



**Comisión Ambiental      Observatorio Dominicano de Políticas Públicas**  
**Universidad Autónoma de Santo Domingo (UASD)**

TENDERING PROCESS FOR TAILINGS DAM “STUDY” ANNOUNCED  
BY MINISTRY OF ENERGY AND MINES:

**In violation of Law 64-2000, confounding the role of the State  
and rendering it a subordinate to Barrick Gold**

The Environmental Commission (Comisión Ambiental) and the Dominican Public Policy Observatory (Observatorio Dominicano de Políticas Públicas) of the UASD **demand THE IMMEDIATE SUSPENSION OF THE CALL FOR TENDERS** for an **alleged** “Strategic Environmental Assessment,” announced by the Minister of Energy and Mines, **Antonio Almonte, TO DETERMINE THE INSTALLATION OF A TOXIC SLURRY DAM FOR BARRICK GOLD** as it goes against the law and is absurd, illogical, and harmful to the interests of the country.

The announcement of the tendering process to **“select the potential location of Barrick Gold’s new tailings dam”** violates our environmental legislation and our evaluation procedures, placing the Dominican Government as an “employee” of the company, **while** limiting its authority in law enforcement and environmental governance.

**It is concerning, both for governance in this sector and institutional transparency, that the announcement was made without disclosing the plans for the alleged expansion of the mining company, should these have been submitted to the government; and especially, after authorities from the Ministry of Energy and Mines and the Minister of the Environment himself, Orlando Jorge Mera, indicated that Barrick Gold has not submitted any formal request for permits for such projects.**

**The Government must immediately cancel the call for tenders and  
comply with the Law**

The proposing party is fully responsible for this preliminary stage. If the State carries out the analysis of alternatives and decides on the location of the project, it takes on the responsibilities that fall on the proposing party and creates an unacceptable distortion. This is exacerbated if public resources are used toward a private project against which social opposition has been widespread and notorious.

To expect that the State examine where a company may develop a project, or a component thereof, constitutes a supplantation that reverses its role in environmental regulation and governance and indicates a total non-compliance with legal mandates.

The preliminary analysis involves an assessment of these factors and may include, if it is assumed to be viable, the terms of reference for the Environmental Impact Assessment, a rejection, or recommendations for modifications to be able to enter the assessment process. It also includes an analysis of real alternatives, as well as issues pertaining to legislation, permits and regulations.

### **The government is to exclusively comply with and enforce the law**

In its definition of a Strategic Environmental Assessment (SEA), Paragraph 27 of Article 16 of Law 64-2000 on the Environment and Natural Resources reads: “it is an instrument for the environmental assessment of public policies, activities and sector-specific projects to ensure that the environment is considered in the various sectors of public administration.”

Article 39 of the same law provides that: “The environmental effects of public administration policies, plans and programs shall be evaluated, and the alternative with the least negative impact shall be selected. An analysis shall be carried out to ensure consistency with the national policy on the environment and natural resources. **Each institution shall carry out its own strategic environmental assessments.** The Ministry of the Environmental and Natural Resources shall issue the guidelines for assessments and shall approve and monitor compliance with its recommendations.”

As noted in Law 64-2000, the SEA provides an environmental analysis of all public policies before investment priorities can be determined. It promotes the consideration of environmental concerns in public investment and long term development planning.

The World Bank refers to the SEA as “the instrument to substantiate public policies from an environmental perspective and determine priorities in resource allocation.”

Article 19 of Law 64-2000 sets out the “creation of the National Council for the Environment and Natural Resources as a link between the National System for Economic, Social and Administrative Planning, the national productive sector, civil society and centralized and decentralized public administration entities that relate to the environment and natural resources, and as a body responsible for programming and evaluating policies, as well as establishing the national biodiversity conservation strategy”.

It is the National Council for the Environment that is to approve the SEA and ensure that policies, decisions and allocations are consistent with it.

An SEA cannot substitute the environmental assessment instruments set out in laws, rules and procedures, let alone be confused with them.