABILITY

The ESIA clearly states that PS 7 on Indigenous Peoples is not applicable to the Project (ESIA p2-39) and clarifies that *while there is no official government policy recognising indigenous people as understood internationally, there is a tendency to recognise some groups as marginalised and vulnerable or as minorities.* (ESIA p.16-78). Further, *there are a number of minority and distinct ethnic groups within the Primary Study Area that have potential vulnerabilities related to land tenure*

and use change and to impacts on their access to natural resources. However, based on stakeholder consultation and review of existing reports, the classification of any group as Indigenous Peoples in the context of IFC PS 7 was not considered applicable in the local context.

The ESIA comments response register notes an objection to this issue, which was raised during consultation (ESIA comments response register, #16). The ESIA notes that stakeholder consultation and a review of existing reports was undertaken to inform the position that PS 7 is not applicable, and interviews undertaken with Tilenga during this review indicate that a formal response has also been developed internally.

The response should address the degree to which distinct social and ethnic groups possess each of the following characteristics, as specified in PS7:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the mainstream society or culture; or
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

The response has not been sighted during this review and it is understood that it has not been publicly disclosed.

The ESIA describes that within Project affected communities, potentially vulnerable groups include minority ethnic groups, especially in considering the Project Affected Communities. See PS1 regarding treatment of vulnerable and marginalised groups.

Recommendations:

Ensure the Tilenga response is robust in specifically addressing each of the four criteria for triggering PS 7.

Ensure that there is a documented response direct to the stakeholder who raised the issue during consultation.

Make the Project response on Indigenous Peoples available to other stakeholders should this be requested.

2.7 PS8 CULTURAL HERITAGE – KEY OBSERVATIONS

2.7.1 PROTECTION OF CULTURAL HERITAGE IN PROJECT DESIGN AND EXECUTION

The ESIA identifies relevant national and international legislation, policies and conventions applicable to the Project's management of cultural heritage, and identifies the Area of Influence in which known cultural assets are located. The ESIA additionally notes the high likelihood of chance finds to be discovered upon ground-breaking activities.

Recommendation:

As part of the Project benefits, consider development/sponsoring of an ongoing program of research that builds on baseline developed in the ESIA, with a focus on establishing site chronologies, intangible heritage documentation, understanding paleoclimate, investigating pottery and salt making, and landscape archaeology.

Competent professionals are required to protect cultural heritage, and the ESIA recognises inputs required from lead government authorities in this regard. Relevant ministry and museum representatives have been engaged in the development of the ESIA and subsequent work to date. In conducting this review, Tilenga described the agencies' active participation in managing required CH works, such as moving sacred sites. The CH and Archaeology MP is being developed in line with ESIA and ESAP commitments, which recognises the need to obtain further government agency inputs (specifically, Department of Museums and Monuments).

Recommendation:

Agree and document in the Cultural Heritage MP the additional avoidance, control and mitigation measures with the Uganda Department of Museums and Monuments, including on key issues such as relocation of spiritual sites or other critical cultural heritage, where spiritual leaders or other competent professional input is required.

2.7.2 CHANCE FIND PROCEDURE

As with all parts of the Project, a key design principle was avoidance of impacts; cultural heritage was one component feeding into the iterative design process. Any ground-breaking activity has the potential to reveal chance finds as the ESIA covers only known and surface sites.

The Chance Find Procedure was last updated in 2017. An archaeologist has been engaged by the Project to undertake a review of the Procedure.

RAP 1 includes a CHMP and CFP (Draft). Following its implementation, Tilenga acknowledges the opportunity to review lessons, with implementing partners, for incorporation into RAPs 2-5. This includes confirming the availability of appropriately skilled heritage experts to maintain a watching brief during all ground-breaking works.

Recommendations:

Update the Chance Find Procedure based on lessons learned from RAP1.

Confirm in organisational charts that a team of appropriately skilled tangible heritage experts are engaged for the Project's ground-breaking activities.

2.7.3 CONSULTATION

The ESIA development process, including RAP 1 CHMP, describes the consultation undertaken with relevant national regulatory agencies responsible for cultural heritage. This includes an ongoing role in monitoring the Project's CH performance, as well as determining significance and follow up of chance finds. Tilenga acknowledged active participation of agencies in work to date.

2.7.4 NON-REPLICABLE CULTURAL HERITAGE

Non-replicable cultural heritage is not defined in the Project documents. The Department of Museums and Monuments is the key agency engaged to determine appropriate conservation or preservation measures for any chance finds, however Project documents do not make a specific commitment related to non-replicable heritage.

Recommendation:

Include definition of non-replicable cultural heritage in Project documents. Where relevant, include specific conditions that must be met for its removal, in line with PR8, in Project documents.

2.7.5 CRITICAL CULTURAL HERITAGE

The ESIA classifies living cultural heritage associated with traditional religious practices as Critical Cultural Heritage. With this comes a requirement for high standards of stakeholder engagement. The ESIA commits that free, prior and informed consent (FPIC) be sought from communities prior to any relocation of sacred sites.

Further, PS8 places additional requirements on finds located in protected areas. These are not currently included within the CFP.

Recommendations:

Include the specific requirements of FPIC, and the keys steps to be taken, into the CHMP with regards to management of critical cultural heritage.

Include the specific additional requirements relating to chance finds in protected areas into the CFP.

APPENDIX 1
IFC PS ASSESSMENT TABLES

TABLE 1.1 PS1 Assessment and Management of Environmental and Social Risks and Impacts Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
Environmental and Social Assessment and Management System:					
1.5 (1)	Conduct a process of environmental and social assessment (Para 5)		Environmental and social risks and impact identification are contained in the Tilenga ESIA submitted for government approval and the Tilenga Feeder ESIA which is in the final stages of production at the time of writing (May, 2019).	1.1 Have a clear set of criteria to determine when: (1) E&S involvement of local E&S teams is required in review and sign-off of design changes (2) NEMA need to be consulted on changes	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>Detailed design may result in changes to Project layout, equipment or processes. Any change will need full justification and require environmental and social evaluation and sign off as part of the management of change process. To date, E&S involvement in the formal management of change process appears rather <i>ad hoc</i>. The nature, scale and location of the change will inform what the triggers are for E&S involvement in that change e.g. a major design change during detailed design may necessitate changes in permits, in stakeholder engagement, in resourcing. Such a formalized management of change process is a key part of an ESMS (see para below). This is a distinct process from management of changes to the ESIA.</p> <p>NEMA will be notified of Project changes and consulted as to the level of evaluation required.</p> <p>Changes will vary in the implications for E&S aspects. The categories of changes which could trigger E&S analysis or NEMA involvement were not clear.</p>	1.2 Local E&S teams to be fully involved in management of change process for design changes (when the conditions for evaluation are met) and have the ability to initiate the management of change process on the basis of E&S considerations.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			Environmental and social assessment for new borrow pits will be managed through the Project Brief process. It has not been defined if this will be the responsibility of the Project or contractor.	-	-
1.5 (2)	Establish and maintain an Environmental and Social Management System (ESMS) appropriate to the nature and scale of the Project and commensurate with the level of environmental and social risks and impacts. The ESMS will incorporate the following elements: (i) policy; (ii) identification of risks and impacts; (iii) management programs; (iv) organizational capacity and competency; (v) emergency preparedness and response; (vi) stakeholder engagement; and (vii) monitoring and review (Para		<p>The Project is developing an ESMS covering the required PS elements. The ESMS is being developed to accord with the requirements of ISO14001.</p> <p>Total requires that projects have an accredited system a maximum of two years after the start of operations so it makes sense to develop the system in line with the ISO requirements. (note a formal management system certified under international standards are not required by PS1).</p> <p>A good aspect of a certified ESMS is that a standard part is ongoing risk assessment and management (including a risk register)</p> <p>The Project has a risk register that was developed by the risk management team with engineering input. Integration of the E&S experts into development and maintenance of a risk register is key to making sure that the risk register is an accurate reflection of E&S</p>	1.3 Ensure that Uganda E&S resources are an integral part of the ongoing development of Project risk registers and be involved in updating of the registers. In particular, the Uganda E&S team should be involved in recruitment of the Project Environmental Engineer for the EPC office and there should be a functional reporting line of this position to the E&S team.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	5)		<p>risks that have implications for schedule and costs.</p> <p>It is understood that a Project Environmental Engineer will be based in EPC office. One of the key mandates for this position will be input to the risk registers. The Uganda E&S team should be an integral part of this process.</p>		
1.6 (1)	<p>Establish an overarching policy defining environmental and social objectives and principles that guide and provide a framework for environmental and social assessment and management (Para 6).</p> <p>Specify that the Project will comply with the applicable laws and regulations and be</p>		<p>The TEPU HSE Charter is an overarching declaration of the environmental and social objectives and principals guiding business.</p> <p>The Project has committed to compliance with Ugandan laws and regulations and international standards and the IFC PSs and will continue to work within these requirements as the Project moves forward.</p> <p>The HSE Charter is endorsed by senior management and is actively communicated to all levels of and all functions the organization, for example it is displayed on the walls of the Kampala Office.</p>	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.6 (2)	<p>consistent with the principles of the PS.</p> <p>As appropriate, subscribe to other internationally recognized standards, certification schemes, or codes of practice (included in the policy).</p> <p>Indicate who will ensure conformance and execution.</p> <p>Communicate the policy to all levels of the organization.</p> <p>(Para 6)</p>		<p>The Project has an HSE matrix on laws and regulations which is updated on a regular basis. A gap analysis has been done of the local system versus Total HSE requirements and an action plan is being implemented to address inconsistencies. It is understood that this is out of date.</p>	1.4 Ensure that the existing out of date gap analysis of national standards and Project standards is updated and take action to fill gaps where identified.	
			<p>No gap analysis of Total HSE standards with IFC standards has been completed.</p>	1.5 Undertake a gap analysis of Project standards with IFC requirements. Due to immediate needs this is best done by the Project / TEPU.	
			<p>Structures and processes for regulatory compliance management are being defined. A meeting was to be held soon after the site visit.</p>	1.6 Ensure comprehensive and clear responsibilities and structures for regulatory compliance management and reporting.	
			<p>Call for Tenders (CFTs) request contractors to be in line with national regulations. National content requirements mean that there is either a Ugandan Contractor or international contractor working with national partner. The Project prefers to rely on contractors to provide the expertise with regard to compliance with national regulations. This presents</p>	1.7 Total / the Project should maintain a detailed regulatory compliance matrix which is supplied to contractors to facilitate their regulatory compliance.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			a risk.		
			Audits are undertaken by Contracts and Procurement on contract implementation. It appears that technical resources are not called upon to evaluate performance unless there is a potential issue.	1.8 Resources required to assure PS compliance should be involved in contract audits.	
			The legal team have identified all the required permits and requirements. A database of Permits, Licences, Authorisations, Notifications and Consents (PLANC) is to be developed.	1.9 Clarity is required in the Project and in contracting documents on which body is responsible for obtaining permits.	
			Total obtains permits for contractors. There is a possible misalignment with Total and the affiliate. The government has requested that Total obtain permits. A co-ordinator will be responsible for the day-to-day activities in getting permits. The CFTs detail some of the permits that contractors are	1.10 For small contractors who do not have the capacity to obtain permits, attention is needed to facilitate contractors getting the permits.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			responsible for obtaining by law, such as work permits, transport of explosives (Exhibit J). Some other permits, however, will need to be in the name of the contractor. There is a lack of clarity for some permits regarding who is responsible for obtaining the permit.		
			Contract owners are in charge of managing the relationship with contractor but is not always clear that this extends to assuring legal compliance.	1.11 Clearly define the responsibility of Contract owners within each contract with regard to ensuring legal compliance.	
1.7 (1)	Establish and maintain an environmental and social risks and impacts identification process. Scope and level of effort to be guided by the type, scale, and location of the Project and GIIP. May comprise a full-scale environmental and social impact assessment, a limited or focused ESIA, or		See above for para 5	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>straightforward application of environmental siting, pollution standards, design criteria, or construction standards.</p> <p>Environmental and/or social audits or risk/hazard assessments may be appropriate when the Project involves use of existing assets.</p> <p>If assets to be developed have yet to be defined, establish an environmental and social due diligence process for future risks and impact identification (Para 7).</p>				
1.7 (2)	Base the risks and impacts identification process on recent E&S baseline data at an appropriate level of detail (Para 7).		Some baseline studies are ongoing to address data gaps outlines in the ESIA (see PS6). RAPs 2,3,4 and 5 are also not yet finalised and are at varying levels of progress; planning is due for completion in Q4/19 (see PS5).	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.7 (3)	<p>The risks and impacts identification process to consider all relevant E&S risks and impacts of the Project:</p> <ul style="list-style-type: none"> – consider emissions of greenhouse gases, risks associated with a changing climate and the adaptation opportunities, and potential trans-boundary effects, e.g. pollution of air, or use or pollution of international waterways (Para 7). 		<p>The risks and impacts identification process have covered a range of direct and indirect impacts will continue to be considered in further Project planning and implementation.</p> <p>Climate regulation one of the valued environmental components (VECs) in the impact assessment.</p>	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.8	<p>E&S risks and impacts to be identified in the context of the Project's area of influence:</p> <p>Project activities and facilities: directly owned, operated or managed (including by contractors); impacts from unplanned but predictable later Project developments (e.g. influx); indirect Project impacts on biodiversity or ecosystem services upon which Affected Communities livelihoods are dependent.</p> <p>Associated facilities: not funded as part of the Project, but would not have been constructed if the Project did not exist; and without the Project would not be viable</p> <p>Cumulative impacts: resulting from incremental impacts on areas or resources used or directly impacted by the Project; or from other existing, planned or reasonably defined developments at the time of</p>		<p>The Project Area of Influence is defined in the ESIA (p.1-17) and includes those areas potentially affected either directly or indirectly, by the activities associated with the development of the Project (including those within the main Project Area for Tilenga, plus the area related to any Associated Facilities), and in the case of cumulative impacts, incremental impacts from other developments, unrelated to the Project, that will take place within the vicinity of the Project Area.</p> <p>The strategy for supply of aggregate and murram is that existing permitted borrow pits will be used as far as possible. Potential existing borrow pits were identified in the ESIA. An initial study showed that existing sites could meet the needs of Tilenga only but not of all the projects in the area. There is the potential that others would be developed for Tilenga. New borrow pits would be managed through the submission of Project Briefs for government approval. There is a lack of clarity on whether the Project or the contractors are responsible for production of the Project Briefs.</p>	1.12 Ensure clarity with contractors on responsibilities for development of the Project Briefs. If the responsibility is with the contractors, the requirements for the quality of the Project Briefs need to be clearly defined in the contract.	
Final Review					

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			Construction materials (e.g. sand, gravel, concrete) will be provided under a shared services contract (there is still an option under consideration that the contractor would supply construction materials). Waste management provision will also be covered under a shared services contract with drilling waste management to be covered under a separate contract. It was not clear how permitting would be covered for the provision of construction materials or for additional waste management facilities.	1.13 Ensure that the CFTs / contracts are worded to ensure that base case and alternative cases are clearly described and the corresponding requirements of the contractor are explicit. This applies to, but is not restricted to: <ul style="list-style-type: none"> Responsibility for obtaining construction materials (shared service or construction contractors) Permitting (Project or contractors). If the responsibility is with the contractors, the requirements for the permits need to be clearly defined in the contract. 	
			Concrete batch plants are covered in the ESIA as part of temporary facilities in the industrial area and at Tangi support base. The strategy is that contractors do not set up additional batch plants.	-	-
1.9	Address risks and impacts in the Project's area of		The Tilenga ESIA covers the potential effects of the field and the Tilenga feeder pipeline ESIA covers the	1.14 Consider developing a document that collates the full	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	influence resulting from third party activities, commensurate with the Project's control and influence (Para 9)		effects of the pipeline. There is no document that pulls together the effects of the full Tilenga Project. (Note that the critical habitat assessment (CHA) covers the Tilenga area and the Tilenga feeder).	Project impacts and mitigations for: <ul style="list-style-type: none"> • use by the Project to comprehensively understand the potential impacts of the full Project • to facilitate compliance with IFC standards. 	
			The ESIA commits to the establishment of a government led Regional Cumulative Impacts Management (RCIM) initiative. This would allow co-operation on cross-cutting issues such as influx and could provide a platform for topics to be addressed at the landscape context, for example fisheries. The RCIM has yet to be established.	1.15 As a priority further attempts should be made to establish the RCIM as this while take some time to launch and some of the aspects will need addressing as prior to Project implementation e.g. influx.	
			A number of co-operation mechanisms are in place between Tilenga and Kingfisher: there is a Joint Operating Agreement (JOA) between Tilenga and Kingfisher and a mutual review of the others work programme (which are approved by the government); the Land Acquisition and Resettlement Framework formalises the commitment to alignment between the projects and resettlement actions plans	1.16 Joint planning is required between Tilenga, Kingfisher and EACOP to address cumulative demands for resources and infrastructure and services. Since such demands will occur from an early stage in Project implementation and solutions may	

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			<p>(RAPs) and livelihood restoration plans (LRPs) are shared; a resettlement advisory committee (RAC) is active in conjunction with the government, the BLAC covers the two projects plus EACOP; joint meetings are held with government authorities such as Uganda National Roads Authority (UNRA) (launched initially to address RAP issues).</p> <p>There are also co-operation mechanisms between Tilenga and EACOP including a monthly meeting between Tilenga, EACOP and the Paris-based integrated Project team (IPG) with the exploration and production environment team; a Net Gain Task Force for biodiversity; daily and weekly meetings on land. It is presumed that these mechanisms will continue to operate through further stages of the Project as long as there is a need.</p> <p>There will be high combined demands of the projects for resources (e.g. aggregate, murram, timber) and for infrastructure and services (e.g. roads, licensed waste management facilities of adequate standard, health services) that could outstrip supply or compromise capacity and provision of services.</p>	take some time to initiate, attention is required as a priority.	

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			<p>An influx management strategy has been developed – see PS4 (4.10).</p> <p>Resettlement has been undertaken for the Kabaale Industrial Area (KIA) and is in progress for Tilenga and Kingfisher. It is understood that the majority of the households from the KIA were resettled to one location but other households settled elsewhere.</p>	<p>1.17 Resettlement planning should be cognisant of the potential for double resettlement of households arising from resettlement activities from third party projects (including the resettlement undertaken for the Kabaale Industrial Area), which should be avoided.</p>	
1.10	Where the Project can reasonably exercise control, E&S risks and impacts in the primary supply chain will be identified and considered (Para 10)		<p>Requirements for management of the supply chain are to be included in contractor documentation. The PSs recognise that meaningful management further down the line from primary or secondary suppliers is challenging.</p> <p>It is sometimes the case that local contractors are excluded from bidding or do not win contracts as they are not sufficiently familiar with E&S requirements and are unable to meet Project standards. If not addressed adequately, a requirement for IFC compliance can be a de facto exclusion of local companies.</p>	<p>1.18 Build capacity of local suppliers to understand the importance of good E&S practice and IFC requirements. This should apply to pre-qualification capacity building. Requirements for management of the supply chain are to be included in contractor documentation.</p>	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>Consideration of labour in the supply chain is covered under PS2.</p> <p>Purchase of natural resources is covered in PS6.</p>		
			<p>The Project has commitments to national content as well as there being legal requirements. Tilenga's National Content objectives align with legal requirements: Promotion of a national O&G industry; Development of national competences; Strengthening of national industrial capacity.</p> <p>Use of national contractors will present challenges on adequacy of E&S capability. There is the need to</p>	1.19 The information sessions run for bidders should be expanded to cover all the PS topics including labour requirements.	

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			<p>support contractors to develop their capacity.</p> <p>This was the case with the RAP contractor – considerable time and effort were required to ensure an adequate standard.</p> <p>National content is allocated a minimum of 10% of overall bid evaluation, with a focus on 3 key aspects: Employment & training of Ugandan citizens; Utilization of local goods & services; and Proposals for technology transfer.</p> <p>Recruitment and training of Ugandan nationals is a part of bid documentation, with bidder required to include proposals for meeting employment and training targets. Base + Enhanced Plans National Content commitments are associated with contracts.</p> <p>Tools in place for NC management include:</p> <ul style="list-style-type: none"> • Reporting templates for tenderers • Reporting against NC commitments during contract execution • Brochure for NC requirements for tenderers • Contributions expected at Project level (dependent on the SOW and in some cases, contract value) 	1.20 The H&S training to be provided to selected contractors should be extended to cover E&S requirements.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<ul style="list-style-type: none"> Tender exhibit <p>It is common practice and well established for the Project to undertake tender information sessions, for example for HSE and national content. The sessions do not appear to cover all the areas that need to be addressed, for example labour requirements.</p> <p>A CFT has been issued for a framework contract for the provision of H&S training by local providers. The training does not cover E&S considerations.</p> <p>The H&S team will support selected (national) contractors. There will be a challenge in providing sufficient resources to support all of the contractors (there will be in the order of 40 contractors). The same support is required from E&S resources. Refer to para 1.17 for recommendations associated with internal and external Project E&S resources.</p>		
			<p>An HSE MS and tools has been developed in such a way that it can be shared with and understood by contractors. The contractors can in turn easily explain and share the requirements and tools easily with their staff. An example is a toolbox booklet</p>	1.21 The Project should continue to develop E&S resources and tools such as toolbox booklets, presentations and training packs to explain to contractors the E&S	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>which is a pocket size, 1-page sheet on different topics e.g. compressed air, dust management.</p> <p>The H&S team spent a lot of time with the inexperienced G&G survey contractors to help draft procedures and help them to understand why the procedures are required. A large change in H&S performance was required.</p>	expectations and assist contractors explaining to their staff.	
1.11	Take into account applicable plans, studies, or assessments prepared by relevant government authorities and other parties, which are directly related to the Project and its area of influence (e.g. master economic development plans, country or regional plans, feasibility studies, alternatives analysis, cumulative and strategic environmental and social assessments) and the outcome of the engagement		<p>The Project taking account of plans such as District Development Plans and the Albertine Regional Sustainable Development Programme. One of the challenges is that the Project should be working within a consolidated land use approach defined by the government. In some cases, planning information is not easily accessible. Uncertainty on plans for land use and management may result in inconsistencies of Project proposals with land use plans. For example, the implementation of compensation and enhancement initiatives may be undermined at some locations by other land use plans. The Project is making best efforts to obtain details of plans at the national and District levels through proactive engagement.</p> <p>The SEP developed for the ESIA (Appendix G)</p>	1.2 Include engagement with authorities on regional / master plans into current SEP (2019, V1, Table 11)	

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	process with Affected Communities (Para 11).		describes engagement undertaken before and in parallel to ESIA disclosure, in periodic and ad hoc engagements. Feedback from stakeholders during consultation at scoping, baseline and impact assessment phases is provided and included into the Project design. ESIA consultation feedback has additionally been captured and used to inform the final ESIA documentation (ESIA Comments response register and Changes to ESIA Report). The current SEP (V1, 2019) provides the most up to date engagement with Affected communities.		
1.12	Identify individuals and groups that may be disproportionately affected by the Project because of their disadvantaged or vulnerable status, and identify and implement differentiated measures so that adverse impacts do not fall disproportionately on them, and they are not disadvantaged in sharing		Vulnerable people and groups are identified in the ESIA (p.5-9), and commits the Project to providing differentiated support (p.4-43): <ul style="list-style-type: none"> women, and especially widows and female headed households; women in the workplace; children, including orphans; unmarried youth; elderly; persons with disabilities or chronically ill; 	1.23 RAPs 2-5 should also identify vulnerable PAPs, and develop priority programs for implementation.	
				1.24 Include the social support program for vulnerable HHs in the CCEDLP.	

