

Pillar III on the Ground: Lessons from the Porgera Remedy Framework

CONVENIENS AND NON-CONVENIENS

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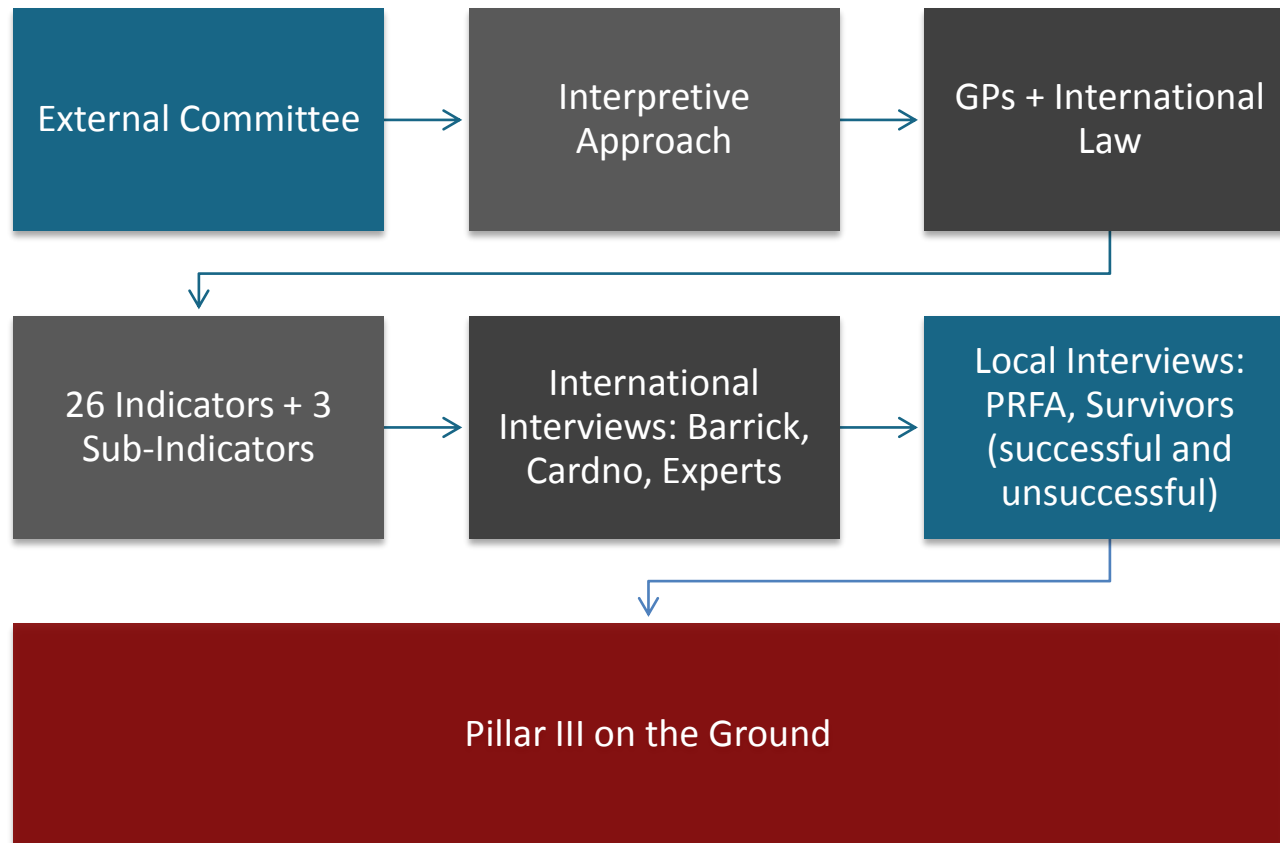
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OVERVIEW: LEARNING FROM THE FRAMEWORK

1. Overview of **Assessment**.
1. The **Framework's lessons** for operational-level grievance mechanisms.
1. The **Assessment's lessons** for stakeholder engagement.

INTRODUCTION TO ASSESSMENT: PURPOSE & METHOD

- Barrick sought independent, public assessment that would be **source of learning** regarding Guiding Principles-aligned OGMs.
- Structured to **minimize discretion and answer “why?”**.



