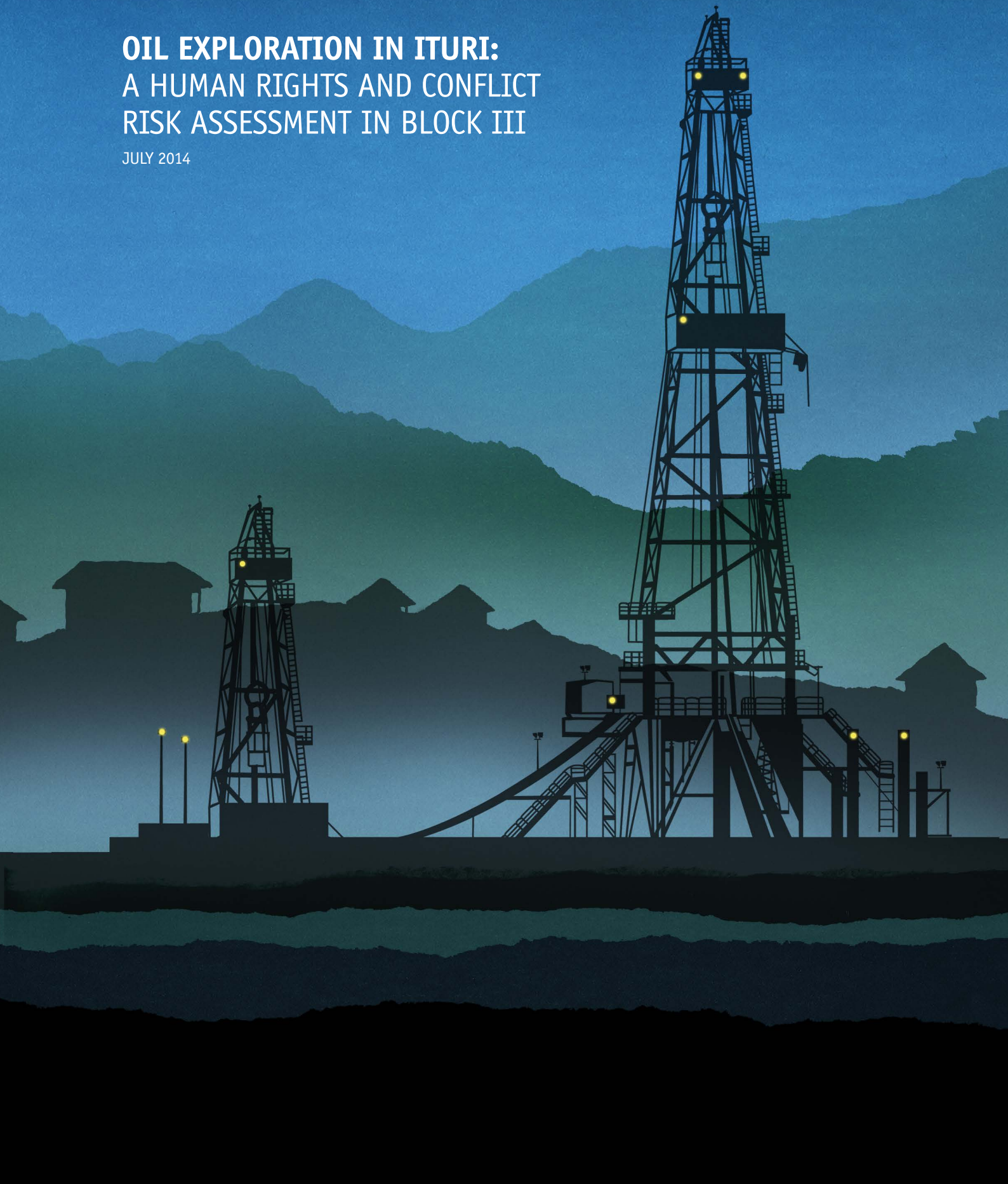




International Alert.

# OIL EXPLORATION IN ITURI: A HUMAN RIGHTS AND CONFLICT RISK ASSESSMENT IN BLOCK III

JULY 2014



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## About Réseau Haki na Amani (RHA)

The RHA is a Congolese inter-community peace and reconciliation NGO. It was established in 2004 on the initiative of Pax Christi Netherlands. Following the deadly ethnic conflict which set the local communities against each other between 1998 and 2004, local organisations and churches came together to promote peace and reconciliation between the communities of Ituri. Today the network has seven member organisations: CDJP Mahagi, CDJP Bunia, CPJP Mambasa, ECC Synode de l'Ituri, ACIAR, FOMI and CIC.

The RHA works mainly in the areas of: democracy and good governance; community safety; reconciliation; land dispute resolution; and natural resources.

The RHA operates in all five territories of Ituri and works through the network's member organisations on the basis of the following strategic priorities: contextual analyses and research on a variety of topics, partnership structures in the five territories, providing space for dialogue and consultation between stakeholders, and advocacy at various levels.

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# 1. INTRODUCTION

International Alert and Haki na Amani Network conducted a Human Rights and Conflict Risk Assessment on behalf of Total E&P RDC – a subsidiary of the French multinational oil and gas company – in oil Block III of the Albertine Graben in the Democratic Republic of Congo (DRC) between August and November 2013. Total E&P RDC is the operator (with 66.7% equity) of Block III, which straddles the northern part of the province of North Kivu and the southern part of the Orientale Province, in Ituri District. Thirty-seven percent of Block III is in the Virunga National Park.

Total E&P RDC is planning a 2D seismic acquisition survey, the aim of which is to gather 2D seismic data between the region west of the Semliki River (forming the border with Uganda) and the Blue Mountain escarpments, outside and to the north of the Virunga National Park. The first stage of exploration, comprising seismic data acquisition, will enable the geological structures in this part of Block III, where no seismic study has ever been carried out, to be correctly viewed. If positive, this seismic acquisition will result in setting up exploration drilling. The survey will involve an area of only 560 km<sup>2</sup>, during a period of four to six months beginning in the second half of 2014. Seismic surveying is an oil-prospecting method based on the analysis of seismic waves reflected on the different underground layers. The principle is to create an acoustic wave (a shock) on the surface and measure the echo return time using a series of recorders also placed on the surface. The information gained will enable the profile of the various layers to be drawn and therefore their ability to determine a reservoir of hydrocarbons (oil or gas).

The purpose of the assessment was to support Total E&P RDC to better understand the complex environment in DRC, specifically in and around Block III. This should help Total E&P RDC to ensure that its exploration operations are sensitive to these dynamics, minimise the possibility of any negative effects and maximise the potential for positive impacts. The assessment complements the Environmental and Social Impact Assessment (ESIA) that was conducted by Total E&P RDC and subsequently presented to civil society actors and other stakeholders at a meeting in Bunia in June 2013. While International Alert and Haki na Amani Network conducted research for Total E&P RDC, these two organisations remain independent of Total in their work, views and opinions.

This report summarises the findings of the Human Rights and Conflict Risk Assessment. It has been written both in the interests of transparency and to serve as a reference document for civil society actors and other interested stakeholders who will be involved in monitoring oil exploration in Block III and in consultations with Total E&P RDC.

