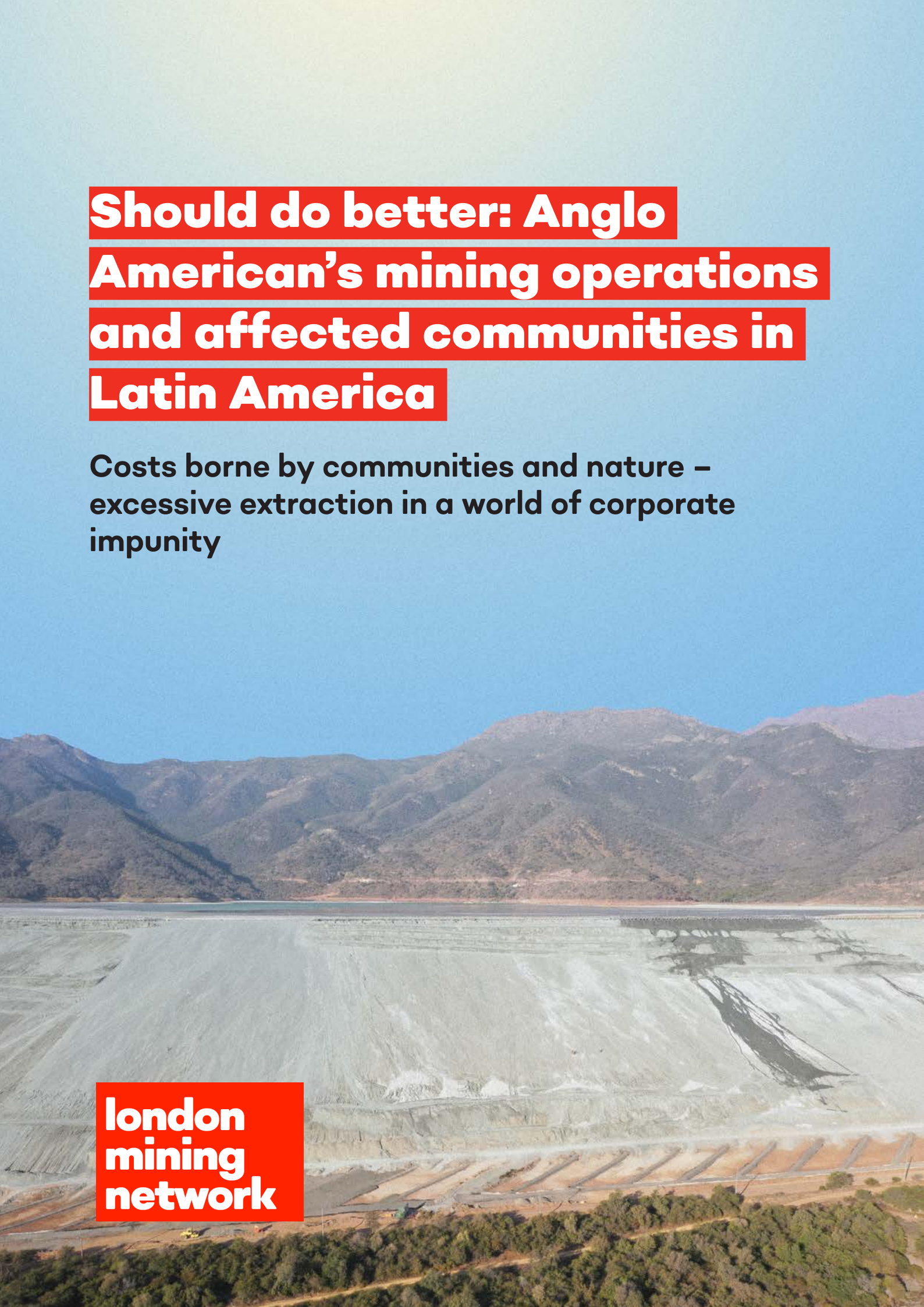
Should do better: Anglo American's mining operations and affected communities in Latin America

Costs borne by communities and nature – excessive extraction in a world of corporate impunity



london mining network

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LMN would welcome updates on the information contained in this report, corrections to any errors, and other constructive suggestions. To comment on the report and/or to inform LMN of any updates and/or of any use for research, public education, awareness raising, advocacy or campaigning, please email: contact@londonminingnetwork.org.

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LMN alone is responsible for the report's content, accuracy, findings, conclusions and recommendations.

Cover image: Dam, El Soldado, El Melón, taken 1 February 2002 via drone, credit: Ignacio Acosta; rear images: Banners protesting mining in Chile, credit: Ignacio Acosta.

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About London Mining Network

London Mining Network (LMN) is an alliance of human rights, socio-environmental justice and solidarity groups. We undertake research, education and action for human rights and environmental justice in partnership with communities resisting, or affected by, the operations of UK-financed or UK-linked mining companies anywhere in the world. We raise awareness of the ecological and social damage done by the mining industry. We aim to tackle impunity and hold the mining industry to account, end unethical corporate practice, and support and promote a narrative that respects the livelihoods, diversity of cultures and cosmologies of the peoples with whom we work.

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Summary

International mining companies' public reporting has usually emphasised mining's benefits for the global economy and claimed that mining also results in positive impacts in host countries and communities. It generally omits much detail about the negative impacts of mining experienced by the natural world and affected communities local to mine operations. These human rights and environmental harms and risks arising from mining are likely to grow as demand for solid minerals increases, especially minerals for the renewable energy technologies needed for the low-carbon transition away from fossil fuels.

This report aims to help address the deficit of information and awareness among investors, regulators, the public and mining companies themselves about mining's human rights and environmental harms by presenting community perspectives on a major mining multinational's operations and performance. Based on interviews with members of mining-affected communities in a sample of countries, the report aims to show where the company in focus routinely causes harm and is insufficiently transparent about, or accountable for, its impacts, and to inform and support advocacy for the far-reaching reforms needed to bring about a major reduction in the human rights and environmental damage that mining causes.

Approach and methodology

After initial scoping among UK-incorporated and London Stock Exchange-traded mining companies, London Mining Network (LMN) selected Anglo American as the report's subject. Anglo American is one of the better-regarded UK-based mining multinationals, and LMN has connections in several countries among communities affected by its operations, mainly in Latin America. Anglo American mines minerals and metals of continuing importance for the low-carbon energy transition, including copper and iron.

We used desk research to produce a summary of Anglo American's responsibilities, commitments and policies on the human rights of mining-affected communities and on environmental sustainability.

To compile the interview testimony, in the first four months of 2022 LMN members and allies undertook semi-structured interviews with 11 members of communities (four women and seven men) affected by the company's operations and investments in Brazil, Chile, Colombia and Peru. We transcribed, translated and lightly edited the content of the interviews, and in the case of Brazil worked from a written summary provided by the community member. We undertook these interviews in the context of a continuous flow of information from the communities with whom we work.

For each mine discussed, our report contrasts the reality that community members describe with the very limited and almost entirely favourable information on issues of community concern that the company provides in its annual reporting.

Following the country case studies, the report summarises main findings, draws overall conclusions and presents recommendations that LMN believes must be implemented to ensure that Anglo American's operations in the featured countries cease to cause significant injury to human rights and the environment.

Main findings, conclusions and recommendations

Main findings and conclusions

LMN's interviews with members of communities affected by the operations of Anglo American in Brazil, Chile, Colombia and Peru show a common thread of negative impacts from, and concerns about, Anglo American's operations and performance.

Key concerns for many if not all the community members interviewed for the report include: unfair, irregular and divisive land acquisition processes; company miscommunication with communities and failure to abide by agreements; a disregard for mining's socio-cultural impacts; water scarcity and contamination; loss of territory, local biodiversity and access to nature for cultural and spiritual practices; destruction of smallholder farming; wind-blown and potentially contaminated dust; harms to human health from water and air pollution and insufficient health monitoring; noise, danger and damage from heavy road traffic and mine detonations; social fragmentation; mental and emotional health problems; fear and anxiety among people downstream of tailings dams about the risk of dam breaches; widespread mistrust of company intentions, practices and communications; suspected collusion between the company and government authorities; and fear of speaking out against mining, due to persecution, criminalisation and threats against social, indigenous and environmental leaders.

In the case of the Cerrejón mine in Colombia (formerly owned one-third each by Anglo American, BHP and Glencore but sold to Glencore in January 2022 and now wholly owned by Glencore), issues have been intensely problematic around the relocation and resettlement of communities, which have at times involved brutal and violent police evictions and resulted in lasting economic, social, cultural and emotional damage.

Our review of Anglo American's annual reporting indicates in each case that the company omits full public disclosure of problematic environmental, social and (to a lesser extent) governance issues, including how its operations have impacted, or risk impacting, local communities. Without such full disclosure, investors and other readers of the reports cannot assess whether the company is taking adequate steps to assess its impacts on local people or to provide sufficient redress.

Like all multinational corporations, Anglo American has obligations to comply with local and international law, norms and standards in relation to human rights and the environment and a responsibility to respect human rights. Under UK law there are duties to publicly report on its environmental, social, community and human rights impacts and risks. Anglo American has also published many company policies and commitments regarding human rights and sustainability and presents itself as well equipped to meet mining's social and environmental challenges. (For detail and discussion, see Section 2.)

Most of the human rights and environmental harms the company has directly or indirectly caused and/or is associated with have not been adequately reported or remedied. These include infringements, and in some cases serious violations, of established and emerging human rights to life, liberty and security of person; to physical and mental health and a safe and healthy natural environment; to livelihood, an adequate standard of living and social security; to water, land and food; to adequate housing and to property; to participate in cultural life; and to information and freedom of expression; also neglect of Indigenous Peoples' right to free, prior and informed consent. (See

Section 3.)

Considering Anglo American's vast profits and international business reputation, it should as a matter of urgency overhaul its social and environmental systems and practices and its annual reporting, remedy past and current impacts, and upgrade its future performance. Other mining companies and investors in the sector should also take note of this report's findings, as should home and host governments – in this case the governments of Brazil, Chile, Colombia, Peru and the UK – and intergovernmental organisations.

In LMN's view, current arrangements to protect human rights from the impacts of large-scale mining are insufficient. The international framework governing business and human rights is voluntaristic and lacks teeth. Remedial action is needed at the level of international, regional and national law, and at company level. An effective UN Binding Treaty on Business and Human Rights is an urgent and essential step, while in the UK we support calls for a Business, Human Rights and Environment Act requiring companies to undertake human rights and environmental due diligence throughout their operations and supply chains. Other home and host governments responsible for regulating mining should develop similar laws and systems of oversight and enforcement.

Summary of LMN's recommendations

Recommendations to Anglo American

- Publicly declare recognition that its operations and performance in Latin America have fallen short of required respect for human rights and environmental norms and standards and commit to achieving zero harm.

- For each mine location, establish, in partnership with the government authorities and the communities affected, and fund, a multi-stakeholder consultative and deliberative body to undertake a comprehensive and transparent assessment of the mine's human rights and environmental impacts.

- Develop with the communities, fund and implement a restorative justice programme, prioritised to address the most urgent needs first, suspending any planned mine expansion until programme completion.

- Where the majority of members of affected communities oppose continued production at any mine, implement a closure, compensation and rehabilitation programme including alternative regenerative livelihoods for affected communities, employees, contractors and suppliers in keeping with just transition principles.

- Make full provision in the company accounts for the current and projected costs of implementing the required restorative justice, compensation and rehabilitation programmes.

- Respect and comply with all local laws and local and national court judgments where it has its operations.

- In annual reporting ensure full disclosure of problematic environmental, social and governance issues, including how company operations have impacted, or risk impacting, local communities.

- Publicly express support for and advocate a UN Binding Treaty on Business and Human Rights and a UK Business, Human Rights and Environment Act.

Recommendations to host governments in Latin America

» Publicly declare recognition that large-scale mining on their territories has fallen short of required human rights and environmental standards and commit to working with mining companies and affected communities to achieve zero harm.

» Jointly establish, in partnership with Anglo American and the communities affected, a multi-stakeholder consultative and deliberative body for each mine to undertake a comprehensive and transparent assessment of the mine's human rights and environmental impacts; and constructively support implementation of a restorative justice programme for each mine.

» Where the majority of members of affected communities oppose continued production at any mine, constructively support a closure, compensation and rehabilitation programme developed in consultation with affected communities.

» Respect, promote and protect the right of Indigenous Peoples to free, prior and informed consent and the rights of nature.

» Publicly express support for and advocate a UN Binding Treaty on Business and Human Rights.

» Enact domestic due diligence laws for operating companies, including protection for environmental and human rights defenders, with effective monitoring and enforcement mechanisms.

Recommendations to the UK and other home governments

» Publicly declare recognition that large-scale mining in Latin America by multinational companies based or raising finance in the home jurisdiction has fallen short of required human rights and environmental standards and require each home-based or locally financed mining company to achieve zero harm in all operations worldwide.

» Require each UK-regulated mining company with large-scale operations to jointly establish, in partnership with each host government and affected communities, a multi-stakeholder consultative and deliberative body for each mine to undertake a comprehensive and transparent assessment of the mine's human rights and environmental impacts; and require each company to implement a restorative justice programme for each mine.

» Vigorously support the right of Indigenous Peoples to free, prior and informed consent to operations in their territories and the right of all other land-based communities to say no to mining projects that affect them or may affect them, in the event that they oppose them.

» Strengthen regulation of company annual reporting to ensure full disclosure of problematic environmental, social and governance issues, including impacts on and risks to local communities.

» Publicly express support for and advocate a UN Binding Treaty on Business and Human Rights.

» Enact due diligence laws that oblige operating companies to prevent and account for negative impacts of their activities on people and the environment, with effective and transparent oversight and enforcement mechanisms.

» Engage with and train multinational companies to increase their commitment to human rights and environmental due diligence, and amend procurement policies to exclude companies that do not sufficiently comply.

Recommendations to intergovernmental organisations

» Publicly declare recognition that large-scale mining in Latin America by multinational companies has fallen short of required human rights and environmental standards and endorse the goal of zero harm in all mining operations in every country.

» Publicly state support for, and encourage, host governments and mining companies with large-scale operations to jointly establish a multi-stakeholder consultative and deliberative body for each mine to undertake comprehensive and transparent assessment of the mine's human rights and environmental impacts; and support and encourage implementation of a restorative justice programme for each mine.

» Publicly express support for and advocate a UN Binding Treaty on Business and Human Rights and domestic human rights and environment due diligence laws with effective oversight and enforcement mechanisms.

» Engage with and train multinational companies to increase their commitment to human rights and environmental due diligence, including protection for environmental and human rights defenders.

Recommendations to international and UK civil society

» Continue to work in solidarity with mining-affected communities and be led by their wisdom and demands.

» Continue to campaign actively for an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment and for domestic human rights and environment due diligence laws, in the UK a Business, Human Rights and Environment Act, with effective oversight and enforcement mechanisms.

» Work for an end to the Investor-State Dispute Settlement (ISDS) system under which companies can sue governments on grounds that government policy or implementation reduces their investment's profitability, regardless of any consequences for human rights or environmental protection.

1. Introduction

Background and rationale

International mining companies' regular public reporting emphasises mining's benefits for the global economy and usually claims that mining also results in positive impacts in host countries and communities. It often omits to mention or provide sufficient information about the negative impacts of mining experienced by communities affected by mine operations. Although some mining companies have become more open to self-criticism, and a senior industry figure has even gone on record about mining's "crisis of reputation",[1] in London Mining Network's view, companies' reporting on their human rights, social and environmental impacts is still inadequate.

Mining is a deeply problematic industrial and economic sector. With increasing global demand for solid minerals, especially for renewable technologies to power the low-carbon energy transition, human rights and environmental harms and risks arising from mining are likely to grow. This is one of several major concerns about whether the energy transition will be a just transition.[2]

To help fill the information gap, this report focuses on the impacts of one of the better-regarded major UK-based mining multinationals, Anglo American.

Aims and objectives

The report aims to help address the deficit of information and awareness among investors, regulators, the public and mining company directors, managers and workers about mining's human rights and environmental harm. It presents affected communities' perspectives on a major mining multinational's operations and performance based on experience in a sample of countries in Latin America. It contrasts this community testimony with the very limited and almost entirely favourable information on issues of community concern that the company provides in its annual reporting.

In this way the report aims to expose where the company in focus routinely causes and/or is associated with damage and is insufficiently transparent about, and accountable for, its impacts, and to inform and support advocacy that results in the far-reaching reforms needed to bring about a major reduction in the human rights and environmental harm caused by mining.

Research Methodology

Why Anglo American?

LMN has carried out solidarity work for several years and monitored impacts of London-based mining companies' operations on affected communities. Due to the large number of reports of mining's negative impacts on human rights and the natural world, LMN decided to look further at one company's performance and to contrast this with how the company reports annually.

In deciding which mining multinational company to focus on in the report, LMN made an initial assessment of the largest UK-incorporated and London Stock Exchange (LSE)-traded mining multinational companies. LMN decided to report on the impacts of one of the better-regarded major UK-based companies so that the company could not be claimed to be a bad example of industry policy and practice.

To document the lived experience of a representative sample of mining-affected communities, LMN needed to select a

company operating in several countries among communities with whom LMN members and allies have connections. Another selection criterion was that the company should be involved in extracting minerals that will be of continuing importance for the energy transition.[3] For these reasons, after initial scoping, we selected Anglo American as the report's subject. Anglo American mines the transition minerals and metals cobalt (Co), copper (Cu), iron (Fe), manganese (Mn) and nickel (Ni) in countries including Brazil, Chile, Colombia, Peru and South Africa.

Research and data collection

We used desk research to produce a summary of Anglo American's responsibilities, commitments and policies on the human rights of mining-affected communities and on environmental sustainability. All websites and online sources cited in the report were accessed between February 2022 and August 2022.

LMN members and allies conducted semi-structured interviews with members of communities affected by the company's operations and investments in four countries in Latin America – Brazil, Chile, Colombia and Peru – based on a set of prepared questions. We had also hoped to obtain testimony from South Africa, but in the event this was not possible.

Interviews with eleven members of affected communities took place in the first four months of 2022. Because of Covid-19-related travel restrictions and for other reasons, interviews were mainly online rather than in-person. We interviewed one community member from Brazil (in April), four from Chile (January and February), four from Colombia (March) and two from Peru (March). Four of the people interviewed were women and seven were men. The Brazilian community member subsequently sent a written summary of points they wished us to use as the basis of their testimony. Interviews were in Portuguese and Spanish, transcribed and translated into English, and lightly edited for clarity and thematic consistency.

For each mine discussed with community members, we examined Anglo American's annual and sustainability reporting for 2021 to assess the adequacy or otherwise of what the company tells its investors, regulators and others about its environmental and social impacts and risks to local communities.

Ethical considerations

Community members were informed about the purpose of the interviews. While many of the people interviewed agreed to have their names published in this report, one community member from one of those territories told us they did not wish to be interviewed out of concern for their personal security. We refer in Section 3 to interviewees in a numbered sequence as Interviewee 1, Interviewee 2, etc.

We have attempted to present the experiences and concerns of community members as directly and accurately as possible, although we are aware that sometimes details may become confused in translation. Through continuing contact with the communities we hope to be able to update the report's findings and recommendations as time goes on.