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	development benefits and opportunities (Para 12).		<ul style="list-style-type: none"> migrants and refugees; minority ethnic groups; fishing communities; sex workers; cattle herders (Balaalo); and people living with HIV / AIDS. <p>In RAP1, special support includes priority transitional assistance, and identifies programs that should be provided during implementation (RAP1 p.198).</p> <p>The Community Content, Economic Development and Livelihood Plan (CCEDLP) is identified in the ESIA to include a social support program for vulnerable HHs (Appendix T, p.108); this is one of the SMPs currently under development.</p> <p>The current documentation does not provide for vulnerable people in sufficient detail for PR compliance and should continue to be developed.</p>		
Management Programmes:					
1.13	Establish Management Programs (MP) that address identified E&S risks and		The project recognises the importance of Environmental and Social Management Plans (ESMPs) to guide the E&S management programme.	1.25 In the finalisation process for ESMPs, there is a need to ensure	

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	impacts, and describe mitigation and performance improvement measures (Para 13).		<p>ESIA vol.4, p.16-245 describes the management measures to mitigate social impacts, based on the impact assessment. ESMPs are currently under preparation, building on the ESMP prepared with the ESIA. Tilenga is developing SMPs to address: Influx Management; National and community content strategy; Community impact management strategy; Tourism MP; SEP; Labour MP (plus dedicated sub-plans); Grievance MP; Land Acquisition Resettlement Framework (LARF); Resettlement Action Plan (RAP); Community Health Safety Sanitation and security Plan; Cultural Heritage and Archaeology MP; National Content Plan; Community Content, Economic development and Livelihood Plan; Journey MP and Road Safety and Transport MP.</p> <p>The Social Management Strategy describes the interactions between these Strategies and Plans, and how they are address required legal and Project commitments.</p> <p>A Construction Environmental Management Plan (CEMP) has been prepared to set out the minimum environmental management requirements that must be met or exceeded during construction of the</p>	that there are cross-functional inputs: e.g. a strategy and suite of management plans (MPs) for biodiversity to cover all aspects of PS6 (Biodiversity Strategy, Biodiversity and Ecosystem Services MP, plus a number of other PS6-related plans). On PS2 a labour MP has been drafted but requires input not only for areas with clear HR responsibility (IFC PS requirements on for example, working conditions, collective bargaining and so on), but also on issues that go across functions, such as influx. There is an opportunity to use this transition period following completion of the ESIA's and before contractors are onboard to get engagement and ownership for relevant teams prior to implementation.	

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			<p>Project. The CEMP provides guidance on the environmental management requirements relevant to EPCs, and details the process for ensuring that the environmental commitments, standards, and requirements established during FEED Phase 2 are carried forward into subsequent phases.</p> <p>The topic-specific ESMPs are under development and at differing stages.</p> <p>The project has broadly identified where there are gaps including across responsibilities to input to the development of the Plans.</p> <p>A set of contractor implementation plans are to be developed by construction contractors corresponding to the set of project MPs. There are a few project plans that do not have corresponding contractor plans e.g. the Biodiversity Strategy.</p> <p>The TEPU plans will be very detailed to help contractor develop their plans. The project is to review and sign-off on the contractor implementation plans.</p>		

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.14 (1)	MPs, depending on the nature and scale of the Project, may consist of documented operational procedures, practices, plans and related supporting documents (including legal agreements), etc. (Para 14).		See above	-	-
1.14 (2)	MPs may apply broadly to the Company / Project, including contractors and suppliers, or to specific Project sites, facilities or activities (Para 14).		<p>Contractor procurement and management is covered in detail in PS2</p> <p>Bidding documents require contractors to demonstrate that their HSE S is compatible with the company's HSE MS and complies with the HSE requirements of the contract (CFT documents, Contractors management responsibilities).</p> <p>Involvement of the Project E&S resources in the procurement process for Project implementation contracts (drilling, engineering, procurement and construction (EPC), shared services, enabling infrastructure (EI)) has been inconsistent, with their input into EPC, and EI contracts however not into drilling contracts or shared services contracts. There</p>	<p>1.26 E&S requirements appropriate to the contract scope need to be fully transcribed into all contracts. Since the CFTs are at the clarification stage there is the opportunity for E&S to input to the process through clarifications. Going forward, the E&S teams need to be an integral part of the bid process from the outset to help manage the risk of contractor performance.</p> <p>1.27 Since the gaps in E&S requirements in CFTs relate to the ability to manage E&S performance of contractors and thus meet Project</p>	

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			<p>is no systematic E&S involvement in pre-qualification exercises, Calls for Tender (CFT) documentation; development of E&S evaluation criteria and bid evaluation, bid clarifications and final contract documentation</p> <p>A number of CFTs have been issued and were going through clarification at the time of the review, so the opportunity exists to ensure E&S provisions are included in the same manner as was reported for the FEED Phase.</p>	<p>commitments, it is important to ensure that contractors allocate appropriate resources to fulfil E&S requirements. If this is not done, the outcome will be that the Project requirements are only partially met or are not met at all. . Capacity building should be undertaken with the Uganda HSE and E&S teams to facilitate input to the CFT process.</p> <p>1.28 Relevant extracts of the ESIA to be included in CFTs and to be issued to technically qualified bidders for ongoing CFTs.</p> <p>1.29 Bidders should be provided with the full list of plans and requirements relevant to their scope in the CFT documentation and, where this has been missed, as part of the bid clarification process.</p> <p>1.30 Specific E&S (as opposed to HSE) bid review criteria appropriate to the contract scope should be</p>	

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				developed to highlight Project needs and allow differentiation between bidders.	
				1.31 The E&S bid evaluation scoring needs to make a meaningful contribution to the overall scoring. Consideration could be given to an overall pass / fail for E&S.	
1.14 (3)	MP mitigation hierarchy as follows: avoidance: minimization: compensation/offset, wherever technically and financially feasible (Para 14).		The project has been designed with priority to the mitigation hierarchy (ESIA p.1-3). The mitigation hierarchy will continue to be applied during the detailed design and Project implementation phases.	-	-
1.15 (1)	Where risks and impacts cannot be avoided, establish mitigation measures in compliance with applicable laws and regulations, and which meet the PS (Para 15).		The ESIA provides for identification of mitigation measures where impacts cannot be avoided (collated in ESIA Appendix T: ESMP Mitigation Checklist). In addition to mitigation measures developed to date, in particular outlined in the ESIA, mitigation measures will continue to be developed through detailed design and implementation to address	1.32 Establish an action tracking system to monitor implementation of the Mitigation Checklist.	
				1.33 Keep the Mitigation Checklist updated with additional measures as they are defined.	
				1.34 Management of the mitigation	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			impacts. The mitigation measures are collated into a Mitigation Checklist (included as Appendix T in the ESIA). The Mitigation Checklist should be managed as an active document	measures is best managed through the Project information management system (such as the Borealis information management system when it is initiated).	
1.15 (2)	Level and detail of mitigation measures to be commensurate with risks and impacts, and take into account outcome of engagement with Affected Communities (Para 15).		The ESIA (p.5-2) documented input from stakeholders that was incorporated into baseline studies, and helped to guide identification and assessment of potential impacts and assist in the development of suitable mitigation measures to reduce negative impacts and enhance beneficial impacts. Chapter 5 Provides a summary of Project consultation undertaken, the general issues raised, and an outline of where these issues have been addressed within the ESIA documentation.	-	-
1.16 (1)	MPs will establish E&S Action Plans, with performance indicators, targets, or acceptance criteria that can be tracked over defined time periods, estimates of resources, and responsibilities for		See above (para 13) for discussion regarding management plans (action plans). Key performance indicators (KPIs) are to be established as part of the management plans. KPIs are already established for every cycle of stakeholder engagement. The PSs require the allocation of adequate financial	1.35 Ensure that key performance indicators (KPIs) are adequately specific e.g. specific targets, so that evaluation of Project performance against the KPIs is meaningful and what constitutes success is clear. 1.36 The biodiversity mitigation	

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	implementation (Para 16).		<p>resources to the implementation of the mitigation measures.</p> <p>A tentative budget for E&S management has been identified. This is not an itemised budget but a lump sum estimate. The Project anticipates that the budget will need to be increased. For biodiversity, the early estimate is \$4 – 5 million for the whole biodiversity programme, of which 25% is for direct mitigation and the remainder for the no net loss / net gain programme (see PS6 for details). Based on the nature of the mitigation measures related to biodiversity and the awareness of the authors of biodiversity management budgets on other projects this appears to be a low estimate. A third party will undertake a benchmarking exercise after which the estimate will be refined, preferably prior to the final investment decision (FID). It will be possible to refine the costs as the BAP is developed.</p> <p>The 5-year E&S Budget allocation provided appears to substantially underestimate social program estimates. For example, 2018-22 budget total is \$242,601 (including ESIA monitoring, engagement, studies, RAP and LAR, and local development</p>	<p>budget appears to be on low side and in view of the need to progress with some mitigation activities (see PS6 discussion) then budgets should be reviewed.</p> <p>The social mitigation budget also appears low and will need to be revised as program activities in all SMPs are finalised.</p>	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>programs), while the RAP 1 budget for implementation alone is over \$6.6m.</p> <p>The PSs also require designation of responsible Project personnel to implement the management programme.</p> <p>Resources are covered below (para 17).</p>		
1.16 (2)	The management programs will recognize and incorporate the role of relevant actions and events controlled by third parties (Para 16).		<p>A number of mitigation measures require implementation in conjunction with authorities, for example with regard to community health, or civil society organisations, for example some controls related to gender or child related issues. Such involvement of external parties will require time to develop the relationships and agree and set up procedures prior to implementation. This particularly applies when a number of entities are involved.</p> <p>The draft Social Strategy recognises the need to establish partnerships with Government departments/institutions. These should be formalised through MoUs that target specific mitigation measures described in each SMP (Draft SS, p.57).</p>	1.37 For the mitigation measures that require implementation with authorities, the Project needs to build into ESMPs sufficient time and resources to engage and reach agreement, to formalise and implement coordinated mitigation measures.	

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			An example is influx management, requiring the agreement of principles and operating structure between the Government of Uganda, the communities and the Project in order to manage in-migration and establish collaborative forums to discuss, monitor and implement these principles (IMRA p. 49 of 83).		
	The management programs will be responsive to changes in circumstances, unforeseen events, and the results of monitoring and review (Para 16)		<p>The Project understands the need for adaptive management.</p> <p>Monitoring is addressed in relation to para 22 below.</p> <p>Changes to mitigation and management measures need to be reflected in documentation and practices. Periodic reviews of management plans are planned.</p>	1.38 Ensure that Project and Contractor management plans and contractor standard operating procedures (SOPs) and method statements are updated in response to changing changes in circumstances, unforeseen events, and the results of monitoring and review and that that changes are effectively communicated throughout the Project and the contractor organisation.	
Organizational Capacity and Competency:					

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.17 (1)	Establish and maintain an organizational structure that defines roles, responsibilities, and authority to implement the ESMS, and communicate to all relevant personnel (Para 17).		<p>The correct staffing structures are required for E&S management planning and in order to implement the requirements of the ESMS. While there are a number of motivated and capable staff in place who want to implement the Project commitments, there appeared to be a constraint on the numbers, correct skills and capability in parts of the organisation. It is understood that pre-FID there are limitations on the organisation but is important to recognise that E&S risk management is a priority as it has the potential to significantly affect Project implementation. Resources are required for such activities as management of pre-construction surveys, review of pre-construction and construction contractor E&S documentation, construction E&S compliance evaluation (field verification, audits, monitoring), land acquisition, ongoing stakeholder consultation, E&S internal and external reporting and implementation of mitigation commitments that are the direct responsibility of the Project.</p> <p>Capacity building and support to national contractors will be required to ensure adequate E&S performance (see discussion in relation to PS para</p>	<p>1.39 Enhance numbers of E&S staff and build capacity of staff to address a Project of this scale being undertaken in accordance with IFC standards.</p> <p>This includes adequate resources to support the capacity building of contractors with an adequate timescale to allow capability development prior to when it is needed and strengthening the link between the HSE team in Uganda and the Engineering team. All staff with a responsibility to implement E&S risk management measures need to be aware of, and able to implement, their requirements.</p> <p>The recommendation also applies to having sufficient field staff during construction – the requirements for field staff are often under-estimated in projects. All field staff should be employed sufficiently far in advance</p>	

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			<p>1.10 above). Within the order of 40 contractors there will be a challenge to provide sufficient internal or external E&S resources to provide that support on an ongoing basis.</p> <p>There needs to be a much stronger link between the HSE team in Uganda and the Engineering team due to the fact that there will no longer be a HSE resource (and in particular environmental resource) within the Total International Project Group (IPG).</p> <p>Within the organisation there is a lack of experience of implementing a Project of this nature and in compliance with IFC requirements.</p> <p>Projects of this nature in such contexts require considerable E&S resources during implementation and such levels need to be built into Project planning and budget estimates (including for FID).</p> <p>The shortage in resources presents a significant risk for the Project. If FID is forthcoming, the Project will move at a rapid pace. E&S staff will need to be hired, capacity built and the E&S team will need to</p>	<p>of construction to allow them to be trained and familiar with mitigation measures, site conditions, verification procedures and reporting requirements.</p> <p>All staff with a responsibility to implement E&S risk management measures need to be aware of, and able to implement, their requirements.</p> <p>Those team members with responsibility for working with and/or supervising construction contractors will also need to be aware of and able to provide this oversight (i.e. ensure that E&S commitments are implemented in line with project requirements and commitments).</p>	
				1.40 Plan staff resources for the swift Project implementation that will follow FID.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			work with contractors. The Project will need to ensure that it is prepared for this rapid acceleration. In addition, there is no high-level, cross-departmental forum within the Project to co-ordinate E&S management and responses to issues and to escalate issues to management (e.g. district compensation rates).	<p>1.41 Since having adequate staff resources in place is a Project risk, this aspect should be included in the Project risk register and managed as a risk.</p> <p>1.42 Establish cross-departmental forum involving all teams who have some responsibility for implementing PS requirements. The forum should address combined management of E&S, facilitate joint development of solutions to challenges and provide a mechanism to escalate issues for management attention.</p> <p>1.43 Specifically, with regard to the multiple inputs required for influx management:</p> <ul style="list-style-type: none"> Further define governance arrangements for management of Influx inside and outside the Project. Consider use of a RACI 	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
				(Responsible, Accountable, Consulted, and Informed) Matrix to define internal and external resources on influx management <ul style="list-style-type: none"> Allocate responsible teams for government department interface on influx issues 	
			Where there is a specialist requirement training of construction contractors would be done by Project Ecological Compliance Officers e.g. to identify wallows or kob leks so that they could be avoided.	-	-
			In addition to contractor capacity there has been recognition of the need to continue to build capacity with other partners (for example, in district government), and support for this through training measures is being provided for (e.g. in livelihood restoration).	1.44 Identify capacity building needs with Project partners and put programmes in place. Capacity building should be targeted to the requirements of partners could include such activities as targeted training sessions (as has been done with district government for livelihood restoration), participation in team training events, on the job training, webinars, field visits to on-site activities, involvement in joint	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
				Project planning sessions, cooperation with other organisations to deliver support. This can be achieved through for example, support contracts with other organisations, e.g. NGOs with expertise in community-based project planning and implementation, targeted to the needs of partners and the needs of their role in supporting the Tilenga project implementation.	
1.17 (2)	Provide sufficient management sponsorship and financial support on an on-going basis to achieve effective and continuous E&S performance (Para 17).		There was an awareness of E&S risk and PS compliance at an appropriate level in parts of the Project management structure but this was not consistent.	<p>1.45 There is a need for consistency in knowledge of IFC requirements and level of support for implementation of the standards across the management team. Enhanced management commitment can be achieved through:</p> <ul style="list-style-type: none"> completion of training in IFC requirements by the management team. 	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
				<ul style="list-style-type: none"> • promotion throughout the Project by the management team of the importance of application of IFC standards and the need to understand the requirements • support for initiatives that enhance understanding of IFC requirements for all teams e.g. training sessions • support to E&S teams to assist in the effective application of IFC standards through ensuring adequate budgets and resources and backing compliance activities. This includes pre-FID implementation of E&S management activities enshrined in the management plans to facilitate IFC compliance • senior management to be actively engaged in reviewing the outputs of ESMS performance 	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
				reviews and support adaptive management.	
1.18	Personnel with direct responsibility will have the knowledge, skills, and experience necessary to implement the ESMS and meet host country regulations and PS requirements (Para 18).		E&S staff appeared well versed in the requirements of the PSs. This did not extend throughout the organisation.	1.46 Undertake awareness raising and training to ensure that PS requirements are understood by technical staff who have responsibilities for aspects of the PSs as well as the management team.	
1.19	May be required to involve external experts if there are significant adverse impacts, or technically complex issues (Para 19).		A number of ESMPs will require collaboration with external parties / experts in their delivery. For example, the Biodiversity and Livelihoods Committee (BLAC) provide external support on the priority key issues of land and biodiversity.	-	-
Emergency Preparedness and Response:					
1.20 (1)	Establish and maintain an emergency preparedness and response system in the ESMS in collaboration with relevant and appropriate		Emergency preparedness planning is ongoing. For example, a feasibility study has been completed considering the potential effects of a blowout and a detailed study is ongoing. Pre-engineered solutions may be incorporated at sensitive locations to	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	third parties. Preparation to include the identification of areas where accidents and emergency situations may occur, communities and individuals that may be impacted, response procedures, provision of equipment and resources, designation of responsibilities, communication, including that with potentially Affected Communities, and periodic training (Para 20).		<p>safeguard Lake Albert and the Nile. A drilling blowout is considered one of the main risks (along with road traffic accidents (RTAs). The fire and explosives technical risk assessment undertaken during front-engineering design (FEED) will be further developed during detailed design.</p> <p>A procedure will be put in place for a major accident incorporating requirements to inform authorities. The procedure is being developed in conjunction with Tullow and CNOOC. An initial meeting has been held regarding the preparedness strategy and the intention is that this is continued on a monthly basis.</p> <p>Meetings are to be held with various bodies, such as the police, PAU, medical facilities (some private, some public), medical providers, to discuss emergency response. There have been challenges with getting all the entities to meet. There is a need to meet with government to investigate what capability there is to respond to Tier 2 incident.</p> <p>On public roads all RTAs are managed by police and the Project will work with the police to ensure that there is good coverage to support the Project irrespective of the location. Public facilities, for</p>		

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>example the fire brigade, will be used in response to RTAs. The Project will investigate whether training for public emergency response bodies is required. For Project sites, the Project will have its own provision and investigations will be undertaken as to the most suitable locations for emergency vehicles.</p> <p>The Project has been liaising with the Tullow HSE team to discuss lessons learned from their time operating in the Lake Albert area, for example regarding road safety and driver training. In response the Project is developing a booklet for drivers to illustrate hazards along access routes.</p> <p>See also PS3 Emergency Preparedness and Response.</p>		
1.20 (2)	Periodically review emergency preparedness and response activities and revise (Para 20).		The Project will be undertaking periodic reviews as this is a core component of Project implementation.	-	-
1.21 (1)	Where applicable, assist and collaborate with potentially Affected Communities and local government in their		The PSs emphasise the need to ensure communities have knowledge of Project activities and understand the risks during different phases of the Project. The Project has undertaken practice drills with	1.47 In the absence of agreed protocols formalise arrangements between the Project and authorities for notifying the community in the	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	preparations to respond effectively to emergency situations (Para 21).		<p>authorities including procedures for informing directly affected people. The responsibility of the Project versus authorities with regard to information given to affected communities is being determined. It is likely that the Project responsibility will be the basic delivery of information to communities that there has been an incident and that further information will be provided by the government. The Project plans to meet with communities to explain the emergency response strategy. i.e. this has not yet been formalised.</p> <p>The SEP (p.31) describes that the Social Affairs and Engagement teams also will support security agencies to manage issues/concerns in the communities as well as ensuring corroboration of community intelligence information on various unfolding in the areas of operation. The emergency services that are engaged include fire brigade services and medical services of major hospitals.</p>	event of emergencies.	
1.21 (2)	Play an active role in preparing for and responding to emergencies associated with the Project if		See above	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	local government agencies have little or no capacity to respond effectively (Para 21).				
1.21 (3)	Document emergency preparedness and response activities, resources, and responsibilities, and provide information to potentially Affected Community and government agencies (Para 21).		Emergency preparedness and response will be documented (para 20).	-	-
Monitoring and Review:					
1.22	Establish procedures to monitor and measure the effectiveness of the MP, and compliance with any related legal and/or contractual obligations and regulatory requirements. Collaborate with		A Monitoring and Evaluation Programme will be implemented during construction and operations around worksites and the wider area to evaluate effects on E&S resources. The specifics of the programme were not available as part of this review. For some Projects monitoring programmes are not well-targeted to be able to either demonstrate changes or understand the triggers for changes i.e. the Project, third-party activities, natural variation or	1.48 Ensure that the monitoring and evaluation programme (e.g. monitoring targets set, appropriate frequency of monitoring, criteria of acceptable change defined) is designed to allow Project-induced changes to be apparent and discernable from changes due to other factors such as third-party	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	government and third parties who have responsibility for specific mitigation measures, to establish adequate monitoring and review. Where appropriate, involve representatives from Affected Communities to participate in monitoring activities.		other factors. If well designed, such a programme should be able to identify Project-induced effects and allow adaptive management.	activities, natural variations or other factors to allow adaptation of E&S controls if needed. Given the changing landscape from such factors as logging, in-migration, the monitoring programme should ensure that there is sufficient analysis of trends to facilitate understanding of underlying patterns and allow separation of project from non-project impact.	
	The Project's monitoring program should be overseen by the appropriate level in the organization. For Projects with significant impacts, retain external experts to verify monitoring information.		A field verification programme is planned which will also allow adaptation of construction practices and mitigation measures. The SEP provides for periodic, external regulator monitoring (SEP v1, Table 11), however participation of Affected Communities in monitoring is not yet defined. See para 1.17 regarding recommendations for manpower with regard to field staff.	-	-
	The extent of monitoring should be commensurate with the Project's E&S risks and impacts and with		The approach to monitoring and evaluation is being defined. The Social Strategy provides for definitions of mitigation compliance and effectiveness, for preparation of lag and lead KPIs and a program of	1.49 Consideration should be given to external monitoring during Project implementation (e.g. third party labour monitoring and third	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	compliance requirements (Para 22).		<p>auditing and assessment. However, KPIs are still under preparation within the SMPs.</p> <p>Some third party monitoring mechanisms are in place: BLAC, RAP external monitoring - Resettlement Planning Committee, including women's representatives and village heads.</p> <p>It is planned to have a committee to oversee grievance management. Difficulties with resourcing for a District government level committee has meant that this could not be implemented.</p> <p>A potential gap is monitoring of labour. There is a need to have mechanisms in place to ensure that this will be well managed – there will be a lot of external focus on this issue. A third party monitor would help to demonstrate how it is being managed.</p> <p>The Project can enhance transparency by having third party monitoring on other aspects, e.g. on site construction monitoring. External monitoring has not been much considered, for example by an NGO.</p> <p>NEMA will organise third party audits of the Project.</p>	<p>party grievance monitoring).</p> <p>1.50 Participation of Affected Communities in monitoring activities should be confirmed through SMPs.</p> <p>1.51 Finalise KPIs within the SMPs.</p>	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.23	Record and document monitoring information and use dynamic mechanisms (e.g. internal inspections and audits), where relevant, to track performance, compare with benchmarks, and verify compliance and progress toward the desired outcomes. Adjust monitoring according to performance experience, identify and reflect necessary corrective and preventive actions in amended management program and plans. In collaboration with appropriate and relevant third parties, implement these corrective and preventive actions, and follow up in upcoming monitoring cycles to ensure		See above	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	their effectiveness (Para 23).				
1.24	Project senior management will receive periodic performance reviews of the effectiveness of the ESMS, and take necessary steps to ensure that the intent of the Project's monitoring and review policy is being met and that procedures, practices, and plans are being implemented, and are seen to be effective (Para 24).		<p>The role of senior management in ESMS performance reviews was not fully articulated. The Draft Social Strategy provides for formation of a Societal Steering Committee with representatives across TEPU: Government and Communities; Biodiversity and Environment; HSE; Legal; HR; Logistics and Construction/Operation.</p> <p>However, seniority of participants is not clear, or whether another forum will be used to ensure cross-functional senior engagement.</p> <p>A similar (environmental) Steering Committee should also be considered.</p>	<p>1.52 Develop Terms of Reference for the Societal Steering Committee (provided for in the Draft Social Strategy with representatives across TEPU: Government and Communities; Biodiversity and Environment; HSE; Legal; HR; Logistics and Construction/Operation) as the vehicle for ensuring cross-functional participation in SMP implementation.</p> <p>1.53 Consider forming an Environmental Steering Committee akin to the societal Steering Committee (covering those aspects which do not require input from the social team).</p>	
Stakeholder Engagement (SE):					

