

# DEBUNKING BARRICK

A man in a blue t-shirt and a dark cap stands with his back to the camera, looking over a large-scale mining operation. The operation is set in a hilly, deforested area with exposed red soil. Several large excavators and trucks are visible on the site. The foreground is filled with lush green vegetation, and a thin wire fence runs across the lower part of the frame.

APRIL 2013  
[PROTESTBARRICK.NET](http://PROTESTBARRICK.NET)

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**EDITOR:** SAKURA SAUNDERS

**CONTRIBUTORS:** LUIS MANUEL CLAPS, CATHERINE COUMANS, XIMENA CUADRA, ARIEL FORNARI, NATALIE LOWREY, MARIE-EVE MARLEAU, ISABEL ORELLANA, SAKURA SAUNDERS & FRANCHEZCA SERRANO.

**DESIGN:** NATALIE LOWREY

**COVER PHOTO:** PEDRO IGNACIO GUZMAN, FROM LA CERCA, WATCHES FROM A HILL THE CONSTRUCTION OF THE EL LLAGAL TAILINGS POND. NEARLY COMPLETED, THE INDUSTRIAL RESERVOIR WILL HOLD THE TOXIC WASTE FROM BARRICK AND GOLDCORP'S PUEBLO VIEJO OPEN-PIT GOLD MINE. COTUÍ, SÁNCHEZ RAMÍREZ, DOMINICAN REPUBLIC. APRIL 2012.

PHOTO: JAMES A. RODRÍGUEZ / MIMUNDO.ORG

**THANKS:** VICTORIA BARNET, JESSICA DENYER, RYAN FRANKS, DANIELA GUZMAN, ALEX HUNDERT, MEGAN KINCH, AMANDA LICKERS, DARIUS MIRSHAHI, MANDY SKINNER, TREY WINNEY, AND DAVE VASEY

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PROTEST OUTSIDE BARRICK'S  
SHAREHOLDER MEETING,  
TORONTO, CANADA, APRIL 2010.  
PHOTO: ALLAN LISSNER.NET

## INTRODUCTION

As Protest Barrick completes its sixth year of working with communities impacted by Barrick Gold, we are publishing a different kind of alternative annual report. We have noticed over the years that despite some of Barrick's major abuses coming into light, the company has been able to maintain – within select circles – a reputation for Corporate Social Responsibility (CSR). Meanwhile, around the world, Barrick's name is still associated with corruption, abuse and environmental harms.

This report intends to explain this disconnect. With information provided for us by front-line communities, we will attempt to reconcile their truth with Barrick's lies.

Luckily, throughout the years, Barrick has been caught misrepresenting themselves, hiding information, and engaging in cover-ups and acts of intimidation to hide

their human rights and environmental abuses. This behaviour has improved Barrick's image with the CSR industry as much as it has emboldened movements against Barrick's corruption in the countries in which they operate.

Interestingly, as the prices of Barrick's shares have plummeted due to rising costs, lawsuits, and bad decision-making, their executives and board members still claim high bonuses due to the company's CSR targets.<sup>1</sup>

We expect this report to be of interest to investors and social justice advocates alike. Join us as we debunk Barrick's CSR programs and their socially responsible image, revealing a pathological company ignoring the warning signs of numerous conflicts across the globe.

# DEBUNKING BARRICK

## WHY WE CAN'T ALLOW THIS MINING GIANT TO REGULATE ITSELF

The greatest manmade disaster in history started as an accounting error, and ended with the death of tens of millions. The story goes that after the collectivization of farmland across China, local officials sent exaggerated reports of their success to the centre, claiming harvests three or four times their true size. While cities claimed large amounts of grain and food was even sent overseas, many rural areas of China starved. At the same time, Mao trumpeted his “Great Leap Forward” and those who told a different story were repressed and even killed.<sup>2</sup>

A dramatic story, for sure, but also one that illustrates the dangers of self-reporting coupled with arrogance in a centralized bureaucratic system.

In a CEO Forum on Sustainable Development in early March, Barrick’s CEO Jamie Sokalsky boasted the company’s new policy of tying 30% of executive bonuses to Corporate Social Responsibility (CSR) indexes reporting on themes such as health, community, environment, and safety and security. “We got skin in the game,” Sokalsky explained. “And that cascades down towards other people in the organization. They also get evaluated on that as well and they will take that into consideration when they are making decisions about how to operate.”<sup>3</sup>

Benign, or even laudable at first glance, this policy installs a structure that encourages rosy self-reporting – and the implications on the ground can be disastrous.

Already, Barrick has been caught misreporting in their environmental self-audits. This February, the Environmental Superintendent of Chile filed charges against Barrick because the Pascua Lama project failed to meet the environmental conditions related to waste storage at the mine site.<sup>4</sup> Barrick filed a self-report admitting that they had breached their obligations, looking for a reduction in the fine.

However, the self-report did not meet the provision of “accurate, truthful and verifiable facts by the holder.”<sup>5</sup> The Environmental Superintendent’s charges were accompanied by three other charges this year from the Environmental Review Commission related to the company’s glacier monitoring.<sup>6</sup>

In this particular region, the stakes are high. Glacial water reserves provide water for 70,000 people<sup>7</sup> downstream in an otherwise arid area that depends on agriculture.

According to CEDHA, there are more than 100 glaciers directly in the impact zone (within 10km) of the Pascua Lama project.<sup>8</sup>

Meanwhile, Barrick only acknowledges three glaciers that could be impacted (Toro 1, Toro 2, and Esperanza). Moreover, Barrick insists that these three glaciers are “glacierets” or “ice reservoirs” rather than traditional glaciers, and consequently their contribution to the water resource of the Huasco Valley is considered to be insignificant.<sup>9</sup>

Despite Barrick’s attempts to belittle concerns about the health of Andean glaciers, mining’s impacts on these water sources have become a major issue in both Chile and Argentina. Even Barrick is quick to point out that “in Chile alone, Pascua-Lama is subject to more than 400 environmental permit conditions, which include explicit protection for nearby glaciers.”<sup>10</sup> In Argentina, the Glacier Protection law became an issue of national debate after it was unanimously voted in by Congress and then vetoed by President Cristina Kirchner.<sup>11</sup> What became known throughout Argentina as the “Barrick Veto” mounted popular pressure against the president, who eventually had to approve a slightly amended glacier protection law in 2010.<sup>12</sup> Barrick then argued that the law was unconstitutional and was granted an injunction suspending the application of the new law to their Valedero project. However, Barrick suffered another legal defeat when the

### 94% APPROVAL?

Barrick claims to have 94% of the Huasco Valley’s 2,000 water users. Besides the fact that there are approximately 70,000 people in Chile who rely on water threatened by the Pascua Lama project, this “94% support” was only approved by 8 of the members of the Water Rights Committee’s board of director. This agreement has been challenged by the General Water Management Board (the DGA), after it was already agreed and signed without consulting the approximately 2,000 irrigators;.

A full critique of this agreement by Luis Faura, then councilperson in Alto Del Carmen, can be found at <http://protestbarrick.net/article.php?id=118>.



Argentinian Supreme Court issued an 8 page verdict in July of last year, striking down Barrick's argument and asserting that Barrick would have to abide by the new law.<sup>13</sup>

While Barrick likes to point to their legal restrictions as proof that they won't destroy glaciers, they never mention that they regularly violate the conditions of these restrictions. Even before construction on Pascua Lama commenced, exploration activities caused damage to glaciers from contamination and dust, which covers glaciers and causes them to absorb rather than reflect the sun's rays. In 2008, a 5 year-old report by the General Water Directorate (DGA) was finally published, showing that the Toro 1, Toro 2 and the Esperanza Glacier were already reduced by 50-70% because of the dust from Barrick's exploration activities.<sup>14</sup> Again in 2010, the DGA reported that Barrick was failing to comply with strict transport rules designed to prevent dust emission.<sup>15</sup> In late 2012, a Chilean state agency temporarily halted construction work at Barrick Gold Corp's Pascua Lama mine citing concerns about the health of workers due to excessive levels of dust.<sup>16</sup> And today, photos of Toro 1 and Toro 2 show that they are completely covered with debris,<sup>17</sup> and recent inspections by farmers and community leaders reveal that the Toro 1 glacier has all but disappeared.<sup>18</sup> As a result of this and other pollution issues, a Chilean court suspended Pascua Lama in April 2013 acting on a complaint from Diaguita Indigenous communities.<sup>19</sup> Unfortunately, the destruction of these resources will surely cost more to the surrounding communities than the occasional fine, and it will take more than a temporary construction injunction to stop it.

Errors in Barrick's self-reporting are not confined to Chile, either. In February of this year, the U.S. Environmental Protection Agency forced Barrick to pay a \$618,000 settlement for failing to correctly report toxic chemical releases and waste management activities at the company's Cortez, Ruby Hill and Bald Mountain mines.<sup>20</sup> One month later in the Dominican Republic, Barrick mislabeled the origin of a customs declaration, saying that gold came from the United States when in fact the gold was from Dominican soil.<sup>21</sup> The error, punishable by twice the value of the cargo – or \$23 million in this case<sup>22</sup> – is evidence that Barrick's faulty self-reporting can be damaging to itself as well as communities on the ground.

