



中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团
THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
TO THE UNITED NATIONS OFFICE AT GENEVA AND OTHER
INTERNATIONAL ORGANIZATIONS IN SWITZERLAND

11 Chemin de Surville, 1213 Petit-Lancy
Tel: +41(0)22 879 56 78 Fax: +41(0)22 793 70 14
Email: chinamission_gva@mfa.gov.cn Website: www.china-un.ch

No. GJ/19/2019

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's letter [AL CHN2/2019] dated 12 April 2019, has the honor to transmit herewith the reply by the Chinese side.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 12 April 2019, addressed jointly by the Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Independent Expert on the promotion of a democratic and equitable international order, of the United Nations Human Rights Council (ref. AL CHN 2/2019). The Chinese Government wishes to make the following reply:

China has always required Chinese-funded enterprises to abide by the relevant international conventions and the laws and regulations of the countries and regions where they invest abroad, to protect the legitimate rights and interests of their employees, and to fulfil the social responsibilities incumbent upon them. An investigation by local police in the Democratic Republic of the Congo (DRC), verified by the World Bank, found no factual basis for the charges against the Zhengwei Company's DRC project. The World Bank expressed its satisfaction with the active cooperation of Chinese enterprises during the investigation and the improvement measures taken, and agreed to the resumption of the project.

Taking a responsible approach, the Chinese side would like to provide further explanations on specific circumstances raised in the communication as follows:

1. *Complaints about mining irregularities at PK99+800 quarry.* Previously, after the Zhengwei Congo (DRC) project was put into effect, and in view of the large quantities of stone materials required for road repair, the project leader, accompanied by the provincial governor of South Kivu Province, Congo (DRC), where the project is located, inspected the quarries along the route several times and obtained full authorization for the use of quarries such as the one at Makelele (project location PK99+800). However, because of the long delay in issuance of authorization documents by the Government, mining at the PK99+800 quarry was initiated in the interim. When the project side asked the mining side to produce the relevant ownership documents, the mining side refused. Subsequently, after the World Bank got involved, the PK99+800 quarry owner made the quarry ownership documents available to Bank officers, while at the same time making an astronomical claim for compensation of more than US\$ 1.5 million. In order to avoid delaying the project deadline, the Zhengwei Company proposed a compromise. After repeated consultation, and under the joint witness of the World Bank inspection team, the owner and the supervisor, the project team finally reached a settlement with the quarry owner, paid him a total of US\$ 63,185, and formally signed an agreement that the money had been paid. The quarry owner accordingly withdrew the complaint against Zhengwei Company.

2. *Complaints of sexual assault by project team members on local residents.* In order to clarify the facts, Zhengwei Company submitted a request to the local police to investigate the sexual assault complaints. Two nearby police stations separately sent police officers to investigate the complaints; the final conclusions of their investigations confirmed that the complaints were wholly fabricated false accusations.

3. *Complaints about the use of child labour by the project.* According to the Labour Code of the DRC, formal employees are required to be at least 18 years old, but they can work as trainees at the age of 17. It has been verified from the employment files of the workers in all Zhengwei Company projects in Congo (DRC) in 2017 that all were in conformity with the conditions stipulated by local laws. Two among them (hired as temporary summer apprentices) were 17 years old, and the rest were at least 18. Moreover, the Zhengwei Company signed labour contracts with all their workers and filed them with the local Labour Department. In response, the World Bank Inspection Unit verified that there was no use of child labour by the project and that the complaints were fabricated false accusations.



4. *Regarding continuous intimidation and threats, and even beatings and kidnappings, of certain individuals by the Zhengwei Company since 2017.* According to an investigation, the Zhengwei Company has had no formal or informal contact with the parties concerned since it reached a compensation agreement and reconciliation with the quarry owner in November 2017.

5. *Regarding [the claim that] representatives of Zhengwei Company and the local village chief and police went to the homes of ████████ brothers on 9 and 12 February 2019, offering them US\$ 8,500 to get ████████ to stop the court case.* According to an investigation, the time cited in the complaint coincides with a local general election, and the situation was tense and dangerous. In order to ensure their safety, the Zhengwei Company project team withdrew all Chinese personnel to their facilities in Kinshasa on 21 December 2018. It was not until the day after they were notified, on 7 February 2019, that a World Bank inspection team would be going to the project site to inspect it, that three Zhengwei employees (an engineer, a guard and a chef) took a flight from Kinshasa back to Goma to prepare for the inspection team's visit. On 9 February, the three employees of the Zhengwei Goma project were all in the project facility, checking and repairing the facility and collating the World Bank inspection data (at this time, the project team had no interpreters and could not communicate with the parties). On 10 February, the Zhengwei Company's interpreter[s] took a flight from Kinshasa to Goma to assist in project inspection, while other members of the project team did routine work in the facility. On 11 February, a delegation led by the owner's capital construction office, accompanied by a supervisor and a project environmental engineer (local people) went to the party's home to discuss the compensation for the quarry [complaint], because after concluding the aforementioned compensation agreement with the Zhengwei Company, and after taking the money, the quarry owner went back on his word and continued to press for compensation from the Government. The other employees of the company were doing routine work in the facility and did not go out. On 12 February, all Goma project staff met with the World Bank Inspection Unit and the [owner's] capital construction office to discuss the results of the inspection and the resumption of the project.
