

HUMAN RIGHTS WORKING GROUP



Responsible Investment
Association Australasia



Post Meeting Papers

Human Rights Working Group Meeting #2

Thursday 30 May 2024 | 12pm to 1:30pm AEST/ 2pm to 3:30pm NZST

Contents

Minutes

Action register

Attendance (43)

Slide Deck

Item	Action required
1. Welcome (5 min) Chair - Måns Carlsson OAM (Ausbitl) <ul style="list-style-type: none">• Opening• Acknowledgement of Country• Minutes from last meeting• Principles of Participation	Submit any amendments to the Minutes to Noa Godsell (RIAA)
2. Special Presentation and Q&A (20 min) Topic: Mandatory Human Rights Due Diligence <ul style="list-style-type: none">• Dr. Rebecca DeWinter-Schmitt (Associate Director of the Investor Alliance for Human Rights)• Feel free to watch the following webinar recording for more context on the European Union's Corporate Sustainability Due Diligence Directive (CSDDD)<ul style="list-style-type: none">○ In response the EU CSDDD's recent adoption, the Investor Alliance for Human Rights (IAHR) joined us to explore what this means as well as how it might impact Human Rights Due Diligence globally and also in Australia or New Zealand.○ Disclosures are there to identify, manage and address risk however disclosures alone are not enough. It is the IAHR's belief that disclosure should drive action, which is why they are pushing for mandatory due diligence to be developed to work alongside the CSDDD. The IAHR's theory of change is that without the ability to accurately identify risks there is never going to be an ability to manage it and companies will continue to be reactive to the issues of the day.○ The IAHR in 2020, released an investor statement created in collaboration with 105 investors outlining the investor and business benefits of mandating due diligence. The statement explores the idea that mandatory due diligence is used for risk management and that a better understanding of the risks being managed generally leads to higher risk adjusted returns which leads to economic growth. Given that this is the case, it is essential that governments are actively taking steps to level the regulatory playing field so that any due diligence legislation that passes adheres to international frameworks, so that	To access the special presentation, please log in to your Member Portal and select; <ol style="list-style-type: none">1. "LEARN" (top bar),2. "Member Only Resources" (bottom of drop-down menu),3. "Working Groups" (Yellow Tile),4. "Human Rights Working Group" (Scroll Down, Yellow Box),5. "2024 Meetings and Special Presentations" (Scroll Down, Underneath Working "Group Details") and then underneath the title:

<p>there is predictability for investors and businesses as well as a shared understanding of what kind of expectations will be placed upon them.</p> <ul style="list-style-type: none"> ○ The United Nations Guiding Principles from an institutional investor perspective often focuses on an involvement framework and an institutions relationship to harm. When business are aware of the harm their investments are causing but are not taking action to amend that harm, they may be in a position where one could say they are actively contributing to harm. Investors have a responsibility to ensure that they are conducting due diligence throughout the investment lifestyle and then use their stewardship to guide business practices to align with Human Rights Frameworks ○ The CSDDD will be phased in over 3 years beginning in 2027 and focusses on a business's chain of activities, a relatively new term similar to supply chain however the chain of activities focuses on upstream coverage and only parts of the downstream supply chain which allows investors to understand how the Due Diligence provisions will ripple throughout the value chain. 	<p>“2 – Thursday 30 May 2024 – Mandatory Human Rights Due Diligence”,</p> <p>you will find the recording of the special presentation, the Pre-meeting papers, and the Post meeting papers.</p> <p>If you require any assistance please contact, Noa Godsell (RIAA)</p>
<p>3. Industry Update (10 min) Stock Watch Report (5 min)</p> <ul style="list-style-type: none"> ○ Note: Phil Sloane apologised, and the Stock Watch Report was not provided during the meeting. ○ For more information, read the full Stock Watch Report attached below. <p>Rights Intelligence Major Project (5 min)</p> <ul style="list-style-type: none"> • Anne-Marie Brook (Rights Intelligence Ltd) <ul style="list-style-type: none"> ○ Rights Intelligence is currently focussing on bringing a 'People and planet' lens to sovereign fixed income and are currently extending an invitation to join their advisory group for the project. This project aims to address the gaps in human rights data coverage and is grounded in the knowledge from a network of in-country human rights experts. ○ The project will begin in August this year and will involve 1 - 2 hours per month over a 6-month period. 	<p>For more information regarding the Stock Watch Report, please contact, Phil Sloane (ISS)</p> <p>For more information regarding the Rights Intelligence Major Project, please contact, Anne-Marie Brook (Rights Intelligence)</p>
<p>4. Subgroup Updates (30 min) AI and Human Rights Investor Toolkit (20 min)</p> <ul style="list-style-type: none"> • Mark Lyster (Lyster & Associates/Edge Impact) • Janelle Morrison (Ausbil) • Jacqueline Stokes (Magellan Group) • Emma Pringle (Maple-Brown Abbott Limited) <ul style="list-style-type: none"> ○ After the Launch of the AI and Human Rights Investor Toolkit at RIAA's Australian Conference, Subgroup's members , gave a brief presentation of the toolkit to the Working Group, outlining the context of the toolkit's creation and a demonstration of some of the ways in which it might be useful for members and applied in practice. ○ The tool is designed to assist investors in developing their understand of the human rights risk that are associated artificial intelligence and offer tools to manage those risks. ○ The group will now meet as the Working Groups require, to ensure the wider group stays up to date on the evolving landscape of AI and its human rights-related issues with Janelle Morrison supporting to provide updates as needed to the working group. 	<p>For more information regarding the AI and Human Rights Investor toolkit, please contact the Subgroups point person, Janelle Morrison (AusBil)</p>

<p>Modern Slavery (5 min)</p> <ul style="list-style-type: none"> Måns Carlsson OAM (Chair) <ul style="list-style-type: none"> In late May, the Australian Modern Slavery Amendment Bill was passed, establishing the first Federal Anti-Slavery Commissioner. It was announced in the 2023–24 Australian Budget that the Government would provide \$8 million over 4 years from 2023–24 (and \$2 million a year ongoing) to establish an Federal Anti-Slavery Commissioner. <p>Conflict (5 min)</p> <ul style="list-style-type: none"> Note: Kate Turner apologised, and a brief update on the Conflict Subgroup was provided by Jess Rowe (Manager of Working Groups) during the meeting. If you would like to further any discussions around the Conflict subgroup please feel free to reach out. 	<p>For more information regarding the Modern Slavery Subgroup, please contact, Jess Rowe (RIAA)</p> <p>For more information regarding the Conflict Subgroup, please contact, Jess Rowe (RIAA)</p>
<p>5. General Updates (20 min)</p> <p>Human Rights Working Group Work Plan (15 min)</p> <ul style="list-style-type: none"> Måns Carlsson OAM (Chair) <ul style="list-style-type: none"> The group used this time to reflect on the working groups previous work plan which was followed by the Members in the meeting receiving a poll to vote on what components of the current work plan should be taken into the groups next work plan. These results will be used to inform the working groups upcoming work plan in combination with an individual engagements with members who will receive a survey and invitation to discuss the workplan shortly after this meeting. The group also received an update from Jess Rowe (Manager of Working Groups) on behalf of Altioem who have called out for individuals who have capacity to support an intern as a mentor. [Note: a volunteer from the working group has since been confirmed] <p>RIAA's Policy and Advocacy update (5 min)</p> <ul style="list-style-type: none"> Nayanisha Samarakoon (RIAA) <ul style="list-style-type: none"> While waiting for the Federal Anti-Slavery Commissioner to be recruited, RIAA will be using its platform to advocate for the MSA to establish due diligence obligations to identify, prevent and address modern slavery. RIAA is involved with the NSW Anti-Slavery Commissioner's code of practice consultation. RIAA also supports the introduction of a legislative response to modern slavery and worker exploitation, forced labour, people trafficking and slavery in Aotearoa New Zealand. The ASFI is currently seeking feedback on the development of an Australian sustainable finance taxonomy however, feedback is limited to the draft headline ambitions for the Australian taxonomy's environmental objectives and the draft climate change mitigation criteria for the first three priority sectors under development. (Electricity; minerals, mining and metals; and construction and the built environment.) The initial draft of the NZ industry taxonomy proposal will be submitted to Government in August. 	<p>If you have any inputs on the Human Rights Working Group's work plan, Please contact Jess Rowe (RIAA)</p> <p>For more information on RIAA's Policy Work, please contact: policy@responsibleinvestment.org</p>
<p>6. Closing (5 min)</p> <p>Next Meeting – Thursday, 22nd August (12pm to 1:30pm AEST/2pm to 3:30pm NZST) – Register Here</p>	

