

FACT-FINDING MISSION REPORT ON THE IMPACTS OF
MINING ON DEFENDERS AND ENVIRONMENT
IN KHENTII AND DORNOD PROVINCES
MONGOLIA



OUR LAND



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FOREWORD

Mongolian human rights defenders (HRDs) and women human rights defenders (WHRDs) play a vital role in fulfilling the Government's duties to promote and protect human rights, and building "a humane, civic and democratic society" as defined by the Constitution of Mongolia. They do so by reminding, requesting, and demanding state and non-state actors to carry out their obligations to promote, protect, and respect human rights.

While conducting their peaceful human rights work, HRDs and WHRDs face numerous challenges as Government's institutions often don't have the adequate understanding and correct attitude to recognise, respect and support defenders' work. The Mongolian extractive industry, which this report centres on, also lacks knowledge and willingness to respect human rights. These challenges largely stem from defenders' legitimate human rights work wherein they catalyse crucial action points exposing human rights violations, promote internationally recognised human rights standards, and litigate to seek redressal for rights' violations and other issues, including: poverty; violence against children, elderly, women, people with disabilities; sexual minorities; environmental degradation; corruption; and national debt. However, defenders working on environmental protection and land rights, together with journalists who expose corrupt practices, are those particularly at risk, subject to threats to their lives, health and overall wellbeing.

The Centre for Human Rights and Development (CHRD), as a member of the Asian Forum for Human Rights and Development (FORUM-ASIA) jointly organised two fact-finding missions looking at the situation of defenders working on mining and environment issues. In 2012, the fact-finding mission visited Airag Soum (District), in Dornogovi Aimag (Province), and clearly highlighted issues faced by HRDs and WHRDs as well as ways forward to ensure their protection¹. This year's fact-finding mission covered three soums - Binder, Batshireet and Batnorov - in Khentii Aimag, and Tsagaan-Ovoo Soum in Dornod Aimag.

Throughout the mission, the fact-finding mission team met with defenders, local communities, local government officials as well as staff of mining companies, and exposed how the rights of local communities are being violated and environment seriously threatened. At the same time, the mission revealed how local authorities have been ineffective in preventing and addressing such violations, including threats against defenders advocating for land rights and a safe and healthy environment.

¹ (2012) Mongolia: The situation of human rights defenders working on mining issues [Online]. Available at: <https://www.forum-asia.org/uploads/books/2013/March/FFM-Mongolia.pdf>

This report is a much needed and significant advocacy tool for better protection of Mongolian HRDs and WHRDs, meaningfully contributing to the approval process of the draft Law on the Legal Status of Human Rights Defenders, as well as the National Action Plan on Business and Human Rights

I trust that the findings highlighted in this report will help accentuate defenders' and civil society organisations' challenges in demanding respect and protection of local communities' right to live in a safe and healthy environment, enabling local Mongolian communities to continue their traditional way of living in harmony with nature.

Sincerely,

Urantsooj Combosuren

Chairperson of CHRD and FORUM-ASIA



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EXECUTIVE SUMMARY

Since mid-2000s, the mining sector has been driving Mongolia's exports, leading the country to be one of the fastest growing economies until 2015. However, while in recent years the economic growth is slowing down, the increased number of mining operations profoundly affects Mongolia's economic policies, social dynamics and environment.

In light of drastic changes brought by the expansion of the mining sector in Mongolia, the Asian Forum for Human Rights and Development (FORUM-ASIA) and its Mongolian member organisation Centre for Human Rights and Development (CHRD) have been looking into mining's impact on human rights and environment. In 2012, the two organisations conducted a first fact-finding mission (FFM) in the southern part of Mongolia, looking into the situation of human rights defenders (HRDs) exposing violations related to mining. In 2018, CHRD portrayed the negative impacts of mining, as well as efforts deployed by civil society to demand justice and accountability in FORUM-ASIA's working paper on business and human rights.

From 5 to 10 May 2019, CHRD and FORUM-ASIA conducted a second FFM in the north eastern aimags (provinces) of Khentii and Dornod. By meeting with local communities, authorities, and mining companies, the FFM team documented the repercussions of mining operations on the work of HRDs, environment, and livelihoods of local communities.

'WE DON'T NEED AND DON'T WANT MINING IN OUR LAND'

Binder Soum resident

Local communities, authorities, and herders living in Binder Soum, Khentii Aimag, denounced the potential risks of allowing mining operations in the Onon River basin area, a key source of water and food for the community, with a rich biodiversity. The fact-finding mission team recorded their concerns of both alleged corruption and early signs of environmental degradation and pollution, acknowledging how three mining sites are indeed located in the proximity of Onon River's tributaries and forest areas. As local authorities of the upstream Soum of Batshireet are in favour of the mining operations, there are increasing risks of clashes between the downstream and upstream communities.

The livelihoods and safety of local communities and herders are not only threatened by registered mining companies. Artisanal miners, also known as ninja miners, compromised the ecosystem of the pasture lands of the Batnorov Soum by digging holes and tunnels in search of gemstones or precious metals. The report documents threats and attacks against local authorities and a representative of the National Human Rights Commission of Mongolia by ninja miners, recognising at the same time how the latter live in a condition of extreme poverty, working day and night without any safety standards in place.

Local community members and herders can end up losing their lands despite having lived there for generations and owning a land certificate. Due to shortcomings in the Mongolian Land Law, it is possible to lose the land if not used for a specific purpose within two years' time from the moment a land certificate is issued. 13 families who used to live in the surroundings of the Soum of Tsagaan-Ovoo in Dornod Aimag now have to negotiate compensations with Steppe Gold, a large gold mining company that started operations in 2018. The report finds that despite alleged efforts of Steppe Gold to minimise negative impacts on environment and community livelihoods, few community members, including representatives of the local Government, have been actively protesting against the mining operations, denouncing irregularities in the mining licence's approval process. Moreover, the report documents attacks against HRDs by the security personnel allegedly hired by Steppe Gold.

Over the course of the FFM, CHRD and FORUM-ASIA found how mining operations, whether legal or illegal, are a major cause of concern and polarisation for most local communities, authorities and HRDs, who are all very well aware of the risks that these pose to their security and environment. For this, despite threats and intimidations, HRDs, local communities or even local authorities, continue to mobilise themselves, demanding respect for their constitutional right to live in a safe and healthy environment (Constitution of Mongolia, Article 16.2).

Based on the collected testimonies and in light of Mongolian laws and obligations under international human rights law, the report provides a set of tailored recommendations to: Mongolian Government; Khentii Aimag; soums of Binder, Batshireet and Tsagaan-Ovoo; mining companies Aivuuntes, Pegmatite, and Steppe Gold; and United Nations Special Rapporteur on the situation of HRDs.



METHODOLOGY

This report is based on interviews with 47 individuals spread across ten different meetings with local communities, authorities, and mining companies' representatives held from 5 to 10 May 2019. Direct observations of landscapes, soil, and water streams have also contributed to the findings of this report, combined with desk research.



The fact-finding mission team visiting a mining site in the Onon River basin area

On 4 May 2019, two Asian Forum for Human Rights and Development (FORUM-ASIA) staff members flew to the Capital of Mongolia, Ulaanbaatar, and from there drove to the north eastern aimags (provinces) of Khentii and Dornod together with one representative of Centre for Human Rights and Development (CHRD), and one interpreter.

The fact-finding mission (FFM) team interviewed 30 men and 19 women. 21 of them are local community/herder representatives, 21 local authority officials, and five mining company's representatives.

All interviews were conducted in English and Mongolian, with consecutive interpretation to and from English/Mongolian. Prior to the interviews, all interviewees were briefed about the scope of the FFM, the release of this report, and requested to sign a consent form to be eventually quoted in the report. All people mentioned in the report have signed the consent form and agreed for the interviews to be audio recorded. All photos portraying people have been taken with their consent.

