**Impact of Chinese overseas investment and business activities on economic, social, cultural and other rights of affected communities:**

**Focus on Asia and Africa**

**Submission for the adoption of the List of Issues for the Review of**

**the People’s Republic of China, at the 68th Pre-sessional Working Group of the**

**Committee on Economic, Social and Cultural Rights**

International Service for Human Rights and partners, including: the African Coalition for Corporate Accountability; Asia Indigenous People’s Pact; Asian Forum for Human Rights and Development (FORUM-ASIA); Center for Transnational Environmental Accountability (U.S.); Community Resource Centre (Thailand); the Institute for Policy Advocacy and Research (Indonesia); LRC-KsK/Friends of the Earth Philippines; Peace Point Action (Nigeria); and Premicongo (Democratic Republic of Congo).

**Executive Summary**

ISHR is a non-governmental organisation based in Geneva, dedicated to supporting human rights defenders in their efforts to leverage UN mechanisms to create human rights change.

ISHR drafted this report against the backdrop of the 2014 Concluding Observations on the second periodic report of China, domestic policy developments in the PRC over the intervening years, and progress in the international legal framework for the protection of Covenant rights in the context of business activities. Its aim is to provide insight into the global scope of Chinese investment and business operations and their human rights impacts. By working with partners in third countries, ISHR also supports, and elevates the voices of, local groups working on the responsibility of Chinese companies overseas in their own contexts. To guide the Committee’s follow up to the State party report, in a manner which would elucidate information valuable to all stakeholders and lay the groundwork for dialogue, ISHR recommends the Committee seek further information on the issues of:

* Respect for rights of indigenous persons, in line with the UN Declaration on the Rights of Indigenous Peoples; ILO Convention 169; and stated commitments of the State Party (p. 6)
* Binding measures on companies domiciled in the State Party, including with respect to human rights due diligence and transparency environmental, social and governance reports (p. 7)
* Human rights safeguards for overseas development assistance and public finance institutions, namely with regard to ensuring public consultation, protection for those defending rights, and access to remedy in cases of alleged violations of Covenant rights overseas (p. 8)

Ultimately, the Committee has the opportunity through the List of Issues and State dialogue to aid in the development of concrete, actionable recommendations to improve protection of and respect for human rights by the PRC government and by state-owned, joint venture, and private corporations and investments, both within the PRC and abroad.

The submission consists of background on the issue of business respect for human rights by Chinese companies; notable developments in international jurisprudence on the theme overall, and the work of other UN mechanisms with respect to the PRC specifically; and recommended questions organised by thematic cluster (and relevant Covenant articles). The submission content has been supported by short case briefs, provided by partners from across the Asian and African regions, which provided more detail on the specific challenges and overall context for the suggested questions.

**Background**

In 2014, during the last review of the People’s Republic of China (PRC), the Committee included important attention to the impact on Covenant rights of investment, development assistance and the operations of companies overseas.[[1]](#footnote-1) While welcoming the stated expansion in economic and technical assistance, the Committee noted with concern that some projects had ‘reportedly resulted in violations of economic, social and cultural rights in the receiving countries’, and recommended that China’s international cooperation adopt a human-rights based approach through undertaking human rights impact assessments (HRIAs), establishing a monitoring mechanism, and ensuring an accessible complaint mechanism in the receiving country.[[2]](#footnote-2) The Committee further raised concern about the lack of adequate measures to ensure respect for Covenant rights by Chinese companies, and recommended the establishment of a clear regulatory framework for companies, to include legislative and administrative measures to ensure legal liability of companies operating in or managed from China, as well as their subsidiaries, in the context of overseas projects.[[3]](#footnote-3)

In the years since, there is no doubt that China has become one of the most significant players in the arena of international and multilateral investment.

