



SOUTHERN AFRICA RESOURCE WATCH



# **Human Rights Violations by Chinese Mining Companies in Sub-Saharan Africa**

**A Stakeholder's Submission to the Universal Periodic Review of China**

**Submitted by the International Environmental Law Project at  
Lewis & Clark Law School, Portland, Oregon, USA on behalf of:  
Socio-Economic Rights and Accountability Project,  
Center for Research & Development Zimbabwe  
and Southern Africa Resource Watch**

**March 2013**



### *About the Partner Organizations*

**Socio-Economic Rights and Accountability Project (SERAP)** established in 2004, is dedicated to promoting transparency and accountability in the use of Nigeria's natural resources. SERAP is committed to increasing legal protection for economic and social rights, and to securing respect for these rights.

**Southern Africa Resource Watch (SARW)** was established in 2005. Based in South Africa, SARW works in ten Southern African countries to ensure that natural resources extraction contributes to sustainable development—development that meets the needs of the present without compromising the ability of future generations to meet their needs.

**Center for Research & Development Zimbabwe (CRDZIM)** conducts research and mobilizes communities to collectively engage government and policy makers to advance policies that promote management of natural resources in a way that protects the environment and ensures sustainable development in Zimbabwe.

The **International Environmental Law Project (IELP)** established in 1996 in Portland, Oregon USA, is the only on-campus legal clinic focused on international environmental law. IELP works on behalf of governments, NGOs, and international institutions to solve global environmental problems through the use of domestic and international law.

### *Executive Summary*

1. In the past several years, Chinese investment and activity in the sub-Saharan African mining sector has grown exponentially.<sup>1</sup> While this investment and activity has benefitted some African nations<sup>2</sup>, these benefits often come at a high price. Chinese mining companies have been accused of numerous human rights violations—most notably against workers—including unfair and inhumane labor practices, unsafe and/or toxic working conditions, and occasionally, outright violence against miners by Chinese managers. Chinese mining operations have also contaminated water resources and dislocated communities. Many of these Chinese mining companies are owned wholly or partially by the State.
2. This Stakeholder submission describes representative human rights abuses at Chinese mining and smelting operations in sub-Saharan Africa during the past four years (2008-2012).<sup>3</sup> Specifically, this submission highlights abuses involving violence against workers, poor wage and labor practices, unsafe working conditions, child labor, water pollution, and forced dislocation.<sup>4</sup>

### *China's Relevant International Human Rights Obligations*

3. China is bound by the human rights obligations in the United Nations Charter and the Universal Declaration on Human Rights. China is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>5</sup>, the Convention on the Rights of the Child (CRC)<sup>6</sup>, the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW)<sup>7</sup>, and the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).<sup>8</sup> China has signed, but not ratified, the International Covenant on Civil and Political Rights (ICCPR).<sup>9</sup> China is also a member of the International Labor Organization and a Party to 22 ILO Conventions.<sup>10</sup> Because the Chinese government owns, either wholly or in part, many of the Chinese mining and smelting companies operating in sub-Saharan Africa, human rights abuses by these state-owned entities (SOEs) are attributable to China.<sup>11</sup> Human rights abuses by privately owned Chinese companies may also be attributed to the Chinese government because the Chinese government retains a level of control over these private companies.<sup>12</sup> China has an obligation to prevent non-state violations of human rights by entities under its jurisdiction.<sup>13</sup>

### *Methodology*

4. This submission details reported human rights abuses at Chinese-owned mines and smelting operations in sub-Saharan Africa. Coalition members work on the ground in sub-Saharan Africa, researching, reporting, and advocating for reform on human rights abuses within their respective geographical regions. These organizations have first-hand knowledge of abuses at Chinese-owned mines. In addition, Coalition members researched and summarized news and NGO reports of human rights abuses. This submission highlights notable violations of China's human rights obligations but does not provide an exhaustive list.