## BOX 1: Methodology

In August to September 2013, following a literature review, a research team of four conducted 40 semi-structured interviews with a total of 68 stakeholders in Bunia, Kisangani and Kinshasa. Stakeholders included government officials, members of parliament, community leaders, and representatives from civil society (church officials, non-governmental organisations (NGOs), etc.), the army, the police and the UN.

Fieldwork in the Block itself was delayed for security reasons until November 2013. The research team conducted 50 semi-structured key informant and focus group interviews with a total of 281 people, around a quarter of whom were women. These included stakeholders from the chiefdoms of Bahema Boga, Banyari-Tchabi, Bahema Mitego and the groupements of Bukiringi and Kainama. Interviewees were chosen to represent a range of different societal groups, including: chiefdom, groupement and village chiefs, elders, civil society, women's groups, youth, pygmies, Rwandophones, traders, churches, herders, farmers, the army and the police. Following the fieldwork, the team analysed and cross-checked the data collected.

The assessment is based on International Alert's 'Conflict-Sensitive Business Practice: Guidance for Extractive Industries (CSBP)'. CSBP puts particular emphasis on:

- identifying, assessing and responding to conflict and human rights impacts;
- understanding the impacts that extractive industries may have on their operating environment, while assessing the risks to the company; and
- analysing risks and impacts related to the broader environment as well as the more immediate project context.

## 2. BACKGROUND

The Democratic Republic of Congo (DRC) is a fragile and volatile country. Twelve years after the signing of the Sun City peace agreement, which sought to bring an end to seven years of armed conflict, fighting continues in the east of the country. Democratic reforms have barely taken hold, with national institutions continuing to function in a way that shows scant regard for the needs of Congolese citizens and with highly opaque management of public revenue. The 2011 presidential and legislative elections were described by many observers as lacking credibility. In the provinces of North and South Kivu, as well as in Ituri District in Orientale Province, military operations struggle to dismantle armed groups and the security and humanitarian situation remains precarious throughout rural areas. Many people have had to leave their homes; as of September 2013 there were almost 2.8 million people displaced in DRC, up from around 1.8 million in 2011.<sup>1</sup> As a result of the continuous cycles of violent conflict and the overall climate of impunity and poor governance, human rights violations are omnipresent.

Increased international attention focused on DRC in November 2012 when the M23 rebel group temporarily seized control of the large eastern city of Goma. In February 2013 regional governments and others signed the Peace, Security and Cooperation Framework in Addis Ababa, which established a new peace process. In March the UN Security Council renewed the mandate of the UN Organization Stabilization Mission in the DRC (MONUSCO), creating an Intervention Brigade to conduct offensive operations against armed groups. In the same month the Secretary-General appointed a Special Envoy for the Great Lakes region. In December 2013 M23 and the Congolese government signed separate declarations, following M23's military defeat at the hands of the Forces Armées de la République Démocratique du Congo (FARDC) and the UN Force Intervention Brigade in November. Despite these developments, the security situation in the east remains poor and unpredictable.

Block III straddles Irumu territory in Ituri District, Orientale Province and Beni territory in North Kivu. Ituri was one of the regions most affected by the war that ravaged the country from 1996 to 2003. The fragile peace that reigns there is marked by a post-conflict climate with widespread problems: armed groups are still active in the area; the process to reintegrate ex-combatants into communities has proved precarious; tensions over land between individuals, administrative entities and ethnic groups are particularly high; and thousands of displaced persons and refugees are unable to return home because of the unavailability of vacant land on which to settle. To the east, Ituri District (and Block III) borders Uganda, where oil exploration is already underway on the shores of Lake Albert, although according to the Ugandan government exploitation will start only in 2017. Exacerbated by the presence of oil, the border between DRC and Uganda on Lake Albert is disputed.<sup>2</sup>

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1. United Nations Office for the Co-ordination of Humanitarian Affairs (UNOCHA), September 2013; UNOCHA, 'Humanitarian Action in the Democratic Republic of Congo', *Weekly Bulletin*, 4 May 2012.
  2. For more information, see 'Black gold in the Congo: Threat to stability or development opportunity?', International Crisis Group, *Africa Report* No. 188, p. 11, July 2012. As an example of tension over the border, it was reported in August 2013 that Ugandan troops had crossed illegally into DRC in Mahagi, an area to the north of Block III. However, during fieldwork in Block III, interviewees did not refer to the disputed border area.

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Block III was initially allocated to South African company SacOil in 2010, but, following an agreement with SacOil in 2011 approved by the Congolese government, Total E&P RDC acquired a 60% undivided interest in the Block and also became the operator of the Block.<sup>3</sup> Under the terms of the contract, Total E&P RDC is required to spend \$1 million annually on social development projects in the Block during the three-year exploration phase. Due to insecurity in the zone, exploration has not yet begun. To the north in Blocks I and II, seismic exploration has already taken place. These Blocks are allocated to Caprikat Ltd and Foxwhelp Ltd and operated by their subsidiary Oil of DR Congo.

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3. Petroleum Africa, 'Total farms-in to DRC's Block III', 4 March 2011, [http://www.sankayi.com/digoil\\_news.htm](http://www.sankayi.com/digoil_news.htm)

## 3. FINDINGS

The assessment highlighted six main risk areas relevant both to Total E&P RDC and to those stakeholders affected by oil exploration in Block III. It will be important for civil society actors, as well as for Total E&P RDC, to be aware of and monitor these issues:

- the security situation in and around Block III and the impact this could have on the population and Total E&P RDC's activities;
- inter-community tensions and local conflict dynamics;
- representation of stakeholders vis-a-vis Total E&P RDC and Total E&P RDC's consultation and communication with these stakeholders;
- stakeholder perceptions and expectations of Total E&P RDC, concerns about oil exploration and rumours about the company and its activities;
- the state's capacity and willingness to monitor company activities and to ensure legal compliance; and
- the performance of Total E&P RDC sub-contractors.

### ***3.1 The security situation in and around Block III and the impact this could have on the population and Total E&P RDC's activities<sup>4</sup>***

#### *General conflict dynamics*

Armed groups are not permanently present in the majority of Block III. The area surrounding the Block is, however, home to a number of militias: the Forces de resistance patriotique de l'Ituri (FRPI), a militia with links to the Ngiti community, is present in Walendu Bindi collectivité to the north and is the main armed group present in South Irumu; the Allied Democratic Forces (ADF), a Ugandan-led group with an Islamist ideology that has operated in DRC for over 10 years, and several Mai Mai groups (local militias) are present in Beni territory of North Kivu to the south; and Mai Mai Morgan, an armed group present in Mambasa territory, is active to the west. The presence of these groups can cause fear, uncertainty and sometimes – in the case of the FRPI, which makes incursions into the Block – direct insecurity for the communities in the Block.

4. The security information presented was current as of the fieldwork conducted in November 2013. Some of the information has been updated using public media sources, in particular Radio Okapi.



