

## **The International Commission of Jurists concludes visit to North Mara mine in Tanzania**

On Friday 1 September, a delegation from the International Commission of Jurists (ICJ) concluded a learning and assessment mission to the North Mara region and the North Mara Gold Mine Ltd, a subsidiary of Acacia Mining plc located in north-west Tanzania in the Tarime district of the Mara region. The visit took place between 27 August and 1 September.

The objective of the ICJ Mission was to learn about the operation with a view to assessing the effectiveness of the North Mara Gold Mine's operational grievance mechanism (OGM) in addressing complaints over alleged human rights concerns and abuses committed in connection with the mine's operations.

The mission noted the progress that the mine has made in developing its OGM and will be continuing to gather information with a view to more fully understanding its operation.

The North Mara mine is by far the largest investment and economic engine for the region, and a major attraction for people migrating into the immediate area, whose population has grown exponentially since the mine was initiated in 1998. The prospect of gold predictably created a strong economic magnet that was bound to attract people in search of economic opportunities. As company officials themselves acknowledged, the company was slow in putting in place the necessary physical security and measures to avoid human rights abuses and to redress those which occurred.

The delegation is grateful to the NGO Legal and Human Rights Centre (LHRC) of Tanzania for its facilitation of the visit and especially the meetings with a number of people who have grievances pending against the company.

The delegation is also grateful to the North Mara Gold Mine for facilitating a visit to the mine sites and meetings with its security and grievances teams, as well as the General Manager of the mine, who responded substantively to the questions that were posed.

The delegation met with local government representatives, including the Chairman of the District Council and the Officer Commanding District of the police. Despite requests, no other government representatives were made available to meet with the delegation. The delegation also met with other local civil society organizations.

During its stay in Tarime, the town closest to the mining sites, and its visits to the surrounding villages, the delegation was able to appreciate the social, economic and political conditions in which people live and in the context of which the

North Mara mining company operates. The region is generally poor, infrastructure and facilities are basic, and there is a lack of resources other than the gold (which has traditionally been mined in the area, and is still mined by small local operations), and subsistence farming.

Government structures, both national and local, are generally ineffective in dealing with the multiple grievances that have arisen at the mine, other than on occasion offering non-binding mediation. A police detachment stationed and operative outside the mine and, upon request, inside the mine sites, is seen by critics as more closely aligned with the interests of the mine than with the local communities, although there are recent police initiatives attempting to improve relations between the mine and the local people. Against this backdrop, the North Mara mine appears to operate more or less free of close supervision by outside authority.

The original design of the mine inadequately anticipated the impact of creating massive piles of “waste rock” bearing amounts of gold capable of recovery by the local population. Generally, such “waste rock” is delivered to local small-scale mine operators who have enough of an economic incentive to extract small amounts of gold that the company implied were of little to no economic use to the larger mine. Many of the most serious issues, ranging from compensation for the taking of land owned or possessed by locals to the periodic trespassing and intrusions into the mine by locals, are linked to the inadequacies in the way the mining operation was conceived and operated in practice in its first years.

The denunciation by NGO’s of very serious incidents at the mine site relating to death and injuries to locals sifting through “waste rock” prompted international condemnation that picked up around 2013 and 2015, and caused serious international damage to the company and its parent company’s reputation. Since then, the company has attempted to modify certain of its related policies and practices, including remedies through its grievance mechanisms, to face the continuing security and social challenges on the ground and to address (with uneven results) the legacy of past deaths, injuries and other grievances that add to present problems.

### ***Meetings and site visits by the ICJ delegation***

The ICJ delegation met with a number of people and representatives of those who had grievances pending against the company. The cases described to the delegation related to life and security of the person (including death or injury of those venturing into the mine sites), sexual assault, land expropriation without compensation and environmental and water pollution issues. The mission was told of many personal tragedies and the frustration of failing to get the company to respond fairly and promptly. The ICJ delegation was deeply concerned about the gravity of many of those allegations and the difficulties experienced in accessing any adequate remedy and reparation.

The delegation met with grievants who have used the company grievance mechanism. Some of the meetings were arranged by LHRC and others by the North Mara mining company. The more recent improvements, concerning in particular a two-stage procedure and a mechanism for appealing the conclusions reached by the mine grievance personnel, received mixed reviews from the different grievants.

The delegation was struck by the richness of the mine and the poverty of the surrounding area. The mine pays taxes and royalties to the national government and service charges to the local government, but investment in basic infrastructure in the region shows that these payments are insufficient or that the local communities do not adequately benefit from them. There are differing views within the government of Tanzania about the appropriate division of royalties that are currently under discussion.

The company and local police explained their perspective on the security challenges, ranging from trespassers and intruders to collusion, the mining company faces and the measures it has taken, or intends to take, to meet them. The company has some 2,000 employees, many of them are part of the local community who are directly affected by the existing insecurity and conflict. Incidents involving violence and bodily harm have decreased in recent years, probably because of increased physical barriers around the mine sites and more efforts to engage with the involved communities. It is extremely important that the company step up its work to build physical security and protection of the mine sites from intrusion that create the opportunities for violent incidents.

In this context, the ICJ delegation drew on sources as diverse as possible to gather information about the state and operation of the mining company's grievance mechanism. The company shared information about their OGM and a new policy for Human Rights Grievances that is currently under implementation while still under consultation. Before and during the meeting, the ICJ requested some information that the company has not yet agreed to share. While it continues its research, the ICJ calls on the company to adequately communicate its policies and practices to all stakeholders and carry out the broadest possible consultation, including among the critics, with a view to improve their effectiveness.

Several questions remain unclear due to the limited information provided to date (2 September) to the ICJ and the sharply contrasting views among stakeholders. Among such issues are the level of compensation, the kind of remedy provided, the number of human rights cases resolved and the terms of any settlement agreement.

### ***Next steps***

The complexity of the context where the North Mara mining company operates, and the limited information that the ICJ obtained to date from the company

about its OGM, requires additional research and monitoring of the general situation, as well as the specific evolution of the OGM. The ICJ will elaborate a full report on this site visit and related research about the North Mara gold mine, including recommendations.

The visit to the North Mara region and the mine site is part of a broader initiative undertaken by the ICJ to study the effectiveness of operational grievance mechanisms and elaborate further recommendations on their improvement. The initiative will take the ICJ to carry out further site visits across other regions and industry sectors.

<https://www.icj.org/themes/business-and-human-rights/initiative-on-grievance-mechanisms/>