Company right of reply

LMN sent a confidential draft of the report, excluding the recommendations, to Anglo American to offer the company a right of reply in terms of the report's accuracy. Despite being invited and reminded several times by email to comment on the draft, the company did not respond.

Report organisation

Following this Introduction, **Section 2** describes Anglo American and its responsibilities, commitments and policies on the human rights of mining-affected communities and on environmental sustainability.

Section 3 presents the testimonies of the community members interviewed, arranged according to the four countries in focus: Brazil – the Minas-Rio iron ore mine; Chile – the Los Bronces and El Soldado copper mines; Colombia – the Cerrejón coal mine; and Peru –the Quellaveco copper mine. Each country subsection starts with a brief description of Anglo American's mining interests in the country and background issues relating to the mine(s) in question. And following the testimony, we summarise what the company says about the mines in question in its annual and sustainability reports for 2021

Section 4 summarises main findings, draws overall conclusions from the community members' testimony, and from contrasting this with Anglo American's reporting, and presents recommendations for the company, governments and other stakeholders. LMN believes that implementation of the recommendations will be essential to ensure that Anglo American's operations cease to cause and/or be associated with significant injury to human rights and the environment.

Annex 1 comprises the questions used and adapted for semi-structured interviews with community members.

Annex 2 provides a list of published sources mentioned by Interviewee 1 (Brazil) in written testimony emailed after the interview.

Annex 3 reproduces in English a public communiqué issued in March 2022 by leaders of Colombian communities relocated as a result of the operations of the Cerrejón coal mine.

2. Anglo American's responsibilities, commitments and policies on human rights and sustainability

About Anglo American

Anglo American is a UK-incorporated and LSE-traded international mining company headquartered in London. It was founded by the German-born businessman Ernest Oppenheimer in 1917 with US and UK financial backing to mine gold and coal in South Africa. The company describes itself as a "responsible producer of diamonds (through De Beers), copper, platinum group metals, premium quality iron ore and metallurgical coal for steelmaking, and nickel". It "provid[es] the precious raw materials our modern society needs" and "products [that] move the world towards a more sustainable future", and is "committed to being carbon neutral across our operations by 2040".[1]

Anglo American says it combines "integrity, creativity and smart innovation, with the utmost consideration for our people, their families, local communities, our customers and the world at large – to better connect the resources in the ground to the people who need and value them"; and it is committed to "[t]ransforming the very nature of mining for a safer, smarter, more sustainable future".[2]

Anglo American's total group revenue in 2021 was US $41.6 billion and its operating profit US $17.6 billion, and it employed 62,000 people around the world, with operations in Australia, Botswana, Brazil, Canada, Chile, Colombia, Finland, Namibia, Peru, South Africa and Zimbabwe.[3] It is a major actor in South Africa's domestic economy and through its part-ownership of De Beers has an interest in much of the world's rough-diamond production. By annual revenue, in 2021 Anglo American was the world's sixth largest mining company after Glencore, BHP, Rio Tinto, China Shenhua Energy and Yanzhou Coal Mining.[4]

International and UK human rights norms and standards

The Universal Declaration of Human Rights urges all "organs of society", together with individuals and states, to "strive … by progressive measures, national and international, to secure their [human rights'] universal and effective recognition and observance"; Anglo American, like all private sector incorporated companies, is an organ of society.[5] Human rights include those stated in the International Bill of Human Rights (Universal Declaration, International Covenant on Economic, Social and Cultural Rights (ICESCR), and International Covenant on Civil and Political Rights (ICCPR) and other international human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples (which under articles 10, 11, 19, 28 and 29 includes the right of Indigenous Peoples to give or withhold their free, prior, and informed consent in matters that affect their lives and livelihoods) and International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples.[6]

Under the UN Guiding Principles on Business and Human Rights, which the UN Human Rights Council endorsed in 2011, the corporate responsibility to respect human rights includes the requirement to "know and show that they [business enterprises] respect human rights" (Part II) and a responsibility to establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely

impacted (Part III).[7] The OECD Guidelines for Multinational Enterprises, which, like the UN Guiding Principles, are "soft law" and therefore not legally binding, require businesses to "Respect the internationally recognised human rights of those affected by their activities … avoid infringing on the human rights of others and … address adverse human rights impacts with which they are involved".[8]

In UK domestic law, the 2006 UK Companies Act requires Anglo American's directors to "have regard" to "the impact of the company's operations on the community" (section 172); and the company's annual strategic report must cover environmental, social, community and human rights issues (section 414C).[9] Section 414CA of the Act, which implements the Companies, Partnerships and Groups (Accounts and Non-Financial Reporting) Regulations 2016, which are in turn derived from the European Union's 2014 Non-Financial Reporting Directive, requires categories of large UK-incorporated and LSE Main Market-traded companies, including mining companies, to include in their strategic report a description of their environmental, social, community and human rights policies and due diligence, and of outcomes, principal risks, business relationships, products and services likely to cause adverse impacts in those areas of risk, and of how they manage the principal risks.

From LMN's perspective, and as the case studies in this report show, international law, "soft law" initiatives – such as the UN Guiding Principles and the OECD Guidelines – and UK domestic law have not provided adequate protection for human rights risks in the context of mining (and no doubt other multinational business activities). As we discuss in Section 4, stronger measures are needed.

Company policies and commitments

Anglo American's policies and commitments regarding human rights, sustainability and related matters include their values,[10] code of conduct[11] and 2018 human rights policy.[12] The policy refers to respect for human rights as stated in the code of conduct and "reflected in our core values of safety, care and respect, integrity and accountability"; it mentions that Anglo American is a signatory to the United Nations Global Compact[13] and the Voluntary Principles on Security and Human Rights[14] and a supporter of the UN Guiding Principles. Company policy commitments include to respect all internationally recognised human rights and international humanitarian law, to address adverse human rights risks and impacts, and to contribute positively to an enabling environment for human rights to be respected, including special attention to the rights of potentially vulnerable groups throughout the life-cycle of operations. Anglo American commits to contribute to the remediation of adverse human rights impacts it has caused or contributed to and to inform and engage with affected and potentially affected people including involving them in monitoring performance. The company states also that it will collaborate with or provide access to remedy through effective complaints and grievance procedures.

Additional Anglo American policies such as its human rights framework[15] and its Safety, Health and Environment Way[16] and Group Social Way policies[17] commit the company to avoid harm, to create an environment in which communities impacted by its operations can prosper sustainably and to deliver a lasting, positive contribution to local communities. These documents also state the company's compliance with International Finance Corporation (IFC) performance

standard 1 on environmental and social risks and impacts and with Indigenous Peoples' right to free, prior and informed consent (in accordance with International Council on Mining and Metals' position statement and good practice guide).[18] Anglo American seeks to align with IFC Environmental and Social Performance Standards[19] and with the UN Guiding Principles. The company commits to take corrective action as needed, to continuous learning and to contribute to the long-term well-being of local communities through socio-economic development. The company is a member of the Business Network on Civic Freedoms and Human Rights Defenders and co-signatory to the network's 2018 Public Statement on Supporting Civic Freedoms, Human Rights Defenders and the Rule of Law.[20]

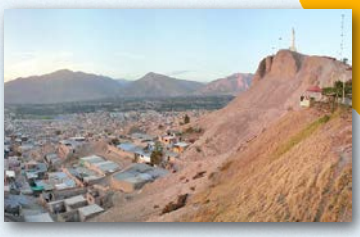
On environmental sustainability, Anglo American refers to guidance from the ICMM Sustainable Development Framework, the Global Reporting Initiative (GRI) Standards and related Mining and Metals Supplement, the EU Non-Financial Disclosure Directive, the UN Global Compact Reporting Framework and the UN Guiding Principles Reporting Framework.[21] It has a Sustainable Mining Plan, which it launched in 2018, aligned with the UN's Sustainable Development Goals and comprising three pillars: healthy environment, thriving communities and trusted corporate leader.[22] Its "WeCare" programme is a "global lives and livelihoods support programme" for mining-impacted communities in response to the effects of Covid-19.[23]

3. Community interviews and testimony

We present here the testimonies of the community members interviewed, arranged according to the four countries in focus: **Brazil** – the Minas-Rio iron ore mine; **Chile** – the Los Bronces and El Soldado copper mines; **Colombia** – the Cerrejón coal mine; and **Peru** – the Quellaveco copper mine. Each country subsection starts with a brief description of Anglo American's mining interests in the country and background issues relating to the mine(s) in question. For each mine, we contrast community members' testimony with what the company says in its annual and sustainability reports for 2021.



Colombia: Cerrejón, La Guajira
Coal mine



Peru: Quellaveco mine, Moquegua
Copper mine



Chile: Los Bronces, Santiago Metropolitan Region & El Soldado, Valparaíso
Copper mines



Brazil: Minas-Rio, Minas Gerais
Iron ore mine



Photos (anti-clockwise): Indigenous blockade at La Guajira, Colombia, credit: Samuel Arregoces; Panoramic Moquegua, Miguel Vera León, licensed under CC BY 2.0; Parque Andino Juncal, Valle Aconcagua, credit: Ignacio Acosta ; Floods and mudslides in Minas Gerais, Brazil, HVL, licensed under CC BY 4.0

Brazil: Minas-Rio

“The Passa Sete stream has lost all its native fish following two incidents of fish deaths in 2014, and its water is no longer suitable for domestic or agricultural use, for bathing or recreation. The likely cause is the stream’s origins in springs close to the tailings dam”



Floods and mudslides in Minas Gerais, Brazil, HVL, licensed under CC BY 4.0

Brazil: Minas Rio

Introduction and background

Anglo American's wholly owned Minas-Rio open pit iron ore mine is among the world's largest iron ore operations, producing 22.9 million tonnes of ore in 2021 and contributing US $4.15 billion to the company's total annual group revenue of US $43.26 billion.[1] When the mine was first under development, the company said it was one of its "major strategic growth projects … expected to significantly enhance Anglo American's position in the highly attractive global seaborne iron ore market" and had "[s]ignificant expansion potential". Ore production began in 2014 together with export via a 529 km pipeline to shipping facilities at Brazil's Atlantic port of Açu.

Together with its processing plant and tailings dam, the mine is situated in the state of Minas Gerais, southeast Brazil, mainly in the municipality of Conceição do Mato Dentro but also partly in neighbouring Alvorada de Minas and Dom Joaquim municipalities. The location is in the buffer and transition zone of the Espinhaço Range Biosphere Reserve, one of Brazil's priority conservation areas

LMN has monitored developments at Minas-Rio since 2013, raising questions about the mine at several recent company AGMs.[2] We have given voice to community concerns about water depletion and contamination, inadequate public consultations, poor-quality state regulation, community divisions, major pipeline leakages, the potential impacts of a tailings dam breach, and controversial plans to vastly expand tailings storage. And we have reported on local and international protests, on threats against and intimidation of local residents and critics of the mine, and on land title disputes.

Interview and testimony

In April 2022 LMN met in London with a community member of a rural district of Conceição do Mato Dentro who has long been concerned about local impacts of Minas-Rio (Interviewee 1). After returning to Brazil, and with support from a local civil society organisation, the interviewee sent a written Portuguese-language summary of their and other residents' concerns (gathered from other interviews), also citing several reports and documents.[3]

Interview 1

Interviewee 1 is a resident of a small rural settlement of approximately 450 people in Conceição do Mato Dentro municipality. The following is a translation of their written summary, edited for clarity.

Interviewee 1's main concern is the situation of residents living in rural areas directly or indirectly affected by the Minas-Rio iron ore complex, including the communities of Água Quente, Passa Sete, Itapanhoacanga, São José da Ilha, São José do Arruda, São José do Jassém, Taporoco and Gondó. They noted that Minas-Rio is located in the middle of the Serra do Espinhaço, the only mountain range in Brazil and an area rich in biodiversity and natural resources that is an important catchment area for rivers such as the São Francisco, Jequitinhonha and Doce. The mountain range is internationally recognised as a World Biosphere Reserve.

"With numerous minerals in its soil and subsoil, including iron ore, manganese, bauxite, gold and precious stones, Serra do Espinhaço was the site of mineral explorations by Portugal and its South American colony in the 17th and 18th centuries. Over more than 300 years the state of Minas Gerais developed a rich and varied social culture centred on urban settlements such as São João del Rey,

Ouro Preto, Mariana, Sabará, Santa Luzia, Serro, Diamantina and Conceição do Mato Dentro. Mined diamonds and gold were sent from the city of Diamantina to the port cities of Paraty and Rio de Janeiro and exported to Europe.

"After the reserves of gold and diamonds were exhausted in the late 18th century, the rural population of this part of Minas Gerais turned to family farming, producing corn, beans, cassava, rice and other crops. A major rural industry was raising dairy cattle and producing milk and cheese, especially soft Minas cheese. The social culture that developed in this area over generations is an amalgam of Indigenous, African descent and Portuguese elements. Local communities comprise people linked by kinship, marriage and long-standing social ties. Knowledgeable about the local plants, animals and natural cycles, they live lives close to the earth. Until the turn of the 21st century, this was the situation of most of the region's rural population.

"However, life began to change in the first decade of the 21st century, initially with the arrival of outsiders observing, analysing and showing interest in buying people's land. At first these potential buyers said they were interested in land for cattle raising or eucalyptus planting. Others from outside the area were seen surveying the land, analysing soils and collecting samples, usually without prior notice or authorisation from the landowners. This activity generated fear, mistrust and uncertainty. For a long time people did not know that this interest in the lands of the region was linked to the future installation of a mining enterprise.

"The Brazilian company Borbagato Agropastoril made the first land acquisitions as a front for the interests of MMX, a member of Brazil's EBX Group, which was ultimately behind the venture at that time (MMX filed for bankruptcy in 2016). The criteria the company adopted to value land, the way it approached families and other procedures caused disagreements between relatives, family break-ups, and depression and anxiety, especially among older people. This financial value of land became of great importance and caused disputes among residents over hereditary rights, land sharing and ownership documentation.

"Local communities comprise people linked by kinship, marriage and long-standing social ties. Knowledgeable about the local plants, animals and natural cycles, they live lives close to the earth"

"Anglo American's implementation of the project began in 2008. Following a public pre-licensing hearing, in 2009 the company obtained its Phase 1 installation licence, and in 2010 the Phase 2 licence. The operating licence followed in 2014. In 2018 Anglo American submitted a proposal and applied to expand mining at Minas-Rio, with prior licence and installation licence processes taking place concurrently throughout the year. The company began operating the expansion area before obtaining the operating licence, which it received at the end of 2019.

"Throughout the process of development and implementation of mining at Minas-Rio, local people have experienced a range of impacts, of which many have

not been resolved or compensated properly. The complexity of the licensing process, which involves municipal, state and federal agencies, combined with a lack of communication with affected communities, generated misunderstanding and uncertainty. And the company received permits for land purchases before completion of the "socio-economic and patrimonial register" that was to document family land ownership.

"The company began operating the expansion area before obtaining the operating licence"

"Borbagato Agropastoril/MMX conducted the early land purchase negotiations with local landowners individually, which sowed confusion and discord regarding how the land was valued. In the land purchase negotiations, little consideration was given to socio-cultural aspects of people's relationship with the land and to local knowledge built up over many generations. At the same time, the expected socio-economic impacts of the mine were minimised, for example with one environmental impact study stating that the mine would affect only 1.4 per cent of the total pasture area within the designated "area of direct influence". This disregarded the reality experienced by many families, people's ancestral relationship with the land and other socio-cultural factors.

"These early mistakes remain unremedied today. Anglo American still pays for people's land in instalments, and when receiving the first payment landowners must leave the property immediately, which makes it impossible to acquire another place to live. And even when they have received the full amount, families still have difficulties finding properties with the same standard elsewhere that they can afford. Company commitments to provide

"The company received permits for land purchases before completion of the socio-economic and patrimonial register that was to document family land ownership"

legal documentation for households of the new land where they resettle go unfulfilled. So families are trapped in the status of squatters. Lack of proof of landownership now prevents many households from accessing public support for smallholder farming, from registering with the authorities as sellers of produce or from accessing electricity provided by the state-owned company. There have been other failures of technical and legal follow-up, non-compliance with conditions set in the land negotiation plan and late payment of contractually agreed instalments.

"Anglo American still pays for people's land in instalments, and when receiving the first payment landowners must leave the property immediately, which makes it impossible to acquire another place to live"

"Mining operations have generated new social and environmental impacts. The way of life of the communities has been severely affected by the reduction or disappearance of some water springs and by water contamination. According to a study conducted by Anglo American presented to some residents,[4] high levels of heavy metals are now present in at least one local water course, although the company has shared little detailed

information or explanation, resulting in affected and potentially affected households remaining largely uninformed of the health risks. Despite rural people's crucial reliance on water for a host of domestic, health and livelihood needs, in many affected locations people have to rely on water brought in by trucks.

"The long pipeline that Minas-Rio uses to carry the extracted ore to the coastal port of Açu, from where it is exported, consumes about 2.5 million litres of water per hour. This water, which would be enough to supply about 393,000 people, is abstracted from the water courses in this region where natural springs have dried up, stream and river water volume has decreased and part of the available water is contaminated by mining activity. Considering the well-documented general decrease in rainfall over much of Brazil, including Minas Gerais, there has been insufficient recognition of the way Anglo American's pipeline compromises the supply of water to local people and to the environment as a whole. The locality is in any case suffering from the effects of climate change, with exceptionally heavy rains at times interspersed with periods of drought and record-breaking high temperatures. Local farmers' corn and bean crops have been affected, and there is likely to be a shortage of cereals for human consumption and livestock feed.

"Minas-Rio is situated close to the headwaters of the Santo Antônio river, an important tributary of the Doce river, which was heavily polluted in the 2015 Samarco tailings dam disaster.[5] One of the Santo Antônio's tributaries, the Passa Sete stream, has lost all its native fish following two incidents of fish deaths in 2014, and its water is no longer suitable for domestic or agricultural use, for bathing or recreation. The likely cause of this is the stream's origins in springs close to the mine tailings dam.

"The Passa Sete stream has lost all its native fish following two incidents of fish deaths in 2014, and its water is no longer suitable for domestic or agricultural use, for bathing or recreation. The likely cause is the stream's origins in springs close to the tailings dam"

Serra da Ferrugem, near Córregos, credit: Carlos Mitraud



"Wind-blown dust from the open pit mine has impacts on the health and economy of many households. The dust settles on vegetable crops and pasture grass and contaminates water courses. We do not know the composition of the dust but suspect it contains high concentrations of health-damaging heavy metals.

"Mining has also brought a major increase in the number of cars, vans and trucks on the roads of the three municipalities. This traffic has disrupted the decades-old quietness of many localities with vehicle noise, accidents, road deterioration, damage to urban water and sewage networks, and cracks and other structural impacts on buildings. Such impact are evident in the district of Córregos, a recognised national historical and architectural heritage site and the oldest settlement in Conceição do Mato Dentro,

"One community, Gondó, which is just below the west face of the ridge where the mine is situated, also suffers from the noise and tremor of mine explosions, the risk of rockslides and the 24-hour daily electric lighting of the mine. People who live in Gondó feel threatened and insecure and find life there increasingly difficult due to these factors including the lack of water. Anglo American has not treated the resettlement of this community as an urgent need. These people still lack documented title for their land and insist

"One community, Gondó, which is just below the west face of the ridge where the mine is situated, also suffers from the noise and tremor of mine explosions, the risk of rockslides and the 24-hour daily electric lighting of the mine"

that they should not be relocated before giving their consent to any new location.

