

Case #5

BARRICK GOLD CORP.'S PORGERA JOINT VENTURE MINE

Human Rights Abuses¹

The Porgera Joint Venture (PJV) gold mine is located in Porgera, Enga Province, in the highlands of Papua New Guinea (PNG). In 2006, Canadian mining company, Barrick Gold Corp. (Barrick) owned 75% of the joint venture, which it also operated. In 2007, Barrick increased its control over the PJV mine by moving to a 95% interest in the project.² The company trades on the New York and Toronto Stock Exchanges.



Community leaders from Paiam and Porgera towns lead a protest against Barrick Gold and the Porgera gold mine.

Summary

- Since 1990, this mine has been alleged to have long-standing and well-documented³ environmental impacts on surface water related to the uncontained disposal of waste rock and tailings into adjacent river valleys, threatening neighbouring residents' right to access clean water.⁴
- 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,⁵ and Barrick received evidence from a local grassroots human rights group detailing several human rights abuses, including killings, torture, arbitrary arrest and beatings allegedly perpetrated by mine security and police.⁶ The abuses were also covered in the Canadian media just months after Barrick acquired Placer Dome.⁷
- After taking over the mine in 2006, Barrick was criticized by human rights groups for failing to appropriately acknowledge, investigate or address the excessive use of force by mine security and police guarding the mine, despite repeated reports of killings and beatings of men and boys, beatings, rapes and gang rapes of women and girls,⁹ and house burnings.¹⁰
- Eventually, in 2010, Barrick publicly admitted that the company had received detailed allegations of sexual assault perpetrated by mine employees;¹¹ however, the company's response involved establishing a time-limited grievance procedure which has been criticized by human rights experts.¹²
- The company contends that "since the conclusion of the [grievance procedure], no further credible allegations have been received."¹³ However, unaddressed allegations of human rights abuses continued to be documented and reported.¹⁴

The Detail

Despite being a resource-rich country, approximately 40% of Papua New Guinea's population lives in poverty. Instead of spurring meaningful economic development for local communities, the exploitation of natural resources, including gold mining, has fueled violent conflict and environmental destruction. Today, the country continues to be considered one of the most dangerous places for women and girls due to domestic violence, and impunity for high levels of police brutality is rampant.¹⁵ It is within this context that Canadian mining giant, Barrick Gold, has continued to operate its PJV mine.

Since 2005, prior to Barrick's acquisition of the PJV mine, the company has been informed on various occasions of well-documented cases of alleged human rights abuses, including sexual assault, rape and killings by private security and police forces and environmental destruction at Barrick's PJV gold mine. Despite these initial warnings and subsequent reports of violence, it took five years for Barrick to respond publicly. The company's response has been criticized as inadequate by human rights experts including the Columbia Law School Human Rights Clinic, the Harvard Law School International Human Rights Clinic and MiningWatch Canada.¹⁶

Reports of serious human rights abuses

In November 2005, the PJV mine and the national police force signed a Memorandum of Understanding (MOU) to jointly guard the PJV mine, and emerging evidence of police violence was making clear what that 'protection' entailed for the safety and lives of the local population. On November 4, 2005, in the lead up to Barrick's acquisition of the PJV mine from Placer Dome, a local group, Akali Tange Association, sent Barrick a letter¹⁷ warning of Placer Dome's legacy of killings by mine security, including violence directed at local Indigenous Ipili and Engan villagers. The Akali Tange Association also sent a letter and a copy of its 2005 report to Barrick executives at the mine's headquarters in Papua New Guinea's capital, Port Moresby.¹⁸ The letter detailed 11 extra-judicial killings by mine security and police.



The Pongera Joint Venture (PJV) gold mine.
Credit: Catherine Coumans, MiningWatch Canada.

