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BROT FÜR ALLE FASTENOPFER

26 November 2018

Mrs Anna Krutikov
Glencore
Baarer mattstrasse 3
P.O. Box
CH-6341 Baar
Switzerland

Dear Anna,

Thank you for sending us your position regarding the report entitled "Glencore in the DRC: incomplete due diligence", published by Bread for all (BFA) and Catholic Lenten Fund (CLF). We appreciate the continuous dialogue prior to the publication of the report and the fact that you sent us two letters, one dated 19 October and the other one dated 1 October.

We would like to take position on your last letter, dated 26 October, with the following:

Pollution in Moloka

Glencore states: "MUMI proactively responded to farmers' concerns. However, discussions stalled due to unfounded allegations made by the NGO CAJJ on the nature of the discharged substance."

Position of BFA and CLF:

After the pollution at Moloka, MUMI at first did not react to the farmers' complaints. Then MUMI denied that it had caused any pollution in the fields. CAJJ analysed the case thoroughly. CAJJ had spoken of "pollution with sulphuric acid". Glencore contested that it was a sulphuric acid pollution without publishing the exact nature of the pollutants. See report p. 11.

Glencore states:

"MUMI requested the intervention of the Department for the Protection of Mining Environment (DPEM – a department in the Ministry of Mines) to assess socio-environmental impacts of the incident and provide recommendations. DPEM also supported the community and MUMI to finalise compensation agreements. This approach resulted in appropriate payments for damaged crops.»

Position of BFA and CLF:

Even if compensation is paid, the farmers end up with fields or gardens that are unfit for cultivation. Bread for all and Catholic Lenten Fund demand that KCC and MUMI: [...]

- undertake to compensate farmers for crop and income losses, **and also for land rendered unfit for cultivation.**



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Glencore states:

“MUMI made public its analysis of the incident as well as the make-up of discharge through its communications with community representatives as well as during the meetings its environmental department held with the community.”

Position of BFA and CLF:

It should be noted that MUMI has refused to publish its environmental analyses detailing the nature of pollutants, despite calls for transparency from farmers and CAJJ.

Pollution in Kaindu:

Glencore’s position:

“Immediately following the detection of the pipeline leak in Kaindu, MUMI’s community team contacted local community representatives to provide information on the incident.”

Position of BFA and CLF:

MUMI described the nature of the spill in vague terms, calling it a mixed solution of residue sludge composed of 50 % solids. MUMI has refused to publish its environmental analyses detailing the nature of pollutants, despite calls for transparency from farmers and CAJJ.

Pollution in Tshamundenda in 2018

Glencore’s position:

“The calculation of the amounts paid align with the provisions set out in national mining legislation and the majority of community members were happy with the amount of compensation received”.

Position of BFA and CLF:

We are aware that amounts were paid to community members. However, the person most impacted by the spill was the owner of the fish ponds. He considered that the compensation was too low to compensate for the damage suffered. Fearing that he would not receive anything if he contested this amount, he nevertheless accepted a KCC payment of USD 5,925. Moreover, KCC did not clean up the fields, the gardens and the fish ponds.



Right to health – dust impact

Glencore states:

“KCC is in fact the main company that undertakes measures to mitigate dust pollution by maintaining the road, undertaking dust suppression activities through watering and use of specific products. KCC has also planted a line of trees in front of the Musonoi community to provide protection from dust.”

Position of BFA and CLF:

The measures taken by Glencore (road watering and tree row in Musonoi) are clearly insufficient: the measurements made in the township of Lulu and in the township of Musonoi show that dust concentrations are 3 to 10 times higher than the daily average recommended by WHO (50 µg/m³) for coarse particulates (PM₁₀). See report p. 16ff.

Consultations by KCC in 2017

Glencore states:

“As Afrewatch, CAJJ and other NGOs did not attend all of the consultation sessions it is not clear how they evaluated attendance and participation. KCC encouraged a large number of participants in its consultation sessions through promoting them via local radio stations and holding them in French and Swahili”.

Position of BFA and CLF:

Afrewatch and CAJJ participated in the three most important consultation sessions, including one for the city of Musonoi and one for the city of Lulu. According to Afrewatch, the sessions were held in French only. See report p. 21.

General

Glencore states:

“we are disappointed that you have largely chosen not to reference neither information provided in our letter to you on this report, dated 19 October, nor that from our letter of 1 October regarding the Dossier published by BFA and Fastenopfer”.

Position of BFA and CLF:

Throughout our report, we have already quoted most of the relevant content of the two Glencore letters in nearly every chapter of the report. In addition, Chapter 11 (Glencore's "Corporate Social Responsibility" Programs) only contains information that Glencore has provided us in its two letters.

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We remain committed to transparent and constructive dialogue with Glencore.

With our kind regards,

Yvan Maillard Ardent
Programme Officer
Bread for All

Chantal Peyer
Head Team Business and Human Rights
Bread for all