In September 2013 during military operations, the FARDC successfully pushed the FRPI from its positions in Walendu Bindi collectivité along the Bunia–Boga road, despite serious initial setbacks in August. The FRPI had held these positions since 2012. As a result of the operations, the FRPI fled to the east of Gety close to Lake Albert and the Semliki river, reportedly much weakened and operating in small groups.<sup>5</sup> Currently, the FARDC controls the Bunia–Boga road, but the FRPI continues to mount armed attacks, cause insecurity and commit abuses against the civilian population. For example, the FRPI attacked the strategic village of Gety during the week of 18 November 2013 and has recently made numerous incursions into Bahema Mitego collectivité, which is part of Block III.<sup>6</sup>

In 2013 the FRPI was also allegedly responsible for large-scale cattle theft, often from Hema herders, which stoked tensions between the Hema and Ngiti communities. According to interviewees, such thefts have increased along the Boga–Borassi road since operations pushed the FRPI closer to these areas. Thefts may be carried out by fragmented sections of FRPI rather than being ordered, since it is unclear how much control Cobra Matata, the militia's leader, has over the group. Furthermore, while the FRPI has been blamed, it is difficult to attribute responsibility with certainty, and there are rumours of the involvement of criminals and even the FARDC who may benefit from the FRPI's presence by attributing blame to that group.

During military operations in Walendu Bindi collectivité from August to September 2013, over 80,000 people fled and a total of around 160,000 people were newly displaced.<sup>7</sup> These people moved to sites within the collectivité itself and to the northwest, including to sites on the road from Bunia to Komanda. The humanitarian community in DRC is unable to meet the needs of all those displaced. During the operations, human rights violations were committed by both sides, and there are reports that from 23 August to 26 September the FARDC conducted a large number of abuses, including pillaging and, to a lesser extent, rapes and killings.<sup>8</sup>

Current government strategies to deal with the FRPI are primarily military. Previous negotiations have not borne fruit, an important sticking point being the FRPI's demand for amnesty for its leaders. At the time of the assessment, army and government interviewees considered that non-military options such as dialogue and integration had been exhausted.<sup>9</sup> Echoing this, the UN Force Commander announced on 9 December in Bunia that MONUSCO would support the FARDC to militarily defeat the FRPI.<sup>10</sup> Past experience suggests, however, that a military solution alone is unlikely to work, and it is likely to be difficult to flush the FRPI out of forests, which it knows well. In previous years the FRPI, even when holed up in the forest, has maintained its ability to

5. This information was current at the time of the fieldwork in November.

6. Radio Okapi, « RDC : les miliciens de la FRPI multiplient leurs attaques à Bahema Mitego », 4 January 2014, <http://radiookapi.net/actualite/2014/01/04/rdc-les-miliciens-de-la-frpi-multiplient-leurs-attaques-bahema-mitego/>

7. United Nations Office for the Co-ordination of Humanitarian Affairs, 'Province Orientale – District d'Ituri: Situation des personnes déplacées', as of 30 September 2013, map published 21 October 2013.

8. Interview, UN official, Bunia, 22 November 2013. The high incidence of pillaging compared to killing and rape was attributed to the fact that the population (along with the FRPI) fled prior to the advance of the FARDC, so there was only a limited amount of physical contact between the army and the civilian population.

9. Interviews conducted in late August 2013. During fieldwork in the Block in November 2013, an Ngiti community leader told us that FARDC General Fall had offered integration into the FARDC to the FRPI. Nonetheless, strategies to deal with the group remain primarily military.

10. Radio Okapi, 'Ituri: le commandant des forces de la MONUSCO annonce <une action musclée> contre les milices', 10 December 2013, <http://radiookapi.net/actualite/2013/12/10/ituri-le-commandant-des-forces-de-la-monusco-annonce-une-action-musclée-contre-les-milices/>

mount attacks on the Bunia–Boga road, Total E&P RDC's preferred access route to the Block. Any further clashes between the FARDC and FRPI – whether along the road or in the forest – are almost certain to have negative impacts on the population of Walendu Bindi, including further displacement and human rights violations.

To the south, in North Kivu, the ADF is reportedly responsible for high levels of kidnapping in the Beni area. The ADF does not generally create direct insecurity in most of the Block and has not tended to operate beyond the provincial boundary between North Kivu and Ituri. However, its presence nearby causes unease and fear among the population. Currently, threatened with military operations against it by the FARDC and the UN Force Intervention Brigade, the ADF has stepped up its activity. On 25 December 2013 the group temporarily captured the village of Kamango in Beni territory before the FARDC retook it later the same day with MONUSCO aerial support.<sup>11</sup> There are also reports that some ADF fighters are moving north towards Irumu and Mambasa.<sup>12</sup>

Changes in the security dynamics in and around Block III could affect the security of the population and Total E&P RDC's oil exploration. Attacks by the FRPI or unidentified armed men on Total E&P RDC installations or convoys are possible, and access to the Block would be reduced if there were attacks along the Bunia–Boga road. Operations by the FARDC and the UN Force Intervention Brigade against the FRPI and ADF are likely to have a negative impact on those communities where fighting takes place and could affect the security and humanitarian situation in the Block if armed groups or affected populations seek refuge there. It is also possible that military operations may improve security by defeating armed groups. Stakeholders had different opinions as to whether armed groups might join forces against the FARDC and the UN Force Intervention Brigade. An alliance between a combination of the ADF, the FRPI and Mai Mai Morgan is possible, as are clashes between armed elements from these groups. This would result in increased insecurity for the population in these areas.

#### *FARDC as guarantor of security?*

In broad terms, there are two distinct perceptions of the FARDC in the Block. In Bukiringi (and Walendu Bindi more widely), due to the recent military operations and various allegations of human rights abuses, the FARDC is seen as a source of insecurity and has a poor relationship with the population. In November people said that FARDC behaviour had recently improved slightly, but women said they were still the victims of violent threats and harassment, people were afraid to go to their fields and many young men had left the area because they felt they risked accusation by soldiers of being FRPI militiamen. Currently, there are also several checkpoints along the road from Boga to Bunia, which the FARDC uses to collect illegal taxes from passing traffic, increasing the cost of trade and transport between Bunia and the Block.

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11. Radio Okapi, 'RDC: des hélicoptères de la MONUSCO pilonnent les positions des ADF/Nalu à Kamango', 25 December 2013, <http://radio-okapi.net/actualite/2013/12/25/rdc-des-helicopteres-de-la-monusco-pilonnent-les-positions-des-adf-nalu-kamango/>; Radio Okapi, 'RDC: affrontements entre l'armée et les ADF/Nalu à Kamango, un mort', 7 January 2014, <http://radiookapi.net/actualite/2014/01/07/rdc-nouveaux-affrontements-entre-larmee-les-adfnalu-kamango-mort/>
  12. Radio Okapi, 'Les rebelles ougandais des ADF/Nalu fuient le nord kivu vers la Province Orientale, 9 December 2013' <http://radiookapi.net/actualite/2013/12/09/les-rebelles-ougandais-des-adfnalu-fuient-le-nord-kivu-vers-la-province-orientale/>

Elsewhere in the Block, the FARDC is viewed as a guarantor of protection, and military operations against the FRPI in several cases were seen as having improved security. Most people said that relations between the population and the army were relatively good. In fact, interviewees often asked for an increased army presence to protect them from armed groups and bandits in the surrounding areas.<sup>13</sup> However, people mentioned that there are still some negative practices, consisting mostly of extorting money at illegal barriers along roads or indirectly at markets. There are also some more serious reports of rapes and arbitrary arrests committed by soldiers around Boga.

