



Barrick Gold Corp.'s Porgera Joint Venture Mine A Legacy of Ignoring Human and Environmental Rights Abuses

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Ownership history

The Porgera Joint Venture (PJV) gold mine is located in Porgera, Enga Province, in the highlands of Papua New Guinea (PNG). In 2006 Barrick Gold Corp. (Barrick) owned 75% of the joint venture, which it also operated. Barrick increased its stake to 95% in April 2007.¹ Barrick's stake in the PJV mine was held through its local subsidiary Barrick Niugini Ltd. In 2015, Barrick sold 50% of its share in Barrick Niugini Ltd. to Chinese-owned Zijin Mining Group, leaving Barrick with 47.5% ownership.²

Summary history of abuses

- Since 1990, this mine has had well-documented³ environmental impacts on surface water related to the uncontained disposal of waste rock and tailings into adjacent river valleys.

¹ The PJV mine started operating in 1990. In 2006, Barrick acquired Canadian mining company Placer Dome Inc. and its 75% ownership and management control of the PJV mine. In April 2007, Emperor Gold Mine sold its 20% stake in PJV to Barrick. The remaining 5% was held by Mineral Resources Enga, of which 2.5% was owned by the Enga Provincial Government and 2.5% was owned by Porgera landowners.

² In 2019 the PJV mine's lease expired and as of the writing of this case study new contractual arrangements are being negotiated with the Papua New Guinea state, under the duress of legal threats by Barrick against the state. See, 13 July 2020, [Barrick Goes To International Arbitration in Last Ditch Effort to Hold onto Lucrative Porgera Mine](#); 6 April 2021, [Barrick Forces Hand of Papua New Guinea Government in Reopening Porgera Mine](#).

³ CSIRO Australia. 1996. *Review of Riverine Impacts, Porgera Joint Venture*. December. ; CSIRO Australia. 2001 (S.C. Apte). [Tracing Mine-Derived Sediments and Assessing Their Impact Downstream of the Porgera Gold Mine](#). May.; Shearman, P. 2001. Giving away another river: an analysis of the impacts of the Porgera mine on the Strickland River system. In B.Y. Imbun and P.A. McGavin (eds), *Mining in Papua New Guinea: analysis and policy implications*. Waigani: University of Papua New Guinea Press, pp. 173–191; Bun, Yati. 2001. [Resignation from Porgera Environmental Advisory Komiti \(PEAK\)](#); Coumans, Catherine. 2002. [Placer Dome Case Study: Porgera](#)

The mine has also been implicated in human rights impacts both related to the company's mine waste disposal practices⁴ and related to excess use of force against men, women and children by mine security and police guarding the mine.⁵

- In 2005, as Barrick was preparing to acquire Placer Dome Inc. (Placer Dome) and its share in the PJV mine, Placer Dome admitted to eight killings of local villagers by mine security and police at the mine,⁶ and Barrick received evidence from a local grassroots human rights group⁷ detailing several human rights abuses allegedly perpetrated by mine security and police. The abuses were also covered in the Canadian media just months after Barrick took over the mine.⁸
- Following its takeover of the mine in March 2006,⁹ Barrick had numerous opportunities based on information provided to the company in PNG and in Canada to investigate, acknowledge and address excess use of force by mine security and police guarding the mine, which resulted in killings and beatings of men and boys, beatings, rapes and gang rapes of women and girls¹⁰ as well as house burnings.¹¹

Joint Venture.; Norwegian Council of Ethics: The Government Pension Fund - Global. 2008. [Recommendation to the Ministry of Finance](#).; [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises](#) by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2, 2011.

⁴ [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises](#) by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2, 2011.; Columbia Law School's Human Rights Clinic and Columbia University's Earth Institute. 2019. [Red Water: Mining and the Right to Water in Porgera](#).

