

20 June 2024

Dear Ms. Beatriz Balbin and members of the Working Group,

As per our previous correspondence dated 24 April 2024, we have received your Joint Communication, dated 22 April 2024, which made enquiries and raised concerns about the North Mara Gold Mine. It should be noted that North Mara Gold Mine Limited (**NMGML**) is the owner and operator of the North Mara Gold Mine and that Barrick Gold Corporation does not have direct operations in Tanzania.

This response aims to provide you with additional information and context, as well as clear up some misconceptions and inaccuracies reported in your letter. This response is detailed and covers all the aspects raised in the Joint Communication – most of which are already publicly available. A cursory review of this public information would have provided the Working Groups and the Special Rapporteurs with the necessary information to conclude that these allegations were misdirected, unfounded, lacked substance and have already been responded to in detail. NMGML has taken the liberty of engaging with the Tanzanian Commission on Human Rights and Good Governance to investigate these allegations as a matter of urgency. NMGML and Barrick have also held a number of meetings with associated Governments, including the governments of Tanzania, Canada, the United States of America and the United Kingdom.

Barrick is proud of the work NMGML has done to rebuild relations and trust in our surrounding communities and uplift our host communities. Accordingly, the key takeaways are summarised below, followed by a referenced response to your direct questions and a Table of Contents to assist the reader to navigate to the respective sections of the report that expand on these summaries:

- The central allegations in the Joint Communication are against the Tanzanian Police Force (TPF). Yet, the Working Groups and Special Rapporteurs seemingly did not conduct a site visit or engagement with Tanzanian authorities before sending the Joint Communication to Barrick, its shareholders and the Tanzanian Government, to whom the allegations are levelled.
- There is no such thing as ‘mine police’, or ‘police from the mine’ ([Misstatements in the Joint Communication and Factual Corrections](#)). The TPF is an institution of state with the duty to uphold law and order in the community. Similarly, there are no ‘mine vehicles’ used by the police. The use of language linking the TPF to the mine is false and based on bias that has already been publicly corrected.
- NMGML has a contracted private security provider (SGA) that is a registered business in Tanzania. It is also a certified member company of the International Code of Conduct Association (ICoCA) – international best practice for security providers. Barrick has already engaged with ICoCA to undertake a collaborative site assessment to work with SGA in strengthening private security practices at site as part of our continual improvement plans. These collaborative assessments are part of ongoing improvement plans and are not in response, exclusively, to the Joint Communication. Barrick is an observer company to ICoCA and seeks to promote security best practice from all its security contractors.
- The private security provider, SGA, is unarmed. There are no lethal weapons or ammunitions held by NMGML, its employees or contractors.

- Barrick entirely refutes any suggestion that NMGML's private security contractor is a *private military*, hires *mercenaries* or is *unregulated*. These allegations are categorically false and irresponsible.
- Private security on site is necessary to protect the health and safety of NMGML's workforce and assets ([Security Context](#)). When the lives of the employees are in endangered by criminal intruders, often armed and violent, the police are requested to assist in upholding law and order. This is not dissimilar to any other part of the world when criminals illegally gain access to private property with the intent to steal, vandalise and cause harm.
- The private security contractors respond to these intrusions and seek to deter and repel the intruders. However, the intruders are often violent and armed with spears, machetes, bush knives and other weapons and often significantly outnumber the responding security personnel.
- In such circumstances, the TPF would respond and remain under their own chain of command. Under no circumstances does NMGML, or Barrick, direct, control or supervise the TPF, and similarly the TPF cannot control, direct or supervise the private security personnel contracted by NMGML. There are no joint security operations: the TPF assume control of the crime scene once called upon.
- The [Memorandum of Understanding \(MOU\) with the Tanzanian Police Force](#) sets out the mechanisms through which NMGML and the TPF interact. This MOU is in line with the VPSHR, and the UNGPs. The MOU includes:
 - Roles and responsibilities between TPF and private security, reinforcing the respective independence;
 - Engagement forums between the TPF and NMGML;
 - Training requirements and the training that will be provided by NMGML, including VPSHR.
 - Incident reporting and investigation requirements; and
 - TPF cannot access the mine site unless expressly requested to do so, or under requirement by law.
- NMGML has issued [Public Disclosures Addressing Repeated Allegations](#) following security related incidents that have occurred, which are selectively quoted by the Joint Communication. The key takeaway however is that investigations were requested and NMGML remains in communication with the TPF and government authorities.
- The population of the communities surrounding the mine has increased dramatically over the past decade as a result of influx and natural population growth ([Socio-Economic Change](#)). The Joint Communication has failed to consider the impact of this population growth along with inter-regional migration and the surge in illegal mining on land management, blaming the stress exclusively on mine expansion. This is a one-dimensional view of a complex challenge.
- Similarly, the loss of access to livelihoods through the mine development is false. All legitimate mineral rights holders, prior to the development of North Mara Gold Mine, entered into Royalty Agreements ([Royalties and Small-Scale Mining](#)) that ensure those individuals and collective village structures receive annual royalties from the mine. All rights holders continue to be compensated and these values are publicly disclosed annually. Between 2020 and 2023 these Royalties totalled nearly \$ 23m.
- [Illegal Mining and Processing](#) on the other hand is widespread, unregulated and part of a criminal syndicate of illicit gold trade and smuggling. These activities use child labour, lack health and safety standards, use cyanide, mercury and other chemicals without due controls, and impact on the health of the community and environment. These activities are not the rudimentary, supplementary income activities referenced by the Special Rapporteurs as 'ASM' (Artisanal and Small Scale Mining) – which are a permitted and regulated mining activity. Illegal mining, on the other hand, consists of mining that takes place without the requisite permits and is, as the name indicates,

illegal. As included in this response, it is illegal mining that has expanded significantly in the past 5 to 10 years.

- Illegal mining is supported by a criminal syndicate which is responsible for encouraging and sponsoring armed, coordinated and large (between approximately 50- 100 individuals) illegal incursions into the North Mara Gold Mine. Publishing unsubstantiated allegations such as those made in the Joint Communication unfortunately justifies the activity and therefore perpetuates the problem, not only in terms of security issues that lead to the very allegations made against NMGML, but also its impacts on the environment and host communities.
- Although these intrusions are large in numbers, those involved represent a minority of the communities which are overwhelmingly law-abiding citizens.
- Significant efforts are in place to deter these criminal activities, including significant physical barriers and electric fencing, as well as awareness and education campaigns, and livelihood development ([Socio-Economic Development and Engagement](#)).
- NMGML works and collaborates with many in-country and local NGOs ([Civil Society Collaboration](#)) on an open-door policy and holds at least quarterly site visits and meetings, with them, including focused projects, such as [Grievance Mechanism](#) review and awareness building, or community gender-based violence education and awareness.
- Finally, there have been no forced evictions. NMGML has worked to close legacy [Relocation and Resettlement](#) commitments and has completed over 96% of the relocation associated with the mine expansion.

The language used throughout the Joint Communication consistently lacks objectivity. It appears that the Working Groups and Special Rapporteurs are presenting allegations as facts, or as a minimum have used information from international NGOs word-for-word, to which we have consistently responded to by laying out the facts.

It is concerning to us that the Special Procedures Branch of the Office of the Human Rights Commission (UNHRC), seemingly failed to engage with your counterparts in Tanzania, or why the UNHRC did not immediately raise these issues with Tanzanian authorities when receiving its information before circulating the Joint Communication to not only Barrick, but its shareholders who do not have any control over the day-to-day operating decisions of the company. By sharing uninformed and unsubstantiated allegations that have already been publicly corrected, before allowing us to respond with factual information, you have taken the risk of causing harm to our business, the reputation of our host country partners, our community stakeholders and our shareholders.

Notwithstanding the above, the allegations raised are taken seriously by Barrick. However, Barrick has been requesting and urging international NGOs who have made similar allegations as a matter of urgency to share their details with the respective authorities and cannot see any reason for this to be delayed. Barrick extends the same urgency and request to the Working Groups and Special Rapporteurs.

The questions raised in the Joint Communication have cross cutting outcomes, of which the entirety of this response seeks to address. In an effort to support stakeholders to navigate this response, the Joint Communication questions are paraphrased below, with the corresponding sections that provide the detailed answers:

1. Provide additional information you may have on the allegations.

The entirety of this response should be considered in view of the allegations raised in the Joint Communication, and notably in the section titled [Misstatements in the Joint Communication and Factual Corrections](#).

2. Provide the legal basis of your company's presence in Tanzania.

Barrick does not have a direct presence in Tanzania. Barrick has an indirect 84% ownership interest in three gold mining companies – including North Mara Gold Mine Limited, as well as a management company called Twiga Minerals Corporation Limited. NMGML is the owner and operator of North Mara Gold Mine.

See [Ownership History](#) and [Public Disclosures Addressing Repeated Allegations](#).

3. Provide the management and ownership structures, and chain of command.

Barrick is incorporated under the British Columbia Business Corporations Act and has its corporate office in Toronto.

Barrick does not own directly or operate any of the mines and projects in its portfolio. These are owned and operated by operating companies, the majority of which are incorporated in the same jurisdiction as the relevant mine or project. Barrick has an indirect shareholding interest in those companies.

Barrick has implemented a flat management structure. Barrick's Board of Directors consists of eight independent Directors and two non-independent Directors.

With respect to sustainability initiatives specifically, while Barrick has a Group Sustainability Executive, the implementation of the Company's human rights policies occurs at the level of the subsidiaries and affiliates that own and operate mines and projects in Barrick's portfolio. Barrick believes that sustainability must be delivered on the ground by those best placed to do so.