Action Register

Ref.	Action	Delegation	Status
New			
21/24	Next Meeting – Thursday, 22nd August (12pm to 1:30pm AEST/2pm to 3:30pm NZST) – Register Here	All	Pending
20/24	Submit any amendments to the Minutes to Noa Godsell (RIAA)	All	Pending
19/24	For more information on RIAA's Policy Work, please contact: policy@responsibleinvestment.org	All	Pending
18/24	If you have any inputs on the Human Rights Working Group's work plan for 2024, Please contact Jess Rowe (RIAA)	All	Pending
17/24	For more information regarding the Conflict Subgroup, please contact, Jess Rowe (RIAA)	All	Pending
16/24	For more information regarding the Modern Slavery Subgroup, please contact, Jess Rowe (RIAA)	All	Pending
15/24	For more information regarding the AI and Human Rights Investor toolkit, please contact the Subgroups point person, Janelle Morrison (AusBil)	All	Pending
14/24	For more information regarding the Rights Intelligence Major Project, please contact, Anne-Marie Brook (Rights Intelligence)	All	Pending
13/24	For more information regarding the Stock Watch Report, please contact, Phil Sloane (ISS)	All	Pending
12/24	To access the special presentation, please log in to your Member Portal and select; 1. "LEARN" (top bar), 2. "Member Only Resources" (bottom of drop-down menu), 3. "Working Groups" (Yellow Tile), 4. "Human Rights Working Group" (Scroll Down, Yellow Box), 5. "2024 Meetings And Special Presentations" (Scroll Down, Underneath Working "Group Details") and then underneath the title: "2 – Thursday 30 May 2024 – Mandatory Human Rights Due Diligence" , you will find the recording of the special presentation, the Pre-meeting papers, and the Post meeting papers. If you require any assistance please contact, Noa Godsell (RIAA)	All	Ongoing
Previous			
11/24	Next Meeting - Thursday 30 May - Register HERE	All	Completed
10/24	Submit any amendments to the Minutes to Noa Godsell (RIAA)	All	Completed
9/24	Contact Jess Rowe (RIAA) or Måns Carlsson OAM (Chair) with any inputs on the working work plan for 2024	All	Ongoing
8/24	For more information on RIAA's Policy Work, please contact Nayanisha Samarakoon (RIAA)	All	Completed

7/24	For more information on the 2024 Working Groups or the RIAA conference, please contact Noa Godsell (RIAA)	All	Completed
6/24	Reform Armed Conflict Sub-Working group	Kate Turner (First Sentier)	Pending
5/24	For more information on the Armed Conflict Toolkit, please contact Kate Turner (First Sentier)	All	Completed
4/24	For more information on the AI and Human rights investor toolkit please contact Jess Rowe (RIAA)	All	Completed
3/24	For more information on the stock watch report, please contact Phil Sloane (ISS ESG)	All	Completed
2/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact Dr Meredith Nash (KPMG)	All	Completed
1/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact Samantha Ramsay (HRC)	All	Completed

Attendance (43):