### *The Human Rights Situation on the Ground*

#### Workers' Rights

5. *Poor Wage and Labor Practices.* Workers at Chinese-owned mines and smelters are often required to work long hours for low pay and few benefits. In many cases they do not earn a living wage. For example, workers at Sino Metals, a copper processing plant in Zambia,<sup>14</sup> work up to 78 hours per week, without adequate overtime pay, sometimes as many as 365 days per year.<sup>15</sup> If they refuse, they are fired or have pay docked from already-low wages.<sup>16</sup> In many cases workers are hired as daily laborers so that local labour codes do not apply.<sup>17</sup> Congolese miners at a Chinese-owned mine near Luisha, in the Katanga region of the Democratic Republic of Congo (DRC), reportedly receive only the equivalent of US\$40 per month.<sup>18</sup> In Zambia, workers at the Chambishi Copper Smelter<sup>19</sup> report receiving approximately US\$133 per month in wages.<sup>20</sup> After deducting monthly rent (US\$104), this is not enough money for food, electricity and water, let alone for children's education.<sup>21</sup>
6. Workers who seek increased wages and better working conditions are often penalized for organizing and protesting. For example, In August 2012, Chinese SOE Anjin diamond mine in Zimbabwe fired 1,500 miners who went on strike to demand improved wages and working conditions.<sup>22</sup>
7. *Unsafe Working Conditions.* Miners often risk their health and safety working at Chinese-owned mines. Numerous reports detail the absence of safety equipment and exposure to extreme heat, toxic fumes, and toxic materials. For example, workers at a Chinese-owned mineral trading depot in Kolwezi, DRC, handle radioactive minerals routinely and do not

receive protective equipment.<sup>23</sup> At the SOMINA uranium mine, partially owned by Chinese SOE Sino-Uranium, Nigerian workers (many of them Tuareg) sleep in rooms located in illegal proximity to open-pit uranium mines.<sup>24</sup> Chinese managers in Zambia have reportedly threatened to fire miners if they refuse to work in particularly dangerous areas.<sup>25</sup> Workers at Zambia's Chinese-owned Collum mine report a consistent lack of basic safety equipment, such as masks, to protect them from breathing coal dust.<sup>26</sup> One miner who was trapped for several minutes when a mine caved in said that the shafts have insufficient support timbers.<sup>27</sup> In February 2013, due to repeated safety lapses, including failure to consistently provide miners with approved protective equipment, the Zambian government cancelled Collum's licenses and took over operation of the mine.<sup>28</sup>

8. Working conditions are also frequently unsanitary. Miners are sometimes forced to relieve themselves in abandoned tunnels, as there are no toilets below ground.<sup>29</sup> In 2009, Zambian authorities ordered Collum mine closed after poor sanitary conditions led to a cholera outbreak.<sup>30</sup> At the SOMINA uranium mine in Niger miners suffer chronic diarrhea because of an unsanitary water supply.<sup>31</sup>
9. *Violence Against Workers and Local Community Members.* Chinese managers have committed acts of violence against African miners, particularly when miners protest working conditions. This violence has included shootings, beatings, and sexual assault. For example, Collum Mine has been the site of unrest for years.<sup>32</sup> In 2010, two Chinese managers opened fire on a group of miners protesting for better pay and working conditions, injuring at least 11 miners.<sup>33</sup> Workers at Jia Xing Depot, in Kolwezi, Congo were reportedly locked in a container for 10 hours for arriving late to a shift.<sup>34</sup> The Anjin diamond mine in Zimbabwe's Marange diamond fields, has been the site of numerous reports of violence.<sup>35</sup> CRDZIM reports that Chinese supervisors at Anjin have beaten, shot and killed villagers who attempted to pan for diamonds in open pits. Anjin supervisors have also allegedly sexually assaulted miners.<sup>36</sup>
10. *Discrimination.* Chinese miners often receive better pay and enjoy superior working conditions than their African co-workers. For example, at the Chinese SOE Luanshya Copper Mines in Zambia,<sup>37</sup> information gathered by Southern Africa Resource Watch indicates that Chinese workers are paid up to three times more than Zambian workers for the same type of work.<sup>38</sup> In the DRC, Chinese workers at some mines are said to receive wages ten times greater than that of Congolese workers.<sup>39</sup>
11. *Child Labor.* Chinese mining companies, both private and State-owned, have been accused of employing African children as a source of inexpensive labor in mines and smelting operations. In Zimbabwe the use of child labor in mines is reportedly becoming "common practice."<sup>40</sup> In August 2012, Anjin reportedly hired young people affiliated with Zimbabwe's ruling party (ZANU-PF) to replace striking workers that the company fired.<sup>41</sup> In January 2010, a 15-year-old boy told IRIN investigators that he took a job with a Chinese-owned mine in the Great Dyke mining region of Zimbabwe.<sup>42</sup> He reported working in an opencast mine transporting chrome alongside "scores of children."<sup>43</sup> He received no formal contract, protective clothing, or medical benefits.<sup>44</sup>

