

FIELD CASE STUDY 2:

BULYANHULU, TANZANIA



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SUMMARY

The Bulyanhulu Mine comprises an underground mine, processing plant and associated facilities located south of Lake Victoria in north-west Tanzania. The mine is owned and operated by Acacia Mining PLC, in which Barrick Gold Corporation holds a majority interest. Gold was first discovered by local farmers in 1976 and subsequently became the site of intensive artisanal mining activity. This was tacitly supported by the policies of the then socialist leaning national government creating a strong sense of direct ownership among the local, artisanal miners.

Legal and fiscal reforms beginning in the 1980s gradually opened the country to foreign investment, finally allowing foreign participation in the mining sector. In 1994 Sutton Resources began systematic exploration at Bulyanhulu, quickly establishing the potential for a large scale mining operation. In 1995, acting on the legal basis that all mineral resources belong to the state, the central government ordered the artisanal miners to vacate the site; few did so. In 1996, the central government authorized the eviction of the artisanal miners. The miners were subsequently forcibly displaced by the police under the direction of the District Commissioner, with attendant allegations of the entombment of a number of miners. In 1999 Barrick purchased Sutton and commenced construction of the mine. Operations commenced in 2001 with Bulyanhulu the third largest gold mine in Africa. Barrick reorganized its interest in 2010 and again in 2014 creating a separate holding company, Acacia Mining PLC, for its African assets.

The Bulyanhulu Gold Mine is not generally thought of as being mired in conflict despite the highly conflictive start in 1996. There have been troubles since then, notably a major strike in 2007 that resulted in mass dismissals and decimation of the union, but outwardly the mine displays an apparent ability to avoid escalating conflict. Nevertheless, the field site study revealed previous accounts that the mine started badly and that a resilient relationship with local communities has never really been established. The eviction of the artisanal miners in 1996 created a sense of sudden, violent dispossession that persists to today. The consequence is sustained resentment that has never been addressed by either the company or government: 'you stole our gold!' Further, for the communities, government policy and the laws that opened the country to foreign investment are seen as both enabling and supporting the company without considering community concerns. Until recently, the central government was evidently determined to maintain close control on the local situation, apparently unwilling to give space to others.

In this environment, the company is looked to as the only accessible provider of benefits and a 'you owe us' attitude prevails. In turn, as Bulyanhulu seeks to prevent hindrances to its daily activities, there is a tendency to promise and provide short-lived benefits, effectively doing more to contain than to address the root causes of conflict. In practice, many years have passed since the company has been credited with any sustainable growth taking place outside of the mine and the level of dependency is very high. People understand that the mine will eventually become exhausted and resent not getting ahead. On the other hand, central government appears to be happy with, or at least willing to allow the de facto appeasement and containment approach to community relations often employed by the company.

In more detail, the quality of relations between the company and community has been subject to frequent changes that can be related to the posture of individual General Managers at the mine. There have been 13 General Managers in the 17 years from mine construction to the present, all of whom were given substantial discretion as to how to manage relationships. Ironically, the manager most highly regarded by the communities, and is reputed to have created the best period of community relations, also oversaw the 2007 strike and mass dismissal of more than a thousand workers. Nevertheless, he is recalled as being honest and fair with all people, qualities that set him

apart in the eyes of community members compared to other managers.

Over the life of the mine to date, an 'us-and-them' attitude has developed among workers at the mine, which is also present in the host communities. Many people are unhappy with their situation. Culturally, the local population is peaceful, tolerant and not inclined to conflict. A pervasive pattern of passive aggression towards the company prevails, but some people are beginning to contemplate more open, confrontational conflict.

INTRODUCTION

The Bulyanhulu Gold Mine is not generally thought of as being mired in conflict. Bulyanhulu did have a very conflicted beginning in the mid-1990s and there have been troubles since then but what made it interesting for the Unraveling Mining Conflict project (UMC) was its apparent ability to avoid escalating conflict. Events that might have been expected to spark a firestorm instead seemed to have resulted in stable and perhaps even positive outcomes. This suggested the potential to learn lessons about how the various actors in a mining context can keep conflict from degenerating and, ideally, how conflict can be made beneficial for all involved.

CONTEXT

*Tanzania*¹

This section aims to provide historical and present-day facts about Tanzania, highlighting elements that can help in understanding conflict around Bulyanhulu.

Tanzania is situated in East Africa along the Indian Ocean just south of the equator. It was formed in 1964 when Tanganyika and Zanzibar merged to create a single country. The nation is comprised of 130 tribes whose religious makeup is roughly divided into thirds between Christianity, Islam and traditional beliefs. Eight other countries share a border with Tanzania, several of which are perhaps best known internationally for their violent conflicts over the past 20-30 years – The Democratic Republic of Congo, Uganda, Mozambique, Rwanda and Burundi. Even Kenya, long considered one of the region's most stable countries, has struggled with intertribal tensions, election-related violence and terrorism during the past decade. Tanzania has not been immune from problems like these but, in terms of scale, it has enjoyed relative stability.

In 1884, Germans began colonizing Tanganyika (mainland Tanzania) and, two years later, reached an agreement with Britain establishing German administrative control. In pre-colonial times some gold was collected and traded but, according to the Tanzanian Chamber of Minerals and Energy, "The first commercial mining for gold was undertaken in the area surrounding Lake Victoria under the German colonial administrations in the 1890s."² Indeed, some Tanzanian small-scale miners today attribute their trade to the Germans.

After the First World War, the League of Nations gave Britain a mandate over Tanganyika, which the United Nations then converted to a trusteeship after the Second World War.³ Britain's mandate and then its trusteeship enabled British and South African companies to start exploiting the territory's rich gold deposits as well as other minerals and gemstones. Also during this period, the British established English Common Law as the basis for the Tanzanian legal system that still exists today.

Independence came to Tanganyika in 1961, with Julius Nyerere taking the post of prime minister. Nyerere then became president a year later when Tanganyika became a republic. In 1963, Zanzibar

became independent and was initially ruled by a sultanate. Shortly after, in 1964, the Sultanate was overthrown by leftist revolutionaries. Nyerere's political ideology was similar and an agreement was reached to merge Tanganyika and Zanzibar into the United Republic of Tanzania. Nyerere was the first president and the man who led the ouster of Zanzibar's sultanate, Abeid Amani Karume, was vice-president.

Nyerere was reelected unopposed every five years until he retired in 1985. To understand the situation today it is important to note that he wanted Tanzania to be self-reliant according to an ideology he called African socialism. As a result, foreign mining interests were pushed out as the sector was "brought under the direct control of the state and public institutions."⁴ It is also important to note that, for Nyerere, instilling a sense of national identity and unity was a top priority. Tribal affiliations and traditions were discouraged and customary land rights were eliminated. Swahili became the national language and everyone was expected to speak it. Land was placed under the control of village councils and people were encouraged to participate in collective farming. Young employees of the state – teachers, civil servants, health care providers, etc. – were not allowed to live and work in their home regions for a number of years after starting their careers so that they would intermix and intermarry with people from other parts of the country.

Like many socialist leaders from the post-colonial era, Nyerere's methods are subject to criticism and debate. Nevertheless, many Tanzanians today attribute their resilience against tribalism and identity-driven conflict to Nyerere's policies. And, there are those who still argue that the country's natural resources belong to the people and should not be sold to investors, particularly foreign investors.

Nyerere's successors had different ideas, however. After he left office in 1985, the government began privatizing mineral rights. This opened the door for local investors in the mining sector. According to one report, "Small-scale and artisanal miners were the major producers of minerals in Tanzania from 1987 to 1997."⁵ But the shift away from socialism did not stop at small-scale local investment. Policy and legal reforms tended toward individualized surface rights while promoting large-scale investments to exploit the subsurface. Of particular relevance, the government created an Investment Promotion Policy in the early 1990s that resulted in the growth of foreign investment in the mining sector.⁶ Legal reforms were also underway, including the Mining Act of 1998 and the Land Act of 1999, which reinforced the trend toward foreign investment in the mining sector by providing legal clarity around subsurface and surface rights.

The purpose behind this thrust in the mid-1980s away from socialism and beyond small-scale local investing in the mining sector was to spur economic development. Tanzania's current per capita GDP remains very low, ranking it at 193rd in the world, and its 151st ranking on the United Nations Development Program's (UNDP) Human Development Index (HDI) leaves it in the bottom category of low human development. There are some signs of improvement. For example, GDP has been growing at 6-7% per year from 2009 to 2014, which may help to explain why the country's HDI score continues to increase steadily and its rank has improved two places from 153rd over the same five year period. A key question then, is whether the general public sees the improvement. Political trends suggest some level of dissatisfaction.

