**DEPRIVATION OF IPILI-PORGERA LANDOWNERS RIGHTS BY**

**PJV-PLACER DOME; BARRICK GOLD CORPORATION; AND THE**

**PAPUA NEW GUINEA GOVERNMENT THROUGH THE PORGERA GOLD MINE LEGACY ISSUES**

*Mission Statement Compiled by Cressida Kuala*

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*Women's Association Incorporated*

*(PRWWA, INC)*

Presented and Reported to:

1. PNG Police Commissioner's Office;

1. PNG National Ombudsman Commissioner's Office;

1. The UN Country Team (PNG) OHCHR; and

1. The UN Working Group-New York

Cc: *Porgera District Police Station Commander*

Cc: *Porgera LLG District Administrator*

Cc: *Enga Provincial Police Commander*

Cc: *Provincial Government Administrator, Wabag*

# Cc: *Highlands Regional Police Commander*

*29 January 2022*

# ABOUT THIS MISSION STATEMENT

This mission statement is a guide to seek legal advice from Independent Legal Advisors who are willing to work *pro bono* in the PNG National Human Rights Track Court Of Justice, and in the International Criminal Court of Justice.

This mission statement details three (3) decades of Porgera Gold Mine legacy issues—gross violation of human rights and environmental degradation—from a bottom-up level perspective. It does this through a 10-year (2011-2021) local research study conducted by myself (Cressida Kuala); I am a Frontline Human Rights and Women Rights Defender. I am also a Business and Human Rights Advocate; and an Environment Activist.

I was physically and sexually assaulted by two (2) mine employees on the 18th of March 2012 at the Porgera mine bus stop, while waiting for mine hired bus to go to work on nightshift. I reported my case with the Porgera Mine Investigation office, but nothing was done. Out of embarrassment, I left my job as an assistant assayer, without resignation, from the Porgera Gold Mine Assay Laboratory in the Mill Department.

The same year, in September 2012, PJV-Barrick established a reconciliation plan in realisation to harms done to lives of:

* Women and young girls;
* Indigenous people ;
* Youths;
* People living along the Porgera Riverine System; and harms done to
* Land, Environment and Waters.

# EXECUTIVE SUMMARY

The 1989 Porgera Special Mining Lease (SML) Agreement started with a barrel of a gun pointed at the Indigenous Ipili People with false promises of a “fairy-tale” type life of luxury.

PJV-Barrick hired police personnel and PNG military forces to safeguard the Porgera Mine since the beginning of the mine in 1989 up till now, and they have mistreated indigenous people, women, young girls and youths.

They have acted in inhuman ways to rape, pack rape women and young girls who have lost their land to mining. With no other options, they had to scavenge the Porgera Mine dump sites, looking for rocks containing precious mineral gold to provide food on the table at the end of the day. Many women and girls where shot with real bullets and rubber bullets and were detained for scavenging the Porgera Gold Mine dump sites for rocks containing gold. The women and girls were charged K2000 ($600) bail from detention cells after appearing in the Porgera District Court Of Justice.

Armed troops were ordered by Barrick in 2009, 2013 and 2017 to burn down houses in the Wingima

Village, which was there before the Porgera Gold Mine began and the home of people of the ancient Tieini Tribes. The hired security personnel forced them to move out under the eviction order of the company (PJV-Barrick). Men and boys were physically assaulted; women and girls were raped, pack raped and physically assaulted; children and old people were traumatised with fear and psychologically affected.

In 2010, a legal framework system called “Porgera Remedial Framework Assessment” (PRFA) was designed by PJV-Barrick’s international lawyer, who works at Barrick's headquarters in Perth WA, to mediate gross violations of human rights and environmental degradation issues in Porgera. In fact, it was not effective and it failed as it was not equitable, not fair, not equal and not really transparent.

119 women were engaged in this mediation process and were interviewed and were paid PGK 20, 000.00 ($5000) each after signing a legal waiver saying no to sue PJV- Barrick; but the company added another PGK30, 000.00 which totalled up to PGK 50,000.00 when the 119 former PRFA women complained about 11 other women who had received PGK 200,000.00 in Moresby and were sent back home to Porgera, as they were on their way to take the Porgera Gold Mine legacy issues to Toronto Court.