That same year, the government of Papua New Guinea initiated an official investigation into the deaths.¹⁹ Finally, in an email interview in 2005, Placer Dome's Patrick Bindon told the news outlet IPS that the mine's security forces and police had killed eight people since 1996.²⁰ After the acquisition of Placer Dome in March 2006, Bindon went on to work for Barrick.

The foregoing suggests that news about the human rights violations was clearly public knowledge, yet Barrick carried on with business as usual.

Barrick remains silent despite testimonies and human rights investigations

For three consecutive years starting in 2008, Pongerans travelled to Canada to attend Barrick's annual shareholder meetings and to tell the company's Chief Executive Officer, the board of directors and the shareholders that PJV mine security and police were beating and killing men and boys and beating and raping women and girls.²¹ While in Canada, they also met with Canadian media, Members of Parliament and civil servants at Foreign Affairs, as well as with Barrick officials in Toronto, where Barrick's head office is located.



Local Ipili and Engan Indigenous women protest rape and the violation of women's rights by mine security at the Pongera gold mine.

Between 2008 and 2009, Harvard and New York University human rights investigators, who along with MiningWatch Canada²² had conducted extensive investigations including three fact-finding missions into the cases of rapes and gang rapes, sent three separate letters to Barrick.²³ The investigators requested to meet with the company to discuss the alleged violence and asked to receive copies of Barrick's reports pertaining to the environmental and human rights impacts of the mine. Barrick's response, however, was extremely limited. The company did not provide any information about specific killings or documents pertaining to the security structure at the mine.²⁴

The researchers also shared the findings of this research in testimonies provided to Canada's Foreign Affairs and International Development Committee in 2009²⁵ and 2010²⁶ and in a legal brief that was tabled.²⁷ In response to the testimony in 2009, Barrick chose its words carefully, noting that "no cases of sexual assault [have been] reported to *mine management*" (emphasis added) and that "It is not possible for the [Pongera Joint Venture mine] to investigate

an allegation it has never received..."²⁸ Barrick also seemed to question whether the 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.²⁹

Subsequent testimonies by the New York and Harvard researchers poked holes in Barrick's purported ignorance of the gang rapes and the killings arguing that there was ample evidence pointing to these abuses, including allegations of rape dating back to 2006, which should have prompted Barrick to carry out a thorough investigation – and that it would not have taken much effort to uncover evidence of the abuses.³⁰ Finally, in late 2010, Barrick acknowledged the sexual assault allegations³¹ by creating a short-term grievance mechanism that has been criticized by MiningWatch Canada,³² human rights experts from Columbia and Harvard,³³ and Barrick's own consultant BSR.³⁴

Similarly, despite the existence of witness statements, and autopsy and police reports,³⁵ to date, Barrick has not responded effectively to the allegations of killings by mine security against boys and men.³⁶

What if...?

If mandatory human rights and environmental due diligence legislation was in place, what would be different for the women and men who, for more than 15 years, have been denouncing grave abuses by public and private security forces at Barrick Gold's mine in Papua New Guinea?

In cases such as Pongera that have faced longstanding allegations of violence by mine security and national police, due diligence assessments would **identify and assess** the likelihood of those abuses continuing, set out procedures to **prevent** the recurrence of those abuses and develop independent mechanisms to remedy harm done prior to the acquisition. If abuses continued, the company could be required to **account for** what it had done to address the abuses in a Canadian court of law.

IDENTIFY AND ASSESS: If Barrick had undertaken an adequate due diligence risk assessment prior to, and after the time of the acquisition of Placer Dome, it would have:

- Taken seriously information about the legacy of killings by mine security that existed in the public record and that were shared directly with the company by the Akali Tange Association back in November 2005, when the grassroots human rights organization had tried to warn Barrick of serious human rights abuses at the mine.
- Identified and assessed whether violence by security personnel was ongoing after Barrick acquired the project as reported in the media, by local human rights groups at the company's own annual shareholders meetings, by civil society organizations such as MiningWatch Canada and by international human rights experts from Harvard and New York University.

