

Update Statement

Complaint submitted by Human Rights Law Centre
(on behalf of affected individuals) regarding Rio Tinto

29 May 2026

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Update Statement

1. This statement summarises recent developments in ongoing conciliation ('good offices') facilitated by the Australian National Contact Point for Responsible Business Conduct (**AusNCP**) between Rio Tinto and the Human Rights Law Centre (**HRLC**) on behalf of affected individuals in Bougainville, Papua New Guinea. The conciliation meetings arise from a 2020 complaint to the AusNCP concerning Rio Tinto about human rights and environmental impacts arising from the legacy of mining operations at the Panguna mine in Bougainville.
2. This is the fifth Update Statement by the AusNCP about the ongoing conciliation. Further details about the complaint and the parties' engagement are available in earlier AusNCP Update Statements published in July 2021,¹ December 2021,² March 2023,³ December 2024,⁴ and an Initial Assessment statement in September 2023.⁵
3. As has been outlined in previous AusNCP Update Statements:
 - 3.1. The complaint identified concerns under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (**OECD Guidelines**) and sought three commitments from Rio Tinto: to (1) engage to help find solutions and undertake formal reconciliation as per Bougainvillean custom; (2) fund an independent environmental and human rights impact assessment and to develop recommendations to address these; and (3) contribute to a fund to help address harms caused by the mine and assist rehabilitation.
 - 3.2. The parties agreed to first focus on the independent environmental and human rights impact assessment, which would then inform the parties' engagement in relation to the assessment's recommendations and other aspects of the complaint.
 - 3.3. From the commencement of the conciliation, the parties and the AusNCP acknowledged the complexities of resolving the complaint. The Panguna mine ceased operating in 1989, and there are many important stakeholders involved in decisions and management of the land and resources around Panguna: land-users and owners, communities, governments (including the Autonomous Bougainville Government (**ABG**) and the Government of Papua New Guinea (the **PNG Government**)), and private sector companies, including Bougainville Copper Limited (**BCL**), who operated and hold regulatory permits for the Panguna mine.⁶

¹ AusNCP, *Update July 2021 – Complaint by Human Rights Law Centre (on behalf of affected individuals) regarding Rio Tinto*, 21 July 2021, Australian Government.

² AusNCP, *Update December 2021 – Complaint by Human Rights Law Centre (on behalf of affected individuals) regarding Rio Tinto*, 22 December 2021, Australian Government.

³ AusNCP, *Update March 2023 – Complaint by Human Rights Law Centre (on behalf of affected individuals) regarding Rio Tinto*, 29 March 2023, Australian Government.

⁴ AusNCP, *Update December 2024 – Complaint by Human Rights Law Centre (on behalf of affected individuals) regarding Rio Tinto*, 13 December 2024, Australian Government.

⁵ AusNCP, *Initial Assessment – Complaint by Human Rights Law Centre (on behalf of affected individuals) regarding Rio Tinto*, 15 September 2023, Australian Government.

⁶ Bougainville Copper Limited, 2024 Annual Report, stating that "BCL holds the Exploration Licence over the previous Panguna Special Mining Lease area." Port Moresby: Bougainville Copper Limited, accessed 31 March 2026. Available <https://www.bcl.com.pg/results-and-reports/>.

- 3.4. The parties together developed the scope for an independent Panguna Mine Legacy Impact Assessment (**PMLIA**) to assess the mine’s environmental impacts and the social and human rights impacts directly connected to those environmental impacts. The parties also worked with the ABG and other stakeholders in establishing a Panguna Mine Legacy Impact Assessment Oversight Committee (**PMLIA Oversight Committee**), in an effort to ensure the impact assessment was done in a way that was supported by the majority of stakeholders and that the broader community had trust in the process. The PMLIA Oversight Committee comprises senior landowner and community representatives, as well as members from the ABG, Rio Tinto, HLRC, the PNG Government, and BCL.
- 3.5. The PMLIA Oversight Committee is chaired by an Independent Facilitator who is independent from all PMLIA Oversight Committee members, including the PNG Government and the ABG, Rio Tinto, BCL, HLRC, and the complainants. The PMLIA Oversight Committee is supported by a Secretariat, which maintains a website that publishes details about the process, the PMLIA Oversight Committee, and key updates.⁷ The PMLIA Oversight Committee’s Secretariat also runs a community-led dialogue project to help support community participation and engagement in the impact assessment.
- 3.6. Phase 1 of the PMLIA examined acute impacts of the Panguna mine, particularly priority areas for communities’ safety. Rio Tinto agreed to predominantly fund the PMLIA, with BCL also contributing, through a separate funding company with independent directors, the Panguna Legacy Assessment Company.
- 3.7. In December 2024, the PMLIA Phase 1 Assessment Report (**Phase 1 Report**) was published.⁸ The PMLIA Oversight Committee’s Secretariat issued a media release at the same time, commending the parties and the progress to date, and noting:
- The Panguna Mine, which was one of the largest copper mines in the world during operations from 1972 to 1989, was a significant contributor to Papua New Guinea’s economy. The cessation of operations due to a devastating 10-year civil conflict was in part sparked from concerns around the management of the mine and its environmental and social impacts. Many of these concerns up until now have been largely left unaddressed.⁹
- 3.8. In parallel with the PMLIA and PMLIA Oversight Committee developments, the parties to the AusNCP complaint have continued to participate in AusNCP good offices meetings. While the PMLIA Oversight Committee oversees the PMLIA process, AusNCP good offices provide the parties with an independent platform to discuss how the PMLIA process may support the resolution and other aspects of the AusNCP complaint.