I have been a translator for the 119 Women and Young girls were engaged in this medication process, although all the Independent legal Advisors and the consultancy services were commissioned by PJVBARRICK in 2012 to 2014.

The Independent legal advisors, International consultant firm, and the local NGO were supposed to be independent but were not and this medication program dealt with Porgera Mine legacy issue was not transparent and did not work out well for the Stakeholders who suffered harms at the hands of PJVBARRICK'S employees.

**1.0 INTRODUCTION: Porgera Gold Mine legacy Issues are a Purpose Served By Porgera Red Wara (River) Women's Association Incorporated (PRWWA INC).**

Between the opening of the Porgera Mine on April 12, 1989, and its closure in early 2002, everything was in the dark. These was the period where indigenous people (women, girls and youths) were speechless, demeaned and considered as the poorest in mining affected areas and the idea of the “Porgera Gold Mine Legacy Issues” were deepened to secrecy.

Foreigners (PJV-Placer Dome & Barrick Gold Corporation) may termed it as an easy going period of the Porgera Gold Mine. Those who have information/ as witnesses and responsible were easily compromised with foreign miners through dubious deals under the table. Indigenous Ipili landowners were robbed and treated unfairly in their God-given land by foreigners interested in the precious mineral “Gold.” Our bureaucracy system was compromised due to the zero trend in relation to the spread of public information.

2002 was when the unexpected demon “illegal mining” gate-crashed into Porgera Special Mining Lease (SML) land boundary and stole the National Governments'; PJV-Placer Domes' and the SML landowners attention. The information age has given us the upper hand to *get* information, helping the poor landowners to find our own path out of the complex puzzle that had kept us in silence. Eventually, in 2012, we realised we had legacy issues affecting the indigenous peoples' rights, women/young girls rights, youths and the environment that we live in relation to the UN Guiding Principles on Business and Human Rights. We are now aware that;

* + Our status in the Porgera Gold Mine affected communities had been compromised;
	+ We were deprived off our human rights as legal landowners in the Land Leased for Mining Purposes (LMP) areas;
	+ We were victims of gross human rights violation; and
	+ Our livelihood, right to life, our land , fresh waters, and environment were degraded by a selfish miner.

As a result, I as the Founder and CEO of Porgera Red Wara (River) Women's Association Incorporated (PRWWA INC) represents Ipili Women and Young girls as the Vocal person; who is also the Frontline Human Rights/Women Rights Defender, Business and Human Rights Advocate, and Environment Activist; I (Ms. Cressida Kuala) had founded this indigenous women's association (PRWWA INC) to function as a platform to raise the silent and violent voices of Porgera women and young girls who have suffered harms at the hands of the Porgera Gold Mine employees to the National and International frontiers in Papua New Guinea and Overseas through seeking legal advice and file a lawsuit against PJV-Barrick and the PNG Government.

The cases we reported except case Four (4) are from the Human Rights Gross Violation and Environmental Degradation of Papua New Guinea's Porgera Gold Mine negative impacts , written and compiled by Columbia University Human Rights Law Clinic " Righting Wrong" and "Porgera Red River Report" on the Google where I was a party to the research carried out.

**2.0 BACKGROUND INFORMATION: PORGERA RED WARA (RIVER) WOMEN'S ASSOCIATION INCORPORATED (PRWWA INC).**

Porgera Red Wara River Women's Association Incorporated (PRWWA INC) is concerned with social welfare issues of subsistence livelihood, deprived population of land lease for mining purposes (LMP) women and young girls outside Porgera Special Mining Lease (SML), has emerged over the years since 1989, after 3 decades of defiantly overlooked grievances. PRWWA INC is a non-government organisation representing a 4890+ women and young girls within the periphery of LMP mine affected areas at the Porgera Mine.

The origin of this indigenous women's group is central to PJV-Barrick's Community Affair's realisation of severely displaced women and young girls population here that had been the subject reconciliation plans. The Cardno Australia and PNG Ltd was commissioned and tasked to manage a legal framework system, designed by PJV-Barrick's international lawyer, known as Porgera remedial framework Assessment (PRFA) at Porgera Station that addressed this social welfare issues.

About a 130 Women and Young girls who have suffered legal issues for harms done to them by Porgera Mine employees. They have gone through mediation and have received unequal remedy/benefits due to non-compliance to the United Nations Guiding Principles (UNGP) on Business and Human Rights .

