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## BARRICK GOLD CORP.'S PORGERA JOINT VENTURE MINE:

## A LEGACY OF IGNORING HUMAN AND ENVIRONMENTAL RIGHTS ABUSES



*Photo: Protest against the Porgera Joint Venture mine in 2019. Credit: Catherine Coumans, MiningWatch Canada*

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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.<sup>1</sup> In 2015, Barrick sold 50% of its share in the local subsidiary Barrick Niugini Ltd. to Chinese-owned Zijin Mining Group, leaving Barrick with 47.5% ownership.<sup>2</sup> Barrick Gold is headquartered in Toronto and trades on the New York and Toronto Stock Exchanges.

## SUMMARY HISTORY OF ABUSES

- Since 1990, this mine has had well-documented<sup>3</sup> environmental impacts on surface water related to the uncontained disposal of waste rock and tailings into adjacent river valleys.
- The mine has also been implicated in human rights impacts both related to the company's mine waste disposal practices<sup>4</sup> and related to excess use of force against men, women and children by mine security and police guarding the mine.<sup>5</sup>
- 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,<sup>6</sup> and Barrick received evidence from a local grassroots human rights group<sup>7</sup> detailing several human rights abuses allegedly perpetrated by mine security and police, including killings, torture, arbitrary arrests and beatings. Human rights abuses were also covered in the Canadian media just months after Barrick took over the mine.<sup>8</sup>
- Following its takeover of the mine in March 2006,<sup>9</sup> 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 girls,<sup>10</sup> as well as house burnings.<sup>11</sup>
- It was not until 2010 that Barrick publicly recognized that the company had received “specific and detailed allegations of sexual assault by PJV employees...”<sup>12</sup> However, in response, the company opened a time-limited grievance procedure (2012-2014) narrowly framed only for female victims of sexual assault by PJV's private mine security. The procedure was critiqued by human rights experts before it began, during its operations and following its closure.<sup>13</sup>
- Unaddressed human rights abuses continue to be documented and reported.<sup>14</sup>



*Photo: Protest against the Porgera Joint Venture mine in 2019.  
Credit: Catherine Coumans, MiningWatch Canada*

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# THE DETAILS: A 'HEAR NO EVIL, SEE NO EVIL' APPROACH TO HUMAN RIGHTS ABUSES

## Pre-Acquisition of the PJV mine

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 also guarded the mine. In 2005, a Memorandum of Understanding (MOU)<sup>15</sup> was signed between the PJV mine and the Royal Papua New Guinea Constabulary, the national police force, regarding joint security arrangements at the PJV mine. On November 4, 2005, a local group, Akali Tange Association, sent a letter<sup>16</sup> 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,<sup>17</sup> 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...."<sup>18</sup> Bindon remained involved in the Porgera mine after the acquisition of Placer Dome and went on to work for Barrick becoming an architect of the flawed 2012-2014 grievance procedure for victims of rape by mine security.<sup>19</sup> Also, in 2005, the Government of PNG was developing terms for its own investigation into violence related to mine security at the PJV mine that took place in 2006.<sup>20</sup> In 2005, Prime Minister Michael Somare was reported<sup>21</sup> to have said that he would "set up a commission of inquiry to look into the deaths at the Porgera Gold Mine."<sup>22</sup> It was, therefore, a matter of public record, and also brought to Barrick's attention before the acquisition of Placer Dome, that serious human rights abuses including killings by mine security, were occurring.

## Post-acquisition of the PJV mine

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.<sup>23</sup> During these years the Porgeran delegations also met with Canadian media, Members of Parliament and civil servants at Foreign Affairs, as well as with Barrick officials at the company's headquarters in Toronto. From 2008 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.

