



Response to Allegations Made in War on Want's “Anglo American – The Alternative Report”

Anglo American plc, 13 August 2007





Response to War on Want's "*Anglo American – The Alternative Report*"⁽¹⁾

Introduction

On August 3 2007, War on Want produced a pamphlet, "*Anglo American – The Alternative Report*" which attacked the Company and a number of associate companies over which Anglo American does not have management control (AngloGold Ashanti, De Beers and Cerrejon Coal). The Report accused Anglo American of espousing corporate responsibility at an international level whilst being associated with human rights abuses on the ground in Colombia, the Democratic Republic of Congo, South Africa, Botswana and the Philippines. This document responds to those allegations.

The War on Want paper is inaccurate or disingenuous in its presentation of numerous material facts. At no point in the preparation of the Report did the authors approach the Company to check facts or to seek alternative perspectives. This is hardly the behaviour of an organisation which claims to believe in human rights, accountability and justice. Indeed, if we genuinely had such "devastating" effects on host communities it is hardly likely that we would be a welcome and respected operator in so many countries. Nor would we have had our work in areas like social development, HIV/AIDS workplace programmes or multi-stakeholder partnerships (such as the Extractive Industries Transparency Initiative or the Voluntary Principles on Security and Human Rights) recognised by organisations as diverse as the World Bank/IFC, Britain's Business in the Community, the Global Business Coalition and the Global Fund on HIV/AIDS, NGOs such as One World Trust or Chile's Casa de la Paz, or numerous responsible investment managers.

A further example of the misrepresentation inherent in War on Want's approach is evident from the picture used on its website to illustrate their story. This purports to show Anglo American mining operations but is clearly an example of artisanal mining activity.

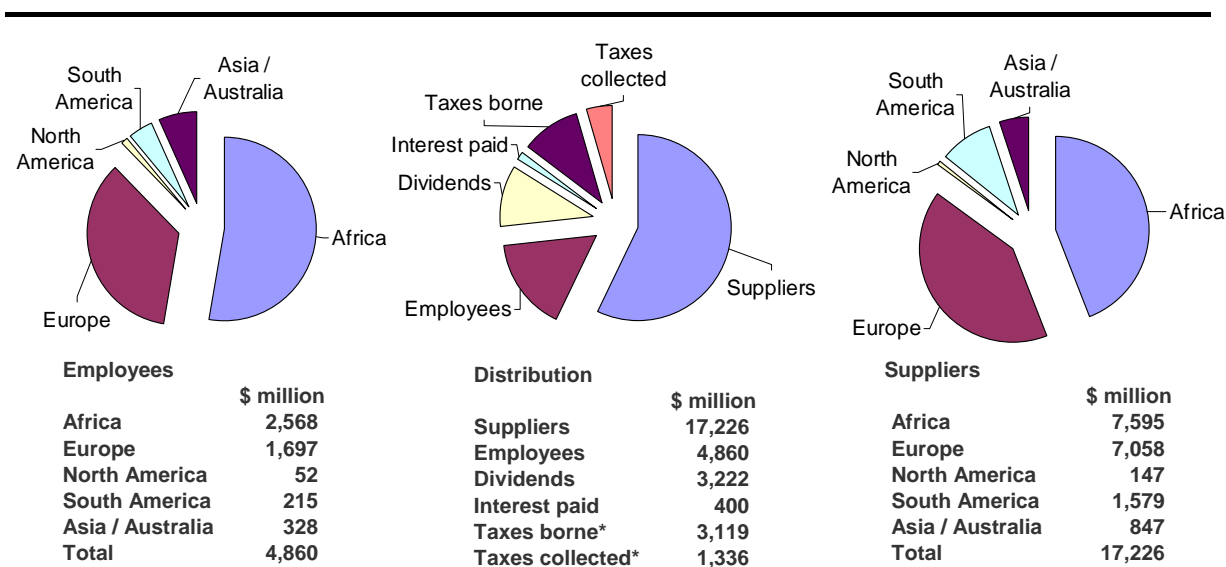
The Report talks of the size of Anglo American's profits and of the supposedly "*devastating record in countries where it operates*". However, the Report fails to acknowledge that we generate higher revenues for the 160,000 employees and contractors who work for Anglo American (approximately 115,000 of them in Africa⁽²⁾), and for our host governments (in the form of taxes and royalties) than we do dividends for our shareholders, and the role that we play, therefore, in combating poverty. For the record, Anglo American's distribution of economic benefits to various stakeholders for the 2006 financial year is presented in *Figure 1* below.

