Senator Don Farrell
Minister for Trade and Tourism
Parliament House
Canberra

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The Hon Madeleine King MP
Minister for Resources and Minister for Northern Australia
Parliament House Canberra

Cc Alison Burrows, Australia EU-FTA - Australia Chief Negotiator

Dear Minister

Subject: Joint European and Australian Civil Society Letter on the concerns over the EU-Australia Strategic Partnership

We, 36 members of civil society in Europe and Australia, are writing about civil society concerns over the Strategic Partnership on Sustainable Critical and Strategic Minerals between the EU and Australia. We understand that both parties are committed to accelerating the transition to fossil-free economies and recognize the role that minerals play in this process. The signatories to this letter also share the concerns that the Partnership seeks to address, particularly the need to enhance supply chain transparency and promote market recognition of high ESG standards through pricing mechanisms as stated in the memorandum of understanding (MoU).

We also want to remind you that both Australia and the EU have made commitments to United Nations agreements on human rights and the environment within the broader Framework Agreement signed in 2018. These commitments on human rights, environmental integrity and labour laws must be fully implemented in the Strategic Partnership.

However, we are deeply concerned that the Partnership, with its focus on securing raw materials and advancing projects, overlooks the longstanding social and environmental costs of mining in Australia and elsewhere. This narrow approach neglects the essential policies needed for transformative mining practices and responsible business conduct. Such oversight risks prioritizing extraction and profit over respect for human rights, Indigenous Peoples' rights, environmental protection, and effective climate mitigation both in Europe and Australia.

Although Australia is often portrayed as an exemplary partner with high ESG standards, this reputation does not align with reality. Examples of poor practice by the Australian mining industry include the destruction of the 46,000-year-old Juukan Gorge rock shelters by Rio Tinto (the incident highlighted serious deficiencies in Australia's cultural heritage protection legislative framework) which continues today; sexual assault and harassment of women at Rio Tinto mine sites; ongoing pollution and poor toxic

waste management at Glencore's MacArthur River mine; pollution and health impacts from the Cadia gold mine; the dumping of toxic wastewater into the Great Barrier Reef Marine Park by Queensland Nickel refinery; and a legacy of 50,000 abandoned mine sites.

As the UN Special Rapporteur on Toxics and Human Rights, Marcos A. Orellana, noted after his visit to Australia in 2023, "*If Australia is unable to ensure that mining does not pose toxic threats, what can we expect from other jurisdictions lacking the institutional regulatory capacity that Australia has? The expected surge in demand of transition minerals for decarbonization makes this an existential question for many communities*."

We recognise that, globally, the mining sector's compliance with human rights and environmental standards is severely lacking, which may make violations in Australia appear less severe by comparison. However, the human rights and environmental conditions around the world, Australia and Europe included, are only marginally improving and even worsening in most cases as the demand for minerals intensifies, driving a global race to the bottom. This alarming situation requires Europe and Australia to critically evaluate their impact in resource-rich countries and take decisive action to prioritise human rights and environmental protection within their value chains.

A case in point, the secretive Investor-State Dispute System (ISDS) is allowing mining companies to hold governments hostage to low human rights and environmental standards and rake in millions in awards. In Europe, Australian mining operations have sparked protests in Serbia, faced fraud allegations in Austria, and raised environmental concerns in Greenland due to proposed rare earth mining activities.

To improve global raw materials value chains, there are several areas in which we believe the EU and Australia can cooperate to promote high ESG criteria and improved policy alignment for sustainable critical minerals production around the world. As a priority, the two parties must:

- **Implement pricing mechanisms and investment controls** to discourage European and Australian manufacturers and financial institutions from profiting off the worst extractive practices, whether in Australia, Europe or globally.
- **Exclude ISDS protections in future agreements**, along with a phased removal of such clauses from existing agreements.
- **Promote efforts to reduce mineral demand** through innovative product design, repairability, and people-centred urban planning.
- **Facilitate greater recycling of metals** and the revalorization of mining waste to minimize the need for extractive activities and improve the ecological rehabilitation of legacy sites.
- **Legislate binding human rights and environmental due diligence** for companies in Australia, with tailored rules for the mining sector.
- **Ensure full respect for Indigenous Peoples' rights** as outlined in the UN Declaration on the Rights of Indigenous Peoples, including the right to self-determination and Free, Prior, and Informed Consent (FPIC) in all mining projects affecting their lands and cultural heritage.

- **Mandate transparency, as well as information sharing and participation mechanisms** with Indigenous Peoples, other right-holders and local affected communities, their representatives, and civil society, to foster trust and informed decision-making.
- **Strengthen access to effective state-based judicial and non-judicial grievance mechanisms** to ensure accountability and remedy for affected communities.
- **Recognize and uphold the right to a healthy environment** as a fundamental human right.

Without elevated ambition, concrete commitments, and enforceable regulations, the extraction of transition minerals cannot be fair or just. We urge the EU and Australia to incorporate these concerns and recommendations into the Roadmap for the Strategic Partnership to ensure raw material stewardship.

We look forward to your response.

Yours sincerely

Dr Patricia Ranald
Convener, Australian Fair Trade and investment Network

This letter is endorsed by

1. European Environmental Bureau
2. Climate Action Network Australia
3. Climate Action Network Europe
4. Publish What You Pay
5. Global Aktion
6. Genç Düşünce Enstitüsü
7. CNCD-11.11.11
8. SETEM Catalunya
9. WEED - World Economy, Ecology and Development e.V.
10. Debt Observatory in Globalisation (ODG)
11. Global Witness
12. Australian Fair Trade and Investment Network
13. TROCA - Plataforma por um Comércio Internacional Justo
14. Australian Manufacturing Workers' Union
15. Aid/Watch
16. Combined Retired Union Members Ass. (CRUMA)
17. Catholics in Coalition for Justice and Peace (CCJP)
18. Sutherland Shire Environment Centre
19. FTAO
20. Forum on Environment and Development
21. Jubilee Australia Research Centre
22. Society for Threatened Peoples Switzerland

23. Polish Zero Waste Association
24. Currie Country Social Change Aboriginal Corporation
25. The Australia Institute
26. SOMO
27. NOAH - Friends of the Earth Denmark
28. SIRGE Coalition
29. Transparency International Australia
30. The Alliance for Responsible Mining (ARMRVic)
31. Publish What You Pay Australia
32. Uniting Church in Australia, Synod of Victoria and Tasmania
33. Environmental Action Germany/Deutsche Umwelthilfe e.V. (DUH)
34. Wilderness Society Australia
35. WA Forest Alliance
36. FERN