



To:  
TOTAL Mozambique  
Av. Julius Nyerere, nr.3412 - Maputo

Att:  
Dear Mr. Rob Garret  
Director of Social Performance

C.C.:  
Mr Peter Wate  
Manager of Community and Social Affairs

Maputo 13 May 2020

Ref: 23 /JA/2020

Subject: Questioning Total Mozambique

Justiça Ambiental - JA! has been advocating for a just transition away from dirty energy, and has been actively working against any new fossil fuel extraction or flaring projects, such as Total's gas exploration project in Cabo Delgado, Northern Mozambique.

Recent research shows that the gas industry has underestimated the impacts of natural gas on climate change, and more and more experts and scientists are proving that we have to abandon gas exploration altogether if we are to have any chance of dealing with the climate crisis. It should be remembered that Mozambique is one of the countries most vulnerable to the impacts of climate change.

Nevertheless, Total is moving ahead with its project, and the direct impacts associated with the extractive industry have already begun to devastate lives and livelihoods, with the most vulnerable local communities feeling the brunt of the storm. Furthermore, the social implications of the project have been particularly problematic due to the prioritisation of economic outcomes over social needs and requirements.

As part of monitoring the resettlement process and other activities we have been carrying out in the district of Palma, we have been noticing numerous and serious conflicts within the communities affected by the LNG project, under the resettlement process triggered by the project your company has been developing in the Afungi/Palma Peninsula.

The conflicts we are talking about are related to your operations in Cabo Delgado, the relationship you have with the different social and state groups, the compensation, the lack of compliance with the agreements signed with the local communities and the pre-established. The complaints related to the compensation process, which is underway at the moment, are the most frequent. But they are not the only ones. In many cases, these conflicts create intra-family problems within the communities, cause social breakdown and have led to accusations and denunciations to the local authorities.

For the peasant and fishing families who have lost their property and belongings of a lifetime, the discovery of the gas has robbed them of their identity. Much of what they lost was the legacy of their ancestors, and told the story of several generations of the same family. All because of a project which, because it is riddled with flaws in its decision-making and representativeness systems, has stripped local populations of the right to free, prior and informed consent, worsened their already difficult living conditions, and does not even provide them with the conditions stipulated in the forged community consultation processes.

We know that the affected communities have sent the company numerous letters denouncing the lack of compliance with various clauses of the contract. The last of these letters were sent between November 2019 and March 2020, and as to date there has been no response to the issues raised, we would like to reiterate such complaints, and inform you of some constraints that have been causing conflict in these localities.

You will find a list of issues raised by the communities affected by your project in Annex I (see below).

We also attach a list of questions to which we expect a response from Total. You will find them in Annex II (see below).

It is important to note here that the land that is now occupied by the project operated by Total belonged to the local communities, and is a necessary condition for their livelihoods. Leaving these families without access to a farming and fishing area for all this time is a violation of their most fundamental human rights, such as the right to food, decent housing, self-determination and dignity.

It is important to point out here that the land now occupied by the project operated by Total belonged to the local communities, and is a necessary condition for their subsistence. Leaving these families without access to a farming and fishing area for all this time is a violation of their most fundamental human rights, such as the right to food, decent housing, self-determination and dignity.

It is unacceptable that such a large investment, which will provide millions in profits for foreign companies like Total, is contributing to the impoverishment and oppression of already vulnerable local communities. Many of these impacts and problems were known even before Total's involvement, and so we find it highly problematic that this was not reason enough for them to give up on the project. Taking over the responsibility that was previously Anadarko's shows that your only concern is profit, and you apparently have no regard for the environment or local people. Many of the problems and impacts already caused by the infrastructure supporting the gas project are not being properly addressed, so it is very likely that this project will be yet another blatant case of the resource curse, serving as a catalyst for social, political and economic instability on our continent. Given the already numerous difficulties your company is having in dealing with these problems, it is worrying that you are still planning to expand investments in Areas 3 and 6.

We demand that Total withdraw from the gas exploration project in Mozambique.