"The tailings dam is located close to several communities such as Passa Sete (3.9 km from the dam), Água Quente (5 km) and São José do Jasém (12 km), all of which are at lower elevations than the dam. The dam was designed to hold 60 million cubic metres of tailings, which is five times more than the volume held by the Brumadinho dam, which collapsed so disastrously and lethally in 2019. People living in these communities are at permanent risk because they will hardly be able to escape if there is a dam breach, as happened in Mariana in 2015 and Brumadinho in 2019.[6]

"Brazil passed state law 23,291, also known as the Mar de lama nunca mais ('Sea of mud never again') law, in February 2019 to prevent further tailings dam disasters following Mariana and Brumadinho. This law prohibits the granting of new licences to expand tailings dams where communities live 10 km or less downstream of a dam. Nevertheless, late in 2019 Anglo American obtained a state licence to raise the height of the Minas-Rio tailings dam, which shows that in Minas Gerais mining companies are above the law.

"Issues relating to resettlement have already caused numerous concerns and even mental and emotional illness among residents"

"Because of the circumstances described above, there is every possibility that communities will make new demands for resettlement, even though issues relating to resettlement have already caused numerous concerns and even mental and emotional illness among residents."

Interviewee 1 offered several final considerations and recommendations:

- There should be comprehensive formal recognition by Anglo American and the municipal authorities of Conceição do Mato Dentro, Dom Joaquim and Alvorada de Minas that the residents of all the communities mentioned above, and others, have been and continue to be affected in their daily lives by the presence of Anglo American's mine.
- Regarding the Minas-Rio pipeline, the company should create efficient communication channels with communities so that residents can know and participate effectively in discussions about the region's water resource problems. Civil society should be able to monitor the pipeline's water abstraction independently and to stop the pipeline's operation when necessary to meet the domestic and agricultural water needs of the local population.
- The company and the municipal authorities should implement a participatory programme for monitoring and treating mine wastewater that enters the Santo Antônio river and the watercourses that form its basin.
- Regarding property negotiation and resettlement, Anglo American should follow consistent and transparent rules for households and communities, including clear property valuation criteria, full payment before a household relocates, supplementary funding to ensure families can move to new locations of a similar standard to where they move from, and full legal documentation of their new land and property ownership.
- Company and municipal resourcing is needed so that civil society can monitor, document and communicate to all concerned Minas-Rio's social and environmental impacts on an ongoing basis and assess in advance any expansion plans that may affect surrounding communities.
- One reason for the inadequacy of Anglo American's interactions with affected communities is that studies carried out to guide the company have failed to consider socio-cultural factors. The company should make and implement a public commitment, especially where households' relocation and resettlement are involved, to take full account of the rich intangible cultural heritage that underlies the wellbeing of all affected individuals, families, groups and communities.

Flooding of the Passa Sete river, credit: Carlos Mitraud

What the company says about Minas Rio[7]

Anglo American's Integrated Annual Report 2021 mentions that Minas-Rio's energy use has decreased and will draw on renewable sources by an unspecified date (p. 93). It reports the planned introduction of technology to decrease contaminant waste and reduce the need for wet tailings storage (p. 94). Other references to the mine are entirely operational and financial.

Anglo American's Sustainability Report 2021 includes a photograph of a seedlings nursery for native plants (p. 32). It mentions a site assessment under the Initiative for Responsible Mining Assurance (IRMA) (p. 45); a company "enterprise development programme" called Crescer ("to grow" in Portuguese) "focused on supporting entrepreneurs" including in the area around Minas-Rio (p. 55); "feasibility studies for the development of the coffee and tourism industries … and … opportunities for establishing a supplier park in the region … reaching out to relevant stakeholders and putting in place the relevant governance structures in place to take the work forward"; and the existence of a company biodiversity plan for the area around Minas-Rio, which it classifies as adjacent to a globally or nationally important biodiversity area (p. 77).

Neither report mentions outstanding land ownership, valuation, dispossession, payment and relocation issues and disputes; water resource and contamination problems; airborne pollution; damage to local infrastructure; noise and tremors; community concerns about the tailings dam and its controversial height extension; and negative impacts on communities' socio-cultural heritage.

Chile: Los Bronces and El Soldado

Parque Andino Juncal, Valle
Aconcagua, Ignacio Acosta



“When ‘development’ is at the expense of nature this does not serve us. We need to defend life.”

Chile: Los Bronces and El Soldado

Introduction and background

In Chile, Anglo American is the majority owner and the operator of the Los Bronces and El Soldado copper mines and the Chagres copper smelter, all in the central valley area, and employs 4,300 people.[8] It also has a minority share in the Collahuasi mine in northern Chile. In 2021 Anglo American produced 647,000 tonnes of copper, most of it in Chile, and its global copper operations generated group earnings of US $4 billion.[9]

Here we focus on the Los Bronces and El Soldado mines. Los Bronces is located in the Metropolitan Region, 65 km northeast of Chile's capital Santiago, 3,500 metres above sea level in the Andes mountains. It is an open pit copper and molybdenum mine with a 56 km pipeline taking the ore to the Las Tórtolas flotation plant, which produces copper and molybdenum concentrate; the waste ore is stored behind a tailings dam. Anglo American is exploring underground copper deposits at Los Bronces for future development under the project name Los Bronces Integrado. In April 2022 Chile's Environmental Assessment Service recommended against a permit for this extension.[10]

El Soldado is located in Region V, 132 km northwest of Santiago and northeast of the port city of Valparaíso, 600 metres above sea level. Also an open pit mine, El Soldado's waste is stored behind the 92-metre-high El Torito tailings dam, which opened in 1992 and is authorised to store up to 181 million metric tonnes of tailings to reach a height of 102 metres by 2027.

LMN has reported on human rights and environmental harms and risks arising from Anglo American's Chilean operations, including impacts on glaciers and water resources, for a number of years and has raised these questions at company AGMs.[11] These and related issues have also featured in reports by the Chile-based Observatorio Latinoamericano de Conflictos Ambientales and other media.[12] Chile's No+Anglo movement, made up of affected communities, has reported and heavily criticised damage caused by Anglo American's operations in their territories.[13] For example: the "El Soldado mining operation … includes infractions of environmental and mining legislation, pollution of aquifers, atmospheric pollution, interventionism in the communities neighbouring its operation, destruction of ecosystems and protected natural heritage - such as Bellotos del Norte, a tree declared a Natural Monument."[14]

Interview and testimony

Seven Chilean communities known to LMN are impacted by Anglo American's operations and are organised under the national movement No+Anglo. LMN contacted 10 members of these communities in the early months of 2022 and subsequently undertook a total of four interviews with members of the communities of Lo Barnechea and Lampa, affected by the Los Bronces mine, and El Melón, affected by El Soldado. Interviews were conducted in March 2022.

Los Bronces

We interviewed two members of communities affected by Los Bronces in February 2022. Interviewee 2 lives in the commune of Lo Barnechea, Interviewee 3 in the city and commune of Lampa.

Interviewee 2

Interviewee 2 described Lo Barnechea as an urbanising municipality with about 106,000 residents, traditionally a largely rural population of small-scale farmers

and muleteers, some Indigenous Peoples present and a long mining history. They said that the community has started to self-organise in anticipation of the expected expansion of Los Bronces Integrado.

In speaking about impacts on the community of the Los Bronces mine and the Las Tórtolas tailings deposit, Interviewee 2 emphasised water scarcity, pollution and harms to biodiversity: "We always felt that Lo Barnechea was a luxurious place to live, because we had nature and clean air, but now they are telling us that we don't have water, our air is polluted and everything is drying up … The greatest impact … is on water … [W]e are interdependent with all of nature … the mega-drought we are experiencing is affecting all of our ecosystems … When one thinks of glaciers, it is the beginning of the cycle of water and life. We say that the glacier now does not even cry, not even tears fall, because it is running out of water … Not only [is the mining company] taking the copper, they are stealing the water."

The effects are more than local: "Santiago lives from these water basins; therefore, when they are affected, it affects the entire population that lives in the capital of Chile."

Interviewee 2 also mentioned the noise of company trucks at night, damage to the roads and the dust generated by the trucks: "Anglo American passes its trucks through the centre of communities … trucks full of toxic materials. This situation is dangerous for everyone's life. People live here who do not have cars, there are no buses … [so] people walk next to where the huge Anglo American trucks pass. Every day we breathe dust from trucks … [T]hese roads are infrastructure for people, but it is the Anglo trucks that block our transportation routes and pollute us."

For this interviewee, "We are … living in a contaminated environment … The damage caused by living in a polluted environment is evident. In communes like Lo Barnechea, we have high cancer levels, due to water contamination. We don't have studies, because the studies are done by Anglo American" and therefore, in their view, not to be trusted.

Interviewee 2 identified a tension "between our cosmovision and the relationship we have with the mountains, and the vision that the company has". "When we see how the company presents its environmental impact studies, we realise the great difference between our worldview and their vision. They do not know the names of the glaciers … they do not understand our history, nor do they respect it. For them the mountains and glaciers are more than anything else the place to extract, but they do not understand that each mountain has a name, has a history and has a belonging."

They expressed distrust of the company: "They use lies as their only way to communicate and relate to the communities. I believe a lot in dialogue and also in the co-construction of agreements, but with Anglo that is impossible, because they hide information from us, so we cannot trust or talk to a company like that … Companies like Anglo American have shown us that they do not care about people or nature … we cannot talk with an organisation that thinks so differently from us … They are the ones with the information, the studies, so they marginalise us."

According to Interviewee 2: "You feel that Anglo American is a giant that could crush you. The company is strong, and we do not have the economic power that they have … At the commune level, Anglo American has generated conflict by peddling its influence with the municipality. They have financed intercity buses and a centre for traditional culture, but this is the same way drug traffickers insert themselves

into communities. Many people see that the company invests money in things and delivers benefits but not that it does this to cover up its negative impacts."

There is a sense of living in a "sacrifice zone" and being unprotected: "When 'development' is at the expense of nature, this does not serve us. We need to defend life … Chile fails to defend itself from companies like Anglo American. The way Anglo presents the projects is not very transparent or is not correct. Not feeling protected is the worst thing that is happening to us … we do not know where to go to defend our rights … Even the National Institute of Human Rights, which is aware of the conflicts we have, does not visit the territory."

The problem has a continental and a global dimension: "Chile has about 80 per cent of the mass of glaciers in Latin America. This is a refrigerator for everyone. They are impacting one of the largest refrigerators we have … [And] it's not just that Anglo American doesn't care about an area … the problem is that … it's the entire [global] South dismantled by the [global] North."

In terms of remedy, Interviewee 2 said: "Governments like the UK must realise that there are companies, mostly from their country, who are affecting the world … The UK government should request independent studies that are based on truths and facts … [and] I would love for [Anglo American] to be honest."

Interviewee 3

Interviewee 3 described their community, Lampa (which means 'mining shovel' in the Indigenous Quechua language), as part of a growing urban development zone with a population of 128,000 in a previously rural agricultural area. Many people commute from here to work in Santiago and elsewhere. There are Indigenous Mapuche and Diaguita communities present. The interviewee described herself as a social leader who has been involved in campaigns for better housing and now works on environmental issues.

According to Interviewee 3, concerns about the impacts of Los Bronces go back about a decade or more: "In 2013 we had episodes near the Pan-American Highway on Route 5. In a housing complex, Valle Grande. Neighbours filed criminal complaints for the contamination of drinking water with arsenic … Our basin is the lower Maipo [river] basin. We do not have surface water; all our water supply depends on groundwater. Everything that is inserted into the groundwater will transfer to what we consume … As a result of the first complaint, it was established

Coordinadora por la Defensa del Agua Valle Akukawa, Reunion Juncal, credit: Ignacio Acosta



that Anglo American's mining tailings were going to be investigated. People had reported complex health conditions. They couldn't drink the water and began to obtain water from cistern trucks and to install filters."

Water contamination and scarcity are still the key issues arising from the Los Bronces mine, they said. In 2020 residents publicly denounced a company trucking in water for selling it to Anglo American rather than providing it free to the communities. Anglo American's purchase of the water intended for the community "is completely irregular and illegal, because [the company] does not have the right to buy that water". Communities affected by Los Bronces and the Los Bronces Integrado site "have been left dry" because of water abstraction by the company.

"[The company] does not have the right to buy that water"

There are consequences for biodiversity: "Birdlife, flora and fauna have been damaged in their reproductive, seasonal and feeding cycles. When the amount of water decreases … trees such as the guayacanes, litres, pines and carob – species in danger of extinction – suffer direct damage … … These trees have their roots very deep, and without groundwater there is no way for them to feed. This is a cycle of destruction, because it means there are no seeds for our birds." Formerly endemic birds are diminishing in number.

Human livelihoods have suffered: "One of the … consequences of environmental conflicts and water pollution is that the farmers … are also in danger of extinction. Many farmers … do not have water or technologies to deepen their wells." This was once a vegetable producing area, but water scarcity "has caused many people to lose their means of subsistence". The younger generation seek work in Santiago or in mining or the industrial belt, because the environment can no longer support farming.

According to Interviewee 3, the municipality recently found that Anglo American has not complied with water conservation requirements and has continued to irregularly purchase water that belongs to the communities: "When we see the trucks transporting water [to the company], it causes us anguish, because we believe they are stealing the little water we have … Seeing the passing trucks makes us helpless, angry, uncertain." They criticised the lack of current environmental impact studies.

Interviewee 3 is also concerned about air pollution and road damage from trucks: "People who travel to work in areas near the tailings suffer from the presence of particulate matter. Our roads are dirt roads. The trucks that transport water daily, by moving our water, raise particulate matter, collapse our roads and deteriorate them."

And they are fearful of a breach of the Las Tórtolas tailings dam. A "dam fracture … can be seen from satellite images. A follow-up was done and they realised that there was an abnormal vibration. Near the dam there are towns and communities. [Because of] the height of the tailings dams that we have … in the event that they break or there is an accident, the entire centre of Colina [a nearby city/commune] could be under the tailings. Whole communities could disappear."

Interviewee 3 said they belong to a movement with "an eco-feminist perspective". They said women are "a source of energy for the protection of our common natural assets. Women are creators of networks, organisers of life and family … It is no coincidence that women

are the great part of social organisations … because this impact hits directly in our life, more than in men's lives."

"[Because of] the height of the tailings dams … in the event that they break or there is an accident, the entire centre of Colina could be under the tailings. Whole communities could disappear"

The local authorities cannot be relied upon: "The company has generated a very close relationship with public institutions and that discriminates against us, because the company gives incentives to government institutions and they decide on [matters affecting our lives] between themselves, with very irregular methods … If we make a complaint because we do not have water in our homes, the answer comes six months later … because there is an agreement whereby the institutions protect the company."

Interviewee 3 was, like Interviewee 2, critical of Anglo American's investments in the community, which they characterised as "image-washing" to give the company "a social pass". A training centre has been opened, but company initiatives disempower people: "This takes away territory from us … Anglo American builds institutions and doesn't let us participate in the construction of our own reality." The company has hired a foundation to work with the community, but "we do not want to develop projects with organisations that receive money that comes from drying out our territory".

Interviewee 3 feels unprotected by the Chilean authorities: "If we talk about the security of those of us who consider ourselves defenders of the environment, life, water and land, we are afraid. We do not dare to denounce, we are criminalised, violated and often killed. In Chile we have not signed the Escazú Agreement, which would be a great step forward in the defence of those who defend our land.[15] This is a fight between giants and the unprotected, because we have no institutions to protect us."

Interviewee 3 wants greater access to information and environmental justice: "These large companies do not pollute in their countries of origin. Why do they do it in Latin America? They should meet the international standards that they meet in their countries … Environmental education is the key and requires prioritising the climate crisis over other economic policies … We [also] need to build strong environmental institutions such as ombudsmen … We need organisations that end corporate impunity … [with] high sanctions [to prevent] more crimes of ecocide and human rights violations."

El Soldado

We interviewed two members of communities affected by El Soldado in January 2022, both residents of the town of El Melón in the commune of Nogales.

Interviewee 4

Interviewee 4 described El Melón as having a population combining urban and rural dwellers. Traditionally a rural agricultural settlement, the community has become increasingly urbanised. Small-scale family agriculture has been disappearing as a result of the scarcity of water caused by mining, they said, leading to the migration of rural people to cities in the central valley and the north.

Speaking of the impacts of El Soldado, Interviewee 4 emphasised intensifying water shortages: "The river and the estuary that supplied El Melón can no longer supply the aquifers, and therefore the resource is not available." Environmental impacts include the destruction of streams and native forests. Anglo American "have not complied with reforestation programmes and despite the fines they continue to operate … because paying fines is more convenient than caring for and protecting nature". Children have suffered from the water scarcity. They "cannot enjoy and interact with nature that has been degraded – forests, rivers, hills, snow that have been affected by the operation of the mine"

In 2019, the most critical year of the current drought in the region, according to Interviewee 4, the company increased production by about 14 per cent, which required the use of significantly more water, leaving communities without supplies. They said that as part of a new project Anglo American is planning to redirect water from several streams into a new channel, which is likely to result in more socio-environmental damage.

The interviewee mentioned "high rates of stomach cancer and respiratory diseases that are believed to be due to water or atmospheric contamination caused by mining extraction and all the toxicity that this entails". They were not aware of

El Soldado, El Melón, credit: Jorge Ramirez



scientific evidence of the impacts of the mine on human health.

"High rates of stomach cancer and respiratory diseases … are believed to be due to water or atmospheric contamination caused by mining extraction and all the toxicity that this entails"

On an emotional and psycho-social level, they spoke of "fear of the tailings [dam] due to its possible overflow or collapse … fear due to the memory of the collapse that occurred a few years ago … The collapse of the tailings dam would have immeasurable effects; there are approximately 290 million tonnes of the El Torito tailings that can destroy everything if the dam collapses."[16]

Livelihoods of small-scale farming families have been affected because of the lack of water. Formerly self-reliant households now need to take on paid work to be able to buy food that they previously produced for themselves, and to buy drinking water because the tap water is now polluted. Local grazing routes used by generations of pastoralists have been blocked by company operations, and much of the grass is now contaminated and grows poorly. Communities living in the vicinity of the mine are forced to "assume the external social and environmental costs", they said, while Anglo American takes the profits.

Conflicts have arisen between community members: "[T]here is an issue in the communities of offers of benefits that people can receive from the location and expansion of the mining activity." Divisions arise between those who oppose mining and those who have benefited from the presence of the industry.

Local people lack the economic resources to sustain a legal defence of nature against damaging mining projects, while "the local governments have not put pressure on the companies because they give 'aid' to the municipalities". And when it comes to reporting on environmental impacts, "the mining companies have a lot of power over the municipal institutions". This results in "the municipality blam[ing] itself for water shortages due to structural problems of the connections", instead of holding Anglo American responsible for monopolising and contaminating the water. "We are alone. The institutions do not support us, rather they have a close relationship with the mining company."