But what does Barrick's sketchy self-reporting mean in a country that lacks the regulatory infrastructure and political will to hold Barrick accountable? Tragically, this is the case at their mine sites in Tanzania, where repression is high and Barrick's story never quite matches up to the

story on the ground.

Take, for instance, their North Mara mine in Tanzania. Here, there have been two reports – one by researchers at the University of Dar es Salaam<sup>23</sup> and the other from the Norwegian Church of Life Sciences<sup>24</sup> – that have confirmed life threatening amounts of arsenic in the waterways. Barrick responded<sup>25</sup> to the report criticizing the integrity of the science, to which the authors responded<sup>26</sup> with a detailed defence of their methodology. Meanwhile, locals complain that polluted waterways poison themselves and their livestock.<sup>27</sup>

In 2009, a toxic spill at this mine site left many people and livestock dead. News reports from *Thisday* cited 20 people and 150 cows dead<sup>28</sup>, while Dow Jones one week later repeated local reports that the deaths had climbed to 30 people and 300 cattle.<sup>29</sup> Ward authorities eventually reported that “203 people became ill, 43 people died, and 1358 livestock died.”<sup>30</sup> Meanwhile, Barrick reported only 4 chemically-related wildlife mortalities for all of 2009 at their North Mara site.<sup>31</sup> With regards to the impact of the spill, Barrick insists, “no one died.”<sup>32</sup>

Strangely, at the same time that Barrick denies sicknesses and death due to mine chemicals, they blame villagers for “stealing the PVC lining”<sup>33</sup> at the mine's waste pond. “It is completely ridiculous” says Tundu Lissu, a member of Tanzanian Parliament who has been working with communities surrounding the North Mara mine since 2003. “Not a single soul has been charged of or convicted of stealing the liners, but it's a very useful propaganda tool.” Lissu explained, “these are criminals, these are invaders, these trespassers, you know? No one talks about the history how did these people become trespassers on their own lands. What happened to their farms? It becomes a very useful ploy to deflect attention from the corporate brutality against the community.”<sup>34</sup>

Despite Barrick's denials of health issues related to the waste pond, in January of this year, Tanzania's National Environment Management Council (NEMC) ordered the company to close its pit refuse facility at North Mara due to toxic leakages and the contamination of local water sources.<sup>35</sup>

In addition to denying scientific reports about water contamination, Barrick also claims that skin ailments that locals claimed were related to the toxic spill in 2009 were not a result of contaminated water. Barrick bases their evidence on a South African Dermatologist who made an assessment based on photos that the company provided.<sup>36</sup>

However, according to Warren Bell of Canadian Asso-



BARRICK DENIES SKIN AILMENTS ARE A RESULT OF CONTAMINATED WATER BY A TOXIC SPILL AT IT'S NORTH MARA MINE IN TANZANIA IN 2009. PHOTOGRAPHER ALLAN LISSNER IS ONE OF THE MANY PEOPLE WHO HAVE VISITED MAMA OTAIGO IN HER VILLAGE DOWNSTREAM FROM THE MINE. PHOTO: ALLAN LISSNER.NET

ciation of Physicians for the Environment, “a visual inspection of a rash is meaningless without a knowledge of the process that brought it into existence. Almost all environmental exposures are confirmed by history, and only secondarily by appearance.”<sup>37</sup> Meanwhile, according to Chacha Wambura of Foundation Help, who did extensive interviews in the communities surrounding the mine “according to [the people with the skin conditions], their neighbours, relatives and their local leaders, the rashes developed after using the water.” He found the victims in two villages 5-7km downstream<sup>38</sup>, and several human rights advocates have since visited them there.<sup>39</sup>

Mr. Wambura posted two of the victims photos alongside their stories to his blog in 2010. In response, Barrick threatened a lawsuit against Mr. Wambura unless he apologized for making his blog post and turned the victims to the government authorities for medical examination. Barrick’s legal notice insisted that the two people did not

come from villages downstream.<sup>40</sup>

Alongside legal threats, North Mara is known for its high level of militarized repression. Small scale miners are shot at, beat up, detained and even killed with regularity by mine security and police.<sup>41</sup>

This point is most clearly illustrated when you look at the aftermath of the 2011 massacre of five locals accused of invading the mine site (see sidebox “This is what impunity looks like”). MP Tundu Lissu, who traveled to Tarime following the killings, was himself beat and arrested by the police, along with seven others.<sup>42</sup> Tarime is “first in this kind of intimidation and violence,” Tundu explained in an interview<sup>43</sup> recalling the incident. “State violence against the community is unprecedented. You can’t see that kind of violence from the government anywhere in this country... it’s because of the mine. It has a history but the mine has exacerbated the situation.”<sup>44</sup>



Barrick admitted to the killings at the mine, but refused to take responsibility for the police action, despite the fact that they employ many police to guard their mine. “This is a police matter and concerns how the Tanzanian police interact with the community. African Barrick Gold does not have any control or influence over police in this respect,” the company said in an email.<sup>45</sup>

Again and again, Barrick’s version of the facts runs in direct contradiction to the stories that people tell on the ground. They have proven themselves as a bad faith actor in their relationships with communities, yet they continue to project an image of responsibility, which is accepted at face value from so-called corporate social responsibility advocates and sustainability indexes<sup>46</sup>. Until Barrick’s lies are met with consequences greater than small fines, the communities surrounding Barrick’s mines will continue to suffer the triple consequence of environmental mismanagement, human rights abuse, and the repression of truth. How many more passes will Barrick receive as popular pressure mounts against the mining of this largely useless luxury? As consciousness spreads about the inherent consequences of open-pit gold mining, one can only predict that society will have less tolerance towards this unnecessary evil.

### CAUGHT IN A COVER-UP<sup>47</sup>

On May 9, 2009, following heavy rains, runoff water from a containment pond began flowing into the Tigite River in the Tarime district in the north of Tanzania. Villagers near Barrick’s North Mara mine reported that the water had turned a reddish colour. Many deaths of people and livestock were attributed to this toxic spill, though Barrick categorically denied that anyone died.

Tanzanian deputy minister for Home Affairs Khamisi Kagasheki visited the area and witnessed the seepage of acid into river Tigite. He accused Barrick of deliberately downplaying the matter after Barrick officials had taken Mr. Kagasheki on a tour of what they said had been impacted areas, to prove that the area was cleaned and that there were no further issues with pollution.

Later, the Minister’s car was stopped by villagers who insisted on showing him the actual affected areas. “I have been shocked with what I have seen and lies by Barrick officials have really annoyed me. I am very sorry,” he told a meeting of local leaders and villagers in the area after they showed him the areas affected by the leakage.



NORTH MARA  
MINE IN TANZANIA.  
PHOTO: ALLAN  
LISSNER.NET

### THIS IS WHAT IMPUNITY LOOKS LIKE<sup>48</sup>

Following the 2011 massacre of five locals at the North Mara mine, MP Tundu Lissu traveled to the community following the killings to ensure that a proper post-mortem examination would be conducted. The following day, the community planned an open-air funeral service – something that the police wanted to avoid. Tundu began to hear rumours that the police were planning to steal the bodies to prevent the public mourning, so he gathered a group of 30 people to sleep outside the morgue. That night, around 10pm, the police attacked them.

“They had me under their boots for something like 40 minutes while someone was standing literally on my neck, another one on my feet, and another one on my ribs,” Tundu recalled. “We were lying on the truck, 8 of us. It was horrible, absolutely horrible.”

Tundu woke up the next morning in a cell where the walls had “lots of blood” on them. He was then transferred to Tarime prison, where he heard lots of stories of people being tortured by the police. “The kind of stories they were telling just, horror, horror stories,” he insisted.

When asked why the police would attack a member of parliament like that, Tundu explained, “That’s the thinking, ‘if we can do this to a member of parliament, think of what we’ll do to you?’ So you beat up an MP in order to send a message to lesser mortals that ... if an MP can be humiliated like this in public then what happens to those of us who don’t have any name?”

## EXCERPT ROMINA PICOLOTTI FORMER ENVIRONMENT MINISTER OF ARGENTINA TO THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT, NOVEMBER 2009<sup>49</sup>

“ You are obviously aware of the very large mining ventures run by the Canadian company Barrick Gold in Argentina and Chile. Perhaps you know that Barrick’s Argentina gold mining venture is one of the largest mining projects in the world. Unfortunately, I must say, that far from being the beacon and model of sustainable mining that we would hope for in the 21st century, Barrick Gold is a modern example of how powerful economic giants can unscrupulously manipulate local politics and skirt environmental and social controls to maximize profit, minimize investment risk, and ignore local culture and communities to the detriment of greater global objectives of sustainable development.

...

I approached Barrick in 2007 as Environment Secretary, to exercise my jurisdictional authority over the San Guillermo Biosphere Reserve (a UNESCO site), a national park in the Province of San Juan, where Barrick’s Veladero mine is located, with the objective of installing contamination measuring units throughout the area. Barrick refused to give my teams access to the lands in their mining territory and stalled all subsequent efforts to facilitate such entry, until weather conditions changed so drastically (in the early winter months) that my team’s work in the area was no longer physically possible.

