

POWERING CHANGE OR BUSINESS AS USUAL?

COMPANY AND GOVERNMENT RESPONSES TO AMNESTY INTERNATIONAL AND IBGDH



Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

The Initiative for Good Governance and Human Rights is a non-profit organisation based in Kolwezi, in southern Democratic Republic of the Congo, specializing in the governance of the extractive and energy sectors. Since 2014, it has been conducting research, advocacy and litigation for the protection and defense of the rights of local communities impacted by mining and electrification projects in the province of Lualaba.

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Cover: Drone photograph of the neighbourhood of Gécamines Kolwezi, on the edge of the Kolwezi copper and cobalt mine operated by Chinese-owned company COMMUS, September 2022 © Amnesty International (videographers: Reportage Sans Frontières)



**AMNESTY
INTERNATIONAL**



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ACRONYMS

CHEMAF	Chemical of Africa SA
COMMUS	Compagnie Minière de Musonoie Global SAS
DRC	Democratic Republic of the Congo
ERG	Eurasian Resources Group SARL
IBGDH	Initiative for Good Governance and Human Rights ¹
KAMOA	Kamoa Copper SA
METALKOL RTR	Metalkol Roan Tailings Reclamation mining project

¹ In French, Initiative pour la Bonne Gouvernance et les Droits Humains.

INTRODUCTION

This document is the Annex to Amnesty International and the Initiative for Good Governance and Human Rights' joint report *Powering Change or Business as Usual? Forced evictions at industrial cobalt and copper mines in the Democratic Republic of the Congo* (AFR 62/7009/2023).

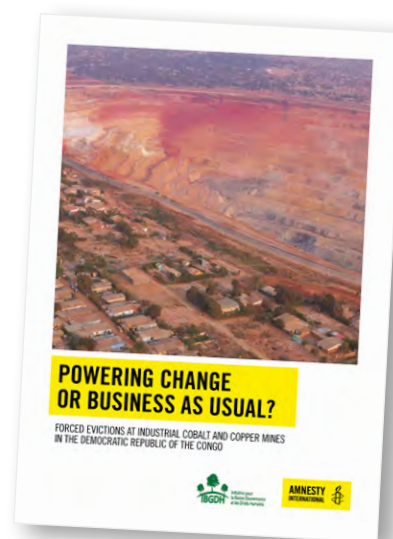
The world needs to urgently shift away from fossil fuels—key drivers of the climate crisis, but at what cost? **Powering Change or Business as Usual?** documents how many people in the Democratic Republic of the Congo have been forcibly evicted from their homes and farmland to make way for the expansion of industrial mining projects extracting copper and cobalt. The country is a major producer of both of these minerals, which are essential to the global energy transition away from fossil fuels. But evictions are often carried out by mining companies with little regard for the rights of affected communities or full compliance with national laws. The Congolese government has failed to enforce these legal safeguards, and in some cases, actively facilitated forced evictions. The report urges mining companies to immediately provide effective remedy for the harm they have caused and to avoid future harm. It also calls on Congolese authorities to declare a moratorium on mass evictions until a commission of inquiry completes a review of existing implementation gaps of domestic legal protections against forced evictions and formulates concrete policy reforms.

This Annex contains correspondence received from the mining companies cited in the four case studies featured in the report, including:

- **Case study 1:** Kolwezi copper and cobalt mine, its operating company Compagnie Minière de Musonoie Global SAS (COMMUS) and its parent companies Zijin Mining Group Ltd. (Zijin Mining);
- **Case study 2:** Mutoshi mine, its parent company Chemaf SA (Chemaf);
- **Case study 3:** Metalkol Roan Tailings Reclamation project (Metalkol RTR), its operating company Metalkol SA and its parent company Eurasian Resources Group SARL (ERG); and
- **Case study 4:** Kamo-a-Kakula mine, its operating company Kamo-a and its parent companies Ivanhoe Mines Ltd. and Zijin Mining.

The Annex also includes correspondence from the DRC government.

Please see the table on the next page for full details of the ownership structure of mining operators cited in the report.



Please see the table below for full details of company ownership.

Mining Project	Actual or projected annual production according to mining operators	Operating company	Parent companies (share size and place of registration)	Dates of evictions documented in this report
Kolwezi copper and cobalt mine	Copper: 128,000 tonnes Cobalt: 2,506 tonnes	The Compagnie Minière de Musonoie Global SAS	Zijin Mining Group Ltd. 72%, China; Gécamines 28%, DRC	2012 - present
Mutoshi mine	Copper: 20,000 tonnes Cobalt: 16,000 tonnes	Chemaf SA	Chemaf Resources Ltd., 100%, United Arab Emirates / Isle of Man	2016
Metalkol RTR project	Copper: 94,807 tonnes Cobalt: 20,718 tonnes	Metalkol SA	Eurasian Resources Group SARL, 100%, Luxembourg	2017 - 2020
Kamoa-Kakula mine	Copper: 6 - 800,000 tonnes	Kamoa Copper SA	Ivanhoe Mines Ltd., 39.6%, Canada; Zijin Mining, 39.6%, China; DRC government, 20%; Crystal River Global Limited, 0.8%, British Virgin Islands	2017 - 2018

COMMUS and Zijin, Letters to Amnesty International and IBDGH in response to right of reply correspondence, 9 May 2023



紫金矿业集团股份有限公司
ZIJIN MINING GROUP COMPANY LIMITED

Mark Dummett Donat Kambola
Head of Business and Human Rights,
Amnesty International

Donat Kambola
President,
Initiative for Good Governance and Human Rights

May 9, 2023

Dear Mr. Mark Dummett and Mr. Donat Kambola,

We hereby refer to your letter (No. TC AFR 62/2023/001) dated April 25, 2023.

We thank Amnesty International and the IBDGH for your interest in La Compagnie Minière de Musonoie Global Société par Actions Simplifiée (COMMUS). COMMUS investigated all matters related to relocation mentioned in the letter and provides a detailed reply in the letter below.

Zijin Mining Group is committed to Mining for a Better Society. We are willing to conduct dialogues with Amnesty International, the IBDGH and other organizations in an open and transparent fashion, so as to promote the protection of human rights and the wellbeing of people in the Democratic Republic of the Congo in a constructive manner.

Should you have any further questions or comments, please feel free to contact us.

Best Regards,



Vice President, Overseas Operations
Zijin Mining Group Co. Ltd.
Email: [REDACTED]

COMMUS and Zijin, Letters to Amnesty International and IBGDH in response to right of reply correspondence, 9 May 2023 (*continued*)

La Compagnie Minière de Musonoïe Global SAS

RCCM.CD/KZI/RCCM/15-B- 333 ID. NAT. 14-B0500-N72557G NIF : A0815341K
Site COMMUS: Localité Pierre MUTEBA, Groupement KAZEMBE, Secteur de LUILU, Territoire de
MUTSHATSHA, Province du LUALABA, République Démocratique du CONGO

Mark Dummett Donat Kambola
Head of Business and Human Rights,
Amnesty International

Donat Kambola
President,
Initiative for Good Governance and Human Rights

May 9, 2023

Dear Mr. Mark Dummett and Mr. Donat Kambola,

We have carefully read your letter and the attached report. We noted in the report that some local residents raised concerns over our relocation procedures, information disclosure and our efforts to reduce the impact of mining activities.

We would like to provide clarifications on these matters and update you on our community strategies, which we hope will provide greater clarity to the situations mentioned in your report.

COMMUS is guided by the United Nations Sustainable Development Goals on responsible operations in the DRC. We believe that your organizations share the same goals. We maintain a positive and candid attitude and are open to discussions on how to improve our community strategies to the benefit of local people's lives and facilitate economic development.

If there are any further questions about the following clarifications, please do not hesitate to get in touch with us.

1. Relocation

Zijin Mining acquired a 51% equity interest in COMMUS in November 2014 and began mine development in compliance with the laws and regulations. Since the relocation work began in early 2015, COMMUS has been advancing land acquisition and relocation in a harmonious and orderly manner, with plans and steps in place and in strict accordance with local laws and regulations, protecting the legitimate rights and interests of affected residents in the Gécamines Community and ensuring procedures and processes are valid and compliant with regulations.

A. How to ensure the fairness and transparency of the relocation process?

We strictly follow the Mining Code and Mining Regulations of 2002 and 2018, as well as the Decree No. 2015/03/VK/BM of Kolwezi and the Provincial Decree No.

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2017/GOUV/P.LBA/031 of Lualaba to carry out relocation work. We invited government agencies, human rights organizations and civil society organizations to take part in all stages of the relocation process, to ensure compliance and transparency during the process.

On 10 February 2015, the Municipal Government issued a mayoral decree (No 2015/13/VK/BM) to establish the Municipal Relocation Committee, which is responsible for advancing the relocation process and informing the communities and the general public of relevant matters. On August 11, 2017, the Governor of the Lualaba Province signed a decree (No 2017/GOUV/P.LBA) to set up the Provincial Relocation Committee, which is responsible for relocation in the province. Since then, our relocation work has been led and supervised by the Provincial Relocation Committee.

The Provincial Relocation Committee organizes community relocation processes in accordance with laws and regulations and based on the approved relocation plans; supervises the relocation process based on community consultation and participation; ensures information transparency for relocation; and provides technical consultation (see Annex 1.A.1).

The Commission nationale des droits de l'homme (CNDH), la Société Civile Forces Vives and Nouvelle Société Civile Congolaise were represented in the Provincial Relocation Committee. These groups took part in and supervised the relocation processes as third parties, to ensure the compliance and transparency of the process (see Annex 1.A.2).

The work and processes of COMMUS and the Provincial Relocation Committee are also supervised and regulated by relevant bodies such as the Provincial Government and the Provincial Assembly. For example, the final compensation documents of the Provincial Relocation Committee must be signed and approved by the Governor before taking effect and being implemented by the COMMUS. If the provincial government or the provincial assembly receive any residents' complaint on relocation, they can also question and intervene in the work of COMMUS and the Provincial Relocation Committee at any time to ensure the process is compliant and the compensations reasonable.

B. How does COMMUS ensure that the compensations are reasonable?

All compensations made by COMMUS are calculated by the Provincial Relocation Committee according to the national compensation standards. The equation used to calculate housing compensations is as follows:

Final property compensation = (unit price of property as guided by the

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Government * the floor space of the property) * 150% + (unit price of crops as guided by the Government * the amount of crops) * 150% + land price * 150%.

The amount of compensation for relocation is closely related to the floor area of the housing and building materials used. The Provincial Relocation Committee determines house types according to the building materials used, and different relocated housing had different unit prices.