CHRD and FORUM-ASIA will closely monitor whether the interviewees are exposed to any acts of reprisals for their testimonies. At the time of the interviews, no one has expressed fear for possible reprisals.

Names of provinces, districts, and rivers have been translated into English based on the spelling by official documents of the United Nations and the Mongolian Government. A large majority of the meetings were scheduled in advance by CHRD, while meetings with herders' families were more extemporaneous. CHRD and FORUM-ASIA would like to extend their gratitude to all the interviewees that have welcomed the FFM team into their houses and offices.



BACKGROUND

The Asian Forum for Human Rights and Development (FORUM-ASIA) together with its member organisation, Centre for Human Rights and Development (CHRD), conducted a fact-finding mission (FFM) in the north eastern part of Mongolia from 5 to 10 May 2019. The FFM aimed to look into the impact of mining operations on the situation of human rights defenders (HRDs), women human rights defenders (WHRDs), environment, and local communities. Specifically, the FFM aimed to document unreported cases of violations against W/HRDs working on mining and environmental issues, addressing these cases to State and relevant non-State actors, pressuring perpetrators to stop any form of violations against, and provide protection to, W/HRDs in Mongolia. The FFM also intended to utilise information gathered to push for the enactment of the national HRD Protection Law and National Action Plan on Business and Human Rights.



Grazing horses in between Binder and Batnorov Soum, Khentii Aimag

This FFM is the continuation of a previous mission conducted in Mongolia by FORUM-ASIA and CHRD in 2012, where it investigated the situation of W/HRDs exposing violations of mining companies.¹ The 2012 FFM visited Airag Soum (District) in the south eastern Aimag (Province) of Dornogovi, and the capital city Ulaanbaatar. The 2019 FFM covered four soums and a city, located in the north eastern Khentii and Dornod provinces. During the 2019 FFM, meetings were conducted with a range of stakeholders, including representatives from mining companies and local communities, local authorities, W/HRDs, and a representative of the National Human Rights Commission of Mongolia (NHRCM). A total of 47 people were interviewed across ten different meetings.

The 2012 FFM identified threats, intimidation, vilification, and judicial harassment as the most used tactics to stop W/HRDs from advocating for their rights. The said situation was worsened by the absence of an enabling legal environment and effective remedies. The past four Mongolia national HRDs consultations organised by FORUM-ASIA together with CHRD, Globe International, and other non-governmental organisations (NGOs) from 2015 to 2018 found that W/HRDs advocating against harmful mining practices continue to be highly targeted. However, the lack of media coverage and the fear of reprisals of affected community to share the harassment publicly, due to threats and intimidation, have caused these continuous violations to go largely unreported.²

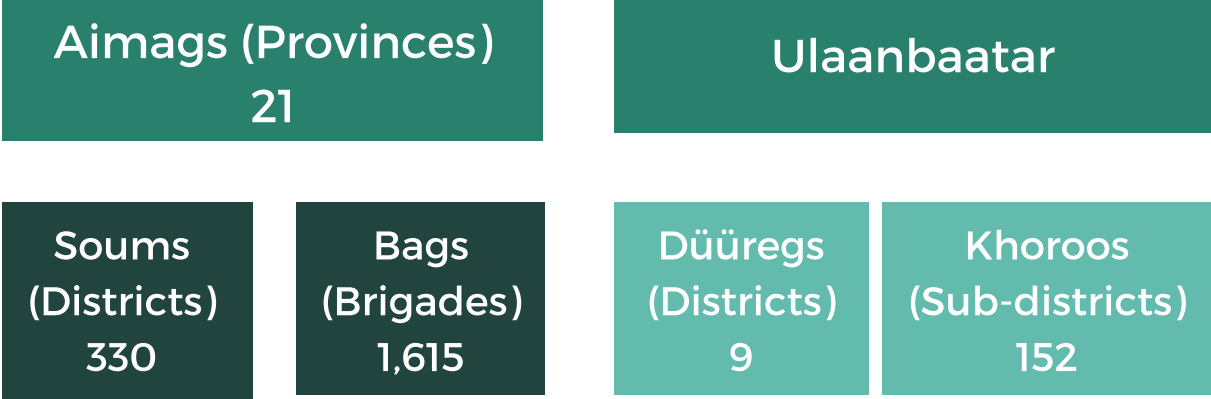
Mongolia is the second largest landlocked country in the world, located in the eastern part of Asia, where it shares borders with Russia to the north and China to the west, south and east. The capital city of Mongolia, Ulaanbaatar, is home to nearly half of the 3.2 million national population, which makes Mongolia the least densely populated country in Asia, with roughly two inhabitants per square kilometre.³

Mongolia's geographical landscape varies from the mountainous regions in the north and west, to the Gobi Desert in the south, and a central area covered by vast stretches of grassland steppe, where livestock herders have been carrying out a traditional nomadic lifestyle for centuries.

As wide as 162,000 km² (or more than 10% of the territory) of Mongolia is covered by forest. The majority of this is made up of the boreal forest in the north (142,000 km²), whereas the remaining 20,000 km² is located in the southern arid regions.⁴ The country boasts over 2,722 protected areas, of which 103 are established by the Central Government (National Protected Areas), and 2,679 are designated by the aimags and soums (Local Protected Areas).⁵ Overall, the protected areas cover nearly 330,000 km², over one fifth of the national territory.⁶

The administration of Mongolia comprises three levels: the aimags - or provinces, in total 21 nationwide; the soums - or districts, a subdivision of each aimag, in total of 330; and the bags, the smallest administrative units, with 1,618 nationwide. Ulaanbaatar is administered autonomously and is subdivided into 9 düüregs, or districts, which are comprised of 152 khoros, or sub-districts.⁷

ADMINISTRATIVE DIVISION OF MONGOLIA



POLITICAL CONTEXT

The collapse of the Soviet Union in 1991 marked a turning point for Mongolian politics and society. It led to a peaceful transition towards a democratic system, which began with the 1989 demonstrations where students, academics, miners, and nomadic herders took part altogether. In May 1990, the constitution was amended by eliminating the role of the Mongolian People's Revolutionary Party (MPRP) as the guiding political force in the country, legalising opposition parties, and creating a standing legislative body. The country held its first multi-party elections in the same year, and in 1992 it enacted the new and current Constitution, which dropped "People's Republic" from Mongolia's official name.



Herders crossing a stream in Batnorov Soum, Khentii Aimag

Ever since, Mongolia has made progress on the protection of the rights and freedoms of its citizens and on the creation of a conducive political and legal environment. Currently, Mongolia is a semi-presidential representative democratic republic with a multiple-party system. Generally, a large number of NGOs and civil society groups nationwide operates without Government restrictions, increasing calls on the political leadership to ensure participatory democracy.

