



Mark Bristow,
 President and CEO, Barrick Gold Corp.
 Via e-mail: mbristow@barrick.com

July 6, 2021

Mr. Bristow,

Re: Barrick’s unfulfilled human rights obligations to the people of Porgera

We the undersigned organizations are writing to you as you seem to believe you have a right to continue mining the gold under our feet in Porgera. Both your predecessor, Canada’s Placer Dome, and your own company Barrick Gold, since 2006, are responsible for a large number of human rights abuses against the people of Porgera. These abuses are part of what our Prime Minister James Marape referred to when he mentioned the legacy issues associated with the Porgera Joint Venture mine that factored into his initial decision not to grant Barrick a mine permit renewal.

To be clear, we the undersigned still do not want Barrick to continue mining in Porgera, we have suffered enough under Barrick. We are writing to you because, *whether or not you continue mining in Porgera, Barrick has a responsibility, as set out under the United Nations Guiding Principles for Business and Human Rights (UN GPs), to provide a grievance mechanism and remedy to those whose human rights have been harmed by your operations in Porgera.*

To date, you only implemented a temporary grievance mechanism to deal with the large number of our women who had been raped and gang raped by your security personnel. Even then the 119 women who went through that grievance mechanism remain angry about the level of remedy they received and about the legal waivers they were required to sign. We also know that these 119 women are not all the women who have been raped by your mine’s security and by the police who you pay, house, clothe and feed to guard the mine. Many women have yet to receive remedy for the harm they endured.

As well, the years of rapes of our women is not the only human rights abuse we have suffered:

- There has been no remedy for the men and boys who have been beaten or killed by mine security and police guarding the mine.
- There has been no remedy for the many people of Wangima and other villages whose houses were repeatedly burned down by your mine security and police, as [documented by Amnesty International](#).
- There has been no remedy for the victims of the [chemical spill in 2017](#) that caused burns to the skin of more than a hundred men, women and children.
- There has been no compensation for the death of 15 year old [Boi Nelson Nai](#) in 2017 who was run over and killed by one of the mine's loader trucks.

And there are so many other victims of the mine that need a credible remedy process to bring forth their claims to so that they can be heard.

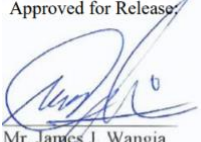
We know that you are fully aware of the fact that Barrick has failed to provide an equitable, accessible, and effective remedy mechanism for these many victims of the mine. Barrick commissioned your own consultants BSR, to look into concerns we have long been raising about the lack of an effective remedy mechanism. In 2018 BSR issued its report - [In Search of Justice: Pathways to Remedy at the Porgera Gold Mine](#) – which confirmed the lack of a grievance mechanism that meets the guidelines set out in the UN GPs and BSR set out clear steps and timelines for the creation of such a mechanism, together with the people of Porgera, in particular with us, the grass roots human rights groups of Porgera. You know about the BSR report, but not one of the steps in the report has been followed up on.

Barrick has always been very good at denial of harm and at ignoring its responsibilities to remedy harm. It took years and many reports by NGO's such as MiningWatch Canada and human rights investigators from [Harvard University and Columbia University](#) before the rape of our women was finally accepted by Barrick.


We have had enough of Barrick's irresponsible and harmful way of treating us, the indigenous people of Porgera. We know that we are not the only indigenous local people that suffer because of Barrick's callous mining practices around the globe.

Therefore we call not only on Barrick, but on our elected leaders to insist that Barrick carry out the recommendations in the 2018 BSR report, and work with us to bring remedy to all of the people who have been harmed by the operations of the PJV mine. There must be a binding commitment in writing from Barrick that the recommendations of the BSR report will be carried out and an equitable and accessible process will be created, with us, so that all human rights abuses can be addressed, finally. We look forward to a reply from you Mr. Bristow to this letter.

Best regards,

Approved for Release:

 Mr. James J. Wangia
 CEO Akali Tange Association


Ms. Loly Kesa
Chairlady – Akali Tange Association


Mr. McDiyan R. Yapari
Executive Officer – Akali Tange Association


Mr. Rex Kundaka
Chairman – 119 Porgera Indigenous Women's Association


Mr. Nosa Lumbita


Ms. Evelyn Gaupe
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Ms. Cressida Kuala
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Ms. Judy Kuala
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Mr. Karath M. Waka
Chairman – Human Rights Inter-Pacific Association

Cc:

The Honorable James Marape, Prime Minister, Via Ms. Barbra Mimino,

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Mr. Marco Simons, EarthRights International, marco@earthrights.org

24 July 2021

Mr. James J Wangia
Akali Tange Association Inc.
PO Box 100
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Papua New Guinea

Dear Mr. Wangia,

Your letter of July 6th refers. Thank you for your letter and for raising your concerns with us.