Barrick's executive leadership team consists of 17 executives, including myself, Dr. Mark Bristow as President and CEO, and three regional Chief Operating Officers. These Chief Operating Officers are responsible for operations in Latin America and Asia Pacific, Africa and Middle East, and North America respectively.¹

The mines in Barrick's portfolio are overseen by General Managers. The General Managers are responsible for day-to-day operations at the mine-level, and for the adaptation and implementation of Barrick group-wide policies and strategies. Each General Manager is directly accountable to the Board of Directors of the relevant operating company.

4. Provide human rights due diligence policies and processes, in line with the UNGPs. In particular whether heightened due diligence is exercised in high-risk operating environments.

See [Sustainability Strategy and Human Rights Policy, Program and Standards](#).

5. Provide information about specific due diligence or impact assessments, and effectiveness of measures including through meaningful consultation with affected stakeholders.

See [Socio-Economic Change](#), [Human Rights Assessments and Training](#) and [Civil Society Collaboration](#).

6. Describe human rights training requirements and how these are implemented.

See [Memorandum of Understanding \(MOU\) with the Tanzanian Police Force \(TPF\)](#), [Human Rights Assessments and Training](#) and [Civil Society Collaboration](#).

¹For additional detail, see Barrick's 2023 Annual Information Form issued March 15, 2024 at pp. 175-181.

7. Highlight measures your company is taking to ensure non-repetition of links with allegations.

See [Sustainability Strategy and Human Rights Policy, Program and Standards](#), [Socio-Economic Development and Engagement](#), [Security Context](#), [Memorandum of Understanding \(MOU\) with the Tanzanian Police Force \(TPF\)](#), [Relocation and Resettlement](#), [Human Rights Assessments and Training](#), and [Civil Society Collaboration](#).

8. Provide steps taken to implement an operational grievance mechanism in line with the UNGP.

See [Grievance Mechanism](#) and [Sustainability Strategy and Human Rights Policy, Program and Standards](#).

9. Indicate measures to ensure victims of violence, including gender-based violence are able to receive assistance and protection.

See [Security Context](#), [Misstatements in the Joint Communication and Factual Corrections](#) and [Civil Society Collaboration](#) and question 10 below regarding gender based violence.

10. Provide efforts to ensure the identification and specialized support services to victims and survivors of sexual abuse and violence.

There have been no allegations of sexual abuse and violence associated with North Mara Gold Mine or its security forces; the Joint Communication similarly makes no allegations but raises *heightened risk* of violence in the presence of mercenaries. There are no mercenaries or private military operating at North Mara Gold Mine.

See [Misstatements in the Joint Communication and Factual Corrections](#).

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Introduction

Barrick² welcomes engagement with our stakeholders and respect for human rights is a foundational value at Barrick and a central part of our sustainability vision. We work across a diverse range of social, economic, and political contexts and are part of the fabric of society in the communities and countries in which we operate, and our track record in creating positive change in the areas in which we work is a matter of public record.

We acknowledge our responsibility and the opportunity to contribute to realising human rights for peoples around the world. We therefore take active and consistent steps to respect human rights, as described in our standalone [Human Rights Policy](#)—which is informed by, among other sources, the UN Guiding Principles on Business and Human Rights (UNGPs), the Voluntary Principles on Security and Human Rights (VPs), and the OECD Guidelines for Multinational Enterprises.

Public Disclosures Addressing Repeated Allegations

On a preliminary basis, we note that the allegations contained in the Joint Communication, which for the most part had been previously made by certain international NGOs, have been dealt with over many years and we continue to publicly disclose our responses, engagements and importantly human rights approach. As such, much of the information requested in the Joint Communication has already been publicly disclosed. For the ease of reference, we have listed the public statements that Barrick has made regarding the allegations that the Working Groups and Special Rapporteurs have repeated in the Joint Communication. We trust this will provide some balance to subjective nature of the Joint Communication:

- [North Mara focused web page](#);
- Security, incidents and allegations:
 - [REDACTED]
 - [Security Context](#), 23 September 2023;
 - [REDACTED]
 - [REDACTED]
 - Employee Incident on [12 March 2023](#), [REDACTED]
 - Incidents on [30 November 2022](#), [13 July 2023](#), [21, 27 September 2023](#), [26 November 2023](#), and [18 December 2023](#).
- Land Relocation:
 - [REDACTED]
- Operations:
 - [Education Investment Pledge](#), 20 March 2023;
 - [Social, Skills and Infrastructure Investment](#), 27 May 2022;
 - [Appointment](#) of local security contractors, 4 September 2020;
 - [Public statement](#) on major outputs, 25 May 2020;
 - [Launch of TWIGA](#), 20 October 2019.

Despite this, we have set out herein detailed information and responses to the allegations including information about the context and background of operations at North Mara Gold Mine.

² Barrick refers to the Barrick Gold Corporation Group of companies and is being used as a shorthand for convenience and the North Mara Gold Mine is in fact owned and operated by NMGML.

Context and Background

It is necessary to provide context and background concerning Tanzania generally, and the North Mara Gold Mine more specifically to ensure that the Working Groups and Special Rapporteurs have a fundamental understanding of the region and operations.

Tanzanian Population

Tanzania gained its independence from colonial rule in 1961 in Tanganyika (the mainland), and 1963 in the Zanzibar archipelago, with these two regions uniting in 1964 to form the United Republic of Tanzania. The country is one of the most linguistically diverse countries in East Africa, with over 100 languages spoken, and a population of approximately 125 different ethnic groups³. The population is 99% of native African descent⁴, and 95% of which are considered of Bantu ethnolinguistic origin, including Kuria.

Due to this diversity, no ethnic group is considered a majority in or predominates Tanzania: all ethnic groups, bar one, account for less than 5% of the population. To build national unity after independence, the Government of Tanzania introduced Kiswahili as a national language; considered a neutral language which no ethnic group can lay definitive claim. The government declared that all land in Tanzania belongs to the public, with the President serving as the custodian of public interests.

It is unclear why the Joint Communication has attempted to single out a particular ethnicity, rather than speaking about the regional communities as a collective; the challenges faced by Kuria in rural areas are the same as the challenges faced by the majority of Tanzania's rural population – which accounts for 65% of the country. The majority of Tanzania's 125 ethnolinguistic groups have a distinct language, and ties to the land. This diversity results in a country comprised of minorities. It is this vast diversity that is often credited as one of the predominant reasons that Tanzania has not faced tribal conflicts that much of the decolonised countries across the globe have faced.

We do not support the Joint Communication's attempt to sow divisive language amongst the citizens of a diverse, non-majority population that democratically elects a non-colonial ruling party. The reference to "indigenous" or "Kuria" as indigenous, without explicitly and cautiously avoiding defining them as "Indigenous Peoples" within the meaning of the applicable rules. This is misleading as clearly these references and insinuations are made without due diligence and/or knowledge of the local context.

Locality

The North Mara Gold Mine is located in a remote area in north-west Tanzania in the Tarime District of the Mara region. It is approximately 100 km east of Lake Victoria and 20 km south of the porous Kenyan border.

³ Levinson, David (1998). [Ethnic Groups Worldwide: A Ready Reference Handbook](#). Oryx Press. p. 173.

⁴ Levinson, David (1998). [Ethnic Groups Worldwide: A Ready Reference Handbook](#). Oryx Press. p. 173.

