

Ms.

BEATRIZ BALBIN
Head of Subdivision of Special Procedures
OHCHR
UNITED NATIONS HUMAN RIGHTS SPECIAL PROCEDURES

Subject: Response to Joint Communication of Special Procedures

Dear Ms. Balbin,

Firstly, thank you for your letter and the opportunity to engage with you on the vitally important issue of Human Rights, Human Rights Defenders, and modern, responsible mining in Colombia.

AngloGold Ashanti is mindful that mining is, by its very nature, a disruptive activity, and while it's an important source of economic development the world over, there are those that are opposed to it. We spend tremendous effort, time and resources in understanding the impact of our activities and mitigating them to the best extent possible. We are equally seized with the importance of ensuring that tangible, long-term benefits flow to our host communities and countries.

Respect for Human Rights and Human Rights Defenders is embedded in AngloGold Ashanti's values, our standards in our way of doing business. We have zero tolerance for intimidation of any kind and make it our business to foster constructive dialogue with all of stakeholders, whether they're supportive of mining or not.

We have a long track record of constructive engagement with groups on all sides of the mining debate. As I hope the answers below will demonstrate, we have a robust Human Rights framework which guides our interaction with our stakeholders, is quick to detect areas where we may fall short of our high standards and dictates any corrective actions to be taken. We are open to critique from any of our stakeholders but believe that we have not fallen short in this case.

Before addressing your specific questions, we'd like to stress that we have not – nor will we – engage in any actions that will intimidate opponents nor stifle debate and remain open to a good faith dialogue with **Mr. Robinson Mejia, and any other stakeholder in Colombia or elsewhere.**

In response to your communication of November 16, 2021, regarding the allegations mentioned by Mr. Robinson Mejía Alonso, we would like to respond to each of the issues discussed therein:



1. On the allegations made by Mr. Robinson Mejia

The company states clearly for the record that it has no role in making threats of any kind to environmental or social leaders and rejects outright any suggestion to the contrary. AngloGold Ashanti has always condemned attacks against those who safeguard human and community rights and will continue to do so. We have always sought to promote dialogue and engagement with both supporters and opponents of mining alike and condemn in the strongest possible terms any threats or intimidation against either group.

We note that the threats, pamphlets and threatening calls, among others reported in your letter are not alleged to have originated from AngloGold Ashanti. We join you in condemning these and would be pleased to cooperate with the authorities in determining their origin in order to ensure this sort of material, destructive in every sense, does not obstruct civil discourse around the role that mining may or may not play in Colombia's economy.

With respect to the issue referred to in your correspondence:

1. On September 17, 2021, Mr. Mejía posted a communique on his Twitter account with false information, allegedly from AngloGold Ashanti, that stated the company was inviting people to an event where it would hand out computers in Cajamarca, the town close the La Colosa project, which has been under force majeure since 2017.
2. This communiqué disseminated by Mr. Mejia was false in every respect. It illegally used company logos and the name of our employee [REDACTED] who is a Communication Manager for the Quebradona project, which is in another province (Antioquia), more than 300km from La Colosa. Neither the company nor [REDACTED] issued such communiqué.
3. No attempt to confirm the veracity or authorship of the document was made. It is noteworthy that this document did not emanate from any of the company's formal communication channels or social media accounts.
4. Once AngloGold Ashanti became aware of Mr. Mejía's Twitter post, and in order to halt the spread of potentially harmful misinformation as quickly as possible, AngloGold Ashanti issued a communiqué on its own official Twitter account informing the community that it was false. [REDACTED] directly told Mr. Mejía about these issues via Twitter.
5. Although AngloGold Ashanti informed the community and Mr. Mejía, via Twitter, that the communiqué was false, he has to this date not removed it from his account. He continues to allege that the company's public and formal denial of its contents and authorship is also a ruse.
6. AngloGold Ashanti again asked Mr. Mejía, via Twitter, to rectify and sent a copy of this request to the Attorney General's Office, given the negative implications of this continued dissemination of verifiably false and potentially damaging information. However, Mr. Mejía has maintained his position and declined to rectify it.
7. Given the above facts, COSAJUCA has similarly continued to use its own network to amplify the false communiqué published by Mr. Mejía. Additionally, it states that it is a communiqué from AngloGold Ashanti and questions the call for rectification of the information made by the company and by [REDACTED] whose signature was forged in the Twitter publication made by Mr. Mejía.



8. COSAJUCA justified its actions as a retaliation for alleged – legal -- actions undertaken by AngloGold Ashanti in challenging the results of the popular consultation in Cajamarca. This, too, is a verifiably false claim, with no evidence to support it.
9. In any event, while AngloGold Ashanti Colombia is within its right under Colombian law to legally challenge the results of the popular consultation, it has not done so to date. COSAJUCA's assertion is therefore verifiably false.
10. AngloGold Ashanti Colombia rejects the dissemination of false information by any party. The right to freedom of speech is inalienable, but it does not justify the distribution of incorrect, forged and malicious information, for whatever purpose.