Interviewee 4 concluded: "Mining gives nothing to the local community. We want the community to be the one to decide whether to accept or reject [mining] projects, because the companies and state agencies are against the people … [I]f the legislation does not change, Chile will continue to become pure 'sacrifice zones' …The company says that there is an interest in restoring the trust of the community, but all the time they give false information, for example in the regulation of water contamination … environmental monitoring is not carried out, or company personnel distort the information … [Nothing] of what is promised materialises. Anglo American does not provide positive help but only compensation for everything it takes and the problems it leaves behind."

Interviewee 5

Interviewee 5 described their community as a part of El Melón and comprising approximately 1,000 people. Local livelihoods are based on crop cultivation, livestock raising, small-scale trading and tourism. Some people also work in mining and industry.

According to this interviewee, El Soldado consumes millions of litres of water every day and contaminates the

groundwater with sulphates and other mining derivatives, affecting community water supplies, irrigation and the local economy. "The scarcity of drinking water without contaminants generates monthly extra expenses for families, who must buy filtered water for consumption to safeguard their health … [T]he lack of water for irrigation has collapsed peasant family agriculture", forcing some farmers to subdivide their plots and others to sell their land and seek work elsewhere.

When Anglo American last received approval to expand the El Torito tailings dam, the company committed to supply the villages closest to the mine – Collahue, Los Caleos and La Macal – with drinking water brought from outside the area. But this commitment is only until 2027. "How will these villages access water after that?" the interviewee asked.

El Soldado is located in a designated conservation area, they said. Mining directly affects ancient high-biodiversity forest where the endemic, endangered Northern acorn tree grows, which is an officially protected species. They consider that the State of Chile has violated international conservation agreements and Chilean domestic law by permitting mining in the area, and that any expansion of mining at El Soldado will further endanger local biodiversity.

Interviewee 5 also mentioned that El Melón and the surrounding area are officially classified as subject to health-threatening pollution from particulate matter, especially from El Soldado: "Every week there are strong detonations, which not only alter the peace and quality of life but have caused structural damage to homes, and large amounts of suspended particulate matter emanate from them."

During the military dictatorship, the Chilean mining company that then controlled the deposit was authorised to take more than 200 hectares of land owned by community members to construct the El Torito tailings dam, according to Interviewee 5. They said this agreement was made using the signatures of people who were not landowners and using the military influence and impunity of that time. The community has still not received compensation; and flooding of the area has caused a great deal of destruction of the natural environment.

The interviewee said that in 2011 the community had denied Anglo American access to some commonly held land, and since then the company has bought property rights from a number of individuals at very low cost and is seeking to obtain rights to more of the land to expand El Soldado, including through legal claims: "Representatives of Anglo American … [are] suing the entire community (affecting approximately 1,500 families…) … [This] process has generated a deep breakdown and enmity in the community, as well as a hostile environment, among the owners of this 'common property'." It has also involved defendants in hiring defence attorneys and legal advisers. Some of the properties belonging to El Melón residents date from past agrarian reforms.

"Representatives of Anglo American … [are] suing the entire community (affecting approximately 1,500 families…) … [This] process has generated a deep breakdown and enmity in the community"

Are there any benefits for the community from the mine? Interviewee 5 said that "support or opportunities that the company provides … [are] scarce and inconsistent … [T]here are programmes, for example, for the delivery of seeds, but

they are useless if they do not go hand in hand with irrigation water for farmers who lack wells. Water could easily be obtained from the millions of litres per second that the company has rights to and underutilises."

In Interviewee 5's opinion, El Soldado "violates the essential human right to live in a pollution-free environment … This also alters the good relations of our community, influencing community leaders with projects, demands and harassment with interventions that … generate divisions and hatred … The authorities have historically been at the service of the interests" of the mining company and ignored the contamination and the company's "interventionism in the decisions of the community".

As to remedies, Interviewee 5 urged pollution fines, the sanctioning of Anglo American's "interventionism … in the communities for its [own] purposes" and effective compensation for the presence of mining companies in affected territories. Home governments of mining companies, such as the UK, should impose greater control over "extractivism and the destruction of planetary biodiversity".

Anglo American itself, in Interviewee 5's view, should stop intervening in community affairs; halt its destruction of biodiversity; respect protected conservation areas; and not seek to "alter the laws and influence the authorities for their purposes". In using communities' water sources, the company should ensure adequate supplies for households and irrigation, invest in water conservation and work with farmers on agricultural improvement projects. The company's investors should demand greater respect for the rights of communities and for biodiversity, while civil society should give the affected communities more support to confront the extractivist giants whose operations have such serious local impacts.

What the company says about Los Bronces and El Soldado[17]

Anglo American's Integrated Annual Report 2021 mentions that the company has "adopted the Copper Mark certification at Los Bronces and El Soldado while they await being assured against IRMA [the Initiative for

Tailing dam, El Melón, credit: Jorge Ramirez



Responsible Mining Assurance]" (p. 13). It includes photographs of solar photovoltaic facilities at the Las Tórtolas flotation plant within the Los Bronces complex that will supply solar energy to power green hydrogen "zero-carbon" vehicles (pp. 81, 125) and mentions a gas-powered forklift crane at Las Tórtolas (p. 82). The report also mentions implementation of water management initiatives at Los Bronces in response to "record low levels of precipitation during the year" and reduced water availability (p. 83). In addition, "an approved long-term water strategy must be developed" for Los Bronces under the company's incentive plan for senior executives.

Anglo American also reports developing technologies at El Soldado that "are already delivering significant energy savings and water recovery rates … while facilitating a shift away from traditional 'wet' tailings storage facilities, to 'dry' stacking of waste material" (p. 42). Other references to the two mines in the report are entirely operational and financial.

Anglo American's Sustainability Report 2021 also mentions adoption of Copper Mark certification and future IRMA assurance at Los Bronces and El Soldado (pp. 8, 45) and the pilot solar photovoltaics at Los Bronces (photograph and caption p. 23). It reports on conducting a "spatial analysis for El Soldado, Chagres and Los Bronces" that has identified opportunities for "agriculture, tourism and commercial applications of quillay, an extract from the bark of a native tree", with plans for feasibility pilots (p. 55). And it refers to a company biodiversity plan for the areas around Los Bronces and El Soldado, the first of which it classifies as adjacent to a globally or nationally important biodiversity area (p. 77).

Neither report mentions community concerns about water scarcity, contamination and company water purchases; harms to biodiversity; detonations, air pollution, and road noise, dust and damage; concerns about local rates of cancer and other diseases; loss of smallholder farming livelihoods; local anxiety about potential tailings dam breaches; and poor community relations, including those arising from company land claims against community members.

Colombia: Cerrejón

“The environmental damage since the year the company arrived here in the ethnic territories … is irreparable. They have damaged diversity … there is no healthy, pure air that we can breathe. Day and night we are consuming contamination”



Indigenous blockade in La Guajira, Colombia, credit: Samuel Arregoces

Colombia: Cerrejón

Introduction and background

Located in the La Guajira province of northern Colombia, close to the border with Venezuela, Cerrejón began production in 1985 and is one of the world's largest coal mines and a major exporter of thermal coal. In late 2000, Anglo American was part of a three-company consortium with BHP and Glencore that bought 50 per cent of the Cerrejón open cast coal mine from the Colombian state company, Carbocol. Exxon subsidiary Intercor owned the other 50 per cent and operated the mine. In early 2002, the three consortium partners bought out Exxon/Intercor. From then until January 2022, Anglo American, BHP and Glencore/Xstrata each owned a 33.3 per cent shareholding in Cerrejón, which continued as a joint venture independently managed by the company Carbones del Cerrejón.

Xstrata acquired Glencore's stake in Cerrejón in 2006, and the two merged in 2013, dropping the name Xstrata in 2014.[18] On 11 January 2022 the Colombian authorities approved Anglo American's sale of its shareholding, together with that of BHP, to Glencore for US $294 million.

Cerrejón has a troubled history, much of it documented by LMN. This has included strikes and struggles for trade union rights; forced displacement and evictions involving police violence, with poor-quality relocations and resettlement of African-descent and Indigenous Wayuu communities; conflicts over water, including the diversion of a local waterway; lawsuits; and protests, blockades and death threats against community protestors.[19] Colombia is one of the world's deadliest countries in which to be a defender of human rights and the environment or a leader of Indigenous, African-descent or other communities.

In recent years, Carbones del Cerrejón has tried to reduce the cost of its operations, arguing that it needs to improve its economic sustainability. These claimed cost reductions have made working conditions worse for company workers and involved attempts to break the strength of the trade union Sintracarbón. They have also resulted in an expansion of coal extraction at the expense of local water resources and the people's health in La Guajira.

On 31 August 2020, Sintracarbón started a 91-day strike in response to the Cerrejón company's proposals to change working conditions that the union had previously secured.[20] The strike ended with negotiations, but in February 2021 Cerrejón dismissed 226 workers without justification.[21] The company offered a "voluntary" retirement scheme but dismissed those who did not accept it. The company also imposed changed working patterns that the union has called "the death shift" because the new arrangements keep workers away from their families for longer periods and extend their working hours in this high-risk job.[22]

The second company strategy to reduce the cost of its mining operations involves opening new pits instead of continuing to mine in the current pits. This means expansion of the mine and the expansion of the environmental and social problems that result from the mine. For example, the company intends to extract coal from under the Arroyo Bruno, a local waterway. The Bruno is the main tributary of the semi-arid La Guajira region's only river, the Rancheria. Local Wayuu, African-descent and campesino (smallholder farmer) communities have opposed the diversion and destruction of the Bruno waterway.

The Colombian Constitutional Court ruled in favour of protecting the rights to water and food sovereignty of the Wayuu communities in 2017 and ordered Carbones del Cerrejón to create an "inter-institutional round table" involving the communities, civil society organisations, academics and other experts to agree a way forward.[23] The communities have subsequently complained that the company has failed to involve them sufficiently and instead completed diversion of the waterway.

As the struggle of the Wayuu to defend the Bruno waterway continued, in 2021 Glencore and Anglo American independently filed lawsuits against the Colombian State under the international Investor-State Dispute Settlement (ISDS) system. Anglo American has recently withdrawn its suit. The ISDS system allows foreign investors to bypass national courts and initiate direct arbitration proceedings against governments in international tribunals. This faculty that investors have is included in several bilateral trade and investment agreements between countries with provision to use the ISDS tribunals, including those between the UK and Colombia (benefiting Anglo American) and between Switzerland and Colombia (benefiting Glencore).

LMN sees the decision by these two multinational companies to sue the Colombian government as a direct attack on the efforts of the communities to defend their water and territory. The communities demand that the coal be left underneath the bed of the waterway and that the Bruno be returned to its natural course.

On 10 January 2022, one day before Anglo American and BHP sold their shares to Glencore, the OECD National Contact Points of Australia, Switzerland and the UK agreed to consider complaints submitted by Colombian and international civil society organisations against Anglo American, BHP and Glencore as co-owners of Cerrejón for failing to comply with the OECD's Guidelines for Multinational Enterprises on human rights and due diligence in their management of the mine.[24] This last-minute decision by the OECD National Contact Points highlights the problem of joint venture dissolutions and company takeovers that weaken or potentially negate accountability.

LMN has reported elsewhere on "cases where two mining companies with good reputations among 'ethical' investors have not only created severe and lasting environmental damage but have then walked away, leaving responsibility for clean-up to others who have proved unable or unwilling to do it".[25]

Interview and testimony

LMN interviewed for this report four members of four separate Colombian communities impacted by Anglo American's operations in La Guajira, with a focus on relocated communities: Tabaco (which was dynamited and whose lands were incorporated into the mine area), Patilla (6 km northeast of the mine), Chancleta (2 km east of Patilla) and Tamaquito 2 (whose residents have relocated to a rural site averaging around 9 km from edge of the mine concession). All four communities have been displaced by the mine. Interviews were conducted in March 2022.

Interviewee 6

Interviewee 6 is a member of the former community of Tabaco, which was subject to forced eviction in 2001.[26] They described Tabaco as comprising Indigenous and African descent communities, mainly rural, who "belong here … living here for more years than the mining company". "Before the mining company," they said, "we were peasants and an agricultural community.

We worked the land and we lived because of the land."

The interviewee recognised Cerrejón as the largest open cast coal mine in Latin America, extending over about 69,000 ha and with a railway line longer than 150 km. Not only are the communities that live near the mine affected but "also all the communities that are around and along the railway line, because the transportation of coal directly affects them".

In their opinion, "The effects left by the mine are very serious. In terms of health, for example, the children of Provincial [an Indigenous resguardo (reservation) close to the mine] have serious lung problems, they are very sick, due to the polluted air they breathe. There are investigations and tests that have shown that these children and the community are sick from the dust emissions caused by Cerrejón's operations."

"The children of Provincial have serious lung problems, they are very sick, due to the polluted air they breathe. Investigations and tests have shown these children and the community are sick from the dust emissions caused by Cerrejón's operations"

The displacement and dispossession of communities were Interviewee 6's overarching concern: "The company has bought the lands of the communities; they have dispossessed us ... More than 25 Indigenous and African descent communities have been displaced ... These displacements have been forced, with violence – they have mistreated us with blows – and have generated profound damage in our communities ... very terrible social and emotional problems."

Resettlement has been very unsatisfactory: "Of the more than 25 communities that have been displaced, only five have been relocated – one Indigenous community and four African descent communities. All the others are wandering around ... [with] nowhere to resettle. They have stripped us of our territory ... taken away the resources that emanate from the territory, which are the sustenance of our people and our lives. As a consequence, our communities have been broken, because people have to look for other places to live. Many have had to go to the city or even leave the country ...

"We have lost everything. Before, we were rich ... we had everything to live on. We had water and food that the land gave us. We could carry out our cultural activities ... The company has impoverished us. We went from being the producers of our own food to being consumers of processed junk food ... This has caused an impact on our health. The forced displacement ... has meant that the communities do not have the means of subsistence ... they are in places where they do not have jobs or land and must pay for things that they did not need before, such as water and electricity. They don't have the resources for that. So the resettlements have failed."

Interviewee 6 frames what has been lost in terms of a breach of Indigenous Peoples' rights: "Now we cannot even walk peacefully through the land we have lived in ancestrally. This violates all international laws found in the ILO Convention 169 and our Indigenous rights[27] ... [W]e have to fight for them to recognise our Indigenous identity. They do not want to recognise our identity, because it is not convenient for them to be affecting Indigenous communities."

Far from passive in the face of adversity, the Tabaco community has worked hard

to remedy the situation: "One of our main demands is that Anglo American take over what it has left behind. We have pressured the State of Colombia to act on the matter. We have sued the company. All or most of the judgments have ruled in our favour … But Cerrejón has … turned a deaf ear to these judgments.

Cerrejón: "For many years Anglo American contaminated our territory. It has caused tremendous and irreversible damage to our lives. But now it has left the territory and not taken responsibility for its actions. Anglo American … violated our rights, and now who is responsible for that? They talk only about extracting … never about how

"Of the more than 25 communities that have been displaced, only five have been relocated … our communities have been broken"

"Anglo American does not respect our laws, nor the laws of the State … the Constitutional Court said that the Arroyo Bruno [the local waterway] should be returned to its natural course, but they have not done so. This is worrying because this transnational makes a mockery of what the law says … The fight that we have maintained for all these years is for our rights … for our lives."

There have been persecution, threats and criminalisation during the community's struggle for collective survival, with only a limited response from the authorities: "I have suffered harassment in my house and been watched … I had to leave the community so that they would not kill me. I am returning to the territory but still have serious security problems. The State has given me a bulletproof vest, because I am at risk of being shot or assaulted. These bulletproof vests do not work. We are afraid they will do something to our families. Colombia is the most dangerous country for environmental leaders; our fellow defenders are murdered daily … we have no one to protect us, which is why we protect each other. Thanks to friends like you [LMN and Colombia Solidarity Campaign] we feel accompanied and supported."

The interviewee is highly concerned about Anglo American's sale of its shares in

to repair their crimes. They have to answer for what they have done."

In 2021 Anglo American filed a lawsuit against the Colombian State regarding Cerrejón:[28] "When Anglo American could not exploit the La Puente sector, they sued the State because they believe that this land belongs to them. Despite the fact that the State told them that they could not exploit that sector, they diverted the Arroyo Bruno to make a pit at La Puente and they continue to expand it. The company is violating the State judgment that said that it would not allow exploitation there. They want to remove the 25 million tonnes of coal from below the Arroyo Bruno. Regarding this lawsuit, it is important that the State aligns itself with us so that the voices of those who have been most affected can be heard … we ask the State to involve us in the process."

"Anglo American does not respect our laws, nor the laws of the State … the Constitutional Court said that the Arroyo Bruno should be returned to its natural course, but they have not done so"

Interviewee 6 considers the OECD complaint well worth pursuing: "Now, together with many organisations, communities of La Guajira and the CAJAR group of lawyers [Colectivo de Abogados José Alvear Restrepo], we have filed this lawsuit with the OECD. [If] no progress is made in this investigation, the fact that the OECD has decided to accept the investigation is an important point … Anglo American says that it cares about the communities and their families, but … that is not true, The lawsuit has been filed for the systematic human rights violations that have happened here … [for which] the company does not want to be [held] responsible."

"Now it has left the territory and not taken responsibility for its actions. Anglo American … violated our rights, and now who is responsible for that?"

Interviewee 7

Interviewee 7 is a member of the displaced rural community of Patilla, which they described as numbering approximately 300 people who self-identify as African descendants and have lived on a new site for 10 years.

Originally the community's main source of income was agriculture, they told LMN, but currently "the communities are not self-sustainable". The resettlement site is "very deficient and no longer the main source of income … the families live from day to day [by] what we call scavenging … People have to do anything, sell something momentarily, casually for a matter of days, months or a year and then people fall back into unemployment … Eighty per cent of families do not have anything stable."

Interviewee 7 said that mining has greatly affected the displaced people of La Guajira: "[A]s resettled people … [t]he communities live with that feeling of frustration, of deception of seeing how when we were in the process prior to resettlement the expectations were so different. Today we understand that the company at that time had a strategy to convince the communities that resettlement was the right decision to maintain their social fabric. But today … after 10 years, we see how the psychosocial deterioration of the families is noticeable … [A]ny time you meet with any family in the community, [if] you ask them where is better, the families will say that life was better in the original location."

Relocation has undermined the traditional rural basis of community life and introduced new conditions of vulnerability and anxiety: "[T]he geographical position that we have now has disadvantaged us … [W]e have always been rural communities, but the location that we have today is more urban, near the national road and the urban centre." Now people fear "robberies, muggings and accidents on the roads" as "the quality of life of the people in the resettlements is becoming more and more precarious and unfair, and emotions are becoming more and more … negatively affected".

Interviewee 7 highlighted dislocation from the natural world as a source of both livelihood and cultural sustenance, and concerns about pollution from the mine: "In relation to the environment, you know that coal mining has affected the flora and fauna in the area. The land is no longer very fertile …. not even the vegetation accompanies us. As for the fauna, we no longer see the native species of the region, because of the noise, the machinery and the whole mining process. Today it is very difficult to go out and find those small animals that were there before, the animals that we commonly hunted in our culture … iguana, rabbit, capybara … because of the mining. We

have been affected culturally, religiously, spiritually and in our way of life because of the relocation and our condition of being resettled."