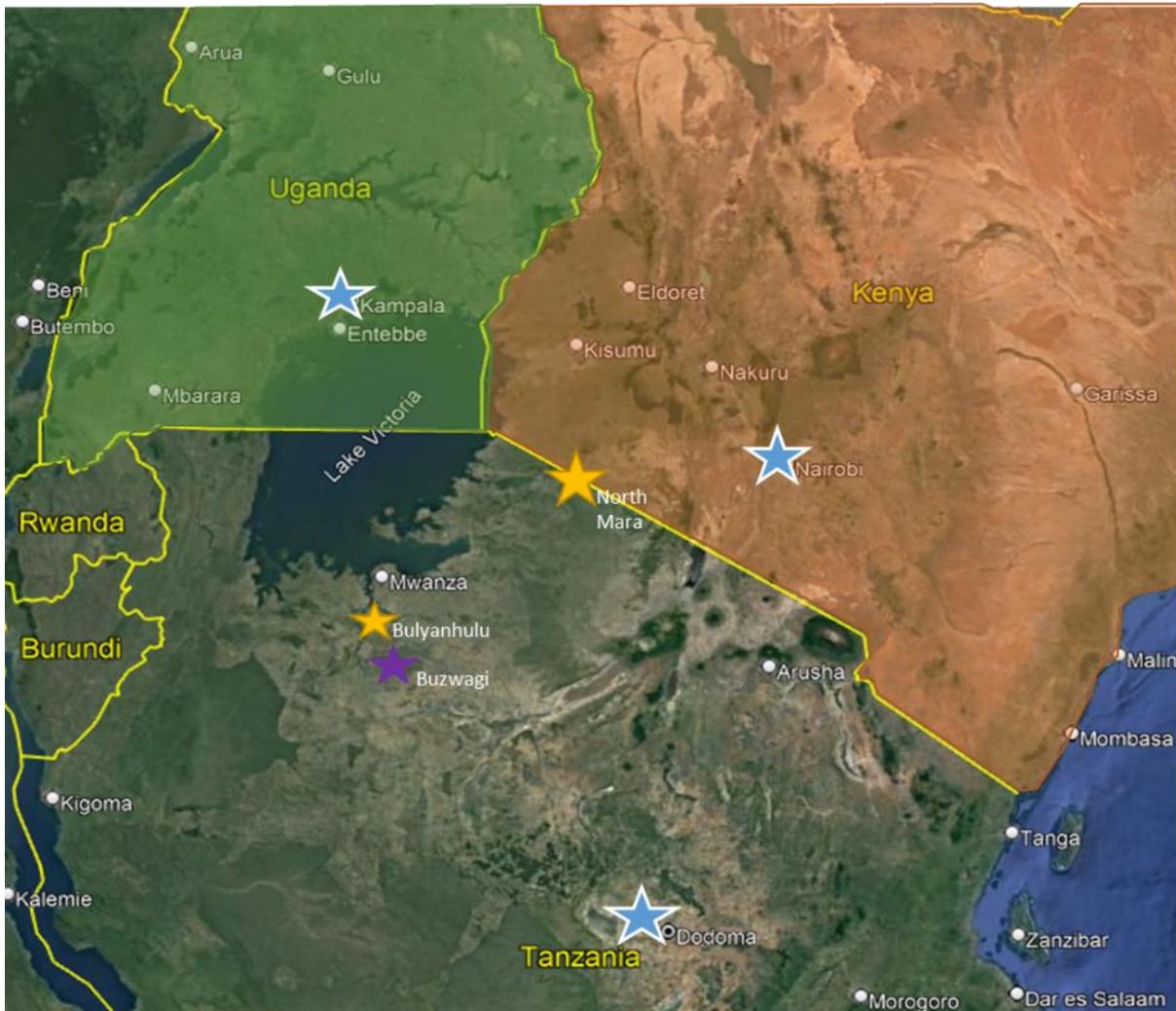


Figure: Regional Setting

Tarime District is one of the six districts of the Mara Region. Tarime District is bordered by the Kenyan border to the north, Lake Victoria to the west, and the Serengeti and Musoma Districts of the Mara Region. Tarime town, the capital of the District, is located approximately 40 km from the mine. There are 11 villages that neighbour North Mara Gold Mine, located across five wards (see [Influx and Services Pressures](#) for demographics).

The region presents a complex operating environment with geographical, social, environmental and economic challenges that contribute to unique safety and security concerns affecting the community at large.

The mine is a combined open pit and underground operation from two deposits, Gokona (underground) in the north and Nyabirama (open pit) in the south, connected by a haul road that transports ore from Gokona to Nyabirama for processing. The process plant and Tailings Storage Facility (TSF), along with ancillary infrastructure such as water treatment plants, offices and staff accommodation are located at Nyabirama. The process plant has the capacity to process an average of 8,000 tonnes of ore per day.

Ownership History

Exploration, for what would become the North Mara Gold Mine, was carried out by Africa Mashariki Gold Mines Limited in 1993. The Mine was later acquired in 1997 by the Australian company East Africa Gold Mines which brought North Mara into commercial production in

2002. Barrick acquired a shareholding in North Mara through its acquisition of Placer Dome in 2006, which in turn had acquired East Africa Gold Mines in 2003. In 2010, Barrick's then East African assets were hosted under a separate entity, that had its own independent Board and was listed on the London Stock Exchange. Originally known as Africa Barrick Gold, it changed its name to Acacia Mining plc (Acacia). Acacia owned NMGML for much of the remaining decade.

A number of challenges arose during Acacia's ownership of NMGML, culminating in the ban of concentrate export, and the issuance of an Environmental Protection Order by the Tanzanian National Environment Management Council (NEMC) in July 2019 to cease operating the TSF, effectively closing the mine.

In September 2019, Barrick acquired Acacia and thereby indirect ownership of North Mara, and two other Tanzanian mines (namely, Bulyanhulu and Buzwagi). In October 2019, Barrick and the Tanzanian government reached a final agreement on settling the Acacia-related disputes, which included the Tanzanian government acquiring a free carried shareholding of 16% in each of the mines and the sharing of future economic benefits from the mines on a 50/50 basis. In conjunction with the finalization of the agreement, a new operating company called Twiga Minerals Corporation Limited ("Twiga") was formed. Under the agreement, the Tanzanian government would receive half of the economic benefits through taxes, royalties, clearing fees and participation in all cash distributions made by the mines and Twiga. Barrick does not have a direct presence in Tanzania. Barrick has an indirect 84% ownership interest in three gold mining companies – North Mara Gold Mine Limited, Bulyanhulu Gold Mine Limited and Pangea Minerals Limited as well as a management company called Twiga Minerals Corporation Limited. The Government of Tanzania owns the remaining 16% of the each of the four companies.

Sustainability Strategy and Human Rights Policy, Program and Standards

Barrick's sustainability vision is to create long-term value for all our stakeholders, including our local communities, as we are the custodians of a nation's natural resources. This vision is underpinned by the knowledge that sustainability aspects are interconnected, and thus we apply a holistic and integrated approach to sustainability management. The approach is based on science, links to the objectives of the United Nations Sustainable Development Goals (SDGs) and seeks to deliver outcomes which are achievable, demonstrable, and align with global sustainability priorities.

Although interconnected, we have four overarching priority pillars:

- We contribute to the social and economic development of host countries and communities;
- We protect the safety and health of our workforce;
- We respect Human Rights; and
- We manage our impact on the natural environment.

Our commitment to respecting human rights is embedded in a number of policies, including our Code of Business Conduct and Ethics, Anti-Bribery and Anti-Corruption Policy, Social Performance Policy, Supplier Code of Ethics and Environmental Policy. Our standalone Human Rights Policy is informed by, among other sources, the UN Guiding Principles on Business and Human Rights (UNGPs), the Voluntary Principles on Security and Human Rights (VPs), and the OECD Guidelines for Multinational Enterprises. We have zero tolerance for violations of human rights committed by employees, affiliates, or any third parties acting on behalf or related to any of our operations.

This Policy includes commitments to:

- Provide training on our human rights expectations to all new employees, all relevant existing employees and workforce or third-party actors with exposure to human rights risks.
- Conduct human rights due diligence where there is the potential for negative human rights impacts, and seek to employ reasonable measures to mitigate those impacts.
- Comply, and demand that all suppliers and contractors comply with all national laws, the International Bill of Human Rights, and the International Labour Organization (ILO) Core Conventions.
- Conduct periodic audits and reviews at different sites.

Our policy is implemented on the ground by our affiliates who operate the mines in our portfolio, in this instance NMGML.

Moreover, we ensure compliance with our policy via our Human Rights Program. This includes a range of internal and external engagements and risk assessments, including independent human rights assessments. Independent human rights assessments are undertaken on a 2- to 3- year cycle based on a country's assessed risk. The human rights assessments are informed and align to the requirements of the following frameworks:

- UN Guiding Principles on Business and Human Rights (UNGPs);
- ICMM Mining Principles and Human Rights Due Diligence;
- Voluntary Principles on Security and Human Rights (VPSHR);
- UN Declaration on Human Rights (UNHR);
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Convention on Elimination of All Forms of (CEDAW)Violence Against Women;
- Core Conventions on the international Labour Organization (ILO); and
- Child Rights Conventions.

The recommendations from the human rights assessments are tracked and reported on at a site level and through the organization.

North Mara's independent human rights assessments are undertaken on a 2-year cycle, the most recent of which was completed in 2023.

Barrick is also a member of the Voluntary Principles Initiative (VPI), and its operating affiliates implement the VPSHR at all sites, including North Mara. In keeping with the principles of the VPI, a multi-stakeholder approach to addressing security and human rights risks is implemented at site. Barrick's approach to security is addressed in its Voluntary Principles on Security and Human Rights Standards, and respective addendums, including the Security Code of Conduct, Procedure for the Use of Force, Arrest and Detention Procedure and Investigation and Reporting Procedures.

This Standard and its accompanying addendums are developed in alignment with the VPSHR, the [UN Basic Principles on the Use of Force and Firearms](#) by Law Enforcement Officials and the [UN Code of Conduct for Law Enforcement](#).

Security and Human Rights at North Mara

Socio-Economic Change

Influx and Services Pressures

There has been significant population expansion in the area surrounding North Mara Gold Mine. The Tarime District's population has grown from 273 555 people in 2002 to 404,848 people in 2022, a population growth rate of 48% over the 2 decades that the mine has been operating. Between 2012 and 2022 the population within the five wards associated with the mine has increased by 57% from approximately 77 200 people in 2012, to 121 345 people in 2022. This population increase is evidenced by National Census and the aerial imagery time lapse in the figures below.

Contrary to the Joint Communication's statement, the pressure to traditional livelihoods in the area is not predominantly due to the expansion of the mine, which has assigned, demarcated and permitted areas of operation that are consequently communicated and engaged on. Moreso the population expansion is through population growth that is representative of the influx or migration from neighbouring areas. A 2022 Socio-economic Impact Assessment (SEIA) identified that between 20% and 25% of residents in the surrounding communities are migrants (not born within the five directly affected wards), with the remaining population increase thus resulting from natural population growth.

██████████ migration flows in Tanzania are dominated by *refugees* and rural-urban migrations, with the refugee migration commonly within *the traditional security framework*: that is migration to areas that are viewed safer, secure and with livelihood opportunities. The majority of influx into the area are residents *within* the Mara Region moving *between Districts*, and then secondarily from further afield such as Mwanza, or foreign nationals that exploit the porous Kenyan border.

The predominant economic activity in the area prior to the commercial production of the North Mara Gold Mine was agriculture, including both cultivation and livestock husbandry. In the 2012 census, the Tarime District had only utilised approximately 76% for cultivation of the total mapped arable land, of which a further 21 500 ha of arable land remained. In 2010, the District was determined to have produced enough food for domestic consumption and export purposes.

This is important context to consider as the Joint Communication fails to apply spatial temporal analysis in its assessment of land access challenges and fails to recognise the challenges faced by rural populations across the country, instead applying a subjective and narrow focus on the mine as the single source of change in the socio-economic landscape.



