

GLENCORE

08 September

Scott A Sellwood
Policy Lead, Human Rights and Extractive Industries
Oxfam America
Washington DC
USA

Via email: Scott.Sellwood@Oxfam.org

Dear Scott,

Re: **Response to Oxfam/CooperAcción Antapaccay reports**

We welcome CooperAcción sharing their report for our review and comment ahead of its publication. However, we are disappointed that CooperAcción did not contact the Antapaccay team during the drafting of the report. Following detailed review of the report, we have a different perspective on the identified allegations and criticism regarding Antapaccay's operations.

We believe that the circumstances outlined in the report are an opportunity for dialogue. This type of interchange supports Glencore's continuous improvement in environmental, social and human rights performance. Nevertheless, we would welcome the opportunity to share our perspectives and discuss observations on the report with Oxfam and CooperAcción and will share some areas where we believe there is room for exchange in this response.

Feedback will not be provided on all of the allegations mentioned in the report – a couple of examples of errors identified in the report are outlined below. For the avoidance of doubt, where Glencore has not specifically responded to a particular allegation, fact or area of the report, this should not be interpreted as Glencore admitting that allegation or agreeing to what is presented in the report in any respect as to relevance, substance or materiality.

Example 1: Outdated references to data and information from 2019 EIA

Both reports refer to data and information contained in the environmental impact assessment (EIA) submitted by Antapaccay and approved by the Peruvian authorities in 2019.

The 2019 EIA has not and will not be applied to the Coroccohuayco project and the project it is under review. This has been widely communicated to stakeholders, including community members, during meetings.

In line with Peruvian regulation, Antapaccay will submit a new EIA for the Coroccohuayco project.

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Example 2: Incorrect references regarding Glencore acquisition of land in 1997

CooperAcción's report references land acquisition activities carried out by Glencore in 1997. The report itself refers to the industrial asset's ownership history and notes that Glencore became the owner of Antapaccay in 2013 following the merger with Xstrata. Glencore did not carry out land acquisition in 1997 at Antapaccay because it was not the owner of the industrial asset at this time.

In addition, we would like to share further information on some areas of the report we believe dialogue would be beneficial:

Water contamination

In 2019, the Peruvian Government launched the Espinar dialogue table. As part of the dialogue table, there are a number of thematic forums, including one dedicated to the environment.

In 2022, the Espinar dialogue table requested a government agency (OEFA) carry out studies aimed at investigating the possibility of a causal relationship between Antapaccay's operations and environmental impacts, including water contamination.

The OEFA causality studies were completed in 2023 and reports were shared with Antapaccay for review. This review process is on-going and Antapaccay will continue to engage with the Peruvian authorities to provide feedback. We would be happy to exchange views with Oxfam and CooperAcción on this topic.

Prior consultation process

Glencore industrial assets seek to ensure that Indigenous Peoples are consulted and have given their free, prior, and informed consent in relation to new projects and changes to existing projects where significant adverse impacts are likely to occur, including as a result of relocation, disturbance of lands and territories or of critical cultural heritage. This commitment is set out in the Glencore **Human Rights Policy** and applies to all Glencore industrial assets, including Antapaccay.

As established in Peruvian legislation, the prior consultation process is carried out by the competent government entity. For new mining projects this entity is the Ministry of Energy and Mines.

According to Peruvian legislation prior consultation is required for the approval of mining construction permits if the authority determines a project could affect Indigenous populations' collective rights. It does not apply for the approval of environmental impact assessments or their amendments.

The prior consultation that is currently underway at Antapaccay was started ex officio by government after the 2019 environmental permit approval and is managed without company involvement. The process is provided for by law and Antapaccay, in accordance with **Glencore's Code of Conduct**, respects requirements of Peruvian law.

We would be open to discuss in more detail Glencore's work in seeking to ensure free, prior, and informed consent is obtained and how this is being implemented at Antapaccay in accordance with Peruvian legislation.

Coroccohuayco project data and information

The Coroccohuayco project is currently performing pre-feasibility studies. Both reports provided refer to data and information about the Coroccohuayco project from the 2019 EIA. As mentioned previously, this EIA has not and will not be applied to the Coroccohuayco project – a new EIA will be developed. We would be happy to provide more information on why data and information from the 2019 EIA should no longer be used in relation to the Coroccohuayco project.

Land acquisition and engagement with Indigenous communities

Antapaccay is undertaking a dialogue process to discuss the framework for land acquisition for the Coroccohuayco project with communities. To date Antapaccay has not signed land acquisition agreements with communities. Through dialogue we would welcome discussion of:

The stakeholder engagement activities being undertaken to support land acquisition.

How Antapaccay is informing communities of the compensation framework and the options available to them as a result of the land acquisition process.

Requirements for community approval prior to land acquisition, queries and concerns.

In addition, we have provided feedback in the Oxfam's draft assessment of the publicly available human rights and FPIC policies of 43 companies extracting minerals used in rechargeable batteries. We have provided comments in the commitment sections (sections 1-4) as requested; however, we have not provided any feedback to the rest of the draft report. For the avoidance of doubt, where Glencore has not specifically responded to a particular allegation, fact or area of the report, this should not be interpreted as Glencore admitting that allegation or agreeing to what is presented in the report in any respect as to relevance, substance or materiality.

As mentioned, we are available to discuss the events and circumstances outlined in the reports in more detail, providing additional input and perspectives on content.

Kind regards,



Cath Pattenden
Group Head of Social Performance and Human Rights