

# CHINA

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### UN Human Rights Council

Joint submission prepared by:

**FIDH – International Federation for Human Rights**  
**Cambodian Human Rights and Development Association (ADHOC)**  
**Même droits pour Tous (MDT)**  
**Observatorio Ciudadano**  
**Peru Equidad**

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The **International Federation for Human Rights (FIDH)** is an international human rights NGO that unites 188 member organisations from 116 countries. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).

The **Cambodian Human Rights and Development Association (ADHOC)** is the first Cambodian human rights association, founded in 1991. The organisation's two main sections, Human and Land Rights and Women's and Children's Rights, provide assistance to victims of human rights violations, carry out empowerment activities such as capacity-building training, and engage in advocacy and lobbying through press conferences, public forums and thematic reports. ADHOC's strategic programmes aim to improve access to justice, empower vulnerable victims and reduce gender-based violence, while advocating for improved legal and policy frameworks at the national, regional and international levels.

**Mêmes Droits pour Tous (MDT)** is a Guinean civil society organisation founded in 2006. Its mission is to defend and promote human rights, with a specialisation in criminal justice. Throughout its existence, MDT has provided legal and judicial assistance to numerous victims of unlawful detention, gender-based violence, torture and prolonged pre-trial detention, as well as to populations affected by large-scale projects, particularly mining. More recently, the organisation has shifted its focus to criminal law reform in line with Guinea's international commitments, promoting a supportive legal environment for those affected by mining projects, and addressing issues related to democratic governance.

The **Observatorio Ciudadano (Citizens' Rights Watch)** is a Chilean non-governmental organisation, originally known as the Observatorio de Derechos de los Pueblos Indígenas (Indigenous Peoples' Rights Watch). Founded in 2004 to defend and document human rights, it expanded its mandate in 2008 to address new challenges, guided by international human rights principles. With offices in Temuco and Santiago, Chile, the organisation focuses mainly on national issues, but also works with international networks and bodies and is increasingly involved in regional initiatives throughout Latin America.

**Peru Equidad** is a non-profit civil association that defends and promotes human rights and their full fulfilment, accompanying people and communities in the exercise of their rights. Since 2009, Peru Equidad's activities have focused on well-defined partners: indigenous peoples, children and adolescents, the LGBTI community, workers, people with disabilities and victims of negative impacts generated by business activities. From a rights-based approach, and to ensure that public policies are guided by this approach, Peru Equidad researches, trains, disseminates and carries out litigation and advocacy at local, regional and international levels.

## Introduction

1. This submission focuses on the human rights and environmental impacts stemming from investment and infrastructure projects implemented by Chinese companies abroad. Some of the operations of these overseas Chinese companies also contribute to climate change.
2. The submission draws information from cases involving operations of Chinese companies overseas. They include: lithium extraction in the Atacama Desert in Chile; labour rights of mine workers in Peru; bauxite mining in Guinea; and the Dara Sakor tourism infrastructure project in Koh Kong Province, the Lower Sesan Dam 2 hydropower project in Stung Treng Province, and land concessions in Preah Vihear Province in Cambodia. This submission also details information that has occurred since the country's third Universal Periodic Review (UPR) in 2018. Background information for each case referenced in this submission, including information related to companies' ownership structures and their ties to the Chinese government, is provided in an annex at the end of this submission.
3. During China's UPR in 2018, the government received 346 recommendations, of which it accepted 284, and "noted" (i.e. not accepted) 62. For many of the recommendations it accepted, the Chinese government claimed that they were already implementing them, despite widespread evidence to the contrary.<sup>1</sup>
4. Of those accepted recommendations, five related to China's extraterritorial obligations, including recommendations to ensure that Chinese companies doing business abroad conduct human rights due diligence and environmental impact assessments.<sup>2</sup>
5. As this joint submission details, recommendations made to China related to its extraterritorial obligations have not been implemented. Instead, Chinese-owned companies have continued to contribute to human rights violations.
6. Several other accepted recommendations concerned environmental protection, combating pollution and climate change, and the implementation of the Paris Agreement. These recommendations made no reference to China's extraterritorial obligations and did not suggest specific measures for the Chinese government to undertake.
7. Chinese companies operating abroad can contribute to climate change in a variety of ways. As the world's largest emitter of carbon dioxide and greenhouse gases, many Chinese companies emit significant amounts of CO<sub>2</sub>, particularly in industries such as coal, steel, and cement production. International investments have led to the construction of new coal-fired power plants by Chinese companies in other regions, resulting in increased CO<sub>2</sub> emissions.<sup>3</sup> Moreover, construction of renewable energy plants can also be directly linked to climate change as in the case of hydroelectric power plants. In this submission we highlight the impacts on climate change from two projects led by Chinese companies in Cambodia and Guinea.