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.25	SE is the basis for building strong, constructive, and responsive relationships that are essential for the successful management of E&S impacts. SE is an ongoing process that may involve, in varying degrees, the following elements: stakeholder analysis and planning, disclosure and dissemination of information, consultation and participation, grievance mechanism, and ongoing reporting to Affected Communities. The nature, frequency, and level of effort of SE may vary considerably commensurate with the Project's risks and adverse impacts, and development phase (Para 25).		<p>The ESIA volume 1 describes stakeholder engagement that has been carried out to date, as updated through the SEP (V1, 2019) on current engagement activities.</p> <p>Objectives are clearly articulated, including to <i>"ensure alignment between national regulatory and international best practice in relation to the engagement processes and company standards."</i></p> <p>However, the SEP does not explicitly state that compliance with IFC PS1 is a Project requirement.</p>	1.54 Amend the SEP to include that Project requirements include compliance with IFC PSs (PS1).	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.26	<i>Stakeholder Analysis and Engagement Planning:</i> Identify physical elements, aspects and/or facilities that are likely to generate adverse environmental and social impacts to Affected Communities. Identify the range of stakeholders and appropriate level of communication (Para 26).		The ESIA provides for analysis of project components and their potential impacts on communities (vol. 4). The SEP provides the analyses of stakeholders and tools for engagement and information disclosure (SEP V1).	1.55 Strengthen the SEP with additional detail on what, how, frequency, responsibilities of stakeholder engagement (i.e. an action plan, Table 12)	
1.27	Develop and implement a Stakeholder Engagement Plan (SEP) scaled to the Project risks and impacts and development stage, and tailored to the characteristics and interests of the Affected Communities. Where applicable, the SEP will include differentiated measures to allow the		<p>The SEP has been prepared (V1, 2019), which describes the project risks and impacts and interests of stakeholder groups (including government, non-government and Affected Communities).</p> <p>The SEP however does not specify vulnerable groups as a category of stakeholder; this does not provide for their effective participation or differentiation in measures for engagement with them.</p>	1.56 Include Vulnerable groups as a category in the SEP; describe the differentiated measures of engagement with this group.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	effective participation of disadvantaged or vulnerable. Verify that community representatives in fact represent the views of Affected Communities and are reliable conduits for the communication of information and feedback (Para 27).				
1.28	Where the exact location of the Project is not known, prepare a Stakeholder Engagement Framework, as part of the Project's MP, outlining general principles and a strategy, that will be implemented once the physical location of the Project is known (Para 28).		n/a	-	-
1.29	<i>Disclosure of Information:</i> Provide Affected Communities with access to		Information disclosure specific to the ESIA was provided during the consultation period and included information disclosure to government, non-	See 1.55 above	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	relevant information on: (i) the purpose, nature, and scale of the Project; (ii) the duration of proposed Project activities; (iii) any risks to and potential impacts on such communities and relevant mitigation measures; (iv) the envisaged SE process; and (v) the grievance mechanism (Para 29).		government and Affected communities. The SEP describes that disclosures should be made, but does not provide sufficient detail on what this should include and how.		
1.30	<i>Consultation:</i> Undertake a consultation process that provides Affected Communities with opportunities to express their views on Project risks, impacts and mitigation measures, and allows the Project to consider these views and respond. Extent and degree of consultation		The ESIA provides for consultation and detail on how and when this was carried out for the purposes of ESIA consultation. The SEP	See 1.55 above	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	to be commensurate with the Project's risks and adverse impacts, and concerns of Affected Communities. Effective consultation is a two-way process that should: (i) begin early in the process of E&S risks and impacts identification and continue on an ongoing basis; (ii) be based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information which is in a culturally appropriate local language(s) and format and is understandable to Affected Communities; (iii) focus inclusive engagement on those directly affected; (iv) be free of external				

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	manipulation, interference, coercion, or intimidation; (v) enable meaningful participation, where applicable; and (vi) be documented. Tailor the consultation process to the language preferences and decision-making processes of Affected Communities, and the needs of disadvantaged or vulnerable groups. If a consultation process has already been established provide adequate documented evidence of such engagement (Para 30).				
1.31	<i>Informed Consultation and Participation (ICP):</i> For projects with potentially significant adverse impacts on Affected Communities, conduct an Informed		The SEP can be strengthened by recognising that ICP should be an objective for engagement with disproportionately affected communities. The SEP describes that FPIC is an objective (criteria below), however ICP is not specified and should reasonably be applied to engagement with vulnerable people,	1.57 Include principles and applicability of Informed Consultation and Participation (ICP) into the SEP.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Consultation and Participation (ICP) process that builds upon the steps outlined above and will result in the Affected Communities' informed participation. ICP involves a more in-depth exchange of views and information, involving organized and iterative consultation, leading to the Project's incorporation of Affected Communities views on matters that affect them directly, such as the proposed mitigation measures, the sharing of development benefits and opportunities, and implementation issues. The ICP process should (i) capture both men's and women's views, if necessary		as is recognised in the ESIA (ESMP p.23-133).		

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	through separate forums or engagements, and (ii) reflect men's and women's different concerns and priorities about impacts, mitigation mechanisms, and benefits, where appropriate. Document the process, in particular the measures taken to avoid or minimize risks and adverse impacts, and inform those affected about how their concerns have been considered (Para 31).				
1.32	<i>Indigenous Peoples (IPs):</i> For projects with adverse impacts to IPs, a process of ICP is required, and in certain circumstances the Project is required to obtain their Free, Prior, and Informed Consent (FPIC)as		n/a; IFC PS7 does not apply (See PS7).	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	defined in PS7 (Para 32).				
1.33	<p><i>Private Sector Responsibilities Under Government-Led Stakeholder Engagement (SE):</i> Where SE is the responsibility of the host government, the Project will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes consistent with the objectives of this PS. Where government capacity is limited, the Project will play an active role during the SE planning, implementation, and monitoring. If the government's SE process does not meet the PS requirements, the Project will conduct a</p>		n/a; SE is the responsibility of the Project.	-	-

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	complementary process and, where appropriate, identify supplemental actions. (Para 33).				
External Communications and Grievance Mechanisms					
1.34	<p><i>External Communications:</i> The Project will implement and maintain a procedure for external communications that includes methods to (i) receive and register external communications from the public; (ii) screen and assess the issues raised and determine how to address them; (iii) provide, track, and document responses, if any; and (iv) adjust the management program, as appropriate. Projects are encouraged to make publicly available periodic reports on E&S sustainability (Para 34).</p>		<p>Quarterly reporting to government is expected but the frequency will be set on the basis of the level of activity. The frequency of reporting may be outlined in the ESIA consent. Reports to date are based around conditions of the permits in place and also around stakeholder engagement (quarterly).</p> <p>There are reporting obligations to government under the Production Sharing Agreement (PSA), under law and under regulations.</p> <p>No external reporting beyond government has been identified.</p>	<p>1.58 Since best practice is to undertake some form of external reporting, consideration should be given to external reporting frequency, coverage, audience and mechanisms.</p>	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>In terms of internal reporting which can feed into external reporting, Total annual reporting requirements apply, for example for annual Global Reporting Initiative (GRI) requirements.</p> <p>There is no Project E&S dashboard type reporting planned covering such things as suggested MPs, non-conformances, discharge to environment, level of MoC for E&S, level of implementation of mitigation measures. There is no team resource allocated such a responsibility as the data administrator is only responsible for inputting data.</p>	1.59 Consider an E&S dashboard type of summary reporting. This would require allocation of a team resource to compile.	
1.35	<p><i>Grievance Mechanism (GM) for Affected Communities:</i> Establish a GM to receive and facilitate resolution of Affected Communities' concerns and grievances about the Project's E&S performance. The GM should be scaled to the risks and adverse impacts of the Project, and have Affected</p>		<p>A grievance mechanism (GM) has been developed (see SEP v1, p.58 and associated Procedure), which includes grievance categorisation, acceptance, escalation and closure processes. Narrative relating to external contractors is provided but the requirement for contractors is not clear (i.e. that contractors can implement their own, provided that it matches that of the Project).</p> <p>The GM steps describe maximum timeframes but the flowchart does not readily communicate this.</p> <p>The GM Procedure should reflect current systems</p>	<p>1.60 Include timeframes into the GM flowchart.</p> <p>Strengthen contractors GM requirements (inc. their reporting requirements to Tilenga).</p> <p>The GM Procedure (2017) should be updated to reflect updated process and systems.</p>	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Communities as its primary user. Resolve concerns promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution. The GM should not impede access to judicial or administrative remedies. Inform Affected Communities about the GM in the course of the SE process (Para 35).		and tools (e.g. Borealis instead of Isometrix).		
1.36	Ongoing Reporting to Affected Communities: Provide periodic reports to Affected Communities that describe progress with implementation of Action Plans on issues that involve		Monitoring, reporting and analysis as described in the GM does not appear to include reporting back to communities on the issues that affect them. For example, the analysis is undertaken (e.g. Grievance Report Nov 18) however it is not apparent that this or a summary thereof has been provided back to Affected Communities.	1.61 Strengthen GM (including procedure) to include reporting back to Affected Communities on summary grievances and their resolution.	

ID	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	ongoing risk to or impacts on Affected Communities, and on issues that the SE process or GM have identified as a concern. If there are material changes or additions to mitigation measures, or the Action Plans, provide an update. Frequency of on-going reporting will be proportionate to the concerns of Affected Communities but not less than annually (Para 36).				

TABLE 1.2 PS 2 Labour and Working Conditions Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

ID#	Requirement	Comp- liance	General Observations / Compliance Issues	Recommendations	Priority
Working Conditions and Management of Worker Relationship:					
2.8	<i>Human Resources Policies and Procedures:</i> Adopt and implement human resources policies and procedures appropriate to project size and workforce (Para 8)		<p>The ESIA (p. 16-186) provides for assessment of labour and assesses that direct, indirect and induced employment opportunities are medium-high beneficial (p.24-16) while the impact on welfare of Project workers due to poor enforcement of standards to uphold labour and working conditions (Indirect / Induced) are considered insignificant / low following mitigation (p.24-17).</p> <p>The Harassment Policy is in place (L2-POL-HR-01, Rev0) but should be updated as it was approved in</p>	<p>2.1 Review and update the Harassment Policy.</p> <p>2.2 Draft and disclose the Labour Strategy and Labour Management Plan. The Strategy and Labour Management Plan should incorporate all the relevant requirements of PS2, including for contractors as well as the commitments provided in the ESIA</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>2011. It should be confirmed that the referenced structures and reporting lines are current, in addition to referencing the relevant international labour standards and conventions.</p> <p>The Labour Management Plan (LMP) is currently under development by external consultants Plexus. This will comprise a framework and a MP and is due for completion in Q1/2019.</p> <p>Existing documents include the Code of Conduct and the Business Ethics Policy (TEPU, 2016) guiding business principles and rules for individual behaviour.</p>	ESMP. Disclosure of the Labour Management Plan can be, for example, on the project website and with key partners who, in this case, can be involved in meeting the strategy (e.g. contractors, local government, local labour offices).	
2.9	Provide workers with documented information regarding rights under national labour and employment law, and applicable collective agreements (including hours of work, wages, overtime, compensation, benefits, etc.) (Para 9)		Direct employees of TEPU are engaged under contract which includes Regulation L2–REG–ADM–02: Rules for Administration of Kampala and Field Based Staff. This includes policy on, inter alia, employee employment conditions, duties and behaviour, remuneration, leave, social security benefits and work schedule. As with the Harassment policy, this should also be updated (the Rev1 provided is dated 15.9.2014) and include reference to international standards to reflect Project commitments as well as the current work context.	2.3 Update the Regulation for the Rules of Administration of Kampala and Field Based Staff	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
2.10	<i>Working Conditions and Terms of Employment:</i> Respect any collective bargaining agreements made with a workers' organization. Where such agreements do not exist, provide reasonable working conditions and terms of employment (Para 10)		<p>The Project has committed to developing a Labour Management Plan (LMP). This is to include:</p> <ul style="list-style-type: none"> Working Conditions and Management of Worker Relationship, including: Working Conditions & Terms of Employment including minimum wages, working hours and rest time; Workers' Organisations and Freedom of Association; Non-Discrimination & Equal Opportunity; Retrenchment; Anti-harassment and Management of Grievances (Employee Grievance Mechanism for all workers Occupational Health & Safety including the provision to all employees and workers of PPE in good condition and free of charge; Workers Engaged by Third Parties; and Procurement and the Supply Chain 	See 2.2 above for preparation of the Labour Management Plan	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
2.11	Identify migrant workers: ensure substantially equivalent terms and conditions to non-migrant workers carrying out similar work (Para 11)		<p>The ESIA states that Uganda is a State Party to the convention on International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and other conventions addressing the situation of migrant workers, and the Project commits to align with these conventions and legal requirements (ESIA, p.2-43).</p> <p>The ESIA (p.16-255) commits the Labour MP to include measures for a transparent, fair and non-discriminatory and ethical recruitment processes ... including measures to avoid unethical recruiting practices of migrant workers. This should be strengthened to specifically reference recruitment <u>and contracting terms</u>.</p>	2.4 The Labour Management Plan commitments should be strengthened to specifically reference avoidance of unethical recruitment <u>and contracting terms</u> for migrant workers. This will also need to be reflected in CFT documentation.	
2.12	Workers accommodation services: <ul style="list-style-type: none"> put in place and implement policies on quality and management of the accommodation and provision of basic services, consistent with the 		<p>A Workforce Accommodation Plan is to be developed, in line with ESIA commitments (ESMP, p.23-142). The Plan is to be consistent with national and international guidelines (IFC, WB, EBRD). Provisions will be included within the supply chain management component of the Labour Management Plan to perform an HSE and sanitation check of contractor/subcontractor accommodation outside the construction camps directly managed by</p>	2.5 Develop the Workforce Accommodation Plan, as per commitments, and include applicability to contractor/subcontractor camps in the area of influence (Aol). This should also be appropriately referenced in CFT documentation.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	principles of non-discrimination and equal opportunity, <ul style="list-style-type: none"> should not restrict workers' freedom of movement or of association (Para 12) 		the Project proponents or primary contractors, within the Project Area of Influence (Aoi).		
2.13 (1)	<i>Workers' Organizations:</i> Comply with national law that recognizes workers' rights to join workers' organizations (Para 13)		The Ugandan Labour Unions Act 2006 provides for workers organisations (ESIA, p.2-45). This needs to be included in Tilenga's labour documentation and appropriate policy documents (e.g. Ethics Charter, Disciplinary Code, Total Code of Conduct, as appropriate).	2.6 Reflect the commitment to compliance with national Labour laws in the Project's Labour policies documents (e.g. Ethics Charter, Disciplinary Code, Total Code of Conduct, as appropriate).	
2.13 (2)	Where national law restricts workers' organizations, the project will not restrict (or influence) workers from developing alternative mechanisms to express grievances and protect rights (Para 13)		n/a		
2.14	Where national law is silent,		n/a		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	the Project will not discourage workers from electing representatives, joining workers' organizations or bargaining collectively, and will not discriminate against those that seek to participate (Para 14)				
2.15	<i>Non-Discrimination and Equal Opportunity:</i> Employment decisions will not be made on the basis of personal characteristics unrelated to the inherent job requirements (Para 15)		<p>According to the ESMP, the LMP is to include:</p> <ul style="list-style-type: none"> measures to provide for a transparent, fair and non-discriminatory and ethical recruitment processes, which will be developed in consultation with local communities and local government; and measures to ensure gender-fair hiring and workplace policies. This will include development of a Diversity Implementation Procedure. 	As per 2.2 above	
2.15 (2)	The Project will apply the principle of equal opportunity and fair treatment and will not discriminate in respect of		See above		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	recruitment and hiring, compensation, working conditions, terms of employment, access to training, job assignment, promotion, termination or retirement, and disciplinary practices (Para 15)				
2.15 (3)	The Project will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women. Principles of non discrimination also apply to migrant workers (Para 15)		See above on Harassment Policy (L2-POL-HR-01, Rev0)		
2.16	Compliance with laws: <ul style="list-style-type: none"> comply with national laws which provide for non-discrimination, where national laws are silent on non- 		ESIA provides for compliance with local labour law in Uganda (ESIA, p.2-42, Appendix T, p.12), and international labour conventions including Discrimination (Employment and Occupation) Convention, 1958 (No. 111).	As above	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	discrimination, meet the requirements of PS2, <ul style="list-style-type: none"> where national law is inconsistent with the PS, the Project is encouraged to carry out operations consistent with the intent of Para 15, without contravening applicable laws (Para 16) 				
2.17	Special measures of assistance to remedy past discrimination will not be deemed as discrimination, provided they are consistent with national law (Para 17)		Total's approach to Human Rights includes access to remedy through the Group's Grievance Mechanism and Code of Conduct (Total Human Rights Guide, TEPU Code of Conduct).		
2.18 (1)	<i>Retrenchment:</i> An analysis of alternatives to retrenchment will be carried out prior to any collective dismissals (Para 18)		The Project and its contractors will provide a Retrenchment Plan to include <ul style="list-style-type: none"> analysis of alternatives and measures to minimise adverse impacts of collective dismissal including notification of public authorities, and provision of information to and consultation with workers and their 	2.7 Develop the Retrenchment Plan as per commitments.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>organisations.</p> <p>The CFT documents also provide for preparation by the contractor for a Social Management Plan, which is to include a Workers Demobilization plan (new HSE Appendix).</p>		
2.18 (2)	<p>In the event that there are no viable alternatives, the Project will develop a retrenchment plan to reduce adverse impacts, which will be based on:</p> <ul style="list-style-type: none"> the principle of non-discrimination, reflect consultation with workers, their organizations and where appropriate, government comply with all collective bargaining, legal and contractual requirements (Para 18) 		See above		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
2.19	Ensure that all workers receive notice of dismissal, and all severance payments mandated by law and collective agreements in a timely manner (Para 19)		See above		
2.20 (1)	<i>Grievance Mechanism:</i> Provide a grievance mechanism for workers (and their organizations) to raise workplace concerns (Para 20)		<p>The Project has a grievance mechanism (GRM) in place (L2-PRO-ADM-01) that provides for raising concerns and escalation as necessary.</p> <p>The draft Social Strategy references the grievance mechanism but it is recommended that this also be specifically included in the list of policies/procedures in the LMP summary (draft Social Strategy, p. 45) as this is a key requirement for compliance. Ensure that the Worker GRM provides for PS2 requirements.</p> <p>Access to a worker grievance mechanism is not clearly provided for in the CFT documentation (only community grievances); this should be available to ALL workers not only locally engaged workers.</p>	2.8 Highlight the worker grievance mechanism in the Social Strategy; the worker grievance mechanism must be provided for in the CFT documentation and contracts including the provision for it to be applied to contracted workers.	
2.20 (2)	Involve an appropriate level of management, address concerns promptly, use an		It was reported through this review that the GRM provides for anonymous complaints, but this does not appear to be reflected in the current documents.	2.9 Ensure the documented grievance mechanism provides for anonymous complaints.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	understandable and transparent process, provide timely feedback without retribution, and allow for anonymous complaints (Para 20)				
2.20 (3)	Allow for other judicial or administrative remedies available under law or through existing arbitration procedures or collective agreements (Para 20)		It was reported through this review that the GRM provides for other remedies, but this does not appear to be reflected in the current documents.	2.103 Ensure the grievance mechanism provides for other access to remedy including arbitration or collective agreements.	
Protecting the Workforce:					
2.21 (1)	<i>Child Labour:</i> The Project will not employ children in any manner that is exploitative, or likely to be hazardous, interfere with the child's education, or be harmful to the child's health, physical, mental, spiritual, moral, or social development (Para		Child labour is to be prohibited through the forthcoming Labour MP.	2.11 The Labour MP is being drafted and should provide for compliance with child labour requirements including mechanisms for ensuring child labour is not employed.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	21)				
2.21 (2)	Identify all workers under age of 18. All workers under 18 will not be employed in hazardous work, and will be subject to appropriate risk assessment, and regular monitoring of health, working conditions and hours of work (Para 21)		The labour management procedures will need to include mechanisms for ensuring underage workers are not employed by the Project.	See 2.11 .	
2.21 (3)	Comply with national laws that make provision for employment of minors (Para 21)		Employment of children under 16 is prohibited in Uganda and no child is to be employed in specified dangerous work environments; the labour management procedures will need to include mechanisms for ensuring underage workers are not employed by the Project.	See above.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
2.22	<i>Forced labour:</i> The project will not employ forced labour (work extracted from and individual under threat of force or penalty), or trafficked persons. Includes any kind of involuntary or compulsory labour: indentured, bonded or similar labour contracting arrangements (Para 22)		Forced labour is to be prohibited through the forthcoming Labour MP.	2.12 The labour management procedure should include mechanisms for ensuring forced labour is not employed.	
Occupational Health and Safety:					
2.23 (1)	The Project will provide a safe and healthy work environment, taking into account inherent risks and specific classes of hazards, including physical, chemical, biological, radiological, and specific threats to women		See Appendix 2: IFC EHS Guidelines Compliance Table	-	-
2.23 (2)	Take steps to prevent accidents, injury, and		See Appendix 2: IFC EHS Guidelines Compliance Table	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	disease arising from, associated with, or occurring in the course of work, minimising the causes of hazards (as far as reasonably practicable) (Para 23)				
2.23 (3)	<p>In a manner consistent with GIIP, including the WB EHS Guidelines, the Project will address:</p> <ul style="list-style-type: none"> • identification of potential hazards, • provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions and substances, • training of workers, • documentation of occupational accidents, 		See Appendix 2: IFC EHS Guidelines Compliance Table	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	disease and incidents <ul style="list-style-type: none"> emergency prevention, preparedness and response arrangements (Para 23) 				
Workers Engaged by Third Parties:					
2.24	Take commercially reasonable efforts to ascertain that third parties are reputable and legitimate enterprises and have an appropriate ESMS, consistent with the requirements of PS 2, except for Paras 18-19, and 27-29.(Para 24)		ESIA Appendix T provides for due diligence of third party providers (p. 122).	2.13 Labour MP procedures will need to document auditing of third party providers to ensure their consistency with project labour commitments.	
2.25	Establish policies and procedures for managing and monitoring third party employers in relation to PS2. Use commercially reasonable efforts to		The draft Social Strategy commits that all workers in the supply chain and third parties, as direct employees or contractors, are subject to the same protections, policies and expectations describe in the LMP (Draft Social Strategy p.45).	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	incorporate these requirements in contractual agreements. (Para 25)				
2.26	Ensure contracted workers covered in Paras 24-25 have access to a grievance mechanism (GM), including the Projects GM if the third party is not able to provide a GM (Para 26)		It is not clear that this has been provided for through the Grievance Mechanism.	See 2.8 above	
	Primary Supply Chain				
2.27	Identify risks where there is a high probability of child or forced labour in the primary supply chain. If child or forced labour cases are identified, take appropriate steps to remedy them. Monitor the supply chain on an on-going basis (Para 27)		<p>The Labour MP is committed to include:</p> <ul style="list-style-type: none"> - An overarching policy statement on labour and working conditions (compliant with national laws and regulations, IFC PS 2 and ILO conventions) - Protection of the Workforce, including measures to identify and avoid child labour and forced labour. <p>Due diligence and monitoring are to be carried out of the supply chain to ensure that child and forced labour is not inadvertently supported through eh Project supply chain. This provision is to be included</p>	2.14 Reflect mechanisms for ensuring child and forced labour are not used in the Project supply chain in the forthcoming Labour MP, in line with Project commitments and national legal requirements.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>in the forthcoming Labour MP (ESIA 23-88).</p> <p>However, the Labour MP summary also does not explicitly specify 'avoid the use of child labour' (ESIA, p.23-143), thus it should be clear and consistent with the Child Labour Policy that is to be developed as part of the Labour MP (Ref: Draft Social Policy, p.45), the National Child Labour Policy (Uganda, 2006) and the Children Act (Uganda, 2016), which provides for the protection of children and prohibits the use of child labour or employment in any activity that may be harmful or hazardous to his or her health (s.8).</p>		
2.28	Where there is a high risk of significant safety issues in the primary supply chain, introduce procedures and mitigation measures to ensure primary suppliers are taking steps to prevent or correct life-threatening situations (Para 28)		See above	-	-
2.29	The ability of the project to fully address these risks will depend on the level of		See above	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	management control or influence over primary suppliers. Where remedy is not possible, shift the primary supply chain over time to suppliers that can demonstrate compliance with PS2 (Para 29)				

TABLE 1.3: PS3 Resource Efficiency and Pollution Prevention Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