While they accept that "Today we do live in very nice houses, it is true", "inside the house … we are not happy and … the conditions are not the same as in our place of origin. Here the living conditions have become more demanding … Here we no longer celebrate our festivals in the same way that we used to … young people no longer play the traditional games … [and] do not even want to speak the language any more. [T]he resettlement process has really been a 100 per cent change … in our ways of living and relating to each other culturally … The environment is also affected by pollution. Here they call it the carbonilla [coal dust] … those microparticles derived from the exploitation of coal that we see daily [on and inside our houses] and in the water."

of the transfer, as resettled communities, [the company] did not … [assess] the condition in which we were leaving [our former locations or] … how much the inhabitants of these communities have been affected by the exploitation."

Despite the fact that Cerrejón, on its web pages, claims to protect the environment, "I think they do not."

Interviewee 8

Interviewee 8 is a resident of Chancleta, resettled by the mining company more than nine years ago. They described the community as numbering 38 relocated families plus some new families, about 180 people in all. As in Patilla, the people of Chancleta consider themselves African descendants.

Resettlement has not, in the interviewee's opinion, enabled households to thrive: "In the community of Chancleta, their

"The resettlement process has really been a 100 per cent change … in our ways of living and relating to each other culturally … The environment is also affected by pollution … they call it the carbonilla … those microparticles derived from the exploitation of coal that we see daily"

In Interviewee 7's view the Cerrejón company has neglected its responsibility to protect and rehabilitate the local environment and its duty of care for affected people: "[T]he exploitation has greatly affected the environment of La Guajira, and more in the south of the department (region) which is where the main area of exploitation is … Cerrejón has not worked on a plan for the effective repair of the environment … The company has only dedicated itself to the extraction of coal, the environment has not been given effective reparation … [A]t the time

livelihood was directly affected by the relocation. No serious or responsible programmes have been developed to generate … sustainability for the families. Some families have managed to sow in their backyard … the hectare of land, and live off the bread, but only a very few families, which leads to a very critical socio-economic situation in the new location."

Cultural damage has been marked: "The Cerrejón company caused us to lose our lands, which led to our loss of many

things that we did not find in the new territory … Because we are closer to other communities and to the urban area of the Barrancas … the relationship of our young people with other cultures has led us to lose many of our customs … young people fall more easily into alcohol and drug consumption, young women become pregnant at an early age", and there are risks of "youth gangs".

Interviewee 8 talked about "the breakdown of the social fabric" through "loss of the agricultural customs, of the work in the fields that identified us, because here we do not have the area to do it [and] we do not have the hunting and fishing activities … it is very difficult for us to maintain the culture and customs of our territory. Our great concern is the tendency of our communities to disappear" because of the territorial losses. What they referred to as "deterritorialisation, wrongly called resettlement by the company", has had "more negative than positive" impacts.

"Young people fall more easily into alcohol and drug consumption, young women become pregnant at an early age … it is very difficult for us to maintain the culture and customs of our territory"

The interviewee is also concerned about the loss of biodiversity, of relationships with nature and locality, and of space and survival resources: "[S]ince the arrival of the company in the territory … we consider that most of [the diversity of flora and fauna] has disappeared … [I]t was the means by which we ancestrally supplied our food chain." This has meant "a 100 per cent change in the way of life in a negative way … the activities that we used to do in our place of origin cannot be done here, so this has led us to a very complex economic situation to survive in our territory.

"[T]here was a relationship between the human being and their house, which was built with the material of the area with their own hands … Today we live in houses that are concrete masses that are not in accordance with our uses and customs, and besides [they are] in totally reduced spaces … In the original site we spoke of … a trail … We talked about totally different things …

"As for collective spaces, there is talk of a community hall … but these are concrete structures that are not in accordance with our uses and customs. So despite the existence of this hall, there is no relationship between the structure of this hall and the cultural form of our community … [C]ollective spaces were lost, such as fishing, which was very frequent … We used to get together to go fishing. Hunting was done collectively, as a group, and we raised sheep, goats and other species … [W]e had paths that took us to the arroyo [waterway] where the young people and the women used to gather to wash … The arroyo beaches were a collective space for the women, they had their days, their dates to meet to do activities … We have lost all that … with the arrival of Cerrejón and the transfer of our communities to the new sites."

Acknowledging that the relocation is probably irreversible, however, and dismissing any idea of seeking "large sums of money" as compensation, they hoped that "together we [can] rebuild our communities … with a real future, which is what we do not see in the way the processes are being handled at the moment". They expressed little confidence in the authorities to protect or improve the lives of relocated people: "[T]here is rapprochement with the municipal government through the mayor, but at the national and departmental level the

abandonment is 100 per cent … [W]e know how the state forces [police and army] work in Colombia on the side of the powerful, of those who manage the power, the resources, and in this case it is the company and the government."

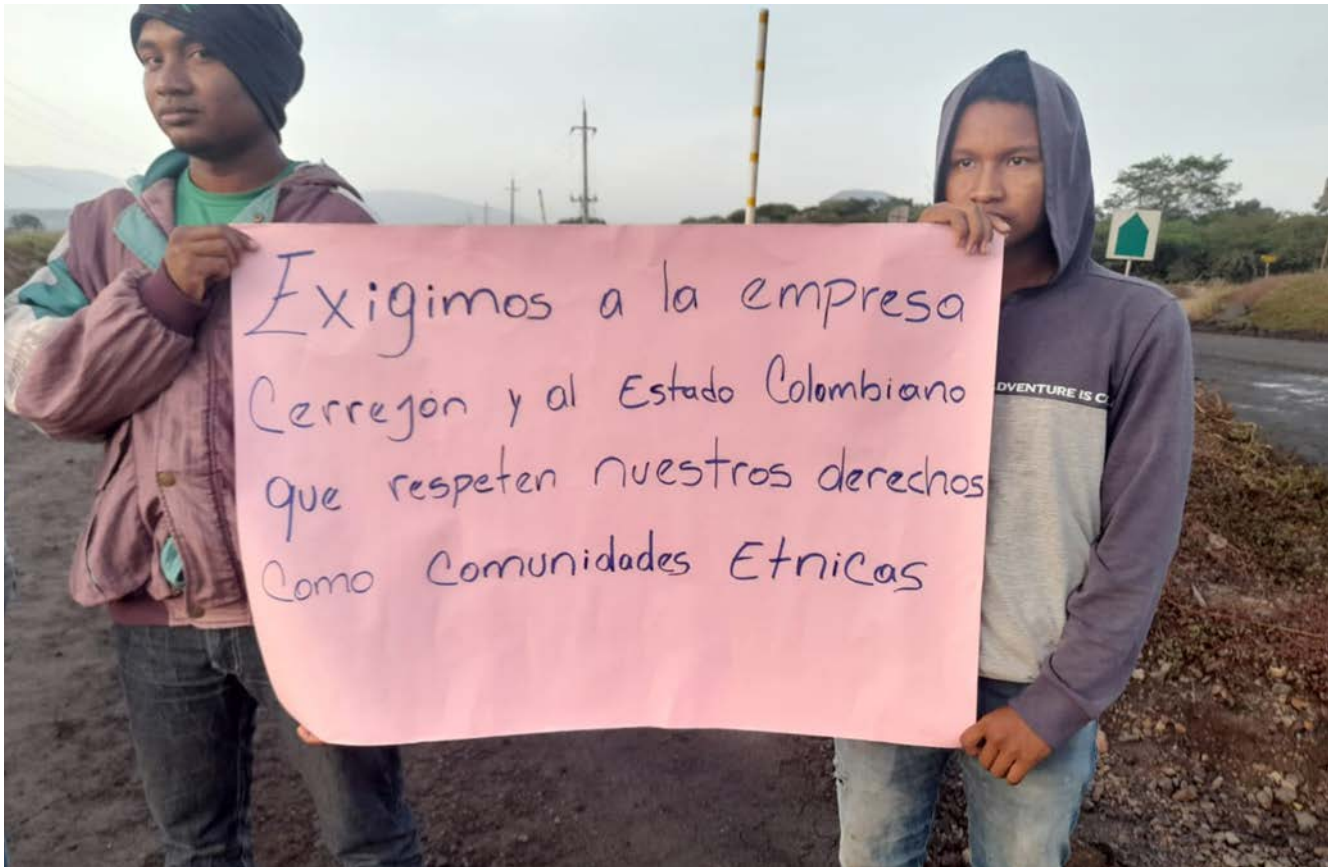
Referring to the negotiations [mesa de trabajo] that community members have had with the Cerrejón company about their complaints since 2014, Interviewee 8 said they have informed the company about "what we consider to be its non-compliance" with its responsibilities: "[W]e have continued to present these complaints and they have ignored them, they consider that they have already fulfilled their obligations, according to them … [L]ately we have issued a statement to the public because we want Colombia and the world to know the reality of the resettlements, which we consider failed resettlements.[29] We are willing to continue making these complaints and … as our public communiqué says, we are ready to take legal action if necessary. We want our rights to be respected in this new territory because we are not willing to disappear as ethnic communities and as human beings within the department of La Guajira."

Interviewee 9

Interviewee 9 is one of the leaders of the rural Indigenous reservation Tamaquito 2, which they said comprises 58 families and 222 people, who are "ethnic communities of the Wayuu culture". They were relocated almost nine years ago because of the mine, and this has had major effects on livelihoods, incomes, community culture and people's well-being.

"At the previous location we lived from agriculture, grazing, handicrafts, livestock," Interviewee 9 told LMN. "But when we arrived here at the resettlement site, we [changed from being] productive communities [to] consumers … Here we live at 50 per cent with a little bit from grazing, handicrafts, making bread, cultivating small orchards, but we do not have a monthly income … we do not have stable sources of work for the community … Impacts on people, on income … [occurred] from the moment we arrived here. The way of life that we had in the original location [involved] great happiness and joy … there were no economic difficulties, we exchanged food

La Guajira blockade, Colombia, credit: Samuel Arregoces



among the communities [and] produce with the neighbours, so there was never a lack of economic income … But we are not happy here, there is poverty."

Cultural displacement is "the strongest issue affecting the communities … the uprooting of our culture from a territory", the interviewee said: "In the eight years that we have been here, we have seen strong behaviour change among our young people", including an increase in alcoholism and of early unplanned pregnancies. "[T]he young people are adapting a lot to the Western theme, to other things different from traditional games." When "we tell them that we are going to make presentations of the dance of the yonna [an ancestral Wayuu dance] … we see them very unmotivated." Very few young people want to speak Wayuunaiki, the Wayuu language.

Older community members "have become depressed", and "many have died". Why? "Because their thinking, their roots are centred in their place of origin, where they did not live as they have to live here … The elders, the first generations, are never going to assimilate into the situation they are living in today."
Friendship and conviviality have been undermined: "[W]e do not have the freedom to meet friends and neighbours as [we used to] in our place of origin … [S]pecial times, the time of Holy Week and the carnivals, when there were exchanges between the communities … [e]verything that the community was doing, their happiness, their tranquillity, their peace" have been damaged. There used to be conversations around the campfire, where the elders told "the legends, the myths … all that has been lost." The physical infrastructure of the location "is not what is going to fill the happiness internally of each one of the family … it has generated sadness".

Other losses include "the way women work in the field, compared to [in our] place of origin … Collective work was done, for example, we are going to plant 10 hectares of corn, and then that was distributed and everybody had it, and that was the way they used to work and everybody had it to grow, or they helped each other." Also in the case of women, their "handicrafts … are almost no longer practised … [and] as part of their work, they used to hold discussions … there were talks about many good things in social issues, and they used to hold talks and collect seeds."

Moreover, "the link with the water of the springs is not the same … the rituals, the practice of medicine, of the plants … the baths … Today the practice of traditional medicine is disappearing." Before resettlement, "a Wayuu did not go to the doctor, and a child was born healthy … but not today". And there is general insecurity: "we do not feel safe in this place … we feel the fear that something can happen to us". Interviewee 9 thought that company programmes and the like could never

"The environmental damage since the year the company arrived here in the ethnic territories … is irreparable. They have damaged diversity, watersheds, water, fauna and flora. Important species have disappeared from the food chain … there is no healthy, pure air that we can breathe."

compensate for the harms suffered.

Of the mine's impacts on the environment and human health, the interviewee said: "[T]he environmental damage done since the year the company arrived here in the ethnic territories and the department of La Guajira is irreparable. They have damaged diversity, watersheds, water, fauna and flora. Important species have disappeared from the food chain that also signalled for us the change of the seasons." In addition, "there is no healthy, pure air that we can breathe. Day and night we are consuming contamination."

The community's air was polluted with coal dust before the relocation, and this has continued post-resettlement. Yet there has been no monitoring of health impacts beyond "a check-up [of] blood pressure" – no respiratory studies, for example. In Barrancas "there are many older adults dying and what is happening to them is not being studied … there is breast cancer, skin cancer, which we did not experience before".

Interviewee 9 mentioned studies, including by the Colombian NGO Indepaz and the University of Cartagena, indicating that local animals are ingesting coal dust contamination and at higher levels in the resettled areas than in the community's original location. But "Corpoguajira, the environmental institution in La Guajira, says that everything is fine, and the environment agency ANLA [says] everything is fine … [and that] we are doing very well."

In this water-scarce region, the loss of natural water bodies is another consequence of the mine: "[W]e have seen how the basins have been lost … the springs were used a lot, the deep wells and now they can no longer be used" because of falling water levels. The interviewee attributed this to the damming of the Ranchería waterway in the mid-2000s, a proportion of whose water is allocated to Cerrejón. "People have to buy water … we are running out of water, without territory, without fauna and flora." Food security for the community's children is also a concern.

What did Interviewee 9 think about the Cerrejón mining company, its shareholders and the government authorities' interest in remedying the situation? The company and shareholders "are only interested in producing coal and exporting it", they said; "[they] overlook and cause social, cultural, spiritual and economic damage … [T]he company is in charge of the [environmental] reports … [but] who evaluated them?"

The company does provide educational aid to the relocated community, but this "is not as the company says … something given by them … [or effective] compensation." This is a restricted educational programme that the company manages without allowing the community autonomy. "And there are many things missing."

Colombia's Constitutional Court's decision T-704/2016 of December 2016 ordered Cerrejón to "implement an immediate plan of mitigation of the environmental, social and cultural harms caused in the area" and to compensate for damage caused by coal mining.[30] But, the interviewee said, although "we have requested [our situation to be linked] to this judgment, "they say we are not being affected". The environmental damage "is kept quiet by the government, because they receive a tiny part of the royalties, which [is not even enough] to make investments here in our municipality or department". In their view, the company and not the government "are the ones in charge here".

The Ministry of the Interior, "which is in charge of enforcing the rights of the ethnic communities, has maintained very low participation" in community–company negotiations: "[W]e have seen it when we

hold negotiations [mesas de trabajo] and evaluate them, and I believe we have not had a guarantee from the government [to provide public services] … we have always been the only ones to sit down with the company; there were some government representatives, but they were not the ones who made decisions."

"In the publication that we put out,"[31] they said, "[w]e are asking the government at the national level, the ministries, the agencies to be part of the negotiations… we are asking for solutions and … inviting the government. Today we are counting on the municipality of Barrancas to listen to us … We have spoken with the mayor, but we need more commitment, more debate … on the issue."

They fear for the future when mining at Cerrejón ends and also because mining is likely to continue elsewhere in the region: "There is going to be an impact [when the company leaves] on unemployment … [W]e ask ourselves, are the government or the department of La Guajira prepared for the moment when the mine closes?" And also "other mines are coming that will also have consequences … then all the water basins will end up contaminated".

The community's resilient collective identity inspires their resistance to hardship: "[W]e are a community of resistance … historically from the time of the Spaniards. African descendants as well as peasants and Indigenous People, we are communities that resist … we must face new things and we have to be prepared." Even so, Interviewee 9 believes that "what the mining company are looking for is to make us disappear, because for them we are a problem … [T]hey are not interested in us being sustainable communities."

Of Anglo American and BHP's recent sale of shares in Cerrejón, and looking to the future, Interviewee 9 concluded: "[W]e are … looking for a change in terms of development and sustainability and the future of this community, because we know that two owners have already left, now there is only one, which is Glencore. So how are we going to be left? Glencore can sell at any time, or change its corporate name … Anglo American and BHP have already exited and what did they tell us? What did they say about what is going to happen with the resettled communities? Who is going to be responsible? …

"[W]e are … looking for a definitive decision, that is why we made the communiqué and we are going to continue our work … We will continue denouncing … go to the local media and to people in different countries to bring our voices and our denunciations. We are calling for [the shareholders, Glencore] to come … we want a delegation to come and sit down, we do not want those coordinators to come who only … delay the process … [W]e are tired of so many lies, so much deceit towards our resettled communities."

What the company says about Cerrejón[32]

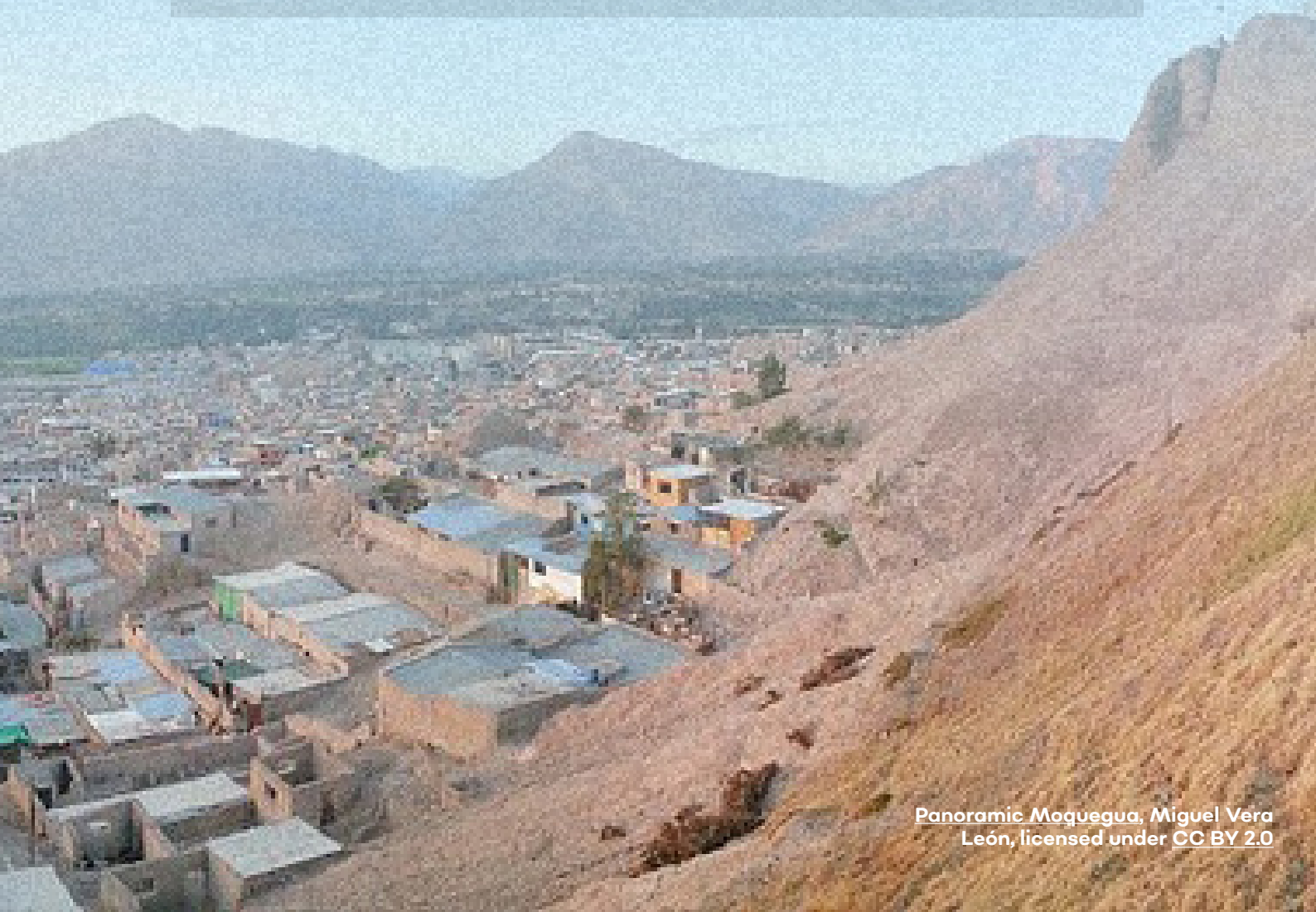
Anglo American's Integrated Annual Report 2021 mentions numerous times, as a financial and operational matter, its sale on 11 January 2022 of its minority shareholding in Cerrejón, also citing this as part of its exit from thermal coal operations. Anglo American's Sustainability Report 2021 refers to Cerrejón once, with regard to the sale of its minority share.