The FARDC is responsible for assuring the security both of the population and of Total E&P RDC in the Block. Should there be an increased FARDC presence to ensure this, on the one hand, it may help to improve security if soldiers are well disciplined and controlled. On the other hand, should there be insufficient oversight and control over soldiers, there is a risk of human rights violations being committed by the FARDC, which may go unpunished as the military justice system in DRC is weak and people may hesitate to report abuses. This hesitation is also due to the fact that community members do not have the means to pay for justice or the time to follow its course. The distance between villages and tribunals is also a factor that discourages people from seeking justice. Civil society actors have an important role in monitoring and reporting any such human rights violations, to ensure that appropriate legal action is taken when this is warranted.

#### *The National Congolese police (PNC) and criminality*

It is possible that, with increased economic opportunity (and therefore circulation of cash) in the Block, criminality such as banditry and armed robbery could increase. An increase in crime (which is currently quite low in the Block) would also have an impact on household livelihoods and the local economy. The PNC is present in parts, but not all, of the Block and would be responsible for dealing with any increase in crime. However, given that the police are themselves sometimes authors of abuse (respondents reported high fines, judging cases in favour of those able to pay and arbitrary arrests) and given the culture of impunity that exists across DRC, the state may not deal adequately with such a problem.

### **3.2 Inter-community tensions and local conflict dynamics**

There are a variety of different local conflicts – both open and latent – in Block III. These include disputes between herders and farmers that may take an ethnic dimension, conflicts over land,<sup>14</sup> conflicts over administrative boundaries and conflicts over power.

13. Due to military operations conducted further north in Walendu Bindi, the FARDC presence in the Block has been reduced. There are also fewer soldiers in Borassi and Tchabi than in Boga. There is no FARDC presence in Kainama groupement.

14. While in Ituri as a whole land conflicts are highly problematic, a study by Réseau Haki na Amani shows that there are fewer in Block III than in other parts of the district.

### *Hema–Ngiti relations*

The most significant inter-community conflict involves the Hema and Ngiti communities between whom there is mistrust and longstanding tensions. At their worst, between 1999 and 2004, these tensions – combined with a number of other conflict drivers – led to a war in which at least 55,000 people were killed.<sup>15</sup> Today, the situation is less tense, instances of open violence are much less frequent and there is a degree of cohabitation between communities, even though the climate of suspicion renders such cohabitation difficult. While it was clear during interviews that tensions and suspicions remain, there is no open violent discourse by the majority of Ngiti and Hema stakeholders. Indeed, both Ngiti and Hema interviewees spoke of the importance of establishing peace in Walendu Bindi collectivity.

However, there is a continuing high risk of violence between these communities. In 2013, for example, Hema and Bira leaders were reportedly creating self-defence groups to protect against further cattle rustling by the FRPI.<sup>16</sup> There are also unresolved conflicts between Hema and Ngiti communities. The most significant, which involves a dispute over three villages and access to Lake Albert, is in Block II to the north. In Block III, there is a boundary dispute between Walendu Bindi (Bukiringi groupement) and Bahema Mitego, which has grown in significance with the prospect of oil exploration. As a result of these tensions, the head of civil society in Ituri has had to put on hold plans to establish a consultation body representing the entire Block until the boundary dispute is resolved.

### *Kinyarwanda-speaking economic migrants*

In recent years (becoming significant from around 2009) there has been an (ongoing) influx of Kinyarwanda-speaking economic migrants into Block III from North and South Kivu.<sup>17</sup> They number in their thousands and are consequently demographically significant. They say they have come to cultivate where there is available fertile land and have bought land from local chiefs, made it productive and now are a dominant force on the local markets for staple foods. Some ‘autochtones’ (those communities originating from the area) see the Rwandophones as outsiders and are suspicious of them, accusing them of having maintained their own social structures and not integrating into the communities where they are settling. By contrast, Nande economic migrants are viewed with less suspicion even though they have also bought large tracts of land, as the Nande are seen as neighbours (from just across the border with North Kivu).

There are tensions surrounding the ownership of the land that the Rwandophones cultivate; conversations with these migrants suggest they are settling indefinitely, and this plays into the fears of ‘autochtones’ who worry about increasing pressure on land and question the Rwandophones’ right to it. In several cases, Rwandophones have bought land from local chiefs that others – for instance, Nande wood traders and concession holders – also claim. It is important to note that levels of tension surrounding the presence of Rwandophones differ

15. Human Rights Watch, ‘Ituri: “Covered in Blood”: Ethnically targeted violence in north-eastern DR Congo’, July 2003, p.1, cited in Henning Tamm, ‘UPC in Ituri’, Usalama Project (2013). Note that this estimate only covers the period from 1999 to March 2003.

16. S/2013/433, p. 20.

17. These migrants are also referred to here as Rwandophones in the interests of brevity. The term Rwandophone is not used here with any political connotations.

across the Block, depending on local factors. While the situation is not currently violent, it is potentially explosive and vulnerable to manipulation by local elites who seek to exploit popular resentment against the Rwandophones. This resentment is based on the fear of some parts of the population that the Rwandophones will become more numerous than they are and access political power, as well as gain economic leadership. This sort of dynamic has led to violence elsewhere in the past (including in the Kivus).

#### *Potential impact of oil exploration on inter-community tensions*

Inter-community tensions and other local conflict dynamics may be affected by oil exploration. Should one community or group feel excluded or perceive that the benefits of labour, social projects and/or compensation are inequitably distributed, it is likely to create resentment among other communities and groups, and to increase existing divisions and tensions. There is already, for example, a perception among stakeholders in Bukiringi that, while other communities will benefit from oil, they are being excluded.

With regard to employment, interviewees repeatedly stressed the need to ensure that all communities benefited from job opportunities and that no single community benefited disproportionately. Many groups have stated their desire to have an influence on who Total E&P RDC employs, demonstrating the importance of this issue and the potential for any dissatisfaction concerning jobs to turn violent. Any economic migrants who come to the zone to benefit from work may also create resentment among 'autochtones'. On the other hand, bringing people from different communities together to work or to sit on committees working with Total E&P RDC was seen by interviewees as an opportunity to increase trust. Ensuring that the benefits of oil are (and are perceived to be) proportionately shared and ensuring that social development programmes are conflict-sensitive could have the same effect.

