

20 November 2020

Dear Ms Matthews,

**Response to the Brazil's Indigenous People Articulation (APIB) and Amazon Watch's Report on Indigenous People's Rights in the Brazilian Amazon**

We would like to acknowledge and thank you for the opportunity to respond to the concerns raised in your forthcoming Weekly Update. This document addresses issues concerning the application for mineral exploration in areas located within indigenous lands in Brazil. This document aims to clarify and update you on the details surrounding these applications and express our commitment and adherence to the Free, Prior, and Informed Consent (FPIC).

**Applications for Mineral Exploration in Indigenous Lands**

In the report by APIB and Amazon Watch, it states that we have registered 300 requests for authorization to survey in areas that include Amazonian Indigenous lands, we would like to update you on the latest developments in this regard. We have withdrawn all our applications for mineral exploration in areas located in indigenous lands in Brazil, since 2015. We are however aware that some of these applications have not been removed on the database of the *Agência Nacional de Mineração* (ANM - National Mining Agency) and we are in contact with the ANM to update their systems in this regard.

We periodically revise our application portfolio and have no plans to carry out any mining-related activities in indigenous lands in Brazil. It is worth noting that there are some applications for research-related activities that are adjacent to indigenous lands. We must note that if any of the applications have interferences in indigenous lands and its limits, these interferences will be removed by the ANM. All work done in relation to mineral exploration has been with in adherence with local laws and regulations.

We would like to state clearly that while we adhere to the laws and regulations set by governments, we also have a set of values and commitments that guide how act as a responsible miner across the many geographies where we operate. Therefore, we would again like to make clear that as a matter of principle we are committed to only exploring indigenous lands with FPIC from the communities affected. In addition, we are committed to working towards having a net positive impact on biodiversity in all the regions we operate. This applies to our operations in Brazil as it does for all Anglo American operations in other jurisdictions.

**A member of the Anglo American plc group**

Anglo American plc  
Registered Address: 20 Carlton House Terrace, London, SW1Y 5AN, United Kingdom T +44(0)20 7968 8888. F +44(0)20 7968 8500.  
Incorporated in England and Wales. Registration Number: 3564138

## **The Anglo American Group's Procedures and Policies on Human Rights and FPIC**

At Anglo American, we have a strong commitment to human rights. Respect for human rights is stated explicitly in our Code of Conduct and reflected in our core values of safety, care and respect, integrity and accountability. Our approach to human rights is led by our policies and standards, which includes our Group Human Rights Policy. Our commitment to human rights is further expressed through our being a supporter of the United Nations Guiding Principles on Business and Human Rights (Guiding Principles), a signatory to the United Nations Global Compact as well as to the Voluntary Principles on Security and Human Rights (VPs).

The Anglo American Social Way 3.0 (Social Way) is an integrated set of policies and processes required for social performance at Anglo American operations that guides all our work with our host communities. Our Social Way is publicly available [here](#). The Social Way requires that we obtain and retain Free Prior and Informed Consent (FPIC) with indigenous groups. This task states that the process of FPIC should be documented in the Community Engagement Plan, with evidence of an FPIC agreement where consent is given.

In cases where national legislation or legal precedent require a site to develop a specific type of FPIC related plan and agreement, those national requirements may replace the method outlined in the Social Way as long as they satisfy the requirements of the Social Way and communities agree they represent consent.

The FPIC agreement outlines the agreed terms under which sites activities can proceed. The agreement must be signed or otherwise validated by legitimate representatives of the site and the community. The agreement typically includes the following provisions:

- Commitments made by both parties,
- Description of site activities and (potential) adverse impacts,
- Duration of the agreement,
- Procedures for renewal, termination, renegotiation or withdrawal of consent,
- A mutually agreed grievance/dispute-resolution process,
- What might happen under possible future scenarios; e.g. if there are changes to the agreed site design and activities,
- Economic terms and conditions (e.g. compensation, benefit sharing),
- Other terms and conditions as mutually defined or recognised.

If consent is not given during the initial process, the site shall follow the indigenous community's wishes regarding whether FPIC for the same or similar activities may be sought again later. Conditions for this should be outlined in the Community Engagement Plan.

It's worth stating that at Anglo American the FPIC agreement is not the end of the FPIC process. Engagement with indigenous communities throughout the Life of Asset is carried out to ensure that commitments made are delivered and that consent is maintained and/or renewed. Our FPIC Guidance is publicly available [here](#)

The approach described in this question is aligned with relevant international standards and good practice, including the **International Finance Corporation's (IFC)**

**Performance Standard 7 (IFC PS7) and the International Council on Mining and Metals Position Statement on Indigenous Peoples.****Anglo American Group's Policies and Procedures on Biodiversity**

Anglo American is committed to a net positive impact on biodiversity in all the regions where we operate. Our Safety, Health and Environmental management system, the SHE Way incorporates the requirements of ISO 14001.

As a company, we continue to uphold our 2003 commitment to neither explore nor develop new mines in World Heritage sites. We also respect legally designated protected areas, in line with the **ICMM's Position Statement on Mining and Protected Areas**.

In 2019, we launched an updated version of our Biodiversity Overlay Assessment Tool, which helps us screen and map biodiversity risk for any existing or proposed project. We are also committed to assessing sites in high-risk environments against our standard.

We recognise that working towards a positive biodiversity contribution in our areas of operation is essential to our license to operate.

**Going Forward**

We would again like to thank you for the opportunity to address the concerns raised in your forthcoming Weekly Update. We hope the information and clarification provided in this document addresses the issues raised by the report from APIB and Amazon Watch.

Please do not hesitate to get in touch if you have any further concerns about these matters or any others you may wish to raise. We would be happy to arrange a meeting to discuss via phone call.

Yours Sincerely,

**Jonathan Dunn**

Head of International Policy and Planning  
Anglo American

**Sikhulekile (Khule) Duma**

International & Government Relations Specialist  
Anglo American

In this letter, references to "Anglo American", the "Anglo American Group", the "Group", "we", "us", and "our" are to refer to either Anglo American plc and its subsidiaries and/or those who work for them generally, or where it is not necessary to refer to a particular entity, entities or persons. The use of those generic terms herein is for convenience only, and is in no way indicative of how the Anglo American Group or any entity within it is structured, managed or controlled. Anglo American subsidiaries, and their management, are responsible for their own day-to-day operations, including but not limited to securing and maintaining all relevant licences and permits, operational adaptation and implementation of Group policies, management, training and any applicable local grievance mechanisms. Anglo American produces group-wide policies and procedures to ensure best uniform practices and standardisation across the Anglo American Group. Such policies and procedures constitute prescribed minimum

standards only. Group operating subsidiaries are responsible for adapting those policies and procedures to reflect local conditions where appropriate, and for implementation, oversight and monitoring within their specific businesses.