

24 August 2015

Gregory Regaignon
Business and Human Rights Resource Centre
regaignon@business-humanrights.org

Re: Concerns regarding Porgera Remedy Framework Assessment

Dear Mr. Regaignon,

Thank you for your invitation to respond to Ms. Knuckey's and Mr. Giannini's commentary regarding the Porgera Remedy Framework assessment. A detailed response to their concerns is in the enclosed letter of 16 June 2015. I would also like to provide some further context for your readers regarding the assessment's independence and methodology.

The assessment is being conducted by Enodo Rights with the advice of an External Committee comprised of leading experts in mining, human rights, and sexual violence: Chris Albin-Lackey of Human Rights Watch; Lelia Mooney of Partners for Democratic Change; and Dahlia Saibil, a legal academic at Osgoode Hall Law School whose research focuses on sexual violence in mining communities.

While Barrick is funding the research, Enodo Rights retains final discretion over the assessment's structure and content. We have already exercised that discretion to modify the Terms of Reference in several important ways:

1. *Assessment Scope:* From the outset, the External Committee sought to ensure that the Guiding Principles would not be considered in a vacuum. The assessment therefore incorporates international law, including the right to remedy and principles of due process. A core part of our international stakeholder engagement has been identifying the applicable Guiding Principles and norms of international law.
2. *Assessment Timeline:* We have substantially revised the Assessment Timeline to accommodate our concerns and those of international stakeholders, including Ms. Knuckey and Mr. Giannini. The first two phases—Planning and Contextual Research; and International Stakeholder Engagement—therefore took 14 weeks. The Site Visit is ongoing and has been expanded from five days to 22 days to ensure that it is as comprehensive and in-depth as possible. We retain the flexibility to extend as we deem necessary.

3. *Onsite Assessment Methodology:* In response to concerns expressed by Ms. Knuckey regarding the potential impact of power dynamics in Porgera on stakeholder engagement, we consulted with experts in sexual violence in Papua New Guinea, including UN Women and UNDP, to identify a qualified local researcher. With their assistance we retained a human rights lawyer from the Highlands with extensive experience engaging with, and representing, survivors of sexual violence to conduct survivor interviews. To accommodate a further concern expressed by Ms. Knuckey, the onsite researcher is traveling to remote villages to interview survivors who may not have heard of, or were unable to access, the Remedy Framework.

Enodo Rights is committed to preparing an assessment that is independent, rigorous, and credible. In pursuit of those ends, Ms. Knuckey and Mr. Giannini were among the first stakeholders we contacted. Indeed, to assure Ms. Knuckey of our good faith, we acceded to each of her initial conditions for engagement. It is truly unfortunate that both she and Mr. Giannini have since decided not to share their insights. We will nonetheless draw what we can from their public statements and commentaries as we seek to incorporate the views of diverse stakeholders in our final, public assessment.

Sincerely,



Yousuf Aftab
Principal
Enodo Rights