Tanzania had its most recent national elections in October 2015. They were, according to the BBC, "fiercely contested"⁷ and "the most competitive in the country's history."⁸ The new president, John Magufuli, comes from Chama Cha Mapinduzi (CCM), the same party that has ruled for 54 years. But Magufuli, a.k.a. "the bulldozer," is seen not as a party insider. Instead, people paint the impression of a relentless reformer who they hope will reorient the country's significant economic potential away from the ruling elite and toward improved living standards. His popularity is driven largely by promises to tackle corruption. Similarly, the general election results seem to reflect a growing desire for change. The CCM came away with a thinner majority in the national assembly and significant losses in local elections. One analyst quoted in *The Guardian* put it this way: "It's a bit like a truck going downhill with failing brakes, there's an inevitability to the conclusion of this process, whether they lose power in

next election or the one after.”⁹

Bulyanhulu's Regional and Local Context

Tanzania is subdivided into 30 administrative subdivisions called regions, each region is divided into districts, the districts into wards, and the wards are comprised of a number of villages. Commissioners are the highest-level officials at the regional and district levels, essentially senior decision makers in proxy for the president. Below them, the districts have executive directors, and the wards and villages have their own executive officers, each charged with the day-to-day administration of government functions. The people in all of these positions are typically career civil servants selected and appointed through the executive branch of the central government. As for elected officials, at the local level they are the ward councilors, village councilors and the village chairman.

Bulyanhulu sits in north central Tanzania 55 km south of Lake Victoria in the Shinyanga Region. The name of the district is Kahama Rural, which was recently split into three sub-districts, each with its own district executive director, as part of an effort to connect planning and resource allocation more closely with communities. The mine's sub-district is called Msalala. Kakola and Bugarama are the two wards encompassing the mine. And, in Bulyanhulu's immediate vicinity there are 14 directly impacted villages, with an additional 17 indirectly impacted villages located farther away and affected less by the mine's daily activities.

When Canadian-owned Kahama Mining Corporation Limited (KMCL) obtained the Bulyanhulu prospecting license in 1994, the role of local government officials would have been simply to carry out central government directives. In 1999, as the Bulyanhulu project was ramping up for construction, local officials were just starting to gain more discretion in how they performed their jobs. This was the beginning of what turned out to be a 15-year decentralization of the country's political, financial and administrative functions. It was called the Local Government Reform Programme. The stated objective was to: “ensure effective, empowered, Local Government Authorities (LGAs) as the primary and accountable lead actors of socio-economic development, public service delivery and poverty reduction in their areas of jurisdiction.”¹⁰ This meant the mine was being developed as two important changes were getting underway: the new investment-friendly legal framework noted above, and a power shift from central to local government. Both wound up significantly influencing the status of conflict around Bulyanhulu.

BULYANHULU DESCRIPTION AND HISTORY

The area around Bulyanhulu is rural. In the course of carrying out typical rural activities, like uprooting trees for farming or digging pits for latrines, people sometimes discover gold. “Even the Bulyanhulu mine was discovered this way,” or so say local small-scale miners. Another version says people were grazing cattle, saw a tree fall and discovered gold underneath. Similarly, one written account attributes the discovery to a herdsman in 1976, followed by initial exploration carried out by Stamico, the state-owned mining company.¹¹

By 1994 when KMCL, which was owned by Sutton Resources of Vancouver, B.C., was granted a licence to prospect in the Bulyanhulu area, there was a substantial amount of small-scale, unlicensed mining activity happening on the land. In 1995, a government decree ordered that the KMCL license area be vacated but the decree was not enforced and small-scale mining continued. Then, one year later in July 1996, a final decree called on the “illegal miners” to vacate. This was challenged in court by a group called the Small Scale Miners Committee of Kakola (SSMC). What happened next is subject to some confusion. According to a review of proceedings done later by the International Finance Corporation's Compliance Advisor Ombudsman (CAO), an injunction was issued and then overturned three days

later.¹² The way local miners recount the story, the Regional Commissioner acted in defiance of the courts by initiating eviction measures before the injunction was lifted.

Either way, during the first week of August 1996 police carried out evictions that were directly overseen by the Regional Commissioner. The number of people removed is not clear, ranging from 200 to 2,000 – the CAO's estimate – to tens and even hundreds of thousands alleged by some advocacy groups.¹³ More significant than the number, though, were allegations that 52 people were buried alive as heavy equipment razed structures and backfilled artisanal mining pits and shafts. The allegations were never proven, although some groups like Amnesty International tried unsuccessfully to initiate an independent international investigation. Doubts still linger around the mine about what really happened and people who say they lost loved ones still tell their stories with raw emotion.

To develop the mine, KMCL applied for financing from the International Finance Corporation (IFC) in 1998, but in 1999 Barrick Gold bought Sutton Resources and proceeded to build the mine without IFC money. Construction was completed and the first commercial gold pour occurred in April 2001. Bulyanhulu becoming operational made Tanzania the third largest gold producer in Africa.¹⁴ Bulyanhulu's mining is done exclusively underground, which is costly, but the average ore grade is good at around 8 to 9 grams per tonne.¹⁵ The on-site plant has the capacity to process an average of 3,300 tonnes of ore per day.¹⁶ Based on the 2015 proven and probable reserves of 9.5 million ounces, the mine should be able to operate at least until 2045.¹⁷

Prior to 2007, the mine seems to have operated without a major disruption. In July of that year, however, around 2,000 members of the mine's only labour union went on strike, joined in protest by local community members. What led up to the strike is discussed in more depth below, but in simple terms, it seems to have been an attempt to prevent the union's considerable power from diminishing under new management.

In 2010, Barrick split off its four Tanzanian mines into African Barrick Gold (ABG), an independent company listed on the London Stock Exchange, although Barrick retained the majority of the shares. In the same year, operations were suspended because of an underground mining accident that killed three workers.¹⁸

In 2014, ABG renamed itself as Acacia Mining, removing Barrick from the name altogether, in an attempt to be more easily recognized "as a leading independent mining company."¹⁹ Barrick currently holds a 63.9% equity interest in Acacia.²⁰

2015 came to a difficult end for Bulyanhulu with significant cost cutting that included laying off 575 mine employees just before Christmas. There were also layoffs at the Acacia head office in Dar es Salaam including the company's most senior Community Relations (CR) staff member, leaving Bulyanhulu's CR staff, reduced in number from eight to four, to function without a clear reference point at the corporate level.

CONFLICT ANATOMY

This section aims to summarize what has been happening within and around Bulyanhulu as it was depicted by the people interviewed for the field study. Some gaps in details have been filled by document research but the general objective is to present the situation from the ground-level perspective of the people who live and work there.

Manifestations of Conflict Around Bulyanhulu

Conflict can be disconcerting and palpable around a big mine. That is not the case at Bulyanhulu, but it is a conflicted place. Looking back on the mine's 20-year history, there are three examples people give of conflict manifesting violently:

In 1996, small-scale miners and others working and residing on the mine lease were forcibly evicted. Parents, who are now elderly, tell compelling stories about their children who they say were killed that day. Young adults lament the loss of parents. The alleged 52 deaths were never substantiated, but there is no doubt that the telling and retelling of these stories has had a toxic effect on the way some people see the mine. Small-scale mining is still an important livelihood in the mine area.

In 2004, there was an armed payroll robbery in which people were killed and mine staff were implicated. This is significant not just because people died, but also because it marked the start of the mine becoming more cautious and restrictive about employment and general accessibility.

In 2007, there was a major strike involving up to 2,000 workers who were joined by community protesters. The background is discussed in more detail below but, in essence, the strike seems to have been motivated by perceptions among the union's leadership that their influence was declining, and community support flowed from concerns that beneficial projects were being concluded and not replaced by additional projects. The mine was shut down for a week, strikebreakers were beaten and their families were threatened. In the end, more than 1,000 people were fired and the labour union was decimated.

Beyond these three incidents, there have been other overt but less violent forms of confrontation. The instances that came up in discussions include:

An environmental and social justice advocacy group brought a claim to the Compliance Advisor Ombudsman attempting to prevent the project from getting financing and political risk insurance.²¹

Numerous lawsuits have been brought against the mine based on claims about wrongful dismissal, workplace injuries and illnesses, and land compensation. The general scenario is that local employees and stakeholders feel they are the victims of discrimination or unfair treatment, whereas the mine feels these people have an unrealistic or inaccurate sense of their rights.

In 2006, the mine clamped down on widespread payroll fraud, adding to the restrictive trend that began with the payroll theft in 2004.

In recent years, small-scale miners working illegally within the mine lease have been removed by police, their pits and shafts have been bulldozed, and then they return to start mining again. Power lines have been sabotaged, allegedly by employees angry about being retrenched. Mine related conflict is reflected in politics with the pro-investor ruling party recently losing a number of local offices to opposition politicians who threaten to incite people against Bulyanhulu in order to force the mine to provide more benefits.

And finally, there are distinct manifestations that occur when, and perhaps because, conflict is latent. These can be quite detrimental because they are easily overlooked. Or, for those that are noticed, they get dismissed as mere annoyances. The cumulative effect over time is that these manifestations can insidiously drive up the costs of operating the mine and deter managers from deciding to do things in a way that would make the mine more of an engine for sustainable development, which then demoralizes and frustrates the communities. The status quo becomes one of constant tensions that ebb and flow without clearly identifiable root causes and without a pressing need to make significant changes. Examples of latent conflict are:

- Passive resistance is a term used to describe the common practice of local staff reducing their own productivity to a bare minimum and making it difficult for others to do things efficiently;
- Lackadaisical compliance with company policies by local staff has also been common;
- People who keep their jobs in the mine in order to be in a position to perform “other jobs” that include theft, corruption, favouritism and involvement in organized crime;
- Community members who know “when bad things are about to happen,” but choose not to inform the mine;
- Community projects that deteriorate and become useless because of a belief that the mine has an ongoing duty to provide for people’s needs.

