



21 November 2023

Rupert Rowland Clark
General Counsel & Company Secretary
Petra Diamonds Limited
1st Floor, 52-53 Conduit Street
London
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Re: Community relations and Independent Grievance Mechanism of Williamson Diamond Mine

Dear Mr Rowland-Clark

We appreciate Petra Diamonds' commitment to engaging with IPIS since July 2023 on topics of community relations and the Independent Grievance Mechanism (IGM) at the Williamson mine in Tanzania, which are covered in our recently published report "[*Petra Diamonds' attempts to come clean with its tarnished past in Tanzania - Challenges in securing access to remedy and restoring community relations after serious human rights abuse at the Williamson diamond mine*](#)". In our view, this engagement has contributed to the nuanced and balanced analysis presented in this report.

The report offers perspectives of different key stakeholders and is based on extensive research and engagement with those stakeholders. In our report we focus on both strengths and limitations of initiatives taken since Petra's settlement with 96 alleged victims of human rights abuse at the Williamson mine, as well as challenges and opportunities for improvement. As such, IPIS stands firmly behind the report and its findings.

In Petra's public response to IPIS' report, dated 8 November 2023, Petra has listed a number of issues, including several factual inaccuracies. It is not clear to us what factual inaccuracies Petra is referring to. We notice differences in interpretation, which are in our view due to a different level of understanding of the context and grievances of local residents.

We believe that our report, and the voice it gives to community concerns that have so far remained unheard, speaks for itself. To avoid any confusion, we nonetheless want to clarify a number of points where Petra either attributes claims to IPIS that we never made, or misrepresents our findings. We have already addressed these issues in our prior correspondence with Petra and find it disappointing that this is not reflected in Petra's public response.

IPIS looks forward to further engagement with Petra, as well as Williamson Diamonds, the Independent Grievance Mechanism, and other relevant stakeholders to work towards the implementation of IPIS' recommendations with the overall objective of improving community relations and access to remedy for local residents impacted by the Williamson mine.

Feedback on specific points raised by Petra:

Changes to shareholding structure: At no point does IPIS write that Petra's reduced shareholding in Williamson Diamonds would impact its commitment to the settlement projects.

Independence of the IGM and Petra's human rights due diligence: the report does in no way argue that Petra should require the Independent Grievance Mechanism (IGM) "to focus its attentions on particular allegations at the behest of IPIS". We do find it concerning that Petra, in August 2023, wrote to IPIS that it was only aware of allegations of injuries that are "typically attributable to the illegal miner falling while fleeing from security guards or the police". This suggests that Petra was not aware of the allegation of an artisanal miner being shot by private security guards at the Williamson mine, even though a complaint to that effect had been lodged at the Williamson mine's community relations office already in May 2022. This raises questions about the effectiveness of the company's management systems for human rights due diligence, as prescribed by the OECD Due Diligence Guidance and the UN Guiding Principles on Business and Human Rights (UNGPs).

Stated purpose of the IGM pilot phase: as we have already answered to Petra, IPIS does not "misunderstand the expectations of the UNGPs". The report clearly describes the purpose of the pilot phase and commends the IGM's commitment to continuous learning. What IPIS finds problematic is that the pilot phase fell short on a number of key commitments, while the outcomes and experiences of claimants participating in this phase are very real. Claimants indicated to be called in to the IGM office without prior notification or time to prepare, with hardly any information on what was expected from them, without the promised legal aid being at their disposal, with no psychosocial support services available, with staff not adequately trained to deal with vulnerabilities, etc. As we write in the report, the IGM has indeed learned from these experiences, and is addressing a number of these shortcomings. However, this does not change the fact that addressing these basic elements from the outset would have prevented many negative – and in several cases traumatising - experiences of claimants.

Future of the IGM: IPIS notes Petra's view that the IGM was never intended to be a permanent facility and reiterates the considerable confusion that exists around this among neighbouring communities. If there is a separate procedure to bring allegations of serious human rights violations to the Williamson mine directly, beyond the (time) scope of the IGM, than local residents in any case do not seem to be aware of its existence.