According to the Mining Code, the compensation prices were increased further by 50% on the basis of the government-guided price (government-guided prices are higher than the market prices). Thus, the compensation prices were higher than the market prices of housing and land in the same period of time.

During the relocation effort carried out in 2016, 56 households were compensated, of which the lowest amount of compensation was 15,218.24 US dollars and the highest was 116,750.98 US dollars. The total compensation amounted to \$3,030,261.32, with the average compensation at 54,111.81 US dollars.

For example, among the 87 households compensated in 2023, the highest compensation was USD 203,325.36 (house number [REDACTED]) and the floor area was 393.35 square meters. The minimum compensation was USD 34,270.33 (house number [REDACTED]) and the floor area was 54.58 square meters. The prices include the prices of housing, land and crops.

Meanwhile, Kolwezi's economy has been expanding. To better fulfill our social responsibilities and help relocated residents live a better after relocation, in 2022, COMMUS nearly doubled the compensation price for land used for housing, following multiple consultation sessions and discussions with the Community Relocation Follow-up Committee, the Provincial Relocation Committee and the Provincial Assembly.

Disagreement handling:

The measurement of housing and the compensation calculation process were open and transparent. If any household disagrees with the amount of compensation, they can apply to the Provincial Relocation Committee at any time for re-measurement. The re-measurement is carried out by the technicians of the Provincial Cadastral Bureau. All measurement work and processes are witnessed by the home owner and supervised by the Provincial Assembly, community representatives, COMMUS representatives, and third-party organizations (National Human Rights Organization and NGOs). For example, the amount of compensation calculated for the first time for property [REDACTED] was USD 43,515.2. The owner thought there was an error, so he followed the procedure

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and applied to the Provincial Relocation Committee for review. The Provincial Relocation Committee then arranged for the Provincial Cadastral Bureau to re-examine the property. It was determined that there was an assessment error, and the compensation was increased to 54,367 US dollars. If residents have concerns over the re-examination, they can still express such concerns to the provincial government and provincial assembly.

C. What were the forms of compensation offered by COMMUS?

Because cash compensations offered by COMMUS were relatively high, the vast majority of the residents chose cash compensation. However, some property owners chose housing in another location over cash compensation. Take the NURU School located in the northeast of our mine site for example. According to the wishes of the school's property owners, COMMUS bought land for them for the construction of a new school. Currently, the construction is progressing smoothly under the supervision of the Provincial Government. It is expected to be put into use in 2023. At the same time, we also pledged to donate additional teaching equipment and stationery when the new school is open. The school is located in an area where many relocated members of the the Gécamines Community live, and therefore will be very convenient for the schooling of their children in the future.

In addition, in November 2022, community members requested resettlement in a meeting with COMMUS and the Provincial Relocation Committee. COMMUS has conducted friendly communication and exchanges with the Provincial Relocation Committee and representatives of relevant community members many times, and is actively exploring diverse relocation options.

COMMUS will also explore a Sustainable Livelihood Program for affected residents, and help them lead a better life by prioritizing the recruitment of the residents, and providing programs in skills training, education and healthcare.

D. With the compensation they were paid, can relocated residents secure housing with equivalent conditions?

The compensation standards of COMMUS were set to ensure the residents' quality of life are not affected and that their livelihoods are compensated for. The compensation prices of COMMUS for housing and land were higher than market prices in the same period of time.

For instance, the owner of house number [REDACTED], whose original housing was about 150 square meters, received a compensation of 84,424.18 US dollars. He used the money to buy 1,000 square meters of land and built about 300 square meters of housing in the ISTM area near the airport. The owner of

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house number [REDACTED], whose original housing was 107.82 square meters, received a compensation of 55,501.14 US dollars. He bought land and built a new home in the MUSONOIE Community. The home is located next to the [REDACTED] primary school, about 2km to the west of his original home, with a floor area of more than 200 square meters and a yard of 500 square meters. It has electricity and is close to the Musonoie primary and middle schools, markets and hospitals.

Amid the rapid urbanization of Kolwezi, water and power shortages are the norm. Both the Gécamines Community and COMMUS face serious water and power shortages. To ease the difficulty of water and electricity use in the communities, we have sunk 9 wells in surrounding communities, with a total investment of about 5.36 million US dollars. In addition, 2 wells are under construction, and 10 more will be built. We have completed 3 community power repair projects, and often help the government and the communities to repair power facilities, with a cumulative cost of about 1.592 million US dollars. Water and power will remain the key areas of investment in our future community programs.

E. Ministère des Mines used to order the suspension of relocation?

Due to insufficient understanding of how COMMUS carried out relocation activities, the service urbain des mines, based on the instruction of the Ministère des Mines, sent a letter to COMMUS on May 20, 2015, ordering us to suspend relocation activities. On the same day of receiving the letter, we sent a reply letter on our mine development and relocation activities to the Minister of the Ministère des Mines, the Governor of the Katanga Province, and other related parties respectively. We also sent people to brief the Ministère des Mines in Kinshasa on these activities. After gaining a full understanding of these activities, the Ministère des Mines allowed us to continue with the relocation work.

F. Three households that signed agreements but refused to relocate.

After signing compensation agreements for relocation with the residents, COMMUS would give them sufficient time to move and provide vehicles for them to move all of their furniture and even construction materials. On August 30, 2016, we signed compensation agreements for relocation with 3 households mentioned in your report and paid cash compensations in full. They collected the cash compensations but refused to move even after the agreed period of time and continued to rent out their homes. In the nearly three years that followed, we tried to communicate with them about their relocation, but to no avail. On September 5, 2019, for safety reasons and to safeguard our legitimate rights and interests, we pulled down the three homes.

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The process was witnessed by officials from law enforcement agencies such as the provincial court.

2. Information disclosure

A. Disclosure of COMMUS's mine construction and relocation plans and environmental impact assessment

We planned the overall scope of relocation and the scope of affected areas when preparing the feasibility study and our EIA. The feasibility study was submitted to the government at different levels for approval.

DRC GREEN was commissioned by us to revise the environment impact assessment report. During the process, we consulted local community residents and prepared meetings minutes (see Annex 2.A.1). In addition, the communities are also visited and consulted according to the procedures during in the EIA audit conducted every two years by S.C.S., a third party.

Based on a staged plan, we invited the Provincial Relocation Committee to inform in person the communities residents of the scope and plan of the relocation. For example, in February, September and November 2022, and February 2023, we held information sessions in the public spaces of the Gécamines Community, with 20 to 200 people attending each meeting (see Annex 2.A.2).

We invited SRK to conduct a study on the scope of affected areas and the plan of relocation, and submitted the results to the government for filing.

We also disclosed the implementation of relocation work in our annual reports to the Extractive Industries Transparency Initiative (EITI).

B. COMMUS's publication and sharing of information with stakeholders and grievance mechanisms

COMMUS has mechanisms in place for regular communication with surrounding communities. There are 4 communities and 4 villages near our mine site. We have a liaison office (see Annex 2.B.1) in the Gécamines Community. On business days, two full-time community liaison workers of COMMUS visit or stay at the communities and villages to communicate with residents on behalf of the company. In addition, our community workers invite the representatives of communities to COMMUS to discuss community work at least once a month, and they visit the communities at least twice a month. We also regularly hold discussions with community representatives. These mechanisms ensure that we understand the residents' demands and suggestions, and answer their questions in a timely manner, so that community issues are handled in a timely way.

We are improving our information disclosure as well. In fact, we are building

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an official website, which is expected to go live for trial operation by the end of the year. Through the website, the public will be able to access information related to COMMUS more easily and communicate with us about their concerns by leaving messages. We are actively exploring the publication of reports to disclose information that is of interest to community residents, so that the communities can have better a understanding of our operations and the trust between us can be strengthened.

3. Reduction of the impact of activities in the mine site

Noise from urban mines like ours can be directly felt by local residents. We take strict steps to manage noises. All of our blasting activities have been and are being reported to the Municipal Government of Kolwezi and are strictly supervised by various parties. Blasting takes place no more than once a day. The maximum blasting vibration specified in the Mining Code of the Democratic Republic of the Congo is 12.5mm/s. In practice, we have kept it at around 3 to 5mm/s, far lower than the number specified by the government, to minimize the impact on the communities. All blasting activities are supervised by government personnel on-site, such as those from the provincial and municipal Information Bureaus, African Explosives Management Authority, the Provincial Mining Department, blasting contractor BKM, and community representatives. Data recorded by vibration monitoring equipment is subject to their joint confirmation and signature. We invested USD 22.68 million to build a 3.2m-high acoustic barrier wall around our mine site to minimize the spread of noise. Tests have shown that we have met the legal requirements of the Democratic Republic of the Congo regarding the levels of noise.

Homes in the Gécamines Community were built in the 1950s and 1960s, most of which are over 60 years old. Many buildings constructed in the same period far from our mining area have also had cracks to different degrees or even collapsed. Taking the impact of mining activities on housing seriously, we listen to the communities' concerns about the cracks during our communications. We have designated specialists to regularly check the conditions of homes near our mining area and have addressed cracks through timely repair or relocation.

We take active steps to build green mines, with the goal of building the first green mine in the DRC. To date, we have completed major greening and landscaping programs that cover about 458,000 square meters in the surrounding areas of our mine, which cost more than 1 million US dollars.