Despite frequent references to the sale of its shareholding in Cerrejón on 11 January 2022, Anglo American does not consider it worth mentioning in its annual reporting that three OECD National Contact Points decided on 10 January 2022, the day before the share sale, to consider civil society complaints against itself, BHP and Glencore for Cerrejón's failure to comply with the

Guidelines for Multinational Enterprises. Nor does either report mention Anglo American's filing in 2021 and then withdrawal of a legal suit against the Colombian State under the international Investor-State Dispute Settlement (ISDS) system, or the controversial diversion of the Bruno waterway, or any other continuing major difficulty that Cerrejón has caused for local communities: for example, displacement and inadequate resettlement; air contamination and other environmental damage; loss of livelihoods and of community life and culture; physical and psycho-social health problems; and intimidation and violence.

Peru: Quellaveco

“Anglo American will continue to impact our rivers... even though we are two different hydrographic basins ... in the future our Torata valley basin will be equally affected”



Panoramic Moquegua, Miguel Vera León, licensed under CC BY 2.0

Peru: Quellaveco

Introduction and background

Anglo American's new Quellaveco copper project, which started production in July 2022, is located in the Moquegua region, thousands of metres above sea level in the Andes mountains and close to the country's southern borders with Bolivia and Chile.[33] Anglo American has a 60 per cent shareholding in the mine, which it says represents "one of the world's largest untapped copper orebodies". The company estimates that over the next 10 years the mine will add 300,000 tonnes annually to its current annual copper output of more than 640,000 tonnes.

Anglo American states that as Quellaveco "undergoes development, the local people, environment and economy are all intrinsically linked to its success. Through consultation, direct commitment and continuation of support, we have created a project we are truly proud of."[34]

LMN emailed questions about Quellaveco to Anglo American ahead of the company's Covid-19- restricted 2020 and hybrid 2021 AGMs. These cited an August 2019 farmers' and community protest about the project's contamination of the Asana-Tumilaca river and concerns about water over-abstraction (2020 AGM) and issues regarding the company's diversion of the Asana river (2021 AGM).[35]

Community members have recently highlighted some aspects of the Quellaveco project which provide background information to help understand the context of the interviews. First, their mistrust of Quellaveco stems not only from the impacts which are already being caused by the construction of the mine, but also from the impacts of the Cuajone mine, owned by Southern Copper Corporation, in the Torata Valley in Moquegua. The Cuajone mine has been operating in the Torata district for more than four decades and is located just over ten kilometres from Quellaveco. In recent years, toxic metals have been found in the blood of children and impacts on local water have been reported. The population of the Torata and Tumilaca valleys distrust Quellaveco because they think it will cause similar impacts to those of Cuajone. Quellaveco has already caused impacts during its construction, and is expected to create a greater impact during its operation.

Interview and testimony

In March 2022 LMN interviewed two members of communities affected by the Quellaveco project. A third potential interviewee did not wish to be interviewed out of concern for their personal security.

Interviewee 10

Interviewee 10 is a farmer living in Torata district in Mariscal Nieto province in Moquegua, about 20 km in a straight line northwest of the mine location. They expressed concerns about future impacts of the Quellaveco project on "our children and grandchildren, because they are the ones who are going to assume the consequences of these impacts later on"

According to Interviewee 10, Quellaveco does not affect the basin in which they live but does affect another nearby micro-basin, in the Tumilaca river valley, and the farming communities living there. Water used by this community passes next to the mining earthworks and installations and is thought responsible for levels of heavy metals found in local children.

Interviewee 10 said that, as the result of concerns raised by the communities, the Ministry of Energy and Mines has commissioned evaluations of present and potential environmental impacts. But they

were not confident in the independence of these studies, which are being undertaken by people they considered "are not with civil society, but with the company".

Local people are apprehensive: "We already know there will be impacts, because, for example, we already know about the dust storms they are going to raise, when they move trucks, about the debris they are going to remove. When they remove that debris, we don't know where they are going to deposit it. The dykes [tailings dams] they build will also affect us."

"We already know there will be impacts ... the dust storms they are going to raise, when they move trucks ... When they remove that debris, we don't know where they are going to deposit it. The dykes they build will also affect us"

In this mountainous area with high rainfall there are memories of events a few years ago when the Tumilaca river water "swept down a lot" because of a release of upstream water from a mining company dam. "When this happened, the river carried away part of the agricultural land ... affected communication and transit routes ... [and] damaged infrastructure, bridges and everything in its path." So the presence of the mine, even before starting production, is having an impact on local residents' state of mind.

The interviewee was also concerned about Anglo American's diversion of the Asana river, which flows into the Tumilaca. The government gave the company permission to change the natural course of the river "without the authorisation of us, of the community". The river has also "been filled with debris ... all the material that they remove has been deposited in our river ... the situation that they have created with our river is terrible ... [T]he fear we have [is that] ... Anglo American will continue to impact our rivers ... even though we are two different hydrographic basins, everything is related, so in the future our Torata valley basin will be equally affected."

Interviewee 10 told LMN that "What the agricultural communities want is for the mine to be closed", without any further evaluation commissions. "[W]e, the people, the farmers, do not agree with the mine." But they acknowledged this as "impossible, because mines never close, regardless of the damage they cause". They saw the state's permitting of the mine as the outcome of a purely monetary transaction: "The mining company has agreed to invest in a development fund of one billion soles [approx. US $275,000]. With this amount, the state gives its consent for the project. The authorities here fall on their knees in front of the company for the money that they are going to allocate from the development fund." Because of problems of corruption in Peru, the government permits mining "without the consent of the community or civil society ... I am also a farmer, I have crops, and all the mine projects have been carried out without our consent."

"Anglo American will continue to impact our rivers ... even though we are two different hydrographic basins ... in the future our Torata valley basin will be equally affected"

Other issues that Interviewee 10 mentioned included that no mining company should be able to operate at the head of a river basin because of the potential dangers. Lack of effective regulation in Peru means that Anglo American will be able to mine in such a

location at Quellaveco. They were also concerned that public protest has been criminalised in Peru: "if that protest harms the interests of a private person", and "if we block a road, the police come and repress us and take us prisoner".

"We are all afraid," they said. "Here we are peasant communities, we are Indigenous Quechua. We have not been consulted previously … [W]ith Quellaveco, the Anglo American mining company … don't do prior consultation. What they do is go to negotiate with the families [individually] and buy their land." The company has bought 50 hectares of land from some families.

Interviewee 10 is distrustful of the company's approach to negotiating with the community and the co-optation of community members: "Here Anglo American says that they have negotiation sessions [mesas de trabajo] with the community, that they have commissions where they meet. The problem is that here everyone already works for the company: the company gives them tiny benefits, pencils or similar things. Most of the people in the community work in the company or rent machinery from the company … We don't know [enough] about the Anglo American project … they don't give us any information."

They concluded: Anglo American's "only responsibility … is to pay taxes, nothing else. But we all pay taxes. Anglo American believes that by paying taxes, as we all do, they have the right to destroy and exploit."

Interviewee 11

Interviewee 11, like Interviewee 10, lives in Torata district, in their case in the community of Yacango, which they described as partly urban and partly rural, with much use of agricultural irrigation. The area's main crops include fruits and vegetables such as avocados, potatoes, carrots and pumpkin.

The locality has long experience of Southern Copper's Cuajone mine, which suspended operations in February 2022 after four communities closed off the company's access to water and blockaded a railway used to transport the mined copper.[36] Interviewee 11 described Southern Copper as a "very bad" neighbour.

Of Anglo American's Quellaveco project,

Quellaveco project mine, Peru, credit: Environmental Justice Atlas



Interviewee 11 said: "We know that the mine is in the construction and installation stage, but I understand that this year Anglo American are completing this stage … [and have begun] the execution of their project." Like Interviewee 10 they referred to the project's impacts in the Tumilaca river valley, where they said the river "is directly affected by mining, because the river water flows down" from the mine located at a higher altitude and will bring with it whatever enters the river from mining operations.

In Interviewee 11's view, people in Tumilaca "do not agree with mining production; they have been holding protests, demonstrations and everything so that the project does not take place". Negotiations [mesas de trabajo] have started between the company and the community, "but the people disagree".

Despite claims that their immediate locality is not affected by Quellaveco, the interviewee considered that "everything is connected" because the company operates in the higher altitudes, "so everything that is below the mine is going to be affected and we are being affected … the river has risen, but not because it has rained. The river has carried away a lot of agricultural land, [and this] is because of the water that they [the mining company] have released, so everything that is in its path, below the mine, is affected."

"The river has carried away a lot of agricultural land … because of the water they have released, so everything that is in its path, below the mine, is affected"

The interviewee was also concerned about water pollution, heavy metals contamination and the co-optation of some local people: "Pollution will reach us all. The contamination is not only the water that was released and passed through the river … The people in the Tumilaca valley are angry, they are against it because they see that this harms their lives. Here people and children have been tested for heavy metals and they have come out positive, especially for arsenic, but it has not been done on the entire population … They [the company] do not understand that the basins are linked. Water use and mining are not separate.

"The communities that are closest are the two communities of Tumilaca. The problem is that in these two communities many members work for the mining company, as labourers, suppliers or something else, so they who are the most affected cannot do anything or they will be fired, and it is difficult to find work here."

Anglo American's land acquisitions, the Asana river's diversion and water scarcity were also concerns for Interviewee 11: "The Pocata and Coscore community are selling their land to the mining company. The company is buying their lives … The Asana river has been diverted by Quellaveco … diverting the river means an imbalance for our lives. They say they have diverted it so that in times of rain it does not affect us. We wonder how it will affect us if the river has always been here with us and nothing has ever happened [and] we have always been here. It is the mine that came later. They do not know our history. The truth is that they have diverted the river in order to open a pit to exploit [the copper], and if they don't divert the river they cannot [access the mineral].

"The Asana river has been diverted by Quellaveco … diverting the river means an imbalance for our lives. They say they have diverted it so

that in times of rain it does not affect us … the river has always been here with us and nothing has ever happened … we have always been here. It is the mine that came later"

"The other problem is that they are stealing water, because we have seen the structure they have above the river to take our water. We have walked along the edge of the river and there are parts where there is almost no water. It is because Quellaveco is consuming it."

They did not consider the municipality sufficiently active in defending the community, or the company trustworthy in respecting agreements made with local residents: "Here in Yacango, our mayor does not get involved in these conflicts. The authorities do not participate … even though they know what is happening and the damage that is taking place and that it will be worse in the future. The mayor says that there is no option, because mining will always be here … [H]e says that … what we have to do is take advantage of mining and ask for projects for the place and so on.

"Anglo American says it will benefit more than 13,000 farmers here. But how will it be of benefit if now the river has fallen [swept down from higher up] and taken away agricultural land [with flooding and pollution]? They have made 20 agreements in which they commit to providing benefits such as work and supporting the communities … But none of these agreements has been fulfilled … [Although] they have been here for a long time … we have not had any benefits. They … come to our land, take our resources and leave us misery."

Looking ahead, for Interviewee 11, "The fear we have is that everything that has happened with [Southern Copper's] Cuajone mine, which has left many impacts", will be repeated with Quellaveco and Anglo American. It will be "the same or worse".

What the company says about Quellaveco[37]

Anglo American's Integrated Annual Report 2021 includes a captioned photograph of its electric shovel at Quellaveco, where three such shovels "will play a key part in the switch-over from diesel-powered equipment, which is responsible for the great majority of carbon emissions at our mining operations" (p. 22). The report refers to Quellaveco's intended use of minimal fresh water in its operations, the project's development "in close collaboration with our host communities and with the utmost care for the environment", and the company's consideration of "a dry-storage technology that assists the water-recycling process and forms part of our investigations to moving towards safer 'dry' tailings storage" (p. 29). The associated Vizcachas dam, already commissioned, "will provide water to both the operation and local communities" (pp. 29, 83). (The company also reports one fatality at the mine in 2021: pp. 54, 82.)

The report also states: "The local Moqueguan workforce has been key to the success of the project and, as we near the close-out of construction activities, we are working closely with government and local communities to manage the demobilisation and support future employment opportunities" (p. 84). It notes but does not specify "social commitments in Quellaveco" (p. 197). Other mentions of the project relate to operational and financial matters.

Anglo American's Sustainability Report 2021, like the annual report, mentions the fatality at Quellaveco (p. 16) and refers to onsite company "safety day" activities

(p. 17). The report shows a photograph captioned, “Environmental consultants take flow measurements at the Asana river, close to our Quellaveco copper project” (p. 36), and it cites the “$400 million investment in water infrastructure at our Quellaveco copper mine” including “the construction of the Vizcachas dam, which will improve good quality water availability to several stakeholders in the catchment” (p. 39).

A photograph of what appears to be a meeting involving local community members is captioned, “We ensure that we engage closely with our communities through a variety of methods. Pictured is a community clothing production project within the Aruntaya community, located near the copper mine we are developing at Quellaveco” (p. 44). Another photograph illustrates how “Building on the country’s sophisticated micro-credit sector, our Emerge enterprise development programme is supporting businesses in the region around our Quellaveco project” and features a local woman entrepreneur “with olives and olive products originating from the Algarrobal olive plantation social project” (p. 53). The report also refers to a company biodiversity plan for the areas around Quellaveco, which it does not classify as adjacent to a globally or nationally important biodiversity area (p. 77).

Neither report refers to water contamination, suspected health impacts on local people and tests conducted; controversial land purchases; diversion of the Asana river; apprehension about the project, opposition to, and protests against, the mine among local smallholder communities; the criminalisation of public protest; and lack of free, prior and informed consent in company interactions with Indigenous communities.

4. Main findings, conclusions and recommendations

Main findings

LMN's interviews with community members in Brazil, Chile, Colombia and Peru show a common thread of negative impacts and risks from, and concerns about, Anglo American's operations and performance.

Key issues: Brazil

Key issues for the community member in Brazil arising from the Minas-Rio open pit iron ore mine, tailings and pipeline are:

- the creation of a lasting climate of fear, mistrust and uncertainty with the entry of mining interests into the locality;
- unfair and divisive land acquisition processes among previously cohesive communities, including inadequate payment arrangements, insufficient documentation of household landownership and non-compliance with agreed purchase conditions;
- commencement of mine expansion and land purchases before permitting was complete;
- poor communication with affected communities; denial of the full extent of environmental impacts on affected households and disregard for socio-cultural impacts;
- water contamination and the disappearance or reduction of water sources, with numbers of rural dwellers having to use trucked-in water;
- reduced local farm production mainly because of water scarcity;
- wind-blown and potentially contaminated dust affecting human health and the local farming economy;
- disturbance and damage caused by a heavy increase in road traffic and by mine detonations;
- fear and anxiety among people living downstream from the tailings dam and at constant risk of a dam breach;
- and failure to provide adequate compensation for impacts or to make satisfactory relocation arrangements for households seeking this option.

Key issues: Chile (Los Bronces)

In the case of Chile, the two community members affected by the Los Bronces copper mine and tailings drew attention to:

- water scarcity, water pollution and harms to biodiversity, with particularly

serious damage to local fauna and flora;

- noise, air pollution, damage and danger caused by company trucks day and night;
- strongly suspected but poorly studied or documented health impacts of water contamination;
- the necessity for some households to use trucked-in water;
- company failure to comply with water conservation requirements;
- local farmers increasingly unable to make a livelihood due to lack of water and other factors;
- fear of a tailings dam breach;
- harm to women's lives as family and community organisers;
- the company's disempowering approach of community investment;
- poor company communication;
- mistrust and fear of the company, including concern about collusion between the company and government institutions;
- a sense of being 'sacrificed' and unprotected by the national and local authorities;
- and fear of speaking out critically about the mine.

Key issues: Chile (El Soldado)

Interview testimony from the two Chilean community members living near the El Soldado copper mine and tailings focused on:

- water shortages and biodiversity loss, including unremedied destruction of high-biodiversity forest;
- reduced opportunities for children to play freely in nature;
- concerns that a high local incidence of some illnesses results from mining-contaminated water and air, inadequately studied;
- the cost to some households of having to buy filtered water, while others are forced to use water provided by the mining company;
- unreliable communication by the company of its environmental monitoring;
- fear of a tailings dam collapse;
- the loss of local self-reliant smallholder farmer livelihoods due to the lack of water and of uncontaminated grazing land;
- airborne pollution;
- detonations from the mine undermining tranquillity and quality of life and damaging homes;
- a history of irregular, unfair and divisive land purchases, unremedied to this day;
- aggressive legal land claims against some community members;

- company interference in community life;
- divisions and conflict between residents who have benefited from the mine and those who oppose it;
- failure of the local authorities to defend local people's quality of life because of their close involvement with the company;
- and an overall sense of being 'sacrificed'.

Key issues: Colombia

In Colombia, despite Anglo American's sale of its one-third share in the Cerrejón open cast coal mine in January 2022, community members, civil society organisations and the relevant UK public authorities consider that the company continues to bear responsibility for the mine's legacy of negative impacts. Concerns among the four interviewed members of communities affected by Cerrejón focused primarily but not exclusively on issues around the forced and at times violent eviction and displacement of Indigenous, African descendant and other rural communities in the vicinity of the mine. According to the interviewees, these removals have caused lasting economic, social, cultural and emotional damage, with many displaced communities still awaiting adequate relocation to recover a quality of life comparable to what they have lost. This has resulted in economic and cultural impoverishment, with former smallholder farming livelihoods no longer possible and resulting unemployment and household food insecurity. People feel they have been deceived, having been given false expectations about the resettlement process and outcome, and experience high levels of anxiety.

