

Jim Aubrey

PO Box    Mobile:    Email:

Date: 24 January 2022

To: Andrew & Nicola Forrest, Fortescue Metals Group Ltd & Munderoo Foundation

Also: Please allow FMG & Munderoo Foundation board and executive teams to be copied in for discussion

Re: Fortescue Metals Group Ltd business and investments in West Papua

Dear Andrew & Nicola,

On behalf of all our fellow countrymen and women who are shocked and incensed by sixty years of crimes against humanity in West Papua, I must ask Fortescue Metals Group Ltd **not** to conduct business-as-usual with the Republic of Indonesia who illegally occupied and annexed West Papua the 1960s.

I have not kept up to date with Australian companies in West Papua, but a news article/blog dated 13 October 2020, has been brought to my attention. The article is titled: *Papua government follows up on FMG's hydropower plant investment plan*, and there the following quote is from the article:

*"The establishment of totally new and future large-scale industries will drive growth in Indonesia's economy," Minister Pandjaitan and Fortescue's Chairman, Dr. Andrew Forrest AO, noted in a joint statement.*

Seeing this news article motivated me to read through the FMG annual report for 2021 in the vain hope that I would be mistaken, that someone with such a commendable mileage of innovation and input on climate change would see the connection to human rights – international human rights – as having a seat at the table of the better world we are all wanting. Alas, there it was on page 40.

FFI currently has a portfolio of projects underway associated with renewable hydrogen production, including:

- A partnership with the CSIRO for the development of new hydrogen technologies, including a world first membrane technology which provides the potential for large-scale hydrogen extraction from ammonia.
- A \$32 million hydrogen mobility project at Christmas Creek comprising the construction of a renewable hydrogen refuelling facility and the deployment of a fleet of hydrogen fuel cell passenger coaches from mid-2021.
- A partnership with ATCO Australia to build and operate the first combined green hydrogen production and refuelling facility in Western Australia.
- A Memorandum of Understanding with Hyundai Motor Company and CSIRO to advance renewable hydrogen technology for domestic transport.
- A feasibility study for a 250MW green hydrogen plant in Tasmania, with a green ammonia production capacity of 250,000 tonnes per annum for domestic use and international exports.

The following milestones have been achieved in FY21:

- Deed of Agreement with Papua New Guinea (PNG) Government and its wholly owned corporation to investigate the feasibility of developing PNG's hydropower resources to support green industrial operations for both global and domestic consumption.
- Deed of Agreement with the Republic of Indonesia providing FFI with first priority to conduct development studies into the feasibility of projects utilising Indonesia's hydro and geothermal power for green industries, principally for global consumption.
- Establishment of a global liquid hydrogen consortium to develop a supply chain between Australia and Japan through a Memorandum of Understanding with Kawasaki Heavy Industries and Iwatani Corporation, to develop a business model for the supply of liquid hydrogen to Japan.

Under Indonesia's violent reign of relentless atrocities, the victims of the longest act of genocide in human history continues unabated.

The genocide since the discovery of gold in 1961 – 500,000 West Papuans.

The ecocide since the discovery of gold – mercury and cyanide polluting rivers, creeks and water tables, devastating ecosystems and biodiversity, village hunting grounds, and the deforestation of the second lungs of the earth.

Indonesia will never win the hearts and minds of West Papuans and it is an affront to me that there are governments and companies who willingly act as bystanders to this holocaust and are thereby complicit in the ongoing genocide.

I do not want or need to waste time and energy on lessons in history – it is all on the Free West Papua campaign website. What is absolutely pertinent is not being on the wrong side of both history and moral accountability. In fact – and forgive me if this sounds like I'm preaching – this ideal of *moral accountability* could be added to Minderoo Foundation's list of values. As well, to the FMG interpretation of *ethical business conduct* and of *human rights* as listed under the "Three Sustainability Pillars" image on page 57 of the FMG 2021 annual report.

There is no legitimate reason or excuse to conduct business in West Papua thereby lending legitimacy to perpetrators of genocide. If you do not like the word "genocide", then crimes against humanity. Current United Nations reports on the violence in West Papua do not dispute the ongoing violence.

Perhaps you could find it in your hearts to consider a formidable grant to the ULMWP Provisional Government of West Papua, of which Benny Wenda is the Interim President. (ULMWP = United Liberation Movement West Papua.)

It is also pertinent to note that there were so many on the wrong side of history and moral accountability over East Timor's struggle for freedom, another Indonesian genocide campaign – 250,000 victims. That list included consecutive Australian governments, who lived under the repugnant gospel of economic pragmatism. We all know how that struggle for freedom ended – the same will be for West Papua, no matter how long it takes.

The fact that consecutive Australian governments have forged an economic relationship with Indonesia while both East Timor and West Papua were illegally invaded and while the ongoing acts of genocide were committed is tantamount to wilful criminal negligence and the reason why I will soon be lobbying whoever will listen for the reformation of the Commonwealth constitution to include human rights as the bedrock of transparency and accountability, thereby preventing the lamentable games of apologists whether they be prime minister or not.