4. Our social responsibilities

We believe in Mining for a Better Society. We continuously increase investments and assistance in surrounding communities to enable residents to live a stable and better life and to obtain the social license to operate. Since Zijin took over the project, we have spent more than USD 10 million to carry out the following work in

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surrounding communities such as Gécamines, Musonoie and KANINA:

- Drinking water: We have built 9 water wells(5 deep ones, 4 shallow ones) while two other shallow wells with an investment of about 5.5 million dollars are under construction and are expected to be built in 2023. Ten more shallow wells are expected to be built by 2025, with a total investment of approximately US\$220,000.
- Education: We hold the ZIJIN MUSONOIE Summer Camp for school children every year and donate educational supplies to nearby community schools every International Children's Day and Christmas. Meanwhile, we are renovating a university (investment: 166,000 US dollars, to be completed in 2023) and building two primary and two middle schools(investment: 705,000 US dollars, to be completed by 2024). We also plan to build two more primary schools(investment: 300,000 US dollars, to be completed by 2025), one middle school(investment: 150,000 US dollars, to be completed by 2025), two vocational training centers(investment: 340,000 US dollars, to be completed by 2025), and one sports ground(investment: 120,000 US dollars, to be completed by 2025).
- Health care: We are building a health center(investment: 157,000 US dollars, to be completed in 2023) and plan to build five more health centers(investment: 1.175 million US dollars, to be completed by 2023). We also donate to local communities necessary antimalarial supplies and medications, as well as common medicines in short supply.
- Lighting: We have provided MUSONOIE and KAPEPA with 11, 000 meters of power lines and 1 transformer. Furthermore, we provided emergency repair services for the city's electricity supply on several occasions, such as the city-wide power outages in 2017 and 2019. In particular, we provided 52 km of aluminum cables to the National Electricity Corporation free of charge from 2022 to 2023 to help upgrade the city's power infrastructure and improve power supply stability, to the benefit of the surrounding communities.
- Life convenience: We helped rebuild the MUDUOSHI Bridge and repair roads in surrounding villages. We are building two markets, with one of them soon to be completed, to help the residents live a more convenient life.
- Agricultural assistance: We have provided training on farming in four communities and donated inputs, including 1 ton of seeds, 8 tons of fertilizer and 8 tons of urea.
- Other programs: We hold the ZIJIN MUSONOIE CUP Community Football Match, inviting all surrounding communities to take part. We also regularly donate supplies to and assist orphanages in surrounding

COMMUS and Zijin, Letters to Amnesty International and IBGDH in response to right of reply correspondence, 9 May 2023 (continued)

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communities. Furthermore, we made donations to earthquake-stricken areas in Goma for quake relief, and to the provincial government and communities for COVID-19 prevention. We also made donations for provincial and municipal tree planting days and labor days on May 1.

In addition, we also set up the DOT COMMUS Fund with the government and the communities, and donate 0.3% of our annual revenue to the fund to further help our surrounding communities to develop. Between 2018 and 2021 alone, we injected approximately US\$7.3 million into the fund.

While conscientiously and consistently fulfilling our corporate social responsibilities, we also take strong steps to localize our workforce and employ community members. Currently, we have about 2,000 Congolese employees, of which more than 50% are from our surrounding communities.

To further fulfill our social responsibilities and better facilitate community development, we will take a more open-minded approach to engage our stakeholders to explore better community programs and look into more cooperation with the government, NGOs and communities.

You are welcome to stay in touch with us. We are happy to receive suggestions and help from all sectors of society so that we can better fulfill our social responsibilities and local communities can better enjoy the opportunities brought by our growth.



General Manager

COMMUS

Email: [REDACTED]



CHEMICAL OF AFRICA SA

Id. Nat.: 6-122-N46762M
RCCM : CD/L'SHI/TRICOM/13-B-0660
NIF : A0708211 J,
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Mr. Mark Dummet
Head of Business and Human Rights Team
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1 Easton Street
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WC1X 0DW

14 December 2022

Dear Mr. Mark Dummet and Me. Donat Kambola

Response to Amnesty International on the Mutoshi Project

Chemaf SA ("Chemaf" or the "Company") welcomes the opportunity to respond to Amnesty International's ("AI") letter of 21 November 2022 in relation to the Mutoshi cobalt project in the Democratic Republic of the Congo ("DRC").

Chemaf is deeply concerned with the preliminary findings stated in the letter and would like to open long-term dialogue with Amnesty International to ensure accurate reporting.

The main premise of the letter alleges that Chemaf has been involved in the eviction of communities residing on Chemaf's Mutoshi concession area in the Lualaba region of the DRC, particularly of a village called Mukumbi resulting in the loss of human life.

Response to Preliminary Findings by Amnesty International

Chemaf strongly rejects any premise that it has been involved in unlawful evictions or the loss of human life. Chemaf rejects any allegation that the Company has been involved in the destruction of a village called Mukumbi on its concession areas.

Furthermore, any claim that Chemaf has directed any public security force to evict communities residing within its concession, on its behalf, is categorically untrue. These claims are baseless and without merit.

In relation to the alleged village called Mukumbi, Chemaf has been made aware of allegations referenced in your letter.

- The allegations raised by Amnesty International at the alleged village of Mukumbi relate to alleged incidents in 2016. Chemaf did not commence any relocation before November 2017. Chemaf did not commence its construction activities on-site until 9 March 2018.

BÂTIR L'AFRIQUE – BUILD AFRICA

- The alleged village of Mukumbi was located at what is now the site of Chemaf's new Mutoshi Processing Plant. This alleged village was not present, and was not recognized by the Ministry of Interior and Chief Lukwesa Kazembe, the traditional leader in the region, when Chemaf started relocation activities in November 2017.
- Chemaf understands there was a Congolese Republican Guard presence on the concession prior to it acquiring the permit for the concession. Chemaf has no relationship with the Congolese Republican Guard nor does it direct or instruct this group.
- You should also be aware that, in 2021, three years after construction commenced, people claiming to be former residents of the alleged Mukumbi village unsuccessfully pursued criminal legal action, not only against Chemaf but against one of its employees. The court found the action brought against Chemaf and its employee, Mr Gilbert Kafita, to be "unfounded".
- Chemaf engaged environmental consultancy Digby Wells to conduct Environmental and Social Impact Assessments in November 2020. All work undertaken by Digby Wells is in compliance with the IFC performance standards and Equator Principals.

The word eviction suggests that households and communities are forcefully moved off the land and possibly without consultation (the term eviction is defined under IFC P55 as "The permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or lands which they occupy without the provision of, and access to, appropriate forms of legal and other protection"). Since acquiring the concession, Chemaf has relocated three settlements off the concessions. In each case, this was done with due consultation of the affected parties including the Lualaba Relocation Commission (as is due process) and with appropriate compensation being paid. These relocations took place between November 2017 and June 2018. Amnesty International's alleged findings relate to 2016, therefore prior to any relocations in 2017/2018.

It is for these reasons, that the Company rejects the use of the word 'evict' and 'eviction'.

To help with the compilation of your report, please see below further information on the Mutoshi Project history:

The Mutoshi Project

The Mutoshi concession has been mined since 1903. The site was first developed as a gold mine. Copper and cobalt mineralisation were subsequently discovered in 1936 and the concession was mined by Anvil Mining up until 2012.

The issue of artisanal small-scale mining ("ASM") is real and well documented in the Lualaba region, including at Chemaf's concessions. Chemaf co-founded, in coordination with the NGO, 'PACT', a ground-breaking pilot scheme called the Artisanal and Small-Scale Mining Cooperative ("The Mutoshi ASM Pilot"). The Mutoshi ASM Pilot resulted in a significant improvement in working practices and achieved over 1 million hours without a fatality. It has also allowed a successful transition from informal and illegal ASM on the Mutoshi concession to the commencement of construction activities for a new large scale commercial mine.

The main condition of the leasing contract with Gécamines required Chemaf to pay to Gécamines the "right to access to business" (*pas de porte*) prior to any development work commencing on site. Following payment of the last instalment to Gécamines, in December 2017, Chemaf was allowed to commence the construction of its Mutoshi processing plant on 9 March 2018. The activities carried out by Chemaf on the concession prior to that date were limited to exploration in other areas of the concession (not including the alleged Mukumbi village).

Chemaf understands that Gécamines removed all settlements before Chemaf acquired the lease in June 2015. Similarly, Chemaf did not find any villages at the selected Mutoshi processing plant site location, when construction commenced in March 2018.

Chemaf first became aware of claims relating to the existence of a village called Mukumbi on the Mutoshi concession in late 2019. In November of that year, Chemaf understands that a group of people laid a claim at the Kolwezi mayor's office that they had resided in a village they called Mukumbi which was supposedly located on the proposed Mutoshi process plant site area (concession area PE2756) and that they had been evicted without any compensation.

Following this submission, on 3 December 2019, this group blocked the entrance of the Chemaf Mutoshi concession for more than three weeks restricting all movement and put a halt to all construction activities on the Mutoshi project site. In an effort to resolve the situation, a formal meeting was convened at the Lualaba provincial Interior Minister's office with a Chemaf delegation, the traditional leader, Chief Kazembe, and the group claiming to be the Mukumbi villagers.

In coordination with the local Lualaba government and the Governor of the Kolwezi Province, through the office of the Ministry of the Interior, a payment of US\$1.5 million was agreed and paid by Chemaf. The Government authorities subsequently disbursed the compensation money among the beneficiaries.

Chemaf is investing over US\$650 million into the Mutoshi project. The Company has created 1,746 new jobs during the construction phase, while during its operational phase, Chemaf will create approximately 1,500 employment opportunities over the life of the mine in the region. Furthermore, this will create a further 6,000 indirect jobs in the region, based on a 4 times supply chain multiple assumption per employee. Mutoshi will also become one of the world's leading cobalt producers with annual production of 50,000 tonnes of copper and 16,000 tonnes of cobalt. Mutoshi will become a new, globally significant, state-of-the-art commercial mining operation that will form a significant part of the national and local economy.

We request Amnesty International incorporates the facts disclosed in this letter as part of its data compilation for its report.

Chemaf's reiterates its rejection of Amnesty International's preliminary findings. The accusations against Chemaf are baseless and do not represent the values of the company.

Chemaf welcomes the opportunity for further dialogue.

Yours sincerely,



Vice President – CSR and External Relations

**Chemaf, Letter to Amnesty International and IBGDH in response to preliminary findings,
22 February 2023**



CHEMICAL OF AFRICA SA

Id. Nat.: 6-122-N46762M
RCCM : CD/L'SHI/TRICOM/13-B-0660
NIF : A0708211 J,
Capital Social : équivalent en Francs Congolais de
USD 51.717.970
Siege Social : No. 144, Avenue USOKE C/KAMPEMBA
Lubumbashi, République Démocratique du Congo
En abrégé « CHEMAF SA »
www.chemaf.com

22 February 2023

Dear [REDACTED]

Thank you for the opportunity to further assist the compilation of your report. We are concerned that there continues to be discrepancies relating to alleged events in 2016. The Company has been clear that it neither directly nor indirectly ordered, nor was it involved in any form, in the evictions of any persons on the concession in 2016.

As per our letter dated 14 December 2022, Chemaf was not permitted to undertake any relocation activities until November 2017. Activities on the concession prior to this date were solely limited to exploration and did not require the relocation of any person.

It is also a matter of public record that residents claiming to be from a village called Mukumbi were unsuccessful in pursuing legal action against Chemaf in April 2021 with the court describing the claims as "unfounded."

In relation to the incidents that allegedly took place in 2016, Chemaf only became aware of such claims three years later in 2019. In November 2019, Chemaf understands that a group of people laid a claim at the Kolwezi mayor's office that they had resided in a village they called Mukumbi, which was supposedly located on the proposed Mutoshi process plant site area and that they had been evicted without any compensation.