There is potential for conflicts to worsen when compensation is due on land whose ownership is under dispute. As road access to the zone improves, there is also likely to be an increase in wood exploitation and trade, which could exacerbate conflicts linked to this activity. If oil is discovered, the stakes and the likelihood of conflict will increase. Already some stakeholders suggest that land conflicts are resurging partly because people hope to benefit from oil.<sup>18</sup>

Limited institutional and state capacity to tackle such conflicts means that they often remain unresolved. In case of a dispute, many people said they would go to local chiefs. However, these chiefs may themselves be parties to the conflict or – where other powerful actors are involved – may not have the interest or power to find a lasting solution. For criminal matters, people may go to the police, but this is costly (not least because of high fines). Even more rarely people may go to the court in Bunia to resolve a problem. This is also a costly option, and both the police and justice systems are seen as working for those with most money.<sup>19</sup>

18. This is even in areas where there is no oil. A strong communications strategy would be likely to reduce the risk of these conflicts resurging.

19. For example, in cases of rape, it is more likely that these either will not be reported or will be arranged in a 'friendly' way between families, often with little regard for the victim.

In this context, civil society actors, particularly those specialised in mediation, have a role to play in helping to resolve conflicts in the Block. Mediation cannot replace the need for institutional state capacity to deal with such conflicts and enforce decisions, but nonetheless many interviewees underlined its importance as a local conflict management measure.

### ***3.3 Representation of stakeholders' interests to Total E&P RDC and Total E&P RDC's consultation and communication with these stakeholders***

Multiple actors and groups claim (more or less credibly) to represent the interests and concerns of communities in Block III. These include: national and provincial-level members of parliament, the Union des associations culturelles pour le développement d'Ituri (UNADI), civil society members (both the official civil society coordination and NGOs), different churches and local chiefs. The legitimacy of each varies, even between communities. To date Total E&P RDC has been more consultative than many other companies working in Ituri District and has held several meetings with civil society and other stakeholders from the Block. Nonetheless, there is a perception that Total E&P RDC has consulted primarily with, and depended on, a relatively narrow group of stakeholders that includes collectivité chiefs and (to some extent) groupement chiefs and elders, churches (in particular, the Anglican Church) and civil society representatives in Boga. While these are important stakeholders who command considerable authority, these groups alone do not represent fully or have the confidence of *all* communities and groups in the Block. For example, local chiefs, who are tied to one ethnic community, may not represent other ethnic communities living in their collectivités. Customary authorities and institutions and the Church are also male-dominated and so often ill-placed to represent women's perspectives. Furthermore, several interviewees who to date had not been consulted by Total E&P RDC suggested that the narrow group that has been consulted has used the power that this gives them to advance their own interests to the exclusion of others.

Those stakeholders in closest contact with Total E&P RDC in many cases have not communicated the substance of their meetings with the company to others in their communities, causing them to indirectly receive information that is incomplete or incorrect, allowing rumours to develop and creating unrealistic expectations. This means that many people are ill- or uninformed about Total E&P RDC, with levels of knowledge varying across the Block. As an example of the lack of information, most people were unaware of engagements signed between Total E&P RDC and their communities to carry out social development projects.

In addition to Total E&P RDC's consultations, there are local-level initiatives to organise committees to channel communities' interests to the company. According to interviewees, these have already been set up in Bahema Boga, Banyari-Tchabi and Bahema Mitego, and meet on an ad hoc basis. There is a further initiative led by the head of civil society for Ituri to set up a consultation framework for the entire Block, which has not yet been established. Communities in the Block have also put together 'cahiers des charges' – documents outlining requests for funding for community development activities that have been transmitted to Total E&P RDC. While these are important local initiatives, they are the work of a relatively small group from which some key stakeholders, such as women, pygmies and Rwandophones, are excluded or under-represented.

There are several groups of stakeholders that feel inadequately consulted or uninvolved. These include: pygmies, women, Rwandophones in some areas, young people, the population of Bukiringi, concession holders, traders and civil society actors in Bunia. Some of these groups are marginalised in society and may not have their needs represented to Total E&P RDC. Actively including such groups in consultations, decision-making forums and the labour force could help to empower them and to address unequal power dynamics and gender relations in the zone, while not involving them may serve to reinforce the status quo. This is particularly the case for pygmies, women and youth, as discussed in more detail in Box 2.

## BOX 2: Stakeholders feeling inadequately consulted

### *Pygmies*

Several groups of pygmies are present in the Block. They risk being excluded, not being represented in consultations, and not benefiting from employment and social development projects. Stakeholders representing other communities present in the Block were often dismissive when it came to pygmies, one of the reasons why they have not been involved in local initiatives to establish committees and write 'cahiers des charges'. Those pygmies interviewed for this assessment said that information on Total E&P RDC would be hidden from them if they did not have their own representatives. They were also not aware of their rights and said that, if the company were to encroach on the land where they live, they would merely move elsewhere without asking for compensation.

In terms of employment, pygmies already do some unskilled labour in the zone and there is no reason pygmies should not be considered for employment in the same way as other communities. Stakeholders in Bunia and Kisangani were more dismissive of pygmies' employability.

### *Women*

Women have not been widely consulted to date and were present only in limited numbers in the meeting on the ESIA held in Bunia. It appears that those women who have been consulted often hold high positions in society or are linked to the churches (particularly the Anglican Church) and do not seem to have passed on enough information regarding Total E&P RDC to other women. Although women make up around half the population, contribute to the local economy by doing large amounts of agricultural work and have needs different from those of men, in a highly patriarchal society their voices are often not heard. Women said they were less likely to speak in meetings when men were present and that men had the final say in important household decisions regarding money, and therefore they may be excluded from decisions about compensation.

Women are more likely to be under-represented in employment too, and there are specific issues related to the employment of women that are different from men. Women may be more at risk of insecurity on the way to and from work and from an increase in domestic violence where husbands do not accept their wives going to work or are suspicious of their behaviour working around other men. Women interviewed wanted to work and most (though not all) men interviewed said that they

would not object to this, but if the work involves overnight stays or extended periods away from home it will be more problematic. Women also are responsible for childcare and feeding the family, meaning they would need to find someone else to do this if they worked in camps away from home.

#### *Youth*

The young people interviewed for this study declared having had limited participation in consultations with Total E&P RDC. They state that they want to be kept informed and to be consulted by Total E&P RDC, as they consider themselves to be the ones most affected by the future of their villages. They are also important actors because, if conflicts arise, young men would be the first to be mobilised to take part in the violence.

Other groups who feel excluded are relatively powerful in the Block and could play negative, rather than positive roles if they feel sidelined. For example, national and provincial parliament members and community leaders do not necessarily have the full confidence of the people they are supposed to represent, but are important figures in their communities, and they can mobilise those communities against Total E&P RDC by spreading rumours, whipping up resentment against the company or encouraging and instrumentalising community concerns.

Some civil society representatives and several organisations in Bunia also feel at times that Total E&P RDC has sidelined them and excluded them from decision-making by consulting the chiefs and various other people in the Block first. Although not all civil society stakeholders are present in the Block or represent the communities, some have extensive knowledge of the region and its communities and have experience implementing development projects. These key stakeholders have an important role to play because they can bring expertise and perspectives that are otherwise lacking within the Block. For example, civil society members interviewed in Bunia criticised both the choice of the water supply projects as the main focus of the initial social development projects and the projected duration of the projects, seen as too short to provide long-term results.

