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**AMNESTY
INTERNATIONAL** 
DEFENDING HUMAN RIGHTS

26 February 2021

Mr. Goyder
Chair
Woodside
11 Mount Street
Perth WA 6000

Dear Mr. Goyder,

We write to the disturbing events in Myanmar and Woodside's social license to operate.

We are keen to ascertain from you how the Board's approach to their obligations under Woodside's human rights policy will be exercised in relation to the crisis in Myanmar. We note Woodside's 2019 review of its human rights risks identified association with regimes linked to human rights abuses and your commitment to the Extractive Industries Transparency Initiative (EITI).

We understand Woodside has interests in eight offshore gas blocks in Myanmar and holds a 40% interest in the joint venture in Block A-6, off the coast of Myanmar's troubled Rakhine state, with Total, and local company MPRL E&P Pte Ltd and your joint venture aims to pipe gas offshore to Myanmar and then onto Thailand by 2023.

We note that while the National League for Democracy Government of Aung San Suu Kyi held power in an uneasy alliance with the military; Woodside and the Australian Government could point to the fledgling democracy and prospects for the country's social and economic development. We recall that in the wake of the ethnic cleansing of the Rohingya CEO Peter Coleman said he would visit and assess the situation and we are aware Woodside persisted with operations following this human rights crisis.

We note Woodside's Meg O'Neill proclaimed the gas development would generate a significant long-term revenue stream for the country and pay taxes and royalties to the Government of Myanmar. We understand from meetings with Woodside that this is expected to be a 75% profit tax -share that the government takes from all mining and

drilling. There are also reports that 15% to 20% of the production will go directly to the Myanmar Oil and Gas enterprise as a cash payment.

We draw your attention to the fact that Commander in Chief Min Aung Hlaing and other top military generals are subject to findings by a 2018 UN Fact finding mission of 'a serious risk of genocide' of the Rohingya in the north of Rakhine State, as well as for crimes against humanity and war crimes against other ethnic minorities. Over 800,000 Rohingya refugees still languish in squalid camps in Bangladesh traumatised by systematic mass killings and rapes in 2017.

We note that the same Commander in Chief Min Aung Hlaing has seized Government in an unconstitutional coup arresting State Counsellor Aung San Suu Kyi and the President, and over 500 others including elected representatives. We note that this coup by the Tatmadaw is widely opposed by the citizens of Myanmar who are expressing their opposition as part of the Civil Disobedience Movement.

You would also be aware of the ethical decision by brewing giant Kirin to terminate its joint with the Myanmar military venture through MEHL, stating publicly Kirin was "deeply concerned by the recent actions of the military in Myanmar, which are against our standards and human rights policy".

Two weeks ago, the United Nations' Special Rapporteur for Myanmar Tom Andrews called on "Businesses and investors should suspend or terminate activities with the Myanmar junta when the risk of involvement in serious human rights abuses can no longer be reasonably managed."

This is consistent with the obligations outlined in the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*, which state that businesses have a responsibility to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations by their business relationships, even if they have not contributed to those impacts.

Given the facts above, we were disturbed that CEO Coleman's recent comments on the crisis strangely echo the Myanmar Generals' own justifications for the coup claiming fraud:

"I understand [the Army] put together quite an extensive folder of grievances around the election that they wanted to be heard, and they weren't being heard. They were pushed up against a difficult decision point, the day of the coup was the day the new parliament was due to proceed."

This claim is not held to be credible by the UN, independent election observers, foreign Government observers and Myanmar's own election commission who declared and endorsed the results of the November 2020 election.

The Tatmadaw's claims of fraud were a pretext for violence on democracy and now, frighteningly, they threaten their own citizens as the national protest calling for a release of Aung San Suu Kyi, other government leaders and detained members of civil society.

As a major Australian Resource Company, listed on the ASX, with a Board sanctioned human rights policy and commitment to transparency, we ask the Board of Woodside the following questions:

1. Is it tenable for Woodside to maintain a joint venture under auspice, with a Government led by a junta accused of genocide by the UN?

2. Considering Woodside has formal concerns about engaging with regimes linked to human rights abuses, how does it justify ongoing operations in the now military controlled Myanmar?
3. Is it tenable for Woodside as a member of the joint venture to provide revenue now or into the future to the junta-controlled Myanmar Government?
4. Is Woodside's social licence to operate tenable given the nationwide opposition to the military government?
5. What example does Woodside want to set for corporate Australia in relation to doing business with Government's that are accused of genocide and crimes against humanity by the United Nations?
6. Will Woodside disclose all contracts in Myanmar, any payments made to the Myanmar government and rule out any payments to the now military controlled government?

We trust you take your social license very seriously and will consider these matters. We would be pleased to meet with you and representatives of Woodside further to discuss these matters. We engaged with your CEO and previous Chair in 2018 and offered to assist with examination of the ethical issue of operating in a conflict environment however the opportunity was not taken up.

As this matter is one of public interest please be advised we are making this letter public after submitting to your company secretary.

Yours faithfully,



Kate Lee
Executive Officer
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