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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 communication [AL CHN 7/2022] dated 16 September 2022, has the honour to transmit herewith the reply of the Chinese Government.

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.



Geneva, 28 November 2022

Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 16 September 2022 addressed jointly by the United Nations Human Rights Council's Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, the Working Group on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. The Chinese Government wishes to make the following reply:

I. Situation

According to information from the relevant parties, the Veladero Gold Mine Project is located in the northwest of San Juan Province, Argentina. It was put into operation in 2005 and was originally wholly owned by the Barrick Gold Corporation of Canada. In June 2017, Shandong Gold Group acquired a 50 per cent stake in the project company and jointly operated and controlled it with Barrick Gold Corporation. The Veladero Gold Mine Project Company attaches great importance to environmental protection, recycles the waste from mine development and carries out regular monitoring of the mine's surrounding environment to prevent pollutant leakage. The San Guillermo Biosphere Reserve, established by the Man and the Biosphere project of the United Nations Educational, Scientific and Cultural Organization, consists of three zones: a core area, a buffer zone and a transition zone. The transition zone is managed by San Juan Province of Argentina, and mining operations can be carried out there in accordance with local laws. The Veladero Gold Mine Project is located in the transition zone of the San Guillermo Biosphere Reserve, 45 kilometres from the core area. The project has legal qualifications for mining activities and has had no impact on the reserve.

Before Shandong Gold Group took a stake in the Veladero Gold Mine Project, there were three toxic substance leakage incidents, in September 2015, September 2016 and March 2017, all of which were unrelated to Shandong Gold Group. In February 2022, Argentina's National University of Cuyo tested the water quality of the Jáchal River downstream of the Veladero Gold Mine Project. In June, the Argentinian environmental group Jáchal No Se Toca claimed that the water quality test results showed that there had been a leakage at the Veladero Gold Mine and that the river had been contaminated with heavy metals. In view of the fact that Cuyo National University's environmental monitoring site on the Jáchal River is 110 kilometres away from the site of the Veladero Gold Mine Project, several tributaries of the Jáchal River that do not flow through the project's mining area course into the monitoring site. The inspection results carried out by the project company itself indicate that the river water has not been polluted. At this stage, the accusations of the environmental protection organization are unfounded. The Argentinian Minister of Energy and Mining, the Governor of San Juan Province and

local public figures in the field of environmental protection have all come forward to refute the allegations.

II. Measures taken by the Government of China

The Chinese Government attaches great importance to the control of the discharge of toxic and harmful effluents. More than 60 national water pollutant discharge standards, including the Integrated Wastewater Discharge Standard, have successively been issued, and control requirements for toxic and harmful water pollutants such as mercury, arsenic and cyanide discharged from various production activities, including gold mining and ore dressing, have been clearly specified. This has played an important role in safeguarding public health, promoting the improvement of environmental water quality and promoting green development.

According to articles 3 and 10 of the Environmental Protection Guidelines for Foreign Investment Cooperation issued by the Ministry of Commerce and the former Ministry of Environmental Protection on 18 February 2013, enterprises must understand and abide by the environmental protection laws and regulations of host countries. The projects that they set up and operate must, in accordance with the laws and regulations of the host country, apply for the relevant environmental protection permits from the local Government. Enterprises must, in accordance with the requirements of the host country's environmental protection laws, regulations and standards, set up and operate pollution prevention and control facilities and carry out pollution prevention and control work. Discharges of waste gas, waste water, solid waste or other pollutants must comply with the pollutant discharge standards of the host country.

While the relevant Chinese environmental protection laws and regulations are not applicable to the toxic substance leakage incident in Argentina mentioned in the letter, the provisions of the relevant Argentinian environmental protection laws and regulations must be observed. The Chinese Government attaches great importance to environmental protection in the overseas investment projects of the Belt and Road Initiative and gives full play to the role of the Belt and Road Green Development Coalition and other platforms, which hold relevant training courses and seminars through specialized training and risk awareness activities and through peer exchanges, so as to enhance enterprises' compliance awareness and their ability to prevent environmental risks in overseas investment projects.

联合国人权理事会有毒废料问题特别报告员、人权与跨国公司问题工作组、环境权问题特别报告员 2022 年 9 月 16 日来文收悉，中国政府答复如下：

一、有关情况

经向有关方面了解，贝拉德罗金矿项目位于阿根廷圣胡安省西北部，2005 年投入运营，原为加拿大巴里克黄金公司全资所有。2017 年 6 月，山东黄金集团收购该项目公司 50% 股权，与巴里克黄金公司共同经营、共同控制。贝拉德罗金矿项目公司高度重视环保工作，对矿业开发的废弃物进行循环处理，并对矿区周边环境实施定期检测，防止发生污染物泄漏。联合国教科文组织“人与自然”项目所设立的 San QuiLLermo 生物圈保护区包括核心区、缓冲区、多功能区三块区域，其中多功能区由阿根廷圣胡安省负责管理，根据当地法律规定可进行采矿作业。贝拉德罗金矿项目位于 San QuiLLermo 生物圈保护区的多功能区，距核心区 45 公里，具备合法的采矿资质，不存在影响保护区问题。

在山东黄金集团入股贝拉德罗金矿项目前，该项目曾于 2015 年 9 月、2016 年 9 月、2017 年 3 月发生 3 次有毒物质泄漏事件，均与山东黄金集团无关。2022 年 2 月，阿根廷库约国立大学对位于贝拉德罗金矿项目下游的哈查尔河（Jachal）水质进行了检测。6 月，阿根廷环保组织 Jachal No Se Toca 宣称，从上述水质检测结果看，贝拉德罗金矿项目发生了泄漏事件，并导致哈查尔河受到重金属污染。鉴于库约国立大学哈查尔河环境检测点距贝拉德罗金矿项目矿区 110 公里，多条未流经项目矿区的哈查尔河支流在其间汇

入，且项目公司自行检测结果显示河水未受污染，目前看该环保组织的指控没有事实依据。阿根廷矿业部部长、圣胡安省省长及当地环保领域公众人物均出面对上述指控予以驳斥。

二、中国政府采取的措施

中国政府高度重视有毒有害水污染物排放管控工作。先后出台了《污水综合排放标准》等 60 余项国家水污染物排放标准，对金矿采矿、选矿在内的各类生产活动排放的汞、砷、氰化物等有毒有害水污染物，明确了具体管控要求，在保障公众健康、推动水生态环境质量改善、促进绿色发展等方面发挥了重要作用。

根据 2013 年 2 月 18 日商务部、原环境保护部印发的《对外投资合作环境保护指南》第 3 条、第 10 条的规定，企业应当了解并遵守东道国与环境保护相关的法律法规的规定。企业投资建设和运营的项目，应当依照东道国法律法规规定，申请当地政府环境保护方面的相关许可。企业应当按照东道国环境保护法律法规和标准的要求，建设和运行污染防治设施，开展污染防治工作，废气、废水、固体废物或其他污染物的排放应当符合东道国污染物排放标准规定。

来函涉及的发生于阿根廷的有毒物质泄漏事件，虽然不适用中国生态环境保护相关法律法规，但需要遵守阿根廷环境保护相关的法律法规的规定。中国政府高度重视“一带一路”对外投资项目的生态环境保护工作，充分发挥“一带一路”绿色发展国际联盟等平台作用，通过专题培训、风险提示、同业交流等方式，举办相关培训班、研讨会，促进企业增强合规意识，提升企业境外投资项目的环境风险防范能力。