12. Privately-owned Chinese mining companies also contribute to the use of child labor in artisanal, or small-scale, mines and quarries.<sup>45</sup> For example, reports indicate that thousands of children, many under the age of 15, work in artisanal mines and craft quarries to provide minerals for Chinese-owned smelters in Katanga province, DRC.<sup>46</sup>

### Local Communities

13. *Impact on water and other local resources.* Chinese-owned mining operations often pollute waters and aquifers used by local communities for drinking, cleaning, irrigation, and other activities. Women may be disproportionately affected by unsafe water, as they are often responsible for collecting water. Improperly contained mining waste may leach toxic chemicals like lead and arsenic into groundwater and streams.<sup>47</sup> A 2012 study found that the water in rivers downstream of the Anjin diamond mine and several other mines in Zimbabwe was turbid and contained heavy concentrations of carcinogenic agents used in diamond extraction as well as other pollutants.<sup>48</sup> Local communities that rely on these rivers for drinking water, fishing and other activities are at risk of adverse health effects as a result.<sup>49</sup> Mining by Chinese-owned companies in Katanga province, DRC has also reportedly polluted the water, air, and soil, and has resulted in dangerous pH levels, particularly in the Naviundu River.<sup>50</sup>
14. *Forced dislocation.* Communities impacted by proposed Chinese mining projects rarely receive adequate prior informed consent. In some cases local communities are forced to relocate to make way for new projects. For example, Chinese SOE Anjin forcibly dislocated numerous families from the Chiadzwa area of Zimbabwe.<sup>51</sup> The families refused to move until they received just compensation for the dislocation.<sup>52</sup> Anjin reportedly responded by recruiting soldiers to move the families.<sup>53</sup> Similarly, at least 50,000 Ugandans in the Amuria district of Uganda face eviction after the Ugandan government issued a license to a Chinese company to engage in mineral exploration in the area.<sup>54</sup> Moreover, because mines may be built on or near former villages, the mines may disturb burial sites. At Anjin diamond mine in Zimbabwe, miners report that the mining operations have desecrated gravesites and that the remains are “tossed aside” instead of being reinterred at an appropriate location.<sup>55</sup>
15. *Economic Impacts.* Mining projects also impact local livelihoods. In Niger, uranium exploration by a Chinese SOE prevented Tuareg women from selling dried salts that they previously accessed from an ancestral well, thus removing a source of income they had relied upon for years.<sup>56</sup> A resident of Luisha, DRC reported that he, and many others in the community, lost their source of income from artisanal mining when the Congolese authorities transferred all mining concessions to Chinese companies.<sup>57</sup>

### ***Recommendations for Improvement***

16. China should demand compliance with international human rights and labor standards when investing in foreign mining projects. For example, China should ensure that the China

Development Bank and China Export-Import Bank foreign investment and development initiatives include human rights and labor standards within all contracts and investment portfolios.

17. China should encourage both private and State-owned Chinese Corporations to incorporate internationally recognized standards for the protection of human rights, the environment, and labor rights, such as the UN Global Compact suggestions on corporations' practices abroad and the OECD Guidelines for Multinational Enterprises.
18. China should take steps to ensure that private and State-owned Chinese mining companies operating abroad abide by the domestic laws of the host country, and international law including conducting Environmental Impact Assessments for proposed projects and consulting with and receiving the free prior informed consent of local communities.
19. Human rights and labor issues in the mining sector should be addressed at a meeting of the Forum on China-Africa Cooperation and work should be undertaken to establish mechanisms to address these problems.
20. China should consider establishing a Ministry or Department that monitors private and State-owned Chinese mining companies operating abroad and investigates and regularly reports on credible reports of human rights abuses.<sup>58</sup>

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<sup>1</sup> See David Rice, China's Play for African Gold: At What Cost? CNN Money (Oct. 31, 2012), available at <http://management.fortune.cnn.com/2012/10/31/china-africa-gold/> (noting that in 2011 "Chinese interests invested nearly \$16 billion in African mining projects -- a tenfold increase from 2010 -- according to the China Mining Association").

