



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/NGO/109
12 March 2003

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by Friends of Earth International, a non-governmental
organization on the Roster

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2003]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Human Rights Abuses in the China Three Gorges Project

Background

Friends of the Earth International is a federation of autonomous environmental organizations from all over the world. FoE members, in 68 countries, campaign on the most urgent environmental and social issues of our day, while simultaneously catalyzing a shift toward sustainable societies.

Friends of the Earth International and International Rivers Network – an affiliate organization of FoE – have for many years been concerned about the social, environmental and human rights impacts of the Three Gorges Project in the People's Republic of China. With a planned capacity of 18,200 megawatts, the Three Gorges Dam is the world's largest power project. Between 1.2 million and 2 million people will need to be resettled for the dam and the reservoir.

Enterprises from around the world are involved in building the Three Gorges Project. The Governments of Brazil, Canada, Germany, Sweden and Switzerland have approved official export credits and guarantees for a total of more than \$1.4 billion for the project. This is significant because the US Export Import Bank in 1996 declined funding for the project for environmental reasons, and the World Bank also refrained from becoming involved in it.

Human rights abuses in the Three Gorges Project

The Three Gorges Dam spanned the Yangtze River in November 2002, and the reservoir will start filling in April 2003. With submergence imminent, the pressure on the affected population to move out of the reservoir area is increasing.

On January 20, 2003, International Rivers Network in cooperation with Friends of the Earth International released an investigative report on the resettlement and human rights problems of the Three Gorges Project ("Human Rights Dammed Off at Three Gorges", available online at www.irn.org). Some of the main findings of this report are:

- The Three Gorges resettlement program is not in line with China's or with international resettlement standards. The land and the jobs which were promised to resettlers from rural and urban areas are no longer available. Where land has been offered, it has often turned out to be of inferior quality. The resettled people are forced to buy housing at a cost which far exceeds the compensation they have been offered.
- Local authorities appear to have diverted a large part of the resettlement budget into unrelated investments, using funds intended for household compensation on projects such as luxury hotels and roads.
- According to the report, there is a "widespread belief that local officials have used the project as an opportunity to fill their own pockets". Many cases of embezzlement of resettlement funds have been documented.
- No independent grievance mechanism exists, and the resettlement process is conducted "in an atmosphere of officially orchestrated secrecy and intimidation".
- The police have used "excessive force" to quell the numerous protests against the resettlement problems, and the Three Gorges project has become "an instrument of

repression with widespread human rights abuses”. Freedom of expression regarding the Three Gorges Project is non-existent in the Yangtze Valley and in China more generally. Many resettlers have been imprisoned for protesting peacefully against the resettlement problems.

These problems and abuses amount to serious and repeated violations of the International Covenant on Economic, Social and Cultural Rights, Article 11 (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing), and of the International Covenant on Civil and Political Rights, Articles 14 (right to a fair and public hearing by a competent, independent and impartial tribunal), 19 (right to freedom of expression), 21 (right to peaceful assembly), and 22 (right to freedom of association).

Recommendations to Governments

On January 17, 2003, 109 non-governmental organizations from 37 countries, including International Rivers Network and more than 20 national FoE members, called on the Government of the People’s Republic of China and the Governments that are funding the Three Gorges Project (Brazil, Canada, Germany, Sweden, and Switzerland) to urgently implement the following measures:

- People affected by the Three Gorges Project must be resettled, compensated and rehabilitated in line with acknowledged international resettlement and human rights standards, including the World Bank Operational Policies and the UNHCR Guiding Principles on Internal Displacement. The state must ensure that, as these standards stipulate, resettlers receive compensation at full replacement cost, and be able to improve or at least regain their former standard of living. Since the local counties are unable to resolve the resettlement problems which they have been forced to shoulder, the national authorities must assume the responsibility for resettlement in the project.
- The state should create independent grievance mechanisms for the people affected by the Three Gorges Project. People should not suffer repression for expressing their opinions, for protesting peacefully, or for seeking redress for damages they have suffered. The people who have been imprisoned for protesting peacefully against the problems of the project in the past should be released.
- As long as the problems of resettlement have not been resolved in line with international standards, the submergence of the reservoir area should be suspended. Numerous World Bank evaluations have demonstrated that an approach of resettling people while a project is being implemented does not work.
- Since several official Export Credit Agencies are involved in the Three Gorges Project, the respective Governments should establish a presence in the project area during this critical stage, and should monitor the implementation of the project and the resettlement efforts. The Chinese authorities have invited foreign experts to monitor the construction standards of the Three Gorges Dam. They should also invite independent human rights experts to monitor resettlement.

The experience with the Three Gorges Dam and other projects demonstrates that Export Credit Agencies, and the Governments that back them, should also ensure that human rights

are protected in their activities more generally:

- Export Credit Agencies should carry out human rights and social impact assessments before taking decisions on credits and guarantees. Where relevant, they should include human rights conditions in the covenants of their credit and guarantee agreements, and should monitor the compliance with these conditions during project implementation.
- The World Commission on Dams (WCD) has proposed a framework that integrates human rights into the planning and decision-making processes of water and energy projects. The WCD recommends that “demonstrable public acceptance of all key decisions” be achieved through open and transparent negotiations with the participation of all stakeholders. The WCD also recommends a “comprehensive post-project monitoring and evaluation process,” and mechanisms to identify and remedy outstanding social issues associated with existing dams. Export Credit Agencies should adopt these and other recommendations of the WCD.

Recommendations to the UNCHR

The massive, repeated violations of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights in the China Three Gorges Project are a matter of international concern. With submergence of the reservoir area imminent, these violations are likely to increase further in the near future.

The lack of common human rights standards of Export Credit Agencies and other financial institutions encourages a “race to the bottom” in terms of human rights standards. This is also a matter of international concern.

Friends of the Earth International and International Rivers Network call on the Commission on Human Rights to adopt a resolution on the situation of human rights in the Three Gorges Project and the responsibility of the Governments that implement and fund the project, with a view to ending specific human rights violations as outlined above, and to adopting common human rights standards for Export Credit Agencies.

The Commission on Human Rights should also urge the Government of China to ratify and implement the Covenant on Civil and Political Rights, and to honour its obligations under the Covenant on Economic, Social and Cultural Rights in the Three Gorges Project.