That these decisions are difficult to make does not absolve anyone from making them. The impossible only occurs when weakness and corruption of the human spirit is entrenched and, where those who have power to push for change, fail to say *I will*

*not be a bystander, I will not be an apologist, I will not lend legitimacy to crimes against humanity.*

Many in positions of authority and power have justified their policy of commercial engagement with Indonesia by fanciful notions of the benefits of cooperation and assistance: *our mining project will be a demonstration of socially and environmentally responsible resource extraction that will provide a long period of employment opportunity for the local population* and they quote any of the unfortunate incidents [often engineered by the Indonesian military] to justify military presence.

My human rights work during the 1990s was endorsed by some very notable people. Bishop Desmond Tutu is one of these and he accurately sums it all up with his statement, “Nothing can stop a people who have decided to be free.” How many more West Papuan families need to be devastated losing loved ones in their righteous struggle for freedom because western companies choose business over human rights ... because mining companies do not have a line in the sand they will not cross, their morality of corporate rationalisations chained to profit at any cost?

Your incredible contribution to action on climate change is second to none – so, too, is the ULMWP climate change policy with its historic Green State Vision launched in Glasgow at CoP26. Contrary to Brazil’s barbaric destruction of the Amazon and Indonesia’s deforestation of West Papua’s second lungs of this earth, *“for West Papuan people, ecological freedom and political freedom are both seen as sacred, and climate justice is advocated for internationally to restore, promote and maintain balance and harmony amongst human and non-human beings, based on reciprocity and respect ...*

*“Please support my people in our struggle for climate justice and freedom. Our Green State Vision shows the world that we, the indigenous people of West Papua have the solutions and must be allowed to live in our own land freely. We need all environmental and climate campaigns to adopt West Papua as a major issue. The fate of this planet depends on we indigenous people’s guardianship of the lungs of the world.”*

**Benny Wenda, Interim President,  
ULMWP Provisional Government of West Papua**

With the understanding that climate justice and human rights justice cannot be separated, I would like to request the following actions by FMG ... by you Andrew and Nicola:

1. Declare all Fortescue Metals Group Ltd business plans with Indonesia, including the deed of agreement listed on page 40 of the FMG 2021 annual report, null and void until West Papua is once again a sovereign nation-state of Melanesian West Papuans. Note that this declaration would be regardless of any possible financial penalties caused by withdrawing from any deed of agreement.
2. Publicly advertise this declaration of withdrawal from the Deed of Agreement with the Republic of Indonesia, as listed on page 40 of FMG's 2021 annual report, in a full-page advertisement in several national and state newspapers, and stating the reason being:
  - a) Indonesia's illegal 60-year occupation of the sovereign nation-state of West Papua,
  - b) That Indonesia should make financial compensation and restitution for the 500,000 lost lives to genocide and for the ecocide that their 60-year occupation has inflicted on West Papua's environment, and
  - c) Any future development plans and feasibility studies of any type in West Papua will only be considered when the people of West Papua are free from Indonesian security force persecution and Indonesia has fully withdrawn from West Papua and has no further interest in maintaining its illegal annexation.
3. Publicly support any call for the expulsion of the Indonesian ambassador and the closure of the Indonesian embassy until West Papua is returned to the West Papuan people.
4. Include on the FMG board of directors and executive team a Human Rights Governance director.
5. Include a Human Rights Governance and Oversight Audit as a mandatory chapter in future FMG annual reports.

These actions would help restore moral accountability and integrity to an industry that sorely needs it. In fact, being in the position of influence that you are in will make such declarations and actions, unlike the deaths of West Papua's 500,000 victims, internationally newsworthy.

I'll sign off by saying that FMG's future project success and survival – your survival – is not dependent on business-as-usual with Indonesia; for the people of West Papua, their survival, their freedom, is dependent on you/FMG NOT conducting business-as-usual with their oppressors.

In the past, many business leaders I have approached have not personally replied to my entreaty. I am old school – if I say your correspondence will be confidential then that is my copperplated, ironclad, ethical commitment. However, if you wish to contact me by mobile phone, I'll understand.

Please remember my bona fides as expressed in the book I recently gifted to you both – 20 Dead Canaries & 1 Song of Love. Yes, I discovered gold a couple of years back and left it in the ground. No, my personal assets are lamentable.

Equally, nothing will convince me otherwise on what is ethically and morally acceptable and not acceptable for the victims of crimes against humanity, for the people of West Papua.

In fact, all the declarations that are displayed on page 3 of the Minderoo Foundation 2021 annual report in your personal letter are worthy of the people of West Papua.

*“The vulnerability of humankind has seldom been in sharper focus.”*

That these decisions are difficult to make does not absolve us from making them.

*“It is in our Minderoo DNA to challenge impossible. We are prepared to take risks where others hesitate, or, indeed, stop.”*

That these decisions are difficult to make does not absolve us from making them.

*“Minderoo Foundation’s values and people enable our breakthroughs, to arrest unfairness and create a better world.”*

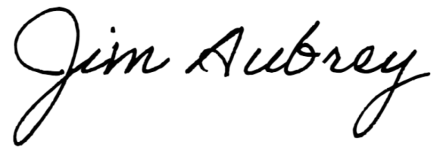
That these decisions are difficult to make does not absolve us from making them.

*“In challenging the impossible, we will never, ever give up.”*

That these decisions are difficult to make does not absolve us from making them.

I look forward to hearing from you.

Kindest regards,

A handwritten signature in black ink that reads "Jim Aubrey". The signature is written in a cursive, flowing style with a large initial 'J'.