Ref	First Name	Last Name	Company
1	Megan	Coffey	Adamantem Capital
2	Suk Yun	Chun	AMP
3	Mans	Carlsson OAM	ausbil investment management
4	Janelle	Morrison	Ausbil Investment Management Limited
5	Ella	Robinson	Australian Ethical Investment
6	Emily	Dafter	Australian Retirement Trust
7	Antonia	Parkes	AustralianSuper
8	Renzo	Mori Jr	Bank Australia
9	Marijana	Dunimagloski	CEFC
10	Caroline	Paterson	Colonial First State
11	Tejaswi	Pagadala	DFA Australia Limited
12	Annabel	Hart	ERM Australia
13	Anita	Green	Fisher Investments Australasia Pty Ltd
14	Jackie	Radisich	Future Group
15	Caitlin	Medley	Individual supporter
16	Elyse	Vaughan	KPMG Australia
17	Andy	Symington	KPMG Banarra
18	Mark	Lyster	Lyster & Ass

19	Jacqueline	Stokes	Magellan Asset Management
20	Amy	Krizanovic	Magellan Group
21	Ayesha	Azeem	Maple-Brown Abbott Limited
22	Emma	Pringle	Maple-Brown Abbott Limited
23	Frida	Panayi	Metrics Credit Partners
24	Rachel	Tinkler	Mint Asset Management
25	Nga	Pham	Monash Centre for Financial Studies, Monash University
26	Amy	Sparks	Morrison & Co
27	Agnieszka	Cochrane	Pendal Group
28	Lauren	Solomon	Perpetual Group
29	Julia	Bailey	Platinum Asset Management
30	Sarah	Nguyen	QBE
31	Sonia	Auld	QIC
32	Briony	Doyle Galovic	Responsible Investment Association Australasia
33	Estelle	Parker	Responsible Investment Association Australasia
34	Isabella	Marotta	Responsible Investment Association Australasia
35	Jess	Rowe	Responsible Investment Association Australasia
36	Nayanisha	Samarakoon	Responsible Investment Association Australasia
37	Noa	Godsell	Responsible Investment Association Australasia
38	Shalini	Samuel	Responsible Investment Association Australasia
39	Conlan	Mackenzie	Rest
40	Anne-Marie	Brook	Rights Intelligence
41	Shanti	Stratton	Sustainalytics Australia Pty Ltd
42	Rebecca	DeWinter-Schmitt	the Investor Alliance for Human Rights
43	Rachel	Alembakis	U Ethical Investors

Human Rights Working Group

Meeting #2 - 2024 | Thursday 30 May



Responsible Investment
Association Australasia



Chair of RIAA's Human Rights Working Group



Måns Carlsson OAM, Head of ESG at Ausbil Investment Management Limited, RIAA Board Member, and Chair of RIAA's HRWG

Purpose

The HRWG is a forum for members to:

- Exchange information and resources
- Update on members' activity
- Collaborate on policy and research, implementation and advocacy opportunities on matters relating to human rights relevant to investors, researchers and advisers.

All this is aimed at building members' understanding and capabilities for assessing and respecting human rights, mitigating risks in investment and strengthening the companies in which funds are invested.

RIAA Working Group *Principles of Participation*

- Confidentiality
- No self-promotion
- Declaration of conflicts of interest
- Representation
- Collaboration between members
- Positive change in practice / policy
- Not engage in or discuss competitively sensitive information
- Apolitical

Special Presentation and Q&A *Mandatory Human Rights Due Diligence*



Dr. Rebecca DeWinter-Schmitt, Associate Director
of the Investor Alliance for Human Rights

Industry Updates

- **Stock Watch Report**

(Phil Sloane, ISS ESG)

- **Rights Intelligence Major Project**

(Anne-Marie Brook, Rights Intelligence Ltd)

Subgroup Updates

- **AI and Human Rights Investor Toolkit**

(Mark Lyster, Lyster & Associates)

(Janelle Morrison, Ausbil)

(Jessica Wyndham, KPMG)

(Jacqueline Stokes, Magellan Group)

(Emma Pringle, Maple-Brown Abbott Limited)



Subgroup Updates *AI and Human Rights Investor Toolkit - Acknowledgement*

This toolkit was prepared by RIAA's Human Rights Working Group (Digital Tech subgroup), which is a collective of representatives from the Australian and Aotearoa New Zealand investment community.