Key Players

For 20 years most of the key players in conflict around the mine have been the same, although the levels of influence have changed as well as the individuals in the various roles. These key players are:

- The national government; particularly those in government who drove the shift from Nyerere’s African Socialism toward an investment climate that is friendly to large-scale industrial mining. Also important is the way national government has set the tone on corruption, first doing little to keep it in check and, in recent months, instilling hope that it will be curtailed.
- The Regional Commissioner who played a leading role in the 1996 evictions, presumably acting on behalf of the central government.
- Tanzanian police whose shifting role and approach has been instrumental in conflict around the mine, going from imposing order to ensure a good operating environment for the investor, toward more balanced efforts to ensure harmony among all stakeholders.
- The current District Executive Director for the mine area who, because of devolution and constructive problem-solving skills, seems poised to exert increasing influence on development activities around the mine.
- Ward and village executive officers – civil servants who, because of devolution, have increasing discretion over how mine-area conflict gets addressed. It remains to be seen whether their capacity and resources will keep pace with heightened responsibilities but initial signs are promising.
- Politicians at the ward and village levels who seem to come from one of two camps: (1) Predominantly ruling party politicians who are generally seen as representing a style that is diplomatic and calculated, ostensibly to negotiate for the best interests of their constituents but who some say have a long history of using elected office to advance their own financial interests; and (2), those recently gaining strength on the local political scene who often represent opposition parties and apply a no-nonsense forceful style to mobilize popular support against the mine’s perceived withholding of benefits such as local contracts, employment and infrastructure improvements.
- Small-scale miners, credited with being a key driver in the local economy and enjoying a kind

of “heroic victim” status because of the mine’s origins and the sense that the gold is being “taken” from them.

- Union leaders who enjoyed significant, and some say exaggerated, power during the mine’s first five years of operations, only to overplay that power in calling the 2007 strike.
- Local employees, differentiated into the group coming from the immediate vicinity of the mine and typically holding lower skilled positions, and the group coming from different parts of Tanzania and viewed suspiciously by locals about tribal favouritism and unmerited seniority.
- The Lawyers’ Environmental Action Team (LEAT), a non-profit law group that tried to seek justice for alleged victims of the 1996 evictions but ultimately may have shown poor ethical and legal judgement in the tactics and strategy they applied. In retrospect, it appears that LEAT may have done more harm than good by playing and losing an adversarial, zero sum game on behalf of their clients.²²
- Search for Common Ground (SFCG), an international NGO that specializes in conflict transformation and has, in partnership with Acacia, been working to promote more measured and professional policing around the mine, and more effective communication and problem-solving among the full range of stakeholders.
- The mine General Managers, whose extreme range of personalities and management styles has had a remarkable, seesawing influence on conflict.
- Barrick and then ABG/Acacia’s most senior managers in Tanzania who have applied two distinct approaches, one that broke with tradition in a push to rebalance management priorities and operate more efficiently in the mine’s difficult contexts, versus a more traditional model focusing on technical and financial performance with social issues being addressed on the periphery of these priorities.

Primary Issues

There are a few key issues that provide an undercurrent to conflict in the Bulyanhulu area. How strongly these issues run in people’s thinking and in their actions can affect the status of conflict around the mine. These issues are:

- The legacy of perceived abuses in clearing the mine lease has not been dealt with in a way that creates a sense of closure. From Bulyanhulu’s point of view, the allegations have been investigated, the facts have been checked, claims have been dismissed and there is no basis for this to persist as an issue affecting people’s thinking and behaviour. But it does persist. The people most concerned are, not surprisingly, those who say their loved ones died. For others, including several prominent officials, the issue seems to be less about what actually happened and more about the hindrance to forward progress. The story has become emblematic of the sense that the government sold out its people and that the mine is reaping the lion’s share of the benefits. Based on truth or not, it has become a myth that helps to perpetuate a victimized worldview.
- Access to benefits is a wide ranging issue. From business owners who feel that the mine does too little to provide opportunities, to local youth who believe their access to jobs is too limited, to poor community members forced to pay more than they can afford for clean water and basic health care, to politicians who are eager to manipulate public opinion about

a dearth of benefits, to the mine not doing a very good job of defining and consistently following its own policies, or of sharing information about the benefits it does provide – benefits is an issue with a big ripple effect on conflict.

- Being listened to is another general, cross-cutting issue. The alleged victims from 1996 essentially feel that the mine has not listened to them. Local leaders feel they were once listened to with regard to local recruitment and now they are not. Similarly, members of the mine's workforce had an influential voice in the way the mine was run for the first five years and then, when they sensed that management was listening less, they decided to strike. Meanwhile, the communities were willing to join the strikers in protest because they felt their concerns about projects ending and cash flow diminishing were not being heard. Government officials at the ward and village levels say the mine needs to listen to them more carefully in terms of how it manages development resources. In short, whether people feel they are listened to or not is an issue closely related to conflict.

THE HISTORY AND DYNAMICS OF CONFLICT

The previous section sketched the anatomy, the embodiment of conflict around Bulyanhulu, particularly as it looks through the lenses of people who are intimately familiar with the history and current situation on the ground. This section explains what has shaped that anatomy making it what it is today.

What Factors Into, or Drives Conflict around Bulyanhulu?

This table tries to list all of the factors or drivers that people chose to highlight during open discussions about conflict around the mine. However, a number of them were not discussed in detail. The ones presented below are those that were sufficiently discussed during the visit to allow for a reasonably clear understanding not only of what the factor is but also why people see it as relevant to the broader topic of conflict around Bulyanhulu.

For members of the groups that mentioned each factor, did they see it as positive or negative (i.e., as adding to or reducing the chances of a good (harmonious) outcome) or both?

What factors into, or drives conflict around Bulyanhulu?	1. National/regional government/police	2. Local government	3. Company Sr. Mgmt.	4. Company staff	5. Local business	6. Highly impacted individuals	7. Observers/minimally impacted individuals	8. Civil Society	Any action taken by key parties to address/mitigate? (Y/N/?)	If yes, which stakeholder(s)
General contextual factors										
Perceptions about mineral rights	neg	both	neg	both	both	both		neg	Y	1,2,3,8
Corruption	neg	neg	neg	neg		neg		neg	Y	1,8
Devolution	pos	pos	both		pos	pos		pos	Y	1,2
Local Sukuma culture that is docile	neg	neg	pos			neg			N	
Economic development	both	both	both	both	both	both	both	both	Y	1,2,3,5,8
Access to the legal system/remedies	neg		neg			neg			?	

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Company aspects people associate with conflict										
Corporate dynamics and priorities	both	both	both	both					Y	3
The mine General Managers		both	both	both	both	both	both		Y	3
Opportunities and impacts for local businesses	both	both	both	both	both	both	both	both	Y	1,2,3,5
Local practices people associate with conflict										
Artisanal and small-scale mining	both	both	neg		pos	pos	both	both	Y	1,2,3,6,8

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Local initiative versus dependency	both	both	both	both	neg	neg	both	both	Y	1,2,3,5,8
The changing role, approach and behaviour of police	pos	pos	pos					pos	Y	1,2,3,8
The role played by civil society		both	both			pos	pos	pos	Y	2,3,8
Catalysts or triggers people see as having an immediate effect on the status of conflict										
Regional Commissioner's decision to forcibly evict		neg		neg	neg	neg	neg	neg	Y	6, 8

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Armed payroll robbery			neg	neg					Y	3
Firing more than 1,000 striking employees		both	both	both		neg			Y	3
The collapse of TAMICO (labor union)			both			neg	neg		Y	3
Mining accident that killed three Tanzanian employees			pos	pos			pos		Y	3

General Contextual Factors

There are factors in any general context that help to determine how prone to conflict a given place might be. This section presents the main contextual factors people see as conducive, positively or negatively, to conflict at Bulyanhulu:

- Perceptions about mineral rights
- Corruption
- Devolution
- Local Sukuma culture that is docile, that is, not prone to confrontation or violence
- Economic development

Perceptions about Mineral Rights

According to Tanzanian law, “minerals on, in or under the land” are owned and must be allocated by the state.²³ And, rights of land occupancy explicitly do not include mineral rights.²⁴ However, what the law says about mineral rights is not consistent with the views and practices of many local people. In one discussion an observer from a neighbouring country who works around Bulyanhulu gave this summary: “Under Nyerere, [Tanzanians] were convinced the resources belonged to them and they still see it this way. The 1999 [Land] Law is where the discrepancy starts.” That law, and the general restructuring of Tanzania’s property and resource laws that began after Nyerere’s presidency had the underlying goal of promoting development, in part by encouraging foreign investment.²⁵

However, between 1985 when Nyerere left office and the mid- to late-1990s when these laws came into effect, people say the local economy around Bulyanhulu, including small-scale mining, was driven by local investors. When large-scale, international investment came to the area, most people’s mindset was still small-scale and local. Many people say the government should have done more to prepare communities for the shift. The mismatch between reality and mentality made it possible for perceptions to take root that the state was “selling [the gold] away to foreign investors,” who were allowed to “take whatever they want,” while local investors were allegedly denied any role in negotiating to recover their losses. In effect, local people, particularly those with a stake in small-scale mining, got the impression early on and still feel that the legal regime enables a foreign-owned mine like Bulyanhulu to “steal” from them.