## Applicable international law and standards

8. China has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which protects several human rights that will be discussed in this submission and include: the right to an adequate standard of living (Article 11), including the right to adequate housing; the right to work (Article 6); and the right to freedom of association (Article 8). All these provisions and related obligations apply to the extraterritorial activities of states, as clarified by the UN Committee on Economic, Social and Cultural Rights (CESCR).<sup>4</sup>

9. The right to consultation of communities affected by infrastructure projects, derives from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (Article 19)<sup>5</sup> and the International Labour Organisation (ILO) Convention 169 (Article 6).<sup>6</sup>
10. The right to land and territory is protected by the UNDRIP (Article 26) and the ILO Convention 169 (Article 14). The CESCR<sup>7</sup> and the Basic Principles and Guidelines on Development-based Evictions and Displacement set out guidelines for the protection of affected populations.<sup>8</sup> Additionally, the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests promote secure tenure rights and equitable access to land, fisheries, and forests with respect to all forms of tenure - public, private, communal, indigenous, customary, and informal.<sup>9</sup>
11. China has ratified 26 ILO Conventions, including four of the eight ILO Conventions on fundamental workers' rights.<sup>10</sup>
12. The right to live in a clean, healthy, and sustainable environment derives from Article 12 of the ICESCR, which protects the right to health, and is recognised by several international instruments, such as UN General Assembly Resolution 45/94, the Rio Declaration on Environment and Development,<sup>11</sup> and the 2018 Framework Principles on Human Rights and the Environment. It has also been recognised by the UN Human Rights Council in 2021<sup>12</sup> and later by the UN General Assembly in 2022.<sup>13</sup>
13. China has also ratified the UN Framework Convention on Climate Change and the subsequent Paris Agreement negotiated in 2015, which binds parties to take measures in order to limit global warming to under 1,5°(Article 2)<sup>14</sup>.
14. In recent years, the CESCR has noted several times that ongoing climate impacts are a threat to the rights protected by the ICESCR and highlighted the necessity for parties to the Covenant to take adequate action to reduce emissions of greenhouse gases and to consider the adverse impacts of fossil fuel extraction on human rights.<sup>15</sup> In its statement published in 2018, the CESCR clearly reaffirmed the duty of states parties to the Covenant to prevent foreseeable human rights harms caused by climate change, including by regulating extraterritorial activities of corporate entities.<sup>16</sup>

### **Right to consultation**

15. Cases documented by this submission demonstrate that Chinese companies and/or their subsidiaries have failed to respect the international human right to consultation. There has also been a failure to respect the right to consultation under the Principle 10 of the Rio Declaration on Environment and Development, particularly in relation to infrastructure projects that have an environmental impact.
16. For example, in the case of the exploration, exploitation, and production of lithium in the Atacama Desert in Chile by the company SQM (whose largest shareholder since 2019 has been the Chinese company Tiangi Lithium), the Lickanantay indigenous communities in the Atacama region were not included in any consultations before the company began its activities in 1996. No consent has been obtained from these communities to proceed with these operations from the time Tianqui Lithium became a shareholder, despite the abusive use of resources vital to their existence, such as fresh water from the Salar (salt pan) de Atacama and surrounding areas.<sup>17</sup>
17. Affected indigenous communities were not adequately consulted about the development of the Lower Sesan Dam 2 hydropower project by China's Huaneng Lancang River Hydropower