Para #	Requirement	Comp- liance	General Observations / Compliance Issues	Recommendations	Priority
	Pollution Prevention:				
3.4	Consider ambient conditions and apply technically and financially feasible resource efficiency and pollution prevention principles and techniques tailored to the hazards and risks and consistent with good international industry practice (GIIP) (e.g. World		<p>Air Quality and Noise</p> <p>See discussion under General EHS Guidelines 1.1 Air Emissions and Ambient Air Quality for partial non-compliance.</p> <p>See discussion under General EHS Guidelines 1.7 Noise for partial non-compliance.</p> <p>The requirements around a degraded airshed do not apply.</p>	3.1 In order to demonstrate good practice the Project should prepare a summary of the actions taken to minimise visual impact and how those choices compare to best practice and including the rationale as to why no further action can be taken, given the potentially significant residual impacts on receptors.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Bank Group Environmental, Health and Safety Guidelines) to avoid or minimize adverse impacts on human health and the environment		<p>Other</p> <p>McDermott and Fluor have produced BAT Demonstration reports (May 2018). The ESIA used a design freeze of January 2018 so may not have fully considered those documents. However, it is understood that the BAT assessments are being used / will be used in support of potential internal derogations and notifications to NEMA where required. Any change in design since the design freeze will also be addressed as per the procedure described in ESIA Section 23.6 Environmental and Social Management Plan: Change Management.</p> <p>The ESIA concludes that implementation of the embedded and additional mitigation measures will be adequate to address potential impacts to soils and to human health (from soil quality impacts) as a result of the Project.</p> <p>The ESIA concludes that residual impacts to surface water quality have been assessed as Insignificant to Low Adverse significance and that implementation of the embedded and additional mitigation measures will generally be adequate to address</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>potential impacts to surface water as a result of the Project.</p> <p><i>Landscape and Visual</i></p>		
3.5	<p>When host country regulations differ from the levels and measures in the EHS Guidelines, achieve whichever is more stringent</p> <p>Under specific circumstances, when less stringent measures than the EHS Guidelines are appropriate, provide full and detailed justification for alternatives, consistent with the objectives of the PS</p>		<p>The ESIA concludes that <i>“The residual impacts on landscape and visual receptors ranged from Insignificant to High Adverse significance, with significant residual impacts predicted for all Project phases with the exception of Decommissioning. Although implementation of the additional mitigation measures would result in a slight reduction in effects for a number of Landscape Character Areas and Viewpoints, due to the scale and spread of activity including removal of vegetation, loss of landscape pattern and introduction of uncharacteristic infrastructure within MFNP, significant impacts (Moderate to High Adverse) are predicted to remain to five Landscape Character Areas and 14 Viewpoints during at least one Project phase. Negative impacts were identified to the perceptive qualities and pockets of tranquillity experienced throughout the landscape.”</i> The ESIA</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>describes that the Project Proponents will continue to explore design options which may further reduce the potential impacts on landscape and visual receptors.</p> <p>The Project has developed an Environmental Optimum Requirements (EOR) document (2016) to supply the environmental standards to be adopted for all phases. The EOR been developed in line with the requirements of the Uganda National Regulatory Framework and associated guidance; World Bank/IFC Performance Standards and the Environmental Health and Safety Guidelines and GIIP (. The EOR includes a Section 7.1.4 on Aesthetic aspects requiring that visual impact of permanent facilities shall be considered in design so that impacts on the existing landscape are minimised. Section 7.2.3 Lighting contains lighting specifications, also intended to minimise light impact. This includes that in MFNP the base case shall be no lights at night.</p> <p>The Project reports that the requirement to minimise visual impact has been a key consideration</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			during FEED and enabling infrastructure (EI) design. The requirements from the EOR were transposed into the FEED Environmental Philosophy documents. In addition visual impact from the wellpads in the MFNP was a key consideration for bund wall design for the EI designer. Consideration was also given to minimising the height of structures both on the wellpads and at the CPF.		
3.10	Avoid the release of pollutants, minimize and/or control the intensity and mass flow of release		With specific regard to the flare, the design considered the flare stack. The Project considers the elevated flare structure to be less visually impacting (50m with very small diameter <0.5n) than an enclosed ground flare (EGF) design (25m stack at 25m diameter). With regard to stack height on power generators, this has been determined by the air emission limits and will be minimised to as low as reasonably practicable. In addition, tank structures will be painted to ensure minimal glare and this has been written into the coating specification for the project.		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>Permits & Licenses</p> <p>There will be a variety of permits that will still be needed for the project. The legal and project teams have identified all the required permits and requirements. A database of Permits, Licences, Authorisations, Notifications and Consents (PLANC) is being developed (see PS1 Para 6 for discussion on permits and licences)</p> <p>Project standards are defined in the Project Environmental Optimum Requirements document. The Environmental Optimum Requirements document is reported to be / will be incorporated into procurement specifications.</p> <p>Management controls include L2-PLN-ENV-05- Pollution Prevention (Draft) and will include the Physical Environment Monitoring Plan and Landscape Management Plan, according to the ESMP Program provided by the Project along with the other plans described in these tables.</p>		
3.11	When there is a potential for significant project emissions in an already degraded area, consider additional strategies and measures that avoid / reduce negative		<p>In general Project management plans will also be supplemented by scope specific contractor</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	effects		<p>implementation management plans and procedures.</p> <p><i>Emergency Preparedness and Response</i></p> <p>A study was underway at the time of writing (May, 2019) for blowout contingency.</p> <p>The Project has confirmed that government capacity for emergency response e.g. Tier 3 spill response is limited. National oil spill contingency plan (OSCP) is available.</p> <p>The Project is implementing a phased approach to OSCP development and is progressing with the Project OSCP with drilling as a priority and the operational OSCP to be developed later. The strategy is to ensure the project has a robust Tier 1 response and looking to understand what partners are available in this regard. Studies are ongoing to look at options available for spill response. The main gap appears to be in Tier 2 where the Project will work with OSRL for Tier 2 resourcing and discussing with Total HQ how to utilise the existing Total expertise and resources in Africa.</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>Management controls include:</p> <ul style="list-style-type: none"> • Spill Prevention Plan: L2-PLN-ENV-3; Pollution Prevention Plan (draft) to be revised. • Oil Spill Contingency Plans: L2-PRO-07-02- Oil Spill Contingency Plan. L4-SP-HSE-B1-07-02-Oil Spill Contingency Plan for Operational Site, to be revised in consideration of enabling works and EPC (drilling). • Emergency Preparedness and Response Plan (ERP): L2-PRO-HSE-07-01 Emergency Response Plan, L2-PLN-HSE-07-01-the Project Emergency Response Plan; To be revised / bridging document to be in place. L4-SP-HSE-B1-07-01 Site Emergency Response Plan. • Blow Out Contingency Plan (BOCP): L2-PLN-DCW-02-R0; to be revised. • Frack out Plan (to be written) for horizontal direction drilling (HDD). <p>See also PS1 para 20</p>		
	Greenhouse Gases:				
3.7	Consider alternatives and implement technically and financially feasible and cost-		The ESIA included GHG emission calculations. The ESIA concludes the overall residual impact can be classed as Low Adverse significance and that the	3.2 As part of best practice, the Project should report on GHG emissions annually (through Project	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	effective options to reduce project-related GHG emissions		implementation of the embedded and additional mitigation measures will be adequate to address potential impacts on air quality as a result of the Project.	and / or Total annual reports, or other disclosure mechanisms such as the Carbon Disclosure Project).	
3.8	If 25,000 tonnes of CO ₂ -equivalent are expected annually, quantify annual direct emissions and indirect emissions from the off-site production of energy used by the project (using internationally recognized methodologies and good practice)		Although not a formal requirement under Performance Standard 3, disclosure of GHG emissions annually is encouraged through corporate reports or through other voluntary disclosure mechanisms being used by private sector companies internationally e.g. the Carbon Disclosure Project (https://www.cdp.net/en).		
	Wastes:				
3.12	Avoid / reduce the generation of hazardous and non-hazardous waste materials. Where waste cannot be recovered or reused, treat, destroy, or dispose in an environmentally sound		The ESIA describes that “As waste vendors and actual facilities to be used have not yet been identified and waste facilities have not been audited for GIIP compliance, hazardous waste streams are assessed to have a High Adverse impact significance pre-additional mitigation. The impact significance for non-hazardous waste streams was assessed to be Insignificant to Moderate Adverse.” “Prior to using waste management facilities for the disposal of	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>manner.</p> <p>For generated hazardous waste, adopt GIIP for disposal and adhere to transboundary movement limitations.</p> <p>When third parties conduct hazardous waste disposal, use reputable and legitimate contractors licensed by government and obtain chain of custody documentation to the final destination.</p> <p>Ascertain whether licensed disposal sites are operated to acceptable standards. If not, reduce waste sent to the site and consider alternatives.</p>		<p><i>Project waste, the Proponent will audit these facilities to determine whether they comply with GIIP. If proposed facilities for managing waste are found to be non-compliant with GIIP, the Proponent will either agree an improvement plan with the facility to bring it into line with GIIP or identify alternative facilities / management routes which are compliant with GIIP."</i></p> <p>The Project undertook a workshop in 2018 with waste management providers in country as they identified existing facilities would not meet project standards. Looking to enhance JV partnerships with local companies and international companies.</p> <p>Waste management provision will be covered under a shared services contract with drilling waste management to be covered under a separate contract. There was a call for tender process where 4 out of 7 bidders proposed new facilities.</p> <p>The Project is therefore confident that it has a base case that would meet the project standards i.e., could be achieved with either existing or new</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>facilities.</p> <p>Management controls include L2-PRO-HSE-04-41; and L2-PLN-HSE-05-02-Waste management, the draft to be revised after the Project has completed the ongoing CFT.</p>		
	Hazardous Materials Management:				
3.10	Where historical pollution exists, seek to determine any responsibility for mitigation measures and resolve liabilities in accordance with national law or GIIP		<p>It is understood that FEED included an ENVID.</p> <p>Management controls include L0-CHT-MAN-01 HSSE Charter.</p> <p>Management controls include L2-PRO-HSE-04-28 - Hazardous Chemical Products Management - Rev.2 and L2-PLN-ENV-XX- Chemical Management Plan.</p>	-	-
3.13	<p>Assess the production, transportation, handling, storage, and use of hazardous materials and avoid or minimize and control the release of hazardous materials.</p> <p>This should include pesticide use and management.</p>		<p>The Project reports that both need to be revised to incorporate all the ESIA requirements.</p> <p>The ESIA concluded that all baseline soil analytical results were all below United Kingdom (UK) and United States Environmental Protection Agency (USEPA) health criteria, which were used in the absence of Ugandan standards. No evidence of major contamination was recorded in any of the areas investigated, only low levels of contaminants were identified in some areas, likely due to natural</p>	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Consider less hazardous substitutes where hazardous materials are used in manufacturing processes or other operations. Avoid the manufacture, trade, and use of chemicals and hazardous materials subject to international bans or phase-outs		background levels or human activity (e.g. burning of coal / wood, use of vehicles). Also see Emergency Preparedness and Response above.		
	Resource Efficiency:				
3.6	Implement technically and financially feasible and cost-effective measures for improving efficiency and consumption of energy, water, and other resources, with a focus on core business activities		The ESIA describes that " <i>there is very limited pumping test information for boreholes within the Study Area to facilitate determination of the hydraulic properties of the unconsolidated sand aquifer – though a commitment is made by the Project Proponents to gather additional information via a survey which is currently underway as part of the FEED Water Abstraction Feasibility Study. The results of this additional work will be used to up-date the baseline information and to refine a detailed hydrogeological conceptual site model (CSM)</i> ".	3.3 If there are major changes regarding water supply, the Project will need to consider how this is permitted. The options will be to complete Project Briefs for water abstraction facilities or to go through the management of change process with NEMA (as discussed under PS1 para 1.5).	
3.9	Water Consumption: If the project is a potentially significant consumer of			3.4 The Project will develop criteria for resource management and energy	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	water, adopt measures that avoid or reduce water usage so that water consumption does not have significant adverse impacts on others		<p>Pump testing was completed in 2019 to determine the hydraulic properties of the aquifer and reliability of aquifer water supplies for Project use. The data provides one of the inputs for the hydrogeological conceptual site model being developed which, along with a quantitative hydrogeological risk assessment, will determine sustainable yield. As part of the water abstraction study, consideration will be given to whether the results affect the conclusions of the ESIA.</p> <p>The Project is in the early stages of looking at developing a contingency in case of low yields including consideration of engineering options for temporary water abstraction plants. The construction water CFT specifically covers the need to have a surface water abstraction in the event that the water needs of the Project cannot be met by groundwater.</p> <p>Management controls will include a Water Management Plan, according to the ESMP Program provided by the Project.</p> <p>There is no collated policy statement on the</p>	efficiency with each contractor depending on the scope.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>principles / policies for resource management. There are commitments in ESIA which will be incorporated into the management plans e.g. regarding water use which will be developed into the Water Management Plan.</p> <p>Some commitments will be included in the Code of Conduct so site teams are aware of the requirements.</p>		
Pesticide Use and Management:					
3.14	Formulate and implement an integrated pest management (IPM) and/or integrated vector management (IVM) approach targeting economically significant pest infestations and disease vectors of public health significance		<p>No information was available on plans for pest / vector management (applies to Paras 3.14 – 3.17). It is possible that pest/ vector management will be required during on-site Project implementation activities e.g. mosquitoes at camps, for weed control activities (including in relation to invasive alien species – see PS6).</p> <p>Pesticides should be used only to the extent necessary to achieve the objectives under an integrated pest management and integrated vector management approach and only after other pest management practices have failed or proven inefficient.</p>	<p>3.5 If applicable to the workscope, CFTs and contracts should include requirements for contractors to:</p> <ul style="list-style-type: none"> determine the need for pest and / or vector management apply criteria in the selection and management of pesticides to minimise environmental and human effects (workers and communities) develop and implement an integrated pest and / or vector 	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
				management approach <ul style="list-style-type: none"> • apply GIIP to handling, storage, application and disposal of pesticides • comply with WHO recommendations on pesticides • ensure appropriate training and supply of equipment and facilities for pesticide handling, storage, application, and disposal 	
3.15	Select pesticides low in human toxicity, known to be effective against the target species, and have minimal effects on non-target species and the environment. Pesticides to be packaged in safe containers, be clearly labelled for safe and proper use and be manufactured by an entity licensed by regulatory agencies		Pesticides should be selected to meet the Project specifications. Requirements should be set by the Project regarding: <ul style="list-style-type: none"> • packaging to protect the health and safety of persons involved in the transportation, storage and handling of the pesticides, and to reduce the need for transfer between containers or repackaging into improvised containers. • labelling to clearly identify the contents of the packaging and include instructions for intended use as well as safety information. 	See 3.5 above	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<ul style="list-style-type: none"> packaging and labelling of pesticides to follow the Food and Agriculture Organization (FAO) guidelines for the proper packaging and labelling of pesticides. 		
3.16 (1)	Pesticide application regime to avoid or minimise damage to natural enemies of the target pest and avoid or minimise the development of pest or vector resistance		The Project should consider the need for appropriate precautions to prevent the improper use of the pesticides and to protect the health and safety of the project workers, affected communities and the environment.	See 3.5 above	
3.16 (2)	Pesticides to be handled, stored, applied, and disposed of in accordance with the Food and Agriculture Organization's International Code of Conduct on the Distribution and Use of Pesticides or other GIIP			See 3.5 above	
3.17 (1)	Do not purchase, store, use, manufacture, or trade in products that fall in World Health Organisation (WHO)			See 3.5 above	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Recommended Classification of Pesticides by Hazard Class Ia (extremely hazardous); or Ib (highly hazardous) (Para 17) or Class II (moderately hazardous) pesticides, unless there are appropriate controls on manufacture, procurement, or distribution and/or use for the latter				
3.17 (2)	These pesticides not to be accessible to personnel without proper training, equipment, and facilities for handling, storage, application, and proper disposal			See 3.5 above	

TABLE 1.4 PS 4: Community Health, Safety and Security Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
Community Health and Safety:					
4.5 (1)	Community Health and Safety: Evaluate the risks and impacts to the health and safety of Affected Communities during the project life-cycle (Para 5)		<p>The ESIA (p.18-61) assesses CHS impacts at all phases of the project. The highest residual risks relate to the spread of HIV/AIDS and teen/unwanted pregnancy, and the main source of community health and safety impacts will be from Project induced in-migration due to employment and procurement opportunities.</p> <p>The ESIA was informed by an earlier In-migration Study (2016), which analysed influences on in-migration, including, inter alia, stress to public</p>	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			services (social services), housing and other social services demands.		
4.5 (2)	Establish preventive and control measures consistent with good international industry practice (GIIP). Mitigation measures to be commensurate with nature and magnitude of risks and impacts. Favour the avoidance of risks and impacts over minimization (Para 5)		<p>Avoidance of CHSS risks were included within the design (ESIA p.18-60).</p> <p>The Community Health, Safety and Security Management Plan (CHSS MP) is a new MP that will identify potential impacts and their mitigations following the potential interventions identified in the ESIA . This includes: sanitation, public health, communicable diseases.</p> <p>The CHSS MP (framework and Plan) is being drafted by external consultants Plexus.</p> <p>This review demonstrated that the roles of Tilenga and partner organisations in managing these potential impacts are also currently being explored to integrate with existing District Development Plans (e.g. District health officers, public health practitioners from health centres; however, no forum is proposed between Tilenga and Kingfisher on CHSS).</p>	4.1 Establish a coordination forum with Kingfisher (similar to BLAC but rather with a focus on common CHSS issues: influx, disease prevention, road safety).	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.6 (1)	<i>Infrastructure and Equipment Design and Safety:</i> Design, construct, operate, and decommission the structural elements or components of the project in accordance with GIIP, taking into consideration safety risks to third parties or Affected Communities (Para 6)		Emergency preparedness, coordination and response is provided for in CFT documentation. During construction and hydrotesting activities, there will be access restrictions to the RoW for safety reasons. Once complete there will be no restrictions to the public using the area. The length of open trenching at any given time will be minimised to approximately 1 km to allow wildlife and the local community safe passage. Infrastructure that will be accessible by the public are the UNRA roads. These issues are to be picked up in the forthcoming Community Health, Sanitation, Safety and Security Plan (CHSSSP).	4.2 Ensure residual risks to community health and safety are included in the Community Health, Sanitation, Safety and Security Plan (CHSSSP). Ensure that restrictions on open trenching are reflected in the CHSSSP required of bidders in the CFT documents.	
4.6 (2)	<i>Infrastructure and Equipment Design and Safety:</i> For public access to new buildings / structures: consider incremental risks and potential exposure to operational accidents and/or natural hazards, and be consistent with principles of universal access (Para 6)		See above.	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.6 (3)	<i>Infrastructure and Equipment Design and Safety:</i> Structural elements to be designed and constructed by competent professionals, certified or approved by competent authorities or professionals (Para 6)		Measures to avoid or minimise impacts have been identified and incorporated within the pre-project design and Front End Engineering and Design (FEED) phases. Embedded mitigation measures include physical design features and management measures that are based on Good International Industry Practice (GIIP).	-	-
4.6 (4)	<i>Infrastructure and Equipment Design and Safety:</i> External experts to conduct reviews during project design, construction, operation, and decommissioning if the failure or malfunction of structural elements or components in high-risk locations may threaten the safety of communities (Para 6)		ESIA Report has been based on internal and external expert FEED-level design information available at the time of its preparation.	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.6 (5)	<i>Infrastructure and Equipment Design and Safety:</i> Seek to avoid incidents and injuries to the public when moving equipment is operated on public roads and other infrastructure (Para 6)		The Project has committed to development of a Road Safety and Transport Management Plan to address potential impact of road traffic accidents due to increase in traffic on public roads. This is based on the existing RST MP; which is currently being internally reviewed by the Logistics team.	4.3 Ensure that the updated RSTMP includes all ESIA commitments and is also informed by the Road Safety Initiative; this action is recommended as a high priority given volumes of traffic that will become operational.	
4.7	<i>Hazardous Materials Management and Safety:</i> Avoid or minimize the potential for community exposure to hazardous materials and substances released by the project (Para 7)		The ESIA covers exposure to potential hazardous materials (ESIA p.18-76), including potential exposure to fugitive emissions, wastes, fuels and ground- and surface-water contamination. CFT documentation provides for avoidance/minimisation of use of certain hazardous materials (Exhibit L).	-	-
4.7 (2)	<i>Hazardous Materials Management and Safety:</i> Avoid / minimise minimize potential public (including workers and their families) exposure to hazards by modifying, substituting, or		See PS3	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	eliminating the conditions or materials causing potential hazards (Para 7)				
4.7 (3)	<i>Hazardous Materials Management and Safety:</i> To avoid community exposure exercise special care when decommissioning an existing project with hazardous infrastructure or components (Para 7)		See PS3	-	-
4.7 (4)	<i>Hazardous Materials Management and Safety:</i> Exercise commercially reasonable efforts to control the safety of deliveries of hazardous materials, and of transportation and disposal of hazardous wastes, and implement measures to avoid or control community exposure to pesticides (Para 7)		See PS3	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.8 (1)	<i>Ecosystem Services:</i> Identify risks and potential impacts on priority provisioning and regulating ecosystem services that may be exacerbated by climate change (Para 8)		See PS6	-	-
4.8 (2)	<i>Ecosystem Services:</i> Avoid adverse impacts on priority provisioning and regulating ecosystem services or implement mitigation measures (Para 8)		See PS6	-	-
4.9	<i>Community Exposure to Disease:</i> Avoid or minimize the potential for community exposure to water-borne, water-based, water-related, and vector-borne diseases, and communicable diseases that could result from project activities (Para 9) Where specific diseases are		<p>The ESIA provides for project design to minimise community exposure to disease. Creation of buffer zones (e.g. exclusion zones round project activities, siting of facilities).</p> <p>Following mitigation, the highest residual health risks are increased prevalence of HIV/AIDS and other STIs and increased teenage and unwanted pregnancy leading to adverse impacts on maternal and newborn health.</p>	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	endemic, aim to explore opportunities to improve environmental conditions to minimize their incidence (Para 9)		CFT documentation also provides for limited exposure to disease, focused on the workforce (Exhibit L). Also referenced is the requirement for camp rules to minimise interactions with communities.		
4.10	<i>Community Exposure to Disease:</i> Avoid or minimize transmission of communicable diseases associated with the influx of temporary or permanent project labour (Para 10)		<p>The In-migration Risk Assessment and Situation Analysis (2016) informed a draft In-migration strategy/ESIA.</p> <p>Tilenga is now developing an Influx Management Strategy (Framework and Strategy) by external consultants Plexus. However due to the indirect nature of potential health impacts, successful adverse impacts minimization also relies on capacity of national and local authorities to address the issues (ESIA p.18-100).</p> <p>Health impacts of in-combination effects of associated facilities include: increased incidence of malaria, TB and respiratory diseases, zoonotic diseases, HIV/AIDS, and other STIs.</p> <p>The draft Social Strategy describes how influx will be managed across aspects of promotion of community content, labour management, community health protection, and government collaboration and</p>	4.4 Finalise the draft Social Strategy and ensure clear ownership of all aspects of influx management are clearly defined by the appropriate teams. Ensure all internal teams are fully engaged in mapping out requirements relative to influx management and reflected into CFT documentation.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>support (Draft Social Strategy pp., p.57).</p> <p>All internal teams are not yet fully engaged on influx management; the human resources team will need to focus on labour issues as policies and procedures from this team will also need to influence CFT requirements that are passed on to contractors for implementation.</p> <p>See also PS1.</p>		
4.11	<p><i>Emergency Preparedness and Response:</i> Assist and collaborate with Affected Communities, local government agencies, and other parties, in preparations to respond to emergency situations; play an active role in preparing for, and responding to, project emergencies if local government agencies have little or no capacity to respond effectively (Para 11)</p>		<p>An Emergency Response Plan (ERP) is required as part of CFT documentation (Exhibit L). At minimum these should cover:</p> <ul style="list-style-type: none"> • Injury, outbreaks of disease and particularly contagious disease, need for medical evacuation, • Motor vehicle accidents, • Fire and explosion, • Environmental emergencies, spills and unplanned releases of hazardous materials, • Missing person, • Security breaches and sabotage, civil disorder, riots, war, • Earthquakes, hurricanes and other natural 	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>events.</p> <p>This is to be kept updated during the course of the contract (Exhibit L).</p> <p>The Exhibit includes that the contractor must assist with support to communities/government in the event that they are not able to respond effectively, and participate in drills to verify efficiency of emergency procedures (Exhibit L).</p>		
4.11 (2)	<i>Emergency Preparedness and Response:</i> Document emergency preparedness and response activities, resources, and responsibilities and disclose to stakeholders (Para 11)		Exhibit E of CFT documentation includes Emergency response coordination but does not appear to reference disclosure of this information.	4.5 Document and prepare the Emergency Response Plan (ERP) for disclosure.	
Security Personnel:					
4.12 (1)	Assess risks posed by security arrangements to those within and outside the Project site, guided by applicable law and the principles of proportionality		The Project is committed to Voluntary Principles for Security and Human Rights (VPSHR) (Total Safety Health Environment Quality Charter, Total Human Rights Guide). Security personnel are to be fit and trained (CFT Exhibit L), and are expected to implement measures consistent with the Universal	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	and good international practice for hiring, rules of conduct, training, equipping, and monitoring (Para 12)		Declaration of Human Rights of the United Nations, The Voluntary Principles on Security and Human Rights, The UN code of conduct for Law Enforcement Officials, and the UN Principles on the use of force and firearms.		
4.12 (2)	For security providers: make reasonable inquiries to ensure that security providers are not implicated in past abuses; provide adequate training in the use of force (and firearms) and appropriate conduct toward workers and Affected Communities; require security providers to act within the applicable law; do not sanction any use of force except when used for preventive and defensive purposes in proportion to the nature and extent of the threat (Para 12)		<p>UHRC (Uganda Human Rights Commission) and International Alert have provided training to government security agencies on human rights and obligations (ESIA, p.16-174).</p> <p>The ESIA commits Tilenga to developing Conflict Resolution & Crime Prevention Capacity Building programmes for local communities and local institutions (Appendix T, p.100).</p> <p>However, this does not explicitly commit Tilenga to meeting requirements on security providers.</p>	<p>4.6 Include provisions on security personnel in the forthcoming Community Health, Sanitation, Safety and Security Plan (CHSSSP) that:</p> <ul style="list-style-type: none"> • Meet the Project's commitments to the Voluntary Principles on Security and Human Rights (VPSHR) • Explicitly provides for access to the grievance mechanism • Reflect the Project's approach to use of public and private security forces. <p>This CHSSSP should then be publicly disclosed.</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.12 (3)	Provide adequate training in the use of force (and firearms) and appropriate conduct toward workers and Affected Communities (Para 12)		There is no evidence to show that adequate training on VPs, force and firearms is being provided to security forces.	As above	
4.12 (4)	Provide a grievance mechanism to express concerns about the security arrangements and acts of security personnel (Para 12)		<p>Law enforcement arrangements are described in the ESIA (p.16-110), comprising the Uganda Police Force (UPF), including the Resident District Commissioner (RDC) to whom any grievances related to police officers can be reported; the Oil and Gas Directorate, UWA Rangers, Tourism Police, and Border Control.</p> <p>The Uganda Police Force, the Uganda People's Defence Force and the Uganda Prisons Service have each established a human rights directorate to handle human rights issues, including complaints from the public about any of the irrespective serving officers (ESIA p16-174).</p> <p>Additionally, the Project has a grievance mechanism which can be used for expressing concerns about security (see PS1).</p>	As above	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
4.13 (1)	Assess and document risks arising from use of government security personnel (Para 13)		Existing Tilenga security documentation on use of government security personnel needs to be reflected in disclosed forthcoming Community Health, Sanitation, Safety and Security Plan (CHSSSP)	As above	
4.13 (2)	Seek to ensure that government security personnel act in a manner consistent with paragraph 12 above (Para 13)		As above	As above	
4.13 (3)	Subject to security concerns, encourage public authorities to publicly disclose Project security arrangements (Para 13)		As above	As above	
4.14	Consider all allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence, and report acts to public authorities (Para 14)		As above	As above	