As an organisation we have a commitment to dialogue and have close working relations with a wide range of civil society and governmental organisations. These efforts are directed at addressing major social and economic challenges in the countries where we work. It is unfortunate that War on Want seemingly has an interest in ideological confrontation rather than engagement, and in pursuing its political objectives without much apparent concern for accuracy or truth.

(1) This is an updated version of the response first published on 8 August.

(2) It is worth noting in passing that our mining employees in Africa will typically receive wages that are higher than national average wages, and in addition will receive a range of benefits, including training, healthcare and other benefits.

Figure 1 Anglo American Distribution of Economic Benefits, 2006



Note: Taxes borne are company taxes such as corporation (profits) tax, royalties and employer-paid payroll taxes. Taxes collected are those taxes collected on behalf of Governments as a result of our activities but not borne by the company, such as employee-borne payroll taxes and value added tax. In total these two items totalled \$4.455 billion. See our 2006 Report to Society for further breakdowns of these figures. For further details see: <http://www.angloamerican.co.uk/static/uploads/Report%20to%20Society%202006.pdf>

Colombia

Page 2 of the Report asserts that “*in countries scarred by civil war such as Colombia and the DRC, Anglo American continues to profit from the conflict and associated human rights abuses*” (N.B. in the DRC the company has no operating mines and generates no profits). In Colombia, Cerrejon Coal, as a well-established operation founded 25 years ago (originally with 50% State participation), hardly “profits” from conflict since it has to shoulder a significant security burden from the activities of leftist guerrillas and rightist paramilitary groups, both of which seek to undermine that country’s democratically elected government and indulge in other criminal activities. The situation in Colombia is, of course, complex and human rights abuses from any quarter should be condemned.

The Report goes on to allege that “*trade unionists who have stood up against AngloGold Ashanti’s mining operations in Colombia have been murdered by military units assigned to protect the company*”. In fact, AngloGold Ashanti is only conducting exploration in Colombia and has no mining operations there. Absolutely no causal link has been established by War on Want as between the views of Mr Uribe or Mr Sarmiento on AngloGold Ashanti and their deaths. We wholeheartedly regret those deaths, but we are not in a position to know in what circumstances the two individuals died – indeed War on Want themselves rely only upon third party sources. We understand that AngloGold Ashanti was not even active in the area in which Mr Uribe died. A lot of weight seems to be placed on hearsay suggesting that army units were in the area to protect Anglo Gold Ashanti personnel. The company has contracted with the army for protection duties but these contractual arrangements reflect the best practice approach set out in the Voluntary Principles on Security and Human Rights. Moreover, the number of soldiers involved in these duties is relatively small and the more pertinent factor relating to army unit deployments is the fact that the Colombian Government is extending the areas where State security forces are present – which seems to command significant public approval.

We welcome the fact that in his parallel article in “The Guardian”, the Report’s author, Mark Curtis states: “*There is no evidence of AGA complicity*” in the deaths – but regret the fact that this is not made clear in the Report. For the record, neither Anglo American nor

AngloGold Ashanti would countenance the assassination or intimidation of trade union or community leaders. Furthermore, we recognise and willingly accept the principle of freedom of association at our operations.