The last presidential elections were held in 2017, when Mr. Khaltmaagiin Battulga - candidate with the Democratic Party - was narrowly elected in the second round.⁸ The President of Mongolia is elected by popular vote every four years, and is in charge of appointing the Prime Minister, as well as the members of the Government on his proposal. The current Government sees the minerals sector as a key component of national plan for sustainable development, making it a pillar of the Government's growth strategy.⁹ For this, Mongolia's Ministry of Mining and Heavy Industry reiterated that its mission is the development of a transparent and responsible mining sector.¹⁰

According to the 2018 Corruption Perception Index, Mongolia ranked 93 out of 180 countries worldwide, with a score of 37/100.¹¹ The United Nations Development Program (UNDP) found that corruption risk is prevalent in the mining sector in Mongolia, and can potentially affect any stage of the mining operations, from the moment of granting exploration licences to mine closure, including the extractive operations and the sale of minerals. This ultimately results in a high risk of negative impact on the environment and human rights.¹²

Media ownership remains a major challenge, given that three out of four media outlets have political affiliations - in terms of either ownership or funding. This jeopardises the independence and pluralism of information provided to Mongolian citizens, and contributes to the country's ranking in the 2019 World Press Freedom Index at the 70th place out of 179 assessed countries.¹³ A second worrying trend is the self-censorship of journalists and media outlets, as a result of the defamation cases filed against them, accounting for more than half of the total at the national level.¹⁴ The curtailment of media freedom and independence affects Mongolia's civic space, ranked by the CIVICUS Monitor as 'obstructed'.¹⁵

Currently, Mongolia is a party to eight out of nine UN Core International Human Rights Instruments, with the sole exception of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW).¹⁶ Additionally, Mongolia committed to protect the environment by signing a series of relevant instruments, including the 1992 Convention on Biological Diversity, the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), and the 2016 Paris Agreement on greenhouse-gas-emissions mitigation, adaption, and finance. As one of the first countries to have adopted the Sustainable Development Goals (SDGs), Mongolia submitted its first Voluntary National Review in July 2019 during the High-Level Political Forum on Sustainable Development.¹⁷

**Mongolia is a party to eight out of nine
UN Core International Human Rights Instruments**

SOCIOECONOMIC CONTEXT

The radical transition that Mongolia experienced in the aftermath of Soviet Union's fall brought positive effects not only at the political and social but also economic level. The replacement of the socialist republic of Mongolia with a parliamentary democracy went hand-in-hand with the transition from a state-controlled to a free-market economy model. Since the 1990s, the majority of the population has seen an improvement in standard of living, as demonstrated by the constant growth of key indicators such as the national Gross Domestic Product (GDP)¹⁸ and Human Development Index (HDI).¹⁹

However, recent data shows how the annual GDP growth is fluctuating and overall declining compared to 2014,²⁰ with the country slipping from "a medium-high income" to "medium-low income" according to World Bank ratings.²¹ In the 2018 Global Hunger Index (GHI) indicating the level of hunger and under nutrition, Mongolia ranked 55th out of 119 countries analysed globally, suffering from a level of hunger defined as moderate. On a positive note, all the four indicators composing the GHI draw a constant decline since the 2000s.²²

Improvements of standards of living went in parallel with a significant rise of the national population, increased by over 1 million - or 47% - since 1990.²³ As a result, Mongolian population as a whole is relatively young, with an average age of 27.5 years. About 59% of the national residents are below the age of 30, and over a quarter of the population is under the age of 14.²⁴



Herder living in a ger in Batnorov Soum, Khentii Aimag

Currently, Mongolia is undergoing an equally crucial transition, affecting the very essence of its population and ancient nomadic culture. Although about one third of the national population still lives in rural areas, since 2001 an average of 68,000 herders have annually moved to Ulaanbaatar. Parallel to this, Ulaanbaatar's population has doubled in the last ten years.²⁵ There are different elements driving the move from semi-arid grassland areas to urban centres, ranging from livestock overgrazing²⁶ to the occurrence of dzuds - a series of consecutive severe winters and natural phenomena that negatively affect livestock.²⁷

Besides that, social services outside of the Capital are often not adequate. It is therefore not uncommon for parents to be forced to move to Ulaanbaatar to send their children to school or undergo medical treatments, abandoning their nomadic and rural lifestyles.²⁸ These issues have been flagged also by the United Nations (UN) Special Rapporteur on extreme poverty and human rights and the UN Working Group on the issue of human rights and transnational corporations and other business enterprises (UN Working Group on Business and Human Rights),²⁹ after their respective official visits to Mongolia in 2012. Finally, nomadic groups moving to the capital are also increasingly coping with issues such as alcoholism, depression and exposure to sexual trafficking and abuses.³⁰



Nomadic herders maintain a traditional lifestyle, which has been handed down for over 3,000 years. It involves moving to different locations multiple times a year (up to 20 times in the southern part of the country), depending on weather patterns and livestock needs.³¹ Dairy products from cattle, such as goats and sheep, not only represent a basic component of herders' diet, but also constitute an important source of income, sold at local markets in soums and bags (brigades). A symbolic element of the nomadic lifestyle is a tent where herder families live, the ger (also known with the Russian name of yurt), made up of a canvas wool spread over a wooden support in a circular shape that can be folded and re-assembled in about an hour.³²

It is not only nomadic herders who depend on agriculture and livestock for their life and livelihoods. Agriculture and livestock remain an important sector driving Mongolian economy. It employs over 25% of the national workforce (or nearly 290,000 herders) and accounts for 12% of the national Gross Domestic Product (GDP). It is the second largest contributor to the GDP after the extractive sector, which has been driving the national economy expansion since the mid-2000s. With a rising trend, the latter made 23.5% of the national GDP in 2018.³³ Moreover, since 2014, the value of exported goods has surpassed the value of imports, mainly due to the export of mineral products.

Although the mining sector employs just 25,000 workers, in the first six months of 2019 the revenue gained from mining and quarrying amounted to over 2.6 billion USD.³⁴ Coal, copper, iron ore, and crude oil account for most of the extractive production in Mongolia.³⁵ Between 2009 and the first half of 2019, the Foreign Direct Investment (FDI) in Mongolia amounted to 17,512.39 million USD. In the first semester of 2019 alone, FDI reached 661.8 million USD, constantly rising since the second half of 2017.³⁶ In 2019, over 90% of the FDI is invested in Oyu Tolgoi mine, one of the biggest gold and copper mines in the world, located in the southern Ömnögovi Aimag, of whom the Government of Mongolia owns a 34% share.³⁷

The economic growth of Mongolia, driven by extractive activities, has led to a reduction of Mongolia's foreign aid dependency. From 1991 to 2002, Mongolia was amid the most aid-dependent countries, and the total of Official Development Assistance (ODA), from bilateral and multilateral donors, amounted to over four billion USD. On the one hand, the mining sector drives Mongolian national economy, while on the other it negatively affects herders and communities. For this, the UN Working Group on Business and Human Rights highlighted as key challenge for the country to maximise the beneficial effect of business while reducing its negative impact.³⁸

Despite the steady growth of Mongolia's economy, poverty remains a key challenge: as of 2018, the poverty rate was standing at 28.4%. In urban areas, the share of the poor population has increased from 62.1 % in 2016 to 63.5 % in 2018, with more than 40% of the poor living in Ulaanbaatar in 2018.³⁹ Nevertheless, the figure is still significantly higher in rural areas, where as many as one third of the population lives, most of whom retaining nomadic lifestyle. Multiple factors contribute to poverty, including harsh weather conditions such as the dzuds, exacerbated by climate change.⁴⁰ With hundreds of rivers and lakes dried up, about three quarters of Mongolia's land is degraded or suffering desertification, while pasture land is drastically reducing and not meeting the feeding need of herders' livestock.⁴¹

Inequality also remains a critical factor. Around 80% of cattle is owned by the 20% richest herders, while more than half of almost 230,000 Mongolian households relying on livestock herding own less than 200 animals, making it difficult for them to earn a living.⁴² While the rich keep becoming richer, in the last 10 years⁴³ the unemployment rate has increased at the national level, and presently stands at 10%.



AREAS VISITED DURING THE 2019 FFM

Khentii Aimag was the first province visited by the FFM team. It is comprised of 18 soums and 88 bags, with a population of 77,000, of whom 27,000 live in rural areas. Its primary economic activity is livestock herding, accounting for more than half of the Aimag's GDP. Tourism also plays a role in generating revenues, as the Aimag is home to few historical places related to the life of Genghis Khan, the founder of the Mongol Empire. Additionally, Khentii Aimag has an abundant diversity of plants and animals.⁴⁴ In 2017, the Mongolian Ministry of Environment and Tourism identified Khentii as one of the five aimags implementing a "green development model", in line with the Mongolian Sustainable Development Vision 2030, which sets objectives related to sustainable economic and social development, as well as environmental sustainability.⁴⁵

The first soum visited in Khentii Aimag was Binder, the birthplace of Genghis Khan. From there, the FFM team travelled to the mining sites located between Binder and Batshireet soums, situated in the upstream of Onon River, which originates in Khentii's mountains and flows through Binder, Batshireet and other soums of the Aimag and beyond. Batnorov Soum was the third and last soum visited in the Khentii Aimag. Finally, the FFM team met with the deputy governor of Khentii Aimag in Chinggis City, the Aimag's capital city.



