

Mr. Antonio Almonte Reynoso, Minister of Energy and Mining, Dominican Republic
Mr. Orlando Jorge Mera, Minister of the Environment and Natural Resources, Dominican Republic
Mr. Mark Bristow, President and CEO, Barrick Gold Corporation
Ms. Juana Barceló, President, Barrick Pueblo Viejo

May 4, 2021

Dear Mr. Reynoso, Mr. Mera, Mr. Bristow and Ms. Barceló,

As responsible jewelry producers, we write in solidarity with the [communities](#) in Monte Plata that are [resisting](#) Barrick Gold's planned expansion in the Dominican Republic. Based on available public information, we are deeply concerned about the environmental and human rights impacts of the expansion. These concerns are even more acute in the context of the ongoing global climate emergency and the Dominican Republic's climate vulnerability,¹ serious and credible allegations of water contamination and displacement in other Barrick Gold operations,² and the opaque nature of the expansion process. In light of the concerns set out below and the significant community opposition to the plans, we urge the Dominican Republic and Barrick Gold to reconsider the expansion.

We are concerned that Barrick Gold is [planning to expand its gold mining activities](#) in the Dominican Republic. Barrick currently operates Pueblo Viejo, an open-pit mine [located](#) on 4,800 hectares of land in Sánchez Ramírez, approx. 100km outside of the Dominican Republic's capital city of Santo Domingo, through a [joint venture with Newmont](#). Last year, [Barrick proposed](#) an expansion of Pueblo Viejo that included a new [tailings dam - reportedly](#) in the province of Monte Plata - that would store toxic mining byproducts.³ Local social movements have expressed concern [about the proposed tailings dam](#) and organized [demonstrations](#) in opposition to it. Government officials (including the [president of the Alianza País political party](#) and an [official representing Monte Plata](#)), civil society (including [Centro Montalvo](#) and the [Archbishop of Santo Domingo](#)), and [others](#) have expressed solidarity with community members and are raising the alarm about this project. We have been unable to determine the status of the environmental impact assessment for the tailings dam project from [publicly available information](#).

¹ PATRICIA CAFFEY ET AL., *Dominican Republic Climate Change Vulnerability Assessment Report* (2013), <https://www.usaid.gov/sites/default/files/documents/1862/Dominican%20Republic%20Climate%20Change%20Vulnerability%20Assessment%20Report.pdf> (last visited Oct 16, 2020).

² Barrick Gold Using Coercive Settlement Provisions to Perpetuate Legacy of Environmental Harm, EARTHRIGHTS INTERNATIONAL, <https://earthrights.org/blog/barrick-gold-using-coercive-settlement-provisions-to-perpetuate-legacy-of-environmental-harm/> (last visited Feb 15, 2021); COLUMBIA LAW SCHOOL, *Red Water: Mining and the Right to Water in Porgera, Papua New Guinea* (2019), https://web.law.columbia.edu/system/files/private_file/red-water-report-2019_1.pdf; Murder, rape and claims of contamination at a Tanzanian goldmine, THE GUARDIAN (2019), <http://www.theguardian.com/environment/2019/jun/18/murder-rape-claims-of-contamination-tanzanian-goldmine> (last visited Feb 15, 2021).; Security Guards for World's Largest Gold Mining Company Rape and Kill Locals in Papua New Guinea, EARTHRIGHTS INTERNATIONAL, <https://earthrights.org/case/barrick/> (last visited Apr. 20, 2021)

³ GLOBAL JUSTICE CLINIC (GJC) AT NEW YORK UNIVERSITY SCHOOL OF LAW & HAITI JUSTICE INITIATIVE, *Byen Konte, Mal Kalkile? Human Rights and Environmental Risks of Gold Mining in Haiti* (2015), 91, https://chrgj.org/wp-content/uploads/2016/09/byen_konte_mal_kalkile_human_rights_and_environmental_risks_of_gold_mining_in_haiti.pdf.