The following people contributed to the toolkit:

- **Mark Lyster** (co-chair of Digital Tech Subgroup) – Lyster & Associates/Edge Impact
- **Liza McDonald** (co-chair of Digital Tech Subgroup) – Head of Responsible Investment, Aware Super
- **Belinda White** (Editor)
- **Janelle Morrison** – ESG Analyst, Ausbil Investment Management Limited
- **Jessica Wyndham** – Associate Director, KPMG Banarra
- **Moana Nottage** – ESG and Sustainability Analyst, Alphinity Investment Management
- **Jessica Cairns** – Head of ESG & Sustainability, Alphinity Investment Management
- **Amy Krizanovic** – Head of ESG, Magellan Asset Management

- **Jacqueline Stokes** – ESG Analyst, Magellan Asset Management
- **Emma Pringle** – Head of ESG and Portfolio Manager, Maple-Brown Abbott
- **Nick Dexter** – Principal Consultant, Edge Impact
- **Kaitlin Priestley** – ESG & Sustainability Manager, Pinnacle Investment Management Group
- **Yajaswi Rai** – Masters in Sustainability from The University of Sydney and Intern at the Responsible Investment Association Australasia
- **Alison Ewings** – General Manager ESG, QIC
- **Tyrone Louw** – Manager, Responsible Investments – Research, Aware Super
- **Måns Carlsson, OAM** (Chair, RIAA Human Rights Working Group) – Head of ESG Research, Ausbil Investment Management Limited

Subgroup Updates *AI and Human Rights Investor Toolkit - Contents*

ACKNOWLEDGEMENT	3	SECTION 3: INTEGRATION – ASSESSING AI-RELATED HUMAN RIGHTS IMPACTS	15	FIGURES	
OVERVIEW	5	3.1 Introduction	15	FIGURE 1 AI archetypes arranged by operational and autonomous nature	9
GLOSSARY	6	3.2 Underlying concepts	16	FIGURE 2 Australia's AI Ethics Principles	10
INTRODUCTION	7	3.3 Framework for identifying AI-related human rights risks/issues	16	FIGURE 3 UNPRI human rights due diligence process	15
SECTION 1: ARTIFICIAL INTELLIGENCE OVERVIEW	8	3.4 Identifying and assessing human rights impacts	19	FIGURE 4 Simplified overview of the AI supply chain from the OCED	17
1.1 Overview of AI	8	3.5 Identifying the salient human right risks/issues	19	FIGURE 5 OECD AI Classification Framework	18
1.2 Salient human rights risks and issues	8	3.6 Assessing risk mitigation	20	FIGURE 6 The 5D Framework	19
1.3 Emergence of regulatory, governance and ethical frameworks	10	3.7 Good AI governance practice	20	FIGURE 7 Monash University and OHCHR Degree of risk to business	20
SECTION 2: WHY SHOULD INVESTORS CARE ABOUT THE HUMAN RIGHTS IMPACTS OF ARTIFICIAL INTELLIGENCE	12	3.8 Assessing the maturity of human rights risk management	21	GRAPH 1 Social shareholder proposals US technology sector	25
2.1 Reputational and operational risk	12	3.9 Quantification of potential AI risks (financial and non-financial)	22	GRAPH 2 Human rights related shareholder proposals US technology sector	25
2.2 Regulatory risk	12	Section 3 framework graphic	23	TABLE 1 Type of AI systems	8
2.3 Financial risk	13	SECTION 4: STEWARDSHIP – HOW INVESTORS CAN ENGAGE COMPANIES ON AI RISKS	24	TABLE 2 Overview of Artificial intelligence risks: Categories and examples of harm from AI systems (adapted from HTI's categorisation of risks)	14
2.4 Risks of harm to people	13	4.1 Prioritisation	24		
		4.2 Engagement approaches	24		
		ROAD MAP	27		
		APPENDICES	28		
		Appendix A: Generic AI-related human rights due diligence and stewardship guide	28		
		Appendix B: AI-related human rights risk matrix	30		
		Appendix C: Specific human rights engagement guide	32		
		Appendix D: Further resources	33		
		Endnotes	34		