⁵ Coumans, Catherine. 2019. [Submission United Nations Working Group on the Use of Mercenaries: In regard to the relationship between private military and security companies and extractive industry companies from a human rights perspective in law and practice](#). This Submission is in regard to the North Mara Gold Mine in Tanzania and the Porgera Joint Venture Gold Mine in Papua New Guinea. March.; Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic. 2015. [Righting Wrongs? Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea: Key Concerns and Lessons Learned](#).; [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises](#) by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2 2011; Amnesty International. 2010. [Undermining rights: forced evictions and police brutality around the Porgera gold mine, Papua New Guinea](#). London.; Akali Tange Association. 2005. [The Shooting Fields of Porgera Joint Venture: Now a Case to Compensate and Justice to Prevail](#). A Compensation Specific Submission to the Porgera Joint Venture on behalf of Placer Dome Canada Inc, Durban Roodepoot Deep of South Africa and Mineral Resources Enga Ltd. and the Independent State of Papua New Guinea: On the Unlawful Killings of Village Alluvial Gold Miners at the PJV Mine Site—Special Mining Lease (SML) and Lease for Mining Purpose (LMP) Areas.”

⁶ Burton, Bob. 2005. [Canadian Firm Admits to Killings at PNG Gold Mine](#).

⁷ Akali Tange Association. 2005. [The Shooting Fields of Porgera Joint Venture: Now a Case to Compensate and Justice to Prevail](#). A Compensation Specific Submission to the Porgera Joint Venture on behalf of Placer Dome Canada Inc, Durban Roodepoot Deep of South Africa and Mineral Resources Enga Ltd. and the Independent State of Papua New Guinea: On the Unlawful Killings of Village Alluvial Gold Miners at the PJV Mine Site—Special Mining Lease (SML) and Lease for Mining Purpose (LMP) Areas.”

⁸ See for example: Patterson, K. 2006. [A deadly clash of cultures](#). *The Ottawa Citizen*, June 6, 2006.

⁹ <https://www.theglobeandmail.com/report-on-business/barrick-completes-takeover-of-placer-dome/article18158489/>

¹⁰ [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises](#) by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2 2011.; Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic. 2015. [Righting Wrongs? Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea: Key Concerns and Lessons Learned](#).

¹¹ Amnesty International. 2010. [Undermining rights: forced evictions and police brutality around the Porgera gold mine](#). Papua New Guinea. London.

- It was not until 2010 that Barrick publicly recognized that the company had received “specific and detailed allegations of sexual assault by PJV employees....”¹² In 2012, the company opened a highly flawed¹³ time-limited grievance procedure narrowly framed for female victims of sexual assault by PJV’s private mine security. Meanwhile, unaddressed human rights abuses continued to be documented and reported.¹⁴

The Details

A “hear no evil, see no evil’ approach to human rights abuses”

Prior to Barrick’s acquisition of the PJV mine in March 2006, Barrick was made aware of violence directed at local Indigenous Ipili and Engan villagers by mine security and by PNG police, who were also guarding the mine as per a 2005 Memorandum of Understanding (MOU)¹⁵ between the PJV mine and the national police force. On November 4, 2005, a local group, Akali

¹² <https://media.business-humanrights.org/media/documents/2772ca04d0ecbf5a0d979ec874dcdceb1ec44d09.pdf>

¹³ MiningWatch Canada raised concerns about Barrick’s short-term remedy mechanism with Navanethem Pillay, UN High Commissioner for Human Rights, on March 19, 2013 starting a detailed discussion of the flaws of the mechanism between MiningWatch, Barrick Gold and the UN High Commissioner for Human Rights. See: March 19, 2013, MiningWatch Canada to the UN High Commissioner for Human Rights, https://miningwatch.ca/sites/default/files/letter_to_unhchr_on_porgera_2013-03-19.pdf ; April 2, 2013, MiningWatch Canada to the UN High Commissioner for Human Rights, in response to Barrick’s letter to the UN High Commissioner of March 22, 2013, Navanethem Pillay, UN High Commissioner for Human Rights https://miningwatch.ca/sites/default/files/letter_to_un_high_commissioner_april_2_2013.pdf ; On May 14, 2013 MiningWatch wrote a third letter to the UN High Commissioner, in response to a letter by Barrick of April 16, 2013, This letter from MiningWatch was supported by 80 international organizations. https://miningwatch.ca/sites/default/files/ltr_to_unhchr_may_14_2013_re_porgera.pdf ; In July 2013 Navanethem Pillay, UN High Commissioner for Human Rights, issued an opinion on the remedy mechanism calling on Barrick to “establish a process to identify an individual, group of individuals or organization, considered credible by Barrick, the claimants and other key stakeholders, to conduct an independent review of the Porgera remediation programme.” This never occurred although MiningWatch and local partners wrote to the Un High Commission in support of this recommendation on September 4, 2013, https://miningwatch.ca/sites/default/files/letter_to_unhchr_re_porgera_opinion_2013-09-04_0.pdf . Long after the remedy mechanism had been closed Barrick Commissioned BSR to conduct a review and this resulted in more recommendations to Barrick to improve its response to human rights abuses, which were not followed up on by Barrick. Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. “*In Search of Justice: Pathways to Remedy at the Porgera Gold Mine.*” Report. BSR, San Francisco.

¹⁴ [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises](#) by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2, 2011.; [Barrick’s Porgera Joint Venture Mine – Neither Sustainable, Nor Development](#). Mark Ekepa, Chairman, Ipili Porgera Landowners Association, Jethro Tulin, Executive Director, Akali Tange Association, Catherine Coumans, MiningWatch Canada. April, 2011.; 27 November 2014, [Lawyers Say Barrick Thwarts Access to Justice for Victims of Violence](#); 12 September 2014, [Barrick Gold refuses to relocate villagers who suffer murder, rape and house burning](#); 11 September 2014, [Increased Violence at Barrick’s Porgera Mine: Indigenous Ipili send Envoy from Papua New Guinea to Canada](#); 23 June 2016, [Barrick Once Again Ignores Human Rights Victims – Peaceful Protest Planned at Porgera Mine in Papua New Guinea](#) ; 28 March 2017, [Village Houses Burnt Down – Again – at Barrick Mine in Papua New Guinea; Violence Against Local Men and Women Continues Unabated.](#); 7 May 2019 [New CEO, Same Human Rights and Environmental Abuses at Barrick Mine Sites.](#).

¹⁵ For a copy of the MOU see, Harvard Law School International Human Rights Clinic and New York University School of Law Center for Human Rights and Global Justice, [Legal Brief: Before The Standing Committee on the Foreign Affairs and International Development \(FAAE\), House of Commons, Regarding Bill C-300, 16 November 2009.](#)

Tange Association, sent a letter¹⁶ to Barrick warning the company of the legacy of killings by mine security for which Barrick would be held accountable in an acquisition of Placer Dome. The same group deposited a copy of its own 2005 report,¹⁷ detailing 11 extra-judicial killings by mine security and police guarding the mine, at the mine's headquarters in Port Moresby. Furthermore, also in 2005, Placer Dome's Patrick Bindon reportedly told the news outlet IPS that "eight people have been killed since 1996 by its own security forces and police at the giant Porgera gold mine" and that "seven of the eight killings occurred since February 2000...."¹⁸ Bindon went on to work for Barrick after the acquisition of Placer Dome in 2006. Also in 2006, the Government of PNG initiated its own investigation into violence related to mine security at the PJV mine.¹⁹ Prime Minister Michael Somare was reported²⁰ to have said that he would "set up a commission of inquiry to look into the deaths at the Porgera Gold Mine."²¹ It was no secret that abuses were occurring.

Starting in 2008, Porgerans travelled to Canada to attend Barrick's Annual General Meeting of shareholders in Toronto. For three consecutive years they stood up in the shareholder meeting and told the CEO, the board of directors and all assembled shareholders that PJV mine security and police guarding the mine were beating and killing men and boys and beating and raping women and girls.²² During these years the delegations also met with Canadian media, Members of Parliament and Civil Servants at Foreign Affairs, as well as with Barrick officials in Toronto. From 2006 to late in 2010, Barrick's public response to the allegations being brought to the company's own AGM by Porgerans was denial in the shareholder meetings themselves and largely silence outside of the meetings.

¹⁶ [Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines](#) for Multinational Enterprises by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada. March 2 2011. P. 13.

¹⁷ Akali Tange Association. 2005. [The Shooting Fields of Porgera Joint Venture: Now a Case to Compensate and Justice to Prevail](#). A Compensation Specific Submission to the Porgera Joint Venture on behalf of Placer Dome Canada Inc, Durban Roodepoort Deep of South Africa and Mineral Resources Enga Ltd. and the Independent State of Papua New Guinea: On the Unlawful Killings of Village Alluvial Gold Miners at the PJV Mine Site—Special Mining Lease (SML) and Lease for Mining Purpose (LMP) Areas."

¹⁸ [Canadian Firm Admits to Killings at PNG Gold Mine](#). Bob Burton. IPS. Canberra, Nov 17 2005. <http://www.ipsnews.net/2005/11/rights-canadian-firm-admits-to-killings-at-png-gold-mine/>

¹⁹ In negotiations with Placer Dome and Barrick the final focus of the PNG Government investigation was narrowed down so much as to be nearly useless. <https://miningwatch.ca/news/2006/7/10/papua-new-guinea-conducts-flawed-investigation-killings-barrick-mine> The report from this investigation was never made public.

²⁰ [Probe Looms for Mine Deaths](#), The National (PNG), May 6, 2005. <http://www.minesandcommunities.org/article.php?a=5937>

²¹ *Ibid.*

²² [Barrick Gold's Porgera mine in Papua New Guinea linked to grave human rights abuses, environmental impacts](#). May 12, 2008. <https://miningwatch.ca/news/2008/5/12/barrick-gold-s-porgera-mine-papua-new-guinea-linked-grave-human-rights-abuses>; [Indigenous Leaders from Papua New Guinea, Chile Raise Serious Human Rights and Environmental Concerns Around Barrick Gold Operations](#). 6 May 2009. <https://miningwatch.ca/news/2009/5/6/indigenous-leaders-papua-new-guinea-chile-raise-serious-human-rights-and-environmental>; [Backgrounder: Issues Related to Barrick's Porgera Joint Venture Mine in Papua New Guinea Violence perpetrated by Porgera Joint Venture's security forces](#). 17 May 2009 <https://miningwatch.ca/blog/2009/5/17/backgrounder-issues-related-barrick-s-porgera-joint-venture-mine-papua-new-guinea>; [Indigenous Leaders from Papua New Guinea Accuse Barrick Gold of Abuses](#). 5 May 2010. <https://miningwatch.ca/news/2010/5/5/indigenous-leaders-papua-new-guinea-accuse-barrick-gold-abuses>

Following Barrick's acquisition of Placer Dome in 2006, researchers from Harvard University, New York University and later Columbia University, as well as from MiningWatch Canada,²³ started to investigate and report on not only extra-judicial killings by mine security and police guarding the mine, but also on large numbers of women who detailed cases of rape and gang rape by mine security and police. These findings were reported in testimony before Canada's Foreign Affairs and International Development Committee in 2009²⁴ and 2010²⁵ and in a legal brief that was tabled.²⁶ Between 2008 and 2009, Barrick's response to three separate letters from Harvard and New York University human rights investigators was extremely limited. The investigators requested to meet with the company to discuss alleged violence and asked to receive copies of specific reports pertaining to the environmental and human rights impacts of the mine. Barrick did not provide any information about specific killings and did not provide documents pertaining to the company's security structure at the mine.²⁷