Other concerns that the Colombian interviewees highlighted include:

- the company's diversion of the Arroyo Bruno waterway;
- unlawful expansion of the mine;
- sickness among community members and especially children from atmospheric coal dust, with no regular monitoring of community health; and other impacts often related to the relocation issue:
- loss of the territory and biodiversity on which community livelihoods, culture and spirituality were based, including traditional women's activities;
- a failure to rehabilitate the local environment or to provide adequate compensation;
- alcoholism and antisocial behaviour, especially among young people, arising from the destruction of traditional social bonds and culture;
- general sadness and depression;
- inadequate company provision of community programmes;
- very unsatisfactory dialogue between the company and communities;
- collusion between the company and the national authorities;
- and persecution, threats and criminalisation of community members who speak out.

Key issues: Peru

For the two members of communities in Peru affected by Anglo-American's Quellaveco copper project, where production was due to start imminently, key concerns are:

- contaminated water affecting adults' and children's health;
- lack of trust in official environmental impact studies;
- apprehension and anxiety about future truck movements, airborne contamination, tailings storage, and destructive downstream impacts of sudden releases of water from upstream company dams;
- water scarcity;
- dumping of mine construction debris in, and diversion of, a local river;
- failure to consult with local Indigenous Peoples or civil society about the mine's development, linked to government corruption;
- some local people's dependence on the mine for employment or as suppliers and resulting community divisions between those who benefit from the presence of mining and those who do not;
- company secretiveness and failure to meet commitments to communities;
- and the criminalisation of public protest against mining.

A recurring point made by community members is that they see Anglo American and their own governments as collaborating at the expense of ordinary people. Anglo American states that it "partner[s] in the benefits of mining with local communities and government"; "Contribut[es] to shared responses to challenges faced by governments and societies in host jurisdictions"; "work[s] with governments at all levels … to ensure human rights are understood and protected"; and "has an active engagement strategy with governments … within the countries in which we operate".[1] Yet, from the perspective of people interviewed for this report, the company's claims are not consistent with their governments' failure to protect their human rights. In virtually none of these aspects does Anglo American's annual reporting for 2021 acknowledge the existence of problems or risks for local communities.

Conclusions

Like all multinational corporations, Anglo American has obligations to comply with local and international law, norms and standards in relation to human rights and the environment. The company also has a responsibility under the UN Guiding Principles on Business and Human Rights to show that it respects human rights, avoids infringing these rights and addresses adverse human rights impacts of its operations, including through effective grievance mechanisms. Nationally under UK law Anglo American must publicly report on its environmental, social, community and human rights impacts and risks. Anglo American also has a large number of company policies and commitments regarding human rights, sustainability and related matters and presents itself as effectively equipped to meet the social and environmental challenges of mining.

The eleven interviews undertaken in four Latin American countries for this report indicate that even a relatively well-regarded mining multinational company such as Anglo American has directly and indirectly caused and/or is associated with substantial human rights and environmental harms, most of them unremedied. Established and emerging human rights that Anglo American's operations and investments in Brazil, Chile, Colombia and Peru have infringed, and in some case appear to have seriously violated, include:

- The right to life, liberty and security of person[2]
- The right to physical and mental health[3] and to a safe and healthy natural environment[4]
- Rights to livelihood and an adequate standard of living[5] and to social security[6]
- Rights to water,[7] land[8] and food[9]
- Rights to adequate housing[10] and to property[11]
- The right to participate in cultural life[12]
- Rights to information[13] and to freedom of expression[14]
- Indigenous Peoples' right to free, prior and informed consent[15]

No company whose operations affect local communities as comprehensively as this can be considered to be performing satisfactorily.

In addition, our review of Anglo American's annual reporting indicates that the company avoids full public disclosure of problematic environmental, social and (to a lesser extent) governance issues, including how its operations have impacted, or risk impacting, local communities. Without such full disclosure, investors and other readers of the reports cannot assess whether the company is taking adequate steps to assess its impacts on local people or to provide sufficient redress.

Considering Anglo American's vast profits – US $17.6 billion in 2021 – and international business reputation as a responsible company, there is every reason for it to overhaul its social and environmental systems and practices, and its annual reporting, to remedy past and current impacts as a matter of urgency, and to vastly upgrade its future performance.

As is widely documented on LMN's website and elsewhere, allegations and evidence of human rights abuses and environmental violations resulting from large-scale mining operations are widespread in a host of countries and involve numerous companies.[16] The mining sector across Latin America and globally has comparable impacts on human rights and the environment to those reported

here, and in many cases worse.

In LMN's view, therefore, current international, regional and national arrangements to protect human rights from the impacts of large-scale mining and to hold mining companies to account are inadequate. The current international framework governing business and human rights, centred on the UN Guiding Principles, is voluntaristic and lacks teeth.

As the European Coalition for Corporate Justice has put it: "governments' failure to regulate effective due diligence obligations and the consequences of non-compliance continues to be a major obstacle to a more just, sustainable world. [The] UNGPs can only work if governments want them to … Ten years on, the framework's non-binding nature explains its poor track record in terms of implementation. This is despite increasing evidence that business can significantly damage the environment and violate human rights."[17]

LMN believes that remedial action is needed at the level of international law, in regional (such as EU and inter-American) and national law, and at company level until mining and other multinational companies proactively show that they have what it takes to become genuinely good corporate citizens.

At the international level, an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment is an urgent and essential step in ensuring far more responsible and accountable conduct on the part of mining multinationals worldwide.[18]

In the UK, we support calls for a Business, Human Rights and Environment Act requiring companies to undertake human rights and environmental due diligence throughout their operations and supply chains.[19] This law should be modelled on the Bribery Act 2010 section 7 ("failure to prevent"); require companies to identify, prevent, mitigate and account for the actual and potential negative impacts of their activities on people and the environment in the UK and globally; include effective civil and criminal sanctions and liability provisions; and provide for effective access to justice for victims.

For similar reasons, other home governments, and host governments, responsible for regulating mining on behalf of their own and other countries' citizens should develop such laws and systems of oversight and enforcement.

As to companies themselves, particularly but not only in the mining sector, the time for dodging responsibility is past. Anglo American and all other mining multinationals, and investors in the sector, should take careful note of this report's findings and of LMN's recommendations as follows…

Recommendations

To Anglo American and its investors

- **Public declaration**: As a starting point, the company should make a public declaration that it recognises that its operations and performance in Latin America have to date fallen short of its responsibility to respect human rights and environmental norms and standards and commit to achieving zero harm in all its mining operations.
- **Consultation and deliberation body**: In each location where it operates, the company should jointly establish, in partnership with the national and local authorities and the communities affected, and fund, an open-ended multi-stakeholder consultative and deliberative body, comprising representatives of the company, affected communities, local and national civil society, and local and national government, that will undertake a comprehensive and publicly transparent assessment of, and to document in detail, each mine's human rights and environmental impacts to date.
- **Restorative justice**: The company should develop, with the communities, fund and implement, as directed by the consultative and deliberative body, and in close consultation with affected communities, a restorative justice programme until all current and legacy injustices are resolved. In the case of Cerrejón in Colombia, the company should work with its former partners BHP and Glencore to apply the declaration, consultation, deliberation and restorative justice approach as set out above.
- **Prioritisation of remedies**: The restorative justice programme for each mine should include consultative prioritisation of remedial actions, so that the most urgent needs are addressed first.
- **Suspension of planned expansion**: The company should suspend any planned expansion of production at any mine until the restorative justice programme is complete.

Paternoster Square (London Stock Exchange), Matt Brown, licensed under CC BY 2.0

» **Mine closure, compensation, rehabilitation and just transition**: Where the majority of members of affected Indigenous Peoples and/or other communities oppose continued production at any mine, the company should end mining operations by implementing a consultative and participatory closure, compensation and rehabilitation programme. This should include company support for alternative regenerative and sustainable livelihoods for affected communities, and support for employees and local contractors and suppliers who will lose their jobs or business as a result of mine closure, in keeping with just transition principles.[20]

» **Financial provision**: The company should make full provision in the company accounts for the current and projected costs of implementing the required restorative justice, compensation and rehabilitation programmes.

» **Local laws and court judgments**: The company should respect and comply with all local laws and respect and comply with all local and national court judgments where it has its operations.

» **Full disclosure in annual reporting**: In annual reporting the company should ensure full disclosure of problematic environmental, social and governance issues, including how its operations have impacted, or risk impacting, local communities.

» **Support a UN Binding Treaty and UK due diligence law**: The company should publicly express support for, and advocate, an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment and support calls for a UK Business, Human Rights and Environment Act.

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To host governments in Latin America

» **Public declaration**: Host governments in Latin American countries where Anglo American and other mining companies' large-scale operations take place should make a public declaration that they recognise that mining practices in their jurisdictions have to date fallen short of the standards required to meet the state's human rights and environmental obligations – and companies' responsibilities – to current and future generations, and commit to working with each mining company and with affected communities to achieve zero harm in all mining operations in their territory.

» **Consultation and deliberation body**: For each large-scale mine in their territory, host governments should jointly establish, in partnership with the operating company and the communities affected by each mine project, an open-ended multi-stakeholder consultative and deliberative body (as recommended above for Anglo American) that will undertake a comprehensive and publicly transparent assessment of, and document, each mine's human rights and environmental impacts to date.

» **Restorative justice**: Host governments should constructively support each company's development, funding and implementation, as directed by the consultative and deliberative body, and in close consultation with affected communities, of a restorative justice programme for each mine until all current and legacy injustices are resolved.

» **Mine closure, compensation, rehabilitation and just transition**: Where the majority of members of affected Indigenous Peoples and/or other communities oppose continued production at any mine, host governments should constructively support companies' ending of mining operations, in consultation with all stakeholders, via a closure, compensation and rehabilitation programme, including support for alternative regenerative and sustainable livelihoods for affected communities, employees and local contractors and suppliers in keeping with just transition principles.

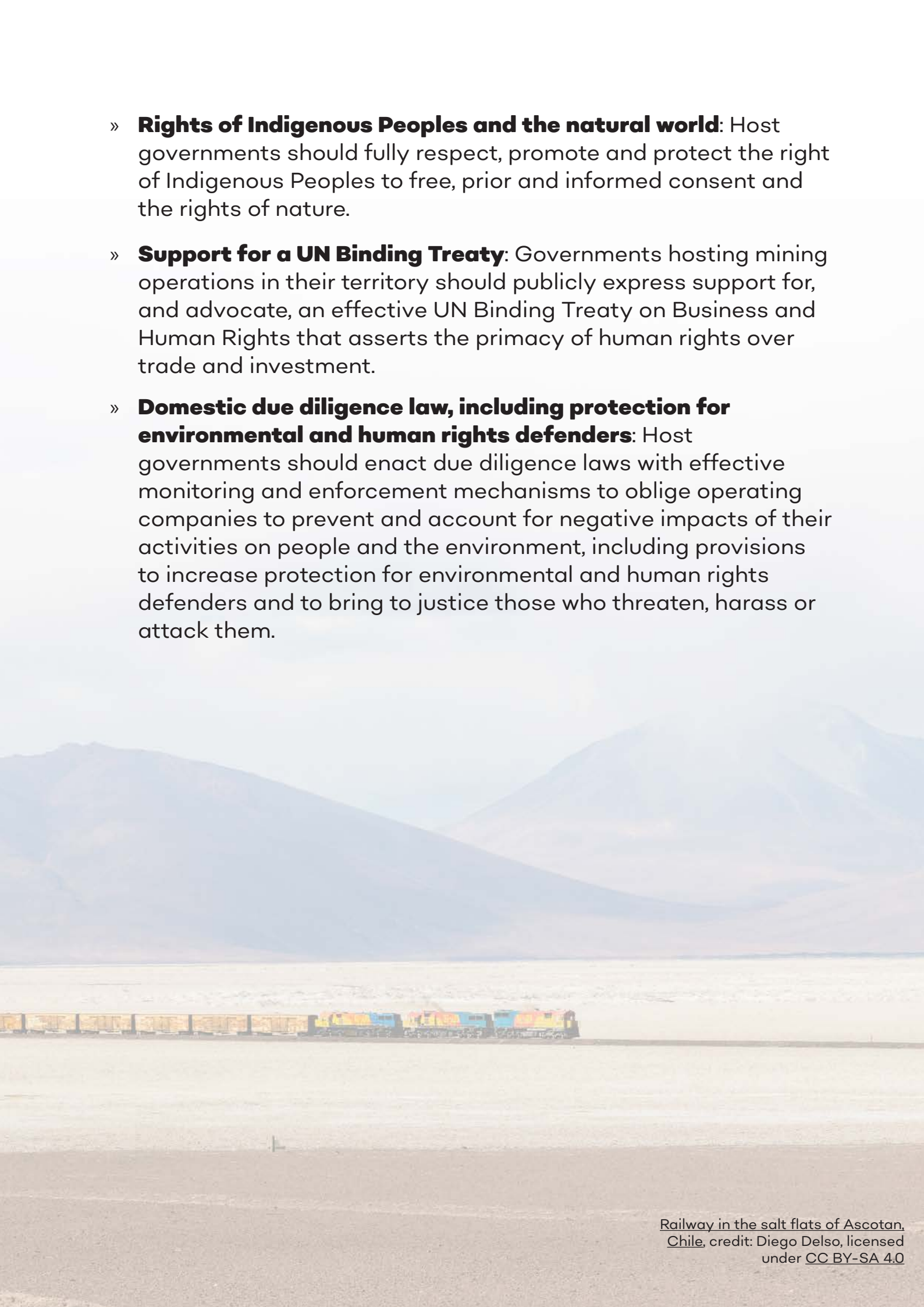


Railway in the salt flats of Ascotan, Chile, credit: Diego Delso, licensed under CC BY-SA 4.0

» **Rights of Indigenous Peoples and the natural world**: Host governments should fully respect, promote and protect the right of Indigenous Peoples to free, prior and informed consent and the rights of nature.

» **Support for a UN Binding Treaty**: Governments hosting mining operations in their territory should publicly express support for, and advocate, an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment.

» **Domestic due diligence law, including protection for environmental and human rights defenders**: Host governments should enact due diligence laws with effective monitoring and enforcement mechanisms to oblige operating companies to prevent and account for negative impacts of their activities on people and the environment, including provisions to increase protection for environmental and human rights defenders and to bring to justice those who threaten, harass or attack them.



Railway in the salt flats of Ascotan, Chile, credit: Diego Delso, licensed under CC BY-SA 4.0

To the UK and other host governments

» **Public declaration**: The UK and other home governments of countries where multinational mining companies are incorporated and/or raise finance through regulated stock markets should make a public declaration that they recognise that large-scale mining in Latin America by multinational companies based or raising finance in their jurisdiction has to date fallen short of the standards required to meet the state's human rights and environmental obligations – and companies' responsibilities – to current and future generations and commit to require each mining company regulated in their jurisdiction to achieve zero harm in all mining operations in every country.

» **Requiring consultation, deliberation and restorative justice**: The UK and other home governments should require each mining company regulated in their jurisdiction with large-scale operations to jointly establish, in partnership with the host government and affected communities, an open-ended multi-stakeholder consultative and deliberative body (as recommended above for Anglo American) that will undertake a comprehensive and publicly transparent assessment of, and to document, each mine's human rights and environmental impacts to date; and to develop, fund and implement, as directed by the consultative and deliberative body, and in close consultation with affected communities, a restorative justice programme for each mine until all current and legacy injustices are resolved.

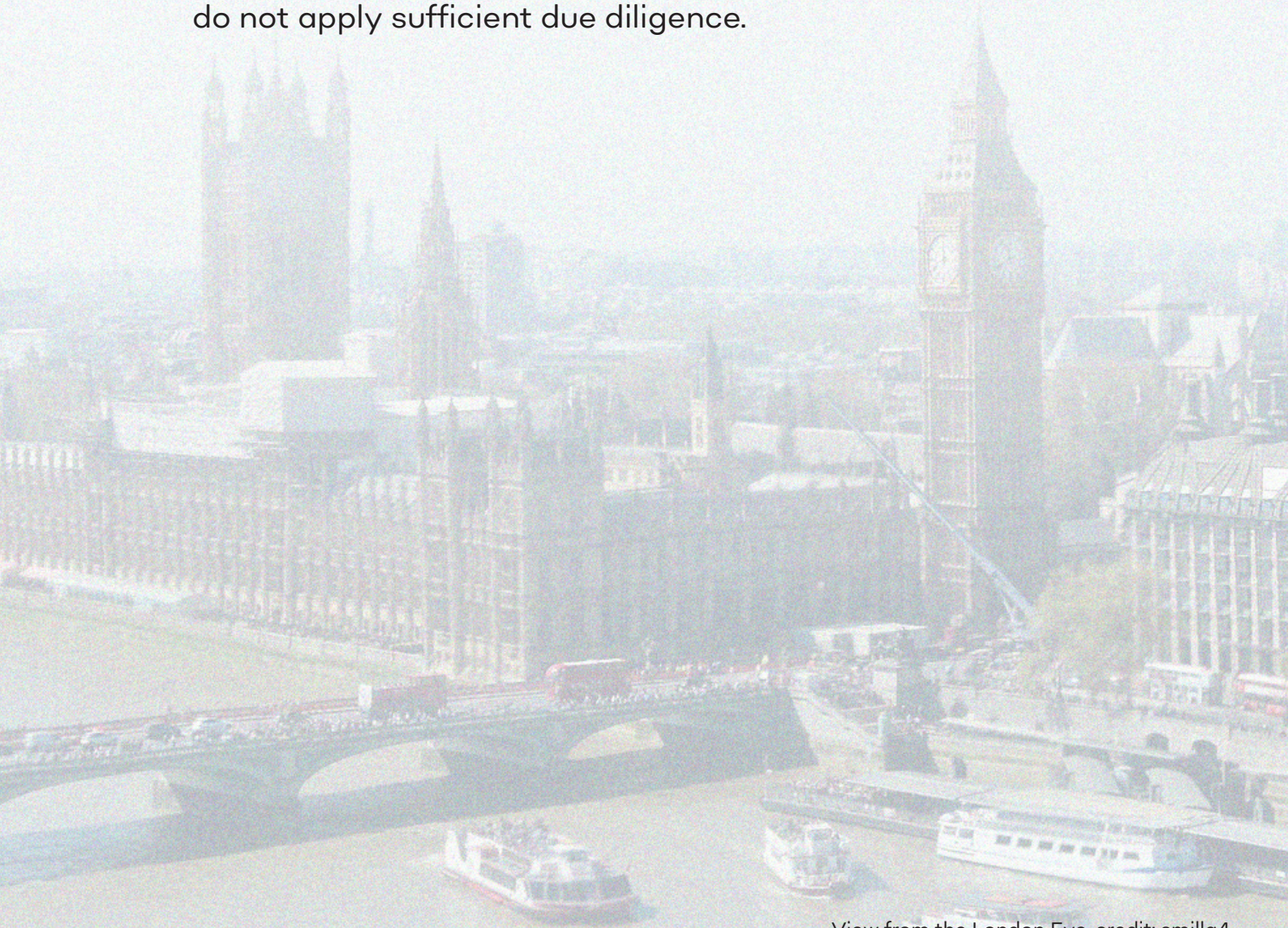
» **Strengthen annual reporting requirements**: Governments with multinational mining companies based and/or raising finance in their jurisdiction should strengthen regulation of annual reporting to ensure companies fully disclose problematic environmental, social and governance issues, including how company operations have impacted, or risk impacting, local communities.