Barrick's Commitment to Human Rights

Respect for human rights is a foundational value at Barrick and a central part of our sustainability vision. We have zero tolerance for human rights violations wherever we operate. We seek to avoid causing or contributing to human rights violations and we actively facilitate access to remedy for credible allegations.

Our commitment to respect human rights is codified in the standalone Human Rights Policy we developed following the merger with Randgold Resources in January 2019, and the policy is informed by the expectations of the UN Guiding Principles on Business and Human Rights (UNGPs), the Voluntary Principles on Security and Human Rights (VPs), and the OECD Guidelines for Multinational Enterprises.

Barrick's Commitment to the people of Porgera

We know our sustainability vision can only be meaningfully implemented through true partnerships with the Governments, communities, suppliers and other stakeholders on which our business depends. By being open and honest in our approach to stakeholder engagement, we are able to create the relationships of trust and mutual understanding necessary for a successful partnership.

At Porgera our work to develop strong partnerships has included:

- Refurbishing and reopening the Paiam hospital in Enga province in 2019. This hospital is the only recognized tertiary healthcare facility in the Porgera Valley. To reaffirm our commitment to the people of Porgera, we continued to provide support to the hospital throughout 2020 despite the mine being in care and maintenance.
- Grievance resolution. Since the merger we have worked to improve the grievance mechanism at Porgera to ensure it is accessible to all local community members. We have also worked to resolve grievances in timeous manner, and to resolve historic grievances. On January 1 2019, when the merger with Randgold resources was completed, there were 447 open grievances at Porgera. By the end of 2020 there were 265, a decrease of 41% in under two years.
- In partnership with the Government, we engaged former Chief Ombudsmen and former Commissioner of the Royal Papua New Guinea Constabulary, Mr. Ila Geno, to serve as the Independent Monitor at Porgera. Mr. Geno is independent and is provided complete and unlimited access to mine records and information to conduct inquiries regarding lodged allegations.

Legacy human rights violations

When credible allegations of sexual assault by mine employees and local police came to light in 2010, Barrick conducted extensive inquiries and commissioned an independent investigation. Employees who were implicated in, or had knowledge of sexual assaults, had their positions terminated and the company handed over all relevant information to the police, urging a full criminal investigation.

We also worked with stakeholders to develop the Porgera Remedy Framework, a comprehensive program to compensate victims of sexual violence. The framework was launched in 2012 following 18 months of extensive consultation and research with leading national and international experts in human rights. It was independently administered by highly qualified Papua New Guineans, including Dame Carol Kidu, a former parliamentarian and cabinet minister in PNG, and Ume Wainetti, the National Director of the PNG Family and Sexual Violence Action Committee. The remedy compensation was determined and closed through this independent process.

Through the formation of the Porgera Remedy Framework that provided remedy to sexual assault victims, Barrick has demonstrated that it will act appropriately where evidence shows that criminal misconduct has occurred. This includes assistance to identify those responsible for the conduct, as well as to develop processes for providing remediation to those who have suffered. Any accusation received is treated seriously and thoroughly investigated with the appropriate authorities.

Should any new credible allegations be raised, we are committed to investigating and remedying them. We strongly encourage individuals to raise concerns regarding human rights with Barrick through the appropriate mechanisms. Furthermore, these claims need to be lodged via the Grievance Mechanism on site and where necessary these will be escalated to the relevant authorities to enable a thorough and complete criminal investigation and to resolve claims through formal justice mechanisms. As already demonstrated, we will fully support any such investigation and take immediate action should the investigation provide evidence of any criminal conduct.

We can also work with and help individuals to raise concerns with the authorities. This will ensure any violations are not only remedied but the offenders also brought to justice to prevent recurrence.

Our commitments for the future

Prior to the merger with Randgold Resources, Barrick commissioned BSR in 2017 to provide recommendations that can serve as the basis for constructive dialogue. It is important to note that the BSR findings are to provide general guidance and, significantly, also outlines responsibilities for third parties, including the State. Barrick had begun developing an action plan and implementing changes up until the mine entered Care and Maintenance last year. Where appropriate, the BSR recommendations will be incorporated into a new robust strategy at Porgera, and we are committed to engaging with third parties and the State, and where it is appropriate, to provide assistance and support to these mechanisms.

