

## **NORTH MARA GOLD MINE LIMITED**

### **Response to a June 2018 blog post and video by MiningWatch Canada**

The North Mara Gold Mine Ltd (“NMGML” or “the Mine”) appreciates the opportunity afforded by the Business and Human Rights Resource Centre (“BHRRC”) to provide its position on what are very serious and troubling allegations now raised by MiningWatch Canada (“MiningWatch”).

By their title - “*Women Speak Out About Abuse at Barrick Gold’s North Mara Mine in Tanzania*” - MiningWatch’s new blog post and video incorrectly suggest that there are new and previously unreported allegations of sexual abuse at the Mine, and that the Mine has ignored or neglected the victims of those alleged abuses. The video itself shows this not to be true, however. It does not discuss or raise new allegations of abuse and, as far as the Mine is aware, there have not been any such new allegations. In addition, the video does not constitute a balanced inquiry into the complex human rights situation at the Mine and in the North Mara region of Tanzania more generally. The Mine therefore requests MiningWatch to reconsider the title of its video, and to include the Mine’s response.

#### *Background on historical allegations of abuse, and remedy provided*

The Mine has been engaging for many years with the challenges facing the women of North Mara. As the Mine reported [here](#) and [here](#) in 2011 (with an update in 2013 [here](#)), the Mine heard disturbing allegations regarding sexual assaults committed by Mine security or members of the Tanzanian Police Force against women trespassing on the mine site or in neighbouring communities in 2011. The Mine took immediate and extensive action to seek to understand or discover the bases for the allegations; to seek to ensure that any illegal or abusive conduct that was identified was ceased immediately and future recurrences prevented; to urge the Tanzanian State to do the same; and to seek to provide proportionate and rights-appropriate remedies to the women allegedly affected, as discussed [here](#).

Ultimately, the Mine decided to provide remedies to the women who made these 2011 allegations, without individual determination whether the allegations were well-founded or could be proven, and without an assessment or admission of any legal liability or accountability on the Mine requiring it to do so. The remedies provided were identified through extensive consultation with the women themselves, and reflected advice from external experts. Since the women received their remedies during 2013, the recipients have not expressed concerns to the Mine about their adequacy or appropriateness. The video now produced by MiningWatch as part of its ongoing advocacy work targeting the Mine is the first time that the Mine has been made aware of any such concerns.

#### *Commitment to respect human rights*

The Mine and its parent company Acacia Mining are steadfast in their commitment to respect for human rights and corporate social responsibility. In keeping with those commitments, the Mine operates a Community Grievance Process (“CGP”) through which members of the North Mara communities may have grievances regarding possible adverse impacts, including with respect to human rights, involving the Mine considered and, where appropriate, responded to with remedies. The Mine has chosen to extend the scope of the CGP to cover grievances not only about the activities of the Mine but also about the activities of third parties linked to the Mine or who enter the Mine site on occasion, including the police, to the extent that impacted community members fail to seek and obtain effective redress from those third parties through other remedy processes available in Tanzania (e.g.

through State-based or judicial processes).

Through the CGP the Mine aims to provide access to remedies that are proportionate, individually tailored, culturally appropriate and compatible with the nature and gravity of any adverse impact. Remedies for security-related impacts on human rights are evaluated against a framework of Tanzanian and international standards for reparation, including methodologies developed by Tanzanian courts and international human rights tribunals. As a guiding principle, remedies in the CGP aim to restore, as far as possible, the situation that existed before the adverse impact occurred, but not to alleviate underlying or pre-existing economic or social conditions or to enrich an individual recipient. Separately, the Mine engages with local stakeholders and invests in a range of initiatives in the area around the mine site as part of the Mine's broader commitment to promote the development of sustainable communities at North Mara.

Given the Mine's good-faith and ongoing efforts to improve the effectiveness of its CGP, it is disappointing that MiningWatch has chosen to repeat its previous unfounded claims that North Mara's CGP "*lack[s] independence*" and does not "*afford . . . a fair process*". MiningWatch's assertions have been extensively refuted by the Mine [here](#). MiningWatch's assertions may arise from its lack of understanding of or familiarity with the details of the CGP itself, although the Mine has produced publically available and detailed process documentation, found [here](#). The CGP is explicitly aligned with the United Nations Guiding Principles on Business and Human Rights ("UNGPs") and its effectiveness criteria for operational-level grievance mechanisms. The Mine's CGP is not, contrary to MiningWatch's apparent assumptions, intended to be a judicial or State-run tribunal, investigating and deciding on legal liabilities in respect of breaches of the law or human rights violations.

#### *Invitation to return to the CGP*

The Mine's CGP is designed and implemented to seek to determine questions of adequacy or rights-compatibility of remedies, by reference to a sustainable and principled human rights framework. To that end, the Mine invites each of the women included in the MiningWatch video or referred to as now being dissatisfied to return to the CGP and request a review of their historical grievances and the remedies they were previously provided. This will enable a determination to be made regarding whether a particular set of remedies provided to a particular grievant was not rights-compatible or was inadequate, and can also take account of the allegations that some grievants now wish they received more or different remedies.

The social and economic context around North Mara is complex and not without its challenges. The Mine believes that the work it is doing with the CGP, and in engaging with and investing in its communities more broadly, is important, and further believes that its work has had and is having a positive impact on the sustainability of the North Mara communities. This includes an improved understanding of and respect for human rights, and crucial opportunities for community members, including women like those featured in the video, to voice concerns they may have about the Mine's activities as well as the activities of third parties, including the Tanzanian police.

In that spirit, if the women featured or referred to in MiningWatch's video do choose to return to the CGP to seek a review of their grievances and the remedies they were provided, as we encourage them to do, the Mine will also have the opportunity to examine with them whether their allegations and grievances could have been handled better, including whether different forms of remedy should have been provided.