I had engaged with provincial and national authorities to attempt to reform the mining code and place the monitoring and control of impacts of mining activities within the jurisdiction of the Secretary of the Environment. Barrick opposed such participation of Argentina’s environment institutions and lobbied provincial and national governments strongly to obstruct such an effort, maintaining jurisdiction of mining operations (and their impacts) solely within mining agencies.

In 2008, Congress unanimously passed a Glacier Protection Law. The new glacier law would have prohibited mining on, under, or in glacier perimeters, something that probably sounds quite reasonable to Canadians as you come from one of the most glacier-rich regions of the world. So do we. Well, Barrick did not want a glacier protection law to limit their mining prospects, and subsequently pressured the President into vetoing the law. If the President would not veto the law, Barrick would work to block other financial bills that were critical to stabilizing the Argentine economy during the global financial

crisis. The President capitulated to Barrick’s pressure and vetoed the bill, which has euphemistically become known as “the Barrick veto.” This was not the only time Barrick was successful in reversing progressive environmental laws and policy within Argentina.

Barrick has pushed forward with several controversial mining projects in Argentina and in the region, and time and time again shows that the company acts in bad faith with respect to social and environmental community concerns that such large mining interests entail. One of Barrick’s gold mining ventures called Pascua Lama (a bi-national project within Chilean and Argentine territories) occurs right on top of five glaciers. Unbelievably, Barrick had conveniently failed to mention this fact in its original EIAs to either Argentine or Chilean environmental authorities. It was only after communities protested this site choice, and pointed out the presence of glaciers, that Barrick admitted that indeed, its mining venture was taking place on at least five glaciers. However, by then, and only from prospecting impacts, much of the glaciers had already been severely impacted by Barrick’s exploration. Barrick’s Pascua Lama project is one of the most controversial and opposed projects in the region. There is strong resistance from local indigenous and farming communities, greatly concerned with water management and availability, contamination, and impacts to natural habitat and reserves.

My friends, let me be clear, I am not against mining. Many mining projects are key to our evolution as modern societies. There are many metals right here in this room that we cannot live without and that are a product of very needed and responsible mining investments. However, my goal as Secretary of the Environment of Argentina and as a lifetime global advocate of sustainable development was, and is, to promote fairness, equity, rationality, responsibility and accountability in corporate investments.

Mining is a priority and an integral part of the Argentine, Canadian, and global economy; however, we must proceed with mining in a sustainable way. Companies like Barrick have shown to be systematically irresponsible. They portray a dark side of global economic politics and have shown time and time again that they are uninterested in balanced approaches to development. They only provided rhetoric and lip service to the sustainable development objectives that both of our countries profess. ”



# WIRADJURI FIGHT TO THE BITTER END

Barrick Gold owns and operates nine mines in Australia, the most controversial is the Cowl Gold Project situated in Lake Cowal, central New South Wales (NSW). Lake Cowal is the largest inland lake in NSW, a wetland of national and international significance providing habitat for many threatened species and birds listed under the International Convention on Wetlands (the Ramsar Convention)<sup>50</sup>. It is the 'Sacred Heartland of the Wiradjuri Nation' who have lived on and around the lake for thousands upon thousands of years.

Since 2001, the Mooka and Kalara United Families' within the Wiradjuri Nation have waged a protracted and bitter legal battle in the Federal and NSW Land and Environment Courts to stop Barrick from developing and operating an open-pit cyanide leach gold mine and to

assert Wiradjuri sovereignty that has never been ceded. The Court challenges focused on the validity of consents issued by the NSW Government permitting Barrick to destroy all cultural heritage sites at Lake Cowal, and on the protection of Wiradjuri Native Title rights.

The name Wiradjuri means, 'people of the three rivers' and traditionally these rivers, the Macquarie, Lachlan and Murrumbidgee, were the primary source of food for the Wiradjuri people. A number of customs are unique to the Wiradjuri communities with one of the most significant being the marking on trees to signify the burial place of a Wiradjuri person. Dozens of these scar trees that sheltered Wiradjuri people around Lake Cowal from the elements for hundreds of years and held historic markings of generations were destroyed by Barrick. Thousands of

BARRICK'S MINE IN LAKE COWAL, FEBRUARY 2013.  
PHOTO: NATALIE LOWREY, PROTESTBARRICK.NET

artifacts were also collected and are still held on site by the company. Barrick Gold has shown little respect to Wiradjuri cultural heritage, confiscating artifacts from the mine site and refusing to return them to the Traditional Owners.

The Barrick website states that they engage with Indigenous peoples honestly and openly, that they engage and consult in a 'fair, timely and culturally appropriate manner'<sup>51</sup>. Wiradjuri Elders and Traditional Owners vehemently disagree, claiming that they were not consulted, that they never gave consent to Barrick to desecrate their culture and sacred lands. Despite Barrick's claims that they constructively engage with Indigenous peoples they do not respect international standards on rights in all jurisdictions, especially the minimum standards as set forth in the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP), which includes in particular, the right to lands, territories and resources and attendant right to Free Prior and Informed Consent (FPIC).

In response to a Mooka and Kalara United Families Native Title claim, which includes between 3,000 and 4,000 Wiradjuri people, Barrick and the NSW Government supported the establishment of a group called the "Wiradjuri Condobolin Native Title Claim Group". Made up of five Wiradjuri people belonging to the Wiradjuri Council of Elders, Barrick claims that they are the 'legitimate representatives of the Wiradjuri people'<sup>52</sup>. This group later changed the name on its Native Title claim to "the Wiradjuri People", then withdrew its claim after signing a confidential agreement with Barrick and the NSW Government to allow mining to go ahead at Lake Cowal for an undisclosed financial benefit. This small group of five Wiradjuri signed away thousands of years of Wiradjuri heritage without consulting the wider nation that numbers around 30,000 people.

Neville 'Chappy' Williams representing the Mooka and Kalara United Families of Lake Cowal is a custodian and Native Title applicant of the land and waters in which the gold mine is located. In a speech at the 2008 Annual General Meeting Mr. Williams told Barrick shareholders that "Barrick negotiated in secret with five unauthorized Wiradjuri ... Barrick claims a good record in negotiating with Wiradjuri, but this is not true and the main negotiator, Percy Knight, was on a suspended sentence for fraud when he signed the deal. Now the entire Wiradjuri nation is supposedly bound to this agreement but no-one else can see it, even though we have tried to get a copy under Freedom of Information."<sup>53</sup>

Since 2003 Wiradjuri Traditional Owners have served Notice of Evictions to Barrick Gold and Barrick of Aus-

tralia. The formal notices have stated that the company is trespassing on sacred land with a declared intent to destroy. The eviction notice demanded that all operations cease, all machinery and infrastructure is removed and all artifacts to be returned to the location they were taken from. In 2007 Neville Williams served a Notice of Eviction in person to Barrick's Board of Directors at their annual shareholder meeting in Toronto, Canada.

"As an elder of the Wiradjuri Nation, I serve this document on Barrick Gold on behalf of the Mooka and Kalara united families within the Wiradjuri Nation. Under Wiradjuri custom, tradition and lore, you have received your three warnings. You must now respect the unceded sovereignty of the Wiradjuri Nation and cease all operations, restore the landscape, remove all equipment and replace all artifacts to their GPS'd positions."<sup>54</sup>

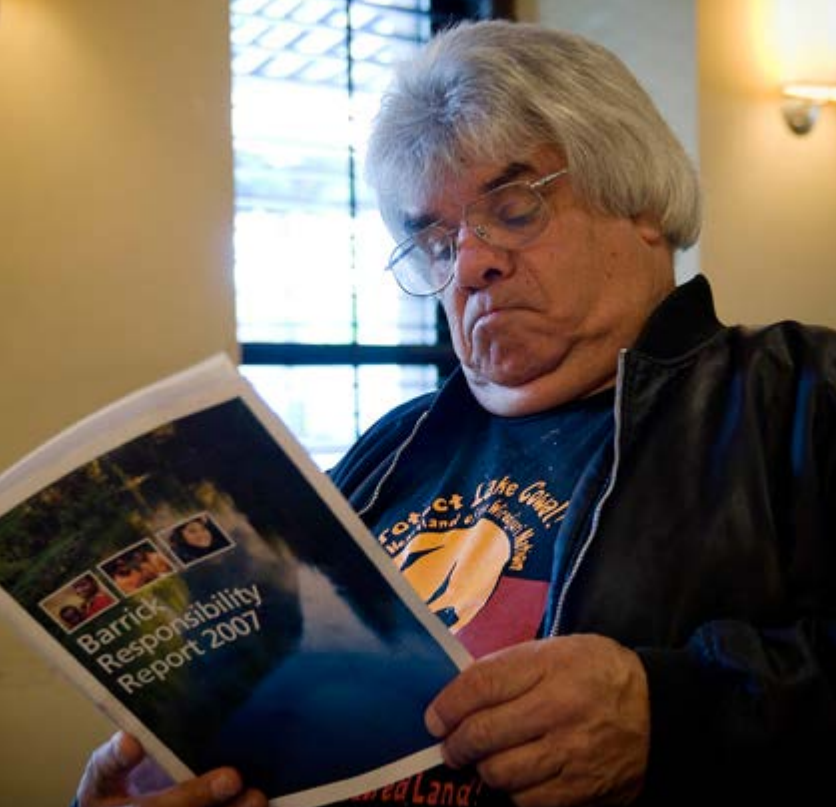
Barrick's corporate public relations spin commends the Cowal Gold Project with widespread community support. On the contrary there have been dozens of actions and thousands of people in Australia and internationally that support Wiradjuri resistance in halting Barricks operation in Lake Cowal, including:

- The Coalition to Protect Lake Cowal which includes 40 groups worldwide and 21 member groups in Australia;<sup>55</sup>
- Cultural camps and protests at the mine site over a 7 year period that have stopped mine operations,<sup>56, 57</sup>
- Television advertisement, raising the potential dangers of the Cowal Gold Mine,
- Documentaries highlighting the resistance to the mine particularly by Wiradjuri Traditional Owners,<sup>58, 59</sup>
- Media including print, radio, regional and national television,
- Intervention at the United Nations Permanent Forum on Indigenous Rights,<sup>60</sup> and
- Indigenous Resistance to Barrick Gold Speaking Tours in Canada with Indigenous communities from Papua New Guinea, Chile and the United States.<sup>61, 62, 63</sup>

The legal avenues which Wiradjuri Traditional Owners have pursued for over 10 years have now been exhausted despite the many successful precedents which have been set.