PREVENT, MITIGATE, ACCOUNT FOR: Barrick could have taken steps to prevent the recurrence of human rights abuses by its mine security by:

- Withdrawing from the Memorandum of Understanding (MOU) with the national police force given the many allegations of human rights abuses and violence it has faced.
- Developing and implementing effective training of mine personnel and establishing monitoring plans and practices to ensure that any violence at the mine site or related to the mine was identified immediately, independently investigated, mitigated and ceased.
- Ensuring its complaint mechanisms were independent, safe and effective.
- Carrying out stakeholder engagement with community members and in particular women to ensure they were aware of the company's independent complaint mechanisms and how to access them safely.
- Installing surveillance cameras in areas where rapes and other forms of violence were reportedly taking place.
- Establishing a publicly available and independent complaint mechanism with clear steps for responding to, mitigating, and providing justice for complainants whose claims are found to be substantiated through an independent investigation.

HOW COULD JUSTICE BE ACCESSED FOR COMMUNITY MEMBERS AND WORKERS?

- If Barrick failed to prevent ongoing human rights abuses and failed to ensure access to justice and remedy for the men, women and children who had suffered violence and rape by mine security, those impacted by the violence, or their supporters, would have been able **to file a civil suit in a Canadian court**. The courts would assess the adequacy of Barrick's due diligence policies and practices and, if it was determined that Barrick failed to follow through on its own due diligence measures or those measures were considered to be weak and ineffective, Barrick could have been held liable for harm.

- 1 This case study profiles allegations of human rights abuses occurring between 2006 and 2010, contained in publicly available reporting by reputable sources. The CNCA has not independently verified the truth of the allegations contained in each report cited here. For a more detailed examination of the facts of this case, see MiningWatch's comprehensive case study at <https://mining-watch.ca/sites/default/files/porgeracasestudyjune2022.pdf>.
- 2 The PJV mine started operating in 1990. In 2006, Barrick acquired Canadian mining company Placer Dome Inc. and therewith its 75% ownership and management control of the PJV mine. In April 2007 Emperor Gold Mine sold its 20% stake 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. In 2015, Barrick sold 50% of its share in Barrick Niugini Ltd. to Chinese-owned Zijin Mining Group, leaving Barrick with 47.5% ownership.
- 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*. https://miningwatch.ca/sites/default/files/CSIRO_Report_2001.pdf; 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). <https://miningwatch.ca/blog/2001/4/27/yati-bun-resignation-porgera-environmental-advisory-komiti-peak>; Coumans, Catherine. 2002. *Placer Dome Case Study: Porgera Joint Venture*. https://miningwatch.ca/sites/default/files/pd_case_study_porgera_0.pdf; Norwegian Council of Ethics: The Government Pension Fund - Global. 2008. *Recommendation to the Ministry of Finance*. https://www.regjeringen.no/globalassets/upload/fin/etikkk/recommendation_barrick.pdf; *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf.
- 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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf; Columbia Law School's Human Rights Clinic and Columbia University's Earth Institute. 2019. *Red Water: Mining and the Right to Water in Porgera*. https://web.law.columbia.edu/system/files/private_file/red-water-report-2019_1.pdf.
- 5 Burton, Bob. 2005. *Canadian Firm Admits to Killings at PNG Gold Mine*. <http://www.ipsnews.net/2005/11/rights-canadian-firm-admits-to-killings-at-png-gold-mine/>.
- 6 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. http://miningwatch.ca/sites/default/files/ATA_Case_Documentation.pdf.
- 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 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. http://miningwatch.ca/sites/default/files/ATA_Case_Documentation.pdf; Amnesty International. 2010. *Undermining rights: forced evictions and police brutality around the Porgera gold mine, Papua New Guinea*. London. <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa340012010eng.pdf>; *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf; 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>
- 8 See for example: Patterson, K. 2006. A deadly clash of cultures. The Ottawa Citizen, June 6, 2006. <http://www.minesand-communities.org/article.php?a=420>
- 9 *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf; 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>.
- 10 Amnesty International. 2010. *Undermining rights: forced evictions and police brutality around the Porgera gold mine, Papua New Guinea*. London. <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa340012010eng.pdf>.
- 11 Barrick response to Business & Human Rights Resource Centre. July 23, 2010. <https://media.business-humanrights.org/media/documents/2772ca04d0ecbf5a0d979ec874dcdceb1ec44d09.pdf>.
- 12 MiningWatch Canada. Letter to the UN High Commissioner for Human Rights, March 19, 2013, https://miningwatch.ca/sites/default/files/letter_to_unhchr_on_porgera_2013-03-19.pdf; MiningWatch Canada. 2019. Submission to the United Nations Working Group on the Use of Mercenaries.; 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>; Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "In Search of Justice: Pathways to Remedy at the Porgera Gold Mine." Report. BSR, San Francisco. https://www.bsr.org/reports/BSR_In_Search_of_Justice_Porgera_Gold_Mine.pdf. In an email response to a draft of his case study ["Barrick response"] a representative of Barrick Gold characterized the remedy framework as a "comprehensive program". The full response from Barrick Gold can be viewed here: <https://cnca-rcrce.ca/site/wp-content/uploads/2023/01/Response-to-Canadian-Network-on-Corporate-Accountability-Porgera.pdf>.
- 13 Barrick Gold, response to a draft of this case study. December 2, 2022. <https://cnca-rcrce.ca/site/wp-content/uploads/2023/01/Response-to-Canadian-Network-on-Corporate-Accountability-Porgera.pdf>.