2010: Population as of 2010, to the north of the TSF and accommodation facilities. The black line indicates the present day mine infrastructure



2023: Significant population influx to the north of the North Mara TSF and Accommodation village



2010: Population density to the east of the mining operations (black line)



2023: Population influx has increased dramatically. Illegal Mining is evident in the former agricultural areas



2010: Northwest of the TSF, limited residential properties. Black line indicates current TSF footprint



2023: Illegal land Speculation and influx. Illegal mining activities have cleared large areas of agricultural land



2019: Nyabigena Pit and the neighbouring community, before establishment of a moratorium on the land valuation for relocation



2022: Illegal land Speculation and influx in an effort to receive compensation following the cut-off date moratorium

Royalties and Small-Scale Mining

Small scale mining is permitted in Tanzania where land claims and permits can be sought. The Joint Communication makes the uninformed allegation that the existence of North Mara Gold Mine has impacted on these livelihoods without appropriate mitigation or remediation measures.

Legitimate mineral right holders that occupied the North Mara Gold Mine Special Mining Lease, prior to the development of the mine, have a Royalty Agreement with North Mara Gold Mine. These royalties have been and continue to be paid in accordance with those agreements, and this has been the case for over the past 20 years. Royalty agreements are in place with both individuals, and with village structures surrounding the mine. These Royalty Payments are [publicly disclosed](#) annually and for the period of 2020- 2023 totalled nearly \$ 23m.

One such significant former mineral right holder, and subject to the Royalty Agreement, has established a Trust Fund in collaboration with North Mara Gold Mine which sponsors the education of more than 700 students annually. The outreach of this Trust Fund, through the Royalties derived from the mine, has supported thousands of students from the local communities over the life of mine.

Illegal Mining and Processing

Small scale mining is permitted in Tanzania where land claims and permits can be sought, and some claims exist in the region. In these circumstances, Artisanal and Small-Scale Mining (ASM), is a regulated and licensed activity that ensures there are appropriate and responsible controls in place.

The activities that are described in the Joint Communication as ASM however, are for the most part illegal mining and unlicensed activities and thus are not considered 'ASM'. Although Barrick is sympathetic to the livelihoods that this may contribute to, when such activities are unlicensed, they are simply illegal. As these illegal mining activities are unlicensed, they are not part of responsible sourcing value chains, are not regulated nor do they have any operating controls and thus form part of the illicit gold trade and smuggling in the greater East Africa region (and across the globe more generally).

Illegal mining should not be confused or used interchangeably with ASM ([Royalties and Small-Scale Mining](#)). In addition to being unlicensed, the illegal mining in the surrounds of North Mara are substantial, mechanised and complex processing operations that use mercury and cyanide which runoff into the environment unabated (including the Tigithe and Mara Rivers), use child labour to access underground resources, and are subject to violent group fighting that has resulted in loss of life.

It is also our understanding that this illicit gold trade is used for money laundering associated with other illegal activities. As such, we are of the view that their description as *'income supplementation'* by certain international NGOs is naïve. These same international NGOs that the Joint Communication has relied upon, have made written requests for North Mara to actively dump waste rock into the communities to provide a source for those communities, which not only ignores the illegalities of such actions, but actively supports the criminal behaviours, child labour and environmental impacts of these illegal activities.

'ASM' was a supplementary income generator prior to the development of North Mara Gold Mine, not a 'mainstay' of the economy (see Figures below). The historical ASM activities were considered rudimentary and did not involve equipment or formal skills for mining or processing

ore. The majority of these activities were focused on shallow, surface-level exploitation of ore and were often seasonal-based; individuals mostly focused on agriculture through the year as the primary driver. The subsistence nature of these activities in the communities is no longer the rudimentary or supplementary based as implied in the Joint Communication.

The Figures below demonstrate that there was no permanent ASM activities before the mine was commissioned and illegal mining activities have established themselves as 'a mainstay' only in recent history. Based on publicly available information, it is evident in this time lapse that illegal mining activities have expanded significantly when the gold price was at a profitable value: prior to the North Mara mine the gold price was consistently below \$300/oz, with significant illegal mining growth occurring once the gold price reached ~\$1200/oz.

Further, the illegal mining network is understood to be part of a larger, regional illicit trade and gold smuggling network, that is not regulated and is the source of illegal activities and intrusions at North Mara Gold Mine. The intrusions are 'funded' and encouraged by these criminal syndicates to trespass into the mine, bypass the surrounding wall and security deterrence, and engage in criminal activity by any means necessary that includes force.

Barrick again highlights the criticality of objective fact finding by the Joint Communication, as misinformed references to ASM in the region as a lost livelihood do not reflect the reality on the ground, inadvertently support illegal activities and increase the risk of violence, exploitation and child labour.

We do not support illegal livelihoods that are unregulated and pose significant health and safety risks and impacts to host communities and the natural environment.

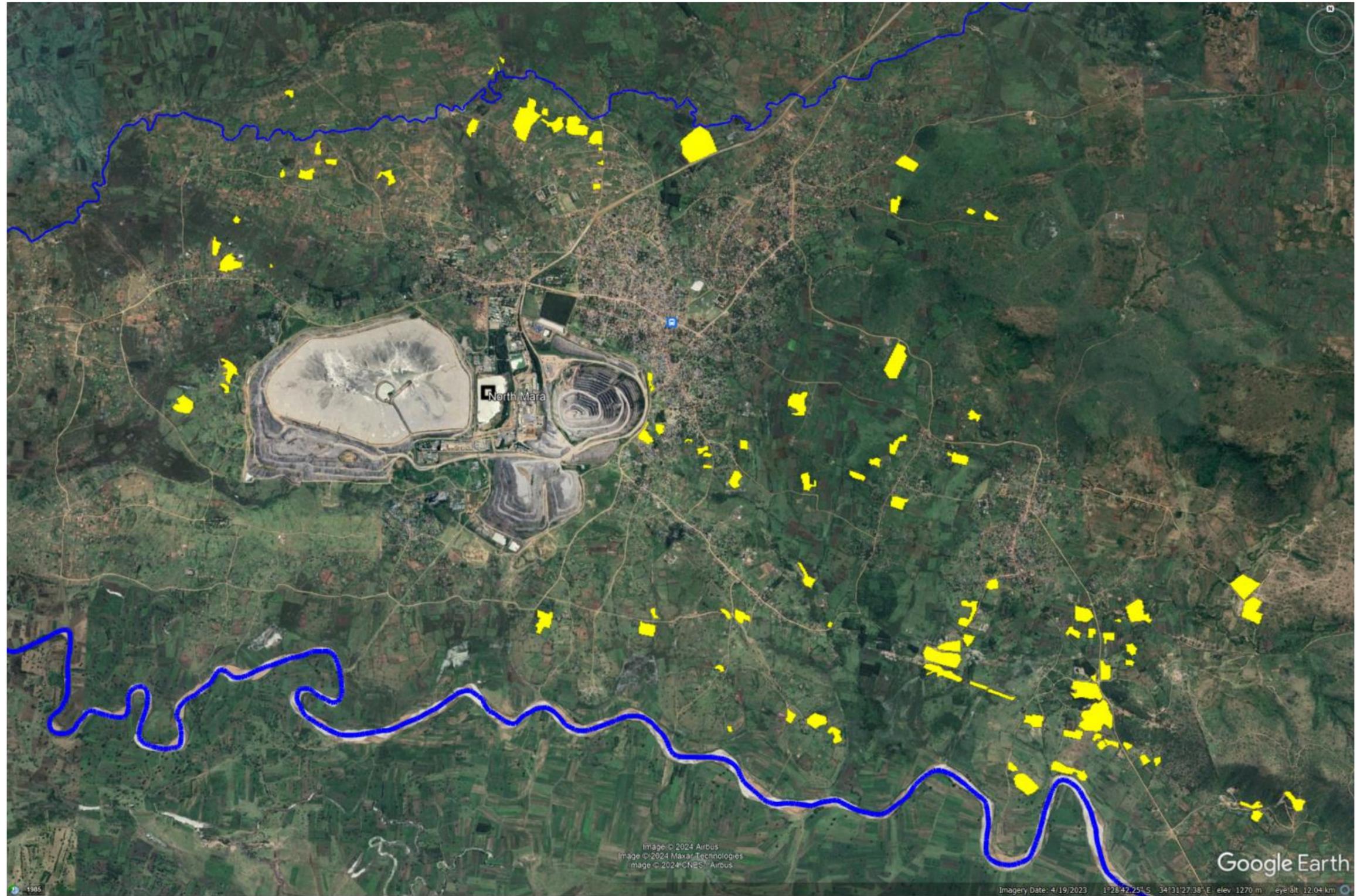


Figure: Extent of illegal mining and processing activities surrounding North Mara, consisting of widespread pits, leach facilities, uncontrolled runoff and stockpiles. This does not include house-level illegal indoor processing facilities which cannot be identified through aerial imagery⁵

⁵ The plots are based off of identifiable mining and processing activities on satellite imagery for illustrative purposes and field-level verification has not been completed regarding the current operational status, or legitimacy of these activities.



2010: Agriculture dominating the landscape surrounding North Mara Gold Mine



2017: Establishment of illegal Leach Facilities and accompanying surface-level illegal mining pits



2021: Illegal mining Pits replacing agricultural land



2023: Substantial illegal mining Activity and Leach Facilities, 800m north of the Mara River, and east of North Mara Gold Mine



2010: Haul Road (centre) to the north of Nyabirama Open Pit and surrounding agriculture. Tigithe River is along the north of the imagery



2014: First Presence of Surface-Level illegal mining pits developing along the Tigithe River



2017: Establishment of illegal Leach Facilities and expanded Pits



2023: Extensive illegal Leach Facilities and Pits, draining into the Tigithe River

Socio-Economic Development and Engagement

Key to Barrick's sustainability strategy is to share the benefits of operations with host countries and host communities. Central to ensuring those closest to operations receive their due benefits is the development and uplifting of fundamental human rights. Development of these human rights and sharing the benefits is not only key to our social license to operate, but are fundamental in addressing the root causes of the criminal behaviour and incursions at North Mara Gold Mine: that is by growing the local economy, and removing barriers to access opportunities including support for alternative livelihoods, we believe that we will reduce the risk associated with the occurrences, size and scope of criminal activity within the communities surrounding the mine site.