"We are never going to give up, we are never going away, we will fight to the bitter end to protect and preserve our ancient cultural heritage - that is Lake Cowal" – Neville 'Chappy' Williams, Wiradjuri Traditional Owner.





NEVILLE 'HAPPY' WILLIAMS, WIRADJURI TRADITIONAL OWNER (ABOVE) AND SERGIO CAMPUSANO, ELECTED PRESIDENT OF THE DIAGUITA HUASCOALTINOS (BELOW) READING BARRICK CORPORATE SOCIAL RESPONSIBILITY MAGAZINE. PHOTO: ALLAN LISSNER.NET



## SUPPORTING THE DETERMINATION OF DIAGUITA?

The Diaguita Huascoaltinos Indigenous and Agricultural community are the closest neighbours to the Pascua Lama project. They are the direct heirs of the Native People of Huasco Alto and consist of 250 families of indigenous peasants, farmers and herders. As a community, they remained organized after the Spanish colony in Huasco Valley and continue to have title to their lands. In 2006, they decided to make their community a natural and cultural reserve.

The Diaguita Huascoaltinos claim that Barrick seized – through a series of fraudulent transfers – 124,000 acres of their land in 1998. Additionally, they claim that the State of Chile approved the Pascua Lama project in 2001 without the permission of their community.<sup>64</sup> This violation of their self-determination is the basis for a case that the Diaguita have against Chile in the Inter-American Commission on Human Rights (IACHR).<sup>65</sup> The complaint, which was filed in 2007 and accepted in February 2010, has already had its first hearing in October 2011. The fact that it has been admitted by the Commission reveals that the Diaguita have exhausted all local remedies (within Chile) to seek justice.

However, despite this case, alongside a 2005 complaint filed with the Organization of American States (OAS), a lawsuit filed in 2001, formal complaints, two letters written by Diaguita leadership to Barrick and the President Bachelet of Chile in 2006, as well as numerous other legal challenges, Barrick glosses over the antagonistic relationship with their closet neighbours. In fact, in their April 2009 edition of their CSR magazine *Beyond Borders*, Barrick includes an article entitled "The Diaguita of Chile: Supporting the determination of an Indigenous people". The irony was not lost on Sergio Campusano, elected president of the Diaguita Huascoaltinos since 2005, who is pictured opposite with Barrick's magazine at a Parliamentary Press conference in 2009, when he traveled to Canada to tell Canadians the truth about Pascua Lama.



A woman in a green jacket and dark pants is herding a group of sheep on a dirt path. The sheep are of various shades of brown and white. In the background, there are simple houses with red-tiled roofs and some laundry hanging on a line. The scene is set in a rural, mountainous area.

## PROFILE SURVIVING THE PIERINA MINE THE MARINAYOC COMMUNITY AND ITS STRUGGLE FOR CLEAN WATER IN THE ANDES

On September 19, 2012 at 3:30 PM, about a hundred protesters from the Marinayoc Community, a close neighbour of Barrick's Pierina gold and silver mine, marched through their lands and gathered at the mine's main gate known as Bravo 22. They demanded that Barrick fulfill its promises to provide the community with fresh and clean water. It seemed reasonable, as the massive open pit and other infrastructure built by the Toronto-based company both destroyed the mountain as well as its "filtraciones" [filtrations], the water sources that used to provide for their consumption and crops in the dry season.

While they were protesting at the gate, the police - brought by Barrick to protect their installations - fired gas bombs. The protestors dispersed down the hill while the police chased them and attacked them with shotguns. Nemesio Poma Rosales (55) was wounded and taken into the company facilities where he later died. His body was released by Barrick to the local morgue in Jangas - the capital of the district - the next day at 2AM. According to Lima-based newspaper *La Republica*, "Edith Poma denounced that her father Nemesio was taken alive to the mine medical post where, she affirmed, he bled to death".<sup>66</sup>

Alejandro Tomás Rosales Chávez (45) was wounded in his back by bullet splinters while he was escaping the gas. Meanwhile, Eulogio Rosas Julca (23), Marcelina Nolasco Albina (37), Agripina Lucas Rosas (40), Rolando Nolasco Albino (22) and Gilberto Norabuena (28) all suffered injuries.

A preliminary investigation of what happened that day at the Bravo 22 gate conducted by the Fiscal Roland Martín Deza states that "the community members entered the

mine area shouting and throwing stones at the police" and three policeman were injured. Fiscal Deza also says that there were only eight policemen at the gate. However, according to Jorge Castromonte, a leader of the Marinayoc Community, there were many more policemen. Despite the fact that the National Cabinet chief Juan Jimenez declared that "an investigation will be launched [...] investigate and penalize, that is what we are going to do"<sup>67</sup> the community does not trust the regional judicial system, in which the mining company has a strong hand: more than 30 community members have been charged with trespassing or sedition.

Between the time that protests started on September 14th and the clashes that occurred on the 19th, the company had over 4 days to prepare a solution that could have prevented the use of lethal force; they failed. "It is as if they were determined to defend their gold with fire arms against unarmed people. Since the September clashes, the complete perimeter of the mine has been reinforced with barbed wire. It is like they are preparing for a war" denounces Castromonte. A day after the violence at Pierina, Human Rights Watch issued an open letter to Ollanta Humala expressing concern over the apparently unwarranted use of lethal force being employed by Peruvian security forces during confrontations with protesters.<sup>68</sup>

A "Mesa de Diálogo" [Dialogue Table] between the Marinayoc Community and Barrick is being sponsored by the central government in Lima and is scheduled to begin this month. In the last year the national government has increased its capacity to intervene in mining conflict areas. Last year the Humala administration received nearly \$4.9



million from the Canadian government toward “Conflict Management and Prevention in the Extractive Sector”.<sup>69</sup> It is yet to be seen whether these new mechanisms will contribute to understanding and peaceful solutions for the Marinayoc community’s legitimate claims, or how they can coexist with the mining company’s use of lethal force in dealing with local protests.

### The issue of water

The Pierina mine is located in the Andean Cordillera in the Department of Ancash, Jangas district, in north-central Peru, some 10 kilometres northwest of the city of Huaraz at an altitude of approximately 4,100 metres. After a two year construction phase the operation began in November 1998. It has produced over 3.5 million ounces of gold at an average cash cost of US\$51/oz.<sup>70</sup>

With a privileged view of the Huascaran – the highest mountain in the country – Marinayoc is a great place that has provided for the needs of the Quechua indigenous people who have lived there for generations. But now, the water cycle of which the Marinayoc Community depends on has been disrupted by the mine. Acknowledging this, Barrick Gold offered to treat the water in a purification plant before it’s released from the mine to the community. But as a mine official recognizes “the community does not want to use water that comes from the mine, even though it’s treated and certified”.<sup>71</sup>

Ever since the company cheated them by buying their lands for the project, the community does not believe any of Barrick’s promises and asks: if we accept the company proposal, who is going to treat the water after the gold is exhausted and Barrick is gone? Instead of depending on a water treatment plant run by Barrick, the community proposed that fresh water should be pumped from the rivers and streams of the neighbouring mountain valley, the Cordillera Blanca (White Range), so that they can avoid being dependent on Barrick for their water.

Matthew Himley, a scholar from Illinois State University quoted a person living near the mine in 2010 stating that, “[Barrick’s subsidiary at Pierina] hasn’t made good on anything. They offered a lot. They were just making us believe things. After that nothing. Now, to get any little thing for the village, we go to them begging, imploring. And how much wealth are they availing themselves of?” As the water treatment plant remains on stand by, a truck carries water every day from a secure source up to the treatment plant, releasing it to the Marinayoc Community. “How long will this solution last?” asks Castromonte.




ALEJANDRO TOMÁS ROSALES CHÁVEZ  
PHOTO: LUIS MANUEL-CLAPS

## A SURVIVOR

On September 19 2012, Alejandro Tomás Rosales Chávez marched to the Pierina mine’s Bravo 22 gate to demand Barrick Gold fulfill its promises to provide clean water to the Marinayoc Community. When the police started shooting gas bombs, many ran away, including Alejandro. He had made it some twenty steps down the hill when he was wounded in his back by bullet splinters. Alejandro was then taken to a clinic in Huaraz where – after three operations – the doctors saved his life.