Herders affected by a mining project in Tsagaan-Ovoo Soum, Dornod Aimag

The second aimag visited by the FFM team was Dornod Aimag, the country's easternmost province (Dornod literally means "the East"), and one of the two Mongolian aimags that borders with both Russia and China. Dornod Aimag is made up of 14 soums and 67 bags, and is home to about 80,000 inhabitants, 35,000 of which live in rural areas. There are 17,000 herders in Dornod Aimag owning about 2.3 million cattle, representing a key source of livelihood considering that animal products constitute up to 30% of the herders' diet. At the same time, dzuds can severely affect the Aimag, making herders particularly vulnerable.

Additionally, more than 60% of the herders in the Aimag got into debt to cope with the overall low capacity of their households to cover their daily basic needs, eventually resulting in negative effects on their health.⁴⁶ In Dornod Aimag, the FFM team met with representatives of a mining company operating in Tsagaan-Ovoo Soum, local communities and local government officials from the soum and bag level.

THE IMPACT OF MINING ON ENVIRONMENT AND LOCAL COMMUNITIES

The Constitution of Mongolia sets it clear that its citizens have the right to live in a “healthy and safe environment and to be protected against environmental pollution and ecological imbalance”⁴⁷, while the Government has the power to “undertake measures on the protection of the environment and on the rational use and restoration of natural resources.”⁴⁸

These constitutional principles are confronted with the reality of the country’s economy, mainly relying on foreign investments in the mining sector, accounting for more than 20% of the GDP⁴⁹ and contributing more than 75% to the total export.⁵⁰

Since the early ‘90s, the Government of Mongolia passed a series of laws to regulate the mining sector, ensure the protection of the environment, and also attract foreign investments. The whole industry is administered by the Ministry of Energy and Heavy Industry, together with the Mineral Resources and Petroleum Authority of Mongolia (MRPAM). To carry out exploration and mining operations, companies have to obtain licences granted by the MRPAM.⁵¹

The Minerals Law adopted in 1997, and amended several times since then, regulates the relationship between mining mineral activities and environmental, socioeconomic aspects.

Through the 2006 amendment, the Mongolian Government introduced the concept of “deposit of strategic importance”; to categorise as such, a deposit should potentially contribute to 5% of the GDP or having a “potential impact on national security, economic and social development of the country at the national and regional levels”.⁵² The 2014 amendment aimed at increasing the portion of lands available for exploration and mining operations, while at the same time reducing the maximum area licenced under a single exploration licence from 400,000 hectares to 150,000 hectares.⁵³ Despite these Government efforts, the number of licences is decreasing; as of August 2017, 3,447 licences are being held by national, foreign companies and joint ventures for exploration and mining activities.⁵⁴

The 2017 amendment decentralises the issuance of licences, giving decisive power to the soums and their elected councils at sub-national level (Citizens’ Representative Khural).⁵⁵

The Minerals Law explicitly addresses the issue of environmental protection, stating that exploration and mining licences holders shall comply with the laws and regulations on this matter, detailing the relevant obligations of both exploration and mining licence holders. For example, to obtain a mining licence, exploration licence holders would have to submit to the MRPAM an environmental impact assessment report and environment protection plans.⁵⁶

It also states that a survey done by an organisation with ethnographic, pale-ontological, and archaeological expertise must precede any kind of operation in order to preserve Mongolia's cultural heritage, in accordance with the 1972 World Cultural and Natural Heritage Convention, acceded by Mongolia in 1990.⁵⁷

Other relevant legislation are the Law on Soil Protection and Prevention of Desertification, Water Regulation Law, and Environmental Impact Assessment (EIA) Law.⁵⁸ The latter, adopted in 1998, clearly states that the purpose of the law is to “protect the environment, prevent ecological imbalance, and ensure minimal adverse impacts on the environment from the use of natural resources”.⁵⁹

Article 17 of the EIA Law, amended in 2012, also formally recognises public participation in EIA processes.⁶⁰

In January 2014, advocacy efforts from CHRD and other civil society groups led the Ministry of Environment and Nature to adopt a more specific “Guideline on Ensuring Public Involvement for EIA”,⁶¹ requiring a meaningful public disclosure and consultation on the project with affected stakeholders.⁶²

A key addition to these legislation is the Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, also known as the Law with Long Name (LN Law). Adopted on 16 July 2009, the LN Law was supposed to protect 25% of the country's ecosystems, especially critical areas such as nomadic herders' lands and river basins from exploration and mining, specifying also duties related to the rehabilitation of the environment.⁶³ From a practical point of view, the LN Law would establish safety zones defined by the Ministry of the Environment and Tourism in cooperation with the Mongolian Environmental Citizen's Council, and approved by local authorities.⁶⁴

Mineral exploration and mining operations are prohibited at headwaters of rivers, protected zones of water reservoirs and forested areas within the territory of Mongolia, (Article 4.1, LN Law)

Many protected lands continued to be exploited despite the adoption of the LN Law. Not only its implementation has been inadequate, but also due to the pressure of mining lobby groups, the LN Law has been considerably amended twice in 2013 and 2015.⁶⁵ As a result, safety zones went from being set between 200-1000 meters to 50-200 meters from the water sources and forest areas.⁶⁶ The amendment dramatically increases the chances for water sources and land to be polluted and contaminated, triggering the protests of local communities and civil society groups.⁶⁷

These laws and regulations coexist with initiatives aimed at attracting foreign investments, such as the Gold and Gold 2000 programmes. Implemented from 1992 to 2000 to boost economic growth, the two programmes set up an extremely investor-friendly environment by allowing private companies to hold mining permits and providing financial support to them via bank loans. A Gold Programme (Gold-2), which started in 2017 and in operation until 2020, plans to increase gold mining production by 2-3 tonnes annually.⁶⁸ This new programme provided favourable royalty and tax regime, accelerated permitting procedures to start the mine, simplified provincial regulations, and allocated financial support from the Central Bank.

According to CHRD, with a mix of investor-friendly programmes and environmental protection laws, the Government is yet to address critical issues such as access to remedies and legal assistance or accountability for violations of laws protecting the environment.⁶⁹ In the meantime, mining operations have repeatedly violated the rights of local communities and herders to live in a safe and healthy environment and to continue their traditional nomadic living without their water being contaminated and pasture land polluted.⁷⁰

THE THREATS TO THE ONON RIVER BASIN AREA

On 6 May 2019, the FFM team visited the Onon River basin area in Khentii Aimag. The basin is extremely valuable from both historical and ecological points of view, being the birthplace of Genghis Khan and a main source of water for the Aimag. The whole ecosystem and its rich biodiversity are dependent on the Onon River, while large parts of the population still rely on it for drinking, washing, and bathing. Its forests and steppe zones in the basin of Khurkh-Khuiten, a tributary of the Onon River, is a designated site as Wetland of International Importance (Ramsar Site), under the Ramsar Convention entered into force in Mongolia in 1998.⁷¹ The Onon River is also one of the sources of the Amur River, the world's tenth longest river.



The Onon River flowing in Binder Soum, Khentii Aimag

There are four mining companies⁷² operating amidst the idyllic valleys of the Onon River basin, but three of them pose particular concerns due to their proximity to riverbanks and forest: U&B, Aivuantes, and Pegmatite, all Mongolian gold mining companies. U&B and Aivuantes operate in alluvial mine deposits, while Pegmatite in a hard rock one, on the peak of the basin area.

