

GENERAL SPECIFICATION

Sustainable Development

GS EP SDV 103

Human Rights Impact Assessment (HRIA)

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1. Scope

This General Specification defines the Company guidelines for conducting a Human Rights Impact Assessment (HRIA) once a decision has been taken to undertake the assessment. It is the basic standard required by the Company and sets out the content, phases and expected results.

2. Reference documents

The reference documents listed below form an integral part of this General Specification.

External Documents

Unless otherwise stipulated, the applicable version of these documents, including relevant appendices and supplements, is the latest revision published at the effective date of this document.

Reference	Title
European Commission, Shift, Institute for Human Rights and Business HR/PUB/11/04	Oil and Gas Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights (2012)
HR/PUB/12/02	Guiding principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy" Framework. United Nations, 2011.
HRIAM	The Corporate Responsibility to Respect Human Rights. An Interpretative Guide. United Nations, 2012.
International Alert	Guide to Human Rights Impact Assessment and Management June 2010, IFC
International Labor Organization IPIECA-DIHR	Conflict-Sensitive Business Practice: Guidance for extractive industries. International Alert. March 2005.
Shift	Declaration on Fundamental Principles and Rights at Work (1998)
United Nations Voluntary Principles	Integrating Human Rights into environmental, social and health impact assessments. A practical guide for the oil and gas industry. 2013.
	Human Rights Due Diligence in High Risk Circumstances: Practical Strategies for Businesses, New York, 2015
	Universal Declaration of Human Rights (1948)
	Voluntary Principles on Security and Human Rights (2000)

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Total General Specifications

Unless otherwise stipulated, the applicable version of these documents, including relevant appendices and supplements, is the latest revision published in the applicable yearly collection.

Reference	Title
CH-GR-ETH-001	Company Code of Conduct (accessible on the website www.total.com)
GS EP ENV 120	Environment Impact Assessment of E&P Activities
GS EP ENV 501	GIS Deliverables for HSE
GS EP SDV 101	Social Baseline Study
GS EP SDV 102	Social Impact Assessment

3. Definitions and acronyms

Affected stakeholder: One or a group of external stakeholders that actually is, or potentially could be affected by the Project.

Compensation Plan: This plan defines the compensatory or remedial measures for any residual impacts identified in the Social Impact Assessment that could not be avoided when the Project was defined. These measures may include, but are not limited to, financial compensation.

Cumulative impacts: Those impacts arising from the combined effects of the different components of a Project such as factories, camps, yards, pipelines etc within the Project's area of operation. Cumulative impacts may be generated by multiple industrial projects in the same area or region.

ESIA: Environmental and Social Impact Assessment.

GIS: Geographic Information System.

HRIA: Human Rights Impact Assessment.

Human Rights: Human Rights are generally defined as basic standards of treatment to which all people are entitled, regardless of sex, national or ethnic origin, color, religion, language, disability, sexual orientation, or any other status. All Human Rights may be relevant to business and are integrated into / recognized by various international guidelines ([IPIECA-DIHR](#)). The Company as stated in [CH-GR-ETH-001](#) adheres in particular to the principles set out in the [HR/PUB/11/04](#), [International Labor Organization](#), [Voluntary Principles](#) and [United Nations](#) (Appendix 1 and Appendix 2).

Human Rights Impact: A Project can have both positive and negative impacts on the Human Rights enjoyment of individuals, groups and communities. An adverse Human Rights impact occurs when an action or omission removes or reduces the ability of an individual to enjoy her or his Human Rights ([IPIECA-DIHR](#)).

ILO: International Labor Organization.

Impact: Any impact positive or negative, potential or actual, on (i) the physical, natural or cultural environment, (ii) surrounding community, and/or (iii) human rights of individuals - community members or others, resulting from any business activity or omission, or directly linked to the Project by its business relationships.

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Impact avoidance measure: A change in the Project's design, procedures or implementation (technical, planning options etc.) which avoids a negative or potentially negative impact of the Project.

Impact mitigation measure: A change in the Project's design, procedures or implementation (technical, planning options etc.) which reduces and/or mitigates a negative or potentially negative impact of the Project but which may nevertheless leave a residual impact.

Indigenous Peoples: Broadly defined as a distinct social and cultural group possessing the following characteristics in varying degrees: Self-identification as members of a distinct indigenous cultural group; 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 dominant society or culture; a distinct language, often different from the official language of the country or region.

NGO: Non-Governmental Organization.

O&G: Oil and Gas.

Project: Any oil and gas (O&G) activity in which the Company participates and for which the impact assessment has been commissioned (e.g. exploration, construction, etc.).