Following this submission, on 3 December 2019, this same group blocked the entrance to the concession for more than three weeks restricting all movement and subsequently halting all mine construction activities. In an effort to resolve the situation, a formal meeting was convened at the Lualaba provincial interior minister's office with a Chemaf delegation, the traditional leader, Chief Kazembe, and the group.

While Chemaf did not have any legal obligation to pay compensation to this group of claimants, particularly in light of the revelations made during the meeting of 3 December 2019, the Lualaba Government proposed to Chemaf a one off goodwill payment in order to obtain access onto the concession to resume construction activities.

The payment was agreed with the Government authorities including the cabinet Director of the Lualaba Governor, Professor José Yav, in witness of the cashier of the Lualaba Finance Minister. The Governor subsequently arranged the disbursement among the individual beneficiaries from the claimant group.

Chemaf welcomes the opportunity to comment further once Amnesty has shared its report prior to publication.

Vice President – CSR and External Relations

BÂTIR L'AFRIQUE – BUILD AFRICA

**Chemaf, Letter to Amnesty International and IBGDH in response to right of reply correspondence,
9 May 2023**



CHEMICAL OF AFRICA SA

Id. Nat.: 6-122-N46762M
RCCM : CD/L'SHI/TRICOM/13-B-0660
NIF : A0708211 J,
Capital Social : équivalent en Francs Congolais de
USD 51.717.970
Siege Social :No.144, Avenue USOKE C/KAMPEMBA
Lubumbashi, République Démocratique du Congo
En abrégé « CHEMAF SA »
www.chemaf.com

9 May 2023

Dear Mr. Mark Dummet and Me. Donat Kambola

Chemaf SA ("Chemaf" or the "Company") wishes to thank Amnesty International ("AI") for its continued dialogue including sharing the draft of its proposed report in relation to the Mutoshi cobalt project (the "Mutoshi concession") in the Democratic Republic of the Congo ("DRC").

Chemaf remains concerned with AI's findings which contain false accusations against the Company. The accusations do not represent the values of the Company in its two decades of operational excellence in the DRC. Accordingly, Chemaf would like to extend an open invitation to Amnesty International to visit its operations and neighbouring communities to better understand our approach to building sustainable businesses in Africa. We request Amnesty International visits Mutoshi with Chemaf before deciding to publish the proposed report.

At the heart of the report is a series of significant assumptions made by AI that Chemaf was involved in the eviction of communities residing on the Company's Mutoshi concession at an alleged village called Mukumbi in 2016.

As previously communicated, Chemaf signed the leasing agreement with Gécamines for the Mutoshi concession in June 2015. The main condition of the leasing contract with Gécamines required Chemaf to pay a "right to access to business" (pas de porte) which it paid via three staged payments. The final payment was made in December 2017. The lease agreement stipulated that Chemaf was not permitted to commence development work until the final payment had been made in December 2017. From 2015 to 2017, Chemaf conducted extensive desktop research and planning as would be reasonably expected for such a project.

Chemaf does not dispute that a settlement is visible on the 2016 satellite imagery. Chemaf believes this settlement was one of many settlements for ASM miners involved in the illegal mining of the old Anvil Mining tailing dumps at the time. However, Chemaf entirely disputes that it was involved in the removal of this settlement. The Company only began its resettlement programmes at the end of 2017 after the final payment of the pas de porte was made, in accordance with the law and the contractual agreement with Gécamines.

The assumptions made in the report ignore irrefutable evidence including an eleven month court hearing at the Kolwezi High Court, in the DRC, which categorically determined that neither Chemaf, nor its employee, had any role in the eviction of an alleged village called Mukumbi at any point.

Since the first communications with AI, there have been inconsistencies with the allegations relating to events on the Mutoshi concession in 2016. Based on this latest draft report, it appears AI no longer believes fatalities took place on the concession. Chemaf continues to be gravely concerned with the alleged events of 2016 but the Company is also equally concerned with the quality and credibility of the third-party accounts that AI has used to compile its report.

It was in 2019 that Chemaf first became aware of allegations relating to an alleged village called Mukumbi. Based on Chemaf's own subsequent interaction with the ASM miners and communities on and surrounding the concession there are significant differing views to that of the AI report. Based on these interactions, it is the view of these stakeholders that the alleged village of Mukumbi was an informal settlement which certainly did not have 110 businesses, let alone a

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school, health centre or six churches. The Mutoshi concession extends into the suburbs of Kolwezi, a town with a population of over 400,000 citizens. Accordingly, Chemaf questions AI's third-party accounts given the close location to the outskirts of Kolwezi.

In terms of AI's incorrect assumptions in the report, Chemaf believes they can be summarised as follows:

AI's report states

- Chemaf was implicit, either directly or indirectly with the removal of the alleged village called Mukumbi in "late 2016";
- Amnesty claims it is inconceivable that Chemaf would not have known of the alleged village called Mukumbi until 2019 on the basis the village was visible from the old Anvil plant infrastructure. Furthermore, AI believes Chemaf would have conducted a detailed survey of its entire concession prior to starting construction in 2018;
- Satellite images show there to be "Long scrapes - likely dug with machines - are visible on the soil where the village [of Mukumbi] once stood,"
- Chemaf subsequently selected the same location for the construction of its new processing plant, therefore Chemaf must have surveyed this site well at least more than one year before starting early works; and,
- Chemaf did nothing to prevent the removal of the alleged village called Mukumbi by a third party on its concession in 2016.

Chemaf refutes all these findings and would like to reiterate the below points:

1. Chemaf's position remains unchanged. The Company was not involved, in any form, in the destruction of a village allegedly called Mukumbi on the concession. These claims are baseless and without merit.
2. The Mutoshi concession is very large with a total size of 105km². From 2015 to 2017, Chemaf conducted extensive desktop research and planning as would be reasonably expected for such a project.
3. Chemaf only began early exploration activities in August 2017 when it commenced exploration drilling on a different part of the concession. This followed a 12-month desktop study. It was only during August of 2017 that Chemaf staff first visited the site for what became the location of the current processing plant
4. References to the location of the old Anvil mining infrastructure are irrelevant. Such infrastructure was left abandoned in 2012 and therefore exposed to considerable theft and dilapidation. On signing the licence in 2015, this infrastructure was never considered important. Chemaf has not used any of the old plant or former mining sites nor does it intend to do so. Chemaf is mining a brand new maiden area of the concession and has built a new processing plant and associated mining camp.
5. As previously disclosed to AI, Chemaf was not permitted by Gécamines to start any development work or relocation activities whatsoever until December 2017.
6. Chemaf was not aware of an alleged village called Mukumbi until 2019. In 2017, as part of its initial survey work Chemaf requested information from the Governor of Lualaba's relocation committee about existing villages on the concession. Only the villages of Kabisonso, Ngonga and Kalulu were listed. The alleged village of Mukumbi was not listed in the Governor's documentation. Furthermore, in September 2017, Chemaf undertook its first public consultation across the Mutoshi concession in which all the villages, and associated chiefs participated and subsequently became signatories to the document. As you will see from the accompanying documentation, there was no representation from the alleged village of Mukumbi.
7. In 2017, Chemaf put in place a grievance mechanism which was communicated to its local communities. The alleged former residents of Mukumbi did not notify the Company of any issues until 2019 at which point it has started building the new mine. Chemaf is happy to share more information on its grievance mechanisms to AI.
8. Chemaf subsequently commenced relocating three villages at the end of 2017, a process that was completed in 2018. In each case, this was done with due consultation with the affected parties and the Lualaba Relocation Commission with appropriate compensation paid. Even today, there are three families from one of these villages that has yet to agree to be relocated. Similarly, at the Company's Etoile mine operation, 300km southeast of

Mutoshi, two families remain on the licence who declined to be located when Chemaf commenced mining activities in 2003. Accordingly, the accusation that Chemaf would have a role in removing any persons unlawfully in 2016 is inconsistent with its two decades of operating in the DRC.

9. At the time of writing, there are still some ASM miners on the Mutoshi concession. The company has adopted a slow and phased consultative process to relocate these groups off the concession. Any 'satellite images that show scrapes' pre March 2018 are not related to Chemaf's activities.

In summary

Chemaf and its parent company, Chemaf Resources, has operated successfully in the DRC for over two decades. We have a long track record of best practice and an open and transparent approach to modern sustainable mining practices.

Chemaf rejects the assumptions made by AI. The accusations of Chemaf's role in the destruction of an alleged village called Mukumbi in 2016 are false and do not represent the values of the Company.

The report relies on inconsistent statements from former residents of an alleged village called Mukumbi which was host to 'several thousand people'. Amnesty interviewed 14 alleged former residents. It is the view of Chemaf that this is not a sufficient number to base such serious allegations against any company. Furthermore, these individuals chose not to follow the standard grievance mechanism that Chemaf put in place in 2017. A Judge subsequently ruled on a court case brought by these alleged former residents that their claims were untrue. The ruling also confirmed there were no fatalities, which AI has now subsequently confirmed. Chemaf is disappointed that AI continues to ignore the findings of this court case.

We welcome a long-term relationship with AI and invite you to visit our operations and communities again to update your findings before deciding to publish any report.

Appendix: Chemaf's approach to modern sustainable practices

Chemaf has a firm belief in the power of private industry to stimulate national economic growth and support and contribute to the development of local communities. This is the basis of Chemaf's mission to make copper and cobalt the national pride of the DRC. Regular and relevant engagement with our host communities is fundamental to achieve this mission.

Our approach to community engagement is guided by the comprehensive Environmental Social Impact Assessment (ESIA) and Stakeholder Engagement Plan (SEP) developed by our environmental consultant, Digby Wells in partnership with Transfields, a local Congolese consultancy company. Both the ESIA and the SEP were undertaken in accordance with the requirements of the IFC Performance Standards and the Equator Principles.

Digby Wells and Transfields undertook a comprehensive stakeholder analysis and mapping study to identify and consult with Chemaf's key stakeholders to understand their past experiences and current perceptions and expectations of the project. All stakeholders, community, formalised agencies and governmental departments were approached in the development of this thorough SEP. This plan ensures that all significant social risks associated with our projects are adequately addressed and managed. Geographic Information System (GIS) mapping of the Project area to identify the settlements impacted by the Project was also undertaken as part of the study.

On the back of these initiatives, Chemaf has undertaken two separate Cahier des Charges to map out its social responsibility commitments to host communities over the next five years. The Cahier des Charges for Etoile, our current operation, has been completed and is in the process of being implemented while the plan for Mutoshi is being finalised with its communities.