TABLE 1.5 PS 5: Land Acquisition and Involuntary Resettlement

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	General :				
5.8	<i>Project Design:</i> Avoid or minimize physical and /or economic displacement. Pay particular attention to impacts on the poor and vulnerable (Para8)		<p>The mitigation hierarchy has been applied in the design process of the FEED (ESIA p.4-42), including consideration of social sensitivities.</p> <p>The Land Acquisition and Resettlement Framework (LARF) has been prepared in collaboration with the Ministry of Energy and Mineral Development (MEMD), Ministry of Land Housing and Urban Development (MLHUD), Ministry of Local</p>	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>Government (MLOG) and the National Environment Management Authority (NEMA), (ESIA p.4-42). The LARF includes: the legal and administrative framework, the land-use and land tenure of the Project Area, and provides guiding principles on valuation methodology, entitlements, resettlement action planning, and livelihood restoration. It has been designed for consistency with IFC PS5 and aims to standardise LAR planning in the Albertine Graben Basin.</p> <p>Key principles established through the LARF include:</p> <ul style="list-style-type: none"> • Resettlement will be avoided and minimised as much as possible; • Resettlement will be integrated into overall Project planning; • Compliance with laws, standards and policies; • Active and informed stakeholder participation; • Cultural appropriateness will be applied; • Vulnerable People will be provided with targeted assistance. 		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
5.9	<p>Compensation and Benefits for Displaced Persons: When displacement cannot be avoided:</p> <ul style="list-style-type: none"> • Provide full compensation of lost assets at replacement cost, • apply compensation standards transparently and consistently to all affected communities and persons, • restore livelihoods, and help improve standards of living, • offer, where feasible, land-based compensation to displaced persons and/or communities (collectively owned land) whose livelihoods were land-based, • take possession of 		<p>Key principles established through the LARF include:</p> <ul style="list-style-type: none"> • Compensation will be based on full replacement value; • Comprehensive resettlement assistance package will be applied. <p>The LARF commits that each RAP will include an entitlements matrix (p.68; Annex 5 provides a summary).</p> <p>This review considered LARF and RAP1.</p> <p>Governance arrangements in delivering compensation and benefits under the RAP are provided for in RAP1 p. 231.</p>	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	land/assets only after provision of compensation, <ul style="list-style-type: none"> provide opportunities to displaced persons/communities to benefit from the project (Para 9) 				
5.10 (1)	Community Engagement: Engage with Affected Communities, including host communities, according to the requirements of stakeholder engagement described in PS1. Participatory decision making processes should include options/alternatives where applicable (Para 10)		<p>In addition to the Project SEP (V1, 2019), RAP-specific SEPs are prepared for contractor implementation, monitoring and compliance by Tilenga SE team. Information disclosure materials are developed by the contractor, with QA/QC by land/corporate teams and monitoring and reporting by the Tilenga SE team.</p> <p>SE tools are supporting implementation: Borealis is to be rolled out.</p> <p>The RAP1 SEP provides for participation of affected communities and engagement activities were designed recognizing the issues / challenges identified during desktop and site work in conducting engagement on LAR (RAP 1, p.77).</p>	5.1 Identify host communities in RAP1. 5.2 Review the 5-year RAP budget, informed by the RAP1 planning and implementation experience to date. In particular, revise the SE budget.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>However, host communities are not identified. This must be addressed.</p> <p>Community meetings were held that included discussion of resettlement and housing options (RAP1, p.92), including for vulnerable groups and PAPs, however host communities were not specifically identified in RAP1.</p> <p>It was stated that the stakeholder engagement budget cost almost half of the overall RAP1 planning budget. It does not appear that this has been reflected in the forward-looking budget for planning for the remaining RAPS (E&S Budget Allocation 5 years).</p>		
5.10 (2)	Ensure on-going disclosure of information and participation of Affected Communities throughout planning, implementation, livelihood restoration activities and monitoring and evaluation (Para 10)		Internal grievance reports note the ongoing issues raised by PAPs. For RAPs 2 & 4 planning, grievances are related to (inter alia) a lack of understanding by the PAPs on the valuation methodologies. Activities of RAP 2 & 4 have also been affected by a number of land conflicts and boundary issues.	5.3 Strengthen information disclosure regarding rates calculations including <i>with government</i> on rates once published. Also consider other common grievances / issues and review engagement and information disclosure on these topics.	

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			<p>However, valuation appears to be an ongoing information / comprehension gap with complaints and grievances that the rates are unfair (see Internal monthly grievance reports Sep/Oct/Nov 2018).</p> <p>Host communities do not appear to be included in monitoring metrics; they must be included as a key stakeholder in RAP planning and implementation.</p>	5.4 Include host communities in monitoring (indicators and methods) and reporting.	
5.11	<p><i>Grievance Mechanism:</i> Establish a grievance mechanism (GRM), including a recourse mechanism to impartially resolve disputes, as early as possible (consistent with PS1) (Para 11)</p>		<p>Key principles established through the LARF include:</p> <ul style="list-style-type: none"> • A grievance mechanism will be established; and • Appropriate monitoring and evaluation will be undertaken. <p>The GRM is operational. The status of RAP 1 implementation includes grievances received on valuation (8 holdouts of 185 landowners, for which compulsory land acquisition is to be initiated). The GRM applies to the whole project, and is managed by the Tilenga Grievance officer. RAP Community Liaison Officers (CLOs) are employed by the contractor. The mechanism includes 4 tiers for</p>	5.5 Provide for the active participation, engagement and capacity building of the Resettlement Planning Committees (RPCs) for each RAP to ensure consistency in grievance resolution actions.	

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			<p>escalation and recourse, and provides for monitoring and reporting.</p> <p>The GRM is coordinated to ensure that the process does not overlap, undermine or override existing TEPU and TUOP internal grievance mechanisms.</p> <p>The GRM relates only to company activities, so issues regarding external but related activities are not tracked (e.g. grievances on district rates). The resettlement committees at the District (DIRCO) and sub-county Resettlement Planning Committee (RPC) levels have a role in mediation for grievances escalated to tier 2 and 3. RPCs will need to be active and engaged to perform this function effectively, and ongoing capacity building will be required to ensure consistency between the different RAPs.</p> <p>Internal grievance reports show high rates of closure of grievances, mostly on disagreements with valuations/crop counts. Boundary issues are being resolved with cadastral team.</p>		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
5.12 (1)	<i>Resettlement and Livelihood Restoration Planning and Implementation:</i> Carry out a census of the Affected Community and collect appropriate socio-economic baseline data to identify who will be displaced, and eligibility for compensation (Para 12)		<p>Six RAPs are to be prepared for the project south of the Victoria Nile:</p> <ul style="list-style-type: none"> RAP 1 Industrial Area and N1 road (approved by Government of Uganda in January 2018, identified 632 PAPs who will be displaced by the Project and is in implementation) <p>In planning:</p> <ul style="list-style-type: none"> RAP 2 West NGR and KW well pads, new access roads, and RoW for the Production and Injection Network RoW and the Water Abstraction pipeline RAP 3a North NGR, GYA well pads, new access roads and Production and Injection Network RoW RAP 3b NSO and KGG well pads, new access roads and Production and Injection Network RoW RAP 4 Tilenga Feeder Pipeline RAP 5 Buliisa road upgrades RoW <p>RAPs 2 and 4 are delayed and awaiting district compensation rates; RAPs 3 and 5 are in final planning stages.</p>	<p>5.6 Finalise preparation of RAPs 2-6.</p> <p>5.7 Provide for unanticipated land take in the RAPs.</p> <p>5.8 Support the development with partners of a district level Land Use Plan in line with ESIA commitments.</p> <p>5.9 Use JV partner structures (which may include the Regional Cumulative Impacts Management (RCIM) initiative) to coordinate on land use planning in the Basin more widely.</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>The project recognises that there are lessons learned from RAP1- these should be analysed and included into RAP2-6 processes, as a priority. Weekly meetings and reporting is being carried out by the Project with the contractor to support implementation.</p> <p>SMPs provide for unanticipated land take; this should also be reflected in the RAP.</p> <p>The ESIA includes a commitment to support the development of a district level Land Use Plan – this should be actioned promptly as this will assist with ensuring consistency across Projects at the district level, and provide a framework for consideration of RAP implementation in context of competing land uses (e.g. tourism, biodiversity offsets).</p> <p>Formation and use of a steering committee with JV Partners will facilitate consistency of approach to land use planning within the Basin more broadly (e.g. similarly to the BLAC or the LAR Steering Committee).The Regional Cumulative Impacts Management (RCIM) may perform this function if structured appropriately.</p>		

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			See PS8 on cultural heritage matters.		
5.12 (2)	Establish a clear cut-off date for eligibility to discourage ineligible persons (e.g. opportunistic settlers). Inform the Affected Community regarding the cut-off date (well documented information and disseminated throughout the Project area) (Para 12).		Key principles established through the LARF include a publicly disclosed cut-off date to be used. The principle of the cut-off date was disclosed to the community prior to the surveys, (RAP1, p.113). Targeted stakeholder engagement (SE) activities were undertaken to notify affected communities of the cut-off date (16 th May 2017), including signoff of a Cut-off Date Form and ongoing disclosure and SE.	-	-
5.13	Where affected persons reject compensation offers that meet the PS and, as a result, expropriation or other legal measures are initiated, the Project will explore opportunities to collaborate with the responsible government agency, and play an active role in resettlement		<p>The LARF (p.28) includes that compulsory acquisition is a last resort, agreed in principle by relevant government agencies.</p> <p>Compulsory acquisition (CA) is being initiated in RAP1 area for 8 holdouts. A specific legal framework will need to be prepared to ensure the following safeguards are met prior to initiation of CA as the LARF recognises that these are not prescribed through Ugandan legislation:</p> <ul style="list-style-type: none"> consultation regarding resettlement activities; 	<p>5.10 Prepare a specific legal framework for compulsory land acquisition prior to its initiation (RAP1, potentially others) for disclosure and agreement with relevant government authorities.</p> <p>5.11 Strengthen coordination with authorities on encroachment and opportunistic settlement after the cut-off date, particularly in sensitive</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	planning, implementation and monitoring (Para 13)		<p>provision of timely compensation for lost assets at full replacement cost;</p> <ul style="list-style-type: none"> alternative sites to choose from for relocation; provision of resettlement assistance, if required; and improvement of livelihoods. <p>Speculation and low evidence of land ownership is challenging implementation efforts.</p> <p>Management of opportunistic settlement needs to be prioritised; evidence of encroachment, especially in 2 wetland/waterway areas is of concern (i.e. closer engagement with communities and authorities is required on encroachment to limit potential impacts to the wetlands/waterways).</p>	environments (e.g. wetland areas).	
5.14	Establish procedures to monitor and evaluate the implementation of a Resettlement Action Plan (RAP) and / or Livelihood Restoration Plan (LRP), and		<p>Internal and external monitoring and evaluation (M&E) is provided for by the LARF and RAP1.</p> <p>The M&E Framework under RAP1 should be revised to include more specific indicators and</p>	5.12 Revise the RAP1 M&E framework to reflect lessons from the work to date, and should have consistency with RAPs 2-6.	

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	take corrective action as necessary (Para 14)		<p>respond to the objective. For example, there are no SE indicators regarding vulnerable groups; physical resettlement does not indicate the number of hold outs; the Cultural Assets should include the number of assets that have been moved to the satisfaction of the affected group.</p> <p>Impacts to critical habitat and ecosystem services do not appear to be considered M&E framework. Without this it is not possible to determine whether displaced households in host locations are impacting critical habitat or ecosystems services.</p>	5.13 Include indicators of biodiversity in the RAP M&E framework.	
5.14 (2)	For projects with significant involuntary resettlement risks, the Project will retain competent resettlement professionals to provide advice on compliance with PS 5 and verify the Project's monitoring information (Para 14)		RAP1 was prepared by a team of external experts (Atacama, Synergy and Nomad). Atacama has been retained for preparation of the remaining RAPs with oversight from MFC. Maintaining Atacama is beneficial for being able to capture and rectify lessons learned from RAP 1 for the remaining RAP planning and implementation. Atacama additionally has access to legal advisors to support RAP implementation.	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
5.15	Implementation of a RAP and/ or LRP will be considered completed when adverse impacts of resettlement have met the objectives of the relevant Plan and PS5. Depending on the scale and/or complexity of displacement it may be necessary for the Project to commission and external completion audit by a competent professional (Para15)		The LARF makes a commitment to have a completion audit carried out for all RAPs in addition to internal periodic monitoring. The form, frequency and format of internal monitoring should be described and commenced.	<p>5.14 Conduct regular internal implementation monitoring and track corrective actions.</p> <p>5.15 Incorporate lessons learned from internal monitoring into RAPS 2-6.</p>	
5.16	Where the exact nature or magnitude of potential impacts on land use and displacement is unknown due to the stage of project development, the Project will develop a Framework RAP and /or LRP. Once individual Project components are defined the		The LARF has been prepared to ensure consistency between all anticipated RAPs 1-6 including the entitlements matrix (LARF, Annex 5). RAP1 has been completed and is in implementation.	5.16 Revise the LARF to reflect JV partner status and implementation lessons at the completion of all RAP planning activity.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Framework will be expanded into a specific comprehensive RAP/LRP in accordance with Paras 19 and 25 (Para 16)				
5.17	<p><i>Displacement:</i> Displaced persons eligible for compensation include those who have:</p> <ul style="list-style-type: none"> • formal legal rights, • have no legal rights, but have a claim to land that is recognized under national law, • no formal legal rights or claim to the land or assets they occupy or use (Para 17) 		<p>Key principles established through the LARF include the recognition of informal land rights.</p> <p>RAP1 defines PAPs as any individual or group of persons (a family or clan with shared interest in an asset) whom have legal or customary rights to assets that may be lost because of project activities, and clearly documents eligibility requirements (p.113).</p> <p>RAP1 covers 610 PAPs who are displaced by the resettlement.</p> <p>This includes:</p> <ul style="list-style-type: none"> • 264 Physically displaced (only) – where PAPs will lose residential land, dwellings and structures; • 345 Economically displaced (only) – whereby 	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>PAPs will lose their means of livelihood, primarily crop production, livestock grazing and natural resource gathering, and;</p> <ul style="list-style-type: none"> 239 both physically and economically displaced. <p>One potentially non-registered immigrant HH resides in RAP1 area and considered under the Vulnerable HH category.</p>		
5.18	Project-related land acquisition and/ or restriction of land use may result in physical displacement as well as economic displacement. Requirements of PS5 may consequently apply to both types of displacement simultaneously (Para 18)		<p>RAP1 recognises both physical and economic displacement:</p> <p>A PAP may have a right to one or more groups of assets including (a) rights to land (b) ownership of annual and/or perennial crops and trees (c) homestead property (d) homestead structures (e) graves (f) shrines (g) other privately held physical assets located within the development footprint (RAP1, p.7).</p>	-	-
5.19	<p><i>Physical Displacement:</i> For people required to move the Project will prepare a RAP to:</p> <ul style="list-style-type: none"> provide compensation at full replacement cost for 		The entitlements matrix (LARF Annex 5) provides for permanent loss of land with dwellings, Permanent loss of agricultural (crop) land, permanent loss of grazing and fallow lands, temporary loss of agricultural (crop)land, grazing	5.17 Strengthen support available to vulnerable households during implementation, and particularly at critical times such as during agreement making processes, prior to	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	land and other assets lost, <ul style="list-style-type: none"> mitigate the negative impacts, identify development opportunities, provide a resettlement budget and schedule, establish entitlements (including host communities), pay particular attention to the poor and vulnerable. The Project will document all transactions, compensation measures and relocation activities (Para 19)		land, fallow land, Permanent restrictions on affected residential, agricultural(crop) and grazing land(including orphan land), and Loss of improvements to land. A comprehensive resettlement assistance package is provided for under RAP1 (tailored from that identified in the LARF), (RAP1, p.111). Support for vulnerable households does not appear to include any independent legal advice prior to agreement making, in line with GIIP (e.g. including for illiterate HHs). Implementation support is being identified for Vulnerable households – this is a key requirement.	documenting agreements (e.g. Minutes of Attendance).	
5.20	For people required to move, the Project must: <ul style="list-style-type: none"> offer choices among feasible options, including adequate replacement 		In-kind support is encouraged as far as possible. Inclusive training in basic financial literacy was provided to PAPs (men and women) who have opted for cash compensation, with a view to minimising the risk of misuse of the compensation	As above	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	housing or cash compensation where appropriate, <ul style="list-style-type: none"> offer relocation assistance to move, provide improved living conditions at new resettlement sites built for displaced persons, respect and take into consideration preferences to relocate in pre-existing communities, respect existing social and cultural institutions. (Para 20) 		package. Design principles for replacement housing are provided for in RAP1 (p.135). RAP1 (p.138) provides for replacement land or cash compensation, It does not appear that additional support is provided or available to households requiring support (e.g. vulnerable, illiterate) for the Minutes of Attendance (MoA) and Memorandum of Understanding (MoU) processes.		
5.21	In the case of physically displaced persons under Para 17 (i) or (ii) the Project will: <ul style="list-style-type: none"> offer the choice of replacement property of equal or higher value, security of tenure, 		The eligibility criteria (RAP1, p.113) specifies rights to compensation / replacement. RAP1 considers all structures to be replaced (p.127). Replacement primary residence is provided for in the RAP1 (p.137) including for those who accept replacement land or cash compensation, and in	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	equivalent or better characteristics and advantages of location, <ul style="list-style-type: none"> consider compensation in kind rather than cash, provide cash compensation sufficient to replace lost land and other assets at full replacement cost in local markets (Para 21) 		<p>line with the valuation procedure.</p> <p>Grievances commonly related to valuation of property and assets (Internal Grievance Reports) and lessons have been learned from RAP1 implementation on managing these complaints. Complaints on levels of cash compensation have not been reported (to date). Ongoing monitoring will need to determine if mitigations associated with cash risks have been effective.</p> <p>The Entitlements matrix provides for full replacement costs.</p>		
5.22	In the case of displaced persons who own and occupy structures (dwellings and other improvements), but who have no formal legal rights or claim to the land they occupy (under Para 17 (iii)), the Project will: <ul style="list-style-type: none"> offer a choice of options for adequate housing 		<p>Those with no recognisable legal right or claim to the land they are occupying (i.e. tenants) were recorded as part of the Cadastral & Asset survey. These PAPs are provided compensation for any assets they lose, and other assistance, as necessary, to achieve the objectives set out in the RAP1 Entitlement & Eligibility Framework. They are considered as vulnerable, and are eligible for development assistance, compensation for improvements made by them to land (perennial</p>	<p>5.18 Provide relocation assistance to tenants.</p> <p>5.19 Reconvene the JV partners internal LAR Steering Committee to establish consistency of approach on future land tenure.</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>with security of tenure without the threat of forced eviction,</p> <ul style="list-style-type: none"> provide compensation for their lost assets, other than land, such as dwellings and other improvements to the land, at full replacement cost (provided the displaced persons occupy the Project area prior to the eligibility cut-off date), provide relocation assistance sufficient for the displaced persons to restore their standard of living at an alternate site (Para 22) 		<p>crops, trees, structures), provision of vocational skill development training where feasible and on a priority basis to enhance employability, and additional assistance on case by case basis.</p> <p>Inconsistencies between Kingfisher and Tilenga projects on those with no formal rights or claims to land being considered differently has the potential for friction/conflict in the Project area. (e.g. Kingfisher project considers that if customary land is titled (e.g. either with a Certificate of Customary ownership, or establishment of a Communal Land Association) then like for like is provided at the new location. The same is not provided for by Tilenga; a consistent approach should be provided for through joint committee (JV partners internal LAR Steering Committee (LARSC)) to avoid potential conflict in the same Basin and provide for the same security of land tenure in future.</p>		
5.23	The Project is not required to compensate those who encroach on the project after the cut-off date,		Principle 6 of RAP1 is that a publicly disclosed cut-off date will be used and that the date is disclosed is described in RAP1 (p.84).	5.20 Continue to disclose information to communities on grievances summaries including rejected compensation of encroachment	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	provided the cut-off date has been clearly established and made public (Para 23)		One escalated grievance related to a demand for compensation for a structure constructed after the cut-off date; this has not been compensated. It is recommended that information disclosure also provides updates to communities on summary grievance resolution data to reinforce key RAP principles (see Grievance Mechanism, above).	following the cut-off date. 5.21 Publish lessons learned for communities from RAP1 in advance of RAPS2-6.	
5.24	Forced evictions will not be carried out, except in accordance with the national law and PS 5 (Para 24)		The LARF commits to no forced evictions except in accordance with national law (LARF, p.39). Forced eviction has not been undertaken to date.	-	-
5.25	<i>Economic Displacement:</i> In cases involving economic displacement only, the Project will establish a Livelihood Restoration Plan (LRP) to compensate affected persons and/or communities, establish entitlements and ensure that they are provided in a transparent, consistent and equitable manner.		n/a	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Mitigation of economic displacement will be considered complete when affected persons/communities have received compensation according to the LRP and PS5, and are deemed to have been provided with adequate opportunity to re-establish their livelihoods (Para 25)				
5.26	If land acquisition, or restrictions on land use, result in economic displacement, the Project will meet the requirements of Paras. 27-29 as applicable, regardless of whether or not there is physical displacement (Para 26)		<p>The LARF entitlements matrix summary (Annex 5) provides for loss of livelihoods (loss of crops, Restricted access to fishing landing areas and associated facilities, livestock rearing, small businesses, employees of non-farm businesses, rental income, loss of natural resources and access to natural resources).</p> <p>Livelihood restoration focuses on 4 levels, primarily: to re-establish household food sufficiency and food security for those losing land,</p>	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>crops and trees. Secondly, to introduce household income diversification, skills development, and capitalising on non-farm opportunities. Thirdly, on enhancement of the quality of life of the communities most affected by the loss of access to grazing and natural resources; and lastly on issues to be addressed through the Community Impact Mitigation Plan.</p> <p>LR measures that have been introduced to date by the implementing contractor are: financial literacy training. Forthcoming measures are: provision of dry rations; agricultural support; piped water and financial and business capacity services. This is in line with RAP1 commitments.</p>		
5.27 (1)	The LRP will provide for compensation at full replacement cost where land acquisition or restrictions on land use affect commercial structures (including cost of re-establishing business activities, cost of transfer of		RAP 1 identifies no commercial structure loss however the LARF provides for this.	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	plant, machinery and other equipment, and lost net income during the transition period) (Para 27)				
5.27 (2)	In cases affecting persons with legal rights or claims to land (Para 17 (i) and (ii)), replacement property of equal or greater value will be provided, or where appropriate, cash compensation at full replacement cost (Para 27)		<p>RAP1 (p.118) provides details of eligibility for livelihood restoration.</p> <p>For permanent crop land loss, PAPs are eligible to either identify new land for purchase by the Project, or receive cash compensation at full replacement cost.</p> <p>For grazing land losses, full replacement cost plus disturbance allowance is provided, or livelihood restoration support.</p> <p>Annual and perennial crops are also provided for, along with restrictions on access to natural resources.</p>	-	-
5.27 (3)	In cases of economically displaced persons with no formal legal rights or claims to land (Para 17 (iii)), provide		Tenant PAPs with no claim to land who will be economically displaced will receive benefits as per the Entitlements matrix (p.115).	See above on LAR steering committee	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	compensation at full replacement cost for lost assets other than land (e.g. crops, irrigation infrastructure and other improvements to land). The Project is not required to compensate opportunistic settlers who encroach on the Project after the cut-off date for eligibility (Para 27)		Opportunistic resettlement is not compensated for under the LARF or RAP1. Ensure consistency between Tilenga and Kingfisher projects on claims for those households with no formal claims to land to avoid potential conflict within the Basin. As above with regards to reconvening the JV partners' LARSC.		
5.28	<p>Economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels and standards of living:</p> <ul style="list-style-type: none"> replacement land for land-based livelihoods must at least be 		<p>Options for livelihood restoration programs have been identified through RAP1 to address economically displaced households (RAP1, p.177).</p> <p>The ESIA commits the Project to undertaking these programs, however it was reported that internal contracting challenges remain for ensuring delivery of these programs. Contracting and procurement had identified cost savings on program delivery (for example in Agricultural Support Services) however it was reported that these savings threatened program sustainability,</p>	<p>5.22 Ensure C&P has a clear line of sight of ESIA commitments and requirements including external implementation of livelihoods programs.</p> <p>5.23 Consideration of ecosystem services needs to be strengthened, including with partner organisations in implementation. This should include at minimum strengthening on the specifics for medicinal plants,</p>	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>equivalent to that being lost (productive potential, locational advantages, etc.),</p> <ul style="list-style-type: none"> for persons whose livelihoods are natural resource-based, provisions will be made to either allow continued access or provide alternate resources with equivalent livelihood earning potential and accessibility. compensation associated with natural resource usage may be collective in nature rather than directed to individuals or households, if circumstances prevent provision of equivalent land or similar resources, alternative income earning opportunities 		<p>which is also a commitment of the program. A unified approach to ESIA commitments from ESIA to E&S through to contracting is required to ensure sustainable outcomes.</p> <p>RAP1 covers losses of economic trees and so as a priority measure includes support for a commercial tree nursery, while potential medium-long term livelihood restoration measures includes agriculture extension packages.</p> <p>Specifics on medicinal plants, thatch and firewood are less robust. The baseline strongly reflects that medicinal plants, thatch and firewood are collected by households, but the entitlements matrix only talks about improving access to alternative NR areas or substitute resources, as well as participation in the LRP. These haven't been so developed as yet (as the Project is focused on priority areas like dry rations for food security) and these measures require further stakeholder engagement (with government/NGO partners; this is a work in progress).</p>	thatch and firewood.	