On page 4, the Report states that *“AngloGold Ashanti is the beneficiary of a brutal campaign by State security forces designed to intimidate communities and to force people off their land to make way for mining operations. AGA is seeking to initiate operations in the San Lucas Mountains above the town of Santa Rosa. Local community groups claim that 2,300 people have been displaced from their land and that communities have been subjected to arbitrary arrests, pillage, threats, the burning of houses and extrajudicial executions”*. If these allegations are true it is a wholly wrong and we condemn such activities from whatever direction. If they did occur, they were not done at AngloGold Ashanti’s instigation. The company would not only condemn such intimidation, but would also derive no benefit from such displacement since, if the Company were eventually to discover sufficient gold to justify the investment of several hundreds of millions of dollars in establishing a mine, it would go through a properly structured permitting process. Conflicting land claims would be addressed in that context and through due process. In fact, no proposals for the development of a mine have yet been produced by Anglo Gold Ashanti, and we understand that it does not envisage a high level of activity in the area for the foreseeable future. So, once again, the Report establishes no causal link between the alleged events and AngloGold Ashanti’s presence.

AngloGold Ashanti *is* drilling in two places in South Bolivar Province, but in both cases with the consent of the communities concerned. On the issue of artisanal mining, AngloGold Ashanti recognises that this can be an important source of livelihoods, seeks to work co-operatively with such groups, and has helped with the development of better health and safety practices. Measures include a joint venture with the Miraflores Mining Co-operative. AngloGold Ashanti’s “Good Friends and Neighbours” policy in Colombia has at its heart the allocation of ground to artisanal miners, giving them, for the first time, title over the property. In return for this, the miners have to register under the terms of the local mining regulatory framework and comply with basic safety and environmental requirements.

Staying with Colombia but switching focus to La Guarija Province, the Report then refers to an alleged event in January 2002 when *“without warning, bulldozers demolished the village of Tabaco”*. The eviction occurred before Anglo American and our joint venture partners (BHP Billiton and Glencore) acquired management control of the operation from Exxon. Moreover, the eviction was not an event which occurred out of the blue. It was undertaken through due process (provisions for compulsory purchase and possession, as a last resort, exist in many countries), after five years of negotiation, in full compliance with the law, after the great majority of inhabitants had agreed compensation and relocated, and under the supervision of a judge. The compensation payments were tested in the courts and found to be significantly above statutory requirements.

On page 5 the Report states that *“In April 2004, paramilitaries stormed a village of the indigenous Wayuu people who had refused to make way for El Cerrejon’s railway to run through their land”*. This is arrant nonsense since Cerrejon’s railway was built over twenty years ago, and the villagers of Portete were not in dispute with the company about this or any other matter. Furthermore, Cerrejon provided humanitarian aid and protection to the villagers in the aftermath of the horrific attack, which local sources have clearly linked to drug-related issues. We understand that people allegedly involved in the attack are now facing trial.

It is worth noting that in a country where there is an acknowledged and serious problem of the assassination of some trade unionists, at Cerrejon there have been no such incidents for well over a decade. Indeed when in 2006 it appeared that there might be threats to the

safety of some of the mine's union leadership, management made representations at the highest level of government to increase the protection given to them. Cerrejon also actively implements human rights policies and training, including the Voluntary Principles on Security and Human Rights, and has worked with the Inter American Centre on Human Rights, the Red Cross and International Alert (a respected conflict resolution NGO) on its programmes.

In relation to the role of mining in development and in raising capacities and living standards, Cerrejon is not only the largest private sector employer in La Guarija, it is also by far the biggest provider of revenue for the Provincial Government and a significant contributor to the national Treasury (in 2006 the mine paid \$180 million in corporate taxes and a further \$120 million in royalties, with 84 percent of royalties being retained in the province).

Democratic Republic of Congo

Turning to the **DRC**, on page 2 it is alleged that AngloGold Ashanti's "*links with armed groups responsible for human rights abuses in the DRC have raised serious questions over its continuing presence there*". The incident obliquely referenced here was the payment, under duress, two and a half years ago of less than \$10,000 to the FNI militia group, contrary to the company's policies. This payment was made public at the instigation of AngloGold Ashanti. AngloGold Ashanti never sought or maintained a relationship with the FNI. The presence of its exploration team was in the context of the Government of the DRC having requested the Company to return to the area since it wished to show to its people that the, then, fragile peace process was producing benefits through increased investment. Thus the incident has not raised "serious questions" about the Company's presence in the country.