The primary Objectives of PRWWA are to apply knowledge of human rights to every individual women and young girls to realise their rights and follow standard guidelines to

* Report issues that affects their rights as female and to receive remedy from perpetrators who has harmed them;
* Make sure the PNG National Government adapt the UN Guiding Principles on Business and Human Rights so that people can access pathway to receive remedy and to apply knowledge, skills or opportunities within the association (PRWWA) members and executives capacity to revive the potential in our land poor and displaced subsistence women through creation of alternative survival means.

In the latter case, this means particularly to start up simple, easy-to-manage projects that will earn income for the large LMP (Leased for Mining Purposes) population the PJV-Barrick's Porgera Gold Mine operation flushed out from subsistence lives since July 1989. The overall mission of the Association (PRWWA) is to ensure standard health, education and nutrition issues member families are accessible.

The Association also engages in Social and Culture shocks management that effectively convince dominant male population here so that women and young girls can be reliable family bread winners too. In other words, the gender-differentiated roles of traditional Ipili-Porgera had been changed by modern life associated with market economy. The men here are made to realise that women here can also be reliable family finance Manageress too. This means that traditional norms are circumvented.

**2.1 PRWWA INC ACHIEVEMENTS**

The ongoing humiliation of Ipili Women and Young girls ended when I (Ms. Cressida Kuala) , as an indigenous Ipili women , stood up to founded the PRWWA in 2011 and got it formally registered with the Papua New Guinea Investment Promotion Authority (PNG IPA) in 2015. I have been a vocal person from local level to the global frontiers by voicing issues affecting ipili women and young girls in Porgera Gold Mine affected areas and have represented our women folk in many forums, conferences and meetings globally.

The silent violent voices of the Ipili women and young girls went far and wide, all across the globe and captured attentions worldwide through the United Nations Forum and as a result we have connections 2000+ Civil Society Organisations (CSOs) linked with us. We have also had communicated with world leaders from other countries who are supporting us in our endeavour to archive our human rights goals and objectives as women landowners/leaders.

PRWWA is a vocal element in the voicing of Porgera Gold Mine legacy issues on gross violation of human rights and environmental degradation before the mine closer in August 2019 and during the mine closer period, when COVID-19 Pandemic affected our lives and livelihood in Porgera, in Enga Province, in Papua New Guinea and throughout the world. The PNG National Government had shut the door for the people of Porgera without thinking that Porgera Gold Mine was the main source of support for PNG's economy.

The government had not really provided any form of support with effective sustainable development programmes for the mine closure and the people in Porgera were affected badly as the hospital and aid posts were closed, and there were no medical supplies. Food was scarce and people died of hunger and deceases, especially those ones who are disabled and old , who faces difficulties in walking and moving around to look for their own food.

The Porgera Mine Closer is an outcome of our Association's hard work to overcome the long lasting deprivation of Ipili-Porgera landowners rights in our God-given land. In fact, the Association had been in the human rights Advocacy for 10 years (10) with support world-wide to combat issues faced by Indigenous Ipili women and girls in the mine affected communities. Our documented statements of the

Porgera Gold Mine legacy issues intervened in the judicial review process between the state and PJVBarrick on the 29th of May 2020. Attached below are our mission statements documented on the internet and compiled as follows;

* “The Voice Of Porgera Women in Mining Today”;
* “The 1989 SML Agreement was a Blunder”;
* “Disproportionate Impacts Of Business Activities On Women- Lessons From Papua New Guinea to Inform Gender Guidance To The UN Guiding Principles on Business and Human Rights”;
* “Porgera Gold Mine Legacy Issues On Gross Violation Of Human Rights and Environmental Degradation”;
* “Columbia University Human Rights Law Clinic Case Study On Porgera Gold Mine: Righting Wrongs”;
* “Columbia University Human Rights Clinic and Environment Case Study on the ‘Porgera Red River Report’”; and
* “The Porgera Mine Impact On Ipili Women and Young Girls" .

This Association is unlike other Porgera Human Rights Advocating Organisations because we are linked with other local civil society Organisations (CSOs) in the Northern and Southern hemisphere (world-wide) that enables PRWWA to achieve our human rights goals that we deserved through voicing issues that affected us from a bottom-Up level perspectives in internally held forums as the United Nations Forum on Business and Human Rights on Gender lens.

