BARRICK

Ms Bauer & Mr. Avery:

The Business and Human Rights Resource Centre ("BHRRC") has invited Barrick to respond to several "items" that it apparently intends to republish. We are pleased to do so. We do not intend to respond to each and every allegation contained in the five items in question, for reasons set forth later in this response. However, in addition to the following general comments we also direct your attention to additional details set forth in three letters that we have attached to these comments as Appendices A-C.

To be clear, any allegations of human rights violations by Barrick, either explicit or implicit, as outlined in the five items that BHRRC intends to republish, are demonstrably false. Additional current information supporting this conclusion may also be found on Barrick's website (www.barrick.com).

The five items that you apparently plan to republish are all stories/letters/appeals recently generated by MiningWatch Canada ("MWC") and "protestbarrick[1]." It is our understanding that in each case Catherine Coumans of MWC either wrote, edited and/or was the principal source of the background "facts" for the NGO authors of the items. The organizations then largely acted as a conduit for MWC's ongoing anti-Barrick/ Porgera Joint Venture ("PJV")[2] campaign. We don't question the right of NGO's such as Amnesty International ("AI"), the Centre on Human Rights and Evictions ("COHRE") or protestbarrick to perform this service for MWC. However, readers should not be misled as to the underlying substance or process leading to this collection of letters.

By way of background, to assist it with its various mining campaign initiatives MWC reportedly sponsored Jethro Tulin, a Papua New Guinea (PNG) native, to travel to and across North America for five weeks of anti-mining/anti-Barrick press conferences, speeches and other events organized by protestbarrick and MWC. The "items" to which we have now been asked to respond were all generated by Mr. Tulin and Ms Coumans in the course of this recent protestbarrick/MWC "road show." At each stop on the road show the claims made regarding Porgera became increasingly exaggerated, culminating, for example, in allegations that at Porgera "… *sixty people are murdered every year.*"[3]

It is remarkable that in the face of these facially preposterous public claims by Mr Tulin, Ms Coumans and their associates several organizations (such as AI or COHRE) were still willing to then uncritically accept Ms Coumans' and Mr Tulin's accounts of the "facts"

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[1] "protestbarrick" is an on-line networking organization that exists solely to vilify Barrick with unsubstantiated and largely unaccountable claims of illegal acts purportedly committed at the mines with which Barrick is associated.

[2] The Porgera Joint Venture owns and operates the Porgera Mine. The participants in the joint venture include Porgera Landowners, the Enga Provincial Government and two subsidiary companies of Barrick.

[3] University of Toronto, March 25, 2009, by protestbarrick principal, Paul York.

of the alleged evictions in the Porgera Valley by PNG police of April 27th as the basis for their publications. It is particularly irresponsible that they would do this without any effort whatsoever to contact Barrick or the PJV to hear an informed but potentially conflicting view.[4] Their process reveals much about the genesis and lack of credibility or transparency of the public statements that they have made at MWC's behest.

This background is relevant because MWC appears to have made little or no effort to provide objective, accurate or complete information regarding events in the Porgera valley to the public (or, apparently, to Ms Coumans' friends at correspondent organizations in the NGO community). Relevant authorities and independent sources have publicly refuted the claims MWC has made[5].

It appears to us that MWC is prepared to continue to invent, embellish, exaggerate and/or mischaracterize events at Porgera to advance its speechmaking, legislative lobbying[6], litigation and fundraising[7] efforts, rather than objectively and truthfully reporting what is happening in the area. That is very far removed from a constructive approach to development issues in the Porgera valley communities, irrespective of MWC's other agendas around the world. Nevertheless, and regrettably, MWC's correspondent NGO's also appear all too willing to uncritically repeat MWC's imaginative allegations to advance their own ends.

The first item identified in your letter is:

> *"Papua New Guinea: Forced Evictions and destruction of property by Police in Porgera must end,"* Amnesty International public statement, http://www.amnestyusa.org/document.php?id=ENGASA340012009&lang=e

The AI "public statement" of May 11th is an ill-conceived and erroneous statement that makes a number of very serious and incorrect allegations. It effectively accuses Barrick of a "*gross violation of human rights*" associated with certain alleged evictions in the Porgera Valley on April 27th, 2009. An allegation of a "gross violation of human rights" is perhaps the most serious accusation that can be made against a party. Under principles of international law it is ordinarily reserved for matters such as systematic genocide, slavery, or arbitrary or mass executions – and is made only after careful study and consideration. There was none of that here.

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[4] Barrick has existing longstanding relationships with various offices of AI. AI knew how to contact Barrick if it had wished to do so.

[5] See, for example, comments by PNG's Foreign Minister made at a Bilateral Conference with the Australian Minister for Foreign Affairs in Brisbane, Australia, and published in The National Newspaper on 11/06/09

[6] During the 2009 MWC/protestbarrick" road show" one of the fora in which MWC presented Mr. Tulin and his claims about an "emergency" at Porgera was in the Canadian Parliament, where a private members bill of great interest to MWC is pending (Bill C-300). Mr. Tulin appeared at MWC's direction, repeating his colorful allegations.

[7] Within hours of AI issuing its "public statement" on the alleged Porgera valley evictions protestbarrick rolled out a fundraising campaign emphasizing AI's public statement.

In fact, Barrick had no involvement in the alleged evictions. Indeed, it is not clear that the events in question even constitute evictions. In any event, as we understand it, this incredibly serious accusation was not the subject of any serious inquiry by AI. It was simply the product of an opportunistic collaboration between MWC, Mr. Tulin and an AI representative, apparently worked out during Mr. Tulin's brief stopover in New York as part of MWC's anti-Barrick 2009 road show. It is revealing that the AI representative made absolutely no effort to contact Barrick or the PJV to test the credibility of the Tulin/MWC allegations before publishing a worldwide urgent alert. In any event, Barrick has responded directly to AI's May 11th letter. A copy of that response is attached to these comments as Appendix A.

The second item identified in your letter is:

> *"MiningWatch Appeals to U.N. over Human Rights Abuses Related to Barrick Mine in Papua New Guinea,"* Mining Watch Canada, http://www.miningwatch.ca/index.php?/porgera/porgera_urgent_appeal_to_un

Barrick has also directly responded to MWC's "urgent appeal" to the United Nations. A copy of that response is attached to these comments as Appendix B.

The third item identified in your letter is:

> *The Centre on Housing Rights and Evictions (COHRE) statement in support of victims of forced evictions in Porgera*, http://www.protestbarrick.net/article.php?id=487

To our understanding this letter also was solicited by Ms Coumans. To our knowledge the COHRE letter includes absolutely no first-hand information concerning the events in question regarding Porgera. Although the letter is dated a month after the events it addresses there is no basis in the letter to suggest that anyone from COHRE has ever visited PNG in connection with the allegations, contacted relevant PNG officials, or otherwise conducted any investigation whatsoever regarding the events in question before writing the letter. COHRE refers to having received information from "local organizations" and unnamed "sources." Based on the information in the letter, it is apparent that those sources are Catherine Coumans, Jethro Tulin and a protestbarrick associate, Mark Ekepa. In view of the fact that COHRE has no apparent familiarity with the facts on the ground in the Porgera valley (other than any information fed to it by MWC) we respectfully decline to address COHRE's letter.

The fourth item identified in your letter is:

> "*UNPFII: Intervention by Jethro Tulin, Executive Officer of Akali Tange Association* (Porgera, Enga Province, Papua New Guinea)," http://www.protestbarrick.net/article.php?id=483

This item, also taken from the protestbarrick website, ostensibly is a statement by Jethro Tulin, Executive Officer of Akali Tange Association, presented at the United Nations. We say "ostensibly" because we are very familiar with Mr. Tulin. He is conversant with and regularly raises specific, locally-focused compensation/relocation issues regarding Porgera – issues with respect to which he and the organization he represents are no doubt generally informed and genuinely concerned. It is apparent to us that for purposes of this statement, in which *someone* advocates a variety of new global initiatives for the UN and World Bank but references Porgera only in passing, Mr. Tulin was largely being used as a prop.[8] The statement is, in our view, nothing more than an advocacy piece by MWC or one or more of Mr. Tulin's other "hosts" on his North American road show, which has been opportunistically attributed to an indigenous person from PNG. Consequently, we respectfully decline to respond to it.

The fifth item identified in your letter is:

> *"Porgera up in flames,"* Simon Eroro, *Post Courier* [Papua New Guinea], http://www.protestbarrick.net/article.php?id=449

This PNG newspaper article, "Porgera up in Flames," was written in late-April, 2009, and has recently been reproduced from the protestbarrick website. We are not sure what purpose it serves, nor do we understand why BHRRC would propose to republish a newspaper article that is more than seven weeks old when much more relevant, factual and up-to-date information is readily available in the PNG press and otherwise. The article in question was written in Port Moresby on or about the day that events that are the subject of the article occurred in the central highlands of PNG. It was written at a time when very little was known in Port Moresby about the events in question in the Porgera Valley. This late-April article was initially generated by the protestbarrick group and the article quotes one of its correspondents, Mark Ekepa, at length, even though, to our knowledge, he was not at Porgera on the relevant dates, having previously largely relocated from the Porgera area to Port Moresby.[9] More current and informed PNG press coverage of the events in question is readily available. That press paints a far more accurate – and entirely different – picture of the events in question and the results of the operation by PNG police to curtail illegal activities in the Porgera valley. For example, we can direct you (see link below) to the following articles:

> *"Porgera leaders surrender arms"*, The National, May 14, 2009.
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> *"Operation Ipili the way to go"*, Editorial, PNG Post-Courier, April 20, 2009.
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> *"Governor pleased with operation"*, PNG Post-Courier, May 15, 2009.

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[8] Compare, for example, the linked UN statement attributed to Mr. Tulin with his writing style and focus in a recent e-mail (attached as Appendix C) from Mr. Tulin to Barrick.

[9] It is notable than *none* of the principals quoted in the press regarding the events of April 27th were anywhere near the Porgera Valley on that date. We understand Mr. Ekepa was in Port Moresby, some 600 kilometers away. Mr. Tulin and Ms Coumans were in Canada, giving anti-Barrick speeches.

"Warring tribes make lasting peace", PNG Post-Courier, May 20, 2009.

"Porgera folks fed-up with crime and violence: ACP", The National, May 21, 2009.

"Clans hand over firepower", The National, June 2, 2009.

http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/PoliceDeployment/default.asp

Also see:

"Let cops stay longer", The National Newspaper, May 8, 2009
see: *http://www.thenational.com.pg/050809/nation4.php*

"Marching for peace and better future", The National Newspaper, June 9, 2009
see lead story and photo at *http://www.thenational.com.pg/060909/*

We understand that you also plan to republish two articles from the Sydney Morning Herald. We have not had time to provide detailed responses to these articles but we will do so in due course.