

**Comité Nuevo Renacer**

**ENTRE**



May 1, 2023  
Santo Domingo, D.R.

**Mister:**

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President and CEO,  
Barrick Gold Corporation  
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**Ms.**

Juana Barceló  
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CC:

**Mister:**

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**Mister:**

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Dear Mark Bristow and Juana Barceló,

On behalf of the Espacio Nacional por la Transparencia en las Industrias Extractivas (National Space for Transparency in the Extractive Industry (ENTRE)), and in partnership with the undersigned organizations, we write in solidarity with local communities from Cotuí, Dominican Republic, living near the Pueblo Viejo mine who have alleged grave harms to their health, livelihoods, and environment due to the mine's operations.<sup>1</sup>

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<sup>1</sup> All of the information which formed the basis for this letter is either information that is publicly available or information that the Comité Nuevo Renacer (CRN) has related directly to us through conversations and meetings.

Owned and operated by Barrick Gold Corp.,<sup>2</sup> Pueblo Viejo is one of the world's [largest](#) gold mines. It includes a 114 meter tall tailings dam called El Llagal. For years, residents living near the dam have demanded [immediate relocation](#), alleging that the dam's waste discharges and pollution have contaminated their air and waters, poisoned their lands, and caused a series of illnesses. Barrick Gold has [contested these allegations](#), yet community members also [believe](#) that the mine's impacts have irreparably damaged their means of subsistence, including killing their crops and cattle.

To address the impacts of the tailings dam on their lives, in 2011 six impacted communities formed the Comité Nuevo Renacer (CNR).<sup>3</sup> They have since engaged with and advocated to Barrick Gold and the Dominican government to relocate them. Their long-standing grievances remain unaddressed. Barrick Gold has reportedly dismissed the CNR's demands, and has even implied bad faith, [claiming](#) that communities moved into the area seeking relocation. The communities maintain that their families have lived on these lands for more than 100 years. Barrick now plans to expand the Pueblo Viejo mine, including by building a new tailings dam, which, depending on where the dam is located, risks replicating or exacerbating the alleged harms.

**Community members have raised repeated concerns about violations of their right to health.**<sup>4</sup> Local residents living near the mine commonly report vision loss, nausea, fatigue, and skin lesions.<sup>5</sup> Further, since Barrick's acquisition of the Pueblo Viejo mine, community members have claimed to suffer blood contamination leading to a range of diseases.<sup>6</sup> According to news reporting, a study conducted by a public health doctor between 2013 and 2014 [found](#) that 23 of the 27 people tested had lead, chrome, and zinc in their blood. Community members claim that the publication of the study was blocked by the government and Barrick. In 2019, a Canadian political science professor who had carried out a public perception study of the Pueblo Viejo mine among local residents similarly [alleged](#) that the Dominican government refused to allow publication of the study after Barrick raised concerns about the results.

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<sup>2</sup> Barrick acquired ownership of the mine in 2006 when it bought all the assets of Placer Dome Inc., and began operations in 2012. See EITI-RD, Contrato Especial de Arrendamiento de Derechos Mineros (CEAM), <https://eitird.mem.gob.do/informe-eiti-rd/contratos-mineros/reserva-fiscal-de-montenegro/contrato-ceam-barrick-pvdc/>; See also Barrick, Pueblo Viejo Dominican Republic, <https://www.barrick.com/English/operations/pueblo-viejo/default.aspx>.

<sup>3</sup> The communities are: La Piñita, La Cerca, Los Naranjos, La Laguna, Jurungo, and Jobo Claro.

<sup>4</sup> [International Covenant on Economic, Social and Cultural Rights](#), [hereinafter ICESCR], art. 12.1.

<sup>5</sup> Italian journalists documented skin lesions and other health problems in the communities around the mine. See La valle della morte, ILGIORNALE YOUTUBE CHANNEL, 2016, [https://www.youtube.com/watch?v=hmJInR\\_ESvI](https://www.youtube.com/watch?v=hmJInR_ESvI) (last visited Apr 9, 2023). See also Jaclynn Ashley, *The Canadian Mining Company Dominicans Call "Worse Than Columbus,"* JACOBIN, 2021, <https://jacobin.com/2021/07/canadian-mining-company-barrick-gold-dominican-republic-pollution-health-crisis> (last visited Apr 9, 2023).

<sup>6</sup> As recently as November 2022, some community members expressed having frequent headaches, nausea, stomachaches, and similar symptoms.