<sup>2</sup> See e.g., Peter Eigen, Is China Good or Bad for Africa?, CNN World (Oct. 29, 2012), available at <http://globalpublicsquare.blogs.cnn.com/2012/10/29/is-china-good-or-bad-for-africa/> (commenting that "[a]ll over the continent, [China] has built roads, railways, ports, airports, and more" and specifically mentioning China's rehabilitation of the Benguela railway between Angola, the DRC, and Zambia and Chinese-financed roads between rural Ethiopia and the port of Djibouti).

<sup>3</sup> Human rights abuses by Chinese mining companies in sub-Saharan Africa were not considered during China's first UPR. Thus, the HRC's outcome document from the first UPR did not include any recommendations or conclusions for China to improve its human rights record in this area.

<sup>4</sup> Human rights abuses have also been reported at Chinese SOE mining operations on other continents. See e.g., Simon Romero, Tensions Over Chinese Mining Venture in Peru, N.Y. Times (Aug. 14, 2010), available at <http://www.nytimes.com/2010/08/15/world/americas/15chinaperu.html?pagewanted=all&r=0> (discussing long-standing complaints of labor abuses); see also Dan Collins, Chinese Mining Firm to Raze Peruvian Peak for 35 Years of Mineral Wealth, The Guardian (Dec. 20, 2012), available at <http://www.guardian.co.uk/world/2012/dec/20/chinese-mining-peru-corporate-responsibility>. Moreover, human rights abuses have also been reported at mining activities in Africa headquartered in or owned by other non-African countries. While recognizing that companies from other countries have also been accused of similar violations, this submission focuses solely on Chinese mining operations in Africa with the ultimate aim of drawing attention to the larger problem of human rights abuses at mining operations throughout the world.

<sup>5</sup> See International Covenant on Economic, Social, and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3. For purposes of this submission, the relevant rights are: Art. 6, right to life; Art. 7, right to just, safe, and healthy conditions of work and limits on working hours; Art. 8, right to form unions; Art. 12, right to highest attainable standards of health.

<sup>6</sup> See Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3. For purposes of this submission, the relevant rights are: Art. 6, right to life; Art. 24, right to highest attainable standard of health; Art. 27, right to adequate standard of living for development; Art. 31, right to rest, play & leisure; Art. 32, right to be protected from economic exploitation and hazardous work, minimum ages for work, appropriate regulation of hours and conditions of employment; Art. 36, right to be protected from exploitation.

<sup>7</sup> See Convention on the Elimination of All Forms of Discrimination Against Women, Sept. 18, 1979, 1249 U.N.T.S. 13. For purposes of this submission, the relevant rights are: Art. 3; Art. 14.

<sup>8</sup> See International Convention on the Elimination of All Forms of Racial Discrimination, Mar. 7, 1966, 660 U.N.T.S. 195.



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<sup>9</sup> See International Covenant on Civil and Political Rights, Mar. 23, 1976, 999 U.N.T.S. 171. For purposes of this submission, the relevant rights are: Art. 6, right to life; Art. 8 right to be free from slavery and servitude; Art. 17; Art. 22, right of association and to form unions.

<sup>10</sup> International Labour Organization, NORMLEX: Ratifications for China, *available at* [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103404](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103404) (last visited Feb. 11, 2013).

<sup>11</sup> See United Nations Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, A/HRC/17/31 9 (discussing States' duty to protect human rights, and commenting that "[w]here a business enterprise is controlled by the State or where its acts can be attributed otherwise to the State, an abuse of human rights by the business enterprise may entail a violation of the State's own international law obligations. Moreover, the closer a business enterprise is to the State, or the more it relies on statutory authority or taxpayer support, the stronger the State's policy rationale becomes for ensuring that the enterprise respects human rights.").

<sup>12</sup> For example, Chinese government authorities must approve all overseas investment in mining companies. See generally, Wang Yi & Jeremy Pooley, Outbound Chinese Equity Investments - Understanding the Regulatory Approval Process, Norton Rose (Nov. 2011), *available at* <http://www.nortonrose.com/knowledge/publications/62023/outbound-chinese-equity-investments-understanding-the-regulatory-approval-process>. Also, Chinese state-backed banking institutions provide significant funding for Chinese mining companies to invest in Africa. See generally, Executive Research Associates (Pty) Ltd., Institute of Developing Economies Japan External Trade Organization, China in Africa: A Strategic Overview 77-90 (Oct. 2009), *available at* [http://www.ide.go.jp/English/Data/Africa\\_file/Manualreport/pdf/china\\_all.pdf](http://www.ide.go.jp/English/Data/Africa_file/Manualreport/pdf/china_all.pdf) (discussing the role of China's financial institutions in contributing to Chinese investment in Africa).