Subgroup Updates *AI and Human Rights Investor Toolkit – Next Steps*

Consultation outcomes:

Don't disband totally, as there is a need for:

- Updating AI investor toolkit
- Making submissions on behalf of RIAA
- Collaborating on asset engagement issues
- Sharing knowledge on AI and broader digital tech developments
- RIAA needs to be relieved of supporting another working group.

Proposed approach going forward:

1. Transition Sub-Working Group to an informal, special interest group (SIG)
2. Appoint SIG convenors (Jannelle Morrisson and another TBC)
3. Convenor's role:
 - I. Monitor local and international developments.
 - II. Share knowledge and resources, update Altioirem.
 - III. Participate in forums on behalf of RIAA where appropriate.
 - IV. Mobilise members on issues when required.
 - V. Convene team to update Investor Toolkit
 - VI. Report to RIAA Human Rights Working Group

Subgroup Updates

- **Modern Slavery**

(Måns Carlsson, Chair)

- **Conflict**

(Kate Turner, First Sentier)

General Updates

- **Human Rights Working Group Work Plan**
(Måns Carlsson OAM, Chair)
- **RIAA's Policy and Advocacy Update**
(Nayanisha Samarakoon, RIAA)

Workplan Reflection

Initiative	Tasks	Status
1. Modern Slavery Policy and Advocacy Subgroup	<ul style="list-style-type: none"> a. Member capacity-building session/s: Au – NZ (Q2) b. Monitor policy and advocacy opportunities in AU/NZ /elsewhere c. RINZ panel session d. RIAU panel session 	<ul style="list-style-type: none"> a. Pending b. Ongoing c. IN PROGRESS d. Complete
2. Investor Toolkit #1 – Conflict and International Humanitarian Law	<ul style="list-style-type: none"> a. Panel session & launch at RINZ23 b. Global and corporate outreach (PRI, Investor Alliance for Human Rights/ICCR, GSIA, UNGC, ABA, BCA) c. Monitor continuing policy and advocacy opportunities 	<ul style="list-style-type: none"> a. Complete b. Ongoing c. Ongoing
3. Investor Toolkit #2 – Big Tech and Human Rights (now AI and Human Rights Investor Toolkit)	<ul style="list-style-type: none"> a. Form subgroup b. Explore partnership / leverage existing initiatives (e.g. eSafety Commissioner) c. Utilise intern to scan landscape d. Develop scope e. Research and prepare content f. Launch (conference AU) TBC g. Monitor and report back to the HRWG 	<ul style="list-style-type: none"> a. Complete b. Complete c. Complete d. Complete e. Complete f. Complete g. Ongoing

Workplan Reflection

Initiative	Tasks	Status
4. Human rights due diligence mandatory reporting for corporations	<ul style="list-style-type: none"> a. Designate member to monitor overseas and domestic developments and opportunities for policy and advocacy (e.g. Freya at HRLC) b. Explore role for investors and RIAA with HRLC, GCNA etc. 	<ul style="list-style-type: none"> a. Pending b. Ongoing
5. Events	<ul style="list-style-type: none"> a. #1 FY24 – Rights of a child b. #2 FY24 – Fair Work Legislation Amendment (Closing Loopholes) Bill and B Corp c. #3 FY24 – New positive duty to eradicate instances of sex discrimination and harassment d. #4 FY24 - Human rights due diligence 	<ul style="list-style-type: none"> a. Complete b. Complete c. Complete d. Ongoing
6. Corporate engagement - TBD		

Workplan Poll

- Question 1: Which of the six initiatives do you think need to be carried into the next year's work plan?
 - 1. Modern Slavery Policy and Advocacy Subgroup
 - 2. Investor Toolkit #1 – Conflict and International Humanitarian Law
 - 3. Investor Toolkit #2 – Big Tech and Human Rights
 - 4. Human rights due diligence mandatory reporting for corporations
 - 5. Events
 - 6. Corporate engagement
- Question 2: Are there any new main activities you would like to propose under any of those six initiatives?