Project Affected Community (PAC): Any community being subject to risks, potential or actual impacts from an O&G project within the Project's area of operation.

Project Affected Person(s) (PAP): Any individual person or group of persons subject to risks, potential or actual impacts from an O&G project within the Project's area of operation.

Project Area of Operation: The Project's area of operation includes the primary Project site(s) and related facilities, associated facilities whose viability and existence depend exclusively on the Project and whose goods or services are essential for the successful operation of the Project; areas potentially impacted by cumulative impacts from further planned development of the Project; and areas potentially affected by impacts from unplanned but predictable developments caused by the Project that may occur later or at a different location.

Residual impact: Those impacts remaining after impact avoidance and mitigation measures have been applied.

Severity: Expression of the scale of the impacts generated to stakeholders, regardless of their probability, taking into account the nature, the scope, the people affected (considering both the overall number of people affected as well as indications of systemic discrimination); whether the impact is short or long term, the remediability of the impact and the vulnerability of the affected stakeholder including their sensitivity and resilience to handle or recover from impacts (IPIECA - DIHR). In the case of *potential* impacts, severity is assessed independently of probability and is the primary factor to consider in determining the prioritization of measures to address the identified impacts.

Social Baseline Study (SBS): Initial evaluative study of the socio-economic and Human Rights context prior to any operational activity, formalized in the framework of the Exploration & Production processes.

Social Impact Assessment (SIA): Study that assesses and/or analyzes the actual and potential social or Human Rights impacts – positive and/or negative, direct and/or indirect, short, medium and/or long term, intentional and/or not – on the population affected by an O&G project.

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Social Investment Plan: Plan for managing the contribution to the human and socio-economic development of communities affected by a site. The plan is consistent with existing national and local government development plans and, usually, relies on partnerships with organizations experienced and qualified in social and economic development.

Social Management Plan: Summarizes the findings of the SIA; outlines the proposed measures for mitigation and local socio-economic development; provide estimates of the timing, frequency, duration and cost of management measures; and establish monitoring and reporting procedures.

Societal: The Societal approach includes initiatives undertaken by the Company and its assets in order to better integrate their activities into the societal context of their host communities, countries and regions, notably by contributing to human, economic and social development in those territories.

SME: Micro, Small, and Medium sized Enterprises.

Stakeholder: Any person, group of persons, or organization (external to the Company) on who/which the Project (or activity) has an actual or potential, direct or indirect, positive or negative impact, or one that has an actual or potential, direct or indirect, positive or negative impact on the Project (or activity).

Stakeholder Consultation Plan/Stakeholder Engagement Plan (SEP): Consultation and engagement are the ongoing, interactive processes between the Affiliate and its stakeholders. The consultation/engagement plan has three main components: information sharing and disclosure, dialogue (listening and exchanging) and negotiation. It includes the consultation/engagement calendar, the people involved, their roles and responsibilities, and the issues requiring consultation and engagement.

UNDP: United Nations Development Program.

Vulnerability: An individual or group's diminished or lack of capacity to understand, anticipate, cope with, resist or recover from the consequences of a potential impact or other threat. It is important not to confuse 'the vulnerability of people or groups to the Project's impact' with that of people included in 'vulnerable groups' such as indigenous people, elderly people, etc. A person may not belong to a typical 'vulnerable group' but still be very vulnerable to impacts.

4. Potential HRIA drivers

A Social Impact Assessment (SIA) ([GS EP SDV 102](#)) is carried out for all new Projects. Through data collection, stakeholder engagement and analysis, it identifies the impacts of the Project, including any adverse Human Rights impacts. It is often carried out in conjunction with the environment impact assessment ([GS EP ENV 120](#)) to produce an ESIA that studies the full range of Project impacts.

The decision to undertake an HRIA can take place at any point in time. It is recommended that the decision be taken as early as possible in the lifetime of an actual or potential Project. However, internal or external circumstances may change and warrant an HRIA to be carried out in any phase of the Project and so the need to conduct an HRIA should be reevaluated at key project milestones.

The decision as to whether or not to conduct an HRIA is taken by the Affiliate's senior management based on guidance given by societal and Human Rights specialists in the Affiliate and Headquarters.

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The need for, and scope, of a dedicated HRIA is considered in the following contexts. This list is indicative and non-exhaustive.