Furthermore, in the matter of resettlement, Chemaf has a significant number of internal policies and standard operating procedures its staff must follow when resettling communities. This was developed for Chemaf by Digby Wells

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The procedure is split into four phases:

1. Awareness phase for the project affected parties ("PAPs") whose plots are targeted for resettlement: This phase aims to prepare PAPs who would be subjected to economic displacement. This sensitisation seeks to enhance their understanding of the need for resettlement and the process of compensation;
2. Plot geolocations and identification phase: This phase consists of determining the geolocations of various targeted plots and identifying them by numbering;
3. Asset valuation phase and negotiations with PAPs: After the identification of the plots, including the determination of plot areas, crops and fruit trees, the asset values are determined on the basis of the inspection scale of provincial agriculture authorities. The asset values obtained are assessed on a case-by-case basis based on discussions with PAPs; and
4. Compensation phase and resettlement deadline given to the PAPs: The compensation phase occurs after the determination of asset values and negotiations with PAPs. It consists of contacting the PAPs individually, presenting the terms of payment, communicating the time limit for resettlement after payment and the signing of letters of acknowledgement assisted by a witness who is in most cases a local government official (district manager) in the presence of Chemaf agents.

Yours sincerely,

A redacted signature consisting of several lines of greyed-out text.

Chief Operating Officer

Settlement agreement between former resident of Mukumbi and Chemaf, entered into in February 2020 (in French)

N° [REDACTED]

ACTE TRANSACTIONNEL D'INDEMNISATION

ENTRE LES SOUSSIGNES

La Société Chemicals of Africa ; « CHEMAF SA, en sigle » ayant son siège social à Lubumbashi, au n° 144, avenue USOKE Commune KAMPEMBA, dans la Province du Haut – Katanga, enregistrée au Registre de Commerce et du Crédit Mobilier N° CD/L'SHI/TRICOM/RCCM/13-B-0660, Identification National, ci – après dénommée la Société

Et

Monsieur, Madame, Mademoiselle [REDACTED] Ancien Occupant du « Village MUKUMBI » n° Carte [REDACTED], ci-après dénommé, Occupant.

La Société et l'Occupant sont collectivement désignés, **LES PARTIES**

Sous la supervision de la Province du Lualaba ici représenté par le Ministre Provincial de l'Intérieur, Sécurité, Décentralisation et Affaires Coutumières ayant ses Bureaux au n° 225, Chaussée LD Kabila, Quartier MUTOSHI, Commune de Manika, Ville de Kolwezi, dans la Province du Lualaba.

PREAMBULE

Considérant que la Société CHEMAF SA est titulaire d'un droit minier sur le périmètre minier couvert par le PE 2756, situé dans la Province du Lualaba, sur le site de MUKUMBI, non loin de la Ville de Kolwezi, qu'elle exploite ;

Considérant que pour prendre possession de sa concession, elle avait, en 2016, déguerpi les occupants du « Village MUKUMBI », sans aucune indemnisation ;

Que cette situation a créé de remous dans la population jusqu'à saisir les instances judiciaires en l'occurrence, le Parquet Général près la Cour d'Appel du Lualaba à Kolwezi qui, par requête aux fins de fixation a saisi le Tribunal de Paix de Kolwezi sous RP 9543 et la Cour de Cassation, en renvoi de juridiction pour cause de suspicion légitime, sous RR 1551 ;

Considérant l'intervention de l'Autorité Provinciale du Lualaba et l'engagement des Parties à vouloir régler le litige à l'amiable, sans reconnaître formellement d'erreurs par souci de se conformer aux dispositions légales sur le droit des occupants du sol, et faisant suite aux différentes consultations des occupants du site concerné, sans que quiconque ne renonce à son point de vue, les parties, recherchant un accord acceptable par toutes, ont convenu de la présente transaction pour indemniser ;

Considérant que pour parvenir à une indemnisation responsable, transparente et apaisée, une commission composée des membres du Cabinet du Gouverneur et du Ministère de l'Intérieur,

des représentants des occupants de MUKUMBI et leurs Avocats, du délégué du Cadre de concertation de la Société Civile, a été mise sur pied et travaille sous la supervision du Ministre Provincial de l'Intérieur ;

LES PARTIES S'ETANT AINSI RAPPROCHEES, IL A ETE CONVENU ET ARRETE CE QUI SUIT :

Article Premier : L'Occupant, Monsieur, Madame, Mademoiselle . [REDACTED] ayant indiqué clairement à la commission, vouloir mettre définitivement fin au litige qui l'oppose à la Société, accepte de recevoir la prime d'indemnisation des dollars américains300..... En compensation de sa maison en tôle, en paille, en bâche, de son champs, Eglise, Ecole, Centre de Santé et activité Commerciale, reconnaissant cette somme, signe librement cette transaction comme un acte de reconnaissance.

Article 2 : L'Occupant, confirme par le présent acte, sa volonté et prend acte de la prime d'indemnisation conformément à l'article 281 du code minier.

Article 3 : L'Occupant reconnaît sans réserve que tous ses droits fonciers sur cette zone appartiennent désormais intégralement, et sans exclusion aucune, à la Société CHEMAF SA.

Article 4 : Sous peine d'engager sa responsabilité personnelle, l'Occupant s'engage à ne plus s'installer dans la dite concession privée, encore moins dans sa périphérie. Au cas contraire, la société CHEMAF SA se verra dans le droit de procéder à la démolition de toute construction ou activité par lui installée sur le lieu, sans aucun délai ni sommation.

Article 5 : Est annexé à cet acte, la pièce d'identité de l'Indemnisé.

Article 6 : En respect de l'article 583 du Code Civil Congolais livre III, par le présent acte, les parties accepte que tout litige, toute contestation présente ou à venir relatif à cet indemnisation, sont devenus sans objet et renonce à toutes réclamations, poursuites, actions, ou tous autres droits présents ou futurs, judiciaires ou extra-judiciaires contre elles qui découleraient directement ou indirectement de l'objet de cet accord et tous autres droits.

Article 7 : Les parties déclarent, chacune en ce qui la concerne, avoir conclu librement le présent acte qui concrétise l'expression de leur volonté, et que chacune a disposé un temps suffisant pour en apprécier la teneur avant d'apposer sa signature comme manifestation de sa volonté.

Article 8 : Sous réserve de la parfaite exécution des dispositions qui précèdent, et comme conséquence de la présente indemnisation, les parties soussignées se reconnaissent quitte et libérées l'une envers l'autre.

Article 9 : Les parties conviennent d'exécuter de bonne foi le présent accord qui revêt à sa signature ainsi qu'à la remise et paiement effectif, l'autorité de la chose jugée en dernier ressort et qu'il ne peut en aucun cas être attaqué pour cause d'erreur de droit ou pour cause de lésion, conformément aux dispositions de article 591 du Code Civil Congolais livre III.

[REDACTED]

Settlement agreement between former resident of Mukumbi and Chemaf, entered into in February 2020 (in French) (*continued*)

Article 10 : Les parties conviennent que la partie la plus diligente, procédera aux formalités d'authentification et d'apposition de la formule exécutoire sur l'acte dont le contenu constitue pour elles une loi.

Fait à Kolwezi, en autant d'exemplaires dont deux pour les parties signataires, l'un pour la commission et les autres pour le notariat et éventuellement pour le Tribunal en apposition de la formule exécutoire.

POUR LES PARTIES

LE BENEFICIAIRE

LA SOCIETE CHEMAF SA



POUR LA COMMISSION

CHEF DU VILLAGE

DIR CAB INTERIEUR

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TEMOINS

LA SOCIETE CIVILE

A handwritten signature in blue ink, appearing to be in French, located under the 'LA SOCIETE CIVILE' heading.

A handwritten signature in red ink, appearing to be in French, located under the 'DIR CAB INTERIEUR' heading.

**ERG, Email response to Amnesty International and IBGDH's preliminary findings,
15 December 2022**

[REDACTED]

From: ERG Press [REDACTED]
Sent: Thursday, December 15, 2022 3:57 AM
To: [REDACTED]
Subject: RE: Request for Information re Metalkol RTR | Amnesty Int'al Research

⚠ CAUTION External Sender Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED],

Please note the below, which was prepared to be sent yesterday as requested by you, so with apologies for a slight delay for technical reasons.

Kind regards,

[REDACTED]
ERG's Press Office

Dear Messrs Dummet and Kambola,

We are writing in response to your letter dated 22 November 2022 in relation to the human rights impact of Metalkol RTR.

Respect for human rights is fundamental to Metalkol, and we are always committed to having a positive impact on the communities alongside which we operate. Metalkol is bound by the principles laid out in ERG's Human Rights Policy, as well as the supplementary Metalkol RTR Human Rights Statement of Commitment, Code of Conduct and Supplier Code of Conduct: <https://www.ergafrica.com/cobalt-copper-division/metalkol-rtr/>. We conform to internationally recognised responsible minerals standards and have obtained third party assurances including of our social management system.

We always seek to avoid involuntary resettlements and constructively engage with local communities in line with relevant laws and international standards. We provide support to relocated families, including through our alternative livelihood programme, and have a range of feedback mechanisms in place to help local communities identify their own development priorities. We have reported on the Samukonga resettlement, and other compensation events, in our Sustainable Development Reports, see for example, https://eurasianresources.lu/uploads/1/files/20077_ERG_SR%20ENG%20web2.pdf, and most recently in 2021: https://eurasianresources.lu/uploads/1/files/ERG_SDR_2021_ENG.pdf.

In relation to other forms of compensation, such as crop compensation, we adhere to Government processes and rates. We have a community grievance procedure in place, aligned with the International Finance Corporation Performance Standards and the UN Guiding Principles on Business and Human Rights, which supports the continuous, timely identification, review and management of our actual and potential impacts. These are publicised widely, including to local communities, and provide an additional conduit for grievances, should they arise. Grievances raised through this mechanism, or through other mechanisms such as the [ERG Hotline](#), are investigated and resolved as appropriate.

Where any additional information is provided in relation to specific cases, or grievances are raised which have not already been reviewed and determined, we are guided by our standard approach to conduct further investigations. We would be happy to have a conversation with you if you have any additional information that you would like to bring to our attention in this regard.

ERG, Email response to Amnesty International and IBGDH's right of reply correspondence,
23 May 2023

[REDACTED]

From: ERG Press [REDACTED]
Sent: 23 May 2023 17:47
To: Mark Dummett [REDACTED]
Cc: DONAT KAMBOLA [REDACTED]
Subject: RE: Request for Information re Metalkol RTR | Amnesty Int'l Research

CAUTION External Sender Exercise caution opening links or attachments. Do not provide login details.

Dear Mark,

Please find our response below. Apologies for a technical delay.

Kind regards,
[REDACTED]

Dear Messrs Dummet and Kambola,

We are writing in response to your letter dated 25 April 2023 in relation to the Human Rights impact of Metalkol SA ("Metalkol").

Respect for Human Rights is fundamental to Metalkol, and we are committed to having a positive impact on the communities in which we operate. Metalkol is bound by the principles laid out in ERG's [Human Rights Policy](#), [Code of Conduct](#) and [Supplier Code of Conduct](#), as well as the supplementary [Metalkol Human Rights Statement of Commitment](#). We comply with all national and international laws and conform to internationally recognised responsible minerals standards, including (but not limited to) the UN Guiding Principles (to which ERG is a signatory) and the OECD Guidelines. Our approach to the implementation of these laws and standards is set out in the ERG Clean Cobalt and Copper Framework and the Metalkol Performance Report, for which we have obtained third party assurances, including in relation to our social management system (all related documents can be viewed [here](#)).

In accordance with these commitments, we always seek to avoid involuntary resettlements and constructively engage with local communities in line with relevant laws, international standards and our stringent internal policies and procedures. We provide support to relocated families, including through our alternative livelihood programme, and have a range of feedback mechanisms in place to help local communities identify their own development priorities.

In relation to other forms of compensation, such as crop compensation, we adhere to Government processes and rates.

We have a community grievance procedure in place, aligned with the International Finance Corporation Performance Standards and the UN Guiding Principles on Business and Human Rights, which supports the continuous, timely identification, review and management of our actual and potential impacts. This has been developed in conjunction with third party experts and its operation is reviewed as part of the various independent assurance processes described above. The details of the mechanism are publicised widely, including to local

communities, and provide an additional conduit for grievances, should they arise. Grievances raised through this mechanism, or through other mechanisms such as the [ERG Hotline](#), are investigated and resolved in accordance with our Human Rights Policy and the UN Guiding Principles "Protect, Respect and Remedy" Framework.

Where any additional information is provided in relation to specific cases, or grievances are raised which have not already been reviewed and determined, we are guided by our standard approach to conduct further investigations. In relation to the matters raised in the draft report, we have made inquiries in the relevant communities, including with all relevant community chiefs, and we have been unable to verify the specific matters or to obtain any additional information that would inform further investigation and follow up.

In relation to the specific issues raised in your draft report, please see the further information below:

1. Samukonga

We have reported extensively on the Samukonga resettlement, and other compensation events, in our Sustainable Development Reports from [2018](#) to, most recently, [2021](#).

We do not agree with your description of the events in your draft report which do not accurately reflect the reality and facts on the ground.

As set out in the above reporting, Samukonga village with its 16 households has been relocated as required by the ESIA, based on a risk assessment of the location of the village in proximity to the operations. This was necessary because the village was located next to the Residual Storage Facility, (which is not an acid pond as stated in your report).

In order to proceed with the compensation procedure, it is first important to establish engagement with local communities to ensure that everyone is informed about the intentions of the company, given that their fields are within the Metalkol perimeter and very often located in the areas of operations. To facilitate these engagements, we have always and continue to work closely with the Provincial Division of Agriculture (AGRIPEL), who provide valuable support throughout the process. By working together in this way, we can help to ensure that everyone's needs are taken into account, and that the compensation process is fair and transparent for all involved.

The period for the identification process of 800 farmers took place between March and May 2019, and payment was disbursed in January 2020 (not in April 2017 as stated in your draft report).

In line with our procedures, compensation calculations were determined by the information gathered from the surveys conducted in the field, which assess the areas farmed and the type and the maturity of the crops, amongst other criteria. These calculations are based on the official rates published by AGRIPEL. Metalkol has no authority to adjust the calculations or rates. Once this assessment is completed, Metalkol makes payment through a commercial bank, which will then manage the payment to the farmers under Metalkol's oversight. No form of coercion is used during this process and the farmers receive their payments fairly and without any undue pressure.

Metalkol does not use FARDC intervention in relation to resettlements, compensation assessments or payments. We have investigated these matters, including with the village chiefs from the locations of these farmers, who have confirmed that no instances of coercion by the military or police have been reported in relation to the payment process. The presence of the FARDC in the region at the relevant time is addressed further below under section 3.

2. Crop compensation – Tshamundenda (2020).

The information regarding the alleged eviction of a group of 144 farmers from their fields within the Metalkol perimeter is incorrect.

A joint team consisting of Metalkol and AGRIPEL engaged with these farmers, and subsequently, the Provincial Division of Agriculture issued a report indicating that the area had already been compensated twice by Kingamyambo Musonoi Tailings ("KMT") and the land had subsequently been illegally reoccupied without the consent of the company.

The land remains unfenced as some of it is being used for community passage. Despite several requests to vacate the land, some farmers are still occupying it without the consent of Metalkol, while others have already moved from the area.

This matter has been the subject of review by AGRPEL, the Lualaba Governor's Office and the Provincial Assembly of Lualaba. The reports and supporting documents have been provided to these authorities to confirm this position and we have no reason to believe that there are any outstanding matters relating to these inquiries.

3. FARDC

The Forces Armées de la République Démocratique du Congo ("FARDC") is a military organisation of the Democratic Republic of the Congo. Metalkol does not exercise command or control over the deployment of FARDC. FARDC has not been involved in any resettlement or crop compensation activities undertaken by Metalkol. Nor has Metalkol requested its presence in relation to protest actions near the Metalkol offices as described in the report.

At the relevant time, the Government had deployed the FARDC to the region generally in response to significant increases in Artisanal and Small-Scale Mining (ASM), including an incident in June 2019 which resulted in fatalities at the concession of another mine operating in the area.

In accordance with Metalkol's commitments to the Voluntary Principles of Security and Human Rights, we have provided a copy of this draft report to the Lualaba Province Commandant of FARDC to urge an investigation of these matters and requested feedback on the outcome of these investigations.

Metalkol has in place an effective system to handle community grievances, which is consistently communicated to the community. We deplore any instances of sexual violence and have followed up with all the surrounding communities, including those mentioned in the draft report. As at the time of the response, there have been no reports of rape cases related to a pregnant woman made to any of the chiefs or their respective committees, including some of the 144 farmers, or any additional information that would enable further investigation of these matters.

In the event that there is any further information relevant to the above that can be shared, we will further review and investigate accordingly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kamoa, Letter to Amnesty International and IBGDH in response to preliminary findings,
8 December 2022



Appartements 3 et 4, bâtiment 2404
999, RN 39, Avenue Route Likasi, Quartier Joli-site
Commune de Manika, Ville de Kolwezi
Province du Lualaba, République Démocratique du Congo

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT



December 8, 2022

Dear [REDACTED]

Request for Information | Human Rights Impacts of Kamoa-Kakula Mining Project

Your letter dated November 22, 2022 addressed to Kamoa Copper SA's ("Kamoa") former chief executive officer, Mr. Mark Farren, bears reference. Please find herewith the responses to the queries posed in your letter. We have also provided a table detailing all the supporting documents in relation to specific questions, which may be provided upon signature of a non-disclosure agreement.

1. Has Kamoa notified and worked with Lualaba's Relocation Commission to evict communities affected by its operations in the province, particularly in connection with the Kamoa-Kalula mining project?

Yes, following a request from the Provincial Government to Kamoa in September 2022 to use Lualaba's Relocation Commission as the applicable provincial body for all relocation process going forward, Kamoa has been working with this Provincial Commission. Prior to September 2022, Kamoa had been notifying and working with different DRC government departments as prescribed by the mining code and applicable mining regulations.

2. Has Kamoa ever paid a fee to the Relocation Commission? If so, could you please disclose the amount?

Kamoa has previously paid the applicable fees to the relevant government departments which were involved in the process as prescribed by the law, however, Kamoa has not yet paid any fees to the Relocation Commission.

3. Could you please provide detailed information and any supporting documentation regarding Kamoa's:

- a. Engagement with Lualaba's Relocation Commission;
We confirm that Kamoa has engaged with the Commissaire Général du Gouvernement de la Province du Lualaba. Please see the correspondence referenced in Table 1, numbered 3a.
- b. Consultation process with communities affected by the construction of the Kamoa-Kakula mining project, including minutes and other records of communications and meetings held with households resettled in Muvunda;
Kamoa has conducted numerous consultations with both affected communities and communities earmarked to host relocation activities. We wish to note that all the different relocation processes undertaken by Kamoa to date have respected the requirement of consultation with any potential projects affected people prior to Kamoa launching the effective resettlement process. Please see a sample of such consultations referenced in Table 1, numbered 3b.
- c. Information (if any) provided to affected communities before, during and after their eviction;

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NIF: A0901048A CAPITAL SOCIAL: 500.000 USD

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Information provided to affected communities includes, but is not limited to, the mine development and reason for relocation, the entire relocation and compensation process, agricultural practices and and health and safety information. Details of such information provided may be found in the AP PV Des Reunions De La and 1ere Reunion Consultation Publique documents in Table 1, numbered 3C.

- d. Valuation process to assess evictees' material damages;
The valuation of assets to be lost is undertaken by government dedicated services and determined in accordance with disclosed market rates. Prior to proceeding with the compensatory payments, these valuations are discussed and agreed with the project affected people.
- e. Resettlement plan(s) for families resettled in Muvunda;
Resettlement plans have been developed and implemented for the resettled families in Muvunda. Please see reference to the relevant supporting documents in Table 1, numbered Annexure D (ALP Kakula Phase 1 RAP and the Reunion Designation Representatives PAP.
- f. Resettlement process (e.g. advance notice, time frame, logistics...);

The below broadly summarizes the resettlement process:

1. *Define project resettlement scope which mitigates as much as possible people impact.*
 2. *Identify and consult potential affected communities in presence of third stakeholders (provincial government officials, local authorities, traditional leaders, NGO...) for information on resettlement proposal and process, and collect and provide feedback to their concerns.*
 3. *Set a Relocation Working Group (RWG) which includes representatives of affected people, traditional leaders, relevant government services defined in the mining regulations, NGO*
 4. *Disclose resettlement timeline and agree on a cut-off date with the RWG.*
 5. *Conduct baseline survey of potential affected people on field and asset loss.*
 6. *Agree on compensation framework for economic, physical and communal compensation.*
 7. *Do valuation of assets and fiel lost and disclose information to affected people.*
 8. *Compensate affected people for economic displacement according to the value of their crop and assist them to find, clear and plant crop on alternative lands.*
 9. *Identify host land for physical relocation with the assistance of local authorities which will be assessed by the RWG and specific government services (DPEM, ACE and FS).*
 10. *Build houses as per agreed specifications in the host area.*
 11. *Assist affected households to move from the original place to the new houses with logistics and financial means.*
 12. *Implement communal compensation process such as potable water boreholes, education or health facilities in the host area.*
 13. *Implement the Livelihoods Restoration Plan*
- g. Compensation offered to households resettled in Muvunda including: i. Floor plan, design and features of substitute homes; ii. Houses' title deeds; iii. Size and features of substitute farmlands; iv. Other forms of compensation Kamoa may have offered to evictees;

The relocation process of community households included the provision of compensation, covering alternative accommodation based on matching house specifications on a like-for-like basis and providing security of tenure through the provision of title deeds (43 out of 45 title deeds handed over to date), as well as providing cash compensation (US\$250 per household) and assistance with moving. Asset compensation





for economic displacement (including agricultural assets located on the property of households) provides both compensation for lost crops, as well as replacement land equivalent to the size of farmland lost plus seed, fertilizers and training of farming technics to enhance their livelihoods. This support is provided over a three year period.