Alejandro’s medical treatment was provided by Barrick in exchange of him signing an agreement denying that Barrick was in any way responsible for the events that resulted in his shooting, affirming that the company was helping him out of “social responsibility”. But after six months of the Bravo 22 gate incident, the left side of his body remains very weak and he can’t work. Alejandro is a survivor. There are still some bullet splinters in his liver that they can’t take out. The liver might manage to release the splinters by itself in the future, doctors say. Meanwhile, Alejandro never spoke to a lawyer about his rights outside of Lucinda Visscher Butrón, Barrick’s Community Relations Manager.



BARRICK'S FAILED WATER TREATMENT  
PLANT FOR THE MARINAYOC  
COMMUNITY AT PIERINA. PHOTO:  
LUIS MANUEL-CLAPS

## WORLD VISION BARRICK'S PARTNER IN UNDERMINING DEVELOPMENT IN PERU

World Vision has been receiving money from Barrick Gold to carry out projects at controversial Barrick mines in Peru since 2003. The first one million dollar "partnership" was for projects at the conflict-ridden Pierina mine.<sup>72</sup> This was followed in 2007 by an additional \$1.3-million for projects at Barrick's equally controversial Lagunas Norte mine.<sup>73</sup> In 2011, Canada's international development agency (CIDA) agreed to subsidize the cost of Barrick's corporate social responsibility projects at its new site in Quiruvilca, Peru, which is already facing serious local opposition.<sup>74</sup> Barrick's partnership with World Vision in Quiruvilca is supported by \$500,000 in Canadian tax dollars. At each of these Barrick mines local opposition is rooted in peoples' efforts to defend their basic human rights, to protect their water resources, to protect sustainable livelihoods and to pursue their own self-determined development paths.

World Vision defends its decision to accept Barrick's money for projects at mines that local people oppose: "Each opportunity is rigorously debated based on our stringent best practice policies, values and goals."<sup>75</sup> It is unclear just what these "policies, values and goals" are, but it is clear that World Vision is not speaking out publicly about the damage Barrick's mines are doing to the basis for local development, such as access to clean water. Nor is World Vision apparently listening to voices of local indigenous leaders such as Miguel Palacin who says:

*"Unfortunately, Canadian mining companies have a bad track record in our countries, where companies such as Barrick Gold are the source of many conflicts because of the dispossession of lands, destruction of water sources, and the ignoring of international rights (ILO Convention 169, the UN Declaration on Rights of Indigenous Peoples, among others), that lead to multiple environmental and social impacts on our communities.(...) So for these reasons we ask that you, World Vision Canada/Barrick Gold/CIDA, refuse to take any part in this development policy, and instead that you take responsibility to ensure that Canadian companies respect, and demand that States respect, the rights of the indigenous peoples affected before anyone seeks mining concessions in our countries."*<sup>76</sup>

World Vision, together with other major Canadian development NGOs such as Plan Canada, Care and WUSC, and major Canadian mining companies such as Barrick, Goldcorp, HudBay and Kinross are members of a forum called the Devonshire Initiative.<sup>77</sup> The Devonshire Initiative was started in March of 2007 at the Munk Centre for International Studies at the University of Toronto (located at 1 Devonshire Place). Barrick Gold's Peter Sinclair is on the steering committee of the Devonshire Initiative.



# TIMELINE

## A BAD YEAR FOR BARRICK

**July 3, 2012** – The Argentinian Supreme Court reversed Barrick's preliminary injunctions that have blocked key parts of a glacier protection law from being applied to their mining operations. The law protecting glaciers now applies to Barrick Gold, casting doubt on the viability on the project.<sup>78</sup>

**Aug 4, 2012** - A group of 23 contract workers occupies the San Ambrosio Church in Vallenar, capital of the northern Chilean province of Huasco, to protest labour conditions at Barrick's Pascua Lama mine. Rafael Castillo, the vice president of a workers' group, told Radio Bío Bío that workers die every year for lack of medical attention at the site.<sup>82</sup>

**Sept 1, 2012** - Paulo Sarya (26) and Rodgers Mwiita (18), locals from villages surrounding Barrick's North Mara mine in Tanzania, are shot dead by North Mara police force after a reported 800-10,000 people raided the mine site. Both were shot dead while in the mine pit, another local was seriously injured and taken to the hospital.<sup>84</sup>

**Sept 20, 2012** - One person died and four were injured when police clashed with protesters at the entrance of Barrick's Pierina mine in Peru.<sup>86</sup>

**Oct 4, 2013** - A Chilean appeals court accepts to consider an injunction against Canada's Barrick Gold, in relation to indigenous Diaguita communities concerned with damage to glaciers. This case is eventually succeeds in forcing Barrick to stop work on the project.<sup>88</sup>

**Nov 2, 2012** - Barrick Gold's CEO, Jamie Sokalsky, announced yet another jump in the estimated capital costs of the Pascua-Lama mine, from less than \$1 billion in 1997, to \$3 billion in 2009, to \$8 billion in July, to \$8.5 billion now.<sup>90</sup>

**July 2012** - Nixon Mangape (Independent) defeats Philip Kikala (People's National Congress) to become Lagaip-Porgera's representative in Papua New Guinea's National Parliament.<sup>79</sup> In 2009, Barrick-supported police burnt down the homes of his immediate family in Wuangima village, adjacent to Barrick's mine.<sup>80</sup> In 2010, mine security shot Mangape in the leg with a rubber bullet as he joined a family who had just had their loved one killed by mine security.<sup>81</sup> As a member of Parliament, Hon. Mangape brings up the issues of on-going abuses at Barrick's mine and pushes for the resettlement of his people outside of the Special Mining Lease area.

**Aug 28, 2012** - Chile's Supreme Court strikes down the planned 2,100-megawatt, \$5 billion Castilla thermoelectric power plant project citing environmental concerns.<sup>83</sup> Barrick's Pascua Lama mine was to be supplied with power from that project, which may result in additional delays and costs.

**Sept 3, 2012** - Eight subsidiaries of Barrick Gold are fined a total \$127,000 for failing to lodge documents with the Australian Securities and Investments Commission.<sup>85</sup>

**Sept 28, 2012** - At least 25 people were injured by shotgun fire in the village of La Cabirma in the Dominican Republic amid exchange of gunfire between police and protesters demanding that Barrick hire more local workers for their Pueblo Viejo mine.<sup>87</sup>

**Oct 31, 2012** - Chile's National Geology and Mining Service (Sernageomin) ordered the work suspension at the Pascua Lama site after its inspectors found unsafe levels of fine particles in the air at the mine; a report blamed "incorrect technical monitoring" of the earth being excavated.<sup>89</sup>

**Nov 10, 2012** - Citing rising operating costs, Barrick Gold cancels the Homestake Retiree Medical Plan, leaving about 1,000 retirees without the benefit. Cara Horton, benefits manager with Barrick, reveals that the Homestake Retiree Medical Plan was not a union-negotiated plan. Therefore, she says, Barrick is fully within their rights to cancel it.<sup>92</sup>

**Jan 2013** – Tanzania’s National Environment Management Council (NEMC) orders Barrick to close its pit refuse facility in North Mara due to toxic leakages and the contamination of local water sources.<sup>95</sup>

**Jan 30, 2013** – Mining Watch, Rights & Accountability in Development, and EarthRights International release a scathing critique of Barrick’s gang rape remediation program in Papua New Guinea, which forces victims to sign away future rights to sue in exchange for receiving remedy.<sup>97</sup>

**Feb 13, 2013** - Africa Barrick forecasts production would shrink for a fifth straight year and says it will focus on cutting soaring costs, after talks collapsed with China National Gold over a possible takeover of the firm.<sup>99</sup>

**Feb 21, 2013** – The road to Barrick’s Laguna Norte mine in Peru blocked by 200 protesters for six days over jobs, wages, and water supplies in the area.<sup>101</sup>

**Nov 9, 2012** - Chibwa Ghati Muaremba (20), a resident of Kiwanja Village in Tarime District is shot dead by police after allegedly raiding Barrick’s North Mara mine with 4000 people.<sup>91</sup>

**Jan 16, 2013** - Property titles were issued in ValLENAR, Chile by Mines Commissioner Paulo Cortes Olguín that grant sole legal jurisdiction over the Pascua Mine area concessions and titles to Jorge Lopehandía of Mountainstar Gold Inc.<sup>93</sup> According to Chilean media outlet El Ciudadano, the Commissioner also established that “Amarillos North (12,850 acres) and Amarillos South (8,400 acres) have been Lopehandía’s property since 1996.”<sup>94</sup>

**Jan. 9 2013** – Stanley Kawambu is shot at, beat, and left to die in a cell by police in Yanzakale, Porgera in Papua New Guinea.<sup>96</sup>

**Feb 6, 2013** - U.S. Environmental Protection Agency forces Barrick to pay a \$618,000 settlement for failing to correctly report toxic chemical releases and waste management activities at the company’s Cortez, Ruby Hill, and Bald Mountain mines.<sup>98</sup>