Anabela Lemos  
Director  
JA! Justiça Ambiental

## **ANNEX I - Conflicts caused by the Total operated gas exploration project in Cabo Delgado and complaints from affected communities**

### **1. Project Criticism**

Due to our constant and permanent presence in Palma district and in the various communities affected by the natural gas project, we were able to gather the following concerns and complaints regarding the way Total and its partners are acting:

- (a) Delays in the payment of the compensation agreements signed between the company and the affected families, ranging from 3 to 5 months of delay;
- b) Unilateral decisions to destroy machambas (cultivation areas) and other assets of local residents without involving the Resettlement Committee and local leaders. The leaders and the Committee are forced to solve the problems in an ad hoc and improvised manner, because they have not been involved before. This situation has caused many problems and losses for local families;
- c) Constant delays in the resettlement process of the Quitupo community, a fact that contributes negatively to the reorganisation capacity of these people, who need to create and adapt new conditions for their survival;
- d) Delays in the allocation of land for machambas (vegetable gardens) not yet registered by the project, which has contributed to some families losing their land, which ends up being registered in someone else's name;
- e) The existence of serious weaknesses in the communication mechanisms adopted, characterised by a lack of transparency and regular communication between the project proponents and the communities;
- f) Inexistence or ineffectiveness of corruption prevention mechanisms and promotion of transparent governance by the company, given that individuals occupying relevant positions at local authority level are enjoying perks and benefits for personal gain. The company's passivity in the face of these situations suggests that it may be taking advantage of these weaknesses.

### **2. Compensation for loss of livelihood**

The behaviour of Total, and its partners, since the beginning of this project, has been characterised by a great urgency to relocate local populations in order to move ahead with gas exploration as quickly as possible. Therefore, fair conditions were not created so that families could be resettled in a dignified manner and with their subsistence guaranteed.

Today we are faced with several problems that could have been avoided. For example, the negotiations with a view to acquiring the compensation lands in the communities of Senga, Monjane and Macala, which began in mid-2018, are still ongoing. This delay or lack of commitment to the issue has caused many constraints for the people who need land to farm. The village of Senga, in particular, has already ceded part of its land for the construction of the resettlement village, and currently this village has been the reference site in the search for land by different companies - including Total, other companies providing services to Total, and other industries providing services to the gas industry. This pressure on the land of the Senga community has been creating numerous conflicts and is leaving the host community without land for cultivation.

Of equal neglect is the problem surrounding fishing areas for local fishermen. We know that transport has been made available to take fishermen to the new fishing areas, however, it has been practically impossible to reconcile artisanal fishing methodologies with the schedules of this transport. There are fishermen who prefer to fish during the night, or at dawn, and the best times to fish depending on the type of shellfish, or the times of reproduction of the species, vary, and so

these are factors that need to be considered. There is no other fair way to do it: what the fishermen are asking is to be relocated to a place similar to the one they used to live in, with the same conditions of access to the sea.

On the other hand, the monetary compensations have been reaching the affected families in a very deficient way, in addition to the fact that they are charged with several fees and expenses related to bank transfers. The withdrawals, in most cases, cannot exceed 20 thousand meticaïs in the same day. In addition, a single cheque costs 370 meticaïs, 150 meticaïs to have your fingerprints recognised by a notary, and 100 meticaïs to pay the local structures to issue a declaration of the neighbourhood. In other words, it may be necessary to spend a total of 620 meticaïs for each survey carried out (about 10 USD), which is an extremely high expense for local people.

We believe that Total has the obligation to intervene to resolve this situation, since it was you who defined which partner would implement this compensation process, not the affected parties. It is necessary to reassess the methodology for withdrawing the values, so as not to underestimate the financial expenses associated with the withdrawals, and it is necessary to take into consideration the lengthy and bureaucratic process that people have to go through to withdraw their money, which can last 2 or 3 days.

