



[date]

[Korean Financial Institution or Business]

Dear [name]

Meeting request

[Republic of Korea financial institution name] with representatives of the Wangan and Jagalingou people, Traditional Owners of the Galilee Basin, Queensland, Australia

I write on behalf of the Wangan and Jagalingou (W&J) people - the Indigenous Traditional Owners of Wangan and Jagalingou country, encompassing much of the Galilee Basin in the Central Queensland region of Australia.

It is a matter of great urgency to us to meet with you.

Adani Mining Pty Ltd ("Adani") proposes to build the Carmichael Coal Mine and Rail Project ("Carmichael mine") on our ancestral homelands. If built, it will be among the largest coal mines in the world. Adani also proposes that the Queensland government permanently extinguish our rights under Australian law in a part of our ancestral lands that are required for the mine to proceed.

We have rejected an agreement with Adani and refused to allow the extinguishment of our rights on four occasions since 2012. We are currently in litigation before the Federal Court of Australia challenging the validity of an agreement that Adani purports to have made with our people, as well as in ongoing communication with United Nations human rights treaty bodies and mechanisms about violations of our human rights arising from the development of the Carmichael mine.

Contrary to statements by Adani and members of the Australian government, we have never given our free, prior and informed consent to the extinguishment of our rights, or the development of the Carmichael mine on our traditional lands – a development that would destroy large parts of our ancestral homelands to which our law and culture is deeply connected.

This threat is imminent and depends on finance or equity from institutions such as yours.

We would like to discuss these very serious concerns with you. We propose to be in the Republic of Korea from the 6th of November for a week and would like to arrange a convenient time to meet.

For your information, we attach international legal advice we have received from Attorneys at Earthjustice in San Francisco, USA. This advice describes:

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1. the human rights violations resulting from the development by Adani of the Carmichael mine on our ancestral homelands; and
2. the responsibility of financial institutions and other business enterprises to respect human rights and avoid complicity in human rights violations, including by withholding financial or other support or services to projects that violate human rights.

We also provide an additional outline of our concerns below.

Impacts of investment in, or with, Adani

Adani has appointed Rothschild to secure an investor to purchase a stake in its Abbot Point coal export terminal. We are concerned [name of financial institution] is a prospective buyer, especially after it was recently reported that Adani was in talks with Korean investors. A purchase would directly assist Adani's efforts to raise capital for its proposed Carmichael mine.

While this may look like a simple transaction, Adani has been struggling to raise capital for the development of the Carmichael mine. For us, the purchase from Adani of a stake in the Abbot Point coal export terminal will aid Adani to raise this capital, thereby facilitating the development of the Carmichael mine and the consequent the destruction of our country and the disregard of our rights.

Under international law, extractive industries should not take place within the territories of Indigenous peoples without our free, prior and informed consent. If Adani's project proceeds without our consent, it will violate our rights to culture, physical and spiritual wellbeing, and self-determination – all of which are protected by international human rights law.

We ask you to consider the impact of the Carmichael mine on our homelands; the failure of Adani, and the Queensland and Australian governments, to secure our free, prior informed consent to the mine; the violations of our human rights, which are protected under international law; and the international responsibility of financial institutions and other business enterprises to respect those rights.

We also seek to ensure you are aware of the full context and the impacts of Adani's coal mining and export plans, in the event that you are asked to invest in any aspect of these projects in future. We do not want to limit our discussion with you to your current exposure, or lack thereof, in Adani's Carmichael project or Abbot Point coal export terminal.

Responsibility of international institutions

Financial institutions and other business enterprises have a responsibility to respect human rights that are protected under international law. They must conform their behaviour to international human rights norms and ensure that they do not ratify or contribute to any infringement of human rights (for example, by providing financing or other types of services or support to a project that would violate those rights). These responsibilities exist independently of a country's abilities or willingness to fulfil its own obligations with respect to the rights of Indigenous peoples.

Because the Carmichael mine will violate our rights, any financial institution or other business enterprise that provides financial or other support for the mine will be complicit in this violation. Such complicity by any company from the Republic of Korea will have serious negative reputational consequences for the company and for the country itself.