Expanding gold mining in the Dominican Republic will increase the country's vulnerability to climate change. Monte Plata – the anticipated location of Barrick's new tailings dam – is home to many of the country's [most vital watersheds](#).⁴ Twelve rivers originate in the province, including the Ozama River, which provides water to the capital Santo Domingo. Climate change threatens access to sufficient and clean water in the Dominican Republic; a tailings dam in this area risks jeopardizing water resources that are vital for climate resilience, including to withstand drought. The Dominican Republic suffered [165 drought events](#) in the last 35 years and evidence shows that these disasters are [increasing in intensity and length](#). National rainfall levels are projected to fall by as much as [8.5 percent](#) over the next three decades. According to environmental experts, two-thirds of the population will face acute water shortages [within four years](#). Already, about three out of four Dominicans depend on [bottled water](#) to survive.⁵ Risks to water have ripple effects on human health, agriculture, food security, livelihoods, biodiversity and more,⁶ all of which are already threatened by increasingly erratic seasons and extreme events like storms and floods.⁷ This is of particular concern given that the Dominican Republic “[is among the countries that are most exposed to natural disasters in the world, ranking 8th out of 183 countries](#).” It is not clear how the expansion is compatible with the government's first strategic priority, per its [National Climate Adaption Plan](#), of improving water and food security.

The expansion – including the proposed tailings dam – is inherently risky.⁸ Modern industrial gold mines frequently have widespread, negative environmental and human impacts, including on the local ecology and the existing uses of land, water, and other natural resources.⁹ Tailings dams – the most common and cheapest way to store mining waste – hold specific risks.¹⁰ Tailings dams have failed over [100 times more frequently](#) than reservoir and power dams over the past century, even in highly regulated places like Australia, Canada and Brazil.¹¹ Tailings dam collapses can cause devastating [loss of life](#), environmental contamination, and serious consequences for [human health](#).¹² Heavy rainfall is a [leading cause](#) of such failures, suggesting that climate change will exacerbate the problem.¹³ Best practice states that tailings dams [should not be built upstream](#) from inhabited areas, as [appears to be](#)

⁴ Ley que Declara la Provincia Monte Plata, , <http://www.senado.gov.do/masterlex/MLX/docs/1C/2/12/20/207/20D7.htm> (last visited Feb 15, 2021).

⁵ IANAS LA RED INTERAMERICANA DE ACADEMIAS DE CIENCIAS, *Calidad del Agua en las Américas: Riesgos y Oportunidades* (2019), 561.

⁶ GENERAL COMMENT NO. 15: THE RIGHT TO WATER (ARTS. 11 AND 12 OF THE COVENANT), E/C.12/2002/11, 18 15 (2003), <https://www.refworld.org/pdfid/4538838d11.pdf>.

⁷ IANAS LA RED INTERAMERICANA DE ACADEMIAS DE CIENCIAS, *supra* note 5.

⁸ GLOBAL JUSTICE CLINIC (GJC), *supra* note 3, at 94-97.

⁹ GLOBAL JUSTICE CLINIC (GJC), *supra* note 3, at 5, 87-88.

Michelle Kalamandeen et al., *Limited biomass recovery from gold mining in Amazonian forests*, 57 J. APPL. ECOL. 1730–1740 (2020).

Theodore E. Downing, *Avoiding new poverty: mining-Induced displacement and resettlement, mining, minerals and sustainable development*, INT. INST. ENVIRON. DEV. WORLD BUS. COUNC. SUSTAIN. DEV. LOND. (2002).

¹⁰ Warren Cornwall, *Catastrophic failures raise alarm about dams containing muddy mine wastes*, SCIENCE, 2020, <https://www.sciencemag.org/news/2020/08/catastrophic-failures-raise-alarm-about-dams-containing-muddy-mine-wastes> (last visited Feb 15, 2021).

¹¹ *Id.*

¹² Dom Phillips, *Samarco dam collapse: one year on from Brazil's worst environmental disaster*, THE GUARDIAN, October 15, 2016, <https://www.theguardian.com/sustainable-business/2016/oct/15/samarco-dam-collapse-brazil-worst-environmental-disaster-bhp-billiton-vale-mining> (last visited Feb 15, 2021); Daniel A. Barcelos et al., *Gold mining tailing: Environmental availability of metals and human health risk assessment*, 397 J. HAZARD. MATER. 122721 (2020).

¹³ John Handmer et al., *Changes in impacts of climate extremes: human systems and ecosystems*, in MANAGING THE RISKS OF EXTREME EVENTS AND DISASTERS TO ADVANCE CLIMATE CHANGE ADAPTATION: SPECIAL REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE 231–290, 249 (2012).