**Feb 14, 2013** - Barrick takes a \$3 billion dollar write-down on a Zambian Copper mine it bought in 2011. The write-down “was twice as big as we expected,” Pawel Rajszel, an analyst at Veritas Investment Research in Toronto. “They definitely didn’t do their due diligence.”<sup>100</sup>

**Feb 21, 2013** - Chile’s environmental commission fines Barrick 3000 UTM (US\$256,518) for irregularities and pollution with respect to their glacier monitoring plan.<sup>102</sup>



**March 2, 2013** – A man and a woman are shot and killed at Barrick's North Mara mine in Tanzania, after an estimated 4,000 people allegedly raid the mine site looking to steal gold ore.<sup>103</sup>

**April 1, 2013** – Barrick is fined 1000 UTM (US\$85,509) for violating conditions of their glacier monitoring plan.<sup>105</sup>

**April 12, 2013** – Farmers protest Barrick in the Dominican Republic. On horseback and in tractors, they denounce Barrick over the contamination of their water supplies and the death of their livestock.<sup>107</sup>

**March 2013** – Barrick mislabels the origin of a customs declaration, saying that gold came from the United States when in fact the gold was from Dominican soil. This error is punishable by twice the value of the cargo – or \$23 million in this case – and comes at a time of growing tensions between the government and Barrick over what the DR government considers an unfair contract in terms of profit sharing.<sup>104</sup>

**April 10, 2013** – Chilean court suspends construction at Barrick's Pascua Lama mine, acting on a complaint from Diaguita Indigenous communities. The ruling cites concentrations of arsenic, aluminum, copper and sulphates in groundwater that exceeded levels deemed acceptable.<sup>106</sup>

# THE DOMINICAN REPUBLIC

## POPULAR MOVEMENT GROWING AGAINST BARRICK GOLD



NATALIO GÁLVEZ SANTO, 17, FROM LA CERCA, HOLDS A COCOA POD FROM THE LOCAL TREES. BARRICK AND GOLDCORP'S PUEBLO VIEJO OPEN-PIT GOLD MINE THREATENS THE COCOA-BEAN PRODUCING COMMUNITY OF LA CERCA. COTUÍ, SÁNCHEZ RAMÍREZ, DOMINICAN REPUBLIC. APRIL 2012. PHOTO: JAMES A. RODRÍGUEZ / MIMUNDO.ORG



A popular movement is growing in the Dominican Republic where Barrick and Goldcorp's Pueblo Viejo mine just started commercial production in January of this year. Already the Local Confederation of Agricultural and Poultry Producers (CONFENAGRO), with over 3,000 members, rallied on April 12 to protest the contamination of water sources.<sup>108</sup>

"We the national producers of rice, poultry, coffee, cocoa, milk, pork, vegetables, bananas, mangoes, and eggs among others, and which create jobs and riches throughout the country, we just can't fold our arms" Mr. Eric Rivero, leader of CONFENAGRO, said at a press conference on April 9.<sup>109</sup> He explained that food producers in the country had suffered losses amounting to millions of Dominican pesos, from deaths of animals due to contaminated waters caused by the Pueblo Viejo mine.

Protests against Barrick's Pueblo Viejo mine have become commonplace now that it has been widely publicized that Barrick's contract with the DR government gives only 3 cents for every dollar that Barrick takes out of the country. Last February, hundreds of Dominicans marched on the Canadian embassy in DR demanding a revision of the contract.<sup>110</sup>

On April 28, a march in Cotuí, the closest city to Barrick's mine, is expected to draw on more than 3,000 people representing different groups. The protestors will be composed of wide sectors of Dominican society including The Broad Front of People's Struggle (FALPO), cattlemen's association, farmer's association, Catholic and Evangelical churches from the region, students' movements, and populations from the surrounding communities of the Cotuí area. Among the protest leaders are Catholic "popular priests" Father Rogelio Cruz, and Fathers Nino and Toni Ramos.

Prior to this mobilization, communities submitted petitions to Barrick. Their list of grievances and demands, including: the re-location of four communities adjacent to the mining areas (El Naranjo, La Pinita, La Cerca, and Las Lagunas), payments for right of way usage from lands used by the mine, a water supply system which feeds from the regional Hatillo Dam Reservoir, and payments for its water consumption by the company. Payments and stricter environmental controls of gravel materials extraction from the Yuna River basin, which is currently being done indiscriminately by the mine's sub-contractors, in violation of Dominican environmental law and non-compliance with its own CSR. Better job opportunities for inhabitants of the Sanchez Ramirez province. The formation of a joint environmental monitoring team, which includes dwellers from the region. Also, the community is requesting an investment policy to improve quality of life in the area.

On April 15, the Dominican Chamber of Deputies' Permanent Energy Commission started studies to revise the contract between the Dominican State and Barrick Gold. According to Noticia Libre, "the Resolution authored by Deputy Carlos Gabriel Garcia, pursues that the (Dominican) State obtains 50 percent of the benefits of exploitation done by the mining company company (BG/GC), in Pueblo Viejo, Cotuí".<sup>111</sup>

Regarding the recent withholdings and inspections of Barrick shipments by Dominican customs, protest organizers request that Barrick pay its fair share of customs duty, and that these revenues be used for economic development and the eradication of poverty.


Protest organizer Andino Jose Marte says that the protest will march on the front entrance of the Pueblo Viejo mine, ending with a vigil with cultural and musical groups.<sup>112</sup>

THE HEADQUARTERS FOR THE COTUÍ CHAPTER OF THE CACAO PRODUCERS ASSOCIATION FROM THE DEPARTMENT OF SÁNCHEZ RAMÍREZ HAS SUFFERED SIGNIFICANT STRUCTURAL DAMAGE DUE TO THE CONSTANT DETONATIONS, TUNNEL PERFORATIONS AND HEAVY TRAFFIC FROM THE NEIGHBORING MINE. BARRICK AND GOLDCORP'S PUEBLO VIEJO OPEN-PIT GOLD MINE THREATENS THE COCOA-BEAN PRODUCING COMMUNITY OF LA CERCA. COTUÍ, SÁNCHEZ RAMÍREZ, DOMINICAN REPUBLIC. APRIL 2012. PHOTO: JAMES A. RODRÍGUEZ / MIMUNDO.ORG



# BEYOND THE HEADLINES

## PORGERA IN CRISIS



APALAKA VILLAGE SITS BETWEEN BARRICK'S OPEN PIT MINE AND ITS EXPANDING WASTE DUMPS. HOUSES ARE FALLING TO LANDSLIDES AND FLAT LANDS USED FOR GARDENS HAVE BEEN COVERED. RESIDENTS WISH TO BE COLLECTIVELY RESETTLED. PHOTO: SAKURA SAUNDERS

In May 2009, Jethro Tulin was interviewed on the CBC's *As it Happens*, reporting about the fact that over 300 houses were burnt down by police next to Barrick's Pongera Mine in Papua New Guinea (PNG). The news hit the front page of newspapers in PNG, citing the Jethro's interviews from North America. Even the *Sydney Morning Herald* – the largest newspaper in Australia – ran an entire series<sup>113</sup> of feature articles on the Pongera situation, while Amnesty International<sup>114</sup> and the Coalition on Housing Rights and Evictions<sup>115</sup> both made public statements condemning the house burnings.

Surprisingly, Barrick admitted that “It [was their] understanding that the police tore down approximately 50 temporary shacks,”<sup>116</sup> never apologizing for this gross human rights abuse or their role in provoking it. According to a follow-up report by Amnesty International, during the evictions three women were reportedly raped, people were beaten, and there was no prior warning or resettlement plan in place.<sup>117</sup>

However, the most shocking story that never made the headlines was the fact that the PNG police force burnt down the village two times following the April burnings – once on June 23<sup>118</sup> and again in July 2<sup>119</sup> – after the villagers rebuilt houses in the same area.

This is the true tragedy with Pongera. Here, abuses can't be confined to a few isolated incidents, but a structure of impunity that terrorizes residents who resist it. Here, the crisis does not exist only in moments, but is tied to an environment that is over run with waste, toxic dust, landslides and tailings, creating hazards that take lives on a regular basis.<sup>120</sup>

The landowner's main plight asks for resettlement outside of the Special Mining Lease area, to a location where they can live a subsistence lifestyle while having basic infrastructure (roads, schools, and a hospital) provided for them.<sup>121</sup> It seems a small price to pay in exchange for a land rich with gold.





## A DISASTER FORETOLD

### MARINDUQUE'S SAN ANTONIO PIT

This is D, a brave Marinduqueño who snuck photographer Allan Lissner past armed guards to get this shot of Placer Dome's old copper mine. The San Antonio Pit contains millions of tons of mine waste held up by faulty dams. According to a leaked document from Placer Dome's own environmental consultants, failure of the dam is a virtual certainty in the near term. When the Philippine government ordered Placer Dome to make the necessary repairs, and clean up the mess from two previous dam failures or face criminal charges, Placer Dome responded by pulling out personnel from the Philippines without a word to anyone.<sup>122</sup>

"Look, that dam could break at any time, maybe next week, maybe tomorrow, I don't know. But I do know that when it does happen, my house and my family will probably be destroyed. And just like last time, the company will deny responsibility. I want that picture to exist, so that people can know what happened. For that, I would be willing to sacrifice myself," said D before taking Lissner to the mine.<sup>123</sup>

Since 2005, the province of Marinduque has been fighting Placer Dome and Barrick in a US court.<sup>124</sup> Rather than settle the case, compensating Marinduquenos for lost livelihood and funding efforts to rehabilitate the damaged eco-systems, Barrick is waging an expensive and lengthy legal battle to avoid responsibility.