We are a well-established, well organised, well-coordinated and well-managed organisation who are doing our job on the ground to uphold human rights for women and young girls here in Porgera Golden valley.

**3.0 GRIEVANCES: PORGERA RED WARA (RIVER ) WOMEN'S ASSOCIATION**

# REPORT

Like any other human rights advocating Organisations and activists reported, PRWWA have alleged that the Porgera Gold Mine security personnel carry out extra judicial killing and other violent abuses against alluvial gold miners and other local residents. The mine has also been condemned of discharging Six (6) million tonnes of liquid tailings of bi-products of chemicals (mine waste) into the nearby Porgera Riverine System each year, a dangerous policy that is not consistent with industry's good practice.

Despite of all the wealth it generates, Ipili People of Porgera still suffers from poverty and a dearth of basic Government services. Government authorities have also failed to address new local problems that are directly related to the Porgera Gold Mine's development, including the health Impacts Of mercury use by small-scale miners and alluvial miners in Porgera.

After Barrick Gold Corporation acquired the Porgera Gold Mine licence in 2006, the company took a number of steps intended to make the security forces inherited from PJV-Placer Dome to be more disciplined and follow in line with the international norms, like the Voluntary Principles on Security and Human Rights, which PJV-Barrick joined in 2010.

**3.1 CASE ONE (1): RAPE AND PHYSICAL ASSAULT BY PORGERA MINE SECURITY**

**(APD).**

Documentation of human rights violation allegations:

* I was gang-raped and physically assaulted by 2 Mine employees at the Porgera Mine Bus-Stop on 18th March 2012. I reported the matter to Barrick's investigation office and was interviewed and referred to the Porgera mine aid post, from there I was referred to the Porgera general hospital and was confirmed raped and pregnant from the rape. Nothing was done to help me find the perpetrators and I left my Job on 23rd March 2012 without resignation. The child resulted from rape is living with me as evidence to what had happened to me.

* Human Rights Watch documented 5 alleged incidents of gang rape and physical assault by Porgera Gold Mine security personnel in 2006, 2008 and 2009, and a sixth gang rape in 2010. We believe these incidents represent a broader pattern of abuse by some PJV-Barrick's security personnel. Subsequent investigations were carried out by Barrick and the PNG Royal Constabulary in response to Human Rights Watch allegations.

* Lewis Kuala from Yanjakale Village, who works as a underground miner with Barrick was shot by PJV-Barrick's Hired Police Mobile taskforce from Port Moresby at Porgera Station during his first day on field-break on the 14th March, 2013. His case was never investigated although Barrick had known about it.

* There are about 389 cases of rape, gang rape and physical assault not Reported but are registered with the Porgera Red Wara River Women's Association Incorporated (PRWWA INC); incidents that had happened in 1989 - 2019.

**3.2 CASE TWO (2) : ILLEGAL FORCED EVICTION BY MOBILE TASKFORCE SQUAD DEPLOYMENT AS HIRED & ORDERED BY BARRICK.**

The close relationship between PJV-Barrick and the mobile Taskforce deployment was a cause of concern from the outset. PJV-Barrick hired police mobile Taskforce squads have a long history of violence and abuse directed at ordinary citizens.

* In April 2009, the Porgera Gold Mine hired Police Mobile taskforce Squads attacked and burned a village adjacent to the Porgera Gold Mine called the Wingima, and destroyed another village called Kulapi as well.

* In February 2010, Amnesty international published a report documenting the widespread violent abuses involved in these operations and condemned them as illegal forced eviction. Amnesty international called for an independent inquiry into the abuses, appropriate remedies for the victims, and prosecution of those responsible.

* When Human Rights Watch visited Porgera in May 2010, Wingima was a deserted hillside littered with trash and the foundation of ruined homes.

* PJV-Barrick had engaged Ila Geno, a respected former police commissioner and ombudsman, to make occasional trips to Porgera to monitor the conduct of the Police Mobile taskforce Squads. His reports to PJV-Barrick was not transparent. While Geno's engagement was a positive step, there was still need for an independent investigation into the forced eviction in 2009. Geno's mandate does not include such investigation.

**3.3 CASE THREE (3): INDIGENOUS PEOPLE, WOMEN, YOUNG GIRLS, YOUTHS AND CHILDREN EXPOSURE TO HAZARDOUS CHEMICALS.**

* 168 Indigenous Ipili landowners, youths, women, young girls and children were burnt by hazardous chemical dumped into the Red River in July 2017. These people who were severely burnt were taken to the mine medical centre and were treated but no remedy was paid to them.

* Indigenous people living along the Porgera Riverine System are affected daily as their whole life depended on the river for drinking, washing and swimming.

See; *Porgera Red River Report.*

**3.4 CASE FOUR (4) POOR LIVING CONDITIONS AND DEMANDS FOR RELOCATION.**

Mining operations at Porgera had lasted longer and grown larger than originally expected according to the 1989 SML Agreement. The expansion of the Porgera Gold Mine and its sprawling waste dumps has greatly reduced the amount of land available to communities located along the Porgera Gold Mine corridor for cultivation living space.

At the same time, the population has soared for 6000 to roughly 70,000 due to economic migration from other districts in Enga Province, from all over Papua New Guinea and Overseas. Youths in particular have complained that they have not seen and received any benefits from compensation agreements negotiated with their elders, and that the scarcity of land means that they can neither build houses of their own nor turn to the soil to earn their living.

Largely because of these issues, the vast majority of indigenous Ipili landowners believe PJV-Barrick must relocate all of us to new land away from the Porgera Gold Mine corridor. “We need to move out where there is a bigger land mass and where we can move around freely, instead of living like rats,” one landowner told Human Rights Watch.

# RECOMMENDATIONS FOR PJV-BARRICK

4.1 PJV-Barrick must work in collaboration with the PNG Government to create a Culturally Appropriate Grievance Mechanism to provide an effective pathway to receive remedy which must be accessible to every citizen of Papua New Guinea who are resource owners.

4.2 PJV-Barrick must come up with an effective Action Plan for Pathways to remedy for Porgera Gold Mine affected people.

Please continue with the other recommendations from the Porgera Gold Mine legacy issues of gross violations of human rights and environmental degradation.

 **5 RECCOMMENDATIONS FOR PNG GOVERNMENT**

5.1. The PNG National Government must redraft the PNG constitutional law and must also redraft the mining act policies .

5.2. The Eight (8) Point plan Directives of the PNG National Government must be improved through adaptation of new diplomatic laws and standard mechanisms.

5.3.The PNG National Government must adapt the UN Guiding Principles on Business and Human Rights through creating a National Action Plan to support the Mining sector to function incompliance as directed by the National Action Plan.

5.4. The PNG National Government must establish a National Action Plan to create legislation on providing free legal aid throughout Papua New Guinea to create pathways for marginalized population of Women, young women, Children, disabled people, sick people and children can have excess to free court services.

5.5. The National Government must establish a medical faculty that must be focused on female rights defender undergoing post traumatic syndrome (PTS) and traumatized victims with going through mental breakdown. This must have an emergency respond to put through early treatment before it's too late.

5.6. The PNG National Government must establish a prioritized diolouge System for women and Civil societies in each of the Provinces to express grievances and compalaints to be redressed through a System implemented at the National level to provide remedy for harms done by Corporate Companies or by the PNG National Government.

5.7. The hospitals and court systems must be observed strictly by the government to function to serve the people's interest.

5.8. The PNG government must create a quarterly mine review all year round, and must always make use of the mine inspector to play it's role transparently to voice issues that affects lives/livelihood and the Environment.

5.9. We must have a bottom-up level perspective complaints and grievance record kept at the local police station and dealt with at the District court system or either make referrals to the PNG National Court or to the Supreme Court if the cases can't be dealt with at the District or Provincial level.

5.10. The PNG National Government must create functional establishments at the local level and to the National level to have a good and honest record of issues affecting or improving livelihood on the ground.

**Signatories:**

## Wabag Registry Office, Enga Province

Name: Signature:

Phone:

Email:

## Enga Provincial Administrator: Dr. Samson Amean

Phone: Signature:

Email:

## MRE Coordinator

Name: Signature:

Phone:

Email:

## PNG National Registry Office

Name: Signature:

Phone:

Email:

## MRA Coordinator

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*Ms. Cressida Kuala, Founder and CEO of Porgera Red Wara (River) Women's Association Incorporated (PRWWA INC).*