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	may be provided. Cash compensation is commonly insufficient to restore livelihoods (Para 28)				
5.29	Transitional support should be provided to all economically displaced persons (Para 29)		<p>LARF (Annex 5) provides for Transition allowance per individual to allow households to cover basic living expenses during early transition period.</p> <p>The valuation report provides detail on valuation of land as held under Customary Tenure, and that a disturbance allowance of 30% has been applied on top of the compensation value for the affected assets.</p>	-	-
5.30	<i>Private sector Responsibilities Under Government Managed Resettlement:</i> Where land acquisition and resettlement are the responsibility of government, the project will collaborate with the responsible government		n/a	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	agency, to the extent permitted, to achieve outcomes consistent with PS 5. Where government capacity is limited the Project will play an active role in resettlement planning, implementation and monitoring (Para 30				
5.31	If the government's resettlement measures do not meet the PS requirements the Project will prepare a Supplemental Resettlement Plan, which together with the documents prepared by the government agency will address the requirements of PS 5 (Para 31)		n/a	-	
5.31	The SRP will need to include at a minimum; <ul style="list-style-type: none"> identification of affected 		n/a	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	people, <ul style="list-style-type: none"> a description of entitlements provided under applicable national laws and regulations, the supplemental measures to achieve the requirements of PS 5 in a way that is permitted by the government agency, the financial and implementation responsibilities of the Project (Para 31) 				
5.32	In case of a project involving economic displacement only, the Project will identify and describe the measures the government agency plans to compensate Affected communities. If these measures do not meet PS5, the Project will develop and ESAP to complement		n/a	-	-

ID#	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	government action. This may include additional compensation or efforts to restore livelihoods (Para 32)				

TABLE 1.6 PS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

Para #	Requirement	Comp- liance	General Observations / Compliance Issues	Recommendations	Priority
	Updated PS6 Guidance Note:				
6.0			The PS6 Guidance Note was revised in November 2018 after the Project had completed the ESIA and progressed with biodiversity management plans and some of the further biodiversity related studies. Advice from IFC was to continue with the old GN and incorporate the requirements of the new GN6 as documents are updated or new documents produced. The Project is finalising the Biodiversity Strategy (incorporating the Biodiversity Monitoring and Evaluation Plan and Net Gain Implementation	6.1 Following the gap analysis of the Project position with the revised Guidance Note (GN), an action should be developed with a timetable to bring the Project in line with the revised GN. 6.2 As far as feasible, requirements of the new GN should be incorporated as soon as possible and reflected in the	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			Plan). The Project expects that the Biodiversity Strategy (and other biodiversity documents) will be reviewed and updated in the order of every three years. A gap analysis of the new GN6 with work done to date is to be undertaken to understand any changes in requirements.	Biodiversity Strategy. Some requirements can be addressed more easily (for example, the requirement to consult the IUCN Species Survival Commission, rather than the previous version which gave the SSC as an example of species specialists) whilst others will be more complicated (for example, re-evaluating critical habitat in terms of the revised triggers).	
	General:				
6.6	Risks and impacts identification process - consider direct and indirect biodiversity and ecosystem services impacts, identify		Biodiversity risks and impact identification are contained in the Tilenga ESIA submitted for government approval and the Tilenga Feeder ESIA. Approval was gained on 15 th April 2019.		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	significant residual impacts, take into account the differing values attached to biodiversity and ecosystem services by stakeholders (Para 6)		The Project is working to fill some of the gaps identified in the ESIA e.g. the ranging of certain species, wetland surveys. Studies to address other gaps are contingent on FID. The Project is maintaining the responsibility to undertake the surveys rather than the contractor. Documents and planning will be updated in response to findings of the studies.	6.3 Timing of studies filling gaps in the ESIA on species and habitat should be planned to ensure that there is sufficient time and flexibility in Project design and contractor work programmes to be able to respond to study findings and incorporate revisions to Project design and implementation.	
6.6	In natural and critical habitat, consider Project-related impacts across the potentially affected landscape or seascape (Para 6)		<p>Tilenga has completed a critical habitat baseline analysis and impact assessment. The baseline assessment also covers Tilenga feeder and a critical habitat impact analysis is in the final stages of completion as part of the Tilenga feeder ESIA. Kingfisher has also completed a critical habitat baseline and impact analysis.</p> <p>The East Africa Crude Oil Pipeline (EACOP) project also affects the same landscape. Kingfisher has also completed a critical habitat assessment.</p> <p>Since PS6 requires critical habitat to be considered at the landscape scale and some of the triggers are</p>	6.4 Whilst Tilenga, EACOP and Kingfisher have considered critical habitat on the landscape scale, there is potential to liaise with these projects to develop an Albertine Graben combined critical habitat impact and management analysis to ensure that effects on critical habitat are managed in a co-ordinated manner to facilitate minimisation of effects.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			the same it is suggested that a combined critical habitat analysis would be appropriate.		
6.7 (1)	Prioritise avoidance of impacts. Where not possible, implement measures to minimize impacts and restore biodiversity and ecosystem services (Para 7)		<p>Since the mitigation hierarchy has been applied in the Project to date, it is assumed that this would continue in relation to E&S aspects of any design changes.</p> <p>Pre-clearance surveys will be undertaken by local experts appointed by the Project. Translocation etc will be managed by the Project.</p> <p>Construction contractors will implement standard biodiversity related mitigation measures e.g. pollution prevention, soil management. Project biodiversity requirements will be clearly communicated to the contractors and incorporated into contractor protocols e.g. seasonal constraints.</p>	6.5 Ensure application of the biodiversity mitigation hierarchy (avoid, minimise, restore) in detailed design.	
6.7 (2)	Adopt a practice of adaptive management - mitigation and management measures to be responsive to changing conditions and monitoring results (Para 7)		<p>The draft Biodiversity Strategy commits to adaptive management.</p> <p>A Monitoring and Evaluation Programme will be implemented (see PS1, para 16).</p> <p>Involvement of E&S teams in the management of change process is covered under PS1.</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>A field verification programme is planned which will also allow adaptation of construction practices and mitigation measures.</p> <p>The field verification team proposed during Project construction comprises Ecological Compliance Officers plus Environmental and Biodiversity Field Officers. ECOs will be responsible for ensuring compliance by contractors in the field based on mitigation measures in the Biodiversity Management Plan and other site related biodiversity management plans. Environmental and Biodiversity Field Officers will be responsible for monitoring of biological elements e.g. wellpad effects on giraffe. The roles and responsibilities are to be refined.</p>	6.6 Sufficient verification field staff need to be in place during construction – the requirements for field staff are often under-estimated in projects. All field staff should be employed sufficiently far in advance of construction to allow them to be trained and familiar with mitigation measures, site conditions, verification procedures and reporting requirements.	
			<p>Changes to mitigation and management measures need to be reflected in documentation and practices. Periodic reviews of management plans are planned.</p>	6.7 Ensure that Project and Contractor management plans and contractor standard operating procedures (SOPs) and method statements are updated in response to changing requirements for biodiversity management and that that changes are effectively communicated throughout the Project and the contractor organisation.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>KPIs are outlined in the Biodiversity Strategy and will be detailed more specifically in the Monitoring and Evaluation Plan.</p> <p>Recommendation dealing with defining KPIs is covered under PS1 para 16 (1).</p>	-	-
			<p>It is challenging to differentiate the effects of the Project from those that would be happening in the absence of the Project e.g. logging, in-migration.</p> <p>A recommendation regarding trends analysis is incorporated into the recommendation for PS 1 para 22</p>	-	-
			<p>The Project considers that the existing biodiversity data and ongoing studies will provide a good pre-construction baseline for monitoring. Discussions will be undertaken with the construction contractors to determine when updates of the baseline data will be required prior to construction (pre-construction surveys). Pre-clearance surveys will be undertaken by local experts appointed by TEPU. The Monitoring and Evaluation Plan will identify priorities for</p>	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>monitoring e.g. critical habitat species, species of international importance, species of local importance. Worksite specific monitoring in relation to Project operations will be undertaken (to be defined in the Biodiversity Management Plan) as well as wider monitoring (habitats and species) to acquire the information needed to evaluate net gain.</p> <p>Since biodiversity data is considered out of date after in the order of 4 years, depending upon the timing of construction, there may be a need to update baseline data. Consideration will be given to how to address data updates, part of which may be the use of satellite imagery to look at trends e.g. for wetlands, MFNP, forest areas.</p>		
			<p>Requirements for tracking and reporting of performance against the Biodiversity Strategy and Biodiversity Management Plan will be included in those plans.</p> <p>The monitoring mechanisms are to be defined - there may be use of external experts to track</p>	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>implementation progress and success.</p> <p>Internal and external reporting to be defined - depends on such things as government consent conditions.</p>		
6.8 (1)	For natural habitat, retain competent professionals to assist in conducting the risks and impacts identification process (Para 8)		<p>The Project has biodiversity specialists within the team and has access to other specialists.</p> <p>The Biodiversity and Livelihoods Committee (BLAC) has been providing external expertise to the Project since 2013. Such expertise can be a valuable tool in assisting with Project PS compliance. The membership and nature of inputs of the BLAC can be adapted in response to Project needs. Consideration is being given to broadening scope to include such expertise as Project implementation monitoring and evaluation and compensation and enhancement programmes.</p>	6.8 The BLAC composition should reflect the changing needs of the Project as it moves towards implementation. In particular, input of specific practical experience on the NG programme, including integration of maintenance of livelihoods.	
6.8 (2)	For critical habitat, retain external experts with appropriate regional experience for mitigation development and		As above	As above	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	implementation verification				
Protection and Conservation of Biodiversity					
6.9	Divide habitats into modified, natural, and critical with critical habitats as a subset (Para 9)		The Project approach to habitats is to apply the modified, natural, and critical divisions.	-	-
6.10 (1)	Include offsets in the mitigation hierarchy after application of avoidance, minimization, and restoration measures (Para 10)		The Project has applied to mitigation hierarchy on the Project and will continue to do so during detailed design and Project implementation.	-	-
6.10 (2)	Offset to aim to achieve measurable conservation outcomes resulting in no net loss and preferably a net gain of biodiversity with net gain a requirement for critical habitat (Para 10)		Progress is being made on the no net loss (NNL) / net gain (NG) studies with the focus on the three concept strategies identified in the ESIA for residual biodiversity mitigation (Reducing human pressures and increasing resilience of the Murchison Falls Protected Area (MFPA), Conserving and restoring wetlands and riparian vegetation and Conserving and restoring Forests in two landscape units	6.9 An early decision is required on the governance structure for the NNL / NG programme as this will affect the development of the programme.	
				6.10 There is a need for focused planning and implementation of NNL / NG actions to progress the programme in order to achieve the targets in a	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>[Landscape Contexts D & F]).</p> <p>A scoping study has collated information on ongoing programmes in the Albertine Graben. The Project may be able to contribute to such initiatives and / or new programmes will be developed.</p> <p>Options for governance of the NNL / NG programme are under are under deliberation e.g. a special purpose vehicle, dedicated internal or external resources.</p> <p>Timing is an important consideration for NNL / NG programmes and progress prior to project implementation is needed for the following reasons:</p> <p>(1) the length of time that it takes to set up initiatives</p> <p>(2) the 'lag time' between Project impacts and achieving NNL / NG.</p> <p>Within the Project, there is some level of awareness of the need to integrate social aspects in the NNL / NG initiatives due to the implications for social aspects, often due to changes in the provision of</p>	<p>timely manner.</p> <p>6.11 To this end, adequate resources (numbers, technical expertise in planning of offset projects and with specific expertise in the biodiversity resources being addressed in the NNL / NG programme as well as social expertise) need to be utilised to develop and implement the programme.</p> <p>6.12 Involvement of expertise on maintenance of livelihoods and alternative livelihood strategies and community consultation should be a key consideration from the early stages of planning any initiatives.</p> <p>6.13 Establishment of a co-ordination structure between Tilenga, Kingfisher and EACOP to actively manage development of the NNL / NG programmes.</p>	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>ecosystem services.</p> <p>The task force NNL / NG workshop (March 2019) was a good initiative in facilitating technical discussions and aligning the Tilenga and EACOP projects. Close co-ordination on NNL / NG programme across the Tilenga, Kingfisher and EACOP is vital to promote success of the programmes and support cost effectiveness.</p> <p>The Project recognises that NNL / NG programmes need to be implemented at the landscape level and that this requires the involvement of government and non-government organisation (NGO) stakeholders. Attempts to co-ordinate the entities have not been successful to date</p> <p>Since the development of the NNL / NG programme is a 'work in progress' and the fact that there is work to do in developing the programme in a timely manner, a partial compliance score has been allocated.</p>	<p>6.14 The Project should progress with plans to facilitate integration of stakeholders - government, other projects, conservation organisations - to develop the NNL / NG planning in an integrated manner at the landscape level and improve chances of success.</p> <p>It is suggested that a focal point is identified to drive this forward. This may be an NGO representative or possibly a member of BLAC.</p>	
6.10 (3)	Apply the "like-for-like or better" principle to offset and align with best available		Project team members have been involved with the Business and Biodiversity and Offsets Programme (BBOP) and are applying their principles and best	6.15 Lessons learned from the implementation of other offset programmes should be collated and	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	information and current practices (Para 10)		<p>practices. Other guidance, such as that from IUCN, IPIECA, can also be applied.</p> <p>There is significant global experience and guidance on offset programmes which it would be useful to tap into.</p>	applied in the development of the NNL / NG programme. As well as research studies, conference papers other valuable inputs could be supplied by paying experts to provide inputs of Project experience.	
6.10 (4)	Involve external experts with knowledge in offset design and implementation (Para 10)		<p>External expertise has been applied in the development of the no net loss (NNL) calculations.</p> <p>The NNL / net gain (NG) mitigation programme will be developed in conjunction with local partners, in part contributing to / expanding existing initiatives.</p> <p>The Project recognises that the involvement of government and non-government stakeholders is necessary.</p>	See 6.11 above	
6.12	<i>Modified Habitat:</i> Apply PS requirements to areas of modified habitat with significant biodiversity value and minimize impacts and implement mitigation as		The potential for modified habitats to support biodiversity value has been considered in the Project approach and will continue to be considered through detailed design and Project implementation.	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	appropriate (Para 12)				
6.14	<i>Natural Habitat:</i> No significant conversion of degradation of natural habitat unless: there are no viable alternatives regionally; stakeholder consultation has been undertaken and the mitigation hierarchy is applied (Para 14)		Effects on natural habitat have been considered as part of the ESIA and should be considered as part of design changes and Project changes during implementation.	6.16 E&S teams to be consulted as part of the management of change process for design changes which could adversely affect natural habitat and an appropriate level of impact evaluation undertaken.	
				6.17 Ensure a robust analysis of alternatives for Project changes that could affect natural habitat.	
				6.18 Undertake stakeholder consultation regarding Project changes which could impact biodiversity values in natural habitat.	
6.15	<i>Natural Habitat:</i> design mitigation to achieve no net biodiversity loss where feasible (Para 15)		The NNL programme incorporates natural habitat.	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
6.16	<i>Critical Habitat:</i> defined as areas with high biodiversity value, including (i) habitat of significant importance to Critically Endangered and/or Endangered species; (ii) habitat of significant importance to endemic and/or restricted-range species; (iii) habitat supporting globally significant concentrations of migratory species and/or congregatory species; (iv) highly threatened and/or unique ecosystems; and/or (v) areas associated with key evolutionary processes (Para 16)		The updated Guidance Note for PS6 (November, 2018) post-dates the critical habitat work in the Environmental and Social Impact Assessment (ESIA). One of the changes in the GN is the revision of the critical habitat triggers. At some point the new triggers will need to be applied to critical habitat.	6.19 Consider the best time to re-evaluate critical habitat in terms of the revised triggers in GN6.	
6.17	<i>Critical Habitat:</i> Project not to be implemented unless: there are no viable alternatives regionally on		Effects on critical habitat have been considered as part of the ESIA and should be considered as part of design changes and Project changes during implementation.	6.20 Critical habitat analysis and impact evaluation needs to be extended to cover any new area of influence identified as the Project develops.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	non-critical habitat; there would be no measurable adverse impacts on the biodiversity values for which the critical habitat was designated, and on the ecological processes supporting those biodiversity values; there would be no net reduction in the global and/or national/regional population of any Critically Endangered or Endangered species over a reasonable period of time and long-term biodiversity monitoring and evaluation is undertaken (Para 17)		<p>A Monitoring and Evaluation Plan is under development will identify priorities for monitoring e.g. critical habitat species, species of international importance, species of local importance. Worksite specific monitoring in relation to Project operations will be undertaken (to be defined in the Biodiversity Management Plan) as well as wider monitoring (habitats and species) to acquire the information needed to evaluate net gain.</p> <p>The Project considers that the existing data and ongoing studies will provide a good pre-construction baseline for monitoring.</p>	6.21 E&S teams to be consulted as part of the management of change process for design changes which could adversely affect critical habitat and an appropriate level of impact evaluation undertaken.	
				6.22 Ensure a robust analysis of alternatives for Project changes that could affect critical habitat.	
				6.23 Undertake stakeholder consultation regarding Project changes which could impact biodiversity values in critical habitat.	
6.18	<i>Critical Habitat:</i> Describe the mitigation strategy in a Biodiversity Action Plan designed to achieve net gains of those biodiversity		A Biodiversity Strategy (incorporating a Biodiversity Monitoring and Evaluation Plan and Net Gain Implementation Plan) is under development.	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	values for which the critical habitat was designated (Para 18)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
6.19	<i>Critical Habitat:</i> Where offsets are proposed, demonstrate that residual impacts will be adequately mitigated (Para 19)		<p>The NNL / NG programme will cover a range of habitats that will capture a number of species as well as specifically addressing a number of larger faunal species in the Murchison Falls National Park (MFNP) e.g. giraffe, elephants. The programme is outcome based with targets set for habitats and selected species and the overall effectiveness of the programme being considered. There is no differentiation between NNL and NG with the aim being to achieve at least NNL. Since NG is required for critical habitat the Project will need to clearly demonstrate that NG is achieved. It may be that the Project needs to aim for NG as a minimum where there is potential for critical habitat.</p> <p>One of the complications for the NNL / NG programme will be managing the initiatives against the background of ongoing habitat degradation e.g. logging for agricultural conversion or charcoal production. Previous studies and ongoing monitoring will help to demonstrate trends. In-migration is likely to accelerate such trends. The targets need to consider this aspect in order to add more certainty to that NNL or NG can be achieved.</p>	6.23 Consider how to demonstrate NG is achieved for critical habitat. Whilst the nature of interventions may be the same for NNL and NG, habitat and species targets need to be set to clearly aim for net gain for critical habitat. The aim for overall effectiveness of the programme need to be considered – NNL or NG – and this will partly depend upon the proportion of critical habitat in the programme.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
6.20	<i>Legally Protected and Internationally Recognized Areas:</i> Demonstrate that the development is legally permitted; Be consistent with government recognized management plans; consult stakeholders; implement additional programs to promote and enhance the area's conservation aims and effective management (Para 20)		The Project aims for alignment with national and regional conservation plans including the National Biodiversity Strategy and Action Plan (NBSAP), the regional Strategic Plan for the Northern Albertine Rift of Uganda, the Murchison Falls Protected Area (MFPA) General Management Plan and national plans for individual species. Examples of such alignment include sensitivity for species, KBAs, similar objectives for biodiversity and ecosystem services in the NBSAP and for the Project.	-	-
			The Project actively consults with the protected area authorities.	-	-
			There are regular engagements with civil society organisations (CSOs), including quarterly with the umbrella CSO body CISCO.	-	-
			Elements of the NNL / NG programme under consideration include support to management activities for the Murchison Falls National Park (MFNP).	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
6.22 (1)	<i>Invasive Alien Species:</i> Do not intentionally introduce new alien species unless in accordance with the regulatory framework and do not deliberately introduce any alien species with a high risk of invasive behaviour (determined by a risk assessment) (Para 22)		The Project has a number of management principles guiding IAS management – development of a permanent awareness and monitoring system for IAS on the Project Area during all phases of the Project, implementation of biosecurity and prevention procedures and development of an IAS infestation management protocol. An Invasive Alien Species Management Plan is under development. For the 15 invasive alien plant species identified a risk ranking has been defined considering the potential biodiversity impact. This accords with the risk based approach in PS6. The IAS Management Plan does not discuss invasive alien faunal species, pests or pathogens as required by PS6.	6.24 Ensure coverage of invasive alien fauna, pests and pathogens in the IAS Management Plan (or provide an explanation that they are not a risk to explain why they are not addressed).	
6.22 (2)	<i>Invasive Alien Species:</i> Implement measures to avoid the potential for accidental or unintended introductions (Para 22)		See above	See above 6.24	
6.23	<i>Invasive Alien Species:</i> Be diligent in not spreading established alien species into new areas and eradicate		See above	See above 6.24	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	alien species from natural habitat (Para 23)				
	Management of Ecosystem Services				
6.24	Identify priority ecosystem services, including consultation with Affected Communities (Para 24)		<p>An ecosystem services analysis has been carried out as part of the ESIA.</p> <p>Communities were consulted as part of the ES review study.</p> <p>Initiatives to promote more sustainable fisheries and agriculture are being considered as part of community development planning.</p>	-	-
6.25 (1)	For priority ecosystem services of relevance to Affected Communities (Type I) and where there is direct control or significant influence, avoid impacts or mitigate to maintain the value and functionality (Para 25)		<p>The key elements of the ES analysis and management requirements are being included in the BAP.</p> <p>The Code of Conduct to be applied to contractors will prohibit collection of resources and poaching.</p> <p>Ecological Compliance Officers will be responsible for working with contractors to avoid and minimise</p>	See PS5	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>impacts on ES.</p> <p>Monitoring of ES will fall under the E&S management plans and also RAP monitoring.</p> <p>Ongoing community engagement regarding biodiversity / ecosystem services is yet to be defined. Options include through community liaison officers (CLOs) or through field officers. An awareness and sensitisation programme is planned. Planning and implementation of community engagement will be undertaken in conjunction with social affairs. The Project biodiversity and social teams will produce a Community Environmental Conservation Plan. This is a Project responsibility and will not have an equivalent contractor plan. The contractors will cover ES in their biodiversity management plan.</p> <p>The Project is considering working with communities to conserve and manage natural resources to combat impacts on ES (as part of the NNL / NG</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			programme). The Project is also looking at working with the MFNP Authority to address ES in the Park, in particular tourism and bushmeat services.		
6.25 (2)	For priority ecosystem services on which the Project depends (Type II), minimize impacts and implement resource efficiency measures (Para 25)		See PS3 paras 6 and 9 regarding in-house efficiency measures for water consumption. See PS6 para 30 regarding supply chain below.	See PS3 paras 6 and 9 regarding resource efficiency. See PS6 para 30 regarding supply chain below.	
Sustainable Management of Living Natural Resources:					
6.26 (1)	Locate land-based agribusiness and forestry projects on unforested land or land already converted (Para 26)	N/A	-	-	-
6.26 (2)	For primary production of living natural resources, manage living natural resources in a sustainable manner (Para 26)	N/A	-	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
6.26 (3)	Implement sustainable management practices to one or more globally, regionally, or nationally recognized standards and demonstrate by independent verification or certification (Para 26)	N/A	-	-	-
6.28	Prior to independent verification or certification, undertake a pre-assessment of standards conformance and work to achieve verification or certification (Para 28)	N/A	-	-	-
6.29	In the absence of a standard, commit to applying good international industry operating principles, management practices, and technologies; and actively engage and support the development of a national	N/A	-	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	standard (Para 29)				
	Supply Chain:				
6.30	Where primary production is purchased from regions where there is a risk of significant conversion of natural and/or critical habitats, adopt systems and verification practices to evaluate primary suppliers (Para 30)		<p>Local procurement by contractors is encouraged to enhance the economic benefits of the Project locally. Such local procurement may include primary production e.g. timber, thatch, food. Given the threats to biodiversity from such activities as logging, agricultural conversion, bushmeat hunting, there is a risk that local supply of goods could have implications for biodiversity if not adequately managed.</p> <p>Supply of food to camps may be managed under a shared services contract (as done for the existing camps). To date, the E&S teams have not been involved in the planning for this aspect.</p>	6.25 Requirements around sustainability of supply of primary production should be included in contracts e.g. timber, thatch.	
				6.26 A ban on procurement of bushmeat should be included in contracts e.g. included in Project management.	