<sup>13</sup> Domestic courts, international human rights courts and commissions increasingly recognize that States can be held liable for human rights violations perpetrated by private entities, including corporations. See e.g., UN Human Rights Committee Gen. Comment No. 31, ICESCR Gen. Comment 12.

<sup>14</sup> This company is owned by China Non-Ferrous Metals Mining Corporation a Chinese SOE. Human Rights Watch, 'You'll Be Fired if You Refuse': Labor Abuses in Zambia's Chinese State-owned Copper Mines 13, 18 (Nov. 2011), *available at* <http://www.hrw.org/sites/default/files/reports/zambia1111ForWebUpload.pdf>.

<sup>15</sup> Human Rights Watch, 'You'll Be Fired if You Refuse': Labor Abuses in Zambia's Chinese State-owned Copper Mines, *supra* note 14 at 4.

<sup>16</sup> Human Rights Watch, 'You'll Be Fired if You Refuse': Labor Abuses in Zambia's Chinese State-owned Copper Mines, *supra* note 14 at 4.

<sup>17</sup> Rights & Accessibility in Development, Chinese Mining Operations in Katanga, Democratic Republic of the Congo 9 (Sept. 2009), *available at* <http://raid-uk.org/docs/ChinaAfrica/DRCCHINA%20report.pdf>.

<sup>18</sup> ACIDH, Chinese Private and Public Investments in the Mining Sector in Katanga: Good Governance and Human Rights 24 (May 2010), *available at* [http://acidhcd.org/Content/downloads/Chinese\\_report\\_English\\_version\\_mai\\_2010.pdf](http://acidhcd.org/Content/downloads/Chinese_report_English_version_mai_2010.pdf).

<sup>19</sup> China Non-Ferrous Metals Mining Corporation, owns 85% of the Chambishi Copper Smelter.

<sup>20</sup> Human Rights Watch, 'You'll Be Fired if You Refuse': Labor Abuses in Zambia's Chinese State-owned Copper Mines, *supra* note 14 at 24.

<sup>21</sup> Human Rights Watch, 'You'll Be Fired if You Refuse': Labor Abuses in Zambia's Chinese State-owned Copper Mines, *supra* note 14 at 24.