### 3. Problems with democratic processes and community representativeness

Over the last few years, there have been numerous conflicts related to the role of leaders in negotiating resettlements and compensation for communities affected by the natural gas project. Given the urgency in identifying compensation land for resettled people, the company has been exerting pressure on the leadership in Afungi, which leaves the leaders unsure whether to comply with government and company guidelines or the appeals of the communities. The search by the companies for more land, in order to compensate the families who lost their farming areas, has generated a lot of pressure on the social fabric of the affected communities. The companies and the government have, in turn, put great pressure on local leaders, neighbourhood secretaries and chiefs to convince residents to cede their land to "development". This pressure has contributed to weakening and corrupting local structures, consequently compromising democratic processes and social emancipation.

The Macala community has already sent, on 18 February 2019, a letter to the ombudsman expressing dissatisfaction over the placement of markers on their farms. In this regard, we appeal to the company to consider the concerns of the community without rushing to meet its deadlines.

There is also a leadership conflict in the Senga community that we know is known to the company. The leader who is representing the community in the negotiations was not democratically elected and does not have the approval of much of the community. This community has already informed the local authorities about this issue, which remains unresolved.

The Resettlement Committees have not achieved the purpose for which they were created, as there is a great lack of trust between the community and the members of the Committees. Many families affected by the project have criticised the operating model of the Resettlement Committees in Palma-sede and Quitupo, accusing them of favouring some families over others and not properly representing the interests of the community. Numerous cases were also reported of members of the Committees exchanging favours (various charges), taking undue advantage of their position. This type of conflict could have been drastically reduced if concrete measures had been implemented beforehand to strengthen the social fabric of these communities, contributing to all negotiations taking place in a transparent, inclusive, fair and democratic manner.

### 4. Military Presence

We are aware of the unstable situation in northern Cabo Delgado and its various negative implications. We believe this is the reason why the different Total teams and some service providers are accompanied by a military escort. However, it must be taken into account that the presence of armed military personnel intimidates people, even if they are not acting or speaking in a particularly intimidating way. We believe that the criteria regarding which events the military can be present at, how they position themselves and how far away they should be should be reviewed. Security should be sought without jeopardising people's right to freedom of expression and movement.

On the other hand, it is legally established that military forces and other entities cannot be photographed without proper authorization, so the military presence in community consultations or other meetings limits the photographic recording of these sessions, in addition to other constraints that are inherent to the sensitivity of military activities.

#### 5. Mechanisms to protect vulnerable groups

We have been following cases of orphaned children, women, widows and elderly people who are being victims of economic marginalisation of the assets they have inherited or acquired throughout their lives, perpetrated by their legal representatives.

We have also received several complaints filed by women in project-affected communities. Most of these conflicts have been motivated by the strong influence of customary practices in the community, such as polygamy, and the monopoly of men who register their wives' property in their name. Men often hold title over their property, their wives' property and family heirlooms, and compensation is calculated as a package. Women are invariably the weakest link, ending up with nothing and seeing the husband's family dividing up the assets among themselves. On the other hand, in the set of farms owned by households, the men are responsible for and own the farms and cash crops, such as coconut, mango, cashew and other fruit trees; while the women are responsible for the farms that have standard crops, that is, that have temporary crops of low economic value, such as cassava and other small crops. Often these standard crops are not even compensated.

We know that these cases have been reported to your company through the existing complaint mechanisms. However, these cases continue to occur, which is a major concern since these assets are the economic and livelihood base of these vulnerable sections.

#### 6. Exacerbating bad habits, addictions and bargaining

The correlation between the high monetary compensation received by some community members and the lack of occupation in the fields or in fishing has exacerbated the bad habits and vices, such as alcohol and tobacco, of some residents of the resettlement village. Numerous opportunists have also been manipulating and misleading resettlers into selling their houses cheaply or investing in dubious businesses.

This situation is weakening the social fabric of the communities and creating social tensions and intra-family conflict, increasing the occurrence of cases of domestic violence, particularly against women, children and girls, and other abusive and aggressive behaviour.

#### 7. COVID-19 and the fragility of the national health system in Mozambique

It is common knowledge that the health system in Mozambique is deficient, there are huge shortages of medical staff and adequate infrastructure, there are few beds and few hospitals, especially in rural areas such as Palma. It is also common knowledge that there are numerous private clinics in the country, and that these are not within the reach of the vast majority of Mozambicans.