This development has central components focused on:

- Engagement; and
- Sharing the benefits through procurement, employment and investment.

The North Mara Gold Mine, like all mines operated by affiliates of Barrick, has a Stakeholder Engagement Plan (SEP) that establishes the cadence, forums and intentions of community engagement by stakeholder group. This includes, notably, engagement with youth groups in the area, village leadership and government agencies. Key to this engagement is socio-economic opportunities and development, the reduction of intrusions and the criminal activity, and the enhancement of security and human rights. This engagement takes place at the site level, national level and the Executive Management Level.

Notably, every quarter I, as Barrick's CEO and President, meet with the village leadership, in the area of the North Mara Gold Mine comprising the elected Chairpersons from the 11 neighbouring communities. The agenda for these quarterly meetings is developed collaboratively. The security challenges, including continued trespassing and the response and responsibilities of private security and TPF, are discussed at most meetings. This includes collaborate actions that can be pursued to stop the criminal activity, and the village leadership engagements within their communities.

NMGML undertakes weekly, monthly and quarterly engagements with various community groups including women and youth forums which have played a role in addressing illegal behaviours in the community. One such engagement initiative includes the mine's 'Friends of North Mara' programme geared towards building a strong base of understanding mining operations and socio-economic impact to the community. So far over 500 youth have been enrolled to share views through various platforms, debates, and dialogues.

NMGML has made substantial progress in relative short time in sharing the benefits of its operations. One of the first steps undertaken was to establish Community Development Committees (CDCs), which are advisory committees in which the community are placed at the centre of decision making for community development and investment. Representatives of the CDCs are elected by their respective communities, and must include representatives from various groups, such as youth, women, people with disability and elderly to name but a few. NMGML is limited to two seats on the CDC. NMGML has spent more than \$8.5m on community investments since 2019 in various sectors such as Education, Health, Food security, Water and Local Economic Development. This includes but is not limited to:

- Completion of Phase 1 of a community water tower and reticulation project supplying clean drinking water to approximately 34,600 people from 4 villages surrounding the mine. This water is provided free of charge.

- A total of 21 health facilities within Tarime District have been constructed which have eased access to healthcare services including for maternal and child health.
- Construction of 57 educational facilities (dormitories and teacher houses) within Tarime District, including 122 classrooms. These have greatly contributed to increased school attendance, performance, and retention of pupils. A total of 8 laboratories have been developed within schools to facilitate the sciences curriculum.
- Construction of 244 ablution facilities to both primary and secondary schools within Tarime District.
- Rehabilitation and construction of new school administration blocks and teachers' housing in more than 20 schools within the District.
- The mine has availed various economic opportunities to youth and women surrounding the mine including facilitation of registration of over 155 local companies as suppliers of the mine.
- Local business development programme targeting startup to mid-level local companies. The programme was initiated by NMGML in 2021 to foster economic diversification, business linkages, enhance job creation and strengthen business management in the mine's supply chain. The first cohort of the program started in 2021/22 with a total of 20 businesses and the second cohort started in November 2023 and completed in March 2024 with a total of 40 businesses. So far 60 businesses have already benefited from the programme. Beneficiary companies have improved business skills including tendering process, tax compliance, diversification and general business management.
- A landmark Agribusiness project in horticulture was implemented in one of the villages surrounding the Mine (Matongo village). This project provides direct employment to 50 youth (the majority of whom were former mine intruders) and indirectly to over 100 women-led vendors in the horticultural value chain who source their products from the farm to resell in other markets. In addition, a savings and loan scheme was established where 25% of sales is used by members to borrow and reinvest in self-owned and run agribusinesses. In collaboration with the community leadership, the mine is planning to expand the farm to other value chains including dairy cattle to expand the opportunity to more youth.
- Constructed and rehabilitated surrounding roads to improve access including several community roads, construction of 45km road connecting the main road to the Kenyan border and tarmac along 2.9km road through the town center.

In addition to the above initiatives, which are focused on the Tarime District and communities around North Mara, Twiga has also pledged country-wide investment into education facilities. This commitment will support the construction of 1,090 classrooms, 1,640 ablution blocks and 270 dormitories across 161 schools nationwide, helping to accommodate approximately 49,000 of the estimated 190,000 students completing their A-levels annually.

Grievance Mechanism

A grievance mechanism is available at North Mara Gold Mine and in its surrounding communities. NMGML has never disbanded or removed its grievance mechanism, contrary to the Joint Communication. In addition, the grievance mechanism is open to all operational-related grievances, including security behaviour, actions or security-related concerns, as well as any human rights related concerns. The Joint Communication is misinformed in its claims that the grievance mechanism was 'shut down', or that 'the mine no longer accepts such [security related] grievances'. All recorded grievances are publicly disclosed [here](#), and whistleblower hotline complaints are included in our annual [Sustainability Report](#).

Following the acquisition of Acacia in 2019, a thorough review of the grievance mechanism was undertaken. Frequent reviews of the grievance mechanisms are undertaken on an ongoing basis, including by external parties such as social experts and in-country NGOs. The frequent reviews of the grievance mechanism are part of consistent operating practices to respond to a changing socio-economic environment and to ensure that the grievance mechanism remains appropriate, effective and accessible. Local NGOs have also worked to raise awareness of the grievance mechanism accessibility and process.

The grievance mechanism is aligned with the IFC Performance Standards and the UNGPs. The mechanism has been rolled out in all 11 villages surrounding the mine, in public meetings and various events engaging the community. It is easily accessible to the community through various channels. The community can lodge their grievances through, but not exclusively, the following channels:

- Community relations office, which is located outside the mine and within the community to ensure easy access. The community has free access to the office 12 hours a day and 6 days a week.
- A toll-free number which allows for anonymity. The details and toll-free number are displayed on the community public notice boards, community relations office and in their village offices. The public can have access to the toll-free number 24/7.
- Anonymous submission through suggestion boxes pinned in all village offices.
- Register the grievance at their hamlet and village offices which are nearest access they have in their respective community.
- The mine has also extended the grievance register books to the District and Regional Commissioners offices, should there be a community member taking their grievance mechanism at that level.

Through the revised grievance mechanism, the mine has broadened participation of actors including sector specific NGOs in the grievance hearing process to ensure neutrality and diversity. An independent whistleblower hotline is also available and permits complainants to remain anonymous. Any human rights related grievance, whether through the operational grievance mechanism, or the whistle-blower hotline, is immediately escalated to the Sustainability Executive of Barrick as well as the Senior Vice President in charge of Risk and Assurance for investigation. No human rights grievances were registered through the operational grievance mechanisms since the acquisition of Acacia in 2019. In 2023, an anonymous hotline grievance was received regarding the publicly disclosed incident ([Public Disclosures Addressing Repeated Allegations](#)) in March 2023, however this was investigated, and the complaints were unsubstantiated.

Security Context

While most residents in the communities surrounding the Mine site are law-abiding, there are rogue groups of armed individuals who illegally and knowingly invade the site and present a serious risk to the lives and the safety of personnel, contractors and themselves. These illegal intruders access industrial areas of the mine site while heavy, large scale mining equipment is being deployed – presenting a risk to themselves and the operators. And they also present a direct risk to the physical safety of our workforce as they are violent and armed.

Security is critically important to protecting the lives of employees and contractors at the North Mara Gold Mine and assets from coordinated and armed intruders. This illegal activity, and the

required security response, is a conflict point that is a risk for injury, death and human rights implications.

Accordingly, our focus to mitigate these risks from being realised is through deterrence, prevention and education. As pointed out by the Joint Communication, NMGML has erected a concrete perimeter wall, that is 2- 3 m in height. The perimeter wall is topped with an electric fence, and the inside of the perimeter wall is further enforced with approximately 6 ft of barbed wire. In some locations, a double perimeter wall is installed.

As a result, there can be no mistake that the scaling of the 2-3m perimeter wall with ladders, cutting of the electric fencing and removal of barbed wire is accidental or coincidental: the intrusions are undertaken deliberately, knowingly and with criminal intent.

These intrusions are coordinated and includes security 'lookouts', individuals responsible for coordinating access for others over the perimeter wall, individuals to cut and debilitate the electric fence, individuals for breaking and carrying the gold bearing ore, and individuals for confronting and occupying security personnel to buy time for those on the stockpiles. This involves violent confrontation, where on many occasions our unarmed security contractors have been injured.

There have also been circumstances of infighting and conflict between these illegal mining groups. In certain circumstances, NMGML has provided medical assistance to intruders that were injured, including these circumstances of in-fighting, or falling and injuring themselves when falling from heights such as a mining bench in the open pit, as an example. These intrusions are not by poor, destitute villagers that are trying to eke out a living and driven to desperation, nor are they the outcome of 'lost livelihoods' due to the presence or expansion of the mine. This is a coordinated criminal syndicate that operates with impunity.

These security challenges have also been experienced in the case of land compensation and relocation ([Relocation and Resettlement](#)). The land speculation is again funded by non-land occupiers or owners, with the intention to profit through fraudulent means. The land speculation has seen land valuers physically assaulted and prevented access, while fraudulent construction and crop planting takes place. In the event of disagreement concerning land valuation, these individuals have sought to intimidate, bribe and assault valuers. We have raised these issues with International NGOs – from which you have clearly repeated the allegations – that their information is fraudulent in nature, but they have declined to explain any due diligence they have undertaken.

Memorandum of Understanding (MOU) with the Tanzanian Police Force (TPF)

The Government of Tanzania has the primary responsibility of maintenance of law and order throughout Tanzania and conducts this responsibility through the TPF which is legally tasked with the duty of protecting life and properties throughout the country, by virtue of the Police Force and Auxiliary Services Act, 2002. This responsibility applies to the entirety of Tanzania, including the Mara Region, Tarime District, and the 5 wards the North Mara Gold Mine is associated with.