**China’s footprint overseas: shaped by the Belt and Road Initiative**

In March 2015, the Chinese government formalized its outbound investment agenda by announcing the ‘Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road’, also known as the Belt and Road Initiative. In 2018, despite a sharp decline in international direct investment around the world, China maintained high levels of foreign direct investment (US$143.04 billion) and continued to strengthen its status as a major foreign investment country.[[4]](#footnote-4) Such efforts have also seen formal, political legitimacy increase through China’s active participation in multilateral fora. Key examples include the close co-operation of the OECD in support of China’s G20 Presidency in 2016, and cooperation between China and UN technical agencies (and political leadership) to align the Belt and Road Initiative with the 2030 Agenda.

The 19th National Congress of the Communist Party of China in 2017 clarified that strengthening China’s competency during international economic cooperation was a strategic goal of the Xi administration, and further linked this goal to concrete cooperation under the Belt and Road Initiative.[[5]](#footnote-5) The Congress adopted the principles of ‘Guided by government, dominated by corporates, operated by the market, and aligned with international standards’ (政府引导、企业主体、市场运作、国际惯例), which aims to gradually strengthen policy guidance, improve regulatory services, create a good operating environment, and achieve steady and orderly development of foreign investment.[[6]](#footnote-6)

An update on these issues has been partially provided in the current [State Party report](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHN%2f3&Lang=en). The report emphasises the quantity of funding provided in the form of overseas development assistance, both bilaterally and through UN agencies and multilateral arrangements (para 13). It furthermore dedicates full paragraphs to ‘the protection of human rights when providing international assistance’ (para 23) and ’business and economic, social and cultural rights’ (para 24).

**International assistance and development cooperation**

According to the State Party report, in providing international assistance, the PRC pays close attention to the people’s livelihood, emphasizing a ‘people-oriented’ approach, bolstering the recipients’ capacity for independent development, promoting their economic and social development, and fully respecting the local cultural environment and social customs. The State Party report mentions the China International Development Cooperation Agency, or CIDCA, a sub-ministry-level executive agency directly under the State Council of the People's Republic of China that was established in 2018. CIDCA’s mandate is to formulate strategic guidelines, plans and policies for foreign aid (e.g., the new Administrative Measures mentioned in the report); to coordinate and offer advice on major foreign aid issues; to advance the country's reforms in matters involving foreign aid; and to identify major programs and supervise and evaluate their implementation.

According to the government’s [official press release](http://lianghui.people.com.cn/2018npc/n1/2018/0313/c418468-29865075.html) at the time, CIDCA was also established to ‘serve China’s overall diplomacy and the construction of the BRI’. CIDCA’s director Wang Xiaotao reiterated this statement during the National People’s Congress meetings in 2019, saying that ‘the CIDCA’s main task is to serve China’s great power diplomacy and promote the BRI’.

In its first few years, CIDCA’s role did not extend beyond coordination and management, and the responsibility for execution remained with the same twenty-plus central and provincial line ministries, commissions, and agencies that were in charge under the old system, led by the Ministry of Commerce.[[7]](#footnote-7) According to a Chinese government White Paper released in early January 2021,[[8]](#footnote-8) CIDCA is fulfilling its original mandate. However, it does not provide evidence that CIDCA is actually improving regulations on the transparency of China’s foreign aid and international development projects. CIDCA has not developed an environmental and social safeguard framework to ensure the protection of communities and peoples’ human rights (in third countries) in the context of China’s foreign aid and international development.

**The role of the business actors**

From 2017 to 2018, in response to the rising cases of violations by PRC companies’ overseas investment, the PRC government launched [Guidelines for overseas investment](https://www.ndrc.gov.cn/fggz/lywzjw/zcfg/201812/W020190909440853717390.pdf), [Guidelines for Compliance Management Systems](https://www.cnis.ac.cn/ynbm/llyzlyjs/bzyjzq/gbyjzq/201702/P020181226597500861638.pdf) and [one set of guidelines especially for SOEs](http://www.sasac.gov.cn/n2588025/n2588119/c9804522/content.html). These efforts were led by the State Council and its subsidiary bodies.[[9]](#footnote-9) Among other things, these documents encourage companies to establish a general legal adviser system and compliance systems to ensure that they conduct their operations in compliance with laws and regulations in host countries. In addition, the State Party report notes as progress ‘double random and single open’ supervision. This is a new type of supervision mechanism established in 2015 through the [‘Notice of the General Office of the State Council on Promoting Random Spot Checks to Regulate Interim and Ex Post Supervision’](http://www.gov.cn/zhengce/content/2015-08/05/content_10051.htm). In principle, during this supervision process, both the inspected entities and the legal inspectors are randomly selected, and inspections and investigation results are randomly chosen to be disclosed to the public in a timely manner. However, the authors understand this notice to deal with administrative management of China’s internal market – not, in fact, its outbound investment.