Consequently, AngloGold Ashanti Colombia will seek to use reasonable means to point out information that it knows to be false, to protect its own reputation and to ensure misconceptions that may have damaging repercussions for the company, communities and other stakeholders, do not take root. We may from time to time choose to do this before corresponding with the authorities, as with the matter at hand, in order to address the issue in a timely manner.

We continue to seek clarification on the source of the forged document in question and on the reasons that both COSAJUCA and Mr. Mejía continue to disseminate it, despite our unequivocal assurances that it did not emanate from the company. We remain very much open to dialogue on this, and any other, point. We have not resorted to legal action to date as we prefer dialogue to resolve issues. We do, however, reserve our rights in this matter.

2. On the measures taken to avoid adverse environmental impacts:

AngloGold Ashanti ascribes to industry best practice in the exploration, development and operation of its mining operations across the world and is a signatory to the Voluntary Principles on Security and Human Rights, the United Nations Guiding Principles on Business and Human Rights and ensures its sites and operating practices are extensively assured internally and by independent third parties, including the International Standards Organisation, among others. The company's shares are traded on some of the world's leading stock exchanges (New York, Johannesburg and Australia) and it is a member of the International Council on Metals and Mining and World Gold Council, all of which assures a level of transparency and compliance with the industry's most demanding international standards on safety, social, environmental, and economic sustainability practices.

The company has developed different projects in Colombia over more than a decade, at all times being clear on its respect for human rights, and in its investment and efforts to mitigate environmental impacts from its activities in line with both local laws and regulations and with international good practice.

In the case of La Colosa, during the period of active exploration, which ceased in 01 May 2017, we at all times demonstrated respect for human rights, working hand in hand with communities, as well as with national and local authorities in the concept, design and execution of social and economic development projects that sought to support, among others, agricultural development and the improvement in health services.

In other projects, AngloGold Ashanti has applied the same principles. An example of the above is that the preparation and the final content of the Environmental Impact Assessment (EIA) for the Minera de Cobre Quebradona Project, submitted to the Colombian environmental authority at the end of 2019, voluntarily included the recommendations of the United Nations Development Programme Guideline *“Extracting Good Practices: A Guide for Governments and Partners to Integrate Environment and Human Rights into the Governance of the Mining Sector*. The guideline provides sustainability recommendations for planning, exploration, feasibility and licensing,



development and construction, production, closure, and post-closure. Although these recommendations are for governments and partners, the company believes it represents an important contribution for Colombia's mining sector in terms of developing sustainable mining practices and was a key input in MCQ's project design.

For the participatory planning of the project, we carried out two phases of a program we called "*People understand each other by talking*" ("*Hablando se entiende la gente*"), in which we held face-to-face engagement with more than 3,000 citizens from the areas of influence. In these meetings, we held open discussions, listening to observations and complaints, and also discussed proposed solutions, so the preparation of the EIA ended up being a co-creation exercise among the stakeholders involved. The technical study also incorporated ESHR elements (Environmental, Social, and Human Rights risk and impact categorizations), specific elements of environmental regeneration, construction of the social fabric, and human rights protection.

Similarly, the monitoring and citizen oversight committees are an essential part of the appropriate development of a mining project for AngloGold Ashanti to the extent that they allow community members to perform an ongoing evaluation of compliance with technical criteria of the project that may impact their well-being. AngloGold Ashanti has always been willing to explain and share technical information requested by the committees present in the territory.

3. On the measures taken by AngloGold Ashanti to respect work and not put human rights defenders at risk in the Department of Tolima. This response also includes information on the due diligence measures that AngloGold Ashanti has adopted to prevent, identify, and remedy the effects of its activities on human rights in Colombia per the UN Guiding Principles on Business and Human Rights.

AngloGold Ashanti has a clear policy in terms of absolute respect for the work of social leaders in Colombia. As part of the implementation of this policy, it has had a human rights due diligence system and complaints and grievance mechanism aligned with the UN Guiding Principles on Business and Human Rights since 2016.

In any case where a complaint is filed involving a possible human rights violation, a protocol is activated governed by the AngloGold Ashanti Complaints and Grievances Management Standard. Any allegation or potential violation is recorded in the company Voluntary Principles on Security and Human Rights register. The competent authorities are formally notified of the claim and are requested to investigate, while a thorough internal investigation is also done. We are fully committed to the principles of access to remedy where potential violations are substantiated.

AngloGold Ashanti as a company is an active member of the *United Nations Global Compact*, the *Voluntary Principles on Security and Human Rights*, the *International Council on Mining and Metals*, the *World Gold Council*, and the *Extractive Industries Transparency Initiative*. It also committed to and promoted the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*.