At the time of the visit, U&B, located in the Gutain Davaa area between Binder and Batshireet Soum, was closed due to a large forest fire spreading south from the Russian taiga. The FFM team was later informed that the company has now ceased all operations.



The Onon River in Binder Soud





Pond in the Aivuuntes mining site

Aivuuntes has been operating since April 2000 in the Gutai gold deposit zone, an area under the jurisdiction of Batshireet Soum, where flows Zuun Gutai, a tributary of the Onon River. Mr Munkhbat, the mining site manager, highlighted how the company supports responsible mining, yet was not aware of whether the local community has been properly consulted by the management before starting the exploration. While he was quite confident that the company “meets all requirements”, especially in relation to the distance from the river banks, he was not able to provide specific examples and data. The FFM team acknowledged that the site is in very close proximity of the tributary river’s bank, surely less than 1 km, a distance that however is still in line with the parameters set by the amended LN Law.



Small water streams running from the mining site into the Zuun Gutai, tributary of the Onon River

Mr Munkhbat explained that at the moment, the company is “not doing much apart from digging, extracting, and filtering out the stones, without changing the water direction”. At the time of the visit, the FFM team could see two large artificial ponds ready to be filled with water and filters to purify the rocks from where gold will be extracted.

When asked about what will happen to the ponds after the filtering and washing process, Mr Munkhbat said that the company will rehabilitate the land by covering up the holes and planting trees and grass. The company’s licence will expire in 2030.

Pegmatite operates in an upper area facing the Shurgadagiin tributary of the Onon River located between the soums of Binder and Batshireet, but legally within the jurisdiction of the latter. The mining site is surrounded by what once was a lush pine forest, which at the time of the visit was increasingly reduced to ashes due to the fire spreading from the Russian border.

Since August 2015, the site was previously operated by a Mongolian company with Canadian investment, Gutain Davaa. Based on 2012 LN Law, no mining operations were allowed in the gold deposit and surroundings, as they were intersecting with a forest reserve area. With the 2015 amendment of the LN Law and the reduction of the size of safety zones, the mining site was not considered overlapping anymore with the forest reserve area, thus Gutain Davaa received the green light to operate. The 2015 amendment does not change the fact that the mining site is still located in close proximity of a forest reserve and a tributary of the Onon River.

Mr Baldorj Ayurzana, Pegmatite's Site Manager, explained how after getting an extractive licence in 2018, the company started a consultative process with local authorities and communities. Based on this, they decided to build the processing plant where the gold will be washed with cyanide and arsenic in another aimag, not specified to the FFM team. While he was aware of some members of the local communities not being supportive of the mining company's operations, he was fully convinced that so far there have been no negative impacts on the environment. At the same time, he pointed out that unfortunately there are two mining companies operating in proximity of the river down in the Onon basin valley, which he believes carry concrete risk of pollution. While Mr Ayurzana did not mention the names of the companies, it was evident to the FFM Team that he was referring to U&B and Aivuuntes.⁷³

After an initial refusal, motivated by security concerns for the forest fire spreading in the surroundings, the FFM team was granted access to the site, although no photos were permitted. During the visit, the FFM team was informed that a hole of up to twenty metres was already dug, but that no other operations started yet.



Considering the proximity of U&B, Aivuuntes, and Pegmatite to river banks and forest, local communities started to organise themselves against the mining operations. On 27 November 2018, residents from Binder Soum formed the movement “Save Onon River” (Movement), which is actively advocating to stop all kinds of mining operations in the Onon River basin area. Mr Altangerel Namsrai, one of the leaders of the Movement, explained that this was formed to halt the operations of U&B, Aivuuntes, and Pegmatite, which are believed to pose a serious threat to the local communities and all the seven soums located in the Onon River basin area.⁷⁴

At the time of the FFM, the Movement had already engaged in advocacy activities in Ulaanbaatar. On 10 January 2019, they submitted a petition to the Complaint Committee of the Parliament with more than 3,500 signatures asking to stop the mining operations. However, at that time, they had not received any response.

Furthermore, the Movement revealed to the FFM team the alleged disappearance of four tributaries of the Onon River from the national river database, namely Zuun Gutai, Shurgadagiin, Naimtin, and Argatain. The river counting, conducted at the national level, recently took place in 2007 and 2011, when all four tributaries were recorded. Despite the amendments to the LN Law, the presence of rivers and tributaries can still be a decisive factor when granting mining licences. According to the Movement, in 2015 the tributaries have allegedly disappeared from the database, making it even easier for the mining licences to be granted by the local authorities of Batshireet Soum. The Movement requested for a recounting to the Khentii Aimag as well as central Government, and at the time of the FFM, had not received any official reply. It is not known whether the tributaries disappeared at the Aimag or central Government level.



Apart from the Movement, also Binder Soum officials expressed serious concerns about the mining operations along water sources. The Deputy Governor of Binder Soum, Mr S. Erkhembayar highlighted how over the years both citizens and authorities have been very vocal in protesting against mining operations.

**'BINDER IS THE HOMELAND OF GENGHIS KHAN AND
WE DON'T WANT IT TO BE AFFECTED BY MINING,
WE WANT TO PRESERVE OUR NATURE'**

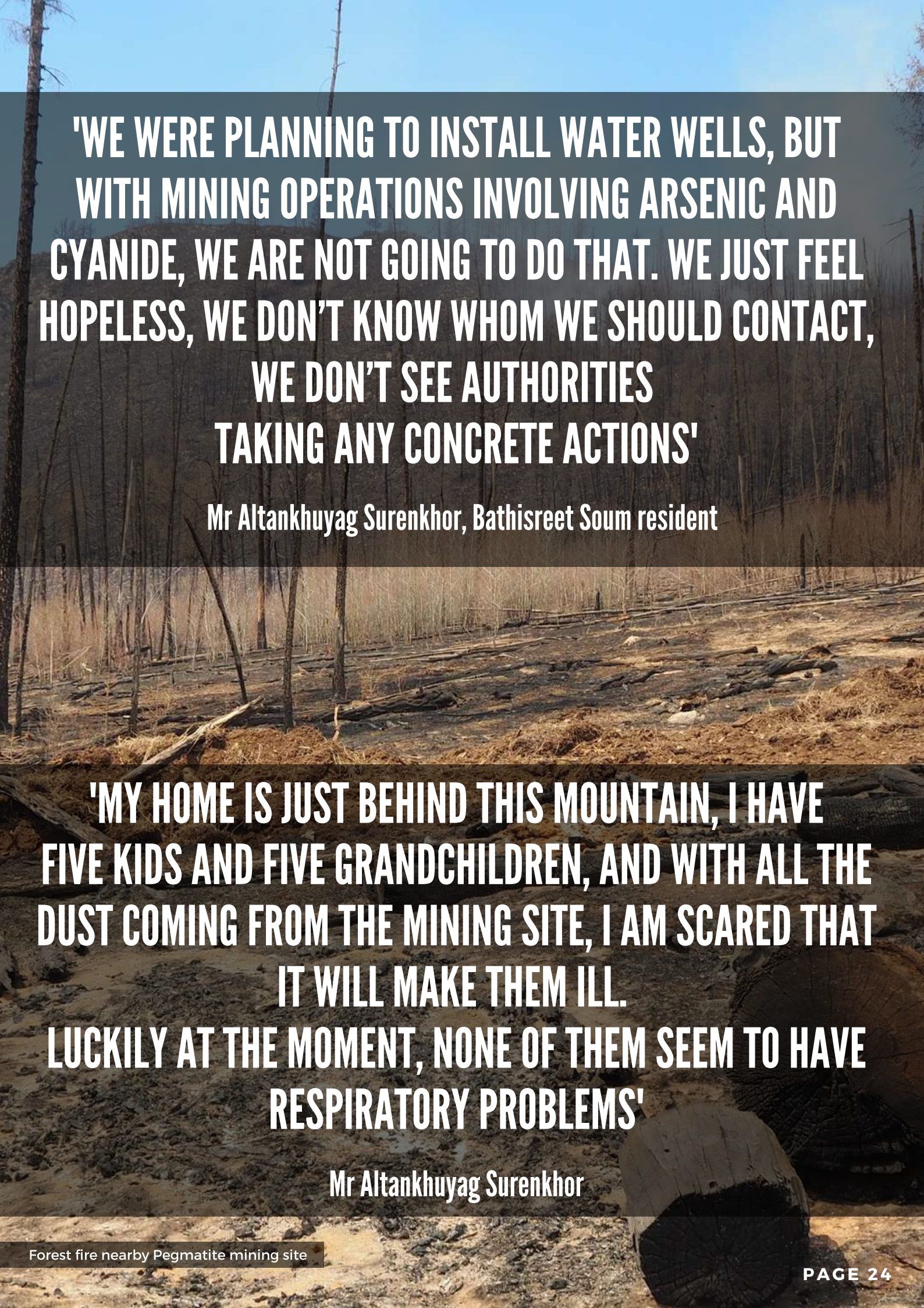
Mr S. Erkhembayar, Deputy Governor, Binder Soum