Alongside the 2019 merger with Randgold Resources which installed a new management team at the helm, Barrick recently announced a binding framework agreement with the Government of Papua New Guinea to reopen the Porgera mine. Under the agreement the government will own a majority share in the mine, and local landowners will have an increased shareholding. We will, alongside our government and community partners, work to develop the restart plan of Porgera. I can assure you this includes implementing a robust coherent strategy and action plan to deal with Human Rights and legacy

grievances or violations, and to reset and rebuild relationships with the Porgera community. The strategy will include, but not be limited to, the following:

- Mechanisms, procedures and lessons learned from our other operations, including the internal grievance mechanism and external independent assessments, investigative and escalation procedures;
- Consideration of appropriate BSR (2018) recommendations, which was commissioned prior to the merger with Randgold and the installation of a new management team;
- State involvement, available structures and support opportunities;
- Site team resourcing;
- Establishment of a Community Development Committee at Porgera to work with Barrick to oversee, guide and ensure that community investments made by the mine reflect and respond to the needs of the community.

I trust the above information provides you with a deeper understanding of our approach and commitment to Human Rights. Our site and management teams will work closely with the government and our community partners to refine, communicate and then implement in a timeous manner the above-mentioned strategy.

Yours Sincerely,



Signature
Mark Bristow
President and Chief Executive officer

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WOMEN FACTORS



Mark Bristow,
 President and CEO, Barrick Gold Corp.
 Via e-mail: mark.bristow@barrick.com

August 12, 2021

Mr. Bristow,

Re: Response to your letter of July 24 regarding Barrick’s unfulfilled human rights obligations to the people of Porgera

Let us begin by stating that we, representatives of five grass-roots indigenous human rights organizations in Porgera, note that you say Barrick intends to implement “a robust coherent strategy and action plan to deal with Human Rights and legacy grievances or violations,” but this rings hollow for us, and the many victims of human rights abuses related to your mine, as it is a statement made as you are still trying to negotiate access to the gold under our feet. What you call “legacy grievances or violations” are people who, if they are still alive, live with the pain and harm caused by your mining practices every day, it is not legacy for them, or for the families of the dead, and they have been waiting for justice for far too long.

All of our groups worked in good faith with the researchers from BSR, hired by Barrick. We agreed with the finding of the BSR report (September 2018), *In Search of Justice: Pathways to Remedy at the Porgera Gold Mine*, that:

The human rights situation in Porgera is complex, with a backlog of more than 940 cases registered, plus other victims who have not yet made their claims known. This requires the company to make immediate fixes, address longer-term issues, and take preventative action to avoid future harms. BSR believes that addressing claims at these three levels is the only way to ensure a robust and sustainable approach to remedy. (emphasis added)

And we applauded the specific roadmap with timelines for immediate actions to be taken:

It is envisioned that a company action plan and an open-consultation process with the community will be the immediate next steps following the publication of this report.

The first step in that roadmap for action was to: *REFORM THE OPERATIONAL GRIEVANCE*

MECHANISM because “*the company’s OGM has lost the community’s trust.*” And the report states that: “*It is important to emphasize that reform of the OGM should be done in concert with the community (...) Some community groups have already invested considerable time and resources in envisioning an improved OGM and are prepared to engage in dialogue with the company.*” We are the community groups mentioned in the BRS report. The BSR report gives a timeline: “*Suggested timeline and deliverable: » Consultations with community on OGM reform, by March 2019. » Draft of OGM, by April 2019, followed by second round of community consultations, by July 2019. » Reform of OGM completed, by November 2019.*”

Until today, none of us have been consulted on the necessary reform of the grievance mechanism. You say that since January 2019 you “*have worked to improve the grievance mechanism at Porgera to ensure it is accessible to all local community members.*” We have no evidence of this and we were certainly not consulted.

You say that you will introduce “*Mechanisms, procedures and lessons learned from our other operations, including the internal grievance mechanism and external independent assessments, investigative and escalation procedures*” but we do not want mechanisms you are using in other places in the world, particularly at your North Mara mine in Tanzania as we know that the grievance mechanism there is very controversial, and also that the victims of human rights abuses by your mine in Tanzania are in [court for the second time already in England](#). If your grievance mechanism was fair and just why would the victims have to go to court?


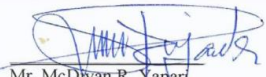
You say you will be “*open and honest in our approach to stakeholder engagement*” but we see nothing but a continuation of the same Barrick practices of denial of responsibility. Even in your letter to us you repeat the story that you took action when “*credible allegations of sexual assault by mine employees and local police came to light in 2010*” but, as you know, these allegations were made repeatedly year after year, starting in 2008, at your own annual shareholders meetings in Toronto by our people from Porgera, including from Akali Tange Association, who flew to Canada to raise alarm over rapes and killings by your security in Porgera. And evidence of human rights abuses by your mine security was also brought by Harvard University Professor Tyler Giannini and Professor Sarah Knuckey in parliament in Canada in [2009 and 2010](#) and in 2009 they tabled a detailed report of the findings of their investigations since 2006 into the human rights abuses by your security. In Barrick’s testimony before the Canadian parliament you denied the findings of Professors Giannini and Knuckey.