- Systematic or gross Human Rights abuse is occurring or has taken place in recent history; including project contexts where the State itself is committing Human Rights violations towards residents or parts of the population.
- In weak governance zones or areas with weak rule of law, where the State may be failing in its duties to protect Human Rights, or is not protecting the Human Rights of parts of the population.
- Project contexts where the host country government and/or judiciary have not addressed unresolved allegations or incidents of Human Rights breaches, or where there is insufficient access to remedy for breaches of Human Rights.
- Areas with high levels of bribery and corruption affecting performance of, for example, host country public security providers, certain public officials and/or parts of the judicial system.
- Complex land tenure regimes (including communal land rights) and the absence or poor registration of property rights in the Project area of operation.
- Project or License area is totally, or partially, situated in a conflict affected area or in an area where International Humanitarian Law¹ applies.
- Security providers with known incidents of significant and adverse Human Rights impacts, or security providers that are deployed in a context where Human Rights are not fully protected.
- Contractors with a record of Human Rights exposures, e.g. contractors with a poor labor rights record.
- Known exploitative labor conditions in the Project area of operation and host country, e.g. child or forced labor, wages below living wage etc.
- Widespread and/or systemic discrimination against vulnerable groups, or on the basis of gender, race, religion, ethnicity, sexual orientation, etc.
- Indigenous Peoples living in the area or with a traditional connection to the land on which Project activities are taking place, particularly if these communities are isolated geographically or culturally, are reliant upon natural resources for their subsistence, or do not receive effective legal recognition or protection.
- High levels of poverty and/or inequality in the Project area of operation as defined, for example, by the UNDP Human Development Indicators or the Multidimensional Poverty Index.
- Significant population influx or other in- or out-migration movement e.g. refugees, seasonal workers etc. that causes pressures on basic services or else raises Human Rights issues or concerns.

¹ International Humanitarian Law is the law that regulates the conduct of armed conflict. It is that branch of international law which seeks to limit the effects of armed conflict by protecting persons who are not participating in hostilities, and by restricting and regulating the means and methods of warfare available to combatants. It is inspired by considerations of humanity and the mitigation of human suffering. It comprises a set of rules, established by treaty or custom, that seeks to protect persons and property/objects that are (or may be) affected by armed conflict and limits the rights of parties to a conflict to use methods and means of warfare of their choice. It includes the Geneva Conventions and the Hague Conventions, as well as subsequent treaties, case law, and customary international law.

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- Where circumstances are such that integration of Human Rights into the SIA is not possible or practicable, for example because of the operating context or where potential Project partners do not recognize the potential for adverse impacts. In such circumstances, it may be better to conduct a dedicated HRIA.

5. Objectives of a Human Rights Impact Assessment

The objectives of the HRIA are to:

1. Identify affected and potentially affected stakeholders with a particular focus on those vulnerable to Human Rights impacts.
2. Meaningfully engage with stakeholders.
3. Evaluate the level of vulnerability of PAPs and PACs to impacts.
4. Identify and assess positive and negative Human Rights impacts resulting from the Company's activities.
5. Propose measures to mitigate identified negative impacts.
6. Propose measures to maximize potential positive impacts.
7. Propose indicators to track performance of impacts management measures.

In the case of an HRIA carried out in advance of operational activity, the results, particularly avoidance or mitigation measures, inform the Project design and planning processes. Every effort should be made to ensure that negative impacts are avoided and effectively mitigated.

In the case of an HRIA carried out during operations, the assessment identifies and helps reduce any adverse Human Rights impacts as well as promoting greater stakeholder trust and support for the Project.

6. International framework

The HRIA assesses the actual and potential impacts on the Human Rights of PACs and PAPs and not the risk to the Company.

The HRIA shall include a detailed explanation and description of the methodology applied including stakeholder engagement activities and responses to suggestions and comments made by stakeholders which shall be appropriately integrated into the HRIA. The Consultant shall build the HRIA methodology on evolving international good practice and established HRIA tools. The methodology and implementation shall respect Human Rights based principles of participation, inclusiveness, non-discrimination and accountability as well as the principles for stakeholder engagement (§ 12.5.3).

The standards to be applied are international Human Rights standards, those of the national legislation and those of the Company. At noted above, the Company, as stated in [CH-GR-ETH-001](#), adheres in particular to the principles set out in [United Nations, HR/PUB/11/04](#), the [Voluntary Principles](#) and the [International Labor Organization](#) and other relevant principles from the Bill of Rights (Appendix 1 and Appendix 2).

In the event that international Human Rights standards directly, or indirectly, conflict with national legislation or other requirements, this shall be flagged in the HRIA, the objective being to honor the principles of internationally recognized Human Rights. It is essential to promote the Company's societal and Human Rights policy in relations with the authorities in host countries,

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to partners on whose behalf the Company is operating a license, to partners operating a license on the Company's behalf and any other business partners.

