

Via Email only: ohchr-registry@un.org;

Beatriz Balbin

Chef

Special Procedures Branch OHCHR

VINCI Construction Grands Projets

President

Mr. Patrick Kadri

12 April 2023

**Re: VCGP response to the UN Joint Communication of Special Procedures of
14 February, 2023, ref, AL OTH 3/2023**

Dear Ms. Balbin,

With this letter, VINCI Construction Grands Projets (**VCGP**) responds to the UN Joint Communication of 14 February 2023 of the Special Rapporteur on the rights of indigenous peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as part of the right to an adequate standard of living, as well as the right to non-discrimination in this regard; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extreme poverty and human rights (**UNJC2023**).

As described in VCGP's 25 May 2021 response to the UNJC of 26 March 2021 (**2021 Response**), and in VCGP's 6 May 2022 response to the Communication from Human Rights Special Rapporteur on extreme poverty and human rights (**2022 Response**), VINCI has committed publicly to respect human rights as elaborated in the UN Guiding Principles on Business and Human Rights (**UNGPs**). Accordingly, allegations of human rights violations or abuses in connection with any project involving VCGP is of urgent concern. We wish, therefore, to reiterate once again our appreciation for the continued vigilance of the Special Procedures regarding allegations of adverse human rights impacts connected to any project with which VCGP may be involved.

VCGP is no longer exploring involvement with the Mandalika Project

As a preliminary matter, VCGP informs the Special Procedures that it has terminated its endeavor to participate in the Mandalika Project. VCGP's previous efforts to pursue involvement with the Mandalika Project have been hindered by several obstacles related to project governance. As a result, VCGP has no current involvement in the Mandalika Project, nor is it planning to in future.

We remind the Special Procedures of the language from the 2021 Response noting that VCGP and ITDC were at that time "still finalising the terms of their participation in the Project Company." The 2021 Response also referred to the fact that VCGP had "only carried out preliminary technical studies, and no works had begun" on the hectares assigned to VCGP.

Responses to the requests for information

It is with disappointment and concern that VCGP learns that allegations of human rights infringements continue to be made in connection with the Mandalika Project and that those allegations now include restrictions on civic space and freedom of expression and threats and intimidation against human rights defenders.

However, given the fact that VCGP is no longer pursuing involvement in the Mandalika Project, this letter will respond as appropriate to the requests for information contained in UNJC2023. For completeness, I refer the Special Procedures to the 2021 Response, which contains a description of VCGP, VCGP's formerly expected role in the Mandalika Project, VCGP's human rights policies and processes as well as the 2022 Response regarding VCGP's implementation of its commitment to the UNGPs, including by carrying out an assessment of human rights risks.

While pursuing involvement in the Mandalika Project, VCGP did implement its commitment to the UNGPs

We confirm that in late spring and summer 2022, when VCGP was working to clarify its eventual involvement with the Mandalika Project, it did carry out a human rights impact assessment process regarding possible future VCGP activities. That assessment's specific purpose was to identify potential negative impacts with which it could become involved as well as to explore avenues available to prevent, mitigate and, as relevant, participate in remediation of negative impacts connected to its expected activities in the Mandalika Project.

At the same time, discussions continued with ITDC to clarify VCGP's involvement in the Mandalika Project. However, given continued concerns about project governance, those discussions ended in VCGP's decision to terminate its pursuit of involvement with the Project.

Consequently, this ended VCGP's opportunity to take actions pursuant to the UNGPs to act upon the findings of the initial assessment of potential human rights impacts.

In closing, VCGP reiterates its appreciation for the constructive approach of the Special Procedures, and their allowing an opportunity for all interested parties to respond to allegations made.

VCGP welcomes continued engagement with human rights organisations, experts, and the UN Special Procedures as relevant to its business activities.

We aim to be transparent and open in our correspondence and hope that you find our reply responsive to your requests. We would be pleased to respond to further questions you may have.

Respectfully,

Patrick Kadri
President of Vinci Construction Grands Projets