Despite the stated efforts of the government in increasing international development assistance, China’s international investment are often portrayed unfavourably as ‘debt-trap diplomacy’.[[10]](#footnote-10) [[11]](#footnote-11)

On one hand, China has been accused of using its power to impose unfair trade and financial deals, featuring secretive loan terms, closed-door negotiations, non-competitive pricing and high interest rates, with the aim of securing access to natural resources. If this is the case, such practices could have negative impacts on economic, social and/or cultural rights, particularly if servicing extensive debt takes precedence over public spending to ensure realisation of Covenant rights, or if the terms of such agreements have long-term impacts on issues such as land and water use, food production and traditional livelihoods.[[12]](#footnote-12)

Other commentators maintain that Chinese assistance to repressive regimes seeks to displace Western diplomatic power and encourage recipient countries to align with China on key strategic and military issues.[[13]](#footnote-13)

However, assertions of debt-trap diplomacy are contentious, both among scholars and development professionals. Some have argued that the loans are in fact often forgiven, restructured or postponed,[[14]](#footnote-14) a trend expected to accelerate in light of COVID-19; others[[15]](#footnote-15) have suggested that a vision of Chinese foreign investment as ‘strategically directed’ may be simply inaccurate, given the array of private actors involved. Finally, recent reports document a significant fall-off in lending, especially through the lens of the Belt and Road Initiative,[[16]](#footnote-16) and as Chinese policymakers seem to be signalling a change in how Chinese lending will evolve.

Regardless of the degree to which one sees ‘debt-trap diplomacy’ as a reality, the case studies included in this submission demonstrate that there is undoubtedly more that the Chinese government – as with the leadership of any economic powerhouse – can do to ensure responsible behaviours by private sector actors. This responsibility weighs even heavier when the key economic actors are also public actors, as is the case with China’s major state-owned enterprises.

**Existing relevant** **jurisprudence**

With the adoption of General Comment No. 24 in 2017, the Committee set out to ‘clarify the duties of States parties to the International Covenant on Economic, Social and Cultural Rights in such situations [where failure to ensure compliance resulted in negative effects of corporate activities], with a view to preventing and addressing the adverse impacts of business activities on human rights’.[[17]](#footnote-17) Of particular relevant to the upcoming review of the PRC is that determination of the Committee that State parties may be held responsible for the action or inaction of business activities in three cases, including when ‘the entity concerns is in fact acting… under its control or direction… as may be the case in the context of public contracts’.[[18]](#footnote-18) And finally, the Committee repeated its long-standing view that ‘States parties’ obligations under the Covenant [do] not stop at their territorial borders’, and that they are ‘required to take the steps necessary to prevent human rights violations abroad by companies domiciled in their territory and/or jurisdiction’, without prejudice to steps taken or not taken by host States.[[19]](#footnote-19)

In line with this General Comment, the Committee has in recent years strengthened its recommendations in the area of business and human rights, notably through attention to:

* binding regulatory and normative frameworks in line with the UN Guiding Principles, including for human rights due diligence by companies and state investors[[20]](#footnote-20)
* human rights impact assessments, including of free trade agreements[[21]](#footnote-21)
* the need to ‘ensure access to grievance mechanisms’, and to account for negative human rights impacts throughout supply chains, subcontractors, franchises, etc.[[22]](#footnote-22)
* Human rights defenders working in respect of business and human rights[[23]](#footnote-23)

In its line of work on the state as an economic actor, the UN Working Group on Business and Human Rights has called attention to the specific implementation of the UN Guiding Principles. For example, Guiding Principle 4 requires ‘additional steps’ to protect against human rights abuses by, *inter alia,* state-owned enterprises (SOEs), citing reasons for State leadership such as policy coherence, legal compliance, and legitimacy and credibility. [[24]](#footnote-24) The Working Group recommends that these additional steps by States could include legal requirements for SOEs to respect human rights throughout their operations; to conduct human rights due diligence; and to engage in reporting on environmental, social and governance factors, including human rights.