Consistent with international best practice such as the VPSHR, NMGML has entered into a Memorandum of Understanding (MOU) with the TPF. There are MOUs in place with public security at many of the mines operated by affiliates of Barrick across the globe, and this is no different to North Mara. As with any police force in the world, NMGML and Barrick do not, and

cannot, control, direct or supervise a government institution that is designated to provide community law and order.

The MoU has been treated as confidential, however, we have provided below a description of key provisions of the MOU. These illustrate the intent of the MOU and the care taken by the parties to prioritize human rights and community safety under the agreement.

The MOU is explicit that the Parties are expected to adhere to not only domestic laws of Tanzania, but also to leading international instruments designed to safeguard human rights, including, as applicable: (i) the United Nations Universal Declaration of Human Rights; (ii) the United Nations Code of Conduct for Law Enforcement Officials; (iii) United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (iv) OECD Guidelines for Multinational Enterprises; (v) the VPs; and (vi) the United Nations Guiding Principles on Business and Human Rights. Additionally, the TPF is required to act in accordance with international humanitarian and human rights law, including any internationally accepted standards of conduct in managing armed civil disturbances, conflicts and uprisings.

The MOU requires that TPF officers and personnel deployed to the area be trained in respect of the above listed human rights principles and standards. This training must address, among other things, the implementation and practical application of such principles and standards, the legal consequences of violating human rights, and common scenarios in which violations and abuses of the law and international protocols and conventions might take place.

The MOU requires the TPF to use force only when strictly necessary, to use the least force necessary to address a security threat, and to use lethal force only where there is an imminent threat to human life or otherwise consistent with international humanitarian law. No TPF officers may be assigned duties in connection with the MOU if there are credible allegations of violence or human rights abuses against that individual. Where a use of force, use of weapons, or other security incident occurs, or if complaints are levied against TPF officers, the MOU sets out requirements for reporting and investigating the conduct at issue, as well as for the discipline, suspension or permanent removal of the individuals involved from duties related to the MOU where appropriate.

The MOU provides for monetary allowances and in-kind support from NMGML to the TPF. This support is provided in view of the limited police resources in the area, to ensure that the TPF have sufficient capacity to preserve law and order. The in-kind support offered under the MOU includes, for example, fuel and maintenance services for vehicles used by and registered to the TPF. The MOU makes clear that NMGML does not and will not provide any lethal weaponry or lethal equipment to the TPF. The TPF is also prohibited from using the monetary support under the MOU to purchase lethal weaponry or lethal equipment. The support provided under the MOU, as noted above, does not impinge upon the independence of the TPF, nor entitle NMGML or Barrick to direct the activities of a sovereign police force.

Thus, the MOU acknowledges the responsibilities of the respective organizations and their duties, and seeks to ensure that roles and responsibilities are clear. It further establishes mechanisms through which NMGML can exercise its leverage and fulfil its commitment to respect human rights. This MOU should not be viewed, and cannot be interpreted as creating any form of employment, contracting or otherwise between NMGML and the TPF or its personnel. As a company, NMGML cannot supervise or control a government institution that is designated to provide community law and order. These roles and responsibilities, despite being universally accepted, are reinforced in the MOU:

The MOU sets clear boundaries between NMGML, its private security contractor, and the TPF. Expressly, the MOU states that *‘[NMGML]... will **not** be involved whatsoever in any policing... or armed conflicts that may occur anywhere in the vicinity of the Company’s operations, or anywhere in the Area’*. It further recognises and agrees that *‘the TPF must act independently of [NMGML]...’* and *‘[NMGML] (a) operates independently of the Government of Tanzania... (b) have no authority and shall not supervise, direct or control any mission, assignment or function of the TPF... the TPF will operate at all times under their own chain of command’... and that ‘[NMGML has not agreed and neither does nor will agree to assist in any operation assignment or function in any manner, logistical or otherwise.’*

NMGML’s contracted security provider is unarmed, and the MOU further reinforces that in the case of the TPF, *‘[NMGML] shall not be required to, and the TPF shall not request that, [NMGML] provide lethal weaponry, including munitions, or make any payment in order to procure such weapons, weaponry or ammunition.’* Critically, the TPF cannot access North Mara Gold Mine, unless upon explicit request from NMGML, or as allowed under law.

Finally, the MoU sets out the mechanisms through and basis upon which NMGML and the TPF interact, including:

- Prescribes training requirements;
- Prescribes the engagement forums between the Mine and the Police, including to share any complaints regarding police conduct received by NMGML or any other government entity, updates on investigations and share any security related intelligence that may be pertinent for the safety of NMGML employees;
- Any officers that are subject to investigation for potential violation of duties or policies will be suspended from serving or deploying in the are pending the outcomes of such investigations;
- Requires the Police to adhere to international law enforcement principles;
- Makes clear that members of the Police cannot enter the Mine site without prior invitation from NMGML’s senior management;
- Affirms that the Police operate under their own independent chain of command—the TPF cannot direct the Mine’s private security personnel and conversely NMGML cannot direct Police members.

Relocation and Resettlement

From time to time the mine is obliged to relocate people for the expansion of its operations. When such process is required, the mine follows both local (Tanzanian laws) and international standards and best practices applicable to property valuations and relocation. This process is participatory and broadly consultative to ensure the interests and rights of various people and groups are considered. The following process is generally followed:

1. The mine informs the local government authorities of its interest to acquire land for operation expansion purposes.
2. Market research is done by a registered valuer, reviewed by the Regional Assistant Commissioner for Land, and approved by the Government Chief Valuer. Market research is completed to determine time and location value of the assets to be evaluated for feasibility.

3. Local government and the Mine demarcate the targeted area for acquisition to identify people who will be directly affected by the project, both from physical and economic displacement.
4. Jointly the Mine and the local government authorities (District Commissioners Office, District Executive Directors Office, Ward, Village, and hamlet leadership) mobilize the community to be affected by the project through a village assembly meeting and inform them of the intention of the mine to acquire their land. This process is participatory and involves several meetings to understand various issues and interests. Only when community members in the formal assembly meeting accept the valuation to start, will the next steps progress.
5. A moratorium is announced and established by the District Commissioner and set by the District Executive Director (Government prohibition order) –formally informing community members of the intention of the acquisition of the piece of land to be acquired and establish a public cut-off date – the date of an asset freeze from which it becomes illegal to further develop lands.
 - Unfortunately, in the case of North Mara, speculators frequently lead the process of violating the moratoriums by purposely developing the land through crop development and building houses and other assets – often overnight - to artificially increase their assets in an attempt to increase compensation.
 - To mitigate the above fraudulent speculation, aerial imagery is obtained at the date of the Moratorium. The on-site valuations are compared with the aerial imagery and any speculation is discounted. This exclusion of fraudulent artificial asset increase is often a conflict point as the speculators seek to pressure, intimidate and assault valuers to include the illegal assets.
6. After the moratorium is set, the land and property valuations are undertaken. This process is undertaken in parallel with census and compilation of socio-economic community data for purposes of resettlement.
7. Disclosure is a process of engaging with the Project Affected People (PAPs) and disclosing their property evaluations that were recorded during the valuation process, and what they are entitled to.
 - PAPs usually sign off a form when they are in agreement with the valuation records taken and compensation package granted for each property recorded.
 - The same form is signed off by Valuer, PAPs hamlet Chairperson, Village Executive Officer (VEO) and Ward Executive Officer, all of whom verify that what has been recorded is correct.
 - PAPs are also given a form which offers them the right to claim for compensation based on the valuation done, agreed and as signed off. This form is signed off by the PAP and District Land Officer.
8. When the disclosure process with PAPs is completed, the compensation schedules are taken to various authorities for approval starting from village level to Chief Valuer's level.
9. Compensation and relocation: the PAPs sign off the compensation schedule in the approved valuation book and a compensation agreement which states the time and conditions for relocation.

All of North Mara Gold Mine's relocation processes have witnessed over 95% community members being relocated by mutual and collaborative agreement. However, as outlined above, speculation persists which results in delays and hold outs: **NMGML will not pay for speculation.** NMGML continues to engage with Government authorities, village leadership and the PAPs to address speculative behaviour around North Mara. Some of the efforts include:

- Worked with the Office of Government Chief Valuer and a local NGO – [REDACTED] - to facilitate land acquisition and relocation training to the Community Development Committee (CDC) members and undertaking community awareness and education.
- Requested the Regional and District Government to formulate a land committee to address speculation in North Mara. The Committee and the Mine have worked together in addressing community issues including in the closure of land legacy issues.
- Engaged various other Government authorities at various levels from the district to the national level. When visiting Mara Region in 2021, the President of Tanzania reinforced the position that speculation should never be paid across the country.
- The CDC formed a sub-committee on land issues to address emerging issues related to the land and relocations. Understanding that speculation is a critical problem, this sub-committee has been educating the 11 villages surrounding the mine not to allow speculators on their land during mine expansion processes.

Land acquisition and relocation completed can be broadly categorised between legacy (i.e. matters that occurred during Acacia's ownership of NMGML) land relocation, and current land relocation:

- Legacy Land Relocation and commitments:
 - NMGML closed-out long-standing land legacy of Nyamichele and Murwambe which dates back to 2012 and included 3,160 PAPs.
 - In 2013 the mine under Acacia changed plans to acquire the land due to massive speculation in both buildings and crops. The dispute was highly publicised and involved various actors over the years to resolve it, but without success.
 - In 2023, NMGML in collaboration with the Government, community representatives and the local leadership closed the legacy through *ex-gratia* payments to eligible PAPs.
 - There were 61 holdouts within the mine perimeter buffer, the majority of which were a result of speculation. Currently, NMGML has completed revaluation of assets of all 61 holdouts and relocation is expected to take place from July 2024.
- Post 2019 relocation:
 - In 2019 the Mine acquired access to an area of 239 ha of land for expansion of its tailing storage facility (TSF) with a total of 1,639 PAPs. All PAPs were fully relocated.
 - In 2021 the Mine acquired access to a total of 4.9 ha for expansion of its buffer with a total of 331 PAPs. All PAPs were fully relocated.
 - Between 2020 and 2022 the Mine required access to 263.86 ha of land in Komarera village part of the Gena pit expansion. This pit had not been closed by mining authorities as claimed by the Joint Communication.
 - PAPs totalled 6,916 and 6,617 (96%) were fully compensated and relocated.
 - The majority of the remaining PAPs owned only trees. The majority of the remaining 4% have not collected their compensation as our information suggests they do not live in Komarera and NMGML continues to reach out to close the process.

