



Rights and Accountability in Development

North Mara, Tanzania – Unanswered questions for Acacia Mining and Barrick Gold

(30 September 2016 – Ottawa/Oxford) Acacia's *Response to Globe and Mail Article* raises more questions than it answers about human rights violations at the North Mara mine in Tanzania.¹ RAID and Mining Watch Canada note that Barrick has also responded to the newspaper article, recognising that violence at North Mara ('there have been confrontations with police resulting in deaths') is a matter of concern for Barrick as a majority shareholder in an affiliated mine.² Acacia, which seeks to consign violations at North Mara to history, has yet another opportunity to account for human rights-related incidents at North Mara in the very recent past.

1. Deaths and injuries

Acacia states that it has seen a 'consistent reduction in the number of intruder fatalities at the mine, with 2015 over 50% lower than 2014.'

Q.1.1 Will Acacia provide the precise number of fatalities that it has recorded for 2014 and 2015? Is there a difference between 'intruder' fatalities and 'overall fatalities' (referred to below)?

Acacia states: 'In the last three years around 15% of overall fatalities have been police-related, with 85% relating to accidental falls and infighting amongst intruders.'

Q.1.2 What exactly is meant by 'police-related' fatalities and how many such deaths have there been in 2014, 2015 and 2016?

Q.1.3 Of these 'police-related' fatalities, were any of these – and, if so, how many – the result of shootings or other uses of force by the police?

Q.1.4 In what circumstances, and upon what dates, did each 'police-related' fatality occur?

Q.1.5 How many 'police-related' injuries have there been in 2014, 2015 and 2016?

Q.1.6 Exactly how many deaths due to 'accidental falls' and how many deaths due to 'infighting' have been recorded by Acacia for each of the three years referred to?

Q.1.7 Were police or mine security present when such deaths occurred? Will Acacia explain how each death was investigated before ascribing a cause?

¹ Acacia's response is available at: <http://www.acaciaming.com/media/press-releases/2016/2016-09-23.aspx>. The *Globe and Mail* article, 'Police killed 65, injured 270 at Barrick mine in Tanzania, inquiry hears', is available at: <http://www.theglobeandmail.com/report-on-business/international-business/african-and-mideast-business/police-killed-65-injured-270-at-tanzanian-mine-inquiry-hears/article32013998>.

² Barrick's response is available at: <http://www.barrick.com/files/north-mara/Allegations-of-Violence-at-North-Mara-Mine.pdf>.

The *Globe and Mail* article refers to a Tanzanian Government Commission, which reported receiving information on 65 deaths and 270 injuries attributed to the police responsible for mine security at North Mara.

Q.1.8 Will Acacia provide a yearly breakdown of when these 65 police-related deaths and 270 police-related injuries occurred?

2. ‘Lawful’ killings?

Despite attributing 15% of fatalities over the last three years as ‘police-related’, Acacia says ‘There have been...no fatalities as a result of **unlawful** [emphasis added] action by the police during the period they [RAID and MiningWatch Canada] refer to.’

Q.2.1 If, as this implies, it has been concluded that such fatalities have been the result of lawful police action, will Acacia provide details of the inquiries into these deaths?

Q.2.2 Who carried out any such inquiries and who reached the conclusion on the lawful/unlawful nature of such fatalities?

Acacia says that it is required by Tanzanian regulation to report any deaths on the mine as soon as possible to the Tanzania Police Force and Mines Inspector.

Q.2.3 Will Acacia disclose how many police officers or mine security personnel have been investigated over deaths or injuries to people recorded at the North Mara mine?

Q.2.4 To Acacia’s knowledge – and given that it invites police onto the mine site and contributes towards the cost of policing – how many police officers have been prosecuted or subject to disciplinary or administrative procedures over the past 10 years for the use of excessive force?

3. The need to address official concerns

Acacia states that the newspaper article ‘was based primarily on allegations by two anti-mining NGOs’. RAID and MiningWatch Canada advocate responsible mining and are rightly concerned by business-related human rights violations, in whatever context they occur. Moreover, the *Globe and Mail* focuses on the summary findings of a Tanzanian Government inquiry into events at North Mara and a letter from a senior Tanzanian official requiring action over fatalities at the mine. Acacia says very little about either of these two sources, as cited in the article.

According to the *Globe and Mail*, Acacia has acknowledged that the Commission’s recommendations were published in July 2016 and that ‘they are in line with company expectations and provide a fair outcome for all stakeholders’.

Q.3.1 Why then did Acacia not immediately disclose information about the Commission’s findings and recommendations to its shareholders? Will Acacia now publish a full English translation of the Commission’s recommendations?

Q.3.2 Will Acacia join RAID and MiningWatch Canada in calling for the Commission’s full report to be published?

4. Barrick's responsibility as majority shareholder

The UN Guiding Principles on Business and Human Rights (which Barrick endorses) warns business enterprises that they may be 'involved with adverse human rights impacts either through their own activities or as a result of their business relationships with other parties' (Principle 13). Barrick, which holds a 64 percent ownership stake in Acacia, says that it will 'continue to support Acacia in its efforts to improve safety and security at North Mara mine.'

Q.4.1 Can Barrick explain what form its support to Acacia has taken? Has, for example, Barrick consulted its high-profile CSR Advisory panel about Acacia's on-going human rights and security-related problems at North Mara?

Q.4.2 Has Barrick accounted for the actions of its affiliate through its participation in the Voluntary Principles on Security and Human Rights, for example, by documenting police-related fatalities and injuries at North Mara under its reporting obligations?

Resources

RAID and MiningWatch Canada, *Press Release*, 22/23 September 2016, 'Tanzanian Government investigation receives hundreds of reports of violence and deaths at Acacia's North Mara Mine', available at: <http://www.raid-uk.org/documents/pr100sofclaimssofviolenceatacaciasnorthmaramine-pdf>

RAID and MiningWatch Canada, *Adding Insult to Injury at the North Mara Mine*, September 2016, available at: http://miningwatch.ca/sites/default/files/adding_insult_to_injury_north_mara_0.pdf

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