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- <sup>22</sup> IndustriAll Global Union, Zimbabwean Miners Allege Abuse by Controversial Anjin, Aug. 2012, *available at* <http://www.industriall-union.org/zimbabwean-miners-allege-abuse-by-controversial-anjin>. Anjin Investments Ltd. is a joint venture between Chinese SOE Anhui Foreign Economic Construction Group and Zimbabwean company Matt Bronze Enterprises. *See also* Global Witness, Diamonds: A Good Deal for Zimbabwe?, 4-9 (Feb. 2012), *available at* [http://www.globalwitness.org/sites/default/files/library/A%20GOOD%20DEAL%20FOR%20ZIMBABWE\\_0.pdf](http://www.globalwitness.org/sites/default/files/library/A%20GOOD%20DEAL%20FOR%20ZIMBABWE_0.pdf) (discussing Anjin ownership and noting Zimbabwean military involvement in Anjin).
- <sup>23</sup> Rights & Accessibility in Development, Chinese Mining Operations in Katanga, Democratic Republic of the Congo, *supra* note 17 at 10.
- <sup>24</sup> Hannah Armstrong, China Mining Company Causes Unrest in Niger, Christian Science Monitor (Mar. 29, 2010), *available at* <http://www.csmonitor.com/World/Africa/2010/0329/China-mining-company-causes-unrest-in-Niger>.
- <sup>25</sup> Human Rights Watch, ‘You’ll Be Fired if You Refuse’: Labor Abuses in Zambia’s Chinese State-owned Copper Mines, *supra* note 14 at 4.
- <sup>26</sup> Barry Bearak, Zambia Uneasily Balances Chinese Investment and Workers’ Resentment, New York Times (Nov. 20, 2010), *available at* <http://www.nytimes.com/2010/11/21/world/africa/21zambia.html?pagewanted=all>; *see also* Shashank Bengali, African Workers Find Harsh Conditions in Chinese-Run Plants, McClatchy Newspapers (July 24, 2009), *available at* <http://www.mcclatchydc.com/2009/07/24/72419/african-workers-find-harsh-conditions.html> (discussing a Chinese smelter in Katanga province, DRC, which did not provide workers with gloves when handling radioactive substances or masks to protect themselves from noxious metal dust).
- <sup>27</sup> Barry Bearak, Zambia Uneasily Balances Chinese Investment and Workers’ Resentment, *supra* note 26.
- <sup>28</sup> Zambia Seizes Control of Chinese-owned Mine Amid Safety Fears, BBC News (Feb. 20, 2013), *available at* <http://www.bbc.co.uk/news/business-21520478>. Zambian authorities also named Collum mine’s poor health and environmental record as reasons for revoking the licenses, noting specifically that the mine “did not have emergency medical treatment facilities such as ambulances or a first-aid station underground.” *Id.*
- <sup>29</sup> Barry Bearak, Zambia Uneasily Balances Chinese Investment and Workers’ Resentment, *supra* note 26.
- <sup>30</sup> Southern Africa Resource Watch, Win-Win Partnership? China, Southern Africa and the Extractive Industries, 150 (Garth Shelton & Claude Kabemba eds. 2012), *available at* [http://www.osisa.org/sites/default/files/china-africa\\_web\\_sarw\\_0.pdf](http://www.osisa.org/sites/default/files/china-africa_web_sarw_0.pdf).
- <sup>31</sup> Hannah Armstrong, China Mining Company Causes Unrest in Niger, Christian Science Monitor, *supra* note 24.
- <sup>32</sup> *See generally* China-Wire, Collum Coal Mine Rife with Problems Before Shooting, (Oct. 2010) *available at* <http://china-wire.org/?p=6672> (discussing history of abuses at Collum Mine and noting this is a privately-owned mine).
- <sup>33</sup> Chinese Bosses Charged Over Zambian Mine Shooting, BBC New Africa (Oct. 18, 2010), *available at* <http://www.bbc.co.uk/news/world-africa-11568485>.
- <sup>34</sup> Rights & Accessibility in Development, Chinese Mining Operations in Katanga, Democratic Republic of the Congo, *supra* note 17 at 11.
- <sup>35</sup> IndustriAll Global Union, Zimbabwean Miners Allege Abuse by Controversial Anjin, *supra* note 22. Submission Coalition member, CRDZIM reports that Anjin security guards have killed multiple killings of local villagers who attempt to pan for diamonds

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<sup>36</sup> Lance Guma, Zimbabwe: Anjin Not Just Raping Resources, SW Radio Africa, *available at* <http://allafrica.com/stories/201208030149.html> (reporting Chinese employers sodomizing workers).

<sup>37</sup> China Non-Ferrous Metals Mining Corporation, a Chinese SOE, owns 85% of the Luanshya Copper Mine. *See* Human Rights Watch, ‘You’ll Be Fired if You Refuse’: Labor Abuses in Zambia’s Chinese State-owned Copper Mines, *supra* note 14 at 13, 18.

<sup>38</sup> Southern Africa Resource Watch, Win-Win Partnership? China, Southern Africa and the Extractive Industries, *supra* note 30 at 151.

<sup>39</sup> Rights & Accessibility in Development, Chinese Mining Operations in Katanga, Democratic Republic of the Congo, *supra* note 21 at 10 (discussing reports that at Song Hua, Congolese workers receive \$100 per month, while their Chinese counterparts receive \$1500). *Id.* Song Hua has reportedly shut down due to collapse in mineral prices. *Id.* at 3.

<sup>40</sup> IRIN: Humanitarian News and Analysis, Zimbabwe: Mining industry attracts child labour as economy picks up, Oct. 2010, *available at* <http://www.irinnews.org/Report/90770/ZIMBABWE-Mining-industry-attracts-child-labour-as-economy-picks-up> (quoting young miner as saying “I had always heard that these Chinese were employing young children for as long as they can work on the mines...”).

