



Monday 22nd February 2021

A version of this letter was sent to BlackRock, Dimensional, Fidelity, JP Morgan, Old Mutual, Schroders, Standard Life Aberdeen, UBS, State Street and Vanguard

Dear Sir/Madame,

RE: Urgent shareholder actions required regarding Anglo American’s toxic lead poisoning legacy in Kabwe, Zambia

We wish to draw your attention to the legacy of Anglo American’s lead mine in Kabwe, Zambia, following a class action [lawsuit](#) filed against Anglo American South Africa Ltd (“AASA”) in October 2020. The lawsuit was filed by 13 representative plaintiffs on behalf of approximately 100,000 people, mainly children, who are at high risk of suffering devastating health impacts as a result of toxic lead poisoning. As an investor in Anglo American that prides itself on ESG investing, we believe the ongoing catastrophic health effects in Kabwe will be of particular concern and require your urgent attention. In this letter we provide a summary of the deplorable situation in Kabwe and set out the actions you can take to urge Anglo American to remedy this injustice.

As a broad group of non-governmental organisations working on human rights, environmental and justice issues we are urging Anglo American to act consistently with its publicly stated human rights and environmental commitments. Anglo American states that: *“Where we have caused or contributed to adverse human rights impacts we will contribute to their remediation as appropriate.”* In an address at the 2021 Mining Indaba in South Africa a few weeks ago, Mark Cutifani, the CEO of Anglo American, said “humanity” is a key word for his company and that “people look to Anglo for leadership and assurances that a company can put operations aside and focus on what is good for the community”. Anglo American’s failure to act on the toxic legacy at Kabwe stands in sharp contrast to such statements.

Lead poisoning around Kabwe

It is widely recognised that there is no safe level of lead. Lead poisoning can lead to devastating effects on neurodevelopment in children, kidney and other organ damage, and can cause convulsions, coma and even death. The US Center for Disease Control and Prevention [recommends](#) a blood lead level (BLL) of **5µg/dl** (micrograms per decilitre), as the reference level above which public health actions and medical monitoring should be initiated, as even low levels of exposure to lead can lead to reduced IQ, behavioural problems, hearing impairment and developmental toxicity in children. The lead ingested by children is absorbed into their bones and may be released during future pregnancies, affecting the development of the foetus in the womb. Not only is the baby's health damaged while in the womb, but lead causes pregnant women to experience higher risks of pre-eclampsia, gestational hypertension and pregnancy loss.

Kabwe, home to more than 200,000 residents, has some of the highest lead levels in the world. The toxic environment causes enormous risks to local residents, especially young children and pregnant women. Various [studies](#) have found that in the most affected local communities of Kabwe about half of the children aged 5 years and younger have blood lead levels above **45µg/dl**, and some have levels above **100µg/dl**, which can and have tragically been fatal. The impacts of the lead poisoning not only affect those currently living in Kabwe, but also future generations.

The adverse health impacts of environmental lead poisoning in Kabwe have been known for decades. From 1971-74, prompted by the deaths of eight Kabwe children from suspected lead poisoning, Dr A.R.L Clark a doctor on the Kabwe mine, conducted [a study](#) into lead poisoning of the communities surrounding the mine. Clark found the BLLs of children to be highly elevated across the communities of Kasanda, Chowa and Makululu. In Kasanda, massive average BLLs of between 42ug/dL to 104 ug/dL were reported. Studies since then have consistently confirmed the seriousness of the tragic situation in Kabwe.

AASA's responsibility for the Kabwe disaster

We invite you to read the compelling evidence which has been filed on behalf of the class action plaintiffs and is publicly available on the [ChildrenofKabwe](#) website and reveals the following:

- The Kabwe mine (formerly known as Broken Hill) was part of the Anglo American group of companies for over 50 years, between 1925 and 1974. At the time it was one of the world's most productive mines.
- The mine, in particular the smelter and mine dumps, were located in close proximity to the local communities and Anglo was aware of this. The systems for controlling emissions of lead were inadequate. In short, despite the obvious risk of lead poisoning of the community no regard was paid to safeguarding their well-being.

- AASA provided design, management and technical expertise to the mine in Kabwe, including on health issues. An AASA medical consultant based at the company's offices in South Africa advised the Zambian operation about the exposure to lead.
- Although the mine continued operating until 1994, experts have concluded that most of the lead currently in the local environment is likely to have been deposited during the period when Kabwe was an Anglo-owned mine.

Failures on clean-up

The Zambian government has begun the initial steps of a World Bank-funded programme to clean up Kabwe's communities and provide health care for lead exposure, but the clean-up has been limited in scope so far. In any event, AASA bears a crucial responsibility for the reasons set out above, because of the international standards applicable to companies, and because of the standards that Anglo American holds itself to. Therefore it, too, should contribute to the clean-up and ensure that those whose lives have been so dreadfully impacted are provided compensation and remedy.

The class action lawsuit

The class action seeks compensation for children, as well as girls and women who may become pregnant in the future and whose children are likely to be affected. But it goes further than that – it also seeks the establishment of a BLL screening system for children and pregnant women, and remediation of the area to ensure the health of future generations is not jeopardised.

Anglo American appears to have taken no action to date to address this toxic legacy, now adopting the position is that it is “not responsible for the current situation” and “was not the majority owner of the mine”. In a [statement](#) to journalists, the company said that “in the early 1970s the company that owned the mine was nationalised by the Government of Zambia and for more than 20 years thereafter the mine was operated by a State-owned body until its closure in 1994”. We would suggest that this portrayal does not reflect the true role of Anglo in this public health disaster. Furthermore, you may be aware of the decision of the UK Supreme Court in Vedanta Resources PLC v Lungowe, concerning a copper mine in Zambia, indicating that a parent company such as AASA can indeed be held to account legally in circumstances such as those outlined above. The principles set out in the Vedanta case were endorsed again just this month, February 2021, by the UK Supreme court in the case of Okpabi v Royal Dutch Shell Plc, concerning oil spills in Nigeria.

The people of Kabwe deserve justice. Anglo purports to be a supporter of the UN Guiding Principles on Business and Human Rights, a fundamental component of which is Access to Remedy (Pillar 3). Whilst Anglo is, of course, entitled to defend a case on its merits it should not therefore be blocking access to justice for human rights victims.

ESG investing

There is an urgent need to clean up the toxic lead legacy in Kabwe, and to provide justice and remedy, including an urgent BLL screening programme for the children and women whose lives have been shattered. We hope you will use your influence and voice as a shareholder to press Anglo American to help remedy this wrong, to live up to the company's public commitments on human rights and the environment, and its often-repeated mantra that "communities are at the centre of Anglo American's operations". Alleviating the ongoing suffering of Kabwe's children, and Kabwe's future generations, requires Anglo American's leadership and engagement, not its evasion and obstruction.

We believe Anglo American's inaction with respect to Kabwe should be questioned by its shareholders. In light of your company's commitments to ESG engagement and investing, we are asking you to take up this matter with Anglo American's board and management team, and urge them to address the ongoing legacy of the company's operations in a responsible way.

Yours sincerely,

African Coalition for Corporate Accountability (ACCA)

Amnesty International

African Resources Watch (AFREWATCH)

UK Corporate Responsibility Coalition (CORE Coalition)

London Mining Network

Rights and Accountability in Development (RAID)

Southern Africa Resources Watch (SARW)