Rural communities in Mozambique are relatively safe from epidemics like COVID-19, which originate elsewhere and are rapidly spread around the world due to globalisation, as they are more or less disconnected from the cities, and have no contact with international travellers. The fact that there are very few confirmed cases of COVID-19 outside major cities corroborates this fact.

With the LNG project in Palma, there has been a huge influx of foreigners and Mozambicans from other regions in the area. We believe that any transnational company doing business in Mozambique should ensure that all its employees, both foreign and national, are aware of the socio-economic context of the country and the weaknesses here. When the epidemic of COVID-19 started, Total should therefore have ensured protection and security measures that prevented its employees who had travelled abroad, especially to places with large numbers of infected people, from contributing to the spread of the virus in a region where the consequences of this could be catastrophic. In accordance with government guidelines at the time, Total should have implemented a strict 14-day social isolation policy for any employees who had travelled to risk areas, thus reducing the likelihood of infecting other employees or members of local communities. However, these precautions were not taken in good time, and the latest information reports that at least 59 cases of the disease in Mozambique originate from Total's camp in Afungi.

In a situation like the current pandemic, few health professionals or teams of epidemiological teams with any knowledge of testing and treatment for COVID-19 in our country. At the moment, the concentration of efforts of health teams is in Afungi, placing greater weakness on testing capacities elsewhere in the country. We are aware that Total has provided support for the mass testing of their staff, however we are concerned that the community of Palma has repeatedly been in contact with such staff and is not being covered by these testing efforts.

Anabela Lemos,  
Director  
JA! Justiça Ambiental

## **ANNEX II - Questions for Total**

In view of the concerns raised above, in the letter and in Annex I, we would like to request Total to provide a full, detailed and objective response to the following questions:

- How do you justify your insistence on the exploitation of a fuel that contributes so much to the climate crisis, which is already taking so many lives, especially in countries like Mozambique?
- What measures have been taken by the company to, on the one hand, reduce the social tensions that exist today, and on the other, prevent your project from resulting in the deterioration of the living conditions of local families?
- None of the resettled families has yet received their land for agricultural plot and food production. What is the reason for this delay? Is Total aware that the current situation imposed on these families makes their survival and subsistence impossible?
- Negotiations are still ongoing (since 2018) in order to acquire the compensation land in the communities of Senga, Monjane and Macala. How much longer will it take to finish these negotiations?

- Given the existing conflicts around the representativeness of the leadership in the Senga community, what concrete measures is the company taking to ensure that the situation does not continue down a path of social disruption and exacerbated conflict?
- What measures are being taken by the company in order to protect the rights and interests of the most vulnerable social groups?
- What is your action plan, in conjunction with the other parties involved (local government, resettlement committees, civil society), to achieve an effective reduction in the occurrence of the various problems explained herein?
- What measures were taken a priori (before the confirmation of the first case of COVID-19) within the company's premises to prevent the spread of the disease?
- When will you extend the mass testing effort for COVID-19 to local communities, which have been exposed to this disease by Total's workers?
- Given the vulnerability of local communities to the COVID-19 pandemic, what concrete measures is the company taking to prevent its cleaners, cooks and other basic service providers who commute between the company and their communities every day from becoming infected with the virus?
- We know that on April 8, i.e. 6 days after the first cases of COVID-19 were discovered among Total's workers, the company decided to shut down part of its activities, although others are still going on. In relation to this semi-stoppage, we would like the following clarifications:
  - Which sectors of the company are in operation during the State of Emergency?
  - Why can these activities not be interrupted?
  - What protection and hygiene measures are in place and what is the level of protection protection of the employees who are working in such activities?
- How can Total claim to be "committed to respecting Human Rights, wherever it operates", given the worsening social conditions caused by its projects, especially for the most vulnerable and unprotected populations?

Anabela Lemos  
Director  
JA! Justiça Ambiental

JA! JUSTIÇA AMBIENTAL  
Rua Kamba Simango No 184 Maputo  
Contact: 82 3061275 / 21 496668  
E-mail: jamoz2010@gmail.com