On page 5, a Report of January 2007 by a UN Panel of Experts is cited as evidence of a correlation "*between natural resource exploitation and the activities of illicit armed actors*". There is no dispute that the *illegal* exploitation of natural resources in the DRC fuelled the conflict. However, the 2007 Report was not concerned with any activity by AngloGold Ashanti. Moreover, the War on Want document misses the point. The focus of the original Human Rights Watch Report, (media coverage of which highlighted the payment made by AngloGold Ashanti's exploration team), was the production and sale of gold by illicit actors which was generating \$60 million for use in the conflict. AngloGold Ashanti, in contrast, is not yet producing gold. Were it to invest in a mine in the Ituri region it would be a part of the government licensed sector and generate tax revenues to support the rebuilding of the Congolese State.

It is arguable, with hindsight, that the AngloGold Ashanti team – which had been assured of the presence of either Congolese army or the MONUC (UN Mission in DR Congo) force in the area – should not have re-entered the region when they did, despite the wishes of the Government in Kinshasa. However, to concede this does not translate into an endorsement of the "No Dirty Gold" campaign principle, quoted by the War on Want document, that there should be no mining activity in "areas of armed or militarised conflict". Two points should be made about this "principle". Firstly, the "Golden Rules" are by no means a universally endorsed framework of standards. They are the subject of multi-stakeholder discussion in the context of the IRMA⁽³⁾ process (which is seeking to establish agreed benchmarks). The second, and more fundamental point is that neither the Congolese nor Colombian Governments – nor it would seem the local communities in either case – wish to see militias or guerrillas have a power of veto over new investment. The interests of peace and stability are, in both cases, strengthened by inward investment and the creation of new forms of legitimate economic activity. The crucial test is whether such activity can be conducted by a company responsibly and in line with core principles.

(3) IRMA: Initiative for Responsible Mining Assurance. See <http://www.responsiblemining.net/> for more details. Anglo participates in IRMA through our membership of the International Council on Mining and Metals.

Ghana

Turning to **Ghana**, the Report alleges that AngloGold Ashanti's activities have had "a *devastating impact on communities around the Obuasi gold mine*" and alleges various pollution impacts. There certainly is significant pollution in the area but this is hardly surprising for a mine that has operated for around a century. AngloGold Ashanti has only owned the mine since 2004 – for many years previously it was in the ownership of a Ghanaian company or the Government of Ghana. AngloGold Ashanti is investing significant sums in the mine (including investments in modern environmental controls).

There is also a significant problem of illegal (galamsay) mining in the Obuasi area. It is unclear why the War on Want Report puts "illegal" in inverted commas since Ghanaian law is quite clear on this point: the Government owns mineral rights and is strongly opposed to such illegal mining in established concession area since it generally involves bad safety and environmental practices, undermines the Government's income from royalties and may benefit organised crime syndicates. There have also been instances of serious attacks on company personnel by illegal miners.

It is wrong to suggest that since AngloGold Ashanti took control in 2004 that there have been no investigations by the police or the company into incidents involving security personnel or the police. In addition to the police investigation into the wounding of Mr Awudu Mohammed, the company commissioned its own assessment. AngloGold Ashanti has also instigated a dialogue with a local NGO, WACAM, to resolve legacy human rights issues associated with the operation over the last decade. Furthermore, AngloGold Ashanti has sought to implement best practice in the field of security and human rights in Ghana through applying the provisions of the Voluntary Principles on Security and Human Rights. The company is also active with civil society partners in seeking to devise co-operative frameworks with artisanal miners so as to reduce the likelihood of clashes.

In relation to the allegations surrounding environmental issues, there were two tailings spills around Obuasi in late 2005. In one case this was caused by damage done by artisanal miners; the other caused damage to a school and some houses and the company organised a clean-up and paid full compensation to local people.

With respect to the allegations concerning poverty levels in Obuasi it should be noted that, despite strong growth in recent years, Ghana remains a poor country and poverty is unfortunately widespread. However, the Government's household data clearly show that poverty levels in mining areas, including in Obuasi, are below those in other regions, and have fallen faster in recent years. This is partly because of the good employment opportunities and taxes paid by legal mining firms, and also because of significant company sponsorship of community development initiatives, such as the provision of health and educational facilities.

It is unclear what War on Want's panacea of an extraterritorial statute governing the conduct of UK-based multinationals would mean in a case such as that of Ghana. Ghana is widely seen as being amongst the best governed countries in Africa. It is not a country where the security forces have a reputation for being heavy handed or where the rule of law is flouted, and there are clear avenues for legal redress. Does War on Want doubt the ability of the Ghanaian Government to legislate and govern its country?

Botswana

The Report states that De Beers "*stands accused of being implicated in the Botswanan Government's removal of Bushmen from their ancestral homelands in the Central Kalahari Game Reserve*" (CKGR). The words are carefully chosen, but De Beers has consistently made clear that Survival International's claim that the removals were motivated by diamond

deposits is simply wrong⁽⁴⁾. De Beers has not found any commercially attractive deposits in the CKGR and, even if it had, the small footprint caused by a diamond mine would not be such as to require people to have to be resettled from a large area. To our knowledge the Government of Botswana's explanation that it wishes to integrate the San people and to provide them with standard education and health services is correct. Different groups may take varying views about whether this approach is appropriate or not, but it is not motivated by diamond mining.

South Africa

In relation to the community issues in **South Africa** referenced in the Report, Anglo Platinum is a major employer and has a strong commitment to promoting the economic and social upliftment of the communities where it works. The specific instances cited can only be meaningfully described at some length, but what follows provides a brief overview of the three incidents referred to.

The Report says that "*Poor black farmers from the village of Maandagshoek (near the Modikwa mine) are trying to stop the company's encroachment on to their land*", and suggests that, in a protest, 26 people were "*reportedly*" taken to local hospitals with a combination of wounds from rubber bullets and other ammunition. In fact, the land at Modikwa is not "community land" and the relevant farm (Onverwacht) is owned by Anglo Platinum. Four individuals were slightly injured – not 26 – and these injuries were not caused by rubber bullets. Moreover the police were not acting under the direction of the company.

In relation to the Potgietersrust Platinum Mine (Mokopane) issues, the local communities are receiving significantly better housing as a result of the resettlement, there is a significant enhancement of the land being made available to the community, a revenue stream is being created for a community trust fund and a number of initiatives are under way or planned to create new economic opportunities. Anglo Platinum acknowledges that mistakes were made in relation to failures in communication with the community, but these are being addressed through the good offices of the Provincial Premier and other stakeholders through the establishment of a Task Team. This brings together different groups in the community and has been established to work through outstanding issues related to the resettlement.

In regard to the community of Magobading, the residents were resettled with improved housing and compensation after a lengthy consultation – so they were not "*forced off their land*". However, an error was made by Anglo Platinum in then transferring responsibility for the new residences to the local municipality. Faced with other socio-economic challenges, the municipality apparently felt that the residents had a better standard of housing than other citizens and that it had other priorities, and hence did not conduct routine maintenance. This led to a subsequent deterioration in services. Anglo Platinum has, however, since made provision for putting the maintenance backlog right and is establishing a community enterprise to undertake ongoing maintenance sustainably.

Again one must question the basis of War on Want's campaign for extraterritorial legislation to police the activities of British multinationals. South Africa has a constitution that is globally admired, where there are many laws relating to human rights that are fully enforced, and where there are clear avenues through which individuals and community groups can seek legal redress.

(4) NB, The De Beers mining operations in Botswana are owned by Debswana, a 50:50 joint venture with the Government of Botswana and De Beers. In addition, the Government of Botswana also owns 15 percent of the De Beers Group.