<sup>41</sup> Tererai Karimakwenda, Zimbabwe: Anjin Diamond Firm Replacing Fired Workers With Zanu-PF Youth, SW Radio Africa (Aug. 15, 2012), *available at* <http://allafrica.com/stories/201208160143.html>.

<sup>42</sup> IRIN: Humanitarian News and Analysis, Zimbabwe: Mining industry attracts child labour as economy picks up, Oct. 2010, *available at* <http://www.irinnews.org/Report/90770/ZIMBABWE-Mining-industry-attracts-child-labour-as-economy-picks-up>.

<sup>43</sup> IRIN: Humanitarian News and Analysis, Zimbabwe: Mining industry attracts child labour as economy picks up, *supra* note 42.

<sup>44</sup> IRIN: Humanitarian News and Analysis, Zimbabwe: Mining industry attracts child labour as economy picks up, *supra* note 42.

<sup>45</sup> UN Special Rapporteur Gulnara Shahinian recently issued a report on “child slavery in the artisanal mining and quarrying sector” which provides a detailed look at the causes and consequences of artisanal mining on children worldwide. *See* UNGA, Human Rights Council: Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences, A/HRC/18/30 (July 4, 2011), *available at* [http://www.crin.org/docs/A-HRC-18-30\\_en.pdf](http://www.crin.org/docs/A-HRC-18-30_en.pdf).

<sup>46</sup> ACIDH, Chinese Private and Public Investments in the Mining Sector in Katanga: Good Governance and Human Rights, *supra* note 18 at 18-21.

<sup>47</sup> *See generally* Human Rights Council, Report of the Special Rapporteur on the Human Rights Obligations Related to Environmentally Sound Management and Disposal of Hazardous Substances and Waste, A/HRC/21/48, at par. 39 (Jul. 2, 2012) *available at* [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48_en.pdf) (summarizing the possible contamination that may leak into water from mining and extractives).

<sup>48</sup> *See generally* Zimbabwe Environmental Law Association, Report on the Scientific Investigation of the Impact of Marange Diamond Mining Operations on Water Quality in the Save and Odzi Rivers: Including Assessment of the Health, Environmental and Livelihood Impacts (July 2012), *available at* [http://www.zela.org/images/pdf/docs/Odzi%20-Save%20Water%20Quality%20Report%202012\\_final.pdf](http://www.zela.org/images/pdf/docs/Odzi%20-Save%20Water%20Quality%20Report%202012_final.pdf); *see also* Bernard Chiketo, Zimbabwe: Troubled Waters - Chemical Pollution in the Marange District, Think Africa Press (Oct. 2012) *available at* <http://allafrica.com/stories/201210060470.html> (discussing the results of the study).

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<sup>49</sup> The Centre for Research & Development in Zimbabwe reports that these waters have become unsafe for human consumption and have poisoned cattle. James Mupfumi, Acting Director, Centre for Research and Development, Harare, Zimbabwe, Feb. 5, 2013 (on file with IELP).

<sup>50</sup> Southern Africa Resource Watch, Win-Win Partnership? China, Southern Africa and the Extractive Industries, *supra* note 30 at 166.

<sup>51</sup> SW Radio Africa, Zimbabwe: Chiadzwa Families Forced to Move by Brutal Soldiers, May 2011 *available at* <http://allafrica.com/stories/201105171049.html>.

<sup>52</sup> SW Radio Africa, Zimbabwe: Chiadzwa Families Forced to Move by Brutal Soldiers, *supra* note 51.

<sup>53</sup> SW Radio Africa, Zimbabwe: Chiadzwa Families Forced to Move by Brutal Soldiers, *supra* note 51.

<sup>54</sup> Richard Otim, 50,000 Locals Face Eviction Over Mineral Exploration, Daily Monitor (Dec. 4, 2012), *available at* <http://www.monitor.co.ug/News/National/50-000-locals-face-eviction-over-mineral-exploration/-/688334/1635682/-/g49cce/-/index.html>.

<sup>55</sup> IndustriAll Global Union, Zimbabwean Miners Allege Abuse by Controversial Anjin, *supra* note 22.

<sup>56</sup> Hannah Armstrong, China Mining Company Causes Unrest in Niger, Christian Science Monitor, *supra* note 24.

<sup>57</sup> ACIDH, Chinese Private and Public Investments in the Mining Sector in Katanga: Good Governance and Human Rights, *supra* note 18 at 24.