**Acacia Mining’s (formerly African Barrick Gold) response regarding allegations on its grievance mechanism in Tanzania**

12 January 2015

*Business & Human Rights Resource Centre invited Acacia Mining to respond to the following article:*

-          “Out- of-Court Settlement Good for Some Tanzanian Villagers - But Many Others Hindered from Participation by Barrick’s Grievance Mechanism” , Mining WatchCanada & RAID, 9 February 2015: <http://www.miningwatch.ca/news/out-court-settlement-good-some-tanzanian-villagers-many-others-hindered-participation-barrick-s>

In response, Acacia Mining sent the following statement:

Acacia notes the further comments of MiningWatch Canada (“MWC”) and RAID around human rights at the North Mara Gold Mine (NMGM). These are yet another restatement of allegations that have been made on multiple occasions by MWC and RAID. We have responded in detail to two letters from MiningWatch Canada (“MWC”) and RAID in 2014.  Despite our invitation to MWC and RAID to provide further details of the allegations, no such further details have been forthcoming.  In our responses we have also offered to meet with MWC and RAID to discuss their concerns.  This exchange, together with additional background on the grievance mechanism, appear on our website at <http://www.acaciamining.com/sustainability/our-material-areas/community-relations/grievance-mechanism.aspx>

Regrettably, it appears that MWC and RAID continue to reiterate many of the same allegations, ignoring the detailed information Acacia provided and without providing any further details or discussing this with the senior management of Acacia or NMGM.

**Security arrangements and investigations into security incidents at North Mara**

Acacia is committed to engaging with local communities in connection with our operations, including the NMGM in Tanzania.  We disagree with MWC and RAID’s criticisms of security arrangements and investigations into security incidents at the North Mara mine.  In particular, we do not accept the allegations on which those criticisms appear to be based.  We also strongly dispute the allegations in relation to the number of fatalities in the period referenced by MWC and RAID.

We note that the Voluntary Principles on Security and Human Rights (“VPs”) provide the cornerstone for our policies and practices in this area and for our ongoing review to ensure those policies and practices are protective of human rights.  In line with best practice under the VPs, all contracts with private security providers and our memoranda of understanding with the Tanzanian police maintaining security in North Mara incorporate the VPs by reference.  Our investigations policy is also designed to reflect best practice under the VPs, including with respect to the gathering of evidence about allegations of human rights abuses by private contractors and public security forces.  Further details regarding our approach to community engagement, security and human rights can be found on our website.

**Grievance mechanism at North Mara**

As also detailed on our website, we maintain grievance mechanisms at all our mines, including North Mara, as prescribed by the UN Guiding Principles on Business and Human Rights (“UNGPs”).  We have continue to ensure that these grievance mechanisms are responsive to the concerns of surrounding communities and otherwise satisfy the effectiveness criteria set out in the UNGPs.

In particular, the grievance mechanism at North Mara is legitimate and accessible, based on the free and informed consent of those who use it, and designed to resolve grievances through engagement and dialogue. It has been in place since  2009, and not 2013, as MWC and RAID claim. We therefore disagree with the claims in the MWC Alert regarding that grievance mechanism.  Specifically, we note the following:

* **The grievance mechanism at North Mara is well-publicised:** Contrary to MWC and RAID’s claims, the mechanism is advertised widely, and leaders from each of the seven villages surrounding the mine report that the community is generally aware of the grievance mechanism, know how to access it and understand its functions.  Indeed, the mechanism is used by hundreds of community members every year (only a small percentage of whom bring human rights-related claims). These are distributed in Swahili and in different forms. The NGO, Search for Common Ground provide information about this mechanism as part of their work in the communities around NMGM as well as Acacia’s other operations: <http://www.acaciamining.com/sustainability/our-material-areas/community-relations/search-for-common-ground.aspx>
* **The grievance mechanism is open to all:** The operation of the grievance mechanism is neither selective nor biased, as MWC and RAID allege.  It is open to anyone who would like to access it. Grievance resolution agreements are always written, negotiated and executed in Swahili, with an English version also executed only in the final instance.  Moreover, the mine offers vouchers to fund consultations with independent lawyers and insisting that a retired Justice of the Tanzanian High Court review the agreements carefully with complainants in Swahili.
* **Grievance resolution agreements are rights-compatible:** MWC and RAID claim that the “use of legal waivers [in grievance resolution agreements] means that compensation is dependent on the victims signing away their rights to pursue civil legal action against the company.”  However, the UN Office of the High Commissioner for Human Rights (“OHCHR”) has recognised that the need by both sides for predictability and finality justifies the use of narrowly-tailored legal waivers in such agreements.  The legal waivers used in the mine’s grievance resolution agreements are narrowly tailored in accordance with this guidance.