⁷ Panguna Mine Legacy Impact Committee, ‘Panguna Mine Environmental & Human Rights Impact Assessment’, n.d., accessed 4 January 2023. <http://tanorama.com/pangunasecretariat.html>.

⁸ The full report (in English) and a summary (in English and Tok Pisin) are available on the Panguna Mine Environmental & Human Rights Impact Assessment - Oversight Committee Secretariat (PMLIA OC Secretariat) website: PMLIA OC Secretariat, ‘Updates’, PMLIA OC Secretariat website, n.d., accessed 6 December 2024.

⁹ PMLIA Secretariat, page 2 of *Delivery of Assessment Report Marks the Successful Completion of Phase 1 of the Panguna Mine Legacy Impact Assessment*, 6 December 2024, <http://tanorama.com/pangunasecretariat.html>, accessed 31 Mar 2026.

- 3.9. The AusNCP Independent Examiner noted, in the March 2023 Update Statement, that Rio Tinto’s approach to the complaint and their provision of the majority of the funding for the PMLIA process is a good example of some measures expected by the OECD Guidelines. The HRLC’s research and documentation in the complaint provided the initial detail and substance to progress the AusNCP process, and their ongoing representation has been critical to progress. The Independent Examiner also acknowledges the lead complainants and the persons on whose behalf the complaint was filed. Their patience with the long process (especially given the ongoing impacts documented in the Phase 1 Report) is noted, and their thorough engagement and dissemination of information around communities in Bougainville has ensured the process has the best chance of achieving lasting improvements.
4. In August 2024, the ABG, BCL, and Rio Tinto signed a Memorandum of Understanding to address concerns around future risks of ageing infrastructure in the former Panguna mine area. In November 2024, the ABG, BCL, and Rio Tinto formed a Roundtable to address the findings of the Phase 1 Report. Rio Tinto has stated that ‘[u]nder the MoU, the Roundtable Parties will work together, consult with impacted communities and establish a process on how to agree on how to remedy actual and potential impacts identified in the PMLIA’, and that it is intended ‘this will include establishing an effective remedy mechanism that is aligned with the United Nations Guiding Principles on Business [and] Human Rights’.¹⁰ BCL has also stated that ‘[t]his group plans to address [the] PMLIA findings and develop a remedy mechanism consistent with [the] UN Guiding Principles on Business and Human Rights’.¹¹
- 4.1. In February 2025, BCL reported that ‘mitigation works are being carried out on old BCL assets, including the Jaba Pump Station and the Momau River Bridge, as well as the former mine area workshop, storage facilities and concrete wall in the Panguna town area’.¹²
- 4.2. Rio Tinto’s statement of 2025 progress stated the following.

Throughout 2025, we have continued to engage with the PMLIA Oversight Committee, and the Autonomous Bougainville Government (ABG) and Bougainville Copper Limited (BCL) through a Roundtable, to identify ways forward and key priority actions. Ongoing and continuing efforts by the Roundtable parties to address high and very high saliency impacts and imminent risks include:

- works on 4 structural sites that pose severe and imminent risks to nearby communities
- removal of hazardous materials associated with a risk to life from Loloho Port

¹⁰ Rio Tinto, ‘Panguna parties sign memorandum of understanding to address mine impacts’, media release, 6 Dec 2024, accessed 7 May 2026. Available <https://www.riotinto.com/en/news/releases/2024/panguna-parties-sign-memorandum-of-understanding-to-address-mine-impacts>.

¹¹ Page 3 of BCL Company Secretary *Notice to ASX*, Appendix 4E preliminary final result, 28 February 2025. Port Moresby: Bougainville Copper Limited. Available <https://www.bcl.com.pg/4e-preliminary-final-report/>, 31 March 2026.

¹² Page 3 of BCL Company Secretary *Notice to ASX*, Appendix 4E preliminary final result, 28 February 2025. Port Moresby: Bougainville Copper Limited. Available <https://www.bcl.com.pg/4e-preliminary-final-report/>, 31 March 2026.