### ***3.4 Perceptions, expectations, concerns and perceived promises<sup>20</sup>***

The majority of people interviewed saw Total E&P RDC in a positive light and were keen, even impatient, for the company to start activities in Block III, hopeful about the economic and developmental benefits the exploration for and the discovery of oil could bring.<sup>21</sup> Some respondents saw Total E&P RDC's investment in the area as an honour and hoped it would spur other companies to invest too. Some hoped that Total E&P RDC's

20. Not all perceptions, expectations and rumours are discussed in this section; some are dealt with in other sections of the report where they have relevance to the theme being discussed.

21. Some respondents doubted whether Total E&P RDC would conduct operations in the area, given the delays to date. They did not – as would seem obvious – attribute this to insecurity



activities and presence would help to consolidate peace in the zone. However, these perceptions rest on unrealistically low concerns about the impacts of oil exploration and extraction, unrealistically high expectations of Total E&P RDC, the fact that most people in the Block are not well informed about the company and project, and a belief (whether true or not) that Total E&P RDC has made attractive promises about employment and development projects.

#### *Minimal concerns*

When asked if they had concerns or fears related to Total E&P RDC's exploration, the majority of respondents in the Block did not have many. Many people said they had never seen oil exploration and exploitation and therefore could have no idea if they should be concerned; they added that they could not evaluate Total E&P RDC's work in advance. Many people also had a high level of confidence that the company's activities would not have any negative impact – especially in environmental terms – and said that Total E&P RDC had assured them of this.

When stakeholders in the Block did have concerns, they included: some environmental concerns including pollution, destruction of crops and (in Burasi) worries about the impact on fishing due to pollution in the lake area; concerns over social change, such as a negative impact on people's religious beliefs, sex work and drunkenness; and fears that teachers and pupils would leave schools to seek employment with Total E&P RDC. In general, the strongest concerns about the impacts (particularly the environmental ones) of oil exploration and exploitation were expressed by those outside the Block, notably civil society activists in Kinshasa (having some experience of the oil sector in Bas-Congo) and Kisangani.

#### *High expectations*

All stakeholders have very high expectations of Total E&P RDC and the benefits the company will bring to the Block and to Ituri District more broadly. Expectations most often focus on employment (especially the number of people who will work during the oil exploration phase), social development projects and much-improved road infrastructure. For example, the three collectivités that fall entirely within the block (Bahema Boga, Bahema Mitego and Banyari-Tchabi) have prepared 'cahiers des charges' and expect Total E&P RDC to fund at least some of these projects. That said, Total E&P RDC is reported to have told the population not to abandon their daily activities (agriculture, cattle, etc.) in favour of jobs offered by the seismic activities.

The weight of expectation is increased by Total E&P RDC's status as a large multinational company (in comparison to the other, smaller companies in eastern DRC) and the lack of government capacity, which means that many stakeholders (especially civil society actors) expect a lot more from companies (particularly international ones) than they do from their own government. This situation is compounded by different understandings of what the exploration phase entails and how long it will last, and by a general lack of knowledge of the content of Total E&P RDC's contract with the DRC government. For example, most people interviewed did not know how much Total E&P RDC was contractually obliged to spend on social projects and over how many years.

### *Perceived promises*

Many stakeholders (mostly in the Block itself) believe Total E&P RDC to have made concrete promises concerning its activities in the zone, particularly about social development projects and the employment opportunities the company will bring. Given the differences in the type and number of promises supposed to have been made, they are likely to be the result of a mix of misunderstandings by stakeholders (wilful or accidental), miscommunication and rumours that change as they spread.

### *Rumours*

Perceptions, high expectations and perceived promises are fuelled by rumours as much as by information Total E&P RDC has communicated, which means there is a strong risk of misunderstandings and manipulation of community perceptions by politicians and opinion leaders. The climate for rumours to spread is particularly rich because much information about Total E&P RDC has trickled down informally to communities from a small number of stakeholders.

Perceptions, expectations and perceived promises about Total E&P RDC in many cases may be untrue and unrealistic, but they do matter, particularly when there is a large difference between expectations and reality. If high expectations are not managed and people stoke rumours or manipulate community perceptions, this may result in increased divisions and tension between different ethnic communities and stakeholders. On the other hand, if information is communicated broadly and clearly, expectations are kept under control, and rumours are countered, there is the possibility of improving relations between the company and communities and of empowering marginalised populations.

## ***3.5 The state's capacity and willingness to monitor company activities and to ensure legal compliance***

There is limited state capacity and – at some levels – limited willingness to seriously enforce laws regulating the oil industry and monitor the activities, commitments and impacts of companies. In Kinshasa, the government appears more likely to encourage oil companies to proceed as they wish, rather than to provide oversight. Discussions with government representatives in Kinshasa, Kisangani and Bunia suggest that there is little clarity and understanding over who has what role and responsibility with regard to oil companies operating in Ituri District. In Bunia, the relevant government services all appeared to lack the necessary resources and – in some cases – technical expertise to carry out their roles. Both the 'Inspection du Travail' and environment services are under-staffed and officials at the latter had only limited knowledge of the potential environmental impacts of oil exploration and exploitation and were unaware of the findings of the ESIA. This means that the government is unlikely to be able to effectively monitor oil companies and their contractors to ensure that they are complying with the law and are not infringing people's rights, especially those related to labour and the environment.

Insufficient national regulatory frameworks compound the problem. The laws regulating the oil sector lag far behind those for the mining sector, which has undergone some reform. The most recent law on hydrocarbons was passed in 1981 and has become outdated, not keeping up with developments in the sector and more recent fiscal regulations.<sup>22</sup> A new hydrocarbons code, which has had input from civil society actors, is currently before parliament and its passing into law would represent an important step for improving regulation in the oil sector. However, it has been criticised as being too weak, in its current form.<sup>23</sup> The Congolese government also has not ratified relevant international tools and instruments such as the 169 Convention of the International Labour Organization, which has specific content on labour-related issues but also on others such as the rights of indigenous peoples. As a result, businesses in DRC are not obliged to conduct free, prior and informed consultations for indigenous peoples such as pygmies as foreseen in the Convention. As seen, the broader consequence may well be that some of the requirements of the Convention are left as a discretionary matter for the company.

In the absence of effective state oversight, civil society actors including NGOs and church structures such as the Commission Episcopale pour les Ressources Naturelles (CERN) have an important oversight role to play. While civil society organisations (CSOs) cannot enforce compliance with the law, they can monitor the extractive industry to try to ensure that rights are respected by: increasing the awareness of (and improving communication with) communities about oil; facilitating constructive engagement between the company and communities; and advocating for the government as well as the company to respect legal frameworks. The capacity of CSOs in Ituri to do this is currently limited and would benefit from support. For example, as with the relevant district government officials, civil society stakeholders in Ituri have limited knowledge of the potential environmental impacts of oil.