In response to testimony before the Foreign Affairs and International Development Committee in 2009, Barrick chose its words carefully, noting that "no cases of sexual assault [have been] reported to mine management" and that "It is not possible for the PJV to investigate an allegation it has never received..."²⁸ Barrick also called into question the possibility that women were raped stating that if they had been, there were "numerous avenues" available at the mine for the women to have reported the abuse. Barrick also stated that, since 2006, "...there have been no fatal shootings by Porgera security personnel." In a subsequent hearing in 2010, New York University School of Law Center representative, Sarah Knuckey, defended her earlier testimony, which had been based on three fact finding missions. According to Knuckey "Senior Barrick officials have been

²³ *Barrick's Porgera Joint Venture Mine – Neither Sustainable, Nor Development*. Mark Ekepa, Chairman, Ipili Porgera Landowners Association, Jethro Tulin, Executive Director, Akali Tange Association, Catherine Coumans, MiningWatch Canada. April, 2011; *Request for Review Submitted to the Canadian National Contact Point of the OECD Guidelines for Multinational Enterprises by Porgera Landowners Association, Akali Tange Association, MiningWatch Canada*. March 2 2011.

²⁴ Coumans, Catherine; Testimony before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, 8 October 2009.

<https://www.ourcommons.ca/DocumentViewer/en/40-2/FAAE/meeting-32/evidence>; Tyler Giannini and Sarah Knuckey, Testimony before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, 20 October 2009.

<https://www.ourcommons.ca/DocumentViewer/en/40-2/FAAE/meeting-33/evidence> ;

²⁵ Giannini, Tyler and Knuckey, Sarah. Testimony before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, 3 June 2010.

<https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>

²⁶ Harvard Law School International Human Rights Clinic and New York University School of Law Center for Human Rights and Global Justice, Legal Brief: Before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, 16 November 2009.

<https://miningwatch.ca/sites/default/files/Harvard-testimony-re-Porgera.pdf>

²⁷ Harvard Law School International Human Rights Clinic and New York University School of Law Center for Human Rights and Global Justice, Legal Brief: Before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, 16 November 2009. P. 29-30.

<https://miningwatch.ca/sites/default/files/Harvard-testimony-re-Porgera.pdf>

²⁸ 2010. Testimony of Sarah Knuckey, then of New York University School of Law Center for Human Rights and Global Justice. <https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>

aware of general rape allegations at the mine since at least August 2006.” She pointed out that “through our investigations, we quickly discovered allegations of sexual violence. Barrick would have been able to do the same if it had conducted any investigations at all.” Knuckey also clarified that “Most of the women I met do not know to whom at the company to complain or are fearful of retribution, community disapproval, being arrested, or suffering further abuse from the police.”²⁹ Finally, in regard to killings, Tyler Giannini noted that “the existence of witness statements, together with the previously referenced autopsy and police reports on the 2006 to 2008 period and killings, as included in our prior submissions, bring Barrick’s statement into question and reinforce again the need for an independent investigation.”³⁰

It was not until late in 2010 that Barrick acknowledged and started to respond narrowly only to specific sexual assault allegations³¹ in a short-term mechanism that has been criticised by MiningWatch Canada and other human rights experts.³² There has not been an effective response by Barrick to date to the allegations of violence by mine security against men and boys.³³

²⁹ 2010. Testimony of Sarah Knuckey, then of New York University School of Law Center for Human Rights and Global Justice. <https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>

³⁰ 2010. Testimony of Tyler Giannini of Harvard’s Law School International Human Rights Clinic. <https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>

³¹ Coumans, Catherine. 2017. Do no harm? Mining industry responses to the responsibility to respect human rights April. Canadian journal of development studies 38(2):1-19. DOI:10.1080/02255189.2017.1289080

³² See footnote 13 above and Columbia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic. 2015. Righting Wrongs? Barrick Gold’s Remedy Mechanism for Sexual Violence in Papua New Guinea: Key Concerns and Lessons Learned. <http://hrp.law.harvard.edu/wp-content/uploads/2015/11/FINALBARRICK.pdf>

³³ Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. “*In Search of Justice: Pathways to Remedy at the Porgera Gold Mine.*” Report. BSR, San Francisco.