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Head Office

132 Leicester Street, Carlton

Victoria 3053, Australia

Telephone: +61 3 9289 9444

Facsimile: +61 3 9347 1983

OHCHR Working Group on the issue of human rights and transnational corporations and other business enterprises
Via email

Dear Working Group members,

Oxfam Australia would like the Working Group to give consideration to the following key issues:

1. Human rights impact of large scale projects in agri-business, mining, hydropower, logging and infrastructure
2. Access to and use of land and water, including 'land grabs', water rights, and resettlement (human rights and natural resource management)
3. Free, Prior and Informed Consent
4. Social and environmental impact assessments – with an emphasis on human rights impact assessment, conflict assessment, gender impact assessment and disclosure and accessibility of SEIA's by project affected communities
5. Applicability of the Guiding Principles to financial institutions, including export credit agencies
6. Conflict, corruption and human rights – linking guiding principles to emerging global tax justice and revenue transparency initiatives
7. Supply chain due diligence with an emphasis on labour / human rights and the rights of migrant workers

I would suggest the Working Group focus on the 'Remedy' pillar of the Framework. This could be progressed through institutional strengthening at a national, regional and global level. For example:

- The ASEAN Intergovernmental Commission on Human Rights
- The OECD Guidelines for Multinational Enterprises National Contact Points
- Strengthened human rights provisions among international financial institutions such as the IFC and the ADB
- Export Credit Agencies

It is important that the Working Group give consideration to how best to engage in the Asia Pacific region. This region is rich in natural resources, is host to global supply chains and production networks, and has countries that are conflict and corruption prone and can have weak governance. For example, I recommend the OHCHR Working Group facilitate a consultation with the ASEAN Intergovernmental Commission on Human Rights, and in particular the Working Group for an ASEAN Human Rights Mechanism. It would be important to ensure civil society from the region is well represented at such a consultation.

In addition to the high level issues outlined above, there are a number of more specific suggestions I would make to improve understanding of the Guiding Principles within Australia. These are:

1. A letter from the Working Group to the Australian Government Productivity Commission Public Inquiry into Australia's Export Credit Arrangements, recommending the Export Finance and Insurance Corporation (EFIC) develop a human rights policy and grievance mechanism in support of the Guiding Principles.
See, <http://www.pc.gov.au/projects/inquiry/export-credit/terms-of-reference>
2. A letter from the Working Group to the and the **ASX Corporate Governance Council** recommending they review and update their human rights policy and implementation strategy to ensure consistency with the Guiding Principles
3. A letter from the Working Group to the top **200 companies** listed on the Australian Stock Exchange recommending they develop a human rights policies and implementation strategy to ensure consistency with the Guiding Principles. This would also recommend establishing a company-level grievance mechanism for mining companies other companies that can reasonably expect to have an impact on local communities.
4. A letter from the Working Group to the Australian Treasurer recommending a review and restructure of the **Australian National Contact Point** in keeping with best practice by other National Contact Points, and establishing a formal structure that enables access to human rights expertise

I wish you well in your work and look forward to ongoing collaboration and consultation with you and your colleagues.

Yours sincerely



Serena Lillywhite
Mining Advocacy Advisor
Oxfam Australia