in Stung Treng Province in Cambodia. Before construction began in 2013, there was strong opposition and concern by local and indigenous communities about the risk of negative impacts the project could have on them. However, even though the Cambodian government claimed that “all the people to be affected by the project” were interviewed and the majority of them supported the project, research by academics and human rights organisations revealed that claim to be false.<sup>18</sup> As a result, indigenous communities have been dispossessed of their traditional lands, resources and culture without their free, prior, and informed consent, and have yet to be part of adequate resettlement measures and compensation for lost communal land.<sup>19</sup>

### **Right to an adequate standard of living, including the rights to land and adequate housing**

18. The rights of indigenous people to their lands, territories, and resources are supported by various international legal instruments. According to the UN Declaration on Indigenous Peoples, indigenous peoples have the right to own, occupy, use, and acquire lands and resources that they have traditionally owned, occupied, used, or acquired. This right requires states to recognise and protect these lands, territories, and resources.<sup>20</sup> In addition, ILO Convention 169 recognises indigenous peoples’ special relationship to their lands and territories, and ensures that their rights to “use lands that are not exclusively occupied by them, but that they have traditionally been able to access for their traditional and subsistence activities” are safeguarded.<sup>21</sup>
19. In the case of the Lickanantay indigenous communities and peoples in the Atacama region of Chile, SQM's lithium and lithium derivatives extractive activities are taking place in areas of traditional occupation.<sup>22</sup> A Human Rights Impact Assessment (HRIA) carried out in 2021 by the Observatorio Ciudadano shows that these activities have been decisive in the environmental degradation not only of the Salar, but also of its basin integrity. In fact, the activity has severely affected not only the Salar waters, but also the surrounding lands of the communities, including the alluvial plains and wetlands adjacent to the salt pan in which the communities carry out their pastoral activities. It has also affected the agricultural work carried out by the communities, as the dust from SQM's evaporation ponds in the Salar is blown by the wind into neighbouring communities, damaging their crops.<sup>23</sup>
20. In Cambodia’s Koh Kong Province, multiple sources reported that around 1,143 families were forcibly evicted from their land and more than 1,500 homes were dismantled as a result of the Dara Sakor tourism project.<sup>24</sup> In September 2020, Union Development Group (UDG), the private Chinese company behind the project, was the object of US Treasury Department sanctions under the Global Magnitsky Human Rights Accountability Act for seizure and demolition of local Cambodians’ land for the construction of the project, forcing Cambodians from their land, devastating their environment, and hurting the livelihoods of local communities.<sup>25</sup> Evictees have been resettled at sites that lack basic services and where they are unable to enjoy their rights to livelihood and cultural identity.
21. With regard to the Lower Sesan Dam 2 hydropower project, operated by China’s Huaneng Lancang River Hydropower in Stung Treng Province, approximately 5,000 people (including ethnic minorities and indigenous peoples) have been forced to leave their land without adequate compensation or sufficient resettlement sites since the start of its operations in 2017.<sup>26</sup> Bunong, Brao, Kuoy, Lao, Jarai, Kreung, Kavet, Tampuan, and Kachok indigenous communities have been dispossessed of their traditional lands and resources which are vital to their livelihoods, culture, and religion.
22. The same pattern is repeated for more than 900 Khmer and indigenous families who have been dispossessed of their land, lost their livelihoods, and had their indigenous cultural and

spiritual rights violated in disputes with Chinese sugar cane companies (all subsidiaries of the Chinese company Hengfu Group Sugar Industry) operating in Preah Vihear Province.<sup>27</sup> After being granted five Economic Land Concessions (ELCs) from the Cambodian government in 2011, the companies seized villagers' lands (including agricultural land), cleared forests (including registered Community Forests), filled in streams, and engaged in violent clashes with resisting communities to make way for their sugar cane plantations and processing factories. The companies began abandoning their operations in 2019. Yet, a significant number of local people have not received compensation for the companies' abuses and still lack land titles. In many cases, villagers are even forced to pay rent to cultivate their own land.<sup>28</sup>