Yet the same sense of unity does not prevail in Batshireet Soum, located upstream of the Onon River, where local authorities are in favour of the mining operations, while citizens are divided. In fact, the FFM team was informed that there is the concrete risk that violence could erupt between the two soums (Binder and Batshireet) and even within people in Batshireet Soum itself. While local authorities of Batshireet Soum have refused to meet with the FFM team, the team was able interview two residents of the Onon Bag of the Batshireet Soum, Mr Altankhuyag Surenkhор and Mr Baatar Namsrai, who were waiting for the FFM team outside the entrance of the Pegmatite mining site.

Mr Altankhuyag Surenkhор and Mr Baatar Namsrai both oppose the mining operations in the basin area, afraid that the river will be contaminated as a result of the operations. Last winter, they have already witnessed how a large number of small fish started to die upstream. They also noted that a few herders are no longer using the river water to quench their cattle due to its pollution. According to both of them, the alleged removal of the four tributaries from the database was a decisive factor in granting the licences to the mining companies operating in proximity of the river banks.



From left: Mr Baatar Namsrai and Mr Altankhuyag Surenkhор



'WE WERE PLANNING TO INSTALL WATER WELLS, BUT WITH MINING OPERATIONS INVOLVING ARSENIC AND CYANIDE, WE ARE NOT GOING TO DO THAT. WE JUST FEEL HOPELESS, WE DON'T KNOW WHOM WE SHOULD CONTACT, WE DON'T SEE AUTHORITIES TAKING ANY CONCRETE ACTIONS'

Mr Altankhuyag Surenkhor, Bathisreet Soum resident

'MY HOME IS JUST BEHIND THIS MOUNTAIN, I HAVE FIVE KIDS AND FIVE GRANDCHILDREN, AND WITH ALL THE DUST COMING FROM THE MINING SITE, I AM SCARED THAT IT WILL MAKE THEM ILL. LUCKILY AT THE MOMENT, NONE OF THEM SEEM TO HAVE RESPIRATORY PROBLEMS'

Mr Altankhuyag Surenkhor

In a similar fashion, Binder Soum residents are concerned that polluted water will flow downstream from Batshireet Soum. Potential arsenic contamination and cyanide processing were pointed as the biggest threats, while few residents already started to record worrying signs such as increased number of fish's deaths, reduced water transparency, difficulty in fishing, and the water's unpleasant smell and taste.

'WE ARE SCARED OF USING WATER AND DO BATHING NOW'

Binder Soum resident



Consultation with local community members in Binder Soum town hall

The position of Khentii Aimag Government is aligned with the authorities and citizens of Binder Soum. When asked about the mining operations alongside the Onon River, the Deputy Governor, Mr Chogsomjav Tsendjav, emphasised how the current local administration is advocating for this Aimag to be recognised as an eco-tourism area where mining is strictly controlled, and for this they rejected proposals of granting mining licences in the Onon River basin area. However, with the decentralisation of the licence issuance process to the soum-level, the Aimag was not in the position to influence the process.

THE CONSEQUENCES OF ILLEGAL ARTISANAL MINING IN BATNOROV SOUM

On 7 May 2019, the FFM team visited the area of Batnorov Soum, situated in Khentii Aimag, around two hundred kilometres from Binder Soum. According to local authorities, there are 53 licences for exploration and 15 for extraction in the surroundings of Batnorov Soum, none of which are operating in proximity of water sources.

The FFM team did not note any specific complaints or tensions regarding mining companies, but was made aware of several issues concerning illegal small-scale mining - also known as ninja mining. Ninja miners are often unemployed herdsman/women, living in a condition of poverty that pushes them into illegally digging holes and looking for precious stones and metal without appropriate equipment, tools, and safety measures in place. They are called ninja as the green bowls used to collect stones and minerals that most of them carry on the back resembles the shells of the characters of the cartoon *The Teenage Mutant Ninja Turtles*.

The FFM team visited one area around 50 kilometres from Batnorov Soum with visible traces of ninja mining. Since starting in the region in 2015, the activities of ninja miners have escalated from picking up gems stones from the soil to digging holes with a diameter ranging from 20 to 60 centimetres up to few meters deep, in an area of approximately ten hectares. Across the land, the FFM team saw that soil had holes of different dimensions and pieces of garbage scattered around.



'THERE ARE 346,000 CATTLE GRAZING HERE, THERE IS NOT ENOUGH PASTURE LAND, FOR THIS WE DON'T WANT ILLEGAL MINING OPERATIONS'

Mr Taivanjargal Gombosuren, Governor of Batnorov Soum



Ninja mining damages the environment as removing stones from the soil alters its composition and the overall ecosystem. What once was a pasture land area providing vital resources for the herders and their cattle, is left permanently damaged by this illegal activity. Apart from environmental damage, the Soum Governor also shared cases of ninja miners stealing wood and food from the herders' camps, as well as allegations of abuses towards women living in the gers.



