

September 24, 2013

Response to letter from Mark Ekepa to UN OHCHR

We are in receipt of a letter from Mark Ekepa of the Porgera Landowners Association (PLOA) to Dr. Navanethem Pillay, UN High Commissioner for Human Rights (OHCHR) dated 29 August 2013, regarding the Framework established to address historical issues of violence against women at the Porgera mine. Mr. Ekepa's letter responds to the opinion issued by the OHCHR regarding the Framework [[here](#)]. Barrick has previously explained in detail the nature of the Framework, the extensive consultations that took place before it was established, and the enhancements made to the Framework after it was launched. See [[here](#), [here](#) and [here](#)]. This includes an explanation of how Barrick engaged with the PLOA and the Akali Tange Association (ATA), a local organization affiliated with the PLOA. Views on these organizations, as well as the landowners the PLOA represents, have been expressed by Human Rights Watch and local experts on gender based violence and women's rights in Papua New Guinea. See [[here](#), [here](#) and [here](#)]. This letter does not revisit those issues, but corrects certain potential misimpressions that may be created by Mr. Ekepa's letter.

Consultations

Despite 18 months of extensive consultations by Barrick in developing the Framework, Mr Ekepa notes that the members of the "Porgera Alliance" were not consulted, and that Barrick "did not consult the women victims themselves". Barrick consulted with local women and experts within PNG and elsewhere regarding the Framework, including advocates for the prevention of gender based violence. Because of strict confidentiality considerations, Barrick did not consult directly with victims during the initial development of the Framework, but did consult with women's welfare advocates and representatives who have been working directly with women in Porgera who have suffered violence. Over the past several months, as the Framework has been implemented, the team implementing the Framework has been consulting extensively with a group of victim women who participated in the Framework. This has led to further improvement to the claims process and individual case management.

In addition, as the OHCHR correctly noted in its opinion, both the ATA and PLOA have been given the opportunity to review the Framework and provide commentary, notwithstanding that doubts had been raised about their legitimacy and role. They have had copies of the Framework for some 10 months now and provided feedback. We also understand that there has been engagement between the ATA and the team implementing the Framework. Furthermore, management of the Porgera mine meets regularly with the leadership of the PLOA and the PLOA is welcome to raise issues during those meetings about the Framework or more generally.

The ATA, victims, and numerous other stakeholders, also were consulted by the highly respected social consultancy BSR during an extensive independent review of the progress of the Framework. BSR provided Barrick with a series of recommendations to enhance the Framework, which have since been implemented.

As Barrick has consistently indicated, positive reforms and improvements to the Framework suggested by interested or otherwise qualified and experienced parties would be considered and incorporated into the Framework wherever possible. If the ATA or PLOA have such constructive suggestions, they would be duly considered.

Process Going Forward

Contrary to Mr. Ekepa's suggestion, the team of independent officers who work directly with the claimants, as well as other local female advocates, have reported that the overwhelming majority of women who have lodged claims under the Framework have been satisfied with the process. They have also been satisfied with the levels of physical and emotional care and support provided during the process.

Barrick is also conscious of the need for eligible claims to progress as quickly as possible. However, the Framework is administered independently of Barrick, and resolution of claims has taken time because of the remote and complex operating environment, and because of the time required in developing enhancements to the Framework resulting from the ongoing engagement and discussions between Barrick, the Claims Assessment Team and various external parties. Most affected women have been advised, directly and indirectly, of the relevant timings, and we believe that the enhancements have improved the Framework to the benefit of affected women.

The Claims Assessment Team hopes to finalize the claims process with most of the claimants in the coming weeks, following a final round of consultation with each claimant. Upon the conclusion of that process, as we have previously noted, Barrick intends to have an independent third party review the outcomes of the Framework, and make public the results of that assessment.