### **Rights to work and freedom of association**

23. Operations of Chinese companies in most cases documented in this joint submission have led to violations of the rights to: just and favourable conditions of work; form and join trade unions; freedom of association; and strike.
24. In Peru, Chinese-owned companies Shougang Hierro Peru and Minera Chinalco have been responsible for violations of labour and trade union rights of mine workers. According to a study carried out by Peru Equidad in 2022 on labour conditions at Shougang and Chinalco in the Marcona and Junín regions, workers reported low and discriminatory wages,<sup>29</sup> non-payment of holidays and overtime, non-respect of collective agreements, interference and anti-union practices, or the removal of workers who exercised their right to strike, among other violations. In addition, working conditions were poor in terms of health and safety, particularly during the COVID-19 pandemic.<sup>30</sup>
25. Human rights violations by Shougang and Chinalco have been denounced several times, including in the previous UPR of China.<sup>31</sup> Shougang has been repeatedly sanctioned by the Peruvian National Superintendence of Labour Inspection (SUNAFIL) for violating labour legislation and promoting hostile acts against its unionised workers. For instance, from January 2020 to January 2021, the SUNAFIL has generated 67 inspection orders, 20 of which resulted in infractions.<sup>32</sup> At the time of publication of this joint submission, these sanctions have failed to stop the company's abuses, which have continued to this day.<sup>33</sup>

### **Right to a clean, healthy, and sustainable environment**

26. In most of the cases documented in this joint submission, operations of Chinese companies have severely affected the right of local communities and indigenous peoples to live in a clean, healthy, and sustainable environment.
27. In Chile, SQM's operations in the Salar de Atacama have had a negative impact on the right to water of the local communities and Lickanantay indigenous peoples living in or near the salt flat. SQM has installed several water pumping wells, both freshwater and brine, in the Salar de Atacama. These freshwater and brine extractions by SQM are not adequately proportioned with the water use rights that Atacameño communities have for human consumption and plantation irrigation. This has led to a decrease in water resources available to fulfil environmental functions, which represents a threat to the ecosystem essential to the existence and culture of its inhabitants. Impacts on water resources have led to changes in the traditional activities of Atacameño communities, such as grazing and agriculture.<sup>34</sup>
28. In Cambodia, the Lower Sesan Dam 2 hydropower project has had a devastating impact on the biodiversity, sediment, fisheries, and ecosystems of the Mekong River. Many fish species

used to travel hundreds of kilometres downstream and upstream to reproduce, but the dam has disrupted that process. In addition to fish catch declines, studies have also predicted that the project will negatively affect agriculture in the Sesan River downstream (and ultimately along the Mekong and in its Delta) by decreasing the amount of nutrient-rich sediment deposited on their farmland during annual floods.<sup>35</sup> It is estimated that tens of millions of people are negatively affected by the associated decline in fishery yields throughout the Mekong River system not only in Cambodia, but also in Vietnam and Laos, where people depend on fish caught in the Mekong system for food.<sup>36</sup>