- 14 MiningWatch Canada. *Village Houses Burnt Down – Again – at Barrick Mine in Papua New Guinea; Violence Against Local Men and Women Continues Unabated*. March 28, 2017. <https://miningwatch.ca/news/2017/3/28/village-houses-burnt-down-again-barrick-mine-papua-new-guinea-violence-against-local>; *New CEO, Same Human Rights and Environmental Abuses at Barrick Mine Sites*. May 7, 2019. <https://miningwatch.ca/news/2019/5/7/new-ceo-same-human-rights-and-environmental-abuses-barrick-mine-sites>; *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. https://miningwatch.ca/sites/default/files/porgera_case_study_uncsd_april_12_2011.pdf; *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf.
- 15 Human Rights Watch. "Papua New Guinea: Events of 2020." <https://www.hrw.org/world-report/2021/country-chapters/papua-new-guinea>. 2021.
- 16 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>; MiningWatch Canada. March 19, 2013. *Letter to the UN High Commissioner for Human Rights*, https://miningwatch.ca/sites/default/files/letter_to_unhchr_on_porgera_2013-03-19.pdf; MiningWatch Canada. *Village Houses Burnt Down – Again – at Barrick Mine in Papua New Guinea; Violence Against Local Men and Women Continues Unabated*. March 28, 2017. <https://miningwatch.ca/news/2017/3/28/village-houses-burnt-down-again-barrick-mine-papua-new-guinea-violence-against-local>; MiningWatch Canada. 2019. *Submission to the United Nations Working Group on the Use of Mercenaries*. https://miningwatch.ca/sites/default/files/submission_to_un_wkg_group_on_mercenaries_march_2019_final.pdf.
- 17 *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf.
- 18 MiningWatch Canada. "Human Rights Report Confirms Rapes by Security Guards at Barrick Mine in Papua New Guinea." News Release. February 1, 2011. <https://miningwatch.ca/news/2011/2/1/human-rights-report-confirms-rapes-security-guards-barrick-mine-papua-new-guinea>; 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. http://miningwatch.ca/sites/default/files/ATA_Case_Documentation.pdf.
- 19 In negotiations with Placer Dome and Barrick, the final focus of the PNG Government investigation was narrowed so much as to make the investigation pointless, according to the Akali Tange Association and MiningWatch Canada. See: <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 *Canadian Firm Admits to Killings at PNG Gold Mine*. Bob Burton. IPS. Canberra, November 17, 2005. <http://www.ipsnews.net/2005/11/rights-canadian-firm-admits-to-killings-at-png-gold-mine/>.
- 21 *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*. May 6, 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*. May 17, 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*. May 5, 2010. <https://miningwatch.ca/news/2010/5/5/indigenous-leaders-papua-new-guinea-accuse-barrick-gold-abuses>.
- 22 *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. https://miningwatch.ca/sites/default/files/porgera_case_study_uncsd_april_12_2011.pdf; *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. https://miningwatch.ca/sites/default/files/OECD_Request_for_Review_Porgera_March-1-2011.pdf.
- 23 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, November 16, 2009. P. 29-30. <https://miningwatch.ca/sites/default/files/Harvard-testimony-re-Porgera.pdf>.
- 24 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, November 16, 2009. P. 29-30. <https://miningwatch.ca/sites/default/files/Harvard-testimony-re-Porgera.pdf>.
- 25 Coumans, Catherine. Testimony before The Standing Committee on the Foreign Affairs and International Development (FAAE), House of Commons, Regarding Bill C-300, October 8, 2009. <https://www.ourcommons.ca/DocumentViewer/en/40-2/FAAE/meeting-32/evidence>; 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, October 20, 2009. <https://www.ourcommons.ca/DocumentViewer/en/40-2/FAAE/meeting-33/evidence>.
- 26 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, June 3, 2010. <https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>.
- 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, November 16, 2009. <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>.