During its 2018 Universal Periodic Review, the Chinese government [accepted six recommendations](https://daccess-ods.un.org/TMP/7371516.82376862.html) relating to implementation of the UN Guiding Principles on Business and Human Rights.[[25]](#footnote-25) While there has been some limited action in the interim, the economic shock of COVID-19 has stymied some of these efforts, even at the rhetorical level. At the same time, the increasing imperative of the ‘smart mix’ of voluntary and legally-binding measures generate momentum for concrete policy change within the Chinese state.

The Special Procedures of the Human Rights Council regularly receive information about the negative impacts on a range of human rights of Chinese operations overseas. Six Communications have been sent and made publicly available since 2018, each requesting information about policies for Chinese businesses operating abroad to respect human rights, in particular where such businesses receive support from the State and/or are state-owned enterprises.[[26]](#footnote-26) The PRC government has been asked to highlight steps taken to protect against human rights abuses, such as effective human rights due diligence and access to effective remedies.

**Topic 1: Free, prior and informed consent and consultation**

Suggested questions for the Committee:

1. China voted in support of the UN Declaration on the Rights of Indigenous Peoples in 2007 and expressed strong support to indigenous peoples’ pursuit of their rights (while also, notably, arguing that there are no indigenous peoples in China). **What is the government doing to disseminate the UNDRIP and inform and educate Chinese government officials and business actors about its content, namely the requirement for free, prior and informed consent for indigenous peoples in the context of approving or operating Chinese overseas projects in indigenous areas?**
2. State Parties and businesses should respect the principle of free, prior and informed consent (FPIC) of indigenous peoples. **What process does the State party have in place to ensure that companies domiciled in China, whether seeking involvement in financing, building or operations, have corporate policies and procedures to comply with host countries’ legal requirements on consultations with affected communities?**

In Bangladesh, a joint-venture coal-fired power plant resulted in the loss of dozens of acres of agricultural land for an indigenous Rakhine community; according to local media, neither the local government nor the Chinese company engaged in the project, Power China, has responded to concerns of the community. A rail project in Indonesia similarly failed to obtain FPIC, and furthermore did not provide fair compensation to those affected.[[27]](#footnote-27)

In the Philippines, an irrigation project on the Chico river did not receive consent from the local Cordillera community; nonetheless, the US$ 62 milllion project loan was signed in 2018 between the Duterte Administration and China Exim Bank. The Chico River is sacred to local indigenous groups, and the project itself is expected to submerge communities and farmland, while potentially exposing the communities to additional risks due to unfavourable loan conditions; a specific focus for Indigenous advocates has also been the risk to ‘patrimonial assets’ in the case of default. Another project in the Philippines, the Kaliwa Dam, has been opposed by the Dumagat-Remontados Indigenous communities due to projections that it will destroy biodiversity and displace some 300 people from their ancestral lands and some 10’000 from their current homes in Rizal and Quezon.

In Nigeria, a cement plant headed by LafargeHolcim was contracted for upgrade to CBMI, an affiliate of Sinoma International Engineering Company, itself a child company of state-owned China Sinoma Group, in 2018; the Chinese contractors allegedly failed to receive FPIC from the Mfamosing community before beginning work on the upgrade that is expected to expand production. While they had originally joined the UN Global Compact in 2009, Sinoma Group was expelled from the Compact in 2011 for failure to provide information on progress.[[28]](#footnote-28)

**Topic 2: Economic, social and human rights impact assessments and due diligence**

Suggested questions for the Committee:

1. In 2014, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters (CCCMC) adopted *Guidelines for Social Responsibility Outbound Mining Investment*. In 2015, this was followed by a detailed implementation guide, [*Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains*](http://www.cccmc.org.cn/docs/2016-05/20160503161408153738.pdf)*.* **How is compliance with this (non-binding) standard being monitored?**
2. The authors are not aware of explicit social or human rights-related guidelines for other high-risk sectors, and note the challenge in ensuring such guidelines cover subsidiaries, joint-ventures and affiliates throughout the supply chains of Chinese business enterprises. **What is the State party doing to incorporate the principles of the guidelines into national legislation to protect economic, social and cultural rights of communities in jurisdictions where Chinese public and private companies have investments and operations?**
3. In many recipient countries of Chinese investment, a primary barrier reported by civil society is the access to project-related documents held by Chinese business actors, including ESIAs and due diligence assessments. **Are there any domestic legal or regulatory frameworks to ensure that Chinese companies and financial institutions make project approvals, including where required due diligence reports, publicly accessible, including in the language of the affected community?**

A partner in Nepal noted that, while they believed there to be a lot of investment by China in the country, it was challenging to get information about the investments; this was echoed by partners in Nigeria and Guinea, with particular attention to the implications to the right to health for affected communities. In general, Chinese companies do not have a practice of disclosing their involvement in projects, and there are concerns about the level of their implementation of human rights due diligence. In the Democratic Republic of Congo, a partner noted that in comparison to the CCCMC Guidelines, mining corporation CNMC Huachin Mabende ‘fails on basically every measure’.[[29]](#footnote-29) According to NGO reports, the company’s operations have limited access to drinking water, diverted a local river, and destroyed swaths of forest through improper storage and disposals of chemicals. It is clear that despite the existence of guidelines or ethics codes, many companies and their local government counterparts have looked the other way when these are ignored. According to another NGO report, a Chinese-invested mining project in Guinea delayed efforts to comply with the host country’s legal requirement to make a thorough environmental and social impact assessment. Local groups asserted that the project’s consortium companies constantly deny or reject communities’ complains about violations of the right to land, right to a clean and healthy environment and right to the fair and just economic development. [[30]](#footnote-30)

**Topic 3: Public consultation and engagement with affected communities**

Suggested questions for the Committee:

1. Access to public consultation is one of the most critical steps in prevention of abuses. **Please describe any progress toward the full implementation of the UN Guiding Principles on Business and Human Rights, in particular a National Action Plan on Business and Human Rights.**
2. China’s Administrative Licensing Law, Environmental Protection Law, and other laws rewire Chinese companies to host public hearing to allow citizens and communities to participate in environmental impact assessment processes. They also require Chinese government agencies to solicit public opinion in their administrative licensing processes. **In the context of foreign aid and outbound investment projects, how do the Ministry of Commerce, National Development and Reform Commission, and CIDCA comply with these laws and ensure citizens and communities the right to participation in the approval process?**
3. The UN Working Group on Business and Human Rights has noted the importance of economic diplomacy aligning with human rights principles. **Has China mandated its embassies to respond to allegations from project-affected communities, when such allegations address violations of Covenant rights linked to China’s foreign aid, trade, or investment?**
4. China has consistently pushed back against the terminology ‘human rights defender’ in UN and other multilateral fora. **Do ‘frontline’ staff in Chinese companies or diplomatic missions have access to knowledge and training on the UN Guiding Principles, and to respond to allegations from human rights defenders and civil society in host countries regarding these issues?**

In Nepal, a partner noted, communities struggled to have meaningful consultation with Chinese companies, and noted the significance of the language barrier in ensuring information related to the projects. The Chico River Pump Irrigation Project’s implementing company is China CAMC Engineering; the Cordillera People’s Alliance has raised concerns about the presence of Chinese works, in potential violation of the Philippines’ Labor Code; worse, the Huachin Mabende project in the DRC has seen efforts by local workers to engage in collective bargaining, on issues such as on-site sanitation and safety equipment, reportedly punished with dismissal.[[31]](#footnote-31)

In Thailand, local human rights defenders have reported judicial harassment for a case involving a potash mine run by China Ming Ta mining company; the company has sought THB 34 million (or about USD 1 million) in compensation following the blocking of access to boreholes by local activists.[[32]](#footnote-32) Civil society monitoring another Philippine project have alleged red-tagging of community members who assert their rights, including to FPIC.