The Philippines

Turning to **the Philippines**, the Report alleges that Anglo American is party to bad practices in that country and has not respected the requirements for free prior and informed consent from indigenous groups in the Cordillera region.

We would agree with former UK International Development Secretary, Clare Short, that the Philippines – where we have never operated a mine – has some very bad legacies from past mining, and some current operations leave much to be desired. We do believe, however, that it would be quite possible to construct and operate a mine responsibly in the country and to generate benefits for local people.

Anglo American has been developing a potential project in Mindanao since 1999, based on a close engagement with all local stakeholders. The Boyongan project enjoys strong local support and has won several environmental and social awards in the Philippines.

In relation to the situation in the Cordillera region, the company has not been active on the ground for some time because of security issues. However, the company went through the mandated process for obtaining free, prior and informed consent and in the one instance where that was not readily forthcoming we expunged the area from our exploration activities. In the other areas an overwhelming majority of organisations gave their consent. Thus, the company proceeded in good faith and has been willing to engage with other groups who take a different – but seemingly minority – view.

As this case shows, there is inevitably a problem when a campaigning group alleges that a company is “opposed by the community” which, from a distance of many thousands of miles, may sound like the united position of many people, but may in fact only represent the view of a particular political group or faction.

Concluding Observations

In relation to the issues of voluntarism versus regulation raised by the Report, Anglo American is sceptical about the case for an over-arching international convention on “corporate accountability” as favoured by some NGOs, since it would take years to negotiate and apply. Nor is it attractive to suggest that the UK Parliament should assert extraterritorial jurisdiction over the conduct of UK-based companies wherever they are based. This would seem to be a new form of legislative or judicial “imperialism” of a sort that one might have expected War on Want to oppose.

This should not be taken as implying that Anglo American is, in principle, against international or extraterritorial regulation – we are not. There are, for example, some areas, including crimes against humanity, climate change, accounting standards and anti-corruption measures, where there are international regulatory approaches. These command broad support among leading companies. There may be scope for further such measures when a case has been proven. Also, a number of current voluntary initiatives – which involve practical and co-operative multi-stakeholder approaches to addressing complex international problems – such as the Extractive Industries Transparency Initiative, are developing validation mechanisms which may, in due course, harden into regulatory approaches.

We believe that the focus should more constructively be upon building the capacity of many developing country governments not only to make locally-appropriate laws, but also to enforce them. Anglo American has a strong commitment to implement high standards in the way it works (as encapsulated in our “Good Citizenship” Business Principles). We, of course, observe national laws (even when they are not enforced) and seek to apply higher international standards (such as the IFC Performance Standard on Resettlement) where practicable. We believe that voluntary multi-stakeholder initiatives, such as the Extractive

Industries Transparency Initiative and the Voluntary Principles on Security and Human Rights, are helping to improve governance standards and are producing worthwhile results. Anglo American also has, in this context, an excellent working relationship with a number of mainstream international NGOs and governments. War on Want is not to be found in such coalitions with an interest in dialogue and co-operation.

Anglo American has a firm commitment to the Universal Declaration on Human Rights, to the ten principles of the Global Compact and is a party to the Voluntary Principles on Security and Human Rights. We make mistakes like any organisation of our scale, but we have a strong commitment to making a positive difference to the societies in which we work. We believe that the great majority of communities associated with our operations are supportive of mining and the opportunities which it creates. In addition to the opportunities which we create and the tax revenues we generate through the operation of our core business, we have been amongst the leading mining companies in seeking to improve the developmental impacts of our operations. We have done this through initiatives like pre-employment training to enable people to seek jobs, local enterprise development, sustainable livelihoods initiatives and local procurement drives. All of this is on top of normal social investment and infrastructure development.

Finally, it is important to note – although our response does not rely upon this – that none of AngloGold Ashanti, De Beers or Cerrejon Coal are controlled or managed by Anglo American. None of them, despite the assertion of the Chief Executive of War on Want, is a “subsidiary” of the Anglo American Group. We believe all of them operate, however, to high standards comparable with our own.