Communal assets such as churches are also replaced, and a number of social amenities are provided in the host communities such as schools, clinics, child development centers and potable water boreholes. Access to quality educators at local schools is bolstered by the provision of houses for teaching staff.

- h. Agreements (if any) entered into with households resettled in Muvunda;

The agreement details are recorded within relevant PAP and RWG meeting minutes in



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Table 1, numbered Annexure E. Specific agreements with resettled Muvunda households are subject to confidentiality, however a redacted sample thereof may be made available, referenced in Table 1, numbered 3h.

i. Monitoring of the living conditions of resettled communities;

Kamoa has recently developed a Monitoring and Evaluation Program (referenced in Table 1, numbered 3i) with the purpose of continuously monitoring and assessing the effectiveness of the resettlement process. This provides the base off of which Kamoa can implement measures to further improve the livelihoods of resettled communities.

j. Communication channels with evictees before, during and after the eviction;

Kamoa has in place various resettlement working group (RWG) committee meetings for direct and continuous engagement with resettled communities as well as a robust grievance mechanism with flexible channels for effective communication.

k. Employment opportunities (if any) offered to evictees;

Kamoa seeks to provide employment opportunities for households affected by resettlement through its local recruit program. To date, Kamoa has provided employment to 90 community members from physically resettled households out of a total of 134. Many of these employed community members reside in Muvunda where the bulk of resettlement was undertaken.

l. Grievances received from residents of Muvunda and Kamoa's response(s).

Kamoa has a cloud-based grievance reporting system where all grievances are recorded, categorised, prioritised, and tracked until they are closed-out to the satisfaction of the grievant. To date, two grievances where filed by the residents of Muvunda all resolved. These grievances were related to access to potable water and delay in assistance to livelihoods restoration. See Table 1, numbered 3l.

Please see below (





Table 1) the relevant support documents pertaining to each question (3a-l):



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Table 1: Supporting documents related to the community resettlement process

No.	Focus Topic	Relevant supporting document/s
3a	Lulalaba's Relocation Commission	<ul style="list-style-type: none"> Letter from CPD Letter from Kamoa to CPD
3b	Community Resettlement Consultation process	<ul style="list-style-type: none"> Annexure B (PV de consultation public for Kakula Phase I) Reunion Designation Representants PAP AP PV premiere reunion GTDR
3c	Community Consultation Information	<ul style="list-style-type: none"> AP De La 1ere Reunion Consultation Publique AP PV deuxieme reunion GTDR PV Reunion GTDR a Muvunda
3d	Valuation process	<ul style="list-style-type: none"> Valuation report from AGRIPPEL
3e	Resettlement Plans (Muvunda)	<ul style="list-style-type: none"> ALP Kakula Phase 1 RAP
3f	Resettlement Process	<ul style="list-style-type: none"> ALP Kakula Phase 1 RAP Inventaire des biens de relocalisation Pictures showing goods transportation.
3g	Compensation of household, property and assets	<ul style="list-style-type: none"> PAP and RWG meeting minutes Kamoa Resettlement House Specifications (Type A and B) PAP payment list relocation fees
3h	Resettlement agreements with households	<ul style="list-style-type: none"> PAP and RWG meeting minutes Actes de reconnaissance
3i	Monitoring of resettled communities	<ul style="list-style-type: none"> Monitoring and evaluation program LRP Kakula phase I
3j	Communication channels with resettled communities	<ul style="list-style-type: none"> External Greivance Mechanism Stakeholder Engagement Plan Reunion Etape de Reinstallation Kakula
3k	Employment for resettled communities	<ul style="list-style-type: none"> Liste of Kakula I employed affected people
3l	Community grievances	<ul style="list-style-type: none"> Kakula Phase I GTDR invitation. PV Reunion GTDR a Muvunda Hand over of Muvunda community boreholes. Proof of farming inputs distribution. List of affected people involved into poultry program (training, inputs, facility)

4. Are all resettlement houses of a uniform size and design?

The underlying principle for compensation is that of like-for-like. There are two similar designs with the key difference being the number of bedrooms – either two or three bedrooms. Type A which contains a living room, two bedrooms and a veranda; and type B contains a living room, three bedrooms and a veranda. Each house is provided with an outdoor toilet. These designs, which are determined according to agreed upon entitlement criteria have also been agreed with the community members and the resettlement working group (RWG).





- a. What type of sanitation system has Kamoa put in place (if any)? *Outdoor toilets.*
- b. Are outdoor toilets connected to a sewage system? *No.*
5. Is Kamoa monitoring resettled households' access to water?
Yes, Kamoa's community relations team conducts monitoring of access to water for both the resettled households and the host communities. Water is provided via equipped boreholes and sometime using water bowsers as and when may be required.
6. Who runs the elementary school Kamoa built in Muvunda? What is the cost of registration?
The education coordination division of the Catholic Roman Church. Registration at all elementary schools is currently free of charge.
7. Does Kamoa plan to build new social infrastructure in or around Muvunda? If so, what kind and when?
A community clinic has been constructed and equipped in 2022, as well as a poultry farming facility. A community convention centre is planned for construction in 2024, as well as a multi-purpose sports complex in 2025.
8. How many individuals / communities has Kamoa evicted to date in the Lualaba province, and in particular in connection with the development of the Kamoa-Kakula mining project? How many individuals does the company plan to evict in the next five to 10 years to make way for its mining operations in the Lualaba province?
A total of 1352 people have been either physically or economically displaced due to the Kamoa-Kakula Project, of which 134 households have been physically relocated and 19 are waiting for house construction completion. We currently anticipate that around 100 people will be economically affected out of which 5 families to be physically relocated by our current planned operations, however, it should be noted that we try by all means to minimize the resettlement activities for the communities in our footprint area.
9. Does Kamoa have internal policies and standard operating procedures its staff must follow when evicting and resettling communities affected by its operations?
Kamoa has developed an overarching Land Acquisition and Livelihood Restoration Policy, as well as a Land Acquisition and Livelihood Plan for each phase of relocation. These policies and plans seek to align with both the DRC legislation, as well as international best practice guidelines, such as the International Finance Corporation's Performance Standards.
10. Could you please share Kamoa's internal human rights, climate and environmental policies and other relevant rules of self-regulation?
Please refer to the Ivanhoe Mines policies to which Kamoa is bound, publically available on the Ivanhoe Mines website, accessible at:
<https://ivanhoemines.com/about/corporate-governance/>
<https://ivanhoemines.com/community/human-rights/>
<https://ivanhoemines.com/environment/climate-change-energy/>
<https://ivanhoemines.com/environment/tailings-management/>
<https://ivanhoemines.com/environment/water-security/>





11. Could you please confirm what laws, human rights principles, best practices, and industry standards Kamoa abides with or has adhered to?

Kamoa seeks to comply with both the DRC legislation and regulations, as well as international best practice guidelines, such as the International Finance Corporation's Performance Standards.

12. What type of employment opportunities (if any) has Kamoa provided or plans to provide to resettled communities?

Kamoa seeks to prioritise the project affected people for employment or business opportunities and provides opportunities for both skilled and unskilled employment, based on existing skills and qualifications. Moreover, Kamoa also provides a cadetship program, which aims to equip community members with entry level skills with the technical skills required for them to take up employment opportunities at the mine, for example, operators, artisans, etc.

13. Is Kamoa conducting any ongoing or periodic testing of the air, soil and water streams that resettled communities rely on? If so, could you please share results with the research team?

Kamoa has a comprehensive environmental monitoring program that periodically assesses the quality of air, soil and water courses. The monitoring program covers the entire mining footprint area, including the areas that the resettled communities rely on. Kamoa provides monitoring reports annually to the regulator. Independent audits of Kamoa's monitoring program are also periodically conducted. For Muvunda affected people the monitoring focusses mostly on borehole and stream water quality control.

14. Does Kamoa have grievance mechanisms available to communities affected by its operations?

Kamoa has established grievance mechanisms which are widely available to both employees and host communities.

15. How does Kamoa engage with resettled communities following an eviction?

The Relocation Working Group (RWG) committee that is established by the community during the relocation process remains the key stakeholder the Company will continue engaging with throughout the relocation process and thereafter. However, specific engagements are also held with individual landowners throughout the process, as well as throughout the three-year period of the Livelihoods Restoration Program (LRP). Kamoa has recently developed a monitoring and evaluation program to track the effectiveness of the LRP.

We thank you for affording us the opportunity to respond to your queries and confirm that we are willing to engage further if so required.

Yours sincerely,



Chief Executive Officer
Kamoa Copper S.A.



**Kamoa, Letter to Amnesty International and IBGDH in response to right of reply correspondence,
9 May 2023**



Appartements 3 et 4, bâtiment 2404
999, RN 39, Avenue Route Likasi, Quartier Joli-site
Commune de Manika, Ville de Kolwezi
Province du Lualaba, République Démocratique du Congo

May 9, 2023

To: Mark Dummett,
Head of Business and Human Rights,
Amnesty International
[REDACTED]

Dear Mark Dummett,

Re: Response to your Field Research Report on Human Rights Impacts by Mines around Kolwezi

Thank you for your correspondence, dated April 25, 2023, affording Kamoa Copper SA (hereinafter "Kamoa", or "the Company") the opportunity to comment on the text named "Annex 1" comprising the findings and conclusion about purported human rights violations that you have identified, and further providing Kamoa an opportunity to reply ahead of its publication. We are honored to clarify the context and respond to those findings, while we also take note of your recommendations.