**Topic 4: Access to remedy**

Suggested questions for the Committee:

1. In 2014 the Committee recommended the State party take measures to ensure legal liability and accessible complaints mechanisms to affected communities. **What actions have been taken to date regarding legal liability for violations? Have there been any cases accepted by Chinese courts, at any level, filed by affected communities or citizens from other countries alleging negative human rights impacts as a result of operations or investments originating in or directed from China?**
2. Concerns about the behaviour of companies may be dismissed by local contacts, or it may be impossible for local government authorities to act on these concerns. **Is there any system in place to establish, track and continuously improve corporate-level grievance mechanisms, in particular in state-owned enterprises with significant presence overseas?**
3. A number of multilateral development finance institutions and commercial banks in many countries have put in place environment, social and human rights safeguard policies, including for example an ombudsperson function; although often flawed, these do provide a *de minimis* framework for measuring compliance with Covenant rights, among others. **Can the State party please inform the Committee of any cases that have been brought to an international or Chinese financial institution involving companies’ subsidiaries domiciled in China, or their subsidiaries or joint ventures, and the steps taken by the Chinese government to address the situation in their own jurisdiction?**
4. **Does the State party have any laws or policies that ensure the right for victims of human rights abuse have access to judicial and/or non-judicial grievance mechanisms, and to be free from harassment for seeking remedy (e.g., the right to be free from reprisals)?**

The lack of a grievance mechanisms was highlighted by partners from Nepal. In the Philippines, indigenous groups and opposition politicians have raised concerns about the terms of the Chico River project, including efforts by the Chinese government to include annexes to the loan agreement that shield the project from constitutional scrutiny and would require any disagreements to be resolved, if not through non-judicial mediation, via a Chinese arbitration tribunal.

1. E/C.12/CHN/CO/2, published 13 June 2014. [↑](#footnote-ref-1)
2. Ibid, para 12. [↑](#footnote-ref-2)
3. Ibid, para 13. [↑](#footnote-ref-3)
4. [Report on Development of China’s Outbound investment (2019), Ministry of Commerce of China](http://images.mofcom.gov.cn/fec/202005/20200507111104426.pdf) [↑](#footnote-ref-4)
5. <http://finance.people.com.cn/n1/2017/1127/c1004-29668365.html> [↑](#footnote-ref-5)
6. [Report on Development of China’s Outbound investment (2019), Ministry of Commerce of China](http://images.mofcom.gov.cn/fec/202005/20200507111104426.pdf) [↑](#footnote-ref-6)
7. <https://carnegietsinghua.org/2019/09/02/ins-and-outs-of-china-s-international-development-agency-pub-79739> [↑](#footnote-ref-7)
8. <http://en.cidca.gov.cn/2021-01/10/c_581230.htm> *China’s International Development Cooperation in New Era*