General Updates

- **Human Rights Working Group Work Plan**
(Måns Carlsson OAM, Chair)
- **RIAA's Policy and Advocacy Update**
(Nayanisha Samarakoon, RIAA)

Working Group Member Portal

All Working Group meeting minutes and recordings are uploaded to the RIAA Member Portal.

Access the portal by scanning the QR Code to the right and using your Glue Up credentials.



Upcoming Working Group Meetings

View full list of [RIAA's events here](#).

Nature Working Group #2

Thursday 13 June | 12pm–1pm AEST/2pm–3pm NZST

Aotearoa Collaborative Working Group

Tuesday 25 June | 9am–10.30am AEST/11am–12.30pm NZST (hybrid event)

First Nations Peoples' Rights Working Group #3

Thursday 8 August | 2pm–3.30pm AEST/4pm–5.30pm NZST

Human Rights Working Group #3

Thursday 22 August | 12pm–1.30pm AEST/2pm–3.30pm NZST



Responsible Investment
Association Australasia

It's time to renew

All Memberships are now due by 30 June



Responsible Investment
Association Australasia



**RESPONSIBLE INVESTMENT
ASSOCIATION AUSTRALASIA**

Level 2, 696 Bourke St
Melbourne Vic, 3000
Australia

+61 3 7068 9456

info@responsibleinvestment.org
responsibleinvestment.org



Responsible Investment
Association Australasia

Recent human rights controversies – Update

Fortescue Ltd.

The Yindjibarndi native title holders are back in Federal Court seeking compensation from Fortescue Metals Group (FMG) for damages caused by mining on their land, including the destruction of sacred sites and community disruption. The dispute, ongoing for nearly 20 years, has caused a deep schism among the Yindjibarndi people, affecting their traditional ceremonies and community cohesion. Despite the Federal Court recognizing the Yindjibarndi's exclusive possession of the land in 2017, FMG has continued mining without paying royalties or compensation, legally destroying significant cultural sites. The case will determine if the Yindjibarndi are entitled to compensation for cultural, social, and environmental damage. [[SBS NITV, 09/04/2024](#)]

Rio Tinto Limited

Despite opposition from Native Americans, a U.S. appeals court upheld the federal government's decision to grant thousands of acres in Arizona to Rio Tinto for a copper mine. The ruling essentially supports a 2014 decision by Congress and then-President Barack Obama. The decision is a setback for the Apache Stronghold, a group opposing the mine due to its cultural and religious significance. While some judges argued that the land transfer could impede religious practices, the majority ruled it wouldn't substantially burden religious rights. Rio Tinto welcomed the decision, pledging to address concerns raised by tribes, while representatives for Native American groups and BHP did not immediately respond to requests for comment. [[Reuters, 01/03/2024](#)] [[Business and Human Rights Resource Centre, 06/03/2024](#)]

Rio Tinto Limited

Rio Tinto faces significant scrutiny over its environmental and social responsibility regarding the former Panguna mine in Bougainville, with shareholders urging the company to address pollution concerns and fund long-term solutions. Communities affected by the mine's legacy, represented by the Human Rights Law Centre, are demanding funding for clean-up and remediation efforts to mitigate contamination risks to land and water supplies. The ongoing independent impact assessment, initiated by Rio Tinto in response to a human rights complaint, aims to identify and assess the mine's impacts, with initial findings expected soon. However, communities stress the urgent need for action to address ongoing dangers, emphasizing the importance of Rio Tinto's commitment to funding sustainable solutions beyond the assessment phase. [[Human Rights Law Centre, 01/05/2024](#)]