### **3.6 Performance of Total E&P RDC sub-contractors**

Sub-contractors in the extractive industries often fail to comply with certain criteria set by the contracting company, considered to be too costly or time-consuming in terms of interaction with the communities and the environment. Tight deadlines and limited resources, in addition to a lack of general awareness of the issues surrounding the business, the conflict and human rights, mean that sub-contractors overlook the effects of their actions on the communities. The problem in Block III is aggravated by the sensitive and complex situation in the area, which makes it difficult for sub-contractors to fulfil requirements.

This is most often the case for requirements related to unskilled labour, on one hand, and health, security and the environment, on the other. Sub-contractors must take into account the equality and transparency of recruitment procedures (and ensure that these procedures are understood by participants), ensure that the ethnic makeup of the Block is represented in recruitment, and give first priority to recruiting local people. Nevertheless, one of the most complicated aspects of managing unskilled jobs is certainly the cost, accommodation, transport and training required to enable the villagers to work for short periods (planned rotations of 20 days)

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22. This analysis comes from 'Black gold in the Congo: Threat to stability or development opportunity?', International Crisis Group, Africa Report No. 188, p. 11, July 2012.

23. 'Last chance to fix Congo's flawed oil bill', Global Witness, 14 January 2014.

before changing over. Another is ensuring that marginalised groups, such as women and pygmies, are also given access to jobs.

Despite the high standards enforced by Total E&P RDC, environmental issues are almost always a source of tension and conflict between communities, oil companies and their sub-contractors. Experience in other countries demonstrates that some of the most frequent complaints during the exploration phase include the amount of dust caused by traffic on the roads, the displacement of livestock caused by exploration and the deterioration of the environment linked to waste management and water. Restoring roads can inadvertently lead to an increase in illegal trafficking and contraband in the area, which state institutions will struggle to tackle owing to their lack of resources.

If sub-contractors comply with the requirements, this could have a positive impact. Recruiting people from the local community and developing a local supply chain could help some members of the community to increase their income and temporarily stimulate the local economy. The construction and restoration of roads could directly reinforce market structures at a local level. The impact will obviously be much greater if the oil exploration leads to this hydrocarbon being exploited. The work carried out by Total E&P RDC and its sub-contractors will have an even more positive impact if it helps to set high standards and an example for other companies in Ituri to follow.

## 4. CONCLUSION

The Human Rights and Conflict Risk Assessment commissioned by Total E&P RDC and conducted independently by International Alert and Haki na Amani Network in Block III highlighted six main areas of risk: security; inter-community tensions and local conflict dynamics; representation, consultation and communication; perceptions and expectations of Total E&P RDC; lack of state capacity and willingness; and performance and behaviour of Total E&P RDC sub-contractors. This report, which summarises the main findings for each area of risk, could be used as a baseline for civil society monitoring of human rights and conflict issues before, during and after the exploration phase. It could also be used as a basis for further discussion between civil society actors and Total E&P RDC.

This assessment represents an opportunity to get things right from the start, as it has been conducted prior to the start of any oil operations. It raises several issues that deserve attention now to ensure that they do not become problematic in the future. Unrealistically high levels of expectation and potentially harmful rumours, resurgence of conflicts in the expectation of oil exploration and feelings of exclusion of some groups are all causes for concern. However, there is also scope for dialogue between civil society actors and Total E&P RDC to find a way to ensure that these problems do not worsen and to ensure that others (through monitoring of human rights issues, for example) do not arise. Most important of all perhaps will be frequent and clear communication between all stakeholders.

### ***4.1 Recommendations for Total E&P RDC***

The following recommendations are based on research and analysis carried out as part of this assessment and on the experience of International Alert in the extractive industry sector. On the whole, the recommendations are set out in line with the six risk areas identified in this report, but some are cross-cutting. Recommendations for civil society in Bunia are given in section 3.2.

#### ***4.1.1 Security***

- Develop an implementation plan for the Voluntary Principles on Security and Human Rights<sup>24</sup> in order to regulate the use of public and private security personnel from a human rights perspective and fully integrate risk assessment – including the conflicts and the risks and impacts associated with human rights – into the management of Total E&P RDC in DRC.

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24. The Voluntary Principles on Security and Human Rights were established in 2000 and are “a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights”. See <http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/>

- Establish a procedure to respond to allegations of human rights abuses involving members of public or private security personnel. When a problem is raised by a key stakeholder, Total E&P RDC must be able to rely on an established mechanism to investigate, report on and manage the ensuing situation. A communication campaign must be implemented as soon as this mechanism is in place to ensure that key stakeholders are informed about it and know how they can appeal to it.
- With regard to allegations of human rights abuses, Total E&P RDC should put additional measures in place to demonstrate diligence. There are examples of companies who have implemented measures such as an advanced warning system and a crisis response protocol featuring graded levels of response depending on the escalation of a conflict or the deterioration of the human rights situation.<sup>25</sup>
- Actively promote relations with CSOs and those who work in human rights and conflict areas.<sup>26</sup> NGOs, among others, provide valuable sources of information on what is happening in the Block and on potential human rights violations. In Block III, Total E&P RDC could work more closely on this issue with the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the human rights branch of MONUSCO, the Haki na Amani Network, Justice Plus, Legal Clinic and official representatives of civil society.

#### ***4.1.2 Tensions between communities and local conflict dynamics***

This section includes specific recommendations on social projects and employment, which could exacerbate local conflict dynamics if not implemented in a conflict-sensitive manner.

- Ensure that Total E&P RDC employees know and understand the social and political positions of key stakeholders and the dynamics of the Block's own conflicts. By being aware of these problems, the company will be able to make decisions and develop and implement projects that take the conflicts and respect for human rights into consideration. This aim could be achieved primarily through the following actions:
  - Produce a list of key local stakeholders. This should take into account all key stakeholders and significant structures in the Block to provide detailed information on the composition and presence of the various ethnic communities; relations between communities and their perceptions of one another; potential or actual conflicts; the interests, needs and positions of the main key stakeholders; expectations; and the positions and opinions of key individuals.
  - Carry out a 'social mapping' exercise. This should be undertaken in collaboration with the communities with the aim of identifying local conflicts, local stakeholders and structures for conflict resolution, sacred sites, key living areas (including water sources, areas of flora and fauna, livestock farming and farms, etc.)

25. Given that Total E&P RDC has no actual in-country presence and that its exploration activities have yet to begin, systems will need to be adapted accordingly.

26. This is suggested by the Voluntary Principles on Security and Human Rights and by the tools that guide the implementation of these principles.

and other important areas. This mapping exercise should be implemented throughout the Block, not only in the areas where the company is working, but also in the areas through which the main access routes pass. The dynamics of the Block are interlinked and conflicts in one area can originate from or have an impact on another. The study must take care not to exclude any group of key stakeholders.