- works to address the impact of flooding for Kuneka Creek communities
- geo-technical monitoring and hazard awareness campaigns to ensure local communities and small-scale miners are made aware of potential risks; and
- additional investigations to address the most critical impacts identified in the PMLIA.

We continue to support a water and sanitation project in Central Bougainville, in cooperation with the ABG, providing drinking water facilities and youth training to communities.¹³

- 4.3. In March 2026, BCL reported ‘the successful demolition and removal of three unsafe masonry walls that were identified as imminent severe risks through the Panguna Mine Legacy Impact Assessment (PMLIA) process...[and that] BCL, the Autonomous Bougainville Government (ABG), and Rio Tinto have acknowledged the findings of the PMLIA and remain committed to addressing legacy impacts in a responsible, transparent, and collaborative manner’.¹⁴
- 4.4. BCL also stated, in March 2026, that ‘further planned works are also underway to address remaining sites identified during PMLIA fieldwork including the removal of hazardous chemicals from Loloho Port, addressing flooding at Kuneka Creek, and the demolition of other unsafe structures in the mine area’, and that ‘[t]hese activities are being progressively advanced, with safety and stakeholder engagement guiding all works’.¹⁵
5. In April 2026, Bougainville was hit by Tropical Cyclone Maila, which affected over 100,000 people across Bougainville and resulted in fatalities.¹⁶ In communities within the vicinity of the mine site, access to food, water, and health services has been severely disrupted.¹⁷ The AusNCP notes that the ABG has declared a three-month state of emergency across Bougainville and that recovery and humanitarian response efforts are ongoing.¹⁸
6. As acknowledged early in this process, AusNCP-facilitated dispute resolution (directly between Rio Tinto and the communities represented by HRLC, concerning Rio Tinto’s consistency with the OECD Guidelines) is part of a broader process involving other parties and issues that is seeking to

¹³ Rio Tinto ‘Update on the Panguna Mine: 2025 progress’, <https://www.riotinto.com/en/news/trending-topics/panguna-mine>, 31 March 2026.

¹⁴ BCL Media Release, *BCL commences removal of identified imminent severe risks (ISR) masonry walls*, Media Release, 4 March 2026. Port Moresby: Bougainville Copper Limited. Available <https://www.bcl.com.pg/bcl-commences-removal-of-identified-imminent-severe-risksisr-masonry-walls/>, 31 March 2026.

¹⁵ BCL Media Release, *BCL commences removal of identified imminent severe risks (ISR) masonry walls*, Media Release, 4 March 2026. Port Moresby: Bougainville Copper Limited. Available <https://www.bcl.com.pg/bcl-commences-removal-of-identified-imminent-severe-risksisr-masonry-walls/>, 31 March 2026.

¹⁶ ABG statement *SOE Update from Controller on Cyclone Maila Situation and Response* (18 April 2026, abg.gov.pg/index.php?/news/read/soe-update-from-controller-on-cyclone-maila-situation-and-response).

¹⁷ ABC, *Cyclone Maila kills at least 11 people in Papua New Guinea* (13 April 2026, <https://www.abc.net.au/news/2026-04-13/tc-maila-kills-11-people-as-australia-provides-millions/106557122>). See also NBC PNG, *Two dead as Cyclone Maila hits Bougainville* (10 April 2026, <https://www.nbc.com.pg/post/34405/two-reported-deaths-in-arob-from-tc-maila>).

¹⁸ ABG statements, *AROB declares State of Emergency following cyclone Maila* (13 April 2026, abg.gov.pg/index.php?/news/read/arob-declares-state-of-emergency-following-cyclone-maila) and *Bougainville SOE Controller issues Emergency Orders* (14 April 2026, abg.gov.pg/index.php?/news/read/bougainville-soe-controller-issues-emergency-orders).

address impacts from previous mining operations in Panguna. The context appears to have changed significantly over the last 12-18 months, with multiple parties and processes engaged in matters (separate from but relevant to AusNCP-facilitated dispute resolution between the parties).