PHOTO: ALLAN LISSNER.NET





# BARRICK “REMEDY” STRIPS RIGHTS FROM WOMEN RAPED BY MINE SECURITY GUARDS

PHOTO: CATHERINE COUMANS

High in the cloud forests of the Pacific nation of Papua New Guinea, at the end of a long and treacherous dirt road that cuts its way through steep mountain sides, lies the Porgera Joint Venture mine (PJV).<sup>125</sup> The remote mine, 95% owned by Barrick Gold and operated by Barrick’s local subsidiary, is considered one of the world’s top producers of low-cost gold. But that depends on how cost is calculated.

## Rape in the waste dumps of the mine

For many years, indigenous women living in the vicinity of the mine have endured brutal sexual assaults. They have been raped and gang raped by the mine’s security guards.<sup>126</sup> These women are overwhelmingly poor and have low levels of formal education. The rapes and beatings they have endured have lasting physical and mental health impacts, but equally devastating is the social stigmatization and marginalization these women suffer as a result of the rapes.

Most of the women who have suffered rape at the hands of mine security were raped while they were in or near the massive waste dumps and tailings flows that dominate the landscape around the mine. Contrary to international best practice and laws governing mine waste disposal in

Canada, the PJV mine disposes of waste rock and tailings directly into the steep river valley’s surrounding the mine with severe environmental and social consequences.<sup>127</sup> Women and young girls enter these waste flows for various reasons. As the mine itself and the massive waste dumps surrounding it have taken over the traditional lands of the Ipili people, including their agricultural land, they have increasingly turned from subsistence farming to seeking residual gold in the waste flows from the mine as a source of income. Additionally, the waste cuts villagers off from what agricultural land they may have left, and from each other, forcing them to cross the waste flows to reach their traditional land. As the mine has impoverished the local population and stripped them of their traditional means of livelihood, children have also turned to the waste dumps to get gold so that they can pay their school fees. This has placed young girls at risk of rape.

## Barrick’s denial allows violence to continue

Barrick was made directly and publicly aware of violence against women by its security guards over many years, but responded with outraged denial.

As early as 2008 and for each of the three subsequent years, the leadership of the Akali Tange Association (ATA), a



grass roots human rights organization in Porgera, and of the Porgera Landowners Association (PLOA), representing indigenous landowners in the mine lease area, travelled to Canada to raise the issues of violence and rapes by PJV mine security guards<sup>128</sup> in front of shareholders and directors at Barrick's annual general meeting in Toronto.<sup>129</sup> Each year they also issued press releases,<sup>130</sup> together with MiningWatch Canada, and spoke to Canadian parliamentarians and federal civil servants about the human rights abuses perpetrated by mine employees. Members of ATA and PLOA also met with Barrick executives in Toronto in 2008 and again in 2010 to raise the issue of violence by the PJV security guards directly with these Barrick officials. In response to a letter of May 2008 from Mr. Mark Ekepa, chairman of the PLOA to then-Barrick President and CEO Greg Wilkins in Toronto, PJV's mine manager wrote to Mr. Ekepa: "...we found your public allegations of our employees "gang raping" Porgera Land Owners' women to be most distasteful, to say the least as you know these allegations to be untrue."<sup>131</sup>

Starting in 2006 research teams from the International Human Rights Clinic of the Harvard Law School and the Center for Human Rights and Global Justice of New York University School of Law gathered data on alleged rapes and gang rapes of local women by PJV security guards. Their findings were presented before the Canadian Standing Committee on Foreign Affairs and International Trade on October 20, 2009, and in a legal brief they subsequently filed.<sup>132</sup> Barrick was aware of the investigations by Harvard and NYU having received three letters from the Harvard/NYU team in the course of 2008-2009 "requesting...information regarding specific instances of violence...."<sup>133</sup> These letters from the Harvard/NYU team should have been sufficient cause for Barrick/PJV to exercise due diligence and take proactive steps to investigate its security forces. Barrick responded to the parliamentary testimony by Harvard and NYU in 2009 via a carefully worded statement on its web site: "To our knowledge there have been no cases of sexual assault reported to the mine management involving PJV security personnel while on duty, since Barrick acquired its interest in the mine in 2006. It is not possible for the PJV to investigate an allegation it has never received...."<sup>134</sup>

### **Barrick implements a flawed remedy program and seeks legal waivers from rape victims**

In 2010, ahead of yet another report on the rapes soon to be issued by Human Rights Watch,<sup>135</sup> Barrick finally acknowledged the reality of the problem and set about put-

ting in place a "remedy" program. In October 2012, Barrick announced a remedy program for victims of rape by the PJV mine's security guards.<sup>136</sup> The remedy framework document is quite clear on the types of individual remedy that will be offered. Aside from mental or physical health related services, the core remedy package offerings may best be characterized as income generating projects.<sup>137</sup> These are the sorts of projects companies now commonly offer community members in the normal course of operations as part of "community relations" or "corporate social responsibility." In fact, Barrick will be offering similar projects to community women generally through a separate community-based program. The packages Barrick is offering can better be described as benefits rather than "rights-compatible" remedy – i.e. in accord with internationally recognized human rights consistent with international standards on the right to a remedy as set out in the UN Basic Principles and Guidelines on the Right to a Remedy for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

MiningWatch Canada conducted a field assessment of the remedy program through interviews with victims of rape in Porgera between the dates of March 5-10, 2013.<sup>138</sup> This field assessment raised a range of concerns with the remedy program Barrick has put in place. MiningWatch Canada has detailed these concerns in two letters (March 19 and April 2) to the UN High Commissioner of Human Rights and Barrick has responded to the March 19 letter.<sup>139</sup> In Barrick's March 22 letter the company disclosed that 170 women had already filed claims at that time and that no claim had yet been finalized.

MiningWatch's concerns include: use by remedy program staff of a language not commonly understood or spoken by local women; lack of decision making authority by rape victims regarding the form of remedy they will receive (most women reported being offered chickens to raise);<sup>140</sup> remedy is not tailored to the harm that has been suffered;<sup>141</sup> remedy is not culturally appropriate;<sup>142</sup> lack of understanding by women of the process in which they are engaged;<sup>143</sup> women do not have access to independent (not paid for by Barrick) legal representation in the process; women are not always given copies of documents they have signed.

Additionally, the remedy program is not transparent for the women who participate in it, or for outside observers.<sup>144</sup> Furthermore, lack of awareness by local women of the program was apparent as nearly half of the women interviewed by MiningWatch Canada who were not already engaged in the remedy program had not heard of

the program. These flaws may have been avoided if Barrick had been willing to engage core local and international stakeholders in the design and implementation of the framework. In particular, Barrick explicitly excluded from consultation the leadership of a grass roots human rights organization in Porgera, the Akali Tange Association (ATA), and the Porgera Landowners Association (PLOA), which represents the landowners in the mine lease area.

The women who have endured rape by Barrick's security guards have suffered a gross violation of human rights – and a criminal offence. What Barrick is offering through its non-judicial process does not reflect remedy that victims of rape may receive in traditional courts in Papua New Guinea, or through the Papua New Guinea civil justice system.<sup>145</sup> Barrick's initiative does not provide benefits that are commensurate with international standards on remedies for human rights abuses, nor does it provide the procedural protections of judicial processes that would ensure victims the opportunity to make a free and informed choice about their rights. Nonetheless, women who elect to accept benefits from Barrick's procedure will be required to sign legal waivers:

*“the claimant agrees that she will not pursue or participate in any legal action against PJV, PRFA [Porgera Remediation Framework Association Inc.] or Barrick in or outside of PNG. PRFA and Barrick will be able to rely on the agreement as a bar to any legal proceedings which may be brought by the claimant in breach of the agreement.”<sup>146</sup>*

In its letter of March 22, Barrick says that “it is appropriate that claims against Barrick, PJV and PRFA should be released in order to bring finality to the process.” While it is undoubtedly of great value for the company to be able to secure a bar to future legal procedures, this is of no value to the women, in fact it takes away their right to pursue legal action. A remedy program is supposed to provide remedy for harm that has been done, not to function as a transaction of value for the company. Barrick should be offering the victims of rape by its security guards an appropriate remedy package in a transparent process. But remedy should be offered to compensate for the egregious harm that has been suffered; it should not be used as a vehicle by which to secure legal immunity for Barrick Gold.

## GOLD FEVER AN INSANE INDUSTRY

Gold, long said to inspire insanity in the men who would search for it, has now become an insane industry, producing over a million times more waste than product<sup>147</sup>. Barrick's gold mines on average use more water<sup>148</sup> than the entire bottle water industry in Canada<sup>149</sup>, and this water is polluted with mining waste products such as cyanide, mercury, arsenic, cadmium, selenium, and sulfides.