Barrick has taken the decision to submit these 'reports' of claimed forced evictions [REDACTED] – albeit limited to the public reports that do not include any evidence – to the Tanzanian Commission on Human Rights and Good Governance for investigation.

Human Rights Assessments and Training

As part of Barrick's Human Rights Program, independent human rights assessments are conducted at the North Mara Gold Mine on a two-year cycle. These independent human rights assessments are currently undertaken by external human rights experts. These assessments are an ongoing component of the Human Rights Program to verify self-assessed risks, identify potential other human rights risks, and to develop independent assessment of performance in the spirit of continued improvement. The scope of these assessments considers and includes the following:

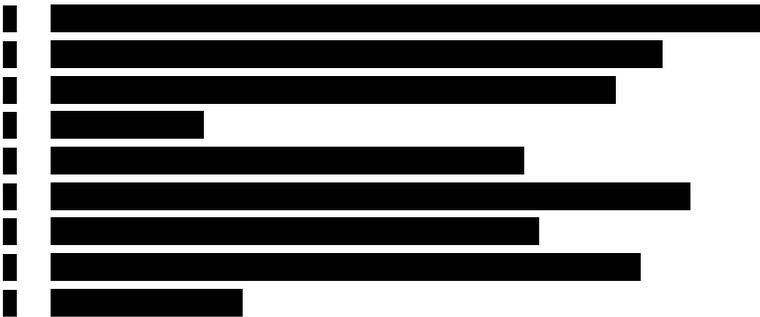
- Alignment with:
 - UNGPs,
 - ICMM,
 - EITI,
 - VPSHR,
 - Based on principles of AA1000 and ISO standards
 - VPSHR and UNICEF Child Rights and Security
 - Expanded to relationship risks included community, IPs and ASM and illegal miners.
 - UDHR,
 - ICESCR,
 - ILO Core Conventions,
 - Child Rights Conventions;
- Salient human rights risks including:
 - Labor and working conditions, including workforce H&S,
 - IPs,
 - Community, Cultural, Social and Economic Rights,
 - Community Environment and H&S,
 - Land Rights,
 - Security,
 - Anti-Corruption;
- Applies the Ruggie definition to not infringe on the rights of others by applying corporate responsibility to respect;
- Actual, direct, indirect and perceived impacts including actual or potential contribution to or linked to;
- Human Rights and VPSHR Training and Awareness:
 - Policy
 - Theory and Case Study
 - Practical workshops
 - Train the Trainer

The outcomes of the human rights assessment, including the recommendations, are incorporated into a site level action tracker, and the progress of the implementation thereof is tracked and reported against.

In addition to Barrick's Human Rights Program, an independent and third part human rights assessment was undertaken between 2019 and 2022. The third-party assessment was triggered following a complaint submitted to the London Bullion Market Association (LBMA), in line with the allegations raised by the Joint Communication. The LBMA opened an Incident Review Process (IRP) upon which the refiner, MMTC-PAMP, appointed the third party and independent experts, [REDACTED] to undertake the assessment. [REDACTED] undertook a site visit in

The institutions that undertake the quarterly engagements include:

- Commission for Human Rights and Good Governance (CHRGG);



Ad hoc or frequent projects are also undertaken with select civil society organizations, based in country. In the past two years these projects include:

- Regular review of the operational grievance mechanism and inclusion of recommendations to improve its effectiveness;
- Training and awareness on land valuation and resettlement procedures;
- Community awareness on intrusion;
- Grievance mechanism awareness raising;
- Gender-based violence awareness and education;
- Security and human rights training;
- Security and human rights community awareness campaigns;
- Review and oversight of resettlement and relocation processes;
- Solution building and advising the mine on best approaches to address youth-related issues in the community e.g. criminal behaviour, mine intrusion and awareness in schools;
- Participation in grievance resolution and escalation processes;
- Socio-economic development projects;
- Health prophylaxis, treatment and awareness campaigns including for HIV/AIDs, Tuberculosis, malaria, and sexual health.

Response to Allegations

Misstatements in the Joint Communication and Factual Corrections

The central allegations contained in the Joint Communication are towards the actions of the TPF. Also, many of the allegations in the Joint Communication are based on a perception of risk. Although Barrick assesses risks pertaining to *perceived* risks and *perceived* impacts, and manages risks accordingly, the seriousness of the allegations raised by the Special Rapporteurs must be necessarily based on fact and not perception, nor unfounded allegation.

Accordingly, we have tried to be explicit and correct misstatements contained in the Joint Communication in this regard:

- There are no private military, mercenaries or unregulated security contractors:
 - The Joint Communication states that *there is a lack of transparency concerning the status, rules of engagement, roles and command and control mechanisms... lack of clarity over how, where and under what rules private military and security companies may be registered... appears provision of private military services is not regulated... private military personnel in questions may be deliberately opaque in part as a means to avoid qualification as mercenaries...*

- The very premise of the Joint Communication is based on the incorrect assertion that a private military is employed. **There is no private (or otherwise) military employed, contracted or on site.** Barrick refutes any suggestion that a private military, mercenaries or any unregulated contractor has been hired. Further Barrick requests that the Working Groups and Special Rapporteurs provide any evidence to the contrary as making such statements in the absence of evidence is irresponsible, reckless and damaging.
- NMGML's security contractor, currently SGA, is a lawful and registered security provider in Tanzania.
- SGA's personnel are unarmed: there are no arms or ammunition held by security contractors.
- Contractual requirements with SGA, requires that SGA must screen each contractor personnel, *and maintain copies of this screening, including but not limited to:*
 - *Proof of age (minimum 18 years);*
 - *Criminal records check;*
 - *Open-source background check for any previous involvement in human rights abuses;*
 - *Character references; and*
 - *Psychological testing.*

The Contractor will not employ any individuals who have been implicated in any human rights abuses.
- Further, the status of security and Memorandum of Understanding with the TPF is documented on Barrick's [website](#), and is listed in annual Sustainability Reports. The notion that there is a lack of transparency is simply incorrect.
- There is no 'mine police' or 'police from the mine'.
 - There is a private, unarmed security contractor, currently SGA, whose responsibility is to secure the site. No arms, lethal weapons or ammunition are held by private security personnel. Security contractors are **not** police, and do not have any mandate for undertaking security-related activities outside the property of NMGML, and do not operate in the community, nor uphold general law and order. This was also the case of NMGML's previous security contractors, Nguvu Moja. The change in security contractors was based on regular review and retendering of contracts. It should be noted that SGA is a certified member organization of ICoCA – the International Code of Conduct Association – which is considered international best practice for security providers.
 - The TPF are not '*mine police*'. The TPF are responsible for maintaining law and order in Tanzania, and are an institution of the state as prescribed under the Constitution of Tanzania. The TPF will respond to illegal activity, including general criminality such as theft to threats to civilian life, throughout the region and in the community including at times responding to security incidents at the North Mara Gold Mine.
 - Barrick has publicly corrected this misleading verbiage before; it is unfortunate that the Working Group perpetuates the usage of the phrase of 'mine police' in inverted commas which is clearly part of an agenda by those who continue to use the expression.
 - The Joint Communication interchangeably uses the phrases 'security forces', 'private military' and 'mine police'. There is no overlap of responsibilities or joint security operation or security force among the TPF and NMGML's security contractors. There are distinct lines of roles and responsibilities between private

unarmed security contractors, and the TPF, neither of which can be interchangeably referred to as 'mine police'.

- Integration of Tanzanian Police Force:
 - There is no integration of TPF into the mine's security.
 - The TPF are under their own direction and make their own operational decisions in the policing of the region. As stated above, neither NMGML nor Barrick directs, supervises or instructs or otherwise, nor can it be expected to direct, supervise or instruct any police force, or any state institution.
 - Similarly, the private security contractors are not an extension of the TPF, and SGA operate under their own direction and chain of command.
 - In the event that the TPF are called to site to respond to a security situation, the security contractors relinquish any responsibility and do not integrate or report to the TPF – the site becomes a crime scene which is under the jurisdiction of TPF, as for every case worldwide.
 - SGA cannot operate outside of the North Mara Gold Mine, and accordingly cannot and do not have any no involvement in community policing.
- The unfounded references to sexual abuse and harassment:
 - The Joint Communication links mercenaries to the *heightened risk* of sexual abuse and harassment, and community interviews indicate *vulnerability* to sexual abuse and harassment. The Joint Communication does not, however, include any specific allegations or incidents related to sexual abuse or harassment. Although the premise of *risk* is well understood by Barrick, the wording used in the Joint Communication runs the high risk of being misinterpreted by the public, especially when this *heightened risk* is based on the Joint Communication's irresponsible and false assertion that mercenaries are present. As this is false, the reference to heightened risk is without cause. That is not to dismiss gender-based violence that does persist in surrounding communities, and of which NMGML has played an active role in trying to address, including through raising awareness. However, it is clear that there is not, and there has not been, any allegation of sexual violence by NMGML's private security.
- Mine vehicles driven by police, or 'police in a vehicle that came from the mine':
 - No mine vehicles are made available to police. The police have their own fleet of vehicles, registered to the TPF. Any reference that police are driving mine vehicles is entirely refuted.
 - Accordingly, allegations that mine vehicles are being used by the TPF during arrest and detention activities in the community are incorrect. Barrick and NMGML cannot consequently provide comment on the alleged incidents outlined by the Joint Communication supposedly involved the use of such vehicles.
- Use of tear gas and 'sound bombs'
 - The security contractors are unarmed. NMGML's contract with SGA states that they "*will not utilise firearms, weapons or other forms of lethal force*". There are no weapons or ammunition at the North Mara Gold Mine. The allegations in the Joint Communication that *private security forces use tear gas or sound bombs (flashbang devices) on the well-being of residents, particularly women and children* is therefore incorrect.
 - Barrick cannot comment on the actions of the TPF in communities and community policing. The MOU makes clear that NMGML will not supply munitions, lethal or non-lethal, of any to the TPF.