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,<sup>24</sup> 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 2009<sup>25</sup> and 2010<sup>26</sup> and in a legal brief that was tabled.<sup>27</sup>



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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.<sup>28</sup>

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...."<sup>29</sup> 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 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."<sup>30</sup> 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."<sup>31</sup>

It was not until late in 2010 that Barrick acknowledged and started to respond to the allegations of human rights abuses by PJV's mine security. But the response was very narrowly framed to only address sexual assault allegations by the mine's private security.<sup>32</sup> Barrick created a short-term (2012-2014) grievance mechanism through which 119 women were provided limited remedy in return for signing legal waivers.<sup>33</sup> Another eleven women received a remedy worth four times as much through an out-of-court settlement in 2015.<sup>34</sup> Women who were raped and gang-raped, but not covered by these two remedy options, have yet to receive remedy for the harm they endured. The grievance mechanism has been criticised by the rape victims who participated in the mechanism,<sup>35</sup> MiningWatch Canada<sup>36</sup> and other human rights experts.<sup>37</sup> There has, to date, not been an effective response by Barrick to the allegations of violence by mine security against men and boys.<sup>38</sup>



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# WHAT COULD HAVE MADE A DIFFERENCE IN THIS CASE?

In 2014, Barrick's Patrick Bindon, whose involvement with the Porgera mine dates back to his employment with Placer Dome, "acknowledged that...The company's response clearly had weaknesses. (...) We've learned to look a lot more closely at the cultural and institutional issues that might be barriers to these kinds of things being reported."<sup>39</sup> However, Bindon's acknowledgement ignores the history outlined here of many years, starting in 2005, in which Barrick was directly made aware of the violent assaults, killings, rapes, and beatings of local Porgeran men and women by private mine security and by police paid to guard the mine. As detailed here, Barrick was made aware of the abuses by Porgerans themselves, including at the company's Annual General Meetings in Toronto, and by MiningWatch Canada and the human rights clinics at Harvard, New York, and Columbia Universities. If Barrick had taken these allegations seriously, and responded by doing basic due diligence, it would not have been difficult for the company to have confirmed the validity of the allegations well before 2010, when the company made a partial acknowledgement of human rights abuses in regard to victims of rape by mine security.

If Canada had had mandatory Human Rights Due Diligence (mHRDD) legislation in place, as drafted by the Canadian Network on Corporate Accountability and proposed in 2022 in a Private Members Bill C-262,<sup>40</sup> Barrick may not have been able to ignore the allegations made to the company directly concerning these serious human rights and environmental violations. For a consideration of how mHRDD legislation may have made a difference in this case see the CNCA's case study at <https://cnca-rcrce.ca/2023/02/14/case-study-barrick-gold-corp-s-porgera-joint-venture-mine-human-rights-abuses>.



*Photo: Protest against the Porgera Joint Venture mine in 2019.  
Credit: Catherine Coumans, MiningWatch Canada*

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# NOTES

- <sup>1</sup> 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.
- <sup>2</sup> 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*.
- <sup>3</sup> 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 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; Columbia Law School's Human Rights Clinic and Columbia University's Earth Institute. 2019. *Red Water: Mining and the Right to Water in Porgera*.
- <sup>4</sup> *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*.
- <sup>5</sup> 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 Join 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."
- <sup>6</sup> Burton, Bob. 2005. *Canadian Firm Admits to Killings at PNG Gold Mine*.
- <sup>7</sup> Akali Tange Association. 2005. *The Shooting Fields of Porgera Join 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."
- <sup>8</sup> See for example: Patterson, K. 2006. *A deadly clash of cultures*. *The Ottawa Citizen*, June 6, 2006.

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

<sup>10</sup> *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*.

<sup>11</sup> Amnesty International. 2010. *Undermining rights: forced evictions and police brutality around the Porgera gold mine*, Papua New Guinea. London.

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

<sup>13</sup> MiningWatch Canada raised concerns about Barrick's short-term grievance procedure 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*; 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; 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](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 ongoing grievance procedure 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 in Porgera 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](https://miningwatch.ca/sites/default/files/letter_to_unhchr_re_porgera_opinion_2013-09-04_0.pdf). See also critique of the remedy mechanism by EarthRights International. (no date) *SURVIVORS OF RAPE BY BARRICK GOLD SECURITY GUARDS OFFERED "BUSINESS GRANTS" AND "TRAINING" IN EXCHANGE FOR WAIVING LEGAL RIGHTS*. See also: 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*; Long after the remedy mechanism had been closed Barrick commissioned consultants BSR to conduct a review. BSR's report resulted in recommendations to Barrick to improve its response to human rights abuses, including a review of the remedy provided 119 women who participated in the 2012-2014 grievance procedure, but these recommendations were not followed up on by Barrick. See Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. *In Search of Justice: Pathways to Remedy at the Porgera Gold Mine*. Report. BSR, San Francisco. See also: 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*.