This interpretation is supported in people’s minds by what can be synthesized into two key observations: One is that many communities directly outside the Bulyanhulu mine lease freely participate in small-scale mining, which employs up to 1,000,000 people nationwide and “often operates outside the ambit of government authority and regulation.”²⁶ The impression this gives is that the law is selectively applied for Bulyanhulu to mine gold that would otherwise be available to local miners. The second observation has to do with a perceived gap between the benefits local people expected to get from the mine and what has materialized. The government has reportedly “tried to educate” about the importance of bringing in foreign capital, but, as one official put it, “The notion of ‘our gold’ is not being adequately addressed in an area of pre-existing small-scale mining.” And, in the process of trying to convince people about the benefits of foreign investment, expectations grew that the mine would mean big improvements to the local economy and infrastructure. Today, some see the pace of improvements as being “too slow.” As a result, community members start to get frustrated, not with the government, but with the company: “They only come to take our gold. It’s doing good in their country – Canada.”

Related to this last point, there seems to be a widespread sense that Bulyanhulu is directly indebted to local people for taking “their” gold. Comments like: “If you’re extracting, you have a mandate to provide,” and, “[The mine] took our daily needs and never replaced them,” suggest a kind of social

contract implicit in people's minds. This is linked to something highlighted by a former elected official who explained that the communities typically do not know the difference between what the mine is required to do as part of its actual agreements with the government, versus what the mine might choose to do as a voluntary initiative.

In short, many people do not accept that Bulyanhulu has a stronger claim on the gold than local miners. But, they see the government as being on the side of the international investor, which adds to a sense of being more oppressed than protected by the law. In response, they expect and demand that the mine be a strong engine for local opportunities and development. Meanwhile, Bulyanhulu, operating in compliance with the law, its contractual obligations and general international standards, expects the mine to be an engine for profit. The government, and more recently, civil society have tried to reconcile these points of view by helping people understand the role of taxes and royalties, some of which flow to the district and sub-district around Bulyanhulu, and by trying to create a sense of shared responsibility for development, but people are skeptical, in large part because of corruption.

Corruption

In many people's minds corruption is the reason alleged abuses have occurred and more benefits have not come. "Corruption is like blindness – they cannot see people's rights." This was a comment made by someone who says they lost two family members when 52 people were allegedly buried alive in 1996. Several accounts of the evictions 20 years ago pointed to the direct involvement of the Regional Commissioner as a sure sign of high level corruption. The facts are unclear but what people seem to agree on is that it was unusual for such a senior official to play a hands-on role in directing the police who enforced the evictions. In addition, people say miners and residents were caught unprepared for the move as legal proceedings were still underway, but the Regional Commissioner took it upon himself to speed up the evictions. Meanwhile, KMCL bulldozers were on hand to demolish structures and backfill artisanal mining works. Taken together these points are seen as indications of collusion between central government and the company.

What really happened 20 years ago will probably never be known by anyone other than those involved. However, there is a point when perceptions have as much, if not more influence than facts and the social climate around Bulyanhulu lends itself to perceiving corruption everywhere. People exhibit a surprising degree of confidence in making allegations and speaking out against it, including corruption related to the mine. During various interviews people talked about corruption at different levels of government in terms of what happens to mining revenue intended to improve roads, schools and water supply. It also came up in the context of discussions about land valuation and compensation, recruitment, procurement, services contracting, and access to gold-bearing waste rock. One summary comment was about how the promise of foreign investment "was to increase development, but it really just increased corruption." And, someone else talking about the challenges to redirecting conflict, said, "Corruption remains a problem – even small percentages of tax and royalties could lead to significant improvements if the money didn't disappear."

But, people around Bulyanhulu are showing signs of optimism about turning a corner on corruption. In the context of a discussion about how corruption has inhibited problem solving around Bulyanhulu, someone pointed to the new president as a source of hope: "His performance has been clean for a long time. Even our voices can reach him." The sense among a wide range of people is that he is both pro-investment and anti-corruption, fueling the idea that the government under his leadership will be more effective at using mineral revenues to spur economic opportunities and development.

Devolution

According to government officials comparing the current distribution of power with how it was 20

years ago, local authorities now have more discretion and they deal with less interference by the regional and central government. This is seen as having the potential to positively influence local conflict. Ward and village-level officials used to be ordered to contain conflict, calling on the forceful intervention of police as necessary, so that the mine could continue operating. Now they say they are “more empowered to deal with conflict in locally appropriate ways, standing between the mine and the community.” In essence, they now have the leeway to mediate.

Where the money flows and who controls it has also shifted. While revenue from mining that goes to the district was formerly allocated only by district authorities, there are now sub-districts with their own budgets as well as planning and decision-making authority. This change is described as being a means of “getting revenue closer to the mine” in order to improve prioritization and increase accountability.

There are caveats, though, related to whether the results of devolution prove positive or not:

- While the mine is inclined to channel development support through the sub-district level because of its capacity and demonstrated professionalism, there are expectations at the ward and village levels that they will be the entry point of choice because the authorities at the next level up, they say, “do not know the local people, are too slow, and are not trusted.”
- The prospect of local officials being mediators raises concerns about their neutrality in situations when government may be seen as part of the problem. Furthermore, many conflicts can be solved most effectively without a third party. Yet, local officials warn that “bypassing” them in this role can lead to bigger problems, as could the potential for competition between local authorities for political and other sorts of benefits associated with greater influence.
- Less centralized power and the softer touch in dealing with conflict means that, if attempts to resolve disputes through dialogue are not successful, people can protest, “without fear of excessive force by police.” While non-violent protests could prove to be a constructive way of pushing conflict toward resolution, the mine may find more protests hard to accept.
- Recent elections brought in a number of new ward and village council members who present themselves as the opposite of politicians who talk too much and accomplish too little. Discussions with villagers confirmed the appeal of this message and revealed impatience with diplomacy and mediation. The newly elected leaders won their seats promising to fight for more benefits from the mine and they talk openly about using violence to do it. Civil servants and the police confirm that violence is being discussed in public meetings as a viable option.

Local Sukuma Culture that is “Docile”

Relative to its neighbors, Tanzania is not a divisively tribal society but people still attribute many things to tribal heritage. Around Bulyanhulu they say Sukuma tribal traditions have a discernible influence on conflict: namely that they remain passive when people from other tribes would not. In talking about mine-related conflict, the Sukuma frequently contrast themselves with the Kuria herdsmen around the North Mara Gold Mine, situated 600 km north of Bulyanhulu and also owned by Acacia. The Kuria are a people with a warrior culture that still encourages armed cattle raiding, prides itself on being fearless and has a very violent history with the mine.

The comparison is typically applied in talking about the level of benefits flowing to the communities around each mine. Local officials around Bulyanhulu express concerns like this one: “People have started to feel that, because they were polite and not hostile like around North Mara, they weren’t getting benefits.” Even the member of Parliament from the Bulyanhulu area reportedly complained to the Minister of Energy and Minerals that the docile Sukuma don’t get many benefits whereas the

aggressive Kuria get more. Another person, familiar with both areas, said that around North Mara the Kuria used violence to get what they wanted and now there is “no more conflict.”

The idea that the two situations are comparable is flawed, as Bulyanhulu staff point out. Bulyanhulu and North Mara differ in ways that go well beyond tribal, including the fact that North Mara operates several open pits connected by haul roads that bisect numerous communities, whereas Bulyanhulu is a self-contained underground mine without the kind of impact North Mara has on surrounding villages.²⁷ Nevertheless, around Bulyanhulu there is a perception that forcefulness is something the Kuria have been able to use to their advantage causing some Sukuma to consider trying it themselves. A senior civil servant warned that Bulyanhulu should not take the local people’s “politeness” for granted. Similarly, the police commander expressed concerns about managers who compare the Bulyanhulu area with North Mara and say, “Here there is no problem. Why do more?”

Economic Development

As mentioned above, the shift from small-scale local investment in mining to large-scale international investment spurred exaggerated expectations and local communities see the mine as directly responsible to deliver. At the moment, disappointment is a common sentiment and people blame corruption for diverting resources they believe would otherwise fuel development in their communities and provide them with economic opportunities.

However, many tangible benefits have come thanks to the mine in the areas of education, health, water, roads and significant numbers of jobs. One of the most positive examples people point to is the employee housing scheme. Under this plan, entire neighborhoods were built to high standards and staff were able to buy their homes with Bulyanhulu matching their investments dollar for dollar. This in turn enabled skilled staff to move to the area with their families rather than leave on rotation every few weeks to other parts of Tanzania. Now they spend their paycheques locally. Even more praise goes to the mine for bringing electricity, which they say changed the nature of their communities for the better by making it possible, for example, to establish small businesses that required electricity for refrigeration, welding and woodworking.

However, power distribution was commissioned in 2006, the last house was built in 2007, and there is a widespread perception among the local population that more benefits were promised than have been delivered. And, they point more to the mine than to the government as being responsible for fulfilling these promises. The roots of this probably trace back to the start of the mine and the general sense that, in exchange for the gold, the mine is directly obliged to provide for people’s needs. Another probable factor someone suggested is the mine not taking credit for all that it has done. Instead, politicians are said to take credit for forcing the delivery of what gets done while exploiting frustrations over demands that are not met.

Company Aspects People Associate with Conflict

The general contextual factors just presented – perceptions about mineral rights, corruption, devolution, culture, and economic development – these are the types of things inherent to a given place that a mine can knowingly contribute to or unwittingly become mired in. Something else that came up in many of the discussions about conflict around Bulyanhulu is that there are aspects of how the mine functions, from senior level decision-making to more mundane aspects of running the mine, that significantly affect conflict. Following are the main company aspects people raised:

- Corporate dynamics and priorities
- The mine General Managers

- Opportunities and impacts for local business
- Human resource management and labour relations

Corporate Dynamics and Priorities

Discussions highlighted two distinct approaches coming from the company's most senior management level in Tanzania. One approach is described as trying to find value and efficiency above ground as well as below ground. In practice, this means elevating the long-term resolution of community issues within management processes as part of running the business. This approach was explicitly applied for about three years between the 2007 strike and the 2010 creation of ABG. The other approach is described as more traditional business thinking, striving for technical efficiency, operating the mines from day-to-day in ways that optimize gold production and prevent losses. This was definitively applied once ABG got underway (2010-present). The more time that passes, the more sparse the details but it seems that between the start of construction in 1999 until the 2007 strike the approach was a kind of ad hoc fluctuating balance of the two.

According to people familiar with the effects on the ground of both approaches, the more technically-minded model can avert severe outbursts of conflict but it poses a challenge for durable conflict resolution. The reason being, it tends to manage social issues as potential losses, which drives a mediocre approach to earning local support. The way it was explained, the narrow focus of this approach on share price creates a 12-month mentality, which in turn creates pressure at the mine level to avoid social disruptions within the constraints of an operating budget never meant to do more than meet production targets. Furthermore, reward structures get tailored accordingly, with contract bonuses tied to meeting production targets and keeping costs down. In brief, long-term problem solving in the social arena is seen as too expensive when short-term loss prevention will suffice to keep share prices stable and help managers meet their targets.

This traditional approach has, arguably, proven itself effective around Bulyanhulu where major conflict incidents resulting in lost lives or significant financial losses are rare. In other words, it probably satisfies the company's need to prevent the severe or catastrophic consequences associated with violent conflict. What it may not do is address the other kinds of manifestations outlined above, such as legal activism, recurring illegal mining on the mine lease, incidents of sabotage, the election of incendiary politicians, staff who practice passive resistance and perpetrate crimes against the mine, communities that decline to help protect the mine, and social investment resources that seem to generate less good will than they should.

What seems to be driving these less catastrophic signs of conflict is people feeling that their priorities are not consistently included among the company's priorities. From a grassroots perspective, the way one key stakeholder summarizes ABG's, and now Acacia's attitude is that, "Underground is the company's first priority. They are able to work underground because there is peace and harmony above ground." He went on to caution that, "The winds can always change."

Senior managers at Bulyanhulu, including the new General Manager, indicate that Acacia is currently shifting back again from a pinpoint focus on technical efficiency to a more holistic focus. They have asked the mine's local stakeholders to grant them time to demonstrate what the approach will look like in practice. At the time of this study in December 2015, the General Manager said people are "starting to agitate."

The Mine General Managers

A very prominent factor in conflict around Bulyanhulu, according to the field study discussions, is the

mine General Manager (GM). The longest term for a GM at Bulyanhulu lasted about three years from 2007 until 2010. His name was Greg Walker. Since he left, the mine is now on its sixth GM and people could name six others who came before him for a total of 13 GMs over a period of about 17 years, a period covering mine construction to the present. Some local stakeholders observed that GMs who are inclined to help the communities get removed quickly but, in fact, it seems rare that any GM lasts very long and it was not possible during the study to determine why. However, such a large pool did allow for people to compare and contrast the impacts of the GMs' different management styles and personalities. The one most "loved," according to a wide range of people, was the one replaced by the current GM. But filtering through people's comments and analysis, being "loved" is not the same as having the most positive effect on conflict.

The discussions suggest that the most influential aspect of mine general management on conflict is extremes: First, people see the switching of GMs as extremely frequent, often causing "confusion and, at times, frustrations among communities and employees." Then, there have been extremist GMs who, at one end of the spectrum, very actively build relationships and trust based on promises they ultimately cannot deliver, and at the other end are GMs who snub relations-building in order to focus on the technical and financial side of the mine's performance while being "unaware of the dynamics outside the gate." And finally, there are the extreme pendulum swings between successive individuals, perhaps because changing business circumstances require a dramatically different management style, but with an effect that can be disruptive.

What this suggests, and several observations confirmed this, is that a GM who is conscientious and forthright about what the mine can and cannot do may not be "loved," but he or she is most likely to be able to deal constructively with conflict. The main example of this is Greg Walker, whose three years as GM began with the strike and protests in 2007 that spurred him, as a new GM, to fire more than 1,000 employees. Also during his tenure, several Tanzanian lives were lost in a mining accident. While he might have become public enemy number one, he closed his time at Bulyanhulu as the only GM to be given a farewell party by the surrounding communities.

People use a range of descriptive phrases about past GMs, including Walker, who are seen as helping to reduce conflict:

- Did things in the open
- Walked around in the communities
- Allowed expats outside
- An open door to build trust
- Supported localization (employment)
- Came to villages and asked about programs
- Mutual respect
- Managed to get [relationships] going well even though times were bad
- Attentive and can relate to communities
- Participatory and not dictatorial with the workers

In sum, it seems for a GM to be in a position to help with conflict it will be very useful to have an outgoing and inclusive style. Otherwise, he or she risks being misunderstood. For example, one past GM is described by a local official who knew him well as a kind of visionary introvert, truly dedicated to finding sustainable solutions to some of the bigger challenges, "but he didn't want to talk with anyone so people saw him as a bad guy."

On the more administrative side, how a GM is assessed is something people believe should be linked with his or her effect on conflict. Concerns were raised, for example, about GM hiring criteria and reward structures based mainly on production and safety performance, but not social performance, not on how they impact conflict, and not their ability to apply appropriate leadership styles, with some being too dictatorial and unable to delegate, and others being too "laissez faire" resulting in "chaos" among staff and in the social arena.

Opportunities and Impacts for Local Businesses

There were not many discussions that raised opportunities and impacts for local business as factors in conflict around the mine. It is important to note that contracting and procurement matters are managed from the corporate office in Dar es Salaam, not at the mine level. However, several noteworthy points were raised:

- Local businesses feel they suffer from the extreme differences between successive GMs, investing in growth when the mine is led by someone with an outward focus, only to suffer when the switch to a new GM results in less money flowing outside the fence.
- There is a sense that many of the supplies going into the mine could be procured locally but instead are brought from outside the area and even outside the country.
- People also believe there is bias in contracting that results in outside companies providing services that could be provided locally, and that these contractors bring their labourers with them instead of hiring community members who need jobs.

In addition to these points, several discussions detailed an ongoing story that provides interesting insights about how mismanaged opportunities, or at least lapses in communication, can easily escalate conflict. The story is about scrap materials from the mine. In the early days of the mine, scrap materials, primarily wood and metal, were given on a rotating basis to surrounding communities. This is something people see very positively since it allowed those who lacked the cash for start-up costs to begin their own small businesses transforming scrap into useful products. But then in 2006 the mine stopped giving the material away, reportedly because a consultant said the mine was “treating the community as a scrap yard.” Meanwhile, the mine Security Manager had concerns about people coming onto the mine to collect the scrap. The stoppage caused negative impacts on those who were using it and they are said to have complained, “It is worthless to you but you won’t give it to us.” Instead, the mine started selling it under contract to a business located about 900 km away. Because people believe key Acacia contracting positions are held by individuals from the Chaga tribe, and the contractor is also Chaga, there are suspicions of favouritism.

Then, less than one year ago, scrap became a beacon of hope again. The contract was being reissued. Bulyanhulu had encouraged local people to form associations in order to benefit from opportunities that the mine would not provide to individuals. A group of local youth created an association and formed a partnership with a company that owned suitable equipment in order to submit a contract proposal. They received a notice of award, became very excited, began preparing in terms of borrowing money for an additional truck and loading equipment, personal protective gear, etc. They also underwent the mine’s safety training for contractors, received their security badges, and even executed the first round of scrap removal from the mine site. Then they received a letter canceling the award. The reasons were vague.

The youth group has sought but been unable to receive clarification. They say that they have two main concerns: (1) that they need to repay the money they borrowed, and (2) that they cannot be expected to remain passive if the former contractor somehow regains the contract. The youth group has the sympathy and support of many local leaders and civil servants who have tried to help in getting clarification but have reportedly not been successful. The youth group representatives say they have no faith in the mine’s grievance procedure, nor in the justice system to provide them with a remedy.

Recruitment

Observation by informant: “If you have the capacity for jobs but day after day, month after month,

there are no opportunities, for a while people wait but eventually they get angry and can kill the next white person.”

Whether this kind of violence might be imminent is very hard to predict. Tensions do not seem high enough to be alarming, but there are certainly tensions and access to employment is a factor that appears to be making things worse. People positively recall employment during the years the mine was built. This is common around mines since construction is the phase when the largest number of jobs are available, but, interestingly, the recruitment process is what sticks out in people’s minds. They say it was done locally, transparently and openly; all positions were listed by public notice; interviews were conducted in the presence of ward level officials (seen as a check against bias); and, there were two steps: if at first no qualified applicant could be found locally, then the ward council would be notified and the mine would start to look outside the area.

In contrast, people now claim that locals are not given priority. The Human Resource Department (HR) is said to “zigzag,” making it hard for local people to get hired. HR staff allegedly “bring their own people from Dar and Mwanza.” Again, they make references to Chaga favouritism. And, according to the police, there have been numerous complaints about HR demanding payment from those seeking jobs and then not following through on the implied promise, leaving the applicant without any proof or recourse.

Looked at from Bulyanhulu’s perspective, recruitment requires striking a very difficult balance. To one side, there is tremendous potential for abuse and manipulation making it a process that must be managed strictly and internally. But on the other side, prioritizing local people for jobs requires some level of external participation, raising questions about who can be trusted by both the communities and the mine, how much to involve them, and at what stages in the process. Frustrations and accusations are almost inevitable. Establishing a clear policy and rigorously applying it can help. Bulyanhulu has tried to apply a policy prioritizing the 14 directly impacted villages. Village authorities have opportunities to validate the origins of those submitting applications and of those who are selected. But still there are problems. The outgoing HR manager says his two years at Bulyanhulu “feel like seven,” in part because transitioning between four different GMs during those two years has made it very hard to apply HR policies in a consistent and transparent manner. And, from the outside, shifting degrees of consistency and transparency look like zigzagging. In a context where opportunities are scarce and corruption is pervasive, people are bound to get suspicious and angry.

Labour Relations and the Link with Communities

Bulyanhulu has also dealt with serious challenges after people have been employed. In fact, the union-led strike in 2007 that involved as many as 2,000 employees and coincided with community protests is the most serious conflict incident the mine has faced since the original evictions. Workers who crossed the picket line were beaten and their families were threatened. Strikes and protests continued for about seven days effectively shutting down the mine. The last four days were an ultimatum period when strikers could return to their jobs or be fired. Labour leaders reportedly told the workers they would protect them, that they would win, and not to worry. It ended with the new GM, Greg Walker, firing the strikers who did not go back to work and with most individuals being offered the chance to regain their jobs under the terms they had before the strike. The union itself, TAMICO, collapsed and has since only regained a fraction of its pre-strike membership, in part because a second union has formed, but mainly because the majority of employees no longer choose to be union members.

After almost 10 years, it is hard to be sure what precipitated the strike. At the time, TAMICO represented more than 50% of the mine’s workforce. During roughly the first five years after the mine started production, union leaders were increasingly involved in and interactive with mine management, reaching an apex in 2006. For example, in 2005-2006 the GM, Mike Mracek, would force area managers to sit and sort out any problems directly with union representatives. The union was also instrumental

in getting the mine to implement a mine-wide bonus structure. The employee sentiment from that time is described as, *Tuko pamoja*, a phrase that literally means “we are together” but for Tanzanians it carries a strong message of unity and common purpose.

Then, in 2006 Mracek abruptly left. He is described by people who worked with him as “generous” and “very accessible.” After he was gone employees inquired and were told, “He just decided to resign,” sparking rumors that “his attempts to get more improvements met pushback from senior management.” Around the same time, there was a crackdown on payroll fraud, particularly in departments where the union was strongest. Also coincident with Mracek’s departure, a number of positive initiatives in the communities were wrapping up: a key access road, piped water, the last of the staff housing, electricity was commissioned, and free distribution of scrap materials came to a halt. As a result, important sources of community income were running out and no additional benefits seemed to be en route.

Mracek’s permanent replacement was Greg Walker but for a period between six and 12 months there were several acting GMs who were simultaneously juggling different roles within the company. Their attention, according to staff at the time, “seemed very divided.” The sense started to emerge among employees and the communities that “no one was listening.” The togetherness people appreciated seemed to be coming apart. Union leaders are said to have thought, “If the previous GM had to listen to us, the new GM should have to listen, too.” In essence, they had been influential, they were confident, and they were in a position to convince union members to strike and to encourage community members to protest alongside them.

One interpretation of all this is that “maybe Mracek created an exaggerated sense of the power and the right of the union to be involved in big decisions.” As one person put it, union leaders “thought like they were managers.” Mracek is also said to have “won the hearts and minds of communities,” which may have been premised on similar “exaggerations” since community members apparently felt a sense of entitlement to the level of benefits they were receiving and they saw that it was starting to slip. A key question, then, is how much labour empowerment and community entitlement is too much? The answer probably has to do with how much can be sustained. Defining those levels is contentious and has been made more difficult by the lack of continuity between GMs. Acacia staff say that a dearth of clear corporate policy directives for the mines is one of the company’s weaknesses, especially with regard to social investments, leaving the GMs perhaps too much discretion to do things their own way.

For labour-related conflict, the mine may have recently devised a helpful mechanism in the creation of a Workers Forum. The forum includes representatives from the two unions and from all departments, providing opportunities for dialogue and joint problem solving. The HR manager explained its impetus: “We had to initiate it because we needed a way to communicate and negotiate with employees.” There are also a number of positive-sounding commitments from new mine management: no special treatment for whites; only expatriates who can relate well with locals will be retained; and, there will be zero tolerance for supervisors and managers who push to “get shit done” but put people at risk in the process.

Local Practices People Associate with Conflict

Thus far, the focus in explaining what drives conflict around Bulyanhulu has been on general contextual factors and aspects of how the mine functions. Here the focus is on aspects of how groups in society, or society itself, functions.

Artisanal and Small-scale Mining

The section above on perceptions about mineral rights covered a number of points about the conflicted nexus between the Bulyanhulu mine and small-scale miners who feel a sense of ownership over the area's gold. This brief section is meant to round that out, focusing on ASM in its own right as a factor in conflict around the mine.

Signs of an active small-scale mining sector are common around Bulyanhulu, from welding shops working on makeshift crushers and other rudimentary mining equipment, to hand-dug pits and shafts, to stone quarried by orphans and widows using fire to fracture the rock and then breaking it into various sizes and selling it for construction purposes. One local business owner estimates that, compared with Bulyanhulu, ASM makes a larger contribution to "keeping the local economy going." In other words, while Bulyanhulu's contributions to the local economy are a source of debate and frustration, ASM's contributions and the activity itself are connectors – things people feel a sense of common interest in that can encourage cooperation.

In recognition of this as a viable livelihood prospect, Bulyanhulu has encouraged the creation of ASM associations and has gone so far as to relinquish a promising section of the mine lease for ASM activities. But the initiative seems to have stalled despite a number of ideas among managers about how to help with safety and basic engineering concepts, and despite promises, to help with basic equipment and other material support. Similar to the situation with the youth association that was formed for the scrapping contract, this seems to be turning into a source of disappointment and frustration among a group who feel they were wronged at the outset of the mine, who see Bulyanhulu as having turned their hard work into "free exploration," and who enjoy significant support among local leaders and business owners.

Local Initiative versus Dependency

A significant source of frustration for the mine and some local government officials is a persistent pattern of people demanding what they want and electing leaders who do the same, rather than leading an initiative and requesting support. This applies to entrepreneurship, to livelihood activities, and to local infrastructure and services like water supply, road maintenance, community clinics, schools and teacher housing. One explanation tied the mine's provision of electricity, "which is expensive," to the expectation that the mine should thus be able to provide the likes of an upgraded community-wide water system, "which is cheap." Another attempt to explain the origins of dependency went this way: "Here, our experience with white men is to go to them to seek assistance. People are not looking to take the initiative. They want the company to bring them fish, not train them to fish. There is a history here of giving fish. People say the company should give them money each month."

This latter explanation probably goes too far as a representation of the general mentality, but there is some truth in pointing to a history common throughout Africa where white people from colonial governments, government aid agencies, NGOs and foreign companies, have tried to help people or win their favour through donations – by "giving fish."