- 6.1. A class action was commenced in Papua New Guinea courts in May 2024 by various parties broadly concerning the same events considered in this complaint, the PMLIA process, and by the PMLIA Oversight Committee.¹⁹ The court proceedings concerning Rio Tinto and BCL allege environmental and human rights violations from the operation of the mine and the lack of remediation.²⁰ The 'legal costs and other fees associated with the ... proceedings are being funded by a third-party litigation funder, Panguna Mine Action LLC ...[who] would be entitled to receive a share of the judgment if the plaintiffs were successful'.²¹
- 6.2. Rio Tinto stated it would defend the proceedings, that its 'focus remains on constructive engagement and meaningful action with local stakeholders through the Panguna Mine Legacy Impact Assessment', and that it 'recognises the importance of understanding and addressing the environmental, and directly connected social and human rights impacts that have occurred since mining operations ceased'.²²
- 6.3. The Papua New Guinea National Court of Justice dismissed the proceedings in September 2025, finding that the proceeding was an abuse of process.²³ The litigation funder has indicated that they are funding an appeal of this decision to the Supreme Court of Papua New Guinea.²⁴
- 6.4. There have been reports of ongoing artisanal mining (allegedly without legal authority) occurring in various areas where the Phase 1 Report identified as needing remediation or being unstable. The continued presence of artisanal mining could lead to challenges in addressing some aspects of the Phase 1 Report findings.
- 6.5. In late 2025 and early 2026, various statements were made by the ABG and BCL about the potential development (and re-opening) of the Panguna mine.²⁵

¹⁹ The proceedings are described in the 26 September 2025 decision of the Papua New Guinea National Court of Justice, *Miriori -v- Rio Tinto* [2025] PGNC 354. Available <https://www.pacii.org/pg/cases/PGNC/2025/354.html> (accessed 31 March 2026).

²⁰ *Miriori -v- Rio Tinto* [2025] PGNC 354, [2] per Justice Anis.

²¹ *Miriori -v- Rio Tinto* [2025] PGNC 354, [31] & [41] per Justice Anis.

²² Rio Tinto, *Statement on the Panguna Mine Legacy class action lawsuit*, <https://www.riotinto.com/en/news/trending-topics/panguna-mine>, 31 March 2026.

²³ *Miriori -v- Rio Tinto* [2025] PGNC 354, [32] per Justice Anis.

²⁴ Panguna Mine Action *Panguna Mine Action: decision of Justice Anis, 26 September 2025, and appeal to the Supreme Court*, Media enquiries: Morris Mennilli Lawyers (Sydney), 20 November 2025. Port Moresby: Available <https://www.pangunamineaction.com/resources/>, 31 March 2026.

²⁵ These include:

- BCL statements *Termination of Strategic Partnering Process* (9 February 2026 <https://cdn-api.markitdigital.com/apiman-gateway/ASX/asx-research/1.0/file/2924-03054298-3A686706&v=undefined>) and *Resignation of Directors* (9 February 2026 <https://cdn-api.markitdigital.com/apiman-gateway/ASX/asx-research/1.0/file/2924-03054518-3A686743&v=undefined>)
- ABG statements *President Toroama confirms ABG position on Panguna partnering process* (29 January 2026, <https://abg.gov.pg/index.php?/news/read/president-toroama-confirms-abg-position-on-panguna->

7. It is apparent that various parties who are represented on the PMLIA Oversight Committee appear to hold differing views about the potential re-opening of the mine. Decisions about the future of mining operations at Panguna are a matter for the people of Bougainville and their government, and sit outside the scope of the AusNCP-facilitated dispute resolution. Any such decisions will, however, shape the environment within which any resolution of the legacy and ongoing impacts and issues may occur.
8. The AusNCP commends the parties' constructive engagement on the issues raised. The parties' engagement has been robust, but courteous and constructive. The AusNCP-facilitated dispute resolution (or 'good offices') has enabled HRLC, Rio Tinto, and the lead complainants to confidentially engage in good faith about the issues raised in the complaint and the application of the OECD Guidelines. The AusNCP conciliation process continues and, in 2026, is expected to progress dialogue and action over the next aspects of the complaint about addressing impacts, rehabilitation, and reconciliation in line with the complaint's requests and consistent with the OECD Guidelines. The AusNCP-facilitated dispute resolution remains focused on the consistency of Rio Tinto with the OECD Guidelines and is not able to, nor will it seek to, influence the decisions by any government.
9. The AusNCP has made no determination on the merits of the claims presented, nor an assessment of whether Rio Tinto's previous actions were consistent with the OECD Guidelines.
10. A draft of this statement was prepared by the AusNCP Independent Examiner and reviewed by the parties. The complainants and Rio Tinto each identified some concerns and proposed amendments, not all of which are reflected in the final text of this statement. All parties do, however, agree that the statement reflects areas of agreement and can be made available on the AusNCP website at www.ausncp.gov.au.

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[partnering-process](https://abg.gov.pg/index.php?/news/read/abg-and-lloyds-metals-energy-limited-sign-mou)) and *ABG and Lloyds Metals & Energy Limited sign MOU* (20 November 2025 (<https://abg.gov.pg/index.php?/news/read/abg-and-lloyds-metals-energy-limited-sign-mou>))

- BCL statement *Panguna project – update following trading halt and ABG–LMEL MOU* (25 November 2025 <https://cdn-api.markitdigital.com/apiman-gateway/ASX/asx-research/1.0/file/2924-03027622-3A682222&v=undefined>).