All this waste and pollution is in exchange for a product that has very few practical applications. The vast majority of gold is used for jewellery, while its use for investment is next in line. That leaves less than 11%<sup>150</sup> for all other uses of the soft shiny metal. What's more, since gold is eternally recycled and never consumed, there's enough that is already dug up to meet practical demands for all of the foreseeable future.

Sound crazy? Just compare copper's price-tag at \$3.30/lb versus gold's at \$1,370/oz. and you can guess at how much more waste companies are willing to produce to get at it. With environmental costs almost entirely unaccounted for, the processing costs are all that stand in the way for companies to realise huge profits at the expense of those living next to the mines.



PHOTO: ALLAN LISSNER. A  
MURAL IN SAN MARCOS,  
GUATEMALA



# "EL FAMATINA NO SE TOCA"

## A PEOPLE'S VICTORY AGAINST BARRICK GOLD<sup>150</sup>

More than 170 mining companies are active in Argentina. 85% of them are foreign corporations, of which more than 40% are Canadian.

Barrick Gold has had two active projects in the country since 2001: Veladero, an open pit gold and silver mine located in the northern province of San Juan, and Pascua Lama, the first binational gold and silver mining project in the world, located on the border between Argentina and Chile. By 2011 waterways nearby both projects had been shown to have been contaminated from Barrick's operations.

In 2003, Barrick tried to begin the Famatina project in the mountains of the province of La Rioja, but they were met with staunch opposition from communities in that region who opposed the expansion of mining into their territories.

Since the 1990s, megamining projects, and particularly open pit mining, one of the most polluting, devastating and dangerous industrial activities, are rapidly expanding, sustained by a legal framework written with the help of the very same transnational companies that steer the mining developments.

In 1997 Barrick played a key role in developing the Mining Complementarity Treaty between Chile and Argentina, which eliminated restrictions on foreign ownership of property in border zones. The Andes were transformed into the territory of transnational mining companies.

A strong social movement has arisen as communities have initiated dynamic processes of social organization and developed multiple strategies to confront their situations.

### **The case of "El Famatina"**

One of the communities that has led the fight against megamining projects in Argentina is in the region of La Rioja, where people have taken the risk of blocking mining operations in Famatina. In 2006 Barrick's mining project was forced to pull out. In 2012 they stopped the Canadian company Osisko from coming in.

Since 2003 Barrick showed an interest in this territory for the mineral reserves found in the mountain range. In 2005, Barrick secured an agreement obtaining exclusive rights to exploration and operation of the Famatina project.

Authorization of the mining operation was granted in 2006,

which is when people living nearby the site formed the first self-organized neighborhood assemblies in the region. From that moment on, a range of organized actions by citizens' assemblies in the cities of Chilecito and Famatina were key in the defense and protection of the mountains.

This mobilization is ongoing. The permanent and strategic road blockade set up in the sector of Peñas Negras since March, 2007, is the most effective tactic the communities have used in defending their territories.

As a result of this determined people's movement, Barrick withdrew from El Famatina in May, 2007.

In his 2007 campaign for governor of the province, Beder Herrera supported two laws, one that prohibited open pit mining with the use of cyanide and other contaminating chemicals, and one that created a committee to investigate the contract between the province and Barrick. However, when he was elected governor in 2008, he back pedaled, revoking these laws and restoring the relationship with the mining companies.

The people's movement maintained their road blockade in Peñas Negras, but the state response has made "El Famatina" one of the most well known cases of criminalizing social protest in Argentina. However, the determined struggle of communities has been fertile. They forced both Barrick and Osisko to abandon their mining projects and have also strengthened a growing social movement in the face of state repression and criminalization.

This process was facilitated by the social cohesion within the popular assemblies as well as the network of regional, national and international relationships. That has enabled the exchange of information, research and analysis of the mining industry, the sharing of experiences, planning coordinated actions and getting the word out.

At the heart of this process of social mobilization, they generated different principles that legitimized the struggle, different forms of organizing, different dynamics and relationships of power, organizing themselves in a complex social and political process, productive and promising, making space for the emergence of a new form of exercising rights and responsibilities for the members of the community, linking social and environmental struggles.

# CONCLUSION & RECOMMENDATIONS

Implicit in this report is the reality that you cannot take Barrick Gold's representations at face value. Herein lies the most basic critique of Corporate Social Responsibility (CSR) as it is currently practiced within the mining sector; self-reporting fails to live up to outside scrutiny, while human rights and environmental abuses are covered up. Even in the cases where Barrick is forced to acknowledge wrong-doing, CSR has been used by this company to avoid legal accountability as opposed to compensate victims of abuses.

There are many changes that Barrick must take and many liabilities it must resolve before it can be considered a responsible company. Barrick should:

- Resettle the Porgerans currently living with the Special Mining Lease area of the mine;
- Respect the self determination of communities neighbouring its mine sites, including the right to say "no";
- Stop using lethal force to deal with the people living around Barrick gold mines;
- Compensate people who have been victims of violence from mine security;
- Not use non-judicial remedy as a way to get legal waivers;
- Suspend operations at the North Mara mine and allow an independent investigation of the contamination of local water sources;
- Settle with communities in Marinduque and ensure that there is a lasting resolution to safety issues at the San Antonio Pit;



Barrick's CSR Advisory Board: Expensive window dressing?  
PICTURED: Gare Smith, Aron Cramer, Elizabeth Dowdeswell, John Ruggie, and Robert Fowler

- Stop lobbying against regulation aimed at ensuring international mining companies are held accountable for abuses overseas;
- Discontinue mining in sensitive eco-systems, such as the San Guillermo Biosphere reserve, and accept and abide by laws meant to protect glaciers and other vital natural resources;
- Exercise greater due diligence by taking issues like rape, non-sexual violence or environmental concerns brought to the company by local people, NGOs, government pension funds, or others seriously. Treat the messengers with respect, and make every effort to address the concerns in an open and transparent fashion; and
- Publish closure plans and available bonds for all operating mines.



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129 They also raised other concerns related to the PJV mine such as environmental concerns and human rights abuses related to mass burning of houses around the mine in 2009. For more on this see OECD complaint at [http://oecdwatch.org/cases/Case\\_210](http://oecdwatch.org/cases/Case_210) pp. 16-21.

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136 The individual remedy program will not apply to women who allege rape by police mobile units that are housed at the mine site, fed and supported financially by PJV.

137 For a complete list of possible benefits see Olgeti Meri Igat Raits: A Framework of remediation initiatives in response to violence against women in the Porgera Valley. Page 24. Available at [http://www.miningwatch.ca/sites/www.miningwatch.ca/files/framework\\_of\\_remediation.pdf](http://www.miningwatch.ca/sites/www.miningwatch.ca/files/framework_of_remediation.pdf)

138 Catherine Coumans conducted nine in-depth interviews, of which two were with women who had already entered Barrick's remedy process. She was also able to gather information on the experiences of other women in the remedy process who she did not interview in depth.

139 For all three letters see <http://www.miningwatch.ca/article/letter-un-commissioner-human-rights-re-barrick-golds-grievance-procedure-victims-rape>

140 For example, one woman reported having told the Complaints Assessment Team she would appreciate receiving a particular remedy from those offered, only to be told later she would be receiving "chicklets" [young chickens] to raise instead.

141 Women indicated a desire for forms of compensation that addressed the specific harms they had suffered as a result of the rape, such as loss of housing.

142 Women reported that a culturally appropriate form of compensation for a transgression as serious as rape would be pigs and the equivalent value of these pigs in cash.

143 For example, women reported not knowing who it was that was making the final decision on the remedy they would receive.

144 The remedy program involves various decision makers, such as a Complaints Assessment Team, an Appeal Committee, and an Independent Expert, all of whom have decision making authority but the names of these individuals were not known by the women who were interviewed.

145 Nor does the compensation reflect what victims themselves have said they feel they should receive in interviews conducted by MiningWatch Canada in March 2013.

146 Olgeti Meri Igat Raits: A Framework of remediation initiatives in response to violence against women in the Porgera Valley. Page 27. Available at [http://www.miningwatch.ca/sites/www.miningwatch.ca/files/framework\\_of\\_remediation.pdf](http://www.miningwatch.ca/sites/www.miningwatch.ca/files/framework_of_remediation.pdf)

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Isabel Orellana, profesora-investigadora, Centro de investigación en educación y formación en ambiente y ecociudadanía, Université du Québec à Montréal; Franchezza Serrano, estudiante, Maestría en ciencias ambientales, miembro estudiante del Centro de investigación en educación y formación en ambiente y ecociudadanía, Université du Québec à Montréal; Marie-Eve Marleau, asistente de investigación, Centro de investigación en educación y formación en ambiente y ecociudadanía, Université du Québec à Montréal; Ximena Cuadra, estudiante, Maestría en ciencia política, y miembro estudiante del Centro de investigación en educación y formación en ambiente y ecociudadanía, Université du Québec à Montréal

A wide-angle photograph of a mining site. In the foreground, there are green bushes. The middle ground shows a large, terraced hillside of reddish-brown earth, with a muddy, yellowish-brown reservoir or tailings pond at its base. Several pieces of heavy machinery, including excavators and trucks, are visible on the site. The background shows more of the mining operation and some distant greenery.

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