- ‘Police laying in wait to ambush’:
 - The Joint Communication alleges that the TPF lay in wait to ambush people inside the mine. The MOU with the TPF prohibits officers from accessing or entering North Mara Gold Mine, without the express permission or request from the General Manager: ‘*Save as expressly allowed under law... TPF officers shall access the Mine Site only upon request of [NMGML]*’. As mentioned above, the TPF are called upon when security are overwhelmed and there is threat to life. NMGML does not provide or agree to any site access without warrant or ‘to lay ambush’. This allegation is inherently implausible and false.

Findings of the Joint Communication and Request for Urgent Disclosure

Barrick has issued public statements on security related incidents that have occurred at North Mara ([Public Disclosures Addressing Repeated Allegations](#)). We note that the Joint Communication has carefully selected quotations from those statements to support a preconceived narrative that implies the facts of those statements are insufficient. There is no consideration given to the rights of NMGML’s employees (who are members of the community) to have a safe and healthy environment. Instead, the proposition made by the Joint Communication that NMGML may not have been justified in calling for police assistance in circumstances where people’s lives were in danger suggests that the authors have very little understanding of how these security incidents unfold.

As per the Barrick’s public statements, NMGML has requested investigations to be undertaken for incidents occurring on the mine. NMGML is not in a position to speculate or comment on ongoing investigations and continues to engage with the TPF on these matters.

As the information referenced by the Joint Communication is selective in referencing of international norms, we feel it necessary to place on record the basic principles in the use of force upon which our standards are based.

UN Code of Conduct for Law Enforcement

Article 1: Law enforcement officials⁶ shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts,

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,

Article 5: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment...

UN Basic Principles on the Use of Force and Firearms

4. ...as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

⁶ Law enforcement officials includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

...Exercise restraint in such use and act in proportion to the seriousness of the offence... Minimize damage and injury ... Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment...

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury... or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

12. law enforcement agencies and officials shall recognize that force and firearms may be used ...

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary.

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all. For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available....

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

It is with this in mind that NMGML asserts that the principles are implemented and upheld and that the Government fulfils their responsibilities as outlined in the Basic Principles and Code of Conduct. It is unequivocal that use of force is appropriate in circumstances where there is a threat to life and only when strictly necessary. It is also unequivocal that inappropriate use of force, including any infliction of torture or inhumane treatment is not tolerated and in such circumstances, it is the Government's and Law Enforcement Agency's responsibility to ensure effective review and judicial processes.

We raise these aspects not to take a concluded position on the incidents we have publicly reported, but rather as the Joint Communication appears to arrive at a preconceived conclusion that force was used inappropriately without providing evidence or reason. The Joint Communication references 'killing' which is defined as deliberate death, and does not consider that the lives of employees were at risk despite being surrounded by a significant number of illegal and armed intruders.

The Joint Communication also makes reference to arrests and detentions in the community and *local police station*, subsequent allegations of assault and torture, including of minors. The Joint Communication states that Barrick has not made public statements in this regard. As referenced above, the police are present to provide security in the broader community, which totals over 120 000 people. As the TPF is an institution of the state and operates in complete independence from NMGML, neither NMGML nor Barrick can control, direct or supervise the actions of the TPF, or any government institution for that matter. For the Joint Communication to expect otherwise and infer that we would be in a position to know and make public statements of every action of the TPF is not grounded in reality, nor is it reasonable simply because such activity occurs in geographical proximity to the North Mara Gold Mine. By the Joint Communication's own admission, there are *local police stations* – these are not the property or under the control or supervision of a private enterprise.

It is necessary to repeat in light of the above and in line with our Human Rights Policy, Barrick deeply and wholly condemns any human rights violations. With the information at hand, it appears that the Working Groups and Special Rapporteurs cannot demonstrate how their conclusions were reached objectively. Instead, the Joint Communication appears to repeat allegations made by organised criminals that aim to use humanitarian organisations to further their illegal enterprises.

Nonetheless, we call on you to provide the evidence of your investigations that have arrived at the above findings as a matter of urgency. The evidence would surely support the ongoing investigations by the police and benefit the Tanzanian authorities.

Perpetuating Criminal Activity

It is necessary to correct the messaging throughout the Joint Communication that clearly dismisses the risk to life of NMGML employees and contractors, and police officers themselves, while failing to acknowledge any criminal and illegal behaviour by those who intrude onto the mine.

Although this behaviour does not warrant or excuse potential violation of human rights, it has become apparent that the description of these criminals by international NGOs as permanent victims due merely to the presence of the mine, and the complete refusal to acknowledge them as being armed, violent, and engaging in illegal activities, and being unscrupulous land speculators, has created an ecosystem of impunity with a roadmap to monetary gain: either stealing gold, fraud through inflation of assets (speculation), or through the threat of international litigation in the event of injury, regardless of appropriate use of force or the evidence needed therein. This outcome emboldens these criminals to act more violently. By issuing their Joint Communication and threatening to make it public, the Working Groups and Special Rapporteurs have potentially perpetuated this criminal behaviour.

NMGML has expressly written to these international NGOs – who continue to have no presence on the ground or in country – to work with NMGML or in parallel to strengthen the livelihoods and socio-economic status of host communities and thereby reduce the propensity for criminal activity. Unfortunately, these international NGOs declined this opportunity.

The Working Groups and Special Rapporteurs will be well aware of the ongoing engagement with international NGOs, [REDACTED], as the Chief-Rapporteur of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, is a

former Trustee ██████ – and referenced as such in ██████ 2023 Annual Report. The allegations raised by ██████ and the Joint Communication, and the consistency in neglecting in-country engagement and due diligence is unfortunate.

This makes it apparent that these international groups do not wish for illegal activities to stop, and address the root causes of these issues, but rather maintain the status quo. The ‘protection of human rights’ that these organizations claim to stand for, starts with the *development* of human rights that removes the root causes for the illegal activities, which they decline to be a part of.

Lack of Due Process for an Objective Assessment

We are committed to transparency and with this in mind we trust that the Special Procedures Branch will, going forward, objectively assess the facts associated with this case as per its mandate.

We are however, concerned that the Special Procedures Branch seemingly failed to engage with your counterparts in Tanzania before circulating its Joint Communication and questions why the Joint Communication was not sent to the Tanzanian Government, or why the UNHRC did not immediately raise these issues with Tanzanian authorities when coming into receipt of information.

It is also noted that the Joint Communication repeatedly refers to an ‘investigation’, yet without evidence of undertaking any site visit, engagement nor cursory due diligence of the numerous public statements made by Barrick over many years concerning these allegations.

Based on the lack of onsite review or engagement with the government or community, we do not consider the Joint Communication to be based on an investigation. Rather this is a letter based on information supplied to you by third parties that, like yourselves, have not spent any meaningful time in the communities. An investigation, by its very nature, requires an objective review of the facts and engagement with all relevant stakeholders.

The Joint Communication stressed that it wished not to prejudge the accuracy of the allegations, but unfortunately it is evident to the contrary based on the little to no due diligence and without engagement of the respective Tanzanian authorities whose duty it is to protect human rights.

Also, Barrick was not afforded the opportunity to comment before the Joint Communication was widely distributed and thus, we consider that the process followed by the Working Groups and Special Rapporteur is deeply flawed.

Finally, Barrick has taken the liberty of engaging with the Tanzanian Commission on Human Rights and Good Governance to investigate these allegations as a matter of urgency. Barrick has also held meetings with associated Governments, including the governments of Tanzania, Canada, United States of America and the United Kingdom.

Conclusion

To conclude, despite the serious concerns we had about the content, lack of engagement and process followed in issuing the Joint Communication and its wide-ranging distribution, we have attempted to provide detailed context and responses to the allegations raised. We trust that all of your questions have been answered.

From Barrick's perspective, we need to understand from the Working Groups and Special Rapporteurs what the process and next steps are in relation to these communications. Barrick transparently engaged with the Working Groups and Special Rapporteurs regarding unsubstantiated allegations pertaining to the Veladero mine in 2022, and [following submission](#) of substantial evidence and facts demonstrating the falsehood of those allegations, [received no engagement](#) from the Working Groups and Special Rapporteurs. We trust that in this instance, we will be afforded the opportunity of further engagement, and that the UNHRC will correct of the allegations that, if remain uncorrected, would harm host communities and cause irreparable reputational damage.

Barrick looks forward to a solution-based engagement from the Working Groups and Special Rapporteurs that seeks to conclude a process with the same urgency and responsiveness that it asks Barrick to adopt in answering the Joint Communication.

Lastly, we would like to extend invitations to the Working Groups and Special Rapporteurs to visit North Mara Gold Mine, rather than recycling allegations that are baseless, devoid of fact and simply untrue.

We look forward to your considered and objective response and would welcome a call to discuss accordingly.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Mark Bristow', with a stylized flourish at the end.

Mark Bristow
President and CEO
Barrick Gold Corporation