### *Employment*

- Ensure, if possible, that employees come from the 14 groups of the Block and from the various ethnic communities present (for example the pygmies). To achieve this goal, numerous discussions must be held with the communities, their chiefs and other representatives, families and sub-contractors, alongside meticulous planning and detailed analysis. Total E&P RDC must take into account the time needed for these discussions, to prevent decisions being taken and procedures being adopted in a rushed manner as a result of the pressure of operational deadlines. Communication throughout the process will be crucial.
- Make as many work opportunities as possible open to women and ensure that families are consulted on the subject of their access to employment, to minimise the risk of domestic disputes that could be caused by recruitment.
- Communicate regularly with employees, families and sub-contractors about employment issues to reduce rumours, expectations and potential tensions that could be fuelled by a lack of information on the subject. Communication about employment issues must clearly set out how workers are selected; the type of work required, the workplace, schedules and all important details; what Total E&P RDC will or will not provide; the living conditions in the camp; the arrangements enabling the recruitment of women, such as separate lodging and toilets; how inappropriate behaviour at the workplace (especially with regard to women) will be dealt with; the complaint procedure that will be put in place to report all abuses; and any other clarifications that may inform the communities and answer their questions.
- Adapt the pay system to local circumstances. This should take into account the lack of financial infrastructure in the region; the cost of access to this infrastructure for individuals (for example, the cost of transport to go to the bank or the fees for banking transactions – some interviewees suggested using ‘mobile banks’); individual preferences and security issues (for example, not travelling with large sums of cash); and cultural concepts associated with money and banks. Total E&P RDC and its sub-contractors should offer payment either on a daily or weekly basis or at the end of every 20 days’ contract period (for example, it seems that the pygmies would prefer daily payment). Those interviewed clearly stated their preference for being paid directly by Total E&P RDC personnel. If payments are made through intermediaries, the risk of the funds not reaching the employees is high.

### *Social development projects*

- Ensure that relevant civil society stakeholders in Bunia are consulted about social projects (at least at the initial implementation phase).
- Ensure that community consultations on development projects leave enough time, as far as is possible, for all concerned parties to come to a collective agreement that is representative of those involved.
- Clearly explain to the key stakeholders, where necessary, that Total E&P RDC intends to provide social projects and employment opportunities to communities, based on an overall set of benefits (for example, a given area could benefit from fewer jobs but more social projects).
- Despite the temporary contingency nature of the exploration phase, Total E&P RDC could plan to implement social projects for the remaining duration of the licence, to increase their sustainability.

#### ***4.1.3 Representation, consultation and communication; management of perceptions, expectations and rumours***

- Ensure that the community consultation programme includes a strong communication component, targeting all of the key stakeholders. This communication plan should:
  - Guarantee widespread dissemination of information among all of the key stakeholders and ensure that the stakeholders who have an impact on the decision-making process are representative of the communities of the Block. This should reduce potential difficulties with one or another key stakeholder, while preventing those who do not genuinely represent the community's diverse interests from intervening on decisions that will affect that community.
  - Check that all parts of the Block and areas affected outside the Block (for example, the areas through which the main access route passes between Bunia and Boga) are involved in consultations, social projects and employment opportunities.
- Ensure that the recruitment and payment committees are not comprised solely of chiefs but also include representatives from other groups within the community. This must be clearly explained to the chiefs.
- Verify that all local committees intending to work with Total E&P RDC are representative of the various groups that make up the Block and, if necessary, take steps to revise their composition. This will require Total E&P RDC to adopt an open and advisory approach.
- Establish a permanent presence in the region, with a local office and liaison officer for the communities. With a permanent presence, Total E&P RDC can help to contain rumours and manage expectations.



- Hold meetings in various parts of the Block (i.e. not only in Boga but also in other strategic locations such as Tchabi or even Burasi). If this is not possible, it must be explained why the meeting could not be held at another location. In a context where rumours and misunderstandings are rife, Total E&P RDC must adopt an open and transparent attitude to avoid raising suspicions.
- Recruit community liaison officers to work with Total E&P RDC who must:
  - have a good knowledge of the Block and its various communities, their demographic makeup and the perceptions that they have of one another;
  - as stakeholders themselves, be as impartial as possible and not come disproportionately from any single ethnic community;
  - actively participate in the mapping exercise that will be carried out to identify key local stakeholders; and
  - include female liaison officers and give them the means to raise issues with the company and external stakeholders (for example, sub-contractors). Female liaison officers are most likely to recognise certain human rights issues (such as harassment or sexual abuse) and bring them to the attention of the company. These officers should be trained in managing risk related to conflict and human rights.
- Clearly explain the exploration phase to the communities by providing information on what the exploration involves; the geographical boundaries of the Block; the areas directly affected by the exploration; the areas of the Block that are not affected and those that have no oil; the key stakeholders who will witness the beginning of the exploration (for example, what type of equipment they will be taken to see); very specific information on what Total E&P RDC will or will not do (even if in fact nothing is happening, it is useful to explain why the exploration phase has been delayed). This type of information could be disseminated not only at face-to-face meetings, but also provided in written form and made available by the liaison officers and the local office.
- Help to create a community or regional radio station (which has already been discussed with Total E&P RDC). This would allow Total E&P RDC to communicate directly with a large proportion of the population without going through third parties, reducing the risk of misinterpretation. Churches can also be effective communication tools. That said, the company should make sure that messages are transmitted through all of the churches in the Block, in the form of an announcement made by a Total E&P RDC employee at the end of the service. This should avoid giving the impression that the religious authorities have a privileged relationship with Total E&P RDC, as well as avoiding the risk of the information being distorted if religious representatives are left to pass on the message themselves.
- Work more closely with CSOs that know the Block well and/or have particular expertise, notably by sharing information with the organisations that carry out monitoring activities in the Block.

#### **4.1.4 Performance of sub-contractors**

- Work closely with sub-contractors to guarantee that social and environmental requirements and working conditions are respected, in agreement with the communities. In this regard, Total E&P RDC can combine 'hard' and 'soft' approaches towards sub-contractors. The soft approach can include awareness and training on issues such as the social responsibility of companies and the sensitivity of human rights and conflicts; 'social committees' that bring together important Total E&P RDC representatives and sub-contractors to discuss the major issues related to human rights and interaction with the communities; and contractual clauses that make explicit reference to human rights issues. The hard approach, if necessary, can include using key performance indicators to measure sub-contractors' results on these subjects; demanding that sub-contractors document and keep records of their compliance with their obligations; implementing a complaints mechanism for sub-contractors or ensuring that complaints are dealt with through Total E&P RDC's mechanisms; and monitoring through peer evaluation and self-assessment.

#### **4.2 Recommendations to civil society stakeholders and community chiefs in Bunia**

- Ensure that their engagement with Total E&P RDC and the oil exploration in Ituri is as constructive and responsible as possible. Limit the use of rhetoric or unnecessary hyperbole in their discussions with or about Total.
- Monitor the progress of the human rights and environmental situation in the Block with the help of this report, information sources and existing expertise. Maintain strong relations with civil society stakeholders in Kinshasa. It could also be useful to organise a workshop with civil society stakeholders who work in the hydrocarbon sector in Kinshasa, Ituri, North Kivu and Bas-Congo to exchange their experiences and best practices.
- Ensure that they do not exclude marginalised groups from their activities, meetings, reviews and recommendations.
- Communicate clearly and ensure that the information designed for the communities by Total E&P RDC is passed on to them.



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