



Rights and Accountability in Development

10 October 2018

Acacia Mining Plc
Board of Directors
5th Floor, No. 1 Cavendish Place
London
W1G 0QF

Sent Via Email To:

- Rachel English, Interim Chair of the Board
- Peter Geleta, Interim Chief Executive Officer
- Michael Kenyon, Senior Independent Director
- Stephen Galbraith, Non-Executive Director
- Andre Falzon – Independent Non-Executive Director
- Steve Lucas, Independent Non-Executive Director

Dear Mesdames/Sirs:

RE: Continued Failure by Acacia Mining to Meet Human Rights Obligations at North Mara Mine

We are writing to you as board members of Acacia Mining plc ('Acacia') in relation to continued concerns regarding human rights abuses at the North Mara Gold Mine in Tanzania (the 'Mine'). Specifically, we wish to draw to your attention to ongoing failures by Acacia to ensure that victims of human rights abuses are justly compensated and the need for further improvements to the 'Community Grievance Process' that is currently being implemented at the Mine.

The failure to provide just compensation is exemplified by Acacia's treatment of one community member, Mr Zakaria Nyamakomo Marwa, who was severely beaten by police at the Mine the night of 8-9 October 2013. The injuries left Mr Nyamakomo partially paralyzed and confined to a wheelchair. Mr Nyamakomo has received no compensation, despite Acacia's management being provided with detailed information and corroborating evidence to back up his claim.

Mr. Nyamakomo's story has already been the subject of materials published by RAID, including a video, which we are considering updating to include more recent developments regarding Acacia's wholly inadequate response to his grievance. A summary of Mr Nyamakomo's case is provided in the attached annex. We hope you will read it carefully.

Mr Nyamakomo's case is similar to other victims who have suffered serious human rights abuses at the Mine. The seriousness of this case, and Acacia's refusal to respond appropriately to it, is emblematic of Acacia's failures to ensure it meets its human rights obligations. We recognize that Acacia is revising its community grievance process, but this case and others we are following lead us

to conclude that this has a considerable way to go before it will achieve even the stated aim of being compliant with the *United Nations Guiding Principles on Business and Human Rights* and other international standards.

In our [letter](#) dated 17 April 2018, submitted jointly with four other civil society organizations, we advised you of our concerns regarding the community grievance process at the Mine. Since then, we have continued to consult with Acacia on its development. While we believe there have been improvements to the process, we remain of the view that it falls well short of what is necessary to meet Acacia's human rights responsibilities. Notably, we believe it lacks necessary independence in both the investigation of grievances and their adjudication; is insufficiently transparent; fails to ensure that victims receive adequate legal assistance; and does not clearly identify how complaints regarding police misconduct will be handled.

We also wish to emphasize that in a recent visit to North Mara in June 2018, we found that there was a considerable mismatch between the Community Grievance Process as described in published documents and the reality on the ground. For example, we found that individuals who brought complaints were not adequately informed about their right to the limited four hours of free legal advice and most had none as they went through the process; they were not provided with the report about the company's findings regarding their complaint or received it only the night before their appeal committee hearing; they were unaware of how the process worked; they were offered minimal and arbitrary amounts that, when initially refused, led to grievants being pressed into accepting settlements; and, of the individuals we interviewed, all said they were deeply unhappy with the outcome. Moreover, despite what is written in the procedures, all those who sit on the appeals committee continue to be appointed by the Mine.

But the real problem is that the appeals committee, even if properly constituted, is not at arms-length from the company. The *United Nations Guiding Principles* state that adjudication within such grievance processes 'should be provided by a legitimate, independent third-party mechanism.'

It is essential that these shortcomings are urgently addressed. The widespread and serious human rights abuses at the Mine have been documented in detail over many years. Acacia's failure to ensure, amongst other things, that those who suffer such abuses are justly assessed and compensated illustrates clearly that the company is not meeting its human rights obligations.

We urge you to raise these matters, with Acacia's management and believe that it is part of your corporate governance responsibilities to ensure they are addressed. These matters implicate:

- (i) **Acacia's values and business ethics**, as reflected in Acacia's Code of Business Conduct and Ethics, which states that '[n]o human rights violations...will be tolerated'.
- (ii) **Risk management**, which Acacia's 2017 Annual Report emphasised includes police conduct and the need for the police at the Mine to respect human rights.
- (iii) **Compliance with human rights responsibilities**, including compliance with Acacia's own Human Rights Policy, which is expressly designed to 'ensure respect for the human rights of all...third parties impacted by Acacia operations'.
- (iv) **Adherence to the UN Guiding Principles**, which provide for responsibilities upon businesses to, amongst other things, 'address adverse human rights impacts with which

they are involved' and construct grievance mechanisms that are legitimate, accessible, predictable, equitable, transparent, rights-compatible, and, where involving adjudication, independent.

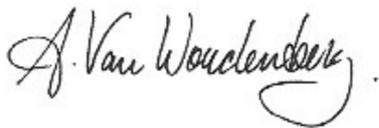
- (v) **Social license to operate.** As Acacia itself notes, acting 'responsibly towards our people, the environment and our communities' is what 'our license to operate depends on'.

We further note that in light of the intended merger between Barrick Gold Corporation and Randgold Resources Ltd., issues concerning community relations at North Mara and respect for human rights should be subject to greater scrutiny, and we are intending to write to the respective boards to bring the matters raised here to their attention.

We believe that your responsibilities as a board member make it essential to take steps to raise the matters described above with Acacia's management and to ensure that they are appropriately responded to without further delay.

We would be happy to meet with you to discuss these matters in more detail including how best to resolve the issues raised here. Please do not hesitate to contact me if you wish to discuss further. I can be reached on woudena@raid-uk.org

Yours sincerely,

A handwritten signature in cursive script that reads "A. Van Woudenberg".

Anneke Van Woudenberg
Executive Director