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 *Ibid*; 2010. Testimony of Tyler Giannini of Harvard 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 MiningWatch Canada. March 19, 2013. Letter to the UN High Commissioner for Human Rights, https://miningwatch.ca/sites/default/files/letter_to_unhchr_on_porgera_2013-03-19.pdf; MiningWatch Canada. 2019. Submission to the United Nations Working Group on the Use of Mercenaries. https://miningwatch.ca/sites/default/files/submission_to_un_wkg_group_on_mercenaries_march_2019_final.pdf. In regard to the relationship between private military and security companies and extractive industry companies from a human rights perspective in law and practice. 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.

33 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>. In its response to a draft of this case study, Barrick Gold characterized its remedy framework as a "comprehensive program", and said that "no further credible allegations have been received" since the program was concluded in 2015. It went on to say that "any accusation received is treated seriously and thoroughly investigated with the appropriate authorities". The full response from Barrick Gold can be viewed here: <https://cnca-rcrce.ca/site/wp-content/uploads/2023/01/Response-to-Canadian-Network-on-Corporate-Accountability-Porgera.pdf>.

34 Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "In Search of Justice: Pathways to Remedy at the Porgera Gold Mine." Report. BSR, San Francisco. https://www.bsr.org/reports/BSR_In_Search_of_Justice_Porgera_Gold_Mine.pdf.

35 2010. Testimony of Tyler Giannini of Harvard Law School International Human Rights Clinic. <https://www.ourcommons.ca/DocumentViewer/en/40-3/FAAE/meeting-21/evidence>.

36 Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "In Search of Justice: Pathways to Remedy at the Porgera Gold Mine." Report. BSR, San Francisco. https://www.bsr.org/reports/BSR_In_Search_of_Justice_Porgera_Gold_Mine.pdf. Barrick has failed to implement the recommendations of this report to improve the grievance mechanism. See MiningWatch Canada. "Barrick's Rhetoric Belies the Lived Reality of Communities at its Mines Around the World." News Release. May 3, 2022. <https://miningwatch.ca/news/2022/5/3/barrick-s-rhetoric-belies-lived-reality-communities-its-mines-around-world>.