In an effort to encourage more sustainable forms of assistance, the mine and local civil servants have recently started guiding the creation of associations that can receive support collectively and develop their capacities in the process of managing whatever programs they undertake. Noted above were the associations created for the scrapping contract and for ASM which, until now, seem poised to have a more negative than positive impact. Similarly, there are 14 village associations awaiting signs that support will be forthcoming for infrastructure and livelihood initiatives. This began under the previous GM who was extremely well liked in the communities for her generous and personable manner but she also undermined Community Relations and other staff by conceding to demands they had previously declined. The new GM has asked the communities to give him time to review the

various initiatives that were underway when he arrived. How he chooses to manage the associations' initiatives will certainly factor into conflict around the mine, for better or worse.

The Changing Role, Approach and Behaviour of Police

A number of discussions with people around the mine, including government officials, highlighted a contrast between how the police previously dealt with mine-related conflict and how they approach it now. It is perhaps not surprising that the police used to "impose" peace by posing a credible threat and sometimes using force. Nowadays, the police still aim to keep the peace but the local commander sees it as an exercise in "diplomacy first; force last." Consistent with this, there seems to be consensus among civil servants and mine security that repressive tactics have a tendency to "make the situation more volatile." And, there is additional support for this shift from police at the national level issuing human rights directives against the use of excessive force.

Under a partnership arrangement, with Acacia, Search for Common Ground (SFCG), an international NGO that specializes in conflict transformation, provides training for Tanzanian police who work in the mine area. The training covers the Voluntary Principles on Security and Human Rights, sexual harassment, the use of force and firearms while on the mine site, the UN Code of Conduct for law enforcement officials, arrest and detention, humanitarian law, rules of engagement and human rights. SFCG says its monitoring and evaluation shows a drop in complaints and allegations of abuse, harassment, etc. after police have been trained.

As noted in the section above on the shift from more to less centralized government, there is a possibility that more tolerant behaviour by the police will inspire more confidence among citizens to engage in protests. It is difficult to say what the overall effect on mine-related conflict would be. It might prove to be positive if protesters and their leaders could refrain from using violence.

The Role Played by Civil Society

Civil society groups can alleviate conflict, for example by reducing poverty or creating pathways to justice. But in some cases, they can exacerbate it. To a limited degree, this happened at Bulyanhulu when, after the evictions of 1996, the Lawyers' Environmental Action Team (LEAT) took on the case of alleged victims. Sutton Resources had sought project financing from the International Finance Corporation, the private lending arm of the World Bank. This enabled LEAT to file a complaint with the Compliance Advisor Ombudsman (CAO), which provides an independent recourse mechanism for people affected by IFC-funded projects. But, Barrick acquired the project in the interim and decided not to pursue IFC financing. The company did seek political risk insurance from the Multilateral Investment Guarantee Agency (MIGA), however, which is also part of the private sector side of the World Bank and part of the CAO's mandate. So, LEAT revised its complaint, filing on the basis of Barrick's MIGA application. After a review that included a site visit, the CAO chose not to take action against the company and chastised LEAT for its ethics and for trying to "incite hostilities." The CAO report also implied that LEAT's tactics risked undermining the hard-won legitimacy of civil society groups working to protect people's rights.²⁸

In an interesting twist, the CAO used its report to commend Barrick for establishing, "meaningful partnerships with international aid and development organizations to reinforce its social development activities."²⁹ The discussions for this field study only included one person who knew about these partnerships, listing CARE, Heifer International and Habitat for Humanity as the organizations Barrick helped to bring into the mine area. Otherwise, conversations about conflict in the area were noticeably devoid of civil society references, with one key exception – SFCG, which was mentioned in the previous section.

In 2011, SFCG entered into its partnership with ABG/Acacia to help “transform conflict related to natural resources.” One of their two field offices was moved a year ago to within a few kilometres of Bulyanhulu. From here, in addition to their work with the police, they proactively engage with all actors, including politicians, mine employees and managers, civil servants, small-scale miners, local media and others, with an explicit commitment not to advocate for anyone but instead “to create an environment for everyone to discuss.” SFCG’s approach seems to be embraced by civil servants, the police and company staff, but it was clear that some local politicians and frustrated youth doubt its viability as an alternative to more confrontational approaches.

Catalysts or Triggers People See as Having an Immediate Effect on the Status of Conflict

The goal here is to look at the catalysts, or triggers that people see as sparking an immediate change, for better or worse, in the status of conflict around the mine.

- The Regional Commissioner’s decision – whether it was his own or passed down from a more senior level – to forcibly evict the miners and residents on the mine lease in 1996. The decision to proceed in this way set in motion a series of events that, at the very least, resulted in LEAT’s involvement on behalf of SSMC, in heightened criticism by international advocacy groups, in an exaggerated sense that the mine owes people a tremendous debt, and in animosity that still shapes people’s thinking about and behaviours toward the mine. And, while there is no way to know about the alleged deaths, it also resulted in the lingering perception that local people could be killed with impunity.
- The armed payroll robbery in 2004 that involved mine employees. This event was highlighted as a turning point in mine-staff relations and mine-community relations. While it may not have sparked an obvious conflict event, it does seem to have had the immediate effect of causing the mine to reevaluate its security posture. Previously, it seems that mutual trust was the norm and the mine was highly accessible. Afterward, trust in staff declined and the mine started to adopt a more defensive posture with communities. Once this hardening was put in motion, other catalysts over the next two years probably kept the chain reaction going: the clamp down on payroll fraud; the unexpected and unexplained departure of well-liked GM Mike Mracek; and, the cessation of scrap material being given to the communities.
- The firing of more than 1,000 striking employees. While this could have triggered outrage, instead it ultimately seems to have been the start of a positive shift as Greg Walker was able to set a new tone for relationships built on mutual respect and honest communication.
- The collapse of TAMICO. When the strike ended and TAMICO effectively lost its leadership and its members, this caused a situation where the mine no longer had an effective way to communicate and negotiate with employees. Only recently, with the creation of the Workers Forum, has the mine started to overcome this gap.
- The 2010 underground mining accident that killed three Tanzanian employees. This is more remarkable for not being a catalyst. At the time, journalists and advocacy groups came from outside the area asking questions of community members in what seemed like an effort to stir resentment against the mine. Instead, there was a genuine sense of shared grief that connected the mine with local stakeholders and that buffered against incitement.

The Players Involved, The Roles they Played

Key players and the roles they play have been highlighted at various points in the report. The following table attempts to capture that content for its potential value, not only in understanding conflict around Bulyanhulu, but also in comparing and contrasting such players and their roles across other field studies.

Key Players	Summary of their Roles
Members of national government who led from African Socialism toward foreign direct investment	Prior to the start of Bulyanhulu, members of government played an influential role in leading the country from Nyerere's insular African Socialism toward foreign direct investment in the mining sector. Also important is the way national government has set the tone on corruption, first doing little to keep it in check and, just prior to the field study, instilling hope that it will be curtailed.
Regional Commissioner in 1996	He personally led evictions from the mine lease, presumably with approval from, if not orders from the national government. His role helped to cement perceptions that the interests of foreign investors could override the interests of local people. It also created or reinforced the belief that there is corruption between high-ranking officials and private investors.
Tanzanian police	Whereas the police used to impose peace through the threat or use of force, the trend now is in the direction of peace building through engagement-based problem solving, relying on force as a last resort. Corresponding with this, peace used to be understood in the negative as avoiding problems that could disrupt the mine, whereas the emerging concept of peace is premised more on finding a durable balance between the interests of all stakeholders.
Mine-area District Executive Director	The person in this position for the mine area is articulate, has constructive problem-solving skills, and has earned the trust of Acacia managers. In this sense, he seems poised to exert increasing influence on development activities around the mine. There may be some potential for conflict, though, as more local officials at the ward and village levels also vie for influence over community development.
Ward and executive officers	Previously, these civil servants were expected simply to carry out central government directives, often strengthening the impression among local stakeholders that government was more committed to safeguarding investors than citizens. More recently, though, because of devolution, these officers have increasing discretion over how mine-area conflict gets addressed. Whether they will have the capacity and resources to do it constructively remains to be seen but the current office holders seem inclined to strive for win-win outcomes when conflicts do arise.
Ward and village-level politicians	People around the mine feel strongly about their right to choose their leaders, and who they choose can have significant implications for conflict. One group of local politicians, predominantly from the ruling party, can be generally described as highly articulate intellectuals who voice local concerns but are increasingly seen around the mine as incapable of delivering tangible results. Another group, mainly from opposition parties, is gaining strength by speaking out plainly, forcefully, and sometimes threateningly about a perceived lack of benefits flowing from the mine into local communities.
Small-scale miners	Around Bulyanhulu, small-scale miners are seen by many as victims of the general shift to foreign direct investment in the mining sector. And, they are seen as the direct victims of oppression and corruption symbolized by the evictions in 1996. Rightly or wrongly, the miners themselves help to perpetuate this sense of victimization. Meanwhile, small-scale mining as a livelihood provides a sense of shared identity and common cause for local community members who see it as a legitimate and important driver for the local economy. The implications for conflict in the future will depend largely on what becomes of ASM associations.