TABLE 1.7 PS 7: Indigenous Peoples Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Applicability				
7.0	The applicability of this Performance Standard is established during the environmental and social risks and impacts identification process. The implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's Environmental and Social Management System, the elements of		<p>The ESIA clearly states that PS 7 on Indigenous Peoples is not applicable to the Project (ESIA p2-39).</p> <p>The ESIA comments response register notes an objection to this issue, which was raised during consultation (ESIA comments response register, #16). The ESIA notes that stakeholder consultation and a review of existing reports was undertaken to inform the position that PS 7 is not applicable, and interviews undertaken</p>	<p>7.1 Ensure the Tilenga response is robust in specifically addressing each of the four criteria for triggering PS 7.</p> <p>7.2 Ensure that there is a documented response direct to the stakeholder who raised the issue during consultation.</p>	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	which are outlined in Performance Standard 1.		<p>with Tilenga during this review indicate that a formal response has also been developed. Tilenga's PS7 response has not been sighted during this review and it is understood that it has not been publicly disclosed.</p> <p>Consideration of ethnic minorities as a vulnerable group is discussed in PS1.</p>	7.3 Make the Project response on Indigenous Peoples available to other stakeholders should this be requested.	
Avoidance of Adverse Impacts					
7.8	Identify, through an environmental and social risks and impacts assessment process, all communities of Indigenous Peoples within the project area of influence who may be affected by the project, as well as the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage, and environmental impacts on them (Para 8)		n/a	n/a	-
7.9	Adverse impacts on Affected Communities of Indigenous Peoples should be avoided where possible.				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Where alternatives have been explored and adverse impacts are unavoidable, minimize, restore, and/or compensate for these impacts in a culturally appropriate manner commensurate with the nature and scale of such impacts and the vulnerability of the Affected Communities of Indigenous Peoples. Proposed actions will be developed with the informed consultation and participation of the Affected Communities of Indigenous Peoples and contained in a time-bound plan, such as an Indigenous Peoples Plan, or a broader community development plan with separate components for Indigenous People (Para 9)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Participation and Consent				
7.10	<p>Undertake an engagement process with the Affected Communities of Indigenous Peoples as required in Performance Standard 1. This engagement process includes stakeholder analysis and engagement planning, disclosure of information, consultation, and participation, in a culturally appropriate manner. In addition, this process will:</p> <ul style="list-style-type: none"> Involve Indigenous Peoples' representative bodies and organizations (e.g., councils of elders or village councils), as well as members of the Affected Communities of Indigenous Peoples; and Provide sufficient time for Indigenous Peoples' decision-making processes (Para 10) 				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.11	Affected Communities of Indigenous Peoples may be particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources. In recognition of this vulnerability, in addition to the General Requirements of this Performance Standard, the FPIC of the Affected Communities of Indigenous Peoples will be obtained in the circumstances described in paragraphs 13–17 of this Performance Standard. FPIC applies to project design, implementation, and expected outcomes related to impacts affecting the communities of Indigenous Peoples. When any of these circumstances apply, external experts will be engaged to assist in the identification of the project risks and impact (Para 11)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.12	There is no universally accepted definition of FPIC. For the purposes of Performance Standards 1, 7 and 8, “FPIC” has the meaning described in this paragraph. FPIC builds on and expands the process of informed consultation and participation described in Performance Standard 1 and will be established through good faith negotiation with the Affected Communities of Indigenous Peoples. Document: (i) the mutually accepted process between the project and Affected Communities of Indigenous Peoples, and (ii) evidence of agreement between the parties as the outcome of the negotiations. FPIC does not necessarily require unanimity and may be achieved even when individuals or groups within the community explicitly disagree (Para 12).				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Circumstances Requiring Free, Prior, and Informed Consent				
	<i>Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</i>				
7.13	Indigenous Peoples are often closely tied to their lands and related natural resources. Frequently, these lands are traditionally owned or under customary use. While Indigenous Peoples may not possess legal title to these lands as defined by national law, their use of these lands, including seasonal or cyclical use, for their livelihoods, or cultural, ceremonial, and spiritual purposes that define their identity and community, can often be substantiated and documented (Para 13)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.14	<p>If a proposed project is to be located on, or commercially develop natural resources on lands traditionally owned by, or under the customary use of, Indigenous Peoples, and adverse impacts can be expected, the following steps will be taken:</p> <ul style="list-style-type: none"> Document efforts to avoid and otherwise minimize the area of land proposed for the project; Document efforts to avoid and otherwise minimize impacts on natural resources and natural areas of importance to Indigenous People; Identify and review all property interests and traditional resource uses prior to purchasing or leasing land; Assess and document the Affected Communities of Indigenous Peoples' resource use without prejudicing any Indigenous Peoples' land claim. The assessment of land and natural resource use should be gender inclusive and specifically consider women's role in the management and use of these resources; 				
Final Rev 0	<ul style="list-style-type: none"> Ensure that Affected Communities of Indigenous Peoples are informed of their land rights under 				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<ul style="list-style-type: none"> Providing land-based compensation or compensation-in-kind in lieu of cash compensation where feasible. Ensuring continued access to natural resources, identifying the equivalent replacement resources, or, as a last option, providing compensation and identifying alternative livelihoods if project development results in the loss of access to and the loss of natural resources independent of project land acquisition. Ensuring fair and equitable sharing of benefits associated with project usage of the resources where the client intends to utilize natural resources that are central to the identity and livelihood of Affected Communities of Indigenous Peoples and their usage thereof exacerbates livelihood risk. Providing Affected Communities of Indigenous Peoples with access, usage, and transit on land it is developing subject to overriding health, safety, and security considerations (Para 14) 				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use				
7.15	Feasible alternative project designs will be considered to avoid the relocation of Indigenous Peoples from communally held lands and natural resources subject to traditional ownership or under customary use. If such relocation is unavoidable the project will not proceed unless FPIC has been obtained as described above. Any relocation of Indigenous Peoples will be consistent with the requirements of Performance Standard 5. Where feasible, the relocated Indigenous Peoples should be able to return to their traditional or customary lands, should the cause of their relocation cease to exist (Para 15)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Critical Cultural Heritage				
7.16	Where a project may significantly impact on critical cultural heritage that is essential to the identity and/or cultural, ceremonial, or spiritual aspects of Indigenous Peoples lives, priority will be given to the avoidance of such impacts. Where significant project impacts on critical cultural heritage are unavoidable, FPIC will be obtained of the Affected Communities of Indigenous Peoples (Para 16)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.17	Where a project proposes to use the cultural heritage including knowledge, innovations, or practices of Indigenous Peoples for commercial purposes, the Affected Communities of Indigenous Peoples will be informed of (i) their rights under national law; (ii) the scope and nature of the proposed commercial development; (iii) the potential consequences of such development; and (iv) obtain their FPIC. Fair and equitable sharing of benefits will be ensured from commercialization of such knowledge, innovation, or practice, consistent with the customs and traditions of the Indigenous Peoples (Para 17)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Mitigation and Development Benefits				
7.18	The project and the Affected Communities of Indigenous Peoples will identify mitigation measures in alignment with the mitigation hierarchy described in Performance Standard 1 as well as opportunities for culturally appropriate and sustainable development benefits. Timely and equitable delivery of agreed measures to the Affected Communities of Indigenous People will be ensured (Para 18)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.19	The determination, delivery, and distribution of compensation and other benefit sharing measures to the Affected Communities of Indigenous Peoples will take account of the laws, institutions, and customs of these communities as well as their level of interaction with mainstream society. Eligibility for compensation can either be individually or collectively based, or be a combination of both. Where compensation occurs on a collective basis, mechanisms that promote the effective delivery and distribution of compensation to all eligible members of the group will be defined and implemented (Para 19)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.20	Various factors including, but not limited to, the nature of the project, the project context and the vulnerability of the Affected Communities of Indigenous Peoples will determine how these communities should benefit from the project. Identified opportunities should aim to address the goals and preferences of the Indigenous Peoples including improving their standard of living and livelihoods in a culturally appropriate manner, and to foster the long-term sustainability of the natural resources on which they depend (Para 20)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues				
7.21	Where the government has a defined role in the management of Indigenous Peoples issues in relation to the project, collaboration will be undertaken with the responsible government agency, to the extent feasible and permitted by the agency, to achieve outcomes that are consistent with the objectives of this Performance Standard. In addition, where government capacity is limited, the an active role will be played during planning, implementation, and monitoring of activities to the extent permitted by the agency (Para 21)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
7.22	A plan will be prepared that, together with the documents prepared by the responsible government agency, will address the relevant requirements of this Performance Standard. There may be a need to include (i) the plan, implementation, and documentation of the process of informed consultation and engagement and FPIC where relevant; (ii) a description of the government-provided entitlements of affected Indigenous Peoples; (iii) the measures proposed to bridge any gaps between such entitlements, and the requirements of this Performance Standard; and (iv) the financial and implementation responsibilities of the government agency and/or the project (Para 22)				

TABLE 1.8 PS 8: Cultural Heritage Compliance Status

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Protection of Cultural Heritage in Project Design and Execution:				
8.6	Identify and protect cultural heritage by ensuring that national law, internationally recognized practices, field based study, and documentation are implemented (Para 6)		<p>ESIA identifies the applicable national legislation, and national and regional policies as well as the International Conventions, Agreements ratified by Uganda, and the IFC and World Bank Standards and Guidance that the Project has committed to implementing.</p> <p>The assessment in the ESIA of significance of cultural heritage sites and potential impacts, mitigation measures proposed and criteria for evaluating mitigated</p>	8.1 Consider development/sponsoring of an ongoing program of research that builds on baseline developed in the ESIA, with a focus on establishing site chronologies, intangible heritage documentation, understanding paleoclimate, investigating pottery and salt making, and landscape archaeology.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>impacts follows nternational good practice and national legislation.</p> <p>Known palaeontological, archaeological, historical and cultural heritage assets within the Project Area of influence were considered as well as significance of the cultural heritage within the Study Area, within a 200m buffer zone limit.</p> <p>The ESIA notes it is likely that a number of sites have yet to be discovered, and proposes a Chance Find procedure (see below).</p> <p>Based on the mitigations proposed, residual impacts on archaeology are not anticipated to be significant. Strategy based on four key concepts: i) avoiding or minimising impacts by design (protection and preservation), ii) mitigation (excavation and relocation), iii) cultural heritage management systems (plans and procedures) and iv) offset via technical and institutional capacity building and development of cultural heritage aspects of ongoing social programmes. As a result, strategy expected to result in some Beneficial impact.</p>		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
8.7	Retain competent professionals to assist in the protection of cultural heritage where the risk and identification process determines potential impacts to cultural heritage (Para 7)		<p>Lead authorities on Cultural Heritage in Uganda are the Ugandan Museum and the Ministry of Tourism, Wildlife and Heritage on tangible heritage; and the Ministry of Gender, Labour and Social Development for intangible cultural heritage matters.</p> <p>All have been engaged (including specific consultation during baseline development), and Tilenga reports during this review their ongoing and willing participation in site-based support as well as ongoing capacity building measures (such as training of staff and contractors in CH matters as required by the Chance Finds Procedure).</p> <p>The Cultural Heritage and Archaeology Management Plan (CHMP) has been outsourced and is being developed by external consultants Plexus.</p> <p>The RAP 1 CFP describes the role of expert CH practitioners in responding to chance finds.</p>	8.2 Agree and document in the Cultural Heritage MP the additional avoidance, control and mitigation measures with the Uganda Department of Museums and Monuments, including on key issues such as relocation of spiritual sites or other critical cultural heritage, where spiritual leaders or other competent professional input is required.	
8.8 (1)	<i>Chance Find Procedures:</i> Site and design the project to avoid significant adverse		The ESIA (p.17-202) describes avoidance as part of the design process to help avoid E&S impacts, including cultural heritage.	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	impacts to cultural heritage (Para 8)		<p>Desk-based, site reconnaissance methods and consultation were used in identifying potential cultural heritage.</p> <p>The Project design applied the mitigation hierarchy in determining the location of key Project facilities and optimising the physical footprint to avoid impacts including loss of cultural sites and community access.</p>		
8.8 (2)	<i>Chance Find Procedures:</i> Develop a Chance Finds Procedure as part of the ESMS if the project is in an area where cultural heritage is expected to be found (Para 8)		<p>The Project has in place a Chance Finds Procedure (L2–PRO–SDV–04) however this is from 2017 (Rev2). The ESIA and ESMP identify the need for developing the CHMP and Chance Find Procedure (CFP). This review found that an archaeologist has been engaged to update the existing Procedure.</p> <p>Additionally, for RAP 1 a CHMP and a draft CFP is in place. This review process identified that Tilenga and implementing partners, having implemented RAP 1 and its associated CHMP and CFP, are in a position to capture lessons learned prior to finalisation of plans for RAPs 2-5.</p> <p>The ESIA clearly identifies that Chance Finds are to be expected with ground-breaking activities and the CHMP covers only known and surface heritage sites.</p>	<p>8.3 Complete the CHMP.</p> <p>Update the Chance Finds Procedure based on lessons learned from RAP1.</p>	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
8.8 (3)	<i>Chance Find Procedures:</i> Do not disturb chance finds further until an assessment by competent professionals is made and actions consistent with the PS are identified (Para 8)		The Chance Find Procedure provides for assessment by suitably qualified professionals, while the ESIA commitments specify notifications to authorities and expert verification. It recommends that a team of trained and experienced professional field archaeologists are retained onsite during all groundworks (p.17-208), as identification of finds is critical to the mitigation of risks to CH.	8.4 Confirm in organisational charts and updated Chance Finds Procedure that a team of appropriately skilled tangible heritage experts are engaged for the Project's ground-breaking activities.	
8.9 (1)	<i>Consultation:</i> Consult with Affected Communities who use, or have used cultural heritage within living memory for long-standing cultural purposes (Para 9).		The ESIA provides for consultation using FPIC in management of critical cultural heritage (see below). Additionally, consultation on CH for cultural purposes is provided for under the RAP CHMPs (RAP 1 CHMP p. 36).	See Critical Cultural Heritage, below. See PR5 on RAP CHMP.	-
8.9 (2)	<i>Consultation:</i> Identify cultural heritage of importance and obtain views of Affected Communities for incorporation in the decision making process (Para 9)		The ESMP provides for the principle of consultation: Undertake statutory and community consultation on cultural heritage where required (p.17-202). The RAP CHMP provides for views of ACs to be factored into decision making, as identified in the CH Property Management Measures (RAP 1 CHMP pp.)	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
8.9 (3)	<i>Consultation:</i> Consultation to involve the relevant national or local regulatory agencies that are entrusted with the protection of cultural heritage (Para 9)		<p>The RAP 1 CHMP describes the institutional framework guiding agencies responsibilities in protecting CH, and the ESIA the role of government agencies in monitoring implementation of the CHMP.</p> <p>The RAP 1 CFP provides detail on the roles and responsibilities of Agencies in determining the significance of a chance find, and the subsequent procedure.</p> <p>Additionally, during this review, Tilenga indicated a strong level of engagement by agencies involved in CH protection.</p>	-	-
8.10	<i>Community Access:</i> Continued access to cultural sites will be allowed or an alternative access route provided, subject to overriding health, safety, and security considerations (Para 10)		RAP 1 CHMP (pp.) provides for management of community access to CH sites, including that selection of replacement sites should take into consideration linkages with the affected and relocated households.	-	-
8.11	<i>Removal of Replicable Cultural Heritage:</i>		All archaeological sites are classified as replicable cultural heritage in the ESIA. The outline for the CHMP	See action 8.3 above.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>Mitigation measures that favour avoidance to be applied where cultural heritage that is replicable and not critical is encountered. Where avoidance is not feasible a mitigation hierarchy to be applied as follows:</p> <ul style="list-style-type: none"> • Minimize adverse impacts and implement restoration measures <i>in situ</i>, including any ecosystem processes supporting it; • Where restoration <i>in situ</i> is not possible, restore functionality of the cultural heritage in a different location, including any ecosystem processes supporting it; • Permanent removal of archaeological artifacts 		identifies the application of the mitigation hierarchy in management of all CH (p.17-207).		

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	and structures in accordance with internationally recognized practices and with guidance by competent professionals; <ul style="list-style-type: none"> • Lastly, compensate for the loss of tangible cultural heritage used for long-standing cultural purposes (Para 11)				

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
8.12	<p><i>Removal of Non-Replicable Cultural Heritage:</i> Non-replicable cultural heritage not to be removed, unless the following conditions are met:</p> <ul style="list-style-type: none"> There are no technically or financially feasible alternatives; The overall benefits of the project conclusively outweigh the anticipated cultural heritage loss; and Removal is conducted using the best available technique <p>(Para 12)</p>		<p>The ESIA, ESMP and RAP1 CHMP/CFP do not define non-replicable CH nor specify the required conditions for its removal.</p> <p>The RAP 1 CFP (p.5) describes that, in the event of a chance find, conservation or preservation may be implemented at the instruction of the Department of Museums and Monuments.</p>	8.5 Include definition of non-replicable CH and the required conditions for its removal, in Project documents (CHMP, CFP).	
8.13	<p><i>Critical Cultural Heritage:</i> Critical cultural heritage consists of one or both: (i) internationally recognized heritage of communities</p>		<p>The ESIA identifies that traditional religious practices are undertaken within the Study Area, whereby sacred plants, trees and water bodies within the Study Area are currently used by local communities for cultural purposes. The ESIA classifies this living cultural heritage</p>	8.6 Ensure that CHMP includes definition of Critical Cultural Heritage and identified management requirements.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	who use, or have used within living memory the cultural heritage for long-standing cultural purposes; (ii) legally protected and proposed protected cultural heritage areas (Para 13)		as Critical Cultural Heritage (p.17-198).		
8.14	Critical cultural heritage not to be removed, significantly altered, or damaged. If impacts are unavoidable, use a process of Informed Consultation and Participation (ICP) with Affected Communities using a good faith negotiation process with a documented outcome. External experts to be retained to assist in the assessment and protection (Para 14)		The ESIA identifies that free, prior and informed consent (FPIC) be sought prior to any relocation of sacred sites. However, the ESMP does not specifically identify the particular practices required to manage critical cultural heritage, including sacred sites.	8.7 Include the specific requirements of FPIC into the CHMP with regards to management of critical cultural heritage.	

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
8.15	<p>If the project is within a legally protected area or a legally defined buffer zone, meet the following additional requirements:</p> <ul style="list-style-type: none"> Comply with national or local cultural heritage regulations or protected area management plans; Consult protected area sponsors and managers, local communities and other key stakeholders; and Implement additional programs to promote and enhance the conservation aims of the protected area (Para 15) 		<p>The RAP 1 CFP (p.5) describes the notifications process in the event of a Chance Find in Murchison Falls National Park.</p> <p>The specific additional requirements for finds located in a protected area/buffer zone are not documented in the Procedure.</p>	8.8 Include the specific additional requirements for finds in protected areas into the CFP.	
8.16 (1)	If a project proposes to commercially use local community cultural	N/A	-	-	-

Para #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	heritage (including knowledge, innovations, or practices of local communities), inform the communities of: (i) their rights under national law; (ii) the scope and nature of the proposed commercial development; (iii) the potential consequences (Para 16)				
8.16 (2)	Do not proceed with commercialization unless (i) undertake a process of ICP using a good faith negotiation process resulting in a documented outcome (ii) provide for fair and equitable benefits sharing from commercialization (Para 16)	N/A	-	-	-

APPENDIX 2
IFC EHS GUIDELINES COMPLIANCE TABLES

	Compliance		Priority
	Exceeding compliance		Required immediately
	Fully compliant		Required prior to on-site activities
	Partially compliant		Ongoing during on-site activities
	Material non-compliance		Required before operations phase commenced
	No compliance opinion possible		During operations phase

General EHS Guidelines

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
ENVIRONMENTAL					
1.1 Air Emissions and Ambient Air Quality					
G1.1.1	Projects should prevent or minimize impacts by ensuring that: <ul style="list-style-type: none"> Emissions do not result in pollutant concentrations that reach or exceed relevant ambient quality guidelines and standards by applying national legislated standards, or in their absence, the current WHO Air 		<p>The ESIA performs the analysis of compliance with standards. Overall, residual impacts to air quality have been assessed as being of a Low Adverse significance.</p> <p>The project has modelled all available scenarios for gas turbine (GT) technology and reviewed compliance against air quality standards (AQS). In all cases the AQS is met and the Project will</p>	EHS 1 The Project should consider the proportion of the AQS that would be attributed to the Project. If the contribution is greater than 25% the Project would need to develop a derogation for this IFC standard justified by impact assessment-based approach and BAT	

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>Quality Guidelines, or other internationally recognized sources;</p> <ul style="list-style-type: none"> Emissions do not contribute a significant portion to the attainment of relevant ambient air quality guidelines or standards. As a general rule, this Guideline suggests 25 percent of the applicable air quality standards. <p>At facility level, impacts should be estimated through qualitative or quantitative assessments by the use of baseline air quality assessments and atmospheric dispersion models to assess potential ground level concentrations. The dispersion model applied should be internationally recognized, or comparable.</p>		<p>continue to work with the EPC to refine the power requirements for the project lifecycle whilst fully considering the environmental impact.</p> <p>Discussions with the Project indicate that the post-ESIA air dispersion modelling assessment (using the AERMOD Advanced Dispersion Model) demonstrated that a significant amount of the airshed was utilised. The proportion of the AQS that the Project would contribute was not clear.</p> <p>The EHS General Guideline requires that projects with significant sources of air emissions, and potential for significant impacts to ambient air quality, should prevent or minimize impacts by ensuring that emissions do not contribute a significant portion to the attainment of relevant ambient air quality guidelines or standards. As a general rule, the EHS General Guideline suggests 25% of the AQS to allow additional, future sustainable development in the same airshed (this is reiterated in the EHS Guidelines for Thermal Power Plants). This requirement is not reflected in the Project Environmental Optimum Requirements (EOR).</p>	justification.	