29. In Guinea, the joint venture Boké Mining Company (SMB), which includes China Hongqiao Group, has not done enough to prevent damage to the water resources on which local communities in the Boké region depend, with significant consequences on their access to water for drinking, washing, and cooking. At the time SMB started its bauxite production activities in 2015, the Environmental and Social Impact Assessments (ESIAs) carried out were judged to be of poor quality and were widely criticised.<sup>37</sup> Furthermore, SMB did not carry out an ESIA for each of its major infrastructures. For example, so far there are no known plans to carry out an ESIA for the upcoming construction of the coal-fired plant to supply power to the Boké aluminium refinery.<sup>38</sup>
30. Moreover, it was documented in the Boké region that the construction of mining roads and other infrastructure had obstructed rivers and streams while run-off from the exposed earth on open-sky mines and on dirt roads had brought sediment into waterways.<sup>39</sup> Dust produced by bauxite mining and its transportation contaminates crops and food in nearby communities, affecting their health severely and contaminating their air quality.<sup>40</sup> Above all, the expansion of the project in 2018, which involves the construction of a coal-fired power plant, raises serious environmental concerns because of the risk of high emissions of greenhouse gases and other atmospheric pollutants released into the air and water. According to the ESIA report on the Boké aluminium refinery,<sup>41</sup> the project area contains watercourses and grazing and agricultural areas as well as a wide variety of animals and plants, particularly protected species, which are frequently observed in the area affected by the two projects. All the communities living in these localities derive most of their livelihoods from this ecosystem diversity through farming, fishing, hunting, and livestock rearing, not to mention all the other related activities.<sup>42</sup>

## Climate change

31. In Guinea, despite the Chinese government's 2021 commitment to cease construction of new coal-fired power projects abroad, the planned construction of a coal-fired plant to supply power the Boké aluminium refinery would use fossil fuels for its operation, which is recognised as having a direct impact on climate change, leading to an increase in ambient temperature and loss of biodiversity.<sup>43</sup>
32. In Cambodia, the Lower Sesan Dam 2 contributes to climate change. Hydropower projects are often viewed as environmentally “clean” and sustainable sources of energy because they do not burn fossil fuels once they are built. In contrast, several studies have shown that hydropower dams release significant amounts of greenhouse gases into the atmosphere,<sup>44</sup> which questions hydropower’s environmental benefits. In warmer, forested areas such as Cambodia, hydropower dams could emit even more methane and carbon dioxide than fossil fuel power plants.<sup>45</sup>

## Recommendations

33. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
34. Produce a detailed plan with targets and time frames to ensure that Chinese companies and banks understand and apply human rights, including economic, social, cultural, and environmental rights, as part of their operations abroad.
35. Introduce and enforce mechanisms that safeguard the respect, protection, and fulfilment of human rights in the operations conducted by Chinese companies abroad, including: i) compulsory participation processes, particularly in terms of environmental consultation and free, prior, and informed consent; ii) human rights and environmental due diligence at every phase of a project; iii) climate change mitigation measures; iv) effective procedures for reporting infringements; and v) measures to provide victims with access to justice and compensation.
36. Make a comprehensive and participatory assessment of projects involving Chinese banks and other companies with operations abroad regarding the compliance with human rights and environmental international standards and domestic regulatory framework, and suspend operations by projects lacking compliance with those rights and standards.
37. Make sure that the Free Trade Agreements concluded between China and other states contain clear and enforceable clauses regarding access to remedies and the protection of labour rights, human rights, and the environment, including by requiring the respect of international human rights obligations by Chinese companies operating abroad.

## Annex: Project descriptions

### Chile - SQM

38. SQM's predecessor company, Sociedad Química y Minera de Chile (Soquimich), was created in 1968 as a mixed mining company between private individuals and the state of Chile. Over time, SQM's ownership structure changed significantly to be completely privatised. In 2019, Tianqi Lithium, a Chinese company became one of the company's largest shareholders owning a 24% stake in SQM. Among other shareholders are Pampa Group, a Chilean firm holding a 19% stake, and PotashCorp, a Canadian company with a 32% stake. The company explores and exploits lithium salts in the Antofagasta region of Chile, where the Salar de Atacama is located and where the ancestral Lickanantay indigenous communities also live. SQM produces plant nutrition products (speciality fertilisers), iodine products and derivatives, lithium and derivatives, potassium, and industrial chemicals. Tianqi Lithium and SQM are ranked among the world's largest lithium miners.<sup>46</sup>