**Community members have raised repeated concerns about violations of their right to housing and to an adequate standard of living.**<sup>7</sup> Local residents report having to clean their houses daily to remove layers of black dust that accumulate. Additionally, community members who describe previously being able to grow their own food for their families state that they must now travel to local markets to purchase food. Some residents allege that Barrick's activities have severely impacted their crop yields, leading to an [80 percent decrease in cacao production](#), which was an essential source of income for many families, and claiming similar decreases in avocado, coconuts, and oranges.<sup>8</sup>

**Community members have raised repeated concerns about violations of their right to water<sup>9</sup> and to a clean environment.**<sup>10</sup> Community members have repeatedly raised concerns about water contamination. Community members state that contamination from the mine has rendered the water in the Río Maguaca unsafe to drink.<sup>11</sup> Notably, some local children have reported vaginal diseases after bathing in local water. A 2012 [report](#) by the Dominican Academy of Sciences concludes that Barrick operations were contaminating the Hatillo dam,<sup>12</sup> the country's biggest dam which irrigates the rice crop of the Lower Yuna Basin. Media reports and community statements indicate that following community concerns about the impacts of the mine on water sources, since 2012 Barrick and subsequently the government have been providing bottled water to residents. However, community members claim that government provisions are insufficient to meet their needs and communities' right to water is not being fulfilled.

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<sup>7</sup> ICESCR, art. 11. The right to housing is not just a right to have a house. According to the Committee on Economic Social and Cultural Rights [hereinafter CESCR], General Comment No. 4, the right to housing should be interpreted as a right to "live somewhere in security, peace and dignity." GENERAL COMMENT NO. 4: THE RIGHT TO ADEQUATE HOUSING (ART. 11 OF THE COVENANT) E/1992/23, (1991), <https://www.refworld.org/pd/fid/47a7079a1.pdf>. As such, the right to housing entails certain minimum elements that are relevant in any context for its fulfillment, including availability of services, materials, facilities and infrastructure. Concretely, the right to housing implies that all beneficiaries of the right should have, *inter alia*, "sustainable access to natural and common resources [and] safe drinking water." As such, the unavailability of natural and common resources or of safe drinking water is incompatible with the right to housing.

<sup>8</sup> In a 2021 letter to civil society, Barrick claimed that these alleged harms have been investigated and "were not attributable to Pueblo Viejo" without further explanation of to whom they may be attributable. *See Barrick Gold Corporation, Pueblo Viejo Extension Response*, 2021, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/republica\\_dominicana/Barrick\\_PV\\_Expansion\\_Response\\_051821.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/republica_dominicana/Barrick_PV_Expansion_Response_051821.pdf) (last visited Apr 9, 2023).

<sup>9</sup> The CESCR interpreted Article 12.1's right to health to expand beyond simply healthcare to "the underlying determinants of health" including access to safe water. *See GENERAL COMMENT NO. 14: THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF LIVING STANDARD (ART. 12 OF THE COVENANT)*, E/C.12/2000/4, (2000), <https://www.refworld.org/pd/fid/4538838d0.pdf>. The Human Rights Committee [hereinafter the HRC] has likewise found that the right to water is protected by at least six of the rights contained in the International Covenant on Civil and Political Rights [hereinafter the ICCPR], most significantly, Article 2. *See GENERAL COMMENT NO. 36: RIGHT TO LIFE (ART. 6 OF THE COVENANT)*, (2019) <https://www.refworld.org/docid/5e5e75e04.html>.

<sup>10</sup> The HRC recognized the "right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights." *See Human Rights Council Res. 48/13*, U.N. Doc. at 3. The CESCR has also interpreted the right to health to extend to the underlying determinants of health, among them, a healthy environment. *See GENERAL COMMENT NO. 14*.

<sup>11</sup> For additional testimony about the contamination of the Maguaca River, *see Ashley, The Canadian Mining Company*. Barrick has stated that it does not "discharge water" in the Maguaca river basin.

<sup>12</sup> *Diagnostico del Aguas en Las Américas*, RED INTERAMERICANA DE ACADEMIAS DE CIENCIAS FORO CONSULTIVO CIENTÍFICO Y TECNOLÓGICO, March 2012 at 435, [https://www.agua.org.mx/wp-content/uploads/2012/03/Libro\\_Diagnostico\\_del\\_Agua\\_en\\_las\\_Americas.pdf](https://www.agua.org.mx/wp-content/uploads/2012/03/Libro_Diagnostico_del_Agua_en_las_Americas.pdf) (last visited Apr 9, 2023).

Barrick has denied these allegations. It [claims](#) that “the allegations of contamination are unfounded and untrue,” that investigations into the allegations have found that the contamination was not “attributable to Pueblo Viejo,” and implied that allegations are made in bad faith by people upstream of mine operations. In addition, Barrick has [previously shifted responsibility](#) for environmental pollution and degradation, pointing to significant environmental contamination by the mine’s previous operators, Rosario Dominicana SA. Barrick claims that the company merely inherited the contaminated environmental conditions and that “due to the extensive environmental remediation activities we have undertaken, the water quality now meets regulatory standards.”<sup>13</sup> In a March 30, 2023 letter to ENTRE, Barrick claimed acidity levels in the Magajita river, which flows into the Hatillo dam, have been significantly reduced since the company took over the mine and that contamination levels in the Maguaca river meet national regulatory standards.<sup>14</sup> These refutations are not satisfactory to communities who claim to experience daily the impacts of the mine. Community members insist that there has been a material shift in environmental degradation since Barrick acquired the Pueblo Viejo mine in 2006. Residents believe that the greatest impacts are a result of the El Llagal dam, [built by Barrick](#).

Affected communities have frequently and collectively responded to these alleged harms to their rights to health, housing, water, and a clean environment. Notably, between 2017-2018, community activists [camped](#) outside of the mine for six months, holding a “campamento de los encadenados” (camp of the chained), calling for relocation. According to local media interviews with community members, rather than peacefully engaging with the activists, local authorities [broke up](#) the camp and seized camp members’ possessions.

**The harms alleged by community members may suggest a contravention of Barrick’s international human rights commitments, its contractual obligations, and the company’s own Environmental, Social, and Governance standards.** Barrick [claims](#) that sustainability “has long been entrenched in [its] DNA,” and has voluntarily adhered to international human rights standards, including the [UN Guiding Principles on Business and Human Rights](#) and the [OECD Guidelines for Multinational Enterprises](#). In doing so, Barrick has committed to avoid causing or contributing to adverse human rights impacts through its activities and address such impacts when they occur; and to seek to prevent or mitigate adverse human rights impacts that are directly linked to its operations. Additionally, under the Special Leasing Contract with the Dominican government, and as noted by Barrick in its March 30th, 2023 letter to ENTRE, the company is contractually responsible for remediating any environmental harm that it causes.<sup>15</sup> The harms repeatedly alleged by communities raise serious questions as to Barrick’s compliance with these standards and responsibilities.

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<sup>13</sup> *Barrick Gold Corporation*, Pueblo Viejo Extension Response, 2021, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/republica\\_dominicana/Barrick\\_PV\\_Expansion\\_Response\\_051821.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/republica_dominicana/Barrick_PV_Expansion_Response_051821.pdf) (last visited Apr 9, 2023); *see also* *Barrick Pueblo Viejo*, Carta PV a Entre, Mar 30, 2023).

<sup>14</sup> *See* *Barrick*, Carta PV a ENTRE. Barrick annexed to this letter a one page extract of an environmental monitoring survey it commissioned as evidence of its statements.

<sup>15</sup> *See* *Enmienda de fecha 10 de junio de 2009, al Acuerdo Especial de Arrendamiento de Derechos Mineros*, Art. 11.2(c), accessible here: <https://mem.gob.do/transparencia/wp-content/uploads/2018/10/Resolución-No.-329-09-que-aprueba-la-Enmienda-al-Acuerdo-especial-de-arrendamiento.pdf>; *Barrick*, Carta PV a Entre.

Barrick also acknowledges the [necessity of maintaining its social license](#) in affected communities. Yet Barrick has repeatedly dismissed and delegitimized the concerns of community members. Barrick CEO Mark Bristow has [dismissed](#) community activists as a “minority group of detractors,” and has implied that community concerns are being made in bad faith by people seeking to ‘benefit financially from the process [of relocation].’<sup>16</sup>

Barrick has also faced strong [civil society resistance](#) in response to its proposed plan to [expand](#) the Pueblo Viejo mine. The plan, which includes building another large tailings dam that will reportedly result in the involuntary resettlement of some nearby communities,<sup>17</sup> has been marked by a lack of transparency. In late March 2023, Barrick released a [Technical Report on the Pueblo Viejo mine](#) indicating that the new tailings dam will be located in Naranjo, a community near the current El Llagal dam. This highly technical report is 278 pages long, available only in English, and likely inaccessible to potentially-impacted communities. At the time of writing in April 2023, according to the CNR, Barrick and the Dominican government had not communicated directly with surrounding communities regarding the location of the new tailings dam. Barrick also declined to provide any information about the new dam after a request from ENTRE in January 2023 pursuant to the Global Industry Standard on Tailings Management, noting that it would provide more information when the studies are complete.<sup>18</sup> Barrick’s lack of transparency is difficult to reconcile with the company’s [stated core belief](#) in the primacy of partnership and listening to stakeholders. For the communities expressing legitimate and serious concerns about the potential impacts of a new tailings dam, it also raises questions about whether similar patterns of reported harm will follow the mine expansion.

**Communities represented by the CNR have long pursued and advocated for relocation as the most appropriate remedy for the harms they allege.** Under the last Medina administration, communities state that a relocation agreement was reached between the communities represented by the CNR and the Dominican government represented by the Ministry of Energy and Mines (MEM), led by Antonio Isa Conde. According to participants in those meetings, after directly participating in the initial meetings, Barrick allegedly decided to observe the process and accept the resultant common agreement between the government, the communities, and ENTRE.

Pursuant to this agreement, community representatives state that the same administration carried out surveys to determine the number of families to relocate and to identify an area to create a new community that would house 450 families with dignity. Communities report that the MEM has documented evidence of this process, in addition to records held by the private company that carried out the census.<sup>19</sup> The process was also reported in public media.

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<sup>16</sup> *Barrick Gold Corporation*, Pueblo Viejo Extension Response, 2021, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/republica\\_dominicana/Barrick\\_PV\\_Expansion\\_Response\\_051821.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/republica_dominicana/Barrick_PV_Expansion_Response_051821.pdf) (last visited Apr 9, 2023).

<sup>17</sup> See *Barrick Gold Report*, Technical Report on the Pueblo Viejo mine, March 2023 at 18, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/operations/pueblo\\_viejo/Pueblo\\_Viejo\\_Technical\\_Report\\_2023.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/operations/pueblo_viejo/Pueblo_Viejo_Technical_Report_2023.pdf) (last visited Apr 9, 2023).

<sup>18</sup> *Barrick*, Carta PV a ENTRE.

<sup>19</sup> The Dominican Ecumenical Work Commission (COTEDO).

However, communities state that implementation of the agreement has been delayed, increasing the danger, insecurity, and precarious life they face. They highlight that the Abinader administration has fallen short of its responsibility for almost two years since assuming office, while concerns over Barrick's harms continue. In the face of government inaction, communities, in collaboration with CNR and ENTRE, have developed a detailed proposal for the eventual relocation of the affected communities. Communities underscore that the MEM has their proposal and that Barrick is also aware of these contributions.

**The scale of the tailings dam and the impact to date likely make restoring the environment impossible. Thus, the most comprehensive and appropriate remedy for the alleged harms is relocation.** Relocation would ensure that communities' standards of living and means of subsistence are adequately restored and would help Barrick generate social license in these communities.

Pursuant to Barrick and the Dominican government's contractual agreements, the government holds primary legal responsibility for relocation. However, Barrick should take action to proactively support relocation efforts. At minimum it must not undermine, and should support, the community's advocacy efforts with the government to move forward with the relocation plan. But more importantly, Barrick's commitment under the UN Guiding Principles as well as the OECD Guidelines for Multinational Enterprises to provide communities access to effective remedy means that Barrick ought to [restore](#) affected communities to their position prior to harm, in this case by working actively with the government and contributing necessary resources to ensure dignified relocation in line with international standards and the communities' proposal.

**We call on Barrick and the Dominican government to secure dignified relocation for mine-affected communities before taking any further steps to try to push forward the Pueblo Viejo expansion.**

Dismissing community demands risks compounding the harms they allege, further undermining Barrick's legitimacy and social license, and raises legitimate concerns about the potential environmental and human rights impacts of any new tailings dam. While Barrick has indicated plans of involuntary resettlement of communities around the new tailings dam,<sup>20</sup> it must address the demands and needs of currently-affected communities. Now is the time for Barrick Gold and the government to listen to impacted communities and take steps to respect, protect, and fulfill the rights of these communities to the best of their abilities.

Respectfully,

**Espacio Nacional por la Transparencia en las Industrias Extractivas (ENTRE)**

**Comité Nuevo Renacer**

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<sup>20</sup> See Barrick, Technical Report at 18, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/operations/pueblo\\_viejo/Pueblo\\_Viejo\\_Technical\\_Report\\_2023.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/operations/pueblo_viejo/Pueblo_Viejo_Technical_Report_2023.pdf).

**Articulación Nacional Campesina (ANC)**

**AfrosRD**

**Comisión Nacional de los Derechos Humanos (CCDH)**

**Corriente Sindical Mauricio Báez**

**Federación Dominicana de Cooperativas Eléctricas (FEDOCOPE)**

**Fundación Guayacán de Energía y Medio Ambiente (GEMA)**

**Fundación Justicia y Transparencia (FJT)**

**Fundación La Negreta**

**Fundación Salud y Vida**

**Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA)**

**Observatorio Dominicano de Políticas Públicas de la Universidad Autónoma de Santo Domingo (ODPP-UASD)**

**Signed in Solidarity:**

**EarthWorks**

**Global Justice Clinic at NYU School of Law<sup>21</sup>**

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