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Additional guidance is also provided on projects located in Degraded Airsheds or Ecologically Sensitive Areas and on general GIIP for point sources, stack height, small combustion facilities, and mobile sources, fugitive sources including VOCs and particulate matter, and ozone depleting substances.		The Project has not yet decided which design contractor will be selected. The Project has confirmed that there are no exceedances of emission limit values (ELVs) in the Fluor design. The McDermott design basis has an ELV exceedance for the gas turbine for short-term NOx. BAT is being fully considered based on the power requirements of the project, the lack of availability of a power export route and the complex technical requirements for burning such a heavy fuel gas. One consideration is that dry low NOx (DLN) is not considered viable with the design (due to significant technical and operational challenges associated with DLN technology as well as increased CAPEX and OPEX). Information from Total rotating equipment experts indicates that the technical challenges of operating DLN technology with Frame 5 GTs is extremely complex and is likely to result in a significant amount of down time. The project will continue to build the BAT demonstration around these issues.		

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			Management controls include CHT-MAN-01 HSSE Charter and will include a Dust Control plan, according to the ESMP Program provided by the Project.		
	Monitoring: The air quality monitoring program should consider the following elements: Monitoring parameters, Baseline calculations, Monitoring type and frequency, Monitoring locations, Sampling and analysis methods.		A monitoring program is outlined in the ESIA and the Project ESMPs contain monitoring requirements.	-	-
G1.1.2	Greenhouse Gases: The Guidelines include a number of recommendations for reduction and control of greenhouse gases Including enhancement of energy efficiency		See PS3 Pollution Prevention: Greenhouse Gases (para 7 and 8).	-	-
1.2 Energy Conservation					
G1.2.1	The Guidelines complement the industry specific emissions guidance presented in the Industry Sector Environmental, Health, and Safety (EHS) Guidelines by providing		<p>The Fluor Best Available Techniques (BAT) Assessment Report (May 2018) describes the project status for Energy Efficiency as 'Substantial Compliance' with only the follow actions required:</p> <ul style="list-style-type: none"> • Production of Energy Management Plan 	EHS 2 The Project will develop criteria for resource management and energy efficiency with each contractor depending on the	

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	information about common techniques for energy conservation that may be applied to a range of industry sectors. Guidance is provided on Energy Management Programs and Energy Efficiency.		<ul style="list-style-type: none"> Production of Energy Efficiency Maintenance Plan 	scope.	
1.3 Wastewater and Ambient Water Quality					
G1.3.1	It provides information on common techniques for wastewater management, water conservation, and reuse that can be applied to a wide range of industry sectors. Projects with the potential to generate process wastewater, sanitary (domestic) sewage, or stormwater should incorporate the necessary precautions to avoid, minimize, and control adverse impacts to human health, safety, or the environment. The Guidelines provide general guidelines on liquid effluent quality (including the requirement to comply with standards for discharge and		<p>The ESIA concludes that residual impacts to surface water quality have been assessed as Insignificant to Low Adverse significance and that implementation of the embedded and additional mitigation measures will generally be adequate to address potential impacts to surface water as a result of the Project.</p> <p>Management controls will include a Surface Runoff and Drainage Management Plan.</p>	-	-

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	consideration of the assimilative capacity of the receiving environment), wastewater management (water conservation, wastewater treatment, stormwater management, and wastewater and water quality monitoring). A wastewater and water quality monitoring program with adequate resources and management oversight should be developed and implemented to meet the objective(s) of the monitoring program.				
1.4 Water Conservation					
G1.4.1	Water conservation programs should be implemented commensurate with the magnitude and cost of water use.		See PS3 Resource Efficiency (paras 6 and 9).	-	-
1.5 Hazardous Materials Management					
G1.5.1	Avoid or, when avoidance is not feasible, minimize uncontrolled releases of hazardous materials or		See PS3 Pollution Prevention: Hazardous Material Management (paras 10 and 13).	-	-

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	accidents during their production, handling, storage and use. <ul style="list-style-type: none"> Establish hazardous materials management priorities based on hazard analysis; Where practicable, avoid or minimize the use of hazardous materials; Prevent uncontrolled releases of hazardous materials to the environment or uncontrolled reactions that might result in Fire or explosion; Using engineering controls commensurate with the nature of hazard; implementing management controls (procedures, inspections, communications, training, and drills) to address residual risks. 				
1.6 Waste Management					
G1.6.1	<ul style="list-style-type: none"> Establish waste management priorities based on an understanding of potential EHS 		See PS3 Pollution Prevention: Wastes (para 12).		-

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	risks and impacts <ul style="list-style-type: none"> Establish a waste management hierarchy Guidance is provided on waste management planning, waste prevention, recycling and re-use, treatment and disposal. Guidance is also specifically provided for hazardous waste management including storage and transportation.				
1.7 Noise					
G1.7.1	Noise prevention and mitigation measures should be applied where predicted or measured noise impacts from a project facility or operations exceed the applicable noise level guideline at the most sensitive point of reception. The Guideline includes the types of noise reduction that should be considered.		The ESIA describes that the following activities have been assessed to have Moderate Adverse significance: <ol style="list-style-type: none"> Construction and Pre-Commissioning Phase – Night-time Well Pad Drilling Noise; Commissioning and Operations Phase – Night-time central processing facility (CPF) (Option 2) for the scenario of site layout with high noise generating plant located in the northeast of the site, which is the nearest location to receptors; Commissioning and Operations Phase – Night-time Well Pad Noise. 	EHS 3 In view of potential stakeholder sensitivities around noise and the potential length of time to identify noise management measures, recommendations for the Project and contractors responsibilities from the draft noise derogation should be implemented as a priority (covering development of a	

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Noise impacts should not exceed the levels presented in Table 1.7.1, or result in a maximum increase in background levels of 3 dB at the nearest receptor location off-site. Guidance is also provided on noise monitoring.		<p>Of the identified residual significant (Moderate Adverse) impacts, it is considered that the potentially significant CPF noise impacts can be designed out through selection of the CPF (Option 1) layout with high noise generation equipment located further from the receptors, and it is proposed that additional noise modelling for well pad sites is undertaken once the final locations of the plant items is known to identify if significant impacts can be suitably reduced/ offset.</p> <p>Both potential FEED Contractors (McDermott and Fluor) were requested to comply with IFC requirements in the design. Noise modelling in addition to that in the ESIA has been undertaken by both potential FEED Contractors with various mitigation scenarios. Both designs comply with IFC standards.</p> <p>The engineering studies demonstrate that compliance with the regulatory night time noise limit of 35dBA in the draft national standards (National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) and the National Environment Act Guidelines (3) for noise and vibration) is not achievable with the</p>	Noise Management Strategy, undertaking noise modelling and receptor analysis, noise monitoring, stakeholder engagement, application for licence for exemption from draft national noise standards, confirming some elements of Project design, development of BAT and review of noise management with Drilling, Enabling Infrastructure and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC) contractors). The requirement for an exemption licence from standards in National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) should be considered in the	

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ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>existing designs. This is the case for permanent equipment - the Central Processing Facility (CPF), 10 wellpads located North of Nile, 20 wellpads located South of Nile, interfield pipeline network and Lake Water Abstraction (LWA) facility. The exceedance of the draft national noise standards also applies to well drilling (supply and operation of plant). Under Part VI, Section 34 of the draft National Environment (Noise and Vibrations Standards and Control) Regulations, it is permissible to apply for a licence to emit noise in excess of the permissible noise levels specified by Schedule 1 of the Regulations.</p> <p>A derogation has been drafted (Derogation request - Noise requirements as described in Environmental Optimum Requirement for Tilenga project, March 2019) in this regard, making the case for adopting the IFC criteria as detailed in Table 1.7.1 of the General EHS Guidelines as the noise design basis for the Tilenga project activities. In addition, the following recommendations are made [within Section 2.4 of the draft derogation memo] with respect to post FID activities:</p>	project planning (licenses and consents plan).	

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ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<ul style="list-style-type: none"> A Noise Management Strategy should be developed for the engineering, procurement, supply and operation of equipment to address all project phases; Further detailed noise modelling shall be done by facilities contractor to confirm the ability to meet the revised thresholds and full BAT demonstration submitted as part of detailed engineering scope; Noise contours to be uploaded to GIS to confirm the number of receptors impacted by CPF and South of Nile wellpad locations for McDermott design basis; Confirm design basis for Enabling Infrastructure with respect to berm design; Further noise monitoring at identified discreet receptor locations should be undertaken to provide a more comprehensive understanding of daytime and night time noise levels in the areas close to CPF and specific wellpad locations GNA-02, GNA-03, GNA-04, NGR-03A, KW-02A and KW-02B; Noise modelling should be undertaken by the Drilling and Wells contractors for walking rig 		

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ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>and surface facilities at the wellpads and also the mud mixing area to confirm the ability to meet the revised thresholds. Full BAT demonstration to be submitted as part of contractors' scope;</p> <ul style="list-style-type: none"> • Formal engagement with the relevant authorities and key stakeholders should be undertaken to present the project Noise Management Strategy; • Applications for licenses to emit noise levels in excess of the permissible noise levels should be drafted for operational activities at CPF and wellpads including drilling activities as per the requirements of Part IV, Section 34 of the draft regulations; and • Noise impacts associated with construction activities to be reviewed with relevant contractors (Drilling, Enabling Infrastructure, and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC)) against construction noise standards as detailed in the EOR. <p>Noise can be a sensitive issue for stakeholders on projects, including community members and take</p>		

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
			<p>some effort to address concerns. Since the National Environment (Noise and Vibrations Standards and Control) Regulations 2013(2) it is presumed that there is not a good body of experience within the government or on projects of obtaining the licence for an exemption to the standards. As such, this may take some time to obtain. Review of noise management with Drilling, Enabling Infrastructure and Engineering, Procurement, Supply, Construction and Commissioning (EPSCC) contractors to manage noise during implementation will also need some time complete.</p> <p>The ESMP program also states that a Noise and Vibration Management Plan is to be included in the Physical Environment Plan.</p>		
1.8 Contaminated Land					
G1.8.1	Contamination of land should be avoided by preventing or controlling the release of hazardous materials, hazardous wastes, or oil to the environment. When contamination of land is suspected or confirmed		The ESIA concludes that implementation of the embedded and additional mitigation measures will be adequate to address potential impacts to soils and to human health (from soil quality impacts) as a result of the Project.	-	-

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>during any project phase, the cause of the uncontrolled release should be identified and corrected to avoid further releases and associated adverse impacts.</p> <p>Contaminated lands should be managed to avoid the risk to human health and ecological receptors. Guidance on the risk assessment approach and occupational health and safety during this process is provided.</p>		<p>The ESIA concludes that residual impacts to surface water quality have been assessed as Insignificant to Low Adverse significance and that implementation of the embedded and additional mitigation measures will generally be adequate to address potential impacts to surface water as a result of the Project.</p> <p>Management controls will also include those for Hazardous Materials, Waste Management and Emergency Response.</p>		
4.0 CONSTRUCTION AND DECOMMISSIONING					
4.1 Environment					
G4.1.1	Noise and Vibration: Includes recommended noise reduction and control strategies to consider in areas close to community areas.		See discussion under General EHS Guidelines 1.7 Noise for partial non-compliance: Noise impacts associated with construction activities to be reviewed with relevant contractors (Drilling, Enabling Infrastructure, and EPSC) against construction noise standards as detailed in the Environmental Optimum Requirements.	-	-

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
G4.1.2	<p>Soil Erosion: The Guidance includes recommended soil erosion and water system management approaches related to sediment mobilization and transport, clean runoff management, road design, disturbance to water bodies, and structural (slope) stability.</p> <p>Air Quality: The Guidance includes recommended techniques for the reduction and control of air emissions from construction including dust control, managing emissions from mobile sources and avoidance of open burning of solid waste.</p> <p>Solid Waste: Refers to Section 1.6 above.</p> <p>Hazardous Materials: The Guidance includes recommended techniques</p>		<p>Management controls specific to construction include:</p> <ul style="list-style-type: none"> • EPSCC Construction Environmental Management Plan UG-BUL-00-CBI1-040017 (McDermott June 218) • Fluor Construction Environmental Management Plan (May 2018) (Fluor has agreed with COMPANY to review this document in the EPSCC phase of the project, once ESIA Mitigation Measures are confirmed.) 	-	-

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ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>for prevention,minimization, and control of impacts from hazardous materials including for secondary containment, use of impervious surfaces, training, emergency response equipment, managing the presence of hazardous material in any decommissioning activities and in building materials.</p> <p>Wastewater Discharges: Adequate portable or permanent sanitation facilities serving all workers should be provided at all construction sites. Sanitary wastewater in construction and other sites should be managed as described in Section 1.3.</p> <p>Contaminated Land: Provides guidance on actions necessary to manage the risk from contaminated land to occupants of the site, the surrounding community, and the environment. Also refers to the</p>				

ID #	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	approach for Contaminated Land in Section 1.6 and to hazardous waste management described in Section 1.6.				

EHS Guidelines – Onshore Oil and Gas Development

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
1.1 Environment					
O1.1.1	<p>Air emissions: Significant (>100,000 tons CO₂ equivalent per year) greenhouse gas (GHG) emissions from all facilities and support activities should be quantified annually as aggregate emissions in accordance with internationally recognized methodologies and reporting procedures.</p> <p>All reasonable attempts should be made to maximize energy efficiency and design facilities to minimize energy use.</p> <p>Additional recommendations on the management of greenhouse gases and energy conservation are addressed in the General EHS Guidelines.</p>		See PS3 Pollution Prevention: Greenhouse Gases (paras 7 and 8) and EHS General Guidelines 1.2 Energy Conservation.	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
O1.1.2	<p>Air emissions: Air quality impacts should be estimated by the use of baseline air quality assessments and atmospheric dispersion models as described in the General EHS Guidelines. These studies should ensure that no adverse impacts to human health and the environment result.</p> <p>Exhaust gases: Air emission specifications should be considered during all equipment selection and procurement.</p> <p>Fugitive emissions: Methods for controlling and reducing fugitive emissions should be considered and implemented in the design, operation, and maintenance of facilities. Additionally, leak detection and repair programs should be implemented. Additional guidance on available best practices is also described in the guidance.</p> <p>Table 1 presents air emission</p>		See discussion under General EHS Guidelines 1.1 Air Emissions and Ambient Air Quality.	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	guidelines for onshore oil and gas development.				
01.1.3	<p>Air emissions: Venting and Flaring: Measures consistent with the Global Gas Flaring and Venting Reduction Voluntary Standard should be adopted when considering flaring and venting options for onshore activities. The standard provides guidance on how to eliminate or achieve reductions in the flaring and venting of natural gas.</p> <p>Continuous venting of associated gas is not considered current good practice and should be avoided. Continuous flaring of gas should be avoided if feasible alternatives are available. Before flaring is adopted, feasible alternatives for the use of the gas should be evaluated to the maximum extent possible and</p>		<p>The assessment in the Project ESIA is underpinned by the assumption (contained within the Project Description) that the government will build a transmission line to allow export of excess power from the Project during the initial years of development, which avoids the need for flaring during normal operations.</p> <p>As part of this readiness review, the Project has however confirmed that the FEED engineer has been asked to design the power system independent of whether the project would have an export line i.e. to utilise all gas. There will be no operational flaring, only emergency flaring. Detailed engineering will follow this design basis. This removes the dependency on the government transmission line with respect to flaring.</p>	-	-

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	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>integrated into production design.</p> <p>During well testing, flaring of produced hydrocarbons should be avoided wherever practical and possible, and especially near local communities or in environmentally sensitive areas.</p> <p>Additional guidance on available best practices is also described in the guidance.</p>				
0.1.1.4	<p>Wastewaters: Guidance is provided on:</p> <ul style="list-style-type: none"> • Produced water management and disposal including ELVs. • Hydrostatic Testing Water sourcing, management and disposal including ELVs. • Cooling and heating systems including discharge and ambient temperature change limits and risk assessment in the case of 		See EHS General Guidelines 1.3 Wastewater and Ambient Water Quality	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>biocides and / or other chemical additive use.</p> <ul style="list-style-type: none"> Other waste waters: Guidance is provided on pollution prevention and treatment measures that should be considered for sewage, drainage and storm waters, tank bottom waters, firewater, wash waters and general oily water. Surface Storage or Disposal Pits: Guidance is provided on wastewater pit siting, construction and management measures. <p>Table 1 presents effluent and waste guidelines for onshore oil and gas development.</p>				
01.1.5	<p>Waste Management: Waste materials should be segregated into non-hazardous and hazardous wastes for consideration for re-use, recycling, or disposal. A waste management plan documenting the</p>		<p>See PS3 Pollution Prevention: Wastes (para 12)</p> <p>L2-PLN-HSE-05-02-Waste management (draft) states that based on available data, the Company do not expect that waste containing Low Specific</p>	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>waste strategy, storage (including facilities and locations) and handling procedures should be developed and should include a clear waste tracking mechanism. Guidance for waste management of typical waste streams is provided in the General EHS Guidelines.</p> <p>Drilling Fluids and Drilled Cuttings, Produced Sand: Guidance is provided on consideration of alternatives for their volume, content, containment, treatment and disposal.</p> <p>Completion and Well Work-over Fluids: Chemical systems should be selected with consideration of their volume, toxicity, bioavailability, and bioaccumulation potential. Feasible disposal options should be evaluated for these fluids, and examples are provided of options.</p>		<p>Activity (LSA) / naturally occurring radioactive material (NORM) will be generated by the Project. LSA/NORM monitoring strategy shall be developed and implemented for development drilling and production phases. In the event that presence is detected, a suite of management procedures shall be developed to ensure that any LSA/NORM contaminated materials and wastes are stored and managed appropriately.</p>		

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	Naturally Occurring Radioactive Materials: Where NORM is present, a NORM management program should be developed.				
01.1.6	Hazardous Materials Management: General guidance for the management of hazardous materials is provided in the General EHS Guidelines. Select chemicals with least hazard and lowest potential environmental and / or health impact, whenever possible. Use of Ozone Depleting Substances should be avoided.		See PS3 Pollution Prevention: Hazardous Material Management (paras 10 and 13).	-	-
01.1.7	Noise: Noise prevention, control measures and level guidelines are described in the General EHS Guidelines. For significant noise sources, such as flare stacks at permanent processing facilities, noise dispersion models		See discussion under General EHS Guidelines 1.7 Noise.	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	<p>should be conducted and used for mitigation planning.</p> <p>Field related vehicle traffic should be reduced as far as possible and access through local communities should be avoided when not necessary. Flight access routes and low flight altitudes should be selected and scheduled to reduce noise impacts without compromising aircraft and security. Additional guidance is also given on planning seismic surveys.</p>				
01.1.8	<p>Spills: Guidelines for release prevention and control planning are provided in the General EHS Guidelines. Additional guidance is provided on spill prevention and control measures specific to onshore oil and gas facilities.</p> <p>The Spill Response Plan should address potential oil, chemical, and fuel spills from facilities, transport</p>		See PS3: Emergency Preparedness and Response.	-	-

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	vehicles, loading and unloading operations, and pipeline ruptures. Guidance is provided on the required contents of the plan.				
01.1.9	<p>Decommissioning: General guidance on the prevention and control of common environmental impacts during decommissioning activities is provided in the General EHS Guidelines. Specific additional requirements to consider for oil and gas facilities include well abandonment and pipeline decommissioning options and guidance is provided for this.</p> <p>A preliminary decommissioning and restoration plan should be developed that identifies disposal options for all equipment and materials, including products used and wastes generated on site. Guidance is provided on the contents of the plan.</p> <p>The plan should be further</p>		<p>The ESMP within the Project ESIA provides an initial position on decommissioning at a high level. It is proposed in the ESIA that a review of relevant studies, if necessary, will be undertaken during the Commissioning and Operations Phase to confirm that the planned decommissioning activities utilise good industry practices and are the most appropriate to the prevailing circumstances and future land use. It also lists the general principles that will be adopted where practicable.</p> <p>Before decommissioning, a Decommissioning Management Plan will be prepared and agreed with NEMA and other relevant agencies prior to the commencement of any on-site works.</p> <p>The Project Proponents will obtain all relevant approvals and authorisations for all decommissioning activities from the government</p>	-	-

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	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
	developed during field operations and fully defined in advance of the end of field life, and should include details on the provisions for the implementation of decommissioning activities and arrangements for post decommissioning monitoring and aftercare.		of Uganda departments responsible at the time.		
2.0 Performance Indicators and Monitoring					

	Requirement	Compliance	General Observations / Compliance Issues	Recommendations	Priority
02.0.1	Environmental Monitoring: Environmental monitoring programs for this sector should be implemented to address all activities that have been identified to have potentially significant impacts on the environment, during normal operations and upset conditions. Environmental monitoring activities should be based on direct or indirect indicators of emissions, effluents, and resource use applicable to the particular project. Guidance is also provided on monitoring frequency, staffing, record keeping, equipment, and data analysis.		A monitoring program is outlined in the ESIA and the Project ESMPs contain monitoring requirements.	-	-

APPENDIX 3
DOCUMENT LIST

BAT demonstration request to FEED - flare

Biodiversity Action Plan (BAP) Framework. Draft

Biodiversity and Ecosystem Services Management Plan. Draft

Biodiversity Charter

Biodiversity Loss and Gain Assessment. Draft.

Biodiversity Strategy. Draft.

Business ethics policy

Bulisa Upstream Environmental OR Final.

Calls for tender – drilling, shared services, EPC, enabling infrastructure

Chance Finds Procedure

Community Employment Procedure

Emergency Response Plan. Draft.

E&S Budget allocation 5 years

ESMP Programme status

Fluor BAT – FEED

Fluor CESMP

Grievance Management Procedure. 2017.

Grievance monthly reports (internal), November 2018, October 2018, September 2018

Grievance report PAU Feb 2019

Human resources procedures:

- Business travel policy
- Harassment policy
- Substance misuse policy
- Payroll procedures
- Reclaim of business expenses
- Instruction application TEP
- Uganda Employment regulations

Human resources – headcount

Human resources – staff cost

Human rights report. Final

Inmigration Risk Assessment and Situational Analysis

Invasive Alien Species Management Plan Framework.

Labour reporting email (12.4.19)

McDermott BAT – FEED

McDermott CESMP

Memo to McDermott DLN for Power Generation

Monitoring Report for NEMA. Q4 2018.

National content commitments and reporting tables. Match,

2019 National content Brochure

National content framework. August 2017. Rev 4

National content requirements

Organisation Charts. February, 2019.

RAP 1 Financial Literacy Training Report Final

RAP:

- Final Tilenga RAP 1 report

- Jan 2017 Final LARF

- RAP 1 Annexures

 - Valuation

 - Social baseline

 - LR Schedule

 - HH interviews

 - Issues in SE

 - Disclosure materials

 - CHMP

 - Property valuation form

 - Land assessment form

 - Spouse consent form

 - Cut off date form

 - Absentee landowner
form

 - RAPP HH Survey form

Sept 2018 Status of RAP 1 Livelihood

restoration FLT Report addendum 1

FLT Report addendum 2

Schedule - 20190130 Tilenga Planning

Social Strategy. Draft.

Stakeholder Engagement Plan. (2019. V1)

Stakeholder Engagement Plan. Draft. September 2019

Stakeholder Engagement Q1 schedule 2019. Draft

Stakeholder Engagement Procedure

181101_TEPU Risk Register

Tilenga draft derogation to noise EOR

Tilenga Environmental and Social Impact Assessment.

181130_TILENGA ESIA_COMMENTS RESPONSE

REGISTER Changes in ESIA Report email

Tilenga ESIA public hearings 12.11.2018 without video

Waste Management Plan. Draft

Worker training email