   http://www.cidca.gov.cn/2021-01/10/c\_1210973082.htm [↑](#footnote-ref-8)
9. These bodies include: for the Guidelines for overseas investment, the National Development and Reform Commission, the Ministry of Foreign Affairs, Ministry of Commerce, People’s Bank of China, State-owned Assets Supervision and Administration Commission of the State Council (SASAC), Foreign Exchange Bureau, and All-China Federation of Industry and Commerce; for the Guidelines for Compliance management systems, the Standardisation Administration of the PRC; and for the Guidelines for SOEs, the SASAC. [↑](#footnote-ref-9)
10. Chellaney, Brahma (2017-01-23). "China's Debt-Trap Diplomacy". Project Syndicate [↑](#footnote-ref-10)
11. Brautigam, Deborah (2020-01-02). "A critical look at Chinese 'debt-trap diplomacy': the rise of a meme". Area Development and Policy. 5 (1): 1–14. [↑](#footnote-ref-11)
12. Beech, Hannah (2018-08-20). "'We Cannot Afford This': Malaysia Pushes Back Against China's Vision". The New York Times. [↑](#footnote-ref-12)
13. Beech, Hannah (2018-08-20). "'We Cannot Afford This': Malaysia Pushes Back Against China's Vision". The New York Times. ISSN 0362-4331. [↑](#footnote-ref-13)
14. Yun Sun. https://www.brookings.edu/blog/africa-in-focus/2020/04/20/china-and-africas-debt-yes-to-relief-no-to-blanket-forgiveness/ [↑](#footnote-ref-14)
15. See Hameiri, Shahar. <https://www.lowyinstitute.org/the-interpreter/debunking-myth-china-s-debt-trap-diplomacy> and Shahar Hameiri and Lee Jone for Chatham House https://www.chathamhouse.org/2020/08/debunking-myth-debt-trap-diplomacy . Accessed 17/12/2020. [↑](#footnote-ref-15)
16. Rebecca Ray and Blake Alexander Simmons, for the Global Development Policy Center at Boston University. <https://www.bu.edu/gdp/2020/12/07/tracking-chinas-overseas-development-finance/> [↑](#footnote-ref-16)
17. E/C.12/GC/24, para 1. 10 August 2017. [↑](#footnote-ref-17)
18. Ibid, para 11. [↑](#footnote-ref-18)
19. Ibid, para 26. [↑](#footnote-ref-19)
20. See E/C.12/BEL/CO/5, para 12; E/C.12/NOR/CO/6, para 7; E/C.12/DNK/CO/6, para 19; E:C.12/NZL/CO/4, para 17; and E/C.12/ESP/CO/6, para 9. [↑](#footnote-ref-20)
21. See E/C.12/CHE/CO/4, para 15; E/C.12/KAZ/CO/2, para 17; and E/C.12/DEU/CO/6, para 15. [↑](#footnote-ref-21)
22. See E/C.12/CHE/CO/4, para 11; E/C.12/MUS/CO/5, para 12; and E/C.12/DEU/CO/6, para 10. [↑](#footnote-ref-22)
23. See E/C.12/ZAF/CO/1, para 13. [↑](#footnote-ref-23)
24. A/HRC/32/45, paras 22-28 and paras 98 and 102. [↑](#footnote-ref-24)
25. A/HRC/40/6, namely paras 28.130-28.135. [↑](#footnote-ref-25)
26. These include CHN 9/2018 (child labour in tobacco industry in Zimbabwe) ; CHN 11/2018 (attacks on defenders of indigenous rights and the rights to a healthy environment and safe water, in the context of mining in Ecuador); CHN 18/2018 (land use and lack of community consultation in sugar cane cultivation in Cambodia); CHN 2/2019 (reprisals, including death threats and attempted kidnapping, for engagement with World Bank on the ProRoutes road project in the Democratic Republic of Congo); CHN 8/2019 (criminalisation of indigenous communities defending the environment in the context of the Las Bambas mining project in Peru); and CHN 15/2020 (risks to the enjoyment of human rights arising from a dam, mine, waste discharge and infrastructure projects linked to the Sepik Development Project in Papua New Guinea). [↑](#footnote-ref-26)
27. https://www.thenation.com/article/archive/congo-china-mining-electronics/ [↑](#footnote-ref-27)
28. https://www.unglobalcompact.org/what-is-gc/participants/8517-Sinoma-Group-China-National-Materials-Group-Corporation-Ltd- [↑](#footnote-ref-28)
29. https://www.thenation.com/article/archive/congo-china-mining-electronics/ [↑](#footnote-ref-29)
30. https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it/human-rights-impact-bauxite-mining-guinea [↑](#footnote-ref-30)
31. https://www.thenation.com/article/archive/congo-china-mining-electronics/ [↑](#footnote-ref-31)
32. https://chinadialogue.net/en/business/11326-china-s-potash-demand-stirs-resistance-in-rural-thailand/ [↑](#footnote-ref-32)