If an SBS and/or an SIA is not conducted in conjunction with the HRIA, or has been conducted at a significant interval prior to the HRIA, the Consultant carries out a gap analysis of baseline information and, if necessary, supplements or updates the SBS through an analysis of the Human Rights context and a mapping of Human Rights obligations.

The Human Rights impacts of an O&G Project may be many, and they vary according to the context, type and scale of the Project. The content shall be tailored to the local conditions and to the nature and characteristics of the Project and shall address potential risk and impacts in at least the following areas:

1. Civil and Political Rights
2. Economic, Social and Cultural Rights
3. Labor Rights
4. Gender and the rights of individuals requiring particular attention or protection, vulnerable persons and groups, in particular Indigenous People
5. Conflict (whether armed or social, or relating to e.g. land, religion)

7. Scope of the HRIA

It is important for the scope of the HRIA to be determined in order to ensure a process that results in a concrete and practical impact management plan for the Project. The scope is influenced by the drivers identified for carrying out an HRIA and other factors such as time, resources and operational needs.

Whilst the scope needs to be defined early on by either the Company or the Consultant (and then validated by the Company), it may evolve depending on findings and stakeholder input throughout the HRIA process, for example, if the findings indicate a need to focus on a particular issue. An HRIA is an iterative process that is responsive to changes in the context.

There are three approaches for the HRIA:

1. A general HRIA, covering all internationally recognized Human Rights.
2. An issue-specific HRIA, covering Human Rights impacts related to a particular issue.
3. A general HRIA which also focuses in greater detail on some specific focus areas.

(1) A general HRIA should be undertaken where there is concern over various Human Rights impacts (Appendix 3), and particularly where the host State is allegedly the perpetrator of Human Rights violations or otherwise fails in its duty to protect Human Rights. This may be most appropriate for an assessment that takes place before significant Project activities have started.

(2) An issue-specific HRIA may be required to assess Human Rights impacts in the context of a particular issue such as land related impacts, community conflict, or security. It may be appropriate either because of the local context (land scarcity), vulnerability of certain groups (entrenched gender or minority discrimination), or because of salient Human Rights risks typically associated with a particular Project activity (use of security providers), or a combination of such factors. Since it is difficult to isolate specific Human Rights, it is important that an issue-

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specific HRIA considers connections with related Human Rights during the assessment and flags any arising issues.

(3) The last approach is a combined HRIA which can be a general HRIA with sections focusing in more detail on specific Human Rights issues that have been identified as salient in the Project context, if there is a need for both. This may be most appropriate for an HRIA taking place after Project activities have started when the screening and scoping phases identify the issues requiring detailed assessment.

The Company should consult with a Human Rights expert to determine the most suitable option for a given situation. Prior to determining the most appropriate approach, the Company may mandate the Consultant to carry out some initial research and make a recommendation to the Company. When in doubt a general HRIA is preferred because it is comprehensive.

8. Human Rights Due Diligence Overview

Human Rights Due Diligence is an ongoing process by which the Company identifies, prevents, mitigates and accounts for how it addresses the adverse Human Rights impacts it causes, contributes to or is linked to through its business relationships.

Human Rights Due Diligence enables the Company to know how it is respecting Human Rights, and demonstrate to its stakeholders how it does so. It includes the process of (1) identifying and assessing Human Rights impacts (2) responding to the impacts by addressing them appropriately and acting on findings (3) tracking performance and (4) communicating and reporting on due diligence activities and findings. Throughout this process stakeholders are engaged.

The first step of identifying and assessing impacts draws on a range of information, which importantly includes (but is not limited to) Human Rights standards, the Project description and baseline information. Additional relevant information includes results from other impact assessment processes or studies commissioned for the Project.

It may be necessary to act immediately on certain findings; there may not always be a need to wait for full information on impacts before acting on findings.

Affiliates are responsible for putting in place Community Grievance Mechanisms. These are an important aspect of Human Rights Due Diligence as they facilitate the identification of negative impacts and remediation measures before, during and after the HRIA process. The Affiliate Grievance Mechanism, if it exists, should be made available to the Consultant and shared with stakeholders, particularly those being engaged with during the HRIA process, in case of any arising concerns or complaints related to current impacts or the HRIA process itself.

Figure 1 below illustrates how the HRIA forms a key part of the Company's Human Rights Due Diligence processes and how certain Due Diligence processes go beyond the HRIA process (ensuring implementation of mitigation measures and monitoring performance for example).