» **Support for a UN Binding Treaty**: Governments regulating mining companies incorporated and/or raising finance in their jurisdiction should publicly express support for, and advocate, an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment.

View from the London Eye, credit: smilla4, licensed under CC BY-NC 2.0

» **Domestic due diligence law with effective oversight and enforcement**: The UK and other home governments should enact due diligence laws – in the UK, a Business, Human Rights and Environment Act – that oblige operating companies to prevent and account for negative impacts of their activities on people and the environment; and implement effective and transparent oversight mechanisms to monitor and control home-based and locally financed mining companies' operations that cause violations of, or risks to, human rights and the environment.

» **Engagement, training and procurement policies**: The UK and other home governments should engage with and train multinational companies to increase their commitment to human rights and environmental due diligence, including protection for environmental and human rights defenders, and should amend procurement policies to exclude companies that do not apply sufficient due diligence.



View from the London Eye, credit: smilla4, licensed under CC BY-NC 2.0

To intergovernmental organisations

» **Public declaration**: Intergovernmental organisations including the World Bank, OECD and Organization of American States should make a public declaration that they recognise that large-scale mining in Latin America by multinational companies has to date fallen short of the standards required to meet states' human rights and environmental obligations – and companies' responsibilities – to current and future generations and endorse the goal of zero harm in all mining operations in every country.

» **Support for consultation, deliberation and restorative justice**: Intergovernmental organisations should publicly state their support for, and encourage, host governments and mining companies with large-scale operations to jointly establish open-ended multi-stakeholder consultative and deliberative bodies (as recommended above for Anglo American) that will undertake comprehensive and publicly transparent assessments of, and to document in detail, each mine's human rights and environmental impacts to date; and support and encourage the development and implementation of a restorative justice programme for each mine as directed by the consultative and deliberative body and in close consultation with affected communities.

» **Support for a UN Binding Treaty and domestic due diligence laws**: Intergovernmental organisations should publicly express support for, and advocate, an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment and support calls for domestic due diligence laws with effective oversight and enforcement mechanisms that oblige operating companies to prevent and account for negative impacts of their activities on people and the environment.

» **Engagement and training**: Intergovernmental organisations should engage with and train multinational companies to increase their commitment to human rights and environmental due diligence, including protection for environmental and human rights defenders.

United Nations General Assembly Hall, credit: Basil D Soufi, licensed under CC BY 2.0

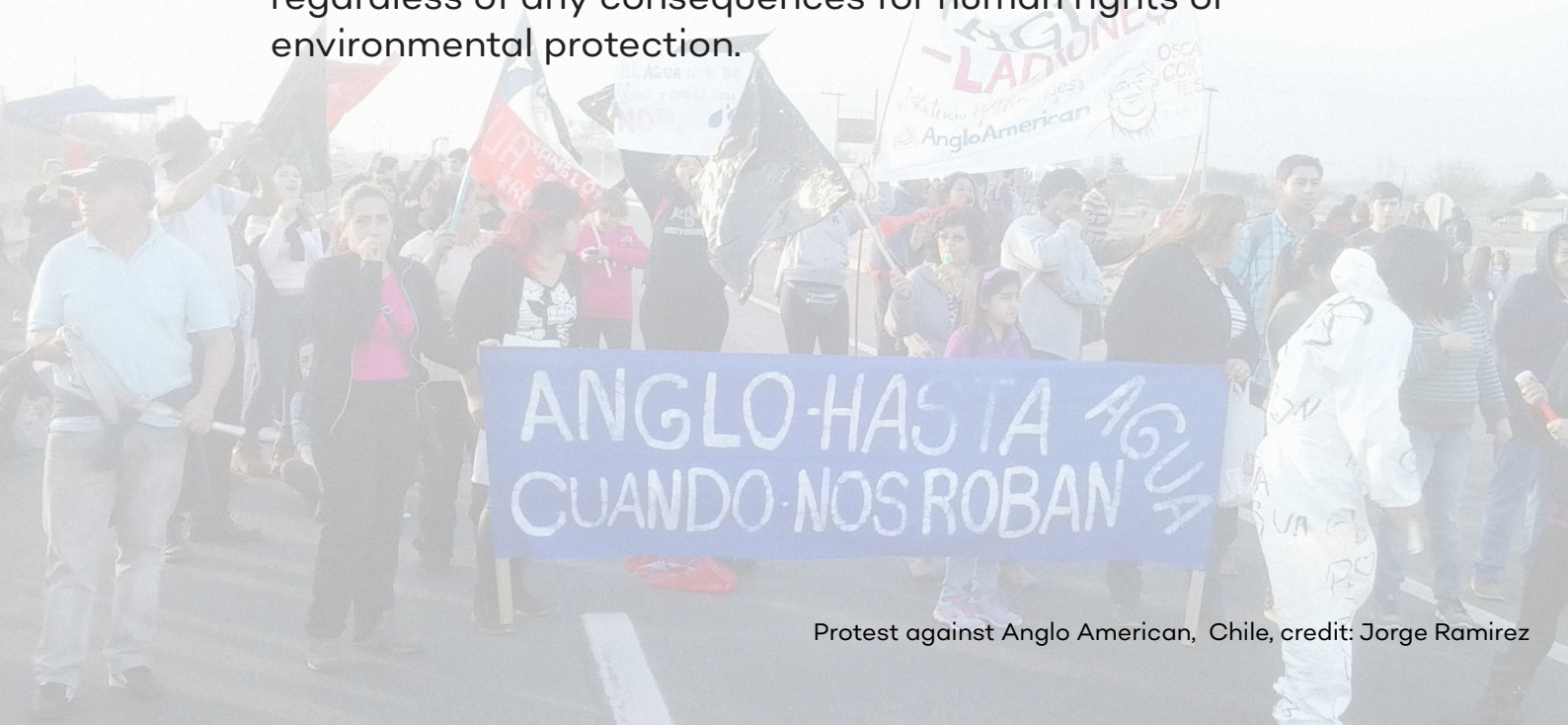
To international and UK civil society

» **Solidarity with affected communities**: International and UK civil society should continue to work in solidarity with mining-affected communities and be led by their wisdom and demands.

» **Support for a UN Binding Treaty and domestic due diligence laws**: International civil society should continue to campaign actively for an effective UN Binding Treaty on Business and Human Rights that asserts the primacy of human rights over trade and investment and work for domestic due diligence laws with effective oversight and enforcement mechanisms that oblige operating companies to prevent and account for negative impacts of their activities on people and the environment, including protection for environmental and human rights defenders.

» **Campaign for a UK Business, Human Rights and Environment Act**: In the UK civil society should campaign for a Business, Human Rights and Environment Act requiring companies to identify, prevent, mitigate and account for the actual and potential negative impacts of their activities on people and the environment, with effective sanctions and liability provisions and access to justice for victims.

» **Work for an end to the Investor-State Dispute Settlement (ISDS) system**: International civil society should work for an end to the ISDS system under which companies can sue governments on grounds that government policy or implementation reduces their investment's profitability, regardless of any consequences for human rights or environmental protection.



Protest against Anglo American, Chile, credit: Jorge Ramirez

Annexes

Annex 1. Questions for consultations with members of affected communities

Name of interviewee:

Member of which community:

Country:

Date of interview:

1. What is the name of the community and in what region of the country is it located?

2. Is the community mainly rural, mainly urban, or a mixture of the two?

3. What is the total population size of the community and how long (if known) has the community lived in its present location?

4. Do any members of the community consider they belong to an ethnic, cultural, linguistic or religious minority or are an Indigenous People?

If possible, please name each minority or Indigenous People that community members belong to and indicate what proportion of the community belongs to each minority or Indigenous People.

5. What are the main sources of livelihood in the community?

6. Which Anglo American mines or other operations have affected the community's well-being and way of life?

7. How have Anglo American's operations affected the following aspects of community life?

Please give as much detail as possible under as many headings as possible.

7.1 People's health and safety including any incidences of violence and any effects on people's psycho-social or emotional well-being

7.2 The natural environment and biodiversity

7.3 Livelihoods, household incomes and access to resources, including any livelihoods that have been damaged and any new opportunities the company has provided or supported

7.4 Housing, public spaces, infrastructure and community facilities (including roads, transport, water, sanitation, health, educational or communications facilities)

7.5 Cultural heritage and ancestral practices

7.6 The position of women and girls and/or relations between women and girls v. men and boys

7.7 Community relations with central, subnational or local governments and their agencies, including with the police and security forces

7.8 Any other aspect of human rights or community life

8. Have community members or the community as a whole discussed raising one or more grievances with the company about any of its impacts?

If grievances have been discussed but not raised, please say why not. If grievances have been raised, please describe each occasion, the approximate date(s), how the grievance was raised, the quality of Anglo American's response and any outcomes.

9. Have there been any occasions when the community considered it should have been asked for its free, prior and informed consent (FPIC) to a new or continuing company operation?

Please describe the occasion(s) and approximate date(s) and say in each case whether Anglo American sought FPIC, what the quality of the process was, whether the community gave FPIC or not, and what the outcomes were.

10. Have any significant incidents, including of social conflict, been caused by or involved the company with impacts on the community in recent years not mentioned above?

Please provide dates and details.

11. Have there been any significant changes – for better or for worse – in the way the company relates to or impacts on the community in recent years not mentioned above?

Please provide details.

12. How effectively does the company communicate with the community and work to build and maintain relationships of trust?

Please comment on the way the company communicates in terms of frequency, respectfulness, use of community language(s), communication channels used, openness to communications initiated by the community, and any outcomes of the process.

13. Does the community consider that a UN Binding Treaty on Business and Human Rights is necessary and if so why?

14. Does the community have suggestions for the report's recommendations to improve the policies and practices of key actors?

Please indicate the community's priorities under as many headings as possible.

14.1 Recommendations for intergovernmental organisations (such as the international financial institutions, OECD and UN bodies)

14.2 Recommendations for the UK government (the authority in the home jurisdiction where the company is incorporated and its shares are traded)

14.3 Recommendations for Anglo American and/or all mining companies

14.4 Recommendations for investors

14.5 Recommendations for civil society

14.6 Recommendations for any other actors

Annex 2. Sources cited by Interviewee 1 (Brazil) in written testimony provided after interview

Cáritas Brasileira (2022), Minas Gerais Region office circular No. 0030/2022, Independent Technical Assessment, Conceição do Mato Dentro.

Cruz, E. de C. (2022), Water Reduction in Minas Gerais – GRACE (video), https://youtu.be/Ew81wqxWMN8.

Diversus (2011), Socio-economic Diagnosis of the Directly Affected Area and the Direct Area of Influence of the Anglo Ferrous Minas-Rio Mineração SA Project (ex-MMX Minas-Rio Mineração SA) – Open Pit Mining with Treatment of Wet Iron Ore – Conceição do Mato Dentro, Alvorada de Minas and Dom Joaquim/MG.

Minutes of the Meeting of the Community Assembly of the Communities of Gondó and Córregos (2022), Córregos, Conceição do Mato Dentro, 16 March 2022.

Pew Charitable Trusts (2019), A Map of the Future of Water, https://www.pewtrusts.org/en/trend/archive/spring-2019/a-map-of-the-future-of-water.

Study Group on Environmental Issues (GESTA), Federal University of Minas Gerais (UFMG) (2014), Opinion on the document "Study of Updating the Areas of Influence (AI) of the Minas-Rio Mineração Project", prepared by the consulting firm Ferreira Rocha Sustainable Project Management. Extension Project: Observatory of Environmental Conflicts in the state of Minas Gerais, Belo Horizonte.

Study Group on Environmental Issues (GESTA), Federal University of Minas Gerais (UFMG), and others (no date), Places of rights – including environmental licensing. Project: Mining, environmental knowledge and participation: popularization of science for the construction of environmental justice.

Annex 3. "Colombia: Cerrejón Coal's community relocations are inadequate, say community leaders" – public communiqué

Barrancas, La Guajira, 3 March 2022

Leaders of the communities resettled by the Cerrejón company in the Municipality of Barrancas in the south of the Department of La Guajira, including the Patilla Community Action Board, Elected Community Action Board of Casitas, Association of People of African Descent in Chancleta (Asnac), and the Tamaquito II Indigenous Reservation, have been asked by members of their communities at recent meetings to make the following urgent points because of the difficult situation in which they are living:

Socio-economic situation: Against the backdrop of general economic conditions, there has been a low level of investment in homes and this has directly affected families' quality of life. Now they do not enjoy even the basic resources necessary for sustenance and every day the situation gets worse. To date, Cerrejón has paid for certain services (water, electricity, internet) but no alternatives have been envisaged which would bring a real solution to the problems people face in supporting

themselves. This suggests to us that once the company stops paying for these services families will not have the resources to assume the costs, because of the high levels of unemployment that affect us.

However, we are not ignoring the fact that some benefits have been derived from the process. Our call for attention is intended to make clear that they are not relevant and long-term solutions, taking into account that socio-economic and cultural factors have been affected and the result has been a rise in the cost of living.

At this time, the communities do not have job opportunities because traditionally we dedicated ourselves to rural work (agriculture, raising small animals, small-scale livestock herding, general subsistence food production, and fishing, among other things). Today due to the relocations we do not have enough land or access to enough areas to carry out these activities that allow us to produce what is necessary to satisfy the needs of an entire population. We do have the opportunity to take advantage of the misnamed Educational Aid programme, which we highlight as one of many mistakes made by the company, as many of the young people who manage to obtain professional qualifications do not have opportunities in the coal project or support in the search for their first job.

Cultural situation: With regard to our cultural identity, there are Indigenous communities such as Tamaquito II and the others, and we recognize ourselves as African-descendant, which is why we consider that the company has violated our rights as ethnic minorities, from the moment it expelled us from our territory until today. Although we did not have an ethnic organization at the time, our uses, customs and identity are part of our self-understanding, which the company knew, as they had the right professionals to identify the ways of life and ancestral traits within the communities through their ethnographic studies. Faced with these different problems and others that afflict the communities, we have held meetings with the company, which has always expressed its willingness to dialogue, but has clearly not provided solutions, since every day we see how the communities are in decline.

We make it clear that we are not after money, but the construction of self-sustaining communities over time, so that we can prevent our young people continuing to be lost to us due to the lack of job opportunities. We want to be communities that contribute well-being to our Municipalities, not to be problem communities.

We decided to make publicly known the true situation of the poorly named "resettled" communities, so that people are aware of our discontent with the company, the National, Departmental and Municipal governments, and that together we can all seek a truly well-founded solution. Otherwise we are willing to take action, including legal measures.

Notes

1. Introduction

1. https://www.australianmining.com.au/news/anglo-american-ceo-confronts-minings-reputation-crisis/
2. https://climatejusticealliance.org/just-transition/#:~:text=Just%20Transition%20is%20a%20vision,cycles%20holistically%20and%20waste%2Dfree
3. See https://trackers.business-humanrights.org/transition-minerals/.

2. Anglo American's responsibilities, commitments and policies on human rights and sustainability

1. https://www.angloamerican.com/about-us/at-a-glance; https://www.angloamerican.com/about-us/our-purpose; https://www.angloamerican.com/media/press-releases/2021/05-11-2021
2. https://www.angloamerican.com/about-us/our-purpose; https://www.angloamerican.com/futuresmart/futuresmart-mining
3. https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2021/aa-annual-report-full-2020.pdf; https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2021/aa-sustainability-report-full-2020.pdf; https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2022/aa-annual-report-full-2021.pdf
4. https://www.statista.com/statistics/272707/ranking-of-top-10-mining-companies-based-on-revenue/
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7. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf
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9. https://www.legislation.gov.uk/ukpga/2006/46/contents
10. https://www.angloamerican.com/about-us/our-purpose
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15. https://www.angloamerican.com/sustainability/approach-and-policies
16. https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/sustainability/approach-and-policies/safety-and-health/she-way-en.pdf
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23. https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/sustainability/anglo-american-we-care-programme.pdf

3. Community interviews and testimony

Brazil: Minas Rio

1. Main company sources for the Brazil subsection: https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2022/aa-

annual-report-full-2021.pdf; https://www.angloamerican.com/media/~/media/Files/A/Anglo-American-Plc/media/AngloAmerican_FS_Minas%20Rio.pdf

2. See https://londonminingnetwork.org/?s=minas-rio
3. Written sources cited by Interviewee 1 are listed in Annex 2.
4. LMN has not seen this study.
5. The Doce river was severely polluted by the release of 45 million cubic metres of mining waste from the 2015 Samarco tailings dam disaster, affecting an area of the Atlantic Ocean more than 600 km from the dam: https://londonminingnetwork.org/wp-content/uploads/2017/09/Fundao-Report-Final-lowres.pdf; https://news.mongabay.com/2020/11/deadly-anniversary-rio-doce-brazils-worst-environmental-disaster-5-years-on/
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7. https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2022/aa-annual-report-full-2021.pdf; https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2022/aa-sustainability-report-full-2021.pdf

Chile: Los Bronces and El Soldado

8. Main company sources for the Chile subsection: https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2021/aa-annual-report-full-2020.pdf; https://www.angloamerican.com/~/media/Files/A/Anglo-American-Group/PLC/investors/annual-reporting/2022/aa-annual-report-full-2021.pdf; https://chile.angloamerican.com/operaciones.aspx#/projects-operations-offices-headquarters/diamonds-copper-platinum-coal; https://londonminingnetwork.org
9. Anglo American also has copper interests in Peru and Finland.
10. https://www.reuters.com/business/energy/chile-recommends-denying-extension-anglo-american-copper-mine-2022-04-23/
11. https://londonminingnetwork.org/2022/04/were-saving-the-world-too-report-on-the-anglo-american-agm-19-april-2022/?mc_cid=272b7b3c38&mc_eid=803c7fd46d; https://londonminingnetwork.org/2021/08/anglo-americans-impacts-on-glaciers-in-chile-put-the-water-security-of-the-population-at-risk/; https://londonminingnetwork.org/2021/05/latin-american-network-on-anglo-american-public-statement-for-our-territories/; https://londonminingnetwork.org/2021/04/arsenic-in-the-river-colina-chile-could-it-be-anglo-americans-fault/; https://londonminingnetwork.org/2021/02/continued-impunity-for-anglo-american-despite-its-impacts-on-the-community-of-el-melon/; https://londonminingnetwork.org/2020/05/questions-for-anglo-american/
12. https://olca.cl; see also El Mostrador "Study concludes that glacier retreat in the Andes mountain range is due to contamination by Codelco and Anglo American" (trans.), July 2022, https://www.elmostrador.cl/cultura/2022/07/15/estudio-concluye-que-retroceso-de-glaciares-en-la-cordillera-de-los-andes-se-debe-a-la-contaminacion-de-codelco-y-anglo-american/
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