



Mr Gerbrand Haverkamp
 Executive Director, World Benchmarking Alliance
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By email: g.haverkamp@worldbenchmarkingalliance.org

8 July 2020

Dear Mr Haverkamp,

Re: Rio Tinto's ranking on the Corporate Human Rights Benchmark

We are writing to express our serious concern regarding Rio Tinto's continued high public ranking on the global Corporate Human Rights Benchmark, following the company's recent egregious actions at Juukan Gorge in Western Australia.

As you know, on 24 May, Rio Tinto detonated the caves at Juukan Gorge in order to expand its Brockman 4 iron-ore mine, destroying a 46,000 year-old Aboriginal sacred site which had contained artefacts indicating tens of thousands of years of continuous human occupation.¹

¹ Calla Wahlquist, 'Rio Tinto blasts 46000 year old Aboriginal site to expand iron ore mine' (26 May 2020, The

The traditional owners of the site, the Puutu Kunti Kurrama and Pinikura (PKKP) Peoples, have publicly stated that they were only informed of the company's intention to destroy the site on 15 May, after making an application for permission to access the site for NAIDOC Week (a week dedicated to the celebration of Aboriginal heritage) and were told it was too late to stop the detonation as explosives had already been laid.² The PKKP had already engaged in a seven-year battle to try to protect the site.

The destruction of Juukan Gorge has devastated the PKKP and Aboriginal and Torres Strait Islander communities and their allies across the globe, and robbed the world of a uniquely valuable cultural heritage site. It has received global condemnation from the public, media and the company's own investors³ and has led Reconciliation Australia, the lead independent body for facilitating reconciliation between Aboriginal and Torres Strait Islander people and the wider Australian community, to formally sever its partnership with Rio Tinto.⁴

Rio Tinto's response to the events to date has been to issue a qualified apology for the "distress" caused by the destruction⁵ and to commit to a review of its approach to cultural heritage. This is far from an adequate response to an incident of this magnitude. The company has also given repeated media interviews claiming that the detonation was the result of a "misunderstanding" with the PKKP, a claim which has been directly contradicted by PKKP representatives, who have stated that they brought the archaeological and ethnographic significance of the site to Rio Tinto's attention on numerous occasions.⁶

Unfortunately, Rio Tinto's actions at Juukan Gorge are not an aberration. In recent years, the company has been the subject of serious human rights and environmental complaints by communities in Bougainville, West Papua, Mongolia, Guinea, Namibia and Madagascar.⁷ In Bougainville, indigenous landowners report ongoing flooding and destruction of their sacred

Guardian) <https://www.theguardian.com/australia-news/2020/may/26/rio-tinto-blasts-46000-year-old-aboriginal-site-to-expand-iron-ore-mine>.

²) Emma Young and Nick Toscano, "Incomprehensible": How Rio Tinto reduced 46000 years of history to rubble (WA Today) https://www.watoday.com.au/business/companies/incomprehensible-how-rio-tinto-reduced-46-000-years-of-history-to-rubble-20200605-p54zx7.html?ref=rss&utm_medium=rss&utm_source=rss_feed

³ See, eg, Nick Toscano, 'Rio Tinto feels more heat on cave blast as investor pressure rises (3 June 2020, The Sydney Morning Herald) <https://www.smh.com.au/business/companies/rio-tinto-feels-more-heat-on-cave-blast-as-investor-pressure-rises-20200602-p54yqm.html>.

⁴ Melanie Smith, 'Rio Tinto loses Australian Indigenous backing after blasting sacred caves' (10 June 2020, Reuters / New York Times) <https://www.nytimes.com/reuters/2020/06/10/world/asia/10reuters-australia-mining-rio-tinto-indigenous.html>.

⁵ Rio Tinto, 'Response to Business and Human Rights Resource Centre: Statement on Juukan Gorge' (9 June 2020) <https://www.business-humanrights.org/sites/default/files/documents/BHRRC%20Rio%20Tinto%20response%209%20June%202020.pdf>.

⁶ Calla Wahlquist, 'Rio Tinto blames 'misunderstanding' for destruction of 46,000-year-old Aboriginal site' (5 June 2020, The Guardian) <https://www.theguardian.com/business/2020/jun/05/rio-tinto-blames-misunderstanding-for-destruction-of-46000-year-old-aboriginal-site>.