Written information provided to local communities: We can only reiterate what we write in the report and what we have already responded to Petra: none of IPIS' 120 respondents has seen an IGM manual. Further, IPIS endorses the recommendation of the IGM's recent [Independent Monitors \(IM\) report](#), that "Unmet expectations, misinformation, perceived or real, and uncertainties need to be addressed through continuous community engagements".

No restrictions on who can be called as witnesses: We reiterate what we write in the report and what we have already responded to Petra: our observation relates to the considerable confusion that exists among adjacent communities on this topic, which seems due to insufficient provision of information and transparency. To emphasise why IPIS finds Petra's references to 'factual inaccuracies' misleading, we provide the literal quote from our report: "Some respondents understood, for instance, that direct family members cannot be witnesses, while others had their spouses testify" (p. 70).

Fact-finding team only approach villagers with consent of complainant: We restate what we write in the report: "Survey respondents indicated that they had not been explained this process and felt that this was being done in secret, behind their backs". If express consent is sought, than this seems to be a new practice, which is also what Petra suggested in its earlier correspondence with IPIS where it wrote that "the express consent of the complainant is *now* sought before doing so" (in its public response Petra changed this to "is *always* sought").

Responsiveness to gender and sexual and gender-based violence (SGBV) issues: As we write in the report, these are issues on which the IGM is catching up following the pilot phase. IPIS hopes that Petra's claim that "such measures are already in place", will not prevent the IGM from addressing the considerable room for improvement that was also highlighted in the IGM's IM report: "The IGM staff are becoming more empowered toward meeting the needs of vulnerable complainants ... the IM understands that from a position of having virtually no service, the IGM now has a roster of qualified medical doctors and psycho-social experts, who are on call to provide assistance when requested by the IGM ... The IM highlights that there may also be a need to equip LOs [Legal Officers] and FFTs [Fact Finding Teams] with a deeper understanding of how to handle persons who are psychologically affected."

Request for IPIS to provide further information on allegations of evidence tampering and bribery: As previously discussed, IPIS cannot share all details for confidentiality and security reasons but we are happy to discuss and elaborate on our findings during a next engagement.

Confiscation of livestock: As we already shared with Petra, various respondents mentioned confiscation of livestock by Williamson's guards with results in a fine of TZS 300,000 for a herd of cattle (not per head) by the relevant village council.

Support for Artisanal and Small-Scale Mining: IPIS' main point about the ASM project that did not pass the feasibility phase, is that communication will be key as we noted high expectations in the ASM community following a baseline study commissioned by Petra. IPIS also notes that Petra's most recent update on the implementation of the settlement is the first one that no longer characterises the ASM project as one of the restorative justice measures funded from Petra's escrow account (compare the updates of [February 2023](#) and [November 2023](#)).

Tailing Storage Facility (TSF) failure: As we already shared with Petra, we find it surprising that adding a public statement from a senior government official from an office with a mandate on environmental matters (i.e., Dr Gwamaka at NEMC) at the start of the chapter on the tailings dam breach is considered misleading. Dr Gwamaka's statement was published in one of the key national newspapers of Tanzania (the Citizen), which we reference. The reader will also note that we have not based any further interpretations of the TSF failure on Dr Gwamaka's statement. We actually complement this statement with one on Petra's website indicating that investigations into the cause of the dam breach are ongoing, with a final report expected by the end of 2023. In that way, we offer the info that was publicly communicated by both an officer from a relevant Tanzanian institution and by a stakeholder in the mine. We fail to see how this is misleading.

IPIS is happy to discuss the topic of affected people more with Petra and Williamson Diamonds, and we are also happy to relay info about any mechanism set up for people affected by the TSF breach to people who feel they missed out on support and remediation after the TSF failure.

Yours sincerely,



Filip Reyniers
Director