Anglo American and Corporate Responsibility

As noted above in this document, Anglo American is widely regarded as a responsible operator with a strong focus on improving the management of our impacts, both positive and negative.

We have many constructive relationships with host governments, international institutions and mainstream NGOs, and welcome the chance to engage in honest debates on both our company and the broader challenges faced by mining industry in general.

Furthermore, we are proud of our track record of innovation in the area of corporate responsibility. Examples of Anglo American’s many corporate responsibility initiatives are presented in *Box 1*.

Box 1 Examples of Corporate Responsibility Initiatives at Anglo American

1. Anglo American's operations all operate in line with our "[Good Citizenship: Business Principles](#)". This includes the following commitment to observing human rights: "*Whilst the primary responsibility for the protection of human rights lies with governments and international organisations, where it is within our power to do so, we will seek to promote the observance of human rights in the countries where we operate. We support the principles set forth in the Universal Declaration of Human Rights.*" We operate a Letter of Assurance process in support of the Principles and all non-compliances with our Business Principles can be reported anonymously through our "SpeakUp" whistle blowing facility.
2. Anglo American is a member of the [UN Global Compact](#) and fully subscribes the ten Principles covering the areas of human rights, labour, the environment and anti-corruption.
3. Anglo American was the first major employer to implement [workplace HIV/AIDS treatment](#) programmes for workers, and today we operate the largest workplace treatment programme in the world. This was recognised as ground breaking and influenced governmental and corporate approaches in the region. Richard Holbrooke, CEO of the Global Business Council on HIV/AIDS, Tuberculosis and Malaria commented: "*This is one of the most important commitments made to date by a company in tackling AIDS in Africa. We will work with other companies in the region to follow Anglo American's leadership.*"
4. Our [Anglo Zimele enterprise development initiative](#) was the first of its kind when it was established in 1989. The Anglo Zimele model has been recognised by, among others, the International Finance Corporation and the South African Government, which asked Anglo to manage its small scale mining investment fund for black entrepreneurs. Small businesses supported by Zimele have a survival rate after eight years of three times the South African average. Anglo is now rolling out a similar model in Chile, where we have also sponsored a micro-credit initiative that will reach 6,000 entrepreneurs by 2010.
5. To maximise beneficial development impacts of our operations, Anglo has developed a unique process – the [Socio-Economic Assessment Toolbox](#). SEAT is a structured process for profiling and engaging with communities, identifying impacts and local development issues, developing management responses and reporting back to stakeholders. We have implemented SEAT at over 50 of our largest sites and have received widespread recognition from the UNDP / International Chamber of Commerce World Business Awards and the One World Trust, which reported that SEAT gave Anglo American the strongest social impact evaluation capabilities of any company it surveyed.
6. Anglo American was a founding member of the [Voluntary Principles on Security and Human Rights](#), which seek to develop and disseminate best practice in corporate security provision in full compliance with the UN Declaration on Human Rights (and also the first participating company to develop an implementation manual), and the [Extractive Industries Transparency Initiative](#), which seeks to eliminate corruption related to the extraction of natural resources.
7. We are committed to enhancing the development impacts of our operations, and to addressing the complex socio-economic development challenges faced in many of the regions where we operate, through multi-sector partnerships such as the [Investment Climate Facility](#), of which we were a founder sponsor, and [Business Action for Africa](#).
8. The [Anglo "Chairman's Fund"](#), our dedicated vehicle for social investment in South Africa, has been recognised as the best corporate grant maker for the last seven years by South Africa's foremost assessment of social investment programmes.
9. Our [Report to Society](#) has been hailed as one of the best produced by any company. For example, in 2006 the Association of Chartered Certified Accountants awarded us joint first place in the UK Award for Sustainability Reporting (for reports issued in 2005).
10. In 2005, Anglo American won [Business in the Community's](#) International Award for being the company judged to be making the greatest contribution to the achievement of the Millennium Development Goals in Africa. This one-off award coincided with the 2005 Gleneagles G8 Summit.

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