

3 December 2024

By email

How much of a legal and moral risk does Anglo American represent? Kabwe lead poisoning raised in House of Lords

Dear investor,

Following an event in the House of Lords on 29 October, we are writing to you regarding Anglo American's role in the environmental and public health crisis affecting the town of Kabwe, in Zambia, and the resulting mass lead poisoning of children over many decades.

As an investor in Anglo American the Kabwe mine case represents two significant risks to your investment. The first is legal, considering the scale and the strength of the [class action](#) lawsuit that has been filed against Anglo American South Africa (AASA) in 2020 on behalf of a proposed class of approximately 140,000 children, alongside women of child-bearing age, for alleged lead poisoning. The second is reputational, considering that Anglo American's contribution to the lead poisoning of children, due to widespread environmental pollution from its historical mining activities that it refused to clean up, despite recommendations from experts, is indisputable.

During the House of Lords event, hosted by Peter Hain (who wrote on the issue in the [Financial Times](#)), Barry Mulimba, community leader in Kabwe, described the impact of lead poisoning on his community alongside paediatrician specialising in environmental health at University Hospital Munich Dr Stephan Böse-O'Reilly and Leigh Day's Richard Meeran.

The event was attended by the Zambian High Commissioner, members of the press, civil society, and the Archbishop of Croydon amongst others. Anglo American's head of Government Relations Richard Morga was also present.

Coverage of the event can be found here: [Mining Magazine](#), [Mining Business Africa](#), [Madaraka](#), [The African Report](#), and [African Mining Market](#).

The following Thursday (31 October) saw Barry and three other experts speak at an [event](#) in London aimed at the public and civil society organisations.

An open letter signed by 26 civil society organisations such as Christian Aid, Client Earth, and Save the Children Zambia, calling on Anglo American to live up to its own ESG commitments, [was handed in](#) to its London Headquarters on 31 October (available on request).

Legal risk

Earlier this year, the Johannesburg High Court granted permission to appeal an earlier ruling that dismissed certification of the class action. The Kabwe Claimants are now bringing the case for certification before the South Africa Supreme Court of Appeal - with hearings on the case expected to take place in early 2025.

Detailed expert reports on behalf of the claimants were filed by a raft of internationally renowned medical and technical experts from the US, UK, Australia and South Africa. Their evidence strongly supports the claimants' case that AASA's 50-year involvement in the mine is a significant cause of the public health disaster affecting Kabwe residents.

Anglo American has denied liability on the grounds that it was only a minor investor in the mine and that responsibility for the contamination and lead poisoning lies with those operating the mine before and following its time. However, Zambian law imposes a duty of care where there was actual involvement by the parent company in key functions of the subsidiary relevant to the harm. Second, Anglo American's involvement at the mine coincided with the highest levels of lead production and there is much evidence it was made aware of the risk of lead poisoning to the local community as early as 1969. Third, Anglo American did not implement the recommendations in 1970 of Professor Ronald Lane, public health expert from Manchester University whom they commissioned to investigate the issue. See appendix for more detail.

The class action was listed as an unquantified contingent liability in Anglo American's [2022 financial results](#), and was recently included again in their [2023 results](#).

Moral and reputational risk

Regardless of the outcome, there is a growing reputational risk that comes with investing in Anglo American. Today, people in Kabwe live in one of the most polluted places in the world, substantially because of the legacy of lead emissions during Anglo American's operation of the mine and its disregard for the health and safety of Kabwe residents.

There is ample [evidence](#) that Anglo knew pre-1974 that lead pollution in communities around Kabwe was severe enough to cause children to die. It was made aware multiple times by its own mine doctors of alarmingly high levels of lead in children's blood, after a number of children died from suspected lead poisoning in 1969. As mentioned above, Anglo American made a decision not follow the expert recommendations it had commissioned.

Lead poisoning continues and the levels found in children's blood today are up to [28 times higher](#) than that recommended by the WHO for public health actions. They also far exceed those found in Flint, Michigan. The serious and irreversible impacts have been extensively [evidenced](#). Children are most affected due to their developing bodies and behaviours such as playing on lead-saturated soil. Impacts range from organ failure, seizures and death to lifelong neurological impacts, such as loss of IQ. Lead stored in their bones is also released in later pregnancies, not only risking harming the unborn baby, but giving

pregnant women a higher risk of pre-eclampsia, gestational hypertension, and pregnancy loss.

At the certification hearing in 2023, UN agencies and human rights groups intervened as *Amici Curiae*, arguing the class action should be allowed to proceed to ensure that the Kabwe victims were given access to justice. As they [pointed out](#), Anglo American's stance is at odds with the UN Guiding Principles on Business and Human Rights which it endorses through its own Group Human Rights Policy. It is hard to find, in either Anglo American's legal arguments or its response to our open letter any sign of the "responsibility to the people and environment it operates in" that it claims to be bound by.

Request for action

We would urge you to consider that investors also have responsibilities under the UN Guiding Principles to "avoid infringing on the human rights of others and [...] address adverse human rights impacts with which they are involved". We urge you to consider how your interaction with Anglo American's reflects your adherence to international standards of business conduct and upon your organisation overall. In addition, apart from the financial risks of what will be one of the largest class-action lawsuits of its kind, the case is consistently raised as a factor in seriously undermining Anglo American's reputation and ESG standing.

We would ask you to raise these concerns in any interaction that you have with the company. If you are not satisfied with your engagement on this issue we hope that you would consider divestment from Anglo American.

We leave you with Barry Mulimba's words in the House of Lords: *"We demand that Anglo American properly address the environmental devastation they've left behind. If this is not done, future generations will be condemned to live with the ongoing crisis of lead poisoning in Kabwe."*

We would be happy to brief you further on this issue.

Best wishes,

Tricia Sibbons, Director, Action for Southern Africa (ACTSA)
Eleanor Rosenbach, Director, Corporate Justice Coalition
Andrew Whitmore, Chair, London Mining Network
Anneke Van Woudenberg, Executive Director, RAID

Appendix encl.