Soil damaged by ninja mining in Batnorov Soum



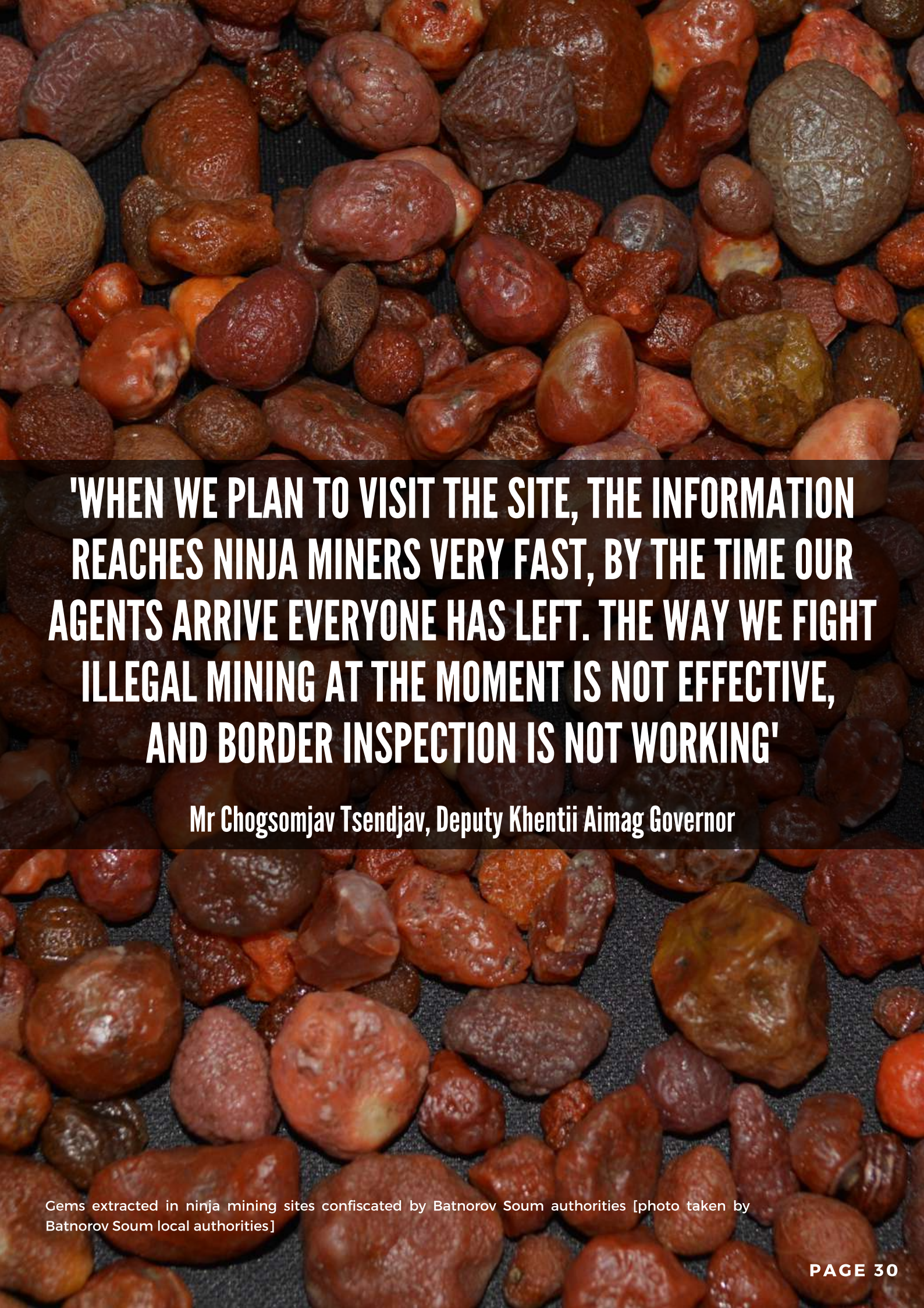
Ninja mining site in Batnorov Soum, Khentii Aimag



At the time of the visit, one herder family had their summer camp set up nearby. They recalled how there used to be up to a hundred ninja miners digging in one spot, but now the number has decreased to five or six, as not much is left to be extracted. Yet even now, the FFM team was informed that few ninja miners continue to work for 24 hours, setting up camps in the forest and patrolling the area with walkie-talkies so that they are not caught by police and environmental inspectors.



The FFM team tried to meet with ninja miners, but was told they most likely left the area as soon as the FFM vehicle was seen getting closer. Indeed, the FFM team was informed of the possibility that information regarding this mission may have been leaked to ninja miners, which authorities claim to be receiving information about when it is the “right” time to operate. This led the Soum Governor and other members of the local administration to believe that some law enforcement agents and border inspection officers may be benefitting from this business. When meeting with the Aimag Deputy Governor, Mr Chogsomjav Tsendjav, he also confirmed the possibility of ninja mining activities being protected by corrupted law enforcement agents.



'WHEN WE PLAN TO VISIT THE SITE, THE INFORMATION REACHES NINJA MINERS VERY FAST, BY THE TIME OUR AGENTS ARRIVE EVERYONE HAS LEFT. THE WAY WE FIGHT ILLEGAL MINING AT THE MOMENT IS NOT EFFECTIVE, AND BORDER INSPECTION IS NOT WORKING'

Mr Chogsomjav Tsendjav, Deputy Khentii Aimag Governor

Gems extracted in ninja mining sites confiscated by Batnorov Soum authorities [photo taken by Batnorov Soum local authorities]

LAND OVERLAPPING BETWEEN HERDERS AND MINING COMPANY IN TSAGAAN-OVOO SOUM

On 8 May 2019, the FFM team visited the area of Tsagaan-Ovoo Soum, in the Dornod Aimag, home of around 3,200 people distributed in six bags. Approximately 30 km away from the Soum is the mining site of Steppe Gold, a precious metal exploration and extraction company, that acquired licence from Centerra Mongolia in September 2017. Steppe Gold claims to be the first company to implement the Gold-2 Programme started in 2017, aiming at increasing national gold production by 2-3 tonnes annually. The company is publicly listed in Toronto and Frankfurt stock market.

When seeking directions to the mining site from a herder family living nearby, they were especially reluctant to help and had an aggressive attitude as soon as they heard Steppe Gold, giving the FFM team a clear impression that they were not particularly willing to engage with anyone involved with the mining company.

The site, currently covering an area of 426,000 hectares, appeared significantly bigger than the ones visited in the Onon River basin and far more developed in terms of infrastructure. Inside their very well-equipped compound, the FFM team met with Mr G. Munkhjin, Environment Superintendent of Steppe Gold.



'THE PROBLEM IS THAT HERDERS DON'T KNOW AND DON'T UNDERSTAND WHAT IS RESPONSIBLE MINING'

Mr G. Munkhjin, Environment Superintendent, Steppe Gold



He explained that the company reached an agreement with the Tsagaan-Ovoo Soum in October 2017, promising to make an investment of 160 million of Tugriks (approx. 59,975 USD) for the development of the Soum; offer a scholarship programme for a limited number of residents; and recruit local community members, who would make up to 50% of the workforce. When asked about measures in place to protect the environment, Mr Munkhjin described the various initiatives undertaken by the company, including: a survey assessing the needs and concerns of local residents, which so far have been about the lack of clean water wells and increase of dust; monthly monitoring of air, water, and soil qualities, to which he claims herders are taking part of; a quarterly environmental report submitted to the Soum, Aimag and central authorities; sight tours for local residents; and a complaint mechanism within Bag number 2, the actual location of the mining operation. The meeting ended with a visit to the vast fenced mining site, where the FFM team was not allowed to take any photos as per the company's security policy.

Despite these initiatives, and while claiming that majority of the Soum population is supporting the mining operation, Steppe Gold was brought to court by three herders represented by the environmental NGO "Nyutag Nuga Zonoi az Jargalai Zam" in May 2018. According to the plaintiffs, the company's mining site occupied the land used by the herders of Bag number 2 for their winter and summer camps. However, all court decisions, including the Appeal and Supreme Court, have supported the company's position that no land has been illegally occupied.

Testimonies from herders opposing the mining operations and local authorities collected by the FFM team cast shadows on the procedures followed to grant licence to the company. According to both a delegation of herders protesting the mining operation and the land officer of the Soum, the mining site overlaps with the land of 13 households in the Bag number 2. In 2012, six of the households obtained the land certificate during the exploration period, while seven of them obtained the certificate afterwards, although their families have been setting up their camps in the area for generations. Ms Munkhtuya Altangerel, current Soum Land Officer of Tsagaan-Ovoo Soum, explained how most likely her predecessor was not aware of the mining licence being granted for the same portion of land, but nevertheless issued land certificates for the herders.

Moreover, Mr Zorigtbaatar Renchin, Governor of Bag number 4 pointed out how the local approval process of Steppe Gold's licence was characterised by a lack of due process. Indeed, instead of first discussing the mining project at the bag-level as per standard procedure, the Soum Citizen Representative Khural approved the project the day before Bag representatives could meet and discuss about the project's pros and cons. The current Governor of Bag number 2, Ms Oyuntuya Dorj, which happens to be the daughter of the former bag number 2 Governor, was present during the meeting with Governor of Bag number 4 and did not confirm or deny the accusations on the lack of due process.