SUMMARY OF ASSESSMENT FINDINGS

- **Framework design:** Well-considered, with detailed procedural protections, to align with Guiding Principles.
- **Framework implementation (procedure):** Framework implementers—PRFA and Cardno—do not appear to have ensured that all procedural protections were respected.
- **Framework implementation (remedies):** Equitable, even generous, with reference to rulings of Inter-American Court of Human Rights.
- **Framework impact on claimants:** Vast majority interviewed reported being abused by family members—forced to give up most or all of remedy.

SIX (BROADLY APPLICABLE) LESSONS FROM THE FRAMEWORK

1. OGM
institutional
limitations

2. Butterfly effect

3. Do not rely on
confidentiality

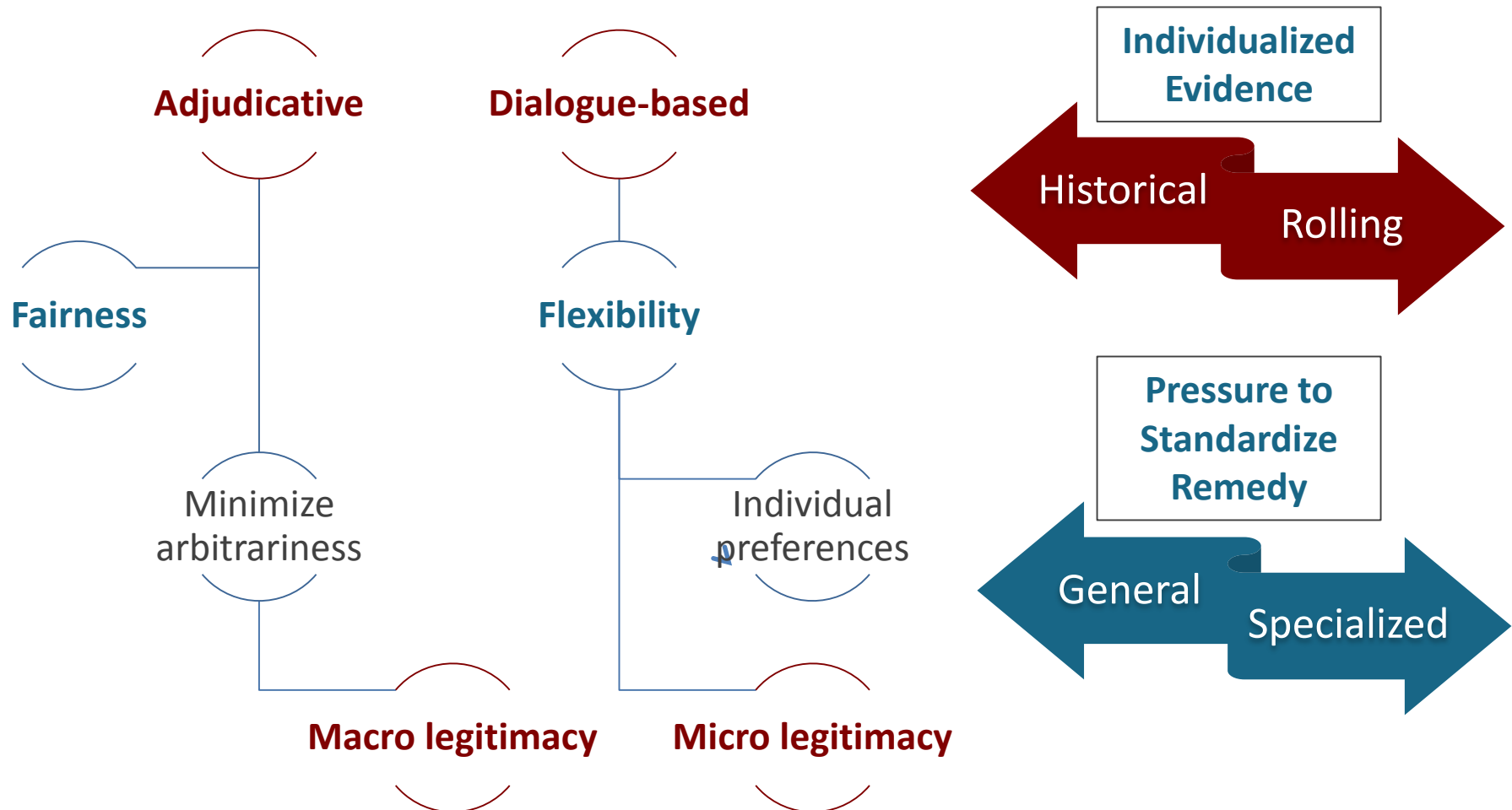
4. Be ready to
report

5. Consistently
monitor
implementation

6. Trust
stakeholder
engagement

LESSON 1: RECOGNIZE INSTITUTIONAL LIMITS

- **OGMs can take many different forms.** Each has its own limitations and benefits.



LESSON 2: RECOGNIZE THE BUTTERFLY EFFECT

- Discrete decisions can have diffuse effects.
- Design and implementation decisions **should not be considered in isolation** with reference to the Guiding Principles.

Two GP-justifiable decisions with adverse effects



LESSON 6: TRUST THE STAKEHOLDER ENGAGEMENT

Pre-Framework Engagement

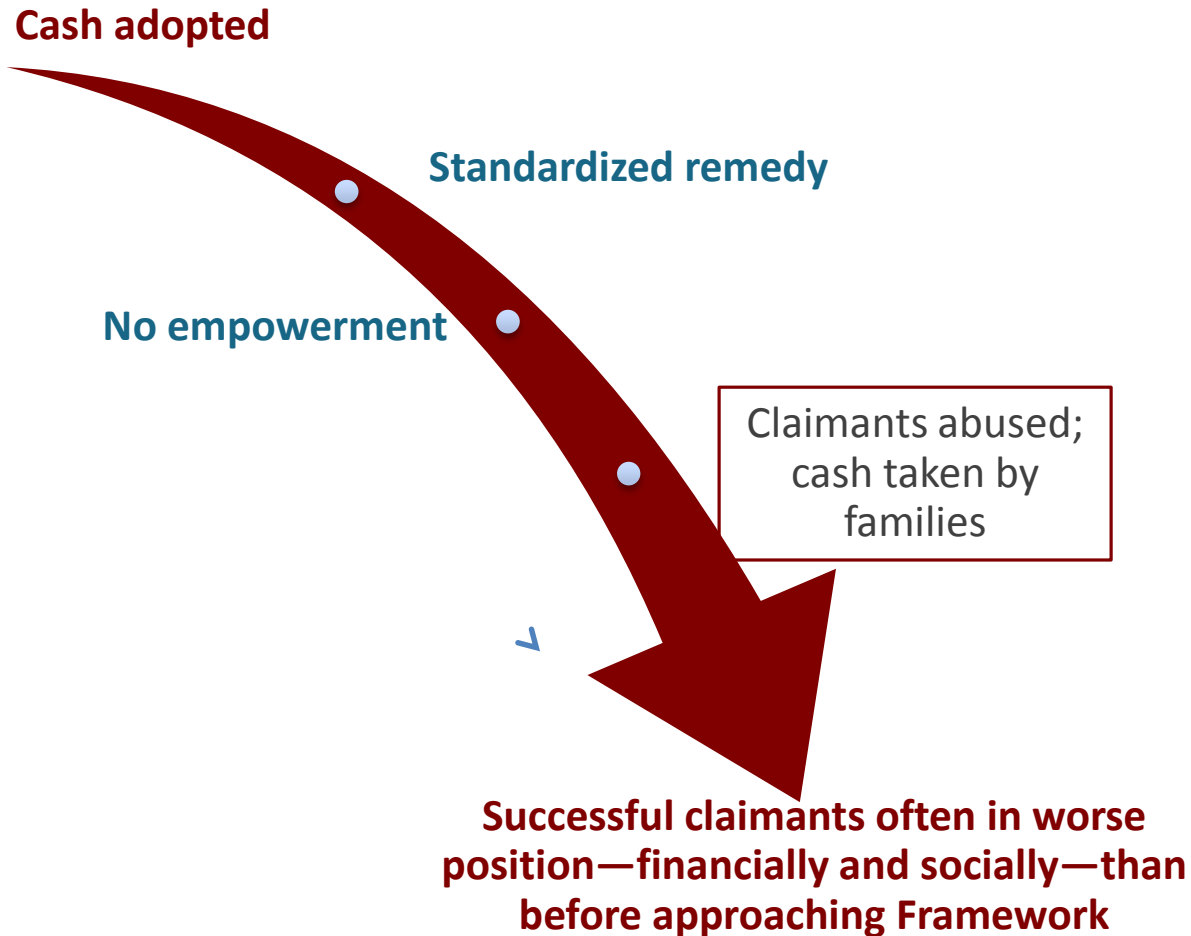


Post-Framework Pressure



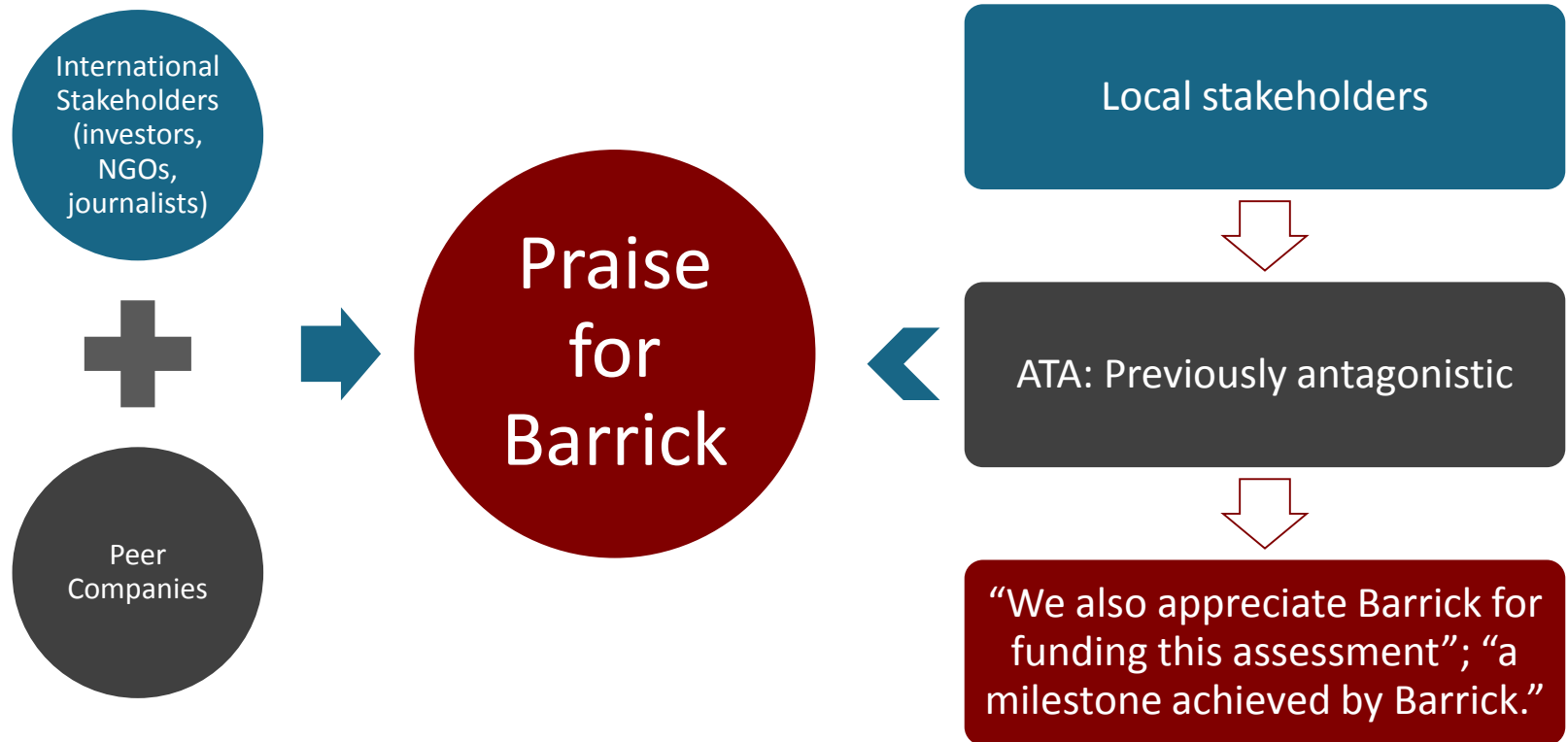
LESSON 6: TRUST THE STAKEHOLDER ENGAGEMENT

- Contrary to its better judgment, **PRFA bowed to stakeholder pressure**. Ultimately, bulk of all awards in cash (bank transfer).



ASSESSMENT LESSONS FOR STAKEHOLDER ENGAGEMENT

- **Two lessons from post-Assessment stakeholder response:**
 1. Transparent **self-criticism can disarm.**
 2. Rigorous commitment to Guiding Principles can provide **powerful framework for productive dialogue.**



ASSESSMENT LESSONS FOR STAKEHOLDER ENGAGEMENT

- The Guiding Principles, properly interpreted, provide a **framework for constructive dialogue with critical stakeholders** (enodorights.com/blog).



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