Kamoa is set to become a world-class copper mining complex, striving to operate with excellence, as enshrined in the Company's vision, mission and value statements. Forthrightly so, it is ideal to note that in any mine development of a similar magnitude, involuntary relocation and the subsequent resettlement of affected people with their goods, as well as economic displacement, are inevitable. Moreover, resettlement should indeed be the very last solution if the planned mining infrastructural areas cannot deviate from such an impactful and relentless exercise. It is in this context that the 'Muvunda' relocation and resettlement, recorded as Kakula Phase I in our books, occurred.

Another important aspect to note is that the said 'Phase' took place before the current Mining Code and Regulations were promulgated in 2018; the 2002 code had significant ambiguity. Despite operating under such an ambiguous environment, Kamoa managed to carry out this task by relying on international best practices. The reason why you have found, after your investigation, our resettlement model contrasted with other mining operators you have investigated, as stated in the conclusion of your report.

Considering the aforementioned facts, we reviewed the report by your respective teams with a view to providing further insights from Kamoa in order to complement your findings and objectively achieve the sought results by all stakeholders – to improve lives.

To render this report conclusive, find attached a table with feedback on respective points of concern showing further testimony of how Kamoa takes stakeholder engagements with affected communities very seriously, aligning ourselves to the International Finance Corporation (IFC) Performance Standards, to ensure that we reduce the impact to the minimum – if not avert it completely – as well as to ensure that project affected persons are left better off compared to their initial lifestyle.

Lastly, we hereby provide you with the assurance that where we deem the recommendations to be valid and applicable, and where feedback has been provided, we shall effectively follow through with appropriate implementations or alignments.

Please feel free to contact us directly if any further clarifications are required.



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NIF: A090104BA CAPITAL SOCIAL: 500.000 USD

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KAMOOA COPPER S.A. FEEDBACK TO AMNESTY INTERNATIONAL / IBDH REPORT ANNEX 1

#	IBDH FINDINGS	PAGE / PARAGRAPH	KAMOOA FEEDBACK
1	Kamoa Copper S.A. (Kamoa), a joint venture between [...] and Congolese state-owned company Gécamines (20%)	p. 3, para. 2	Kamoa's shareholding includes 20% owned by the Government of the Democratic Republic of Congo (and not Gécamines).
2	They ask us to share our demands and we replied: we want jobs, and for you to improve our living conditions but up until now, nothing's been done.	p. 4, para. 4	<p>Kamoa prioritizes the inclusion of project-affected persons (PAPs) when opportunities for employment or small businesses become available.</p> <p>The Kakula Phase I relocation (referred to as Muvunda in your report) concerned 45 households that have been successfully resettled. Currently, our skills community database shows 29/43 PAPs eligible for work have been employed at the Company. We can share those details if needed.</p> <p>Other initiatives for Muvunda PAPs include:</p> <ul style="list-style-type: none"> - Three beneficiaries (all women) as shareholders at the brickmaking project; - Four beneficiaries (two women and two men) as shareholders at the truck parking restaurant; and - Two beneficiaries (all women) as shareholders at the Muvunda poultry project.
3	... I had to use a good part of the money to build two other annexes to accommodate my many children	p. 5, para. 4	<p>The resettlement working group (RWG), comprised of representatives of the PAPs, local leadership, government, and the Company, provided the framework determining the size of the house to be built in lieu of the existing hamlet structure. As such, each household received a house according to the results of the identification and the surveys based on what was decided by the RWG committee according to the design signed and attached to the individual transfer deed.</p> <p>The [REDACTED] case (the PAP who spoke to the auditors) is depicted below:</p> <p>Before:</p> <div style="background-color: black; width: 100%; height: 100px; margin: 5px 0;"></div> <p>After: [REDACTED] received a three bedroomed house and a kitchen (compared to others with two bedrooms) since he previously had these two structures</p>





		
<p>4 They gave us money, but we don't know how to keep money in the same way we know how to preserve and yield a profit from our farmlands. We exhausted the money received in a short period of time and landed in misery.</p>	<p>p. 5, para. 5</p>	<p>Money management was explained during the RWG meetings. Kamoa went as far as supporting and facilitating the opening of bank accounts, and all payments made securely to PAPs through electronic transmission directly into their respective bank accounts.</p> <p>Moreover, some PAPs have also been placed into entrepreneurial projects such as poultry, brickmaking, restaurant, etc., where that money is intended to be used for diversification of income.</p> <p>The case of the PAPs who spoke to the auditors is illustrated below.</p> <p>Before: a sample of some ten beneficiaries from 'Muvunda'</p> <div data-bbox="786 965 1206 1106" style="background-color: black; width: 100%; height: 60px;"></div> <p>After: they received houses like the one in point three above and are also happy beneficiaries of a restaurant at the Kamoa truck park totally constructed and equipped by Kamoa. They were encouraged to put their compensation benefits into the restaurant business and are operating it very well.</p> <div data-bbox="786 1218 1228 1402" style="background-color: black; width: 100%; height: 80px;"></div> <p><i>Includes</i> [REDACTED]</p>
<p>5 Substitute plots Kamoa provided are located a long distance away from their resettlement houses</p>	<p>p. 6, para. 1</p>	<p>Land replacement was the choice made by the PAPs in the presence of their self-selected delegates and is located at +2km from the Muvunda community.</p> <p>This is what Kamoa has implemented, comprising a mix of cropland.</p>



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6	Borehole has stopped working in the past, sometimes for months at a time	p. 6, para. 2	<p>Today, three boreholes are fully functioning. The first borehole installed was vandalized by Muvunda residents during a dispute linked to the handover of power in the Muvunda Chiefdom. The borehole has since been repaired and paid for by Kamoa.</p> <p>However, Kamoa has added two more boreholes and all are fully functioning.</p>
7	The company's construction work led to an increase in the river's turbidity	p. 6, para. 4	<p>This situation was temporary and was rectified a long time ago, and our water monitoring indicates that the water quality was restored.</p>
8	House not running water, electricity....	p. 7, para. 4	<p>At the time when Muvunda relocation happened (2017), Kamoa relocation standards were benchmarked to International best practices as defined in our entitlement framework, which is precisely what we executed.</p> <p>The actual United Nations (UN) principles are commendable, but challenging to implement in the context where electricity is not available in the region.</p>
9	<p>Local and provincial authorities must seek direct engagement with resettled communities, and take steps to ensure their new living environment meets the requirements of Congolese law.</p> <p>The company should listen to the concern of the community and put in place measures to respond to them in a meaningful way</p>	p. 8, para 1	<p>Government authorities are involved in the end-to-end process and are part of the Relocation Working Group that processes all matters regarding compensation and resettlement.</p> <p>The RWG approves the criteria for the allocation of houses, as well as the design of the various dwellings.</p> <p>Besides, a socioeconomic survey was organized in 2020 by an NGO called SADRI.</p> <p>Another survey session is planned to be conducted in June 2023 to measure livelihood restoration for the Muvunda / Kakula Phase I PAP.</p>

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Ministry of Mines, DR Congo, Letter to Amnesty International and IBGDH in response to preliminary findings, 3 December 2022 (in French)



MINISTÈRE DES MINES

La Ministre

N/Réf. : CAB.MIN/MINES/ANSK/05145/01/2022 Kinshasa, le 03 DEC 2022

Transmis copie pour information à :

- Monsieur le Vice-Ministre des Mines ;
- Monsieur le Secrétaire Général aux Mines ;
- Monsieur le Coordonnateur de la CTCPM ;
- Monsieur le Directeur-Chef de Service de Protection de l'Environnement Minier (Tous) à **Kinshasa/Gombe**

Objet : Demande d'informations, Recherches qualitatives sur l'exploitation minière industrielle et les expulsions forcées dans le Lualaba

A Messieurs les Représentants d'Amnesty International et de la IBGDH

Accusé de réception

Messieurs,

J'accuse réception de votre lettre du 28 novembre 2022, relative à l'objet en marge, et vous en remercie.

De son contenu, je me réjouis de constater que vos Organisations partagent la détermination qui anime mon action à la tête du Ministère des Mines, laquelle consiste à m'assurer que les droits humains en général et ceux des populations riveraines des sites miniers en particulier sont scrupuleusement et entièrement respectés lors du processus d'installation d'un projet minier.

En effet, cette préoccupation était l'une des raisons majeures ayant conduit à la réforme de la législation minière de 2018. Mon ministère, au travers de ses différents Services compétents s'assurent de la mise en œuvre effective et du respect de tous les préalables inhérents à l'implantation de tout projet minier en partant de la consultation des populations locales lors de l'élaboration des EIES/PGES pour l'acquisition d'un droit minier ou de carrières

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(Suite)

d'exploitation en vertu de l'article 126 de l'annexe VIII du Règlement Minier. Il en est de même de celles relatives à l'expropriation, l'indemnisation, la compensation, le déplacement et la réinstallation des communautés affectées par les projets miniers suivant les dispositions pertinentes de l'annexe XVIII du Règlement Minier.

Au sujet des allégations portant sur l'inexistence des voies de recours, je voudrais attirer votre attention sur le fait que, outre les recours prévus par le droit commun, l'article 20 de l'annexe XVIII précitée définit clairement les mécanismes de règlements des doléances, litiges et des voies de recours dans ces matières.

Tout en vous remerciant pour vos différentes questions auxquelles les réponses vous parviendront dans les tous prochains jours

, je vous invite d'entrer en contact avec Monsieur le Coordonnateur de la CTCPM, ampliatrice de la présente, pour toutes fins utiles.

Veillez agréer, **Messieurs**, l'expression de ma considération distinguée.





NOTES



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POWERING CHANGE OR BUSINESS AS USUAL?

COMPANY AND GOVERNMENT RESPONSES TO AMNESTY INTERNATIONAL AND IBGDH

The world needs to urgently shift away from fossil fuels—key drivers of the climate crisis, but at what cost? *Powering Change or Business as Usual?* documents how many people in the Democratic Republic of the Congo have been forcibly evicted from their homes and farmland to make way for the expansion of industrial mining projects extracting copper and cobalt. The country is a major producer of both of these minerals, which are essential to the global energy transition away from fossil fuels. But evictions are often carried out by mining companies with little regard for the rights of affected communities or full compliance with national laws. The Congolese government has failed to enforce these legal safeguards, and in some cases, actively facilitated forced evictions. The report urges mining companies to immediately provide effective remedy for the harm they have caused and to avoid future harm. It also calls on Congolese authorities to declare a moratorium on mass evictions until a commission of inquiry completes a review of existing implementation gaps of domestic legal protections against forced evictions and formulates concrete policy reforms.

This document is the Annex to the report, and contains correspondence received by Amnesty International and the Initiative for Good Governance and Human Rights from mining operators, parent companies and DRC authorities that are referenced in the report.

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