<sup>14</sup> 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*.

<sup>15</sup> For contents 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*. Appendix B-4.

<sup>16</sup> *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.

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- <sup>17</sup> 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.*"
- <sup>18</sup> 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/>
- <sup>19</sup> <https://thewalrus.ca/canadian-minings-dark-heart/>
- <sup>20</sup> 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.
- <sup>21</sup> Probe Looms for Mine Deaths, The National (PNG), May 6, 2005. <http://www.minesandcommunities.org/article.php?a=5937>
- <sup>22</sup> *Ibid*
- <sup>23</sup> *Barrick Gold's Porgera mine in Papua New Guinea linked to grave human rights abuses, environmental impacts.* May 12, 2008; *Indigenous Leaders from Papua New Guinea, Chile Raise Serious Human Rights and Environmental Concerns Around Barrick Gold Operations.* 6 May 2009; *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 ; *Indigenous Leaders from Papua New Guinea Accuse Barrick Gold of Abuses.* 5 May 2010.
- <sup>24</sup> *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.
- <sup>25</sup> 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>
- <sup>26</sup> 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>
- <sup>27</sup> 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>
- <sup>28</sup> 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>
- <sup>29</sup> 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>
- <sup>30</sup> 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>
- <sup>31</sup> 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>



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- <sup>32</sup> 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
- <sup>33</sup> 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*.
- <sup>34</sup> EarthRights International. 2017. Security Guards for World's Largest Gold Mining Company Rape and Kill Locals in Papua New Guinea. <https://earthrights.org/case/barrick/>
- <sup>35</sup> <https://miningwatch.ca/news/2017/5/9/indigenous-women-papua-new-guinea-appeal-government-canada-help-obtaining-remedy> ; <https://miningwatch.ca/news/2017/4/25/barrick-confronted-indigenous-women-papua-new-guinea-aggm> ; See also this *video presentation* made for a UN panel by women representing the 119 who received remedy through Barrick's short-term grievance mechanism but were not satisfied with the procedure or the remedy received.
- <sup>36</sup> For MiningWatch Canada's exchanges on the flaws in the grievance mechanism with then UN High Commissioner for Human Rights critique see footnote 13 above. See also "*Concerns regarding the Remediation Framework for Women Victims of Sexual Violence by Porgera Joint Venture Security Guards*" January 28, 2013.; MiningWatch Canada & Rights and Accountability in Development, Privatized Remedy and Human Rights: Re-thinking Project-Level Grievance Mechanisms, Third Annual UN Forum on Business and Human Rights Palais des Nations, (Dec. 1, 2014), [http://miningwatch.ca/sites/default/files/privatized\\_remedy\\_and\\_human\\_rights-un\\_forum-2014-12-01.pdf](http://miningwatch.ca/sites/default/files/privatized_remedy_and_human_rights-un_forum-2014-12-01.pdf) ; MiningWatch Canada. 2019. *Submission to the 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.
- <sup>37</sup> 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>; EarthRights International. (no date) *SURVIVORS OF RAPE BY BARRICK GOLD SECURITY GUARDS OFFERED "BUSINESS GRANTS" AND "TRAINING" IN EXCHANGE FOR WAIVING LEGAL RIGHTS*; Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "*In Search of Justice: Pathways to Remedy at the Porgera Gold Mine*." Report. BSR, San Francisco.
- <sup>38</sup> Jungk, Margaret, Chichester, Ouida, and Fletcher, Chris. 2018. "*In Search of Justice: Pathways to Remedy at the Porgera Gold Mine*." Report. BSR, San Francisco.
- <sup>39</sup> CIM Magazine November 2014. [https://issuu.com/cim-icm\\_publications/docs/8-nov2014](https://issuu.com/cim-icm_publications/docs/8-nov2014)
- <sup>40</sup> <https://openparliament.ca/bills/44-1/C-262/>