



Mark Bristow,
President and CEO,
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Via e-mail: mark.bristow@barrick.com

October 18, 2022

Mr. Bristow:

Re: Urgent Request that Barrick Halt Forced Evictions and Carry out Independent Due Diligence on Violence and Human Rights Abuses Associated with Forced Evictions at the North Mara Gold Mine

In September MiningWatch undertook a seventh human rights assessment at the North Mara Gold Mine. We focussed on human rights impacts related to the mine since Barrick took over management control in September 2019. Our findings are detailed in [MiningWatch's recent report](#) *"'He was murdered': Violence against Kuria High after Barrick Takeover of Mine."*

We are dismayed to have first-hand accounts of ongoing high levels of violence by mine security, since September 2019, against local Kuria villagers. We have gathered information and documented cases of excess use of force against villagers by Field Force Units of the Tanzanian police, who receive payments and other forms of support from the mine and act as mine police. We also noted the discontinuation of a functioning grievance mechanism. Since 2014, MiningWatch has assessed and written about the failure of various iterations of the grievance mechanism to address the urgent need for access to remedy for victims of excess use of force by mine police and other human rights abuses. When Barrick took over management control of the North Mara mine in September 2019, cases that were before the grievance mechanism were abruptly discontinued and the office now exists in name only. We heard repeatedly that concerns brought to the office in Nyamongo have not been processed or addressed.

Today, we write to raise urgent concern about forced evictions underway, since 2021, in the village of Komarera to make way for mine expansion. Barrick is a member of ICMM, which recognizes that "[w]hen the voluntary nature of resettlement cannot be confirmed, resettlement

should be treated as involuntary.” The accounts we documented make it clear that, at least in those cases, these evictions are not voluntary.

The United Nations Special Rapporteur on adequate housing, as a component of the right to an adequate standard of living, set out the UN position on the [Basic Principles and Guidelines on Development Based Evictions and Displacement](#). This position recognizes the corporate responsibility to respect human rights - also set out in the [UN Guidelines on Business and Human Rights](#) - stating that “[t]ransnational corporations and other business enterprises must respect the human right to adequate housing, including the prohibition on forced evictions, within their respective spheres of activity and influence.” These evictions are occurring to make way for the expansion of Barrick’s North Mara mine. The paperwork the assessors use indicate that the beneficiary is the North Mara Gold Mine. The cheques are also issued from the North Mara Gold Mine. And yet, Barrick is either not doing due diligence with regard to this forced eviction process, or is ignoring the very obvious human rights abuses associated with the process.

The following is described in greater detail in [MiningWatch’s recent report](#).

The assessment process is deeply flawed. Among the consistent concerns raised with MiningWatch are the following issues:

- Assessors are showing up and assessing land without the landowners knowing when they are coming. Sometimes the landowners are not on the land, nor are they represented by a chosen family member.
- Not all people in the village of Komarera can read or write. They are asked to put their finger or thumb mark as a sign of agreement on an assessment of their land that they cannot read.
- People are asked to sign an initial assessment, but after they have signed the form the values of the items assessed on their property may be changed by hand. MiningWatch has seen such assessments and the significant devaluation of the properties that resulted.
- Crops and trees are valued at 15% growth (on the first assessment or in the changes made *after* the landowner has signed), even when they are already much more advanced or already bearing fruit.
- People are told that crops or trees valued at 15% will not receive any compensation. MiningWatch has seen the financial consequences of these inappropriate valuations. There is nothing in the 2016 Tanzanian Law referenced on the forms the assessors use (Sheria ya Uthamini na Usajili wa Wathamini, Na 7, 2016) that indicates that plants valued at 15% should not receive compensation.
- Some, or all, of the houses on peoples’ land are not being added to the valuations, or are added in the initial evaluation, but subsequently removed after the landowner has signed the assessment form.
- We have seen at least one form where no size for the land was entered.
- We spoke to one man whose payment forms were ripped up by the head of the assessment team when he went to complain that he had not received a compensation cheque. He has not received payment for his property and the bulldozers are nearing his land.

- In all cases MiningWatch documented, people said that for the cash compensation they may receive they cannot buy back the same acreages of land, or with the same mature crops, or even build a new house to replace what is being bulldozed for mine expansion. It is for this reason that [international human rights standards](#) note best practice as: *“Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”*

Violence associated with the process:

- People cannot safely and effectively protest the evaluation process or the valuations placed on their land and properties. There is no official grievance process. When people complain to the assessors they are likely to be severely beaten, arrested, and detained by Field Force Units of the Tanzanian police who accompany this assessment process. MiningWatch has documented some of these cases. When people complain to their village head, or to the mine’s grievance office, there is no response to their concerns.

MiningWatch’s investigation documented multiple cases that reveal a land assessment process that is coercive, intimidating and marked by violence against any landowners who dare to protest verbally against the process or the assessed values for their land, their crops and trees and their houses. Furthermore, the settlements offered leave the landowners we spoke with, and many others in the same situation, unable to secure the same area of land that they are losing, let alone replace the crops and trees of value on the land they are losing. Critically, houses also are not valued at current market values, or replacement values, and, MiningWatch has been told by multiple people that their houses have not been recognized by the assessors at all, leaving these and other landowners homeless.

The consequences are severe. People are being driven off land that has been in their families for generations. They are losing the basis for their subsistence and their livelihood and the protection of their homes. MiningWatch met with one man who was violently driven off his land and has moved to a city where he must now try to house and earn an income for his family without his land.

Significantly, 32 Kuria villagers have each paid private lawyers a large sum of money to file against North Mara Gold Mine Limited to stop their land, houses, and agricultural plants and trees from being bulldozed. In granting a restraining order on August 25, 2022 the presiding judge noted:

In the circumstances, I agree with the applicants' counsel that there are triable issues which if not intervened by the court at the moment, may lead to irreparable loss or breach of peace in the area. Should demolition process be blessed to proceed, it is the applicants who are going to suffer irreparable loss as there will be no evidence for that substantiation and meanwhile, some will be rendered homeless.
(Judge F.H. Mahimbali)

Barrick is undoubtedly aware of the concerns detailed here as MiningWatch has seen a letter sent to the mine manager protesting the valuation process of a property and providing careful detail. MiningWatch is also aware that people have gone to complain to the mine's grievance mechanism. And finally, there is the restraining order that temporarily protects 32 villagers.

Given what we have documented, MiningWatch calls on Barrick to:

- voluntarily and urgently halt the assessment and forced eviction process;
- carry out a transparent due diligence process on, among others, the issues that we have documented, preferably by an independent third party. The report of this third party should be made public;
- ensure that people who have already been harmed by this process can safely file their complaints and receive equitable compensation for their losses;
- revised the process to align it with international human rights standards and the rights of the vulnerable people affected by the mine expansion.

We look forward to your reply.



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