The AngloGold Ashanti Human Rights Policy requires that all its operations aim to convert mineral wealth into social, economic, and environmental progress for the host country in question, and considers respect for human rights and for the people who lead processes in their defense, as an essential element to achieving this.

At all times, AngloGold Ashanti has emphatically stated its absolute rejection of threats, intimidation, or violent demonstrations of any kind that put any citizens or groups at risk, regardless of what side of the mining divide they sit.



While the company was active in Cajamarca, we developed constructive and respectful relationships with local communities, always based on the principles of mutual respect and support. Despite not having activities in Cajamarca's region today and being La Colosa project in a force majeure condition, we maintain a respectful relationship with the communities.

We have similarly constructive and good relations with the communities of Jericó and San Roque, both in the province of Antioquia, where our two current active projects in Colombia are located.

The well-being of the environment is a necessary prerequisite for our activities, requiring us to conduct consistent economic, social, and environmental studies and activities to benefit the communities in areas where we have a presence.

An example of this is the case of Jericó, where our relationship with the community is again very strong. In the most recent study (September 2021) of Brújula Minera carried out by the firms Jaime Arteaga & Asociados and Centro Nacional de Consultoría, which since 2018 has been measuring the perception of the inhabitants of Jericó and other neighboring municipalities about mining and the Minera de Cobre Quebradona, on a quarterly basis. The results of these surveys show evidence of sustained community support for the responsible development and start-up of the mine in the area.

These results show 75% of Jericoans consider that mining can be positive development for the municipality. The study, which has a representative sample in urban and rural areas, also highlights generalised confidence in the impact that modern, responsible mining can have on the region. Of note is that 83% of those surveyed believe it is possible to conduct mining development that will benefit local communities, while 80% believe it is possible for mining to coexist with other economic activities such as tourism and agriculture.

With respect to La Colosa, and the province (Department) of Tolima, AngloGold Ashanti suspended activities in May 2017, and is neither carrying out any exploration activities in Tolima at present, nor has plans to do so for the foreseeable future. Notwithstanding the lack of exploration activity at the site, we still apply all of the human rights' due diligence measures and complaint and grievance mechanisms, in line with the UN Guiding Principles on Business and Human Rights, and hand in hand with our absolute respect for human rights. Therefore, any human rights complaint will – as stated above – activate protocols in accordance with our commitment to protect Human Rights defenders, the UNGPs and the Voluntary Principles on Security and Human Rights.

4. On the Popular Consultation in Cajamarca

In a popular consultation – or referendum -- held in the municipality on March 26, 2017, the community of Cajamarca voted against mining activities development in their municipality,

Following this result, the Constitutional Court stated in its Ruling SU-095 of 2018 that popular consultations are not a constitutionally valid mechanism to prohibit mining activities in any territory of Colombia, and established that:

1. municipalities cannot prohibit mining activities in their territories;
2. natural resources belong to the State;
3. under the principles of concertation, subsidiarity, and competition, the State must concert the development of mining activities with the municipalities.



At AngloGold Ashanti, we believe that modern, responsible mining can coexist with and enhance traditional economic activities. It is possible to conduct commercial, responsible mining alongside farming and other commercial activities. We have, nonetheless, accepted the position expressed by the community after the consultation.

After 14 years exploring in Tolima, and without developing a mine nor producing an ounce of gold, AngloGold Ashanti suspended the La Colosa project under force majeure conditions in May 2017. This was approved by the National Mining Authority (ANM). While the force majeure conditions remain, project activities will be suspended.

It is important to point out that exploration activities are legally permitted in the territory of Cajamarca, as in any other place in the country. This was confirmed by the Constitutional Court, the State Council, and the Administrative Court of Tolima, among other rulings from Colombian courts.

In any event, mindful of the results of the popular consultation, AngloGold Ashanti in May 2017 halted all activities and investment related to exploration and the advancement of the La Colosa project. These have not been restarted and there is no consideration of doing so at this time.

AngloGold Ashanti continues to participate at a national, regional and local level in Colombia in the conversation around the development of a responsible national gold and copper mining sector. This dialogue is necessary to determine the way forward for this potential investment that will help reduce the Colombian economy's outsized reliance on thermal energy exports (coal and oil), which will likely come under severe pressure in coming years amidst the global move away from fossil fuels. Business, government, communities and civil society are all participants in this debate, and we are ever mindful that broad support from amongst those stakeholders is a prerequisite for the growth of the country's mining sector in the coming years.

As discussed above, we have a firm commitment to implementing the highest international standards, especially those principles and guidelines derived from the commitments of the initiatives and international organisations of which we are a member, while ensuring that our environmental and community standards conform to the recommendations of the International Finance Corporation.

We trust that this letter would address your concerns but remain open to dialogue with you and all other stakeholders to ensure supporters and opponents of mining in Colombia are free to voice their opinions and concerns in a good faith debate around the future of the industry.

Regards,

Tumelo Shakwane

Vice President: Community Relations
Group Sustainability