### Peru

39. The Chinese steel company Shougang Hierro Perú S.A.A. entered Peru in 1992 during a privatisation process whereby it acquired the former national company Hierro Perú. They are located in Marcona, in the Ica region, a coastal city eight hours south of Lima.<sup>47</sup> The company is a subsidiary of the Chinese state-owned Shougang Corporation whose capital is largely owned by the Chinese government. Among its operations are the extraction and production of iron ore as well as the manufacture of steel.
40. Chinalco (Aluminum Corporation of China) is a Chinese company, headquartered in Beijing, whose majority is state-owned. In 2007, Chinalco acquired the Toromocho copper mine, located in the Junín region of Peru's central highlands. The company started operations at the end of 2013 and is mainly engaged in the extraction and production of copper.<sup>48</sup>

## Cambodia

41. The Lower Sesan Dam 2 is a hydropower project across six kilometres of tributaries of the Mekong River in Stung Treng Province, operated principally by Huaneng Lancang River Hydropower Inc, a subsidiary of China Huaneng Group. The majority shareholders are the Chinese state and Yunnan provincial governments (61.7% owned by the Chinese state and 28.3% owned by the Yunnan provincial government).<sup>49</sup> Construction on the project began in 2013 and it became operational in 2017.
42. In Koh Kong Province, the Dara Sakor project is a large-scale tourism infrastructure development. In 2008, the Cambodian government granted a 99-year lease of 35,000 hectares of land in this province to the private Chinese company Union Development Group (UDG), a subsidiary of Tianjin Youlian Investment Development Group, a private Chinese property developer. Later on, the government provided more than 1,000 hectares, in total 45,000 hectares. Since then, UDG has been developing this multi-million dollar tourism project, which includes the construction of major infrastructure in the Kiri Sakor and Botum Sakor District as well as the Thmor Sar area of Koh Kong Province. However, the leased area includes the homes and livelihoods of local communities and parts of the Botom Sakor National Park, which is home to unique biodiversity.<sup>50</sup>
43. In Preah Vihear Province in 2011, the Cambodian government granted approximately 42,000 hectares of Economic Land Concessions (ELCs) to five sugarcane production companies: Lan Feng International Company Limited; Rui Feng International Company Limited; Heng Non International Company Limited; Heng Rui International Company Limited; and Heng Yue International Company Limited. All five are subsidiaries of the private Chinese sugarcane company Hengfu Group Sugar Industry based in Guangdong, China. The company is primarily owned and financed by Chinese companies, both state-owned and private. It has also received loans from foreign banks, including BNP Paribas (France) and Korea Development Bank (Republic of Korea).<sup>51</sup>

## Guinea

44. The Boké Mining Company (SMB) is a joint venture comprising several shareholders, including China Hongqiao Group, Singapore's Winning International Group, and Guinea's United Mining Supply. China Hongqiao Group, headquartered in Shandong, China, is a publicly-listed company and one of the world's largest aluminium production companies.<sup>52</sup> Since 2015, the consortium has been granted a mining concession to mine bauxite in the Boké region of northeastern Guinea which currently has multiple open-sky bauxite quarries.<sup>53</sup> In November 2018, a new integrated project was agreed for the construction of a 135-kilometre railway linking the Boffa and the Boké regions, the exploitation of bauxite in the Santou II and Houda mining areas, the construction and operation of an aluminium refinery at Boké, and the construction of a coal-fired power plant to supply electricity to the aluminium refinery.<sup>54</sup>

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<sup>1</sup> FIDH, *Government makes a mockery of UN human rights review*, 14 March 2019; available at: <https://www.fidh.org/en/region/asia/china/government-makes-a-mockery-of-un-human-rights-review>

<sup>2</sup> Recommendations 28.130, 28.131, 28.133, 28.134, and 28.135.

<sup>3</sup> According to the Global Energy Monitor's annual report published in 2023, despite the damage they are causing to the climate through the greenhouse gases they emit, most of the projects to build or expand coal-fired power plants are Chinese. Available at: <https://globalenergymonitor.org/report/boom-and-bust-coal-2023>

<sup>4</sup> As established by the General Comment No. 24 (2017) on States' obligations under the ICESCR in the context of business activities, E/C.12/GC/24.

<sup>5</sup> Resolution adopted by the UN General Assembly on 13 September 2007, United Nations Declaration on the Rights of Indigenous Peoples; UN Doc. A/RES/61/295; available at: <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>



<sup>6</sup> Available at:

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169/Document](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169/Document)

<sup>7</sup> UN CESCR, *General Comment No. 7, The right to adequate housing: Forced evictions*, 1997.

<sup>8</sup> Basic principles and guidelines on development-based evictions and displacement, Annex I to the Report of the Special Rapporteur on adequate housing as part of the right to an adequate standard of living; UN Doc. A/HRC/4/18 (2007).

<sup>9</sup> Committee on World Food Security and the Food and Agriculture Organisation of the United Nations, *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (2012).

<sup>10</sup> Convention 100 on Equal Remuneration (1951), Convention 111 on Discrimination in Employment (1958), Convention 138 on Minimum Age (1973), and Convention 182 on the Worst Forms of Child Labour (1999). Minimum Age Convention 138 (1973) and Worst Forms of Child Labour Convention 182 (1999).

<sup>11</sup> Available at:

[https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf)

<sup>12</sup> UN Human Rights Council, Resolution 48/13, 5 October 2021.

<sup>13</sup> UN General Assembly, Resolution A/76/L.75, 28 July 2022.

<sup>14</sup> United Nations (UN), Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC), 12 December 2015.

<sup>15</sup> See for example the CESCR COBs on Australia (2009), Canada (2016), Russia (2017), Australia (2017).

<sup>16</sup> OHCHR, *Committee releases statement on climate change and the Covenant*, 8 October 2018, available at:

<https://www.ohchr.org/en/statements/2018/10/committee-releases-statement-climate-change-and-covenant>

<sup>17</sup> Observatorio Ciudadano, *Human Rights impact assessment of SQM against the rights of the lickanantay indigenous people*, 2021, pages 60-67; available at: <https://observatorio.cl/evaluacion-de-impacto-en-derechos-humanos-de-sqm-en-los-derechos-del-pueblo-indigena-lickanantay/>

<sup>18</sup> Human Rights Watch, *Underwater: Human rights impacts of a China belt and road project in Cambodia*, 2021, pages 53–55, 111; available at: <https://www.hrw.org/report/2021/08/10/underwater/human-rights-impacts-china-belt-and-road-project-cambodia>

<sup>19</sup> *Ibid.* pages 56–63, 82–91, 103–107.

<sup>20</sup> UN General Assembly Resolution adopted on 13 September 2007, United Nations Declaration on the Rights of Indigenous Peoples; UN Doc. A/RES/61/295, Articles 26, 27, and 28.

<sup>21</sup> ILO, *Indigenous and Tribal Peoples Convention*, 1989 (No. 169), Article 14.

<sup>22</sup> In this regard, the ILO has pointed out that the establishment of indigenous peoples' land rights is based on occupation and traditional use, and not on the eventual recognition or official legal registration of land ownership by states (ILO, *Indigenous and Tribal Peoples Convention*, 1989 No. 169).

<sup>23</sup> Observatorio Ciudadano, *Human Rights impact assessment of SQM against the rights of the lickanantay indigenous people*, op. cit. pages 75–78.

<sup>24</sup> Phnom Penh Post, *Not going without a fight*, 2014; available at: <https://www.phnompenhpost.com/national/not-going-without-fight>

<sup>25</sup> US Department of the Treasury, *Press Release: Treasury Sanctions Chinese Entity in Cambodia Under Global Magnitsky Authority*, 2020; available at: <https://home.treasury.gov/news/press-releases/sm1121>

<sup>26</sup> Human Rights Watch, *Underwater: Human rights impacts of a China belt and road project in Cambodia*, op. cit., pages 2, 7–8.

<sup>27</sup> Business & Human Rights Resource Centre, *“Going Out” Responsibly: the human rights impact of China’s global investments*, August 2021, page 27; available at: <https://www.business-humanrights.org/en/from-us/briefings/going-out-responsibly-the-human-rights-impact-of-chinas-global-investments/>

<sup>28</sup> VOD, *This is my land*, 2021; available at: <https://vodenglish.news/this-is-my-land-kuy-villagers-reclaim-preah-vihear-sugar-plantation/>

<sup>29</sup> Perú Equidad, *Report on labour relations in companies with Chinese investments in Peru: The case of the Shougang and Chinalco mining companies*, 2022 pages 35, 48-52; available at: <https://equidad.pe/publicacion/relaciones-laborales-obligaciones-extraterritoriales-y-derechos-humanos-en-inversiones-chinas-en-el-peru/>

<sup>30</sup> *Ibid.* page 72.

<sup>31</sup> FIDH, *Universal Periodic Review, Third Cycle of the Civil Society’s Evaluation of the Extraterritorial Obligations of the People’s Republic of China: Case Studies from Argentina, Bolivia, Brazil, Ecuador and Peru*, 2018; available at: <https://www.fidh.org/en/region/asia/china/report-unveils-a-pattern-of-human-and-environmental-rights-violations>

<sup>32</sup> Government of Peru, *SUNAFIL exhortó a directivos de empresa minera Shougang a que atienda problemática laboral de sus trabajadores, Plataforma digital única del Estado Peruano*, 2021 [in Spanish], available at:

<https://www.gob.pe/institucion/sunafil/noticias/343932-sunafil-exhorto-a-directivos-de-empresa-minera-shougang-a-que-atienda-problematica-laboral-de-sus-trabajadores>

<sup>33</sup> Perú Equidad, *Report on labour relations in companies with Chinese investments in Peru: The case of the Shougang and Chinalco mining companies*, op. cit. pages 32, 38.

<sup>34</sup> Observatorio Ciudadano, *Human Rights impact assessment of SQM against the rights of the lickanantay indigenous people*, op. cit. pages 81–87.

<sup>35</sup> Human Rights Watch, *Underwater: Human rights impacts of a China belt and road project in Cambodia*, op. cit. pages 43–47.

<sup>36</sup> *Ibid.* page 2.

<sup>37</sup> *Audit communautaire des impacts environnementaux et sociaux de la Société Minière de Boké en Guinée*, 2023, page 20 [in French]; available at: [https://naturaljustice.org/wp-content/uploads/2023/06/Rapport-Final-Fevrier-2023\\_FR\\_WEB.pdf](https://naturaljustice.org/wp-content/uploads/2023/06/Rapport-Final-Fevrier-2023_FR_WEB.pdf)

<sup>38</sup> *Ibid.* page 21.

<sup>39</sup> *Ibid.* page 21.

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- <sup>41</sup> *Projet de construction d'une raffinerie d'alumine à Katougouma, Etude d'impact environnemental et social. Préfecture de Boké, Rapport final*, 2021 [in French]; available at: <https://drive.google.com/file/d/1ELigH48fc3HjVSBi1pZDPDIXthCEzUo6/view>
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- <sup>47</sup> Peru Equidad, *Report on labour relations in companies with Chinese investments in Peru: The case of the Shougang and Chinalco mining companies*, op cit., pages 27-28.
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- <sup>49</sup> Human Rights Watch, *Underwater: Human rights impacts of a China belt and road project in Cambodia*, op. cit., pages 34 -40.
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