⁷ See, Human Rights Law Centre, 'After the mine: Living with Rio Tinto's deadly legacy' <https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/5e7d7cce47c7f816da86005f/1585282297310/AfterTheMineRioTintoDeadlyLegacy.pdf>; London Mining Network, 'Cut and Run: How Britain's top two mining companies have wrecked ecosystems without being held to account' (February 2020) <https://londonminingnetwork.org/wp-content/uploads/2020/02/EMBARGOED-Cut-and-run.-How-Britains-top-two-mining-companies-have-wrecked-ecosystems.pdf>; SOMO, 'Undermining Mongolia: Corporate hold development trajectory' (February 2020) <https://www.somo.nl/wp-content/uploads/2020/02/Undermining-Mongolia-EN.pdf>; Dan Oakes, 'Mine joint-owned by Australian mining giant Rio Tinto is polluting community in Guinea, villagers say' (12 November 2019, ABC News), <https://www.abc.net.au/news/2019-11-12/villagers-in-guinea-say-australian-part-owned-mine-polluting/11685412>; John Vidal, 'Uranium workers dying after time at Namibia mine, report warns' (14 April 2014, The Guardian) <https://www.theguardian.com/environment/2014/apr/15/uranium-workers-dying-cancer-rio-tinto-namibia-mine>; Andrew Lees Trust, 'ALT UK's inquiry into the violation of an environmental buffer zone by Rio Tinto's QMM mine in southern Madagascar' (24 May 2019) <http://www.andrewelestrust.org/blog/?p=1395>.

sites as well as extensive health, safety and environmental impacts as a result of massive quantities of mine waste pollution left by the company's operations.⁸ In Guinea, communities are facing destruction of their livelihoods due to loss of vast areas of land and water sources to Rio Tinto's jointly-owned bauxite mine⁹ and in Madagascar, repeated concerns have been raised about potential public health risks from contamination of communities' drinking water sources with elevated levels of uranium and lead from a Rio-owned ilmenite mining project.¹⁰

Rio Tinto's actions at Juukan Gorge and elsewhere evince a profound lack of regard for its human rights obligations under both the United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.

Yet based on the 2019 CHRB rankings, Rio Tinto is still currently listed on your website as the highest ranked extractives company globally on human rights issues, with a score within the second-highest possible band.

This ranking is, in our view, misleading to investors and other stakeholders who rely on the CHRB to provide robust and credible information on companies' human rights record as well as being disrespectful to the communities whose rights have been so profoundly impacted by Rio Tinto's actions.

We strongly urge the CHRB to take immediate steps to suspend Rio Tinto and remove its scores from the benchmark pending the upcoming review of the CHRB's ranking methodology.

We note that the CHRB has already acknowledged that its current methodology (under which allegations of human rights abuses, no matter how serious, only affect a maximum of 20% of a company's overall score) is not well suited to corporate human rights violations causing large-scale harm.¹¹ We agree, and look forward to engaging further with the CHRB to ensure that going forwards, the weighting given to serious human rights violations is commensurate with their impact on the communities harmed.

Yours faithfully,

Human Rights Law Centre
Kimberley Land Council
South West Aboriginal Land & Sea Council
NSW Aboriginal Land Council
North Queensland Land Council
ANTaR
KRED Enterprises
Yanunijarra Aboriginal Corporation

⁸ See, Human Rights Law Centre, 'After the mine', above.

⁹ See Oakes, above.

¹⁰ See Andrew Lees Trust, above.

¹¹ Corporate Human Rights Benchmark, 'CHRB Response to the Brumadinho Dam Disaster – Vale Suspension from Human Rights Benchmark' (28 Jan 2019) <https://www.corporatebenchmark.org/sites/default/files/CHRB%20Response%20to%20Brumadinho%20Dam%20Disaster%2029Jan2019.pdf>

Original Power
Kimberley Aboriginal Law and Cultural Centre
Walalakoo Aboriginal Corporation
Aarnja Ltd
Environs Kimberley
Australasian Centre for Corporate Responsibility (ACCR)
Australian Lawyers for Human Rights
Oxfam
Rights and Accountability in Development (RAID)
International Corporate Accountability Roundtable (ICAR)
CORE Coalition UK
SOMO (Netherlands)
London Mining Network
Inclusive Development International (IDI)
Publish What You Pay Australia
Australian Centre for International Justice
RMIT Business and Human Rights Centre
Jubilee Australia
Andrew Lees Trust
Arizona Mining Reform Coalition
Oyu Tolgoi Watch (Mongolia)
Gobi Soil
Rivers without Boundaries Coalition (Mongolia)
Universal Rights and Development Center (Mongolia)
Steps without Borders
Malach Consulting
Center for Biological Diversity

Cc: Ms Camille Le Pors, Lead, Corporate Human Rights Benchmark
Mr Simon Thompson, Chairman, Rio Tinto Group
Mr Jean-Sebastien Jacques, CEO, Rio Tinto Group