[the case](#) for the proposed tailings dam in Monte Plata. Further, the existing Pueblo Viejo mine sits in a [high seismic and high rainfall area](#), and the proposed expansion may have the same environmental qualities.¹⁴

Existing Barrick operations in the Dominican Republic and globally have faced repeated credible allegations of environmental harm. A 2012 report by the Dominican Academy of Sciences concluded that Barrick operations were “contaminating the dam of Hatillo, the country’s biggest dam” that irrigates the rice crop of the Lower Yuna Basin.¹⁵ Locals [allege](#) that Barrick’s work at the mine also exacerbated pollution of the local [Maguaca](#) and [Margajita](#) rivers. Though Barrick disputes responsibility for the pollution, media reports indicate that communities impacted by the pollution have [for years](#) depended on bottled water provided by the [government and by Barrick](#). In 2014, it was reported that [tests](#) of nearby residents revealed high levels of cyanide and other metals in their urine and blood, substances that lead to health problems including skin and eye damage. By 2015, an [estimated](#) 27 deaths linked to pollution had been reported.¹⁶ Locals have [reported](#) death of their livestock and inedible crops, and claim that gains to the local economy are [negligible](#).

Environmental degradation [associated with](#) Barrick’s mines – including in [Tanzania](#), the [United States](#) and the [Philippines](#) – throws serious doubt on Barrick’s readiness to mitigate the worst impacts of gold mining, or tailings dams in particular. At its Porgera mine in [Papua New Guinea](#), for example, Barrick “[dumped more than 6 million tonnes of tailings and more than 12 million tonnes of sediment eroded from the waste rock dumps into the river in 2008](#)” under government permits. Its operations in [Chile and Argentina](#) were halted by the judiciary based on claims of significant damage to glaciers and waterways in a UNESCO protected biosphere.

The expansion process has been opaque and non-participatory. Local communities have the right under [national](#) and [international law](#) to meaningfully participate in environmental decisions that affect them and to access information about those decisions.¹⁷ Barrick’s own [policies](#) also commit it to transparent communication and engagement in its operations, including with local communities. So far, these commitments do not appear to have been upheld. Although the Minister of Energy and Mines has affirmed that an environmental impact assessment of the proposed tailings dam expansion must be carried out and approved by the government for the project to proceed, we have found no information online about the current [status or substance of this process](#). At the same time, the Minister of Energy and Mines has already [expressed](#) its support for the expansion and, in 2020, the government [accepted](#) an advance of US\$108 million in taxes and royalties from Barrick in order to address the COVID-19 pandemic. While [the Minister has said that this payment is not linked to approval of the](#)

¹⁴ BCG Engineering, *Pueblo Viejo Mine*, https://bgcengineering.ca/mining_pueblo_viejo.html (last visited Mar 11, 2021).

¹⁵ RED INTERAMERICANA DE ACADEMIAS DE CIENCIAS FORO CONSULTIVO CIENTÍFICO Y TECNOLÓGICO, AC, *Diagnóstico del Agua en Las Américas*, 435 (2013)

¹⁶ EARTH LAW CENTER, *Implementation of human rights obligations relating to the environment, submission to the UN Special Rapporteur on Human Rights and the Environment* (2015) 95, <https://www.ohchr.org/Documents/Issues/Environment/ImplementationReport/Earth%20Law%20Center.pdf> (last visited Apr. 20, 2021)

¹⁷ See Dominican [Environmental Law](#) articles 6 and 38(8) (guaranteeing the rights to a healthy environment, information on sustainable use of natural resources and the environment, and public consultation as part of environmental assessments).

See also [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#) (the Escazú Agreement), Escazú, 4 March 2018, articles 3-7; the Escazú Agreement [will enter into force on 22 April 2021](#); [the DR has signed but not yet ratified](#) the Agreement.

[expansion](#), these developments raise serious concerns about the independence and integrity of the environmental impact assessment and approval process.

We call on the Dominican government and Barrick to make public verifiable evidence of how:

- The company and the government would uphold the rights of local communities affected by the expansion, including in light of the track record of environmental contamination from the Pueblo Viejo mine,
- The expansion would avoid the environmental damages incurred in other Barrick mining operations,
- The expansion is consistent with President Abinader’s commitment to make the Dominican Republic a [world leader in climate justice](#),
- The expansion is consistent with the Dominican government’s [twin priorities](#) of post-pandemic economic recovery and sustainability,
- Barrick’s ongoing and expanded operations in the Dominican Republic are consistent with the recently enumerated *Principles for a Just Recovery*, produced by over 150 Canadian civil society groups, and with Barrick’s own commitment to be “[serious about sustainability](#)”, including working towards poverty reduction and managing its environmental impacts.

Based on the available evidence, satisfactory answers to these questions are not possible. As such, the undersigned jewelry producers maintain that Barrick’s expansion in the Dominican Republic must not proceed as planned.

Signed:

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