<p>Union leaders</p>	<p>For about five years after Bulyanhulu went into production, union leaders played an increasingly influential role in the management of the mine. The result is described as a sense of togetherness between employees and management. However, reaching this level of empowerment seems to have been due more to the management style of a particular GM than to Barrick's willingness to sustain it. As a result, when Mracek left, union leaders started to sense a decline in their ability to influence decision-making. In an effort to retain their power, they initiated a strike. Hindsight shows that they overplayed their hand. The union was effectively uprooted and has struggled to reestablish itself.</p>
<p>The Lawyers' Environmental Action Team (LEAT)</p>	<p>It is difficult now to be sure about LEAT's intentions. Clearly, the group would claim to have done its best to advocate for people's rights, but the CAO's reading is that the group acted in its own best interests thus compromising the potential for reconciliation between the mine and those who were evicted. The effect, after 20 years, has been polarizing. The alleged victims LEAT represented maintain that justice was never served, fueling a lingering sense of repression and social injustice among a broader range of stakeholders. Meanwhile, the mine is entrenched in its position that the allegations are unfounded and nothing more can or should be done.</p>
<p>Search for Common Ground (SFCG)</p>	<p>They proactively engage with all actors, including politicians, civil servants, small-scale miners, local media and others, with an explicit commitment not to advocate for anyone but instead, "to create an environment for everyone to discuss."</p>
<p>Mine General Managers</p>	<p>The GMs exercise abundant discretion. They have leeway to decide whether and how much to adapt the mine's presence to fit the local context, which has significant social, economic, political and environmental implications.</p>
<p>Barrick, ABG and Acacia's senior management in Tanzania</p>	<p>Frequently changing the GMs. The general pattern has been to empower the GMs to achieve the mine's production targets as they see fit. The exception was during the time of Greg Walker when Barrick consciously sought to achieve greater overall efficiency by encouraging the GMs to consider above-ground issues in day-to-day management. This ended leading up to the spinoff of ABG.</p>

Connectivity Between Different Key Factors

How is conflict managed around Bulyanhulu? As it turns out, there is no isolated factor that makes it possible to prevent conflict from escalating. Instead, combinations of factors, or the connections between them are instrumental including social, political, economic, environmental, sectorial and psychological dynamics (e.g. resentments, emotions) at the local, regional, national and at times, international levels.

One key combination, which appears to be positive, is between devolution, the changing role and approach of the police, and the role of SFCG thanks to support from the mine. The effect is that local government officials are better positioned to sustainably transform conflict by guiding a less top-down, more interests-driven approach to managing conflict. Meanwhile, the police can and have started to do more in terms of using diplomacy rather than force to keep the peace. SFCG, with support from Acacia, has made progress helping to establish the venues and build the capacity required for this. Preventing corruption will be key to the success of this and seems to be a gap thus far in the overall strategy. However, the national government's apparent push against it could prove serendipitous. Another key could be what gets done, or not, by the government and the mine to address the evictions legacy and the sense that the gold is being stolen without recourse or adequate compensation.

There is undoubtedly an important, although opaque connection between corporate dynamics, General Managers, and the extent to which the mine integrates local concerns in daily functions like recruitment and procurement. Acacia helps to determine whether the General Manager has the means and the discretion to integrate local interests in running the mine, which likely means the difference between short-term conflict containment and long-term conflict resolution. By and large, the GMs have managed to appease people to prevent crises, and, to a lesser extent, made lasting headway on addressing some of the key issues underlying conflict. There is a potentially pivotal role emerging for the village and small business associations to be partners in this, and the same is true for the Workers Forum that has emerged to facilitate communication with employees. Another point that could prove pivotal is whether Acacia can achieve greater consistency in the social arena as GMs come and go. Local government has an overarching role to play in terms of maintaining consistency, which will depend partly on the capacity level of civil servants and partly on whether local politicians act constructively or as spoilers.

In keeping the local economy going, important roles are played by small-scale miners, the business community and the mine, although the latter does not often get (or take) due credit. The dilemma with small-scale mining as an economic driver, and thus as a factor in helping with conflict, is that it is primarily done for subsistence. It does very little to drive sustainable development. ASM is a connector in society and, as such, has the potential to do more for conflict as well as development, but the interventions promised by the mine and government have stalled and risk having the opposite effect. Meanwhile, the mine could be better utilized as an engine for local business growth in particular and for sustainable economic development in general. But, to the extent that the mine already functions as an economic engine, more could be done to inform people. Otherwise, there is a gap in knowledge and understanding that gets manipulated by inflammatory politicians.

Sukuma culture is probably the most freestanding factor. What it probably means is that culture in its own right will allow latent conflict to persist longer before boiling over into something more blatantly harmful. But there is an important correlation with mine management in the sense that peaceful behaviour can either be rewarded or taken for granted. Until now, there are serious concerns that it is being taken for granted.

As a closing note on this, these combinations of factors function together, for the most part, in haphazard ways. If the various actors and factors were to function together in more strategic, concerted ways, the results would almost certainly be more positive. The mine can help to make this happen but there are natural limits on how far a private company is likely to go to transform rather

than just contain conflict. Society at-large stands to gain the most, and therefore has the biggest incentives to orchestrate lasting transformation. This should put government in the lead role, which is already happening to some extent with devolution and the changes in policing, but a more decisive effort would help.

SYNOPSIS

Bulyanhulu is neither free of conflict nor embroiled in it. At the outset of this report it was noted that the mine has an apparent ability to avoid escalating conflict despite some events that might, elsewhere, have created a firestorm. The study found that this is probably due to the application of methods geared more towards containing conflict as opposed to fundamentally resolving it. The result has been an undulating 20-year conflict pathway.

The conflict status quo at Bulyanhulu is very much still informed by disputed events that took place 20 years ago and by a mentality about mineral rights that started taking shape with Nyerere's African Socialism 50 years ago, and perhaps even before that when German colonialists effectively started the small-scale mining sector. It is also affected by the mine being left to decide how conflict gets addressed and then getting blamed when it gets addressed in shortsighted ways. While some mine managers have apparently seen the business rationale in addressing the root causes of conflict, the norm structured into the way the company functions has been to focus predominantly on containing conflict so that production targets can be met and losses against annual budgets can be prevented.

In a sense, the question that emerges is how much conflict management is enough conflict management? For Bulyanhulu and its parent company, Acacia, it might seem adequate to stop being proactive about conflict at the point where the likelihood of a severe or catastrophic outburst has been reduced to an acceptable level. But, this is more of a crisis prevention strategy than it is a lasting approach to conflict management or peacebuilding. It is not likely to satisfy the more fundamental concerns and interests of the local population, for example, who dispute the premise of foreign direct investment and, as a kind of consolation, have very high expectations about the benefits the mine can and should provide.

The field study results suggest that Bulyanhulu has not been required to do more than meet its legal obligations, generate revenue for the government, and provide enough transient benefits to keep local people from obstructing operations. In Tanzania, where corruption has been a challenge, devolution has been gradual, local leadership capacity is often lacking and civil society has a limited ability to help, this model leaves a vacuum created by unmet expectations. The result around Bulyanhulu has been 20 years of ebbing and flowing tensions. The next 20 years could be better, though, with the new government promising to address corruption, with police and local officials doing more to ensure a balanced approach to problem solving, and with an NGO like SFCG working to enable the full range of actors to participate more meaningfully in the decisions that affect their shared future. Perhaps any given mine manager should not be expected to do more than contain conflict. For Acacia, though, there is a business rationale for doing more. The mine's long term resiliency and efficiency will correlate with how much support the company provides for broader, more holistic efforts to go beyond containment.

SUMMARY OF KEY OBSERVATIONS

As this overall study on conflict associated with mining, ultimately to conduct 18 field studies, it will be important to analyze the results and draw practical conclusions about how conflict around mining projects can be more systematically and sustainably understood and prevented. The following observations about the Bulyanhulu study are intended to feed into that eventual analysis:

1. Legacy issues that are not dealt with effectively, like the alleged 52 deaths, but also broader perceptions about mineral rights, can inhibit relations-building and fuel conflict throughout the life of a mine.
2. The personality and style of a mine general manager can make or break efforts to create a shared sense of purpose with local stakeholders. The implications for conflict around Bulyanhulu have been significant.
3. Various forms of “passive resistance” to the mine are costly but hard to measure and do not create a sense of urgency for Bulyanhulu or Acacia.
4. Conflict around Bulyanhulu is dealt with by the mine and its parent company primarily as a risk mitigation exercise. The mine acts with a sense of urgency to prevent crises but not to eliminate the long-term causes. Addressing the factors of conflict sustainably would be in the best interests of the company, the communities and the state but there is no clear strategy or role division for making it happen. Nevertheless, some of the key elements seem to be taking shape, all be it without a singular plan for bringing the pieces together in a concerted way.
5. Devolution could prove very helpful, especially if corruption is effectively addressed, policing continues to be increasingly responsibly and balanced, and capacity keeps pace with expanding authority and resources at the local level.

NOTES

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22. See the conclusions in the “CAO Report.”
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