We will not trust any grievance mechanism, nor bring new cases to it, unless our organizations are consulted in the development of a mechanism, as recommended by the BSR report. And we

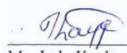
request a binding commitment in writing from Barrick that the recommendations of the BSR report will be carried out and an equitable and accessible process for bringing grievances will be created.

Best regards,

Approved for Release:


Mr. James J. Wangia
CEO Akali Tange Association
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Chairlady – Akali Tange Association
Mr. McDiyan R. Yapari
Executive Officer – Akali Tange Association
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Mr. Karath M. Waka
Chairman – Human Rights Inter-Pacific Association

Cc:

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Mr. Marco Simons, EarthRights International, marco@earthrights.org

7 September 2021

Mr. James J Wangia
Akali Tange Association Inc.
PO Box 100
Porgera Enga Province
Papua New Guinea

Dear Mr. Wangia,

Thank you for your correspondence and response letter dated 12 August 2021.

As you are aware, Barrick recently announced a binding framework agreement with the Government of Papua New Guinea to reopen the Porgera mine. Discussions with the Government are ongoing and the operational agreement is yet to be finalized. The new operational company, and management team to be appointed, will be responsible for implementing the sustainability strategy and action plan, including human rights commitments. This will include working with our government and community partners, and engagement with our stakeholders. These processes will commence once the management team is in place and the mine is reopened.

Barrick is committed to dealing with grievances, and takes allegations of human rights violations seriously. We will engage individual claimants to remedy grievances. Our policy is to deal directly with individual cases, as opposed to representative organizations, to ensure allegations receive the deserved attention, thorough investigation and appropriate remedy.

We have outlined our human rights commitments, approach to strategy and commitments to the future in our initial response, dated 24 July 2021.

Our management teams will continue to work closely with stakeholders to engage with and refine actions from our strategy at the appropriate times.

Yours Sincerely,



Mark Bristow
President and Chief Executive officer



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WOMEN FACTIONS



Mark Bristow,
 President and CEO, Barrick Gold Corp.
 Via e-mail: mark.bristow@barrick.com

September 22, 2021

Mr. Bristow,

Re: Response to your letter of September 7, regarding Barrick's unfulfilled human rights obligations to the people of Porgera

Thank you for the recent exchanges and for your letter of September 7.

You mention the ongoing discussions with our government regarding the reopening of the Porgera mine. We are aware that some Porgerans are involved in these discussions, but we are not at the table. As our focus specifically is the human rights legacy issues, and access to remedy for future human rights related cases, we are bringing our concerns and expectations to you directly.

You say that the new operational company and new management team will be responsible for implementing your human rights commitments and that you will engage individual claimants to remedy grievances following thorough investigation to provide appropriate remedy. Our concern is the means by which this will occur – the actual grievance mechanism that will be put in place. We closely observed and commented on the mine's previous very flawed grievance mechanism put in place to deal with female victims of rape by the mine's personnel. We are very much aware of the ongoing grievances of many of the 119 women who received a payment through this mechanism, and one of our organizations was specifically put in place at their request to represent their concerns. We learned a lot about how a flawed grievance mechanism, effectively controlled by the company and unresponsive to concerns raised, can cause more harm to the victims.

After that mechanism closed our organizations worked closely and diligently with your advisor organization BSR about the human rights legacy issues and the path forward in regard to access to remedy for those harmed by the mine's operations. Some very important recommendations, which we endorse, came out of the 2018 [BSR report](#). These include:

- Reform the Company Operational Grievance Mechanism in line with the UN Guiding Principles and with direct community consultation;
- Enter into a dialogue with the 119 women who underwent the Porgera Remedy Mechanism to ascertain and address their remaining needs to achieve full restoration;
- Build the capacity of victims' representative organizations in Porgera to raise awareness of human rights and to genuinely represent the needs of victims.

In our culture, victims of all kinds of harms commonly seek representatives to support them as they seek remedy from those who have harmed them. We have also experienced and learned that Barrick has many lawyers involved in its grievance procedures. We therefore would also want victims of legacy or future human rights abuses related to the mine to be able to have access to free legal support of their choosing. So, additional principles we would want any new grievance mechanism to represent include:

- The possibility for a victim to be supported by a representative and a lawyer of their choosing, if they so desire;
- Complete functional independence of the grievance mechanism from the mine, Barrick and Barrick Niugini Ltd.

This is not a comprehensive list of characteristics we seek in any grievance mechanism of the future, but they are a starting point that we think you should be aware of now.

Best regards,

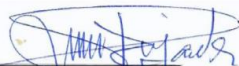
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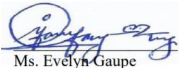
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