We call on you to act positively in relation to our rights and urge you to refuse any financial assistance or equity for Adani's mine, rail or port.

We remind you that the Republic of Korea has explicitly acknowledged at the United Nations Human Rights Council that financial institutions such as yours have a responsibility to respect human rights and ensure that your actions do not ratify or contribute to any violation of our rights.

This corporate responsibility to respect human rights is a global standard of expected conduct for all financial institutions and other business enterprises wherever they operate and is set out in the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the United Nations Human Rights Council in 2011 when the Republic of Korea was a member.

Impact of the mine on the W&J country and people

If developed as proposed by Adani, the Carmichael mine will be among the largest coal mines in the world. It will damage around 30,000 hectares of land, and consist of six open-cut pits, five underground mines, a coal handling and processing plant, rail infrastructure, and other associated infrastructure.

It will violate our right to practice our culture and protect our cultural resources, because the mine will permanently destroy vast areas of our lands and waters, as well as plants, animals, and sacred sites. This includes destroying our most sacred site, Doongmabulla Springs. The mine will tear the heart out of our country.

Our lands and waters embody our culture and are central to our physical and spiritual well-being because they are the origins and living source of our customs, laws, and spiritual beliefs. Indeed, our culture is inseparable from the condition of our ancestral homelands.

The mine will draw down billions of litres of water each year from aquifers in our country, and if the mine depletes the aquifers that feed the sacred springs, the springs will dry up. Once dry, even temporarily, the springs cannot be restored, and our sacred sites will be lost.

Adani's rail and port infrastructure will also open the way to other major coal mines in the Galilee Basin, and our lands and waters, which are sacred to us and form our culture, will disappear. We will not be able to pass our culture onto our children and grandchildren.

In addition, transporting and burning the coal from the mine will emit 4.6 billion tonnes of carbon dioxide over the mine's proposed 60 years of operation, adding immensely to the risk of catastrophic global climate change.

Violation of rights

The failure of a financial institution or other business enterprise to respect human rights by, for example, providing financial or other support or services to a project that would violate human rights, increases the legal, financial, and reputational risks to that company, as it becomes complicit in the human rights violation.

The development of the Carmichael mine on our ancestral lands will violate certain human rights of the W&J people that are protected under international law, including under human rights treaties to which both Australia and the Republic of Korea are party.

Pushing ahead with the Carmichael mine violates our right to be consulted in good faith about, and to give or withhold our consent to, its development on our lands.

Our rights are protected under international human rights treaties to which Australia and the Republic of Korea are party, including the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the United Nations Declaration on the Rights of Indigenous Peoples. We have already alerted a number of United Nations human rights bodies and mechanisms to these violations and are in ongoing communication with these bodies.

Any investment in the Adani project will involve the financier in international human rights issues; violations of Indigenous rights; destruction of culture and land and waters; and the acceleration of global warming through a massive increase in coal burning.

Importance of a meeting

We hope you agree it is important that you hear directly from us about the serious problems associated with the Adani project, and to do so as part of fulfilling your responsibilities to respect our human rights and avoid complicity in the violation of those rights.

At a meeting we can provide you with a detailed briefing on –

- the significance of the country on which the mine is proposed and its importance to our culture and law;
- the financial, political and environmental context in which these issues are taking place
- our ongoing legal cases;
- the international human rights issues and our ongoing communications with United Nations human rights bodies and mechanisms; and
- the Australian legislative and political context and the failure to apply the UN Declaration on the Rights of Indigenous Peoples and other international human rights treaties.

We look forward to your response to our request for a meeting.

Our delegation will include me, the senior representative of the W&J Traditional Owners Council; Murrawah Johnson, the youth representative of our Council; Anthony Esposito, our Council's organiser and adviser; and Julien Vincent from Australian organisation Market Forces, who is providing us with analysis and support.

Please contact us for more information or to arrange a meeting.



Adrian Burragubba

On behalf of the Wangan and Jagalingou Traditional Owners Council

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