

5 July 2021

**Response to invitation from the Business and Human Rights Resource Centre to respond to the report *The UN Guiding Principles on Business & Human Rights and Indigenous Peoples: Progress achieved, the implementation gap and challenges for the next Decade***

We refer to your invitation to respond to the recent report, *The UN Guiding Principles on Business & Human Rights and Indigenous Peoples: Progress achieved, the implementation gap and challenges for the next Decade*, published in June 2021.

The report refers to the International Council on Mining and Metals' (ICMM) Position Statement on Indigenous Peoples and mining and its statements regarding free, prior and informed consent (FPIC). As an ICMM member company, we are committed to this Position Statement.

In addition, our [Human Rights Policy](#) sets out the company's commitment to respect and support for the dignity, wellbeing and human rights of our employees, the communities in which we live and those affected by our operations. Our human rights approach is based upon the Universal Declaration of Human Rights and the UN Guiding Principles on Business and Human Rights.

Our Human Rights Policy also states that we acknowledge and respect Indigenous Peoples' connections to lands and waters, consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Our Group-wide [Communities and Social Performance Standard](#) establishes specific requirements for our businesses concerning Indigenous Peoples. These include operating in a manner consistent with the UNDRIP in those jurisdictions that have signed the Declaration, and elsewhere consistent with the Declaration's principles; and to strive to achieve the FPIC of affected Indigenous communities as defined in the International Finance Corporation's Performance Standard 7 on Indigenous Peoples. One way we demonstrate our commitment is through making agreements with Indigenous communities.

We are committed to engaging with communities to understand the social, cultural, environmental, and economic implications of our activities. We also provide communities with easily accessible complaints mechanisms, designed to be culturally appropriate for local communities.

We note that the report states that Rio Tinto's [2017 Statement of Commitment for Indigenous Peoples](#) does not refer to FPIC, or otherwise to consent. We would like to clarify that this document was developed to communicate our approach to engage and partner with Indigenous communities in Canada - it is not a policy statement or applicable across the Rio Tinto Group.

The destruction of Juukan Gorge in May 2020 should not have happened, and we apologise unreservedly to the traditional owners of the land, the Puutu Kunti Kurrama and Pinikura (PKKP) people, and to people across Australia and beyond for our actions. In allowing the destruction of Juukan Gorge to occur, we fell far short of our values as a company and breached the trust placed in us by the Traditional Owners of the lands on which we operate.

We are working on a significant programme to strengthen our approach to working with Indigenous Peoples, including efforts to modernise our existing agreements in Australia and increasing our field-based capacity to spend more time building relationships with Traditional Owners. We have worked intensively to learn the lessons from Juukan and to apply them to all aspects of communities and social performance and broader human rights work.

More information about the improvement actions we have taken is available on our [website](#).

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