In addition to land overlapping caused by what appears to be flagrant oversight of the local administration, the herders are also confronted with the lack of protection under Mongolian Land Law, which under Article 40.1.6 requires to use the land for a defined purpose within two year time. Failure to do so results in the invalidation of the land certificate.⁷⁵ Installing fences is commonly accepted as an evidence that the land is being used, but unfortunately these 13 families were not aware of the law and/or did not have the financial means for installing fences, and were then asked to relocate.

'WE SHOULD LOOK AT THE FIRST USAGE OF THE LAND, THE RIGHTS OF THE FIRST OCCUPANTS AND HERDERS' LIFESTYLE SHOULD BE PROTECTED, BUT UNFORTUNATELY THE MONGOLIAN LAND LAW DOES NOT PROVIDE THIS KIND OF PROTECTION'

Ms Munkhtuya Altangerel, Land Officer, Tsagaan-Ovoo Soum

According to Ms Munkhtuya Altangerel, the majority of the families are now in the process of receiving monetary compensation from Steppe Gold of around 20 million Tugriks (approx. 7,497 USD).

'I RECEIVED A LAND CERTIFICATE IN 2012, BUT WHEN THE COMPANY STARTED THE OPERATION IN 2017, THEY TOLD ME TO LEAVE AS I DID NOT FENCE MY LAND.

THEY SAID THEY WOULD GIVE ME 20 MILLION OF TUGRIKS. I WAS PLANNING TO SET UP THE GER AND FENCE THE LAND, BUT I AM A SINGLE MOM WITH A DISABLED CHILD, AND I CANNOT MOVE AROUND EASILY.

LOCAL AUTHORITIES SHOULD HELP THE HERDERS IN MAKING THEM AWARE OF REGULATIONS, NOW MY LAND IS ALSO A MINING LICENSED AREA'

Herder affected by Steppe Gold operations in Tsagaan-Ovoo Soum

**'I WAS BORN IN THIS AREA. IT IS A BEAUTIFUL,
GREEN PLACE. WE HAVE BEEN HERE FOR GENERATIONS.
MY TWO SONS STILL LIVE AROUND THE MINING SITE,
THERE IS A LOT OF NOISE AND DUST IN WINTER,
GOT WORSE AFTER THIS NEW COMPANY CAME IN 2017.**

**THERE ARE A LOT OF RUMOURS AND LIES ABOUT
THE LOCAL ADMINISTRATION, BUT I JUST WANT TO PROTECT
MY LAND'**

Herder affected by Steppe Gold operations in Tsagaan-Ovoo Soum

Pasture land nearby Tsagaan-Ovoo Soum, Dornod Aimag

Around ten herders and few members of the Tsagaan-Ovoo community are still protesting against the mining operation. The FFM team met with community's elders and relatives of the affected families, who pointed out how they have been opposing mining operations in the area since 2012. Known as "land of 1,000 sheep", widely used as pasture land in springtime, it provides more than 15 types of medical and culinary herbs to herders who set up their winter and summer camps in the surroundings.

For those that are still living in the surroundings of the mining site, air polluted with dust particles is a key concern. A couple living 100 metres from the mining site's fence shared how the dust has been affecting their eye sight, breathing, and overall physical health and hygiene. The petrol evaporation from the site further contaminates the air and can be smelt throughout the day, while the passing of company trucks generate loud blasting noises. They are also concerned about the usage of water wells by the company, which allegedly leaves the water polluted for a couple of days every time they use the wells. In addition, animal stock is affected. The couple informed that few sheep are ailing and about to die for inexplicable reasons, and two of them are suffering from lung infection caused by the dust.

'THEY ARE GRABBING OUR LAND, IT IS NOT ABANDONED'

Herder affected by Steppe Gold operations in Tsagaan-Ovoo Soum

'WE REALISE ONLY NOW HOW MINING CAN BE HARMFUL FOR US'

Herder affected by Steppe Gold operations in Tsagaan-Ovoo Soum

THE IMPACT OF MINING ON COMMUNITY-BASED DEFENDERS

W/HRDs are defined as people who, individually or with others, act to promote or protect human rights through peaceful means.⁷⁶ In the context of Mongolia, the basic protection of human rights is acknowledged in its Constitution. While being a state party to almost all of core international human rights treaties including International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR),⁷⁷ there are no specific law and policy stipulating the definition nor the protection mechanisms for W/HRDs. With the absence of a national policy, coupled with lack of awareness of international mechanisms for W/HRDs protection, it is not surprising that the concept of W/HRD is also something not familiar to many Mongolians.

The lack of understanding of the concept of W/HRD was also felt during the interview with local communities. All the 21 local community members and community-based HRDs interviewed by the FFM team shared that they had never heard of the word “human rights defender”, nor consider themselves as one or their work as human rights work. This situation, which is also prevalent in other countries in Asia, is common in grassroots/community levels, where community-based W/HRDs are working to preserve their environment and culture without necessarily identifying themselves as W/HRDs. Unfortunately, the lack of understanding of W/HRDs was not only observed at the community level, but also at both local and central governments levels, where often times, they do not recognise local community members who defend their rights as W/HRDs. As a consequence, W/HRDs are left without protection or remedy.

Moreover, W/HRDs are often labelled as being “trouble makers”, “anti-development”, “anti-government”, and other labels framing them as an enemy of the public.⁷⁸ Mongolia is not an exception. This vilification makes W/HRDs vulnerable, as perpetrators can utilise existing stigma as a tool to further repress the work of W/HRDs, and pressure them to stop carrying out their legitimate human rights work. Very often, such pressure tactics takes the form of intimidation, threats and escalate into judicial and/or physical harassment and violence. When it comes to community-based defenders, their geographical location, most of the time in remote areas, makes them even more vulnerable due to limited access to existing protection mechanisms at national, regional, and international levels.⁷⁹

The United Nations Special Rapporteur on the situation of HRDs, Mr Michel Forst, at the end of his official visit to Mongolia in May 2019, pointed out that Mongolia is a relatively safe country for W/HRDs to operate.⁸⁰ Nevertheless, W/HRDs are still not free to conduct their human rights work without fear of reprisals. One emblematic case of attack against HRDs is the killing of Mr Lhagvasumberel Tumursukh in 2015. He was an environmentalist working to protect snow leopards. The perpetrator(s) behind his killing remain unknown as police declared he committed suicide. It was known that he confronted mining companies who illegally operated in the protected areas.⁸¹

'I OBSERVED A LACK OF UNDERSTANDING AMONG GOVERNMENT OFFICIALS, HRDs THEMSELVES, AND THE PUBLIC IN GENERAL OF WHO HRDs ARE. I ENCOURAGE THE GOVERNMENT AND THE NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA (NHRCM) TO PROMOTE THIS CONCEPT, DISSEMINATE THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS AND PUBLICLY RECOGNISE THE LEGITIMATE AND IMPORTANT ROLE OF HRDs'

**Mr Michel Forst, UN Special Rapporteur on the situation of HRDs
[end of mission statement of official visit, May 2019]**

In 2010, the discussion on the need to have a legal framework to protect W/HRDs was mentioned in Mongolia's Universal Periodic Review. The discussion has continued, and in 2017 the NHRCM, together with civil society, collaborated to push for the enactment of the Law on the Legal Status of Human Rights Defenders ("HRD Protection Law"). Since then, the Human Rights NGO network, consisting of human rights Non-Governmental Organisations (NGOs) in Mongolia, have continuously pushed for the enactment of the Law. Since 2015, FORUM-ASIA, together with its members in Mongolia, CHRD and Globe International Center, both part of the Human Rights NGO network, have consistently emphasised the importance of and pushed for the enactment of the HRD Protection Law. After years of work on the draft law, this was submitted by the NHRCM to the Ministry of Justice in late 2018. However, the draft was rejected by the Parliament with the excuse that the existing law is sufficient to protect HRDs.⁸²

The absence of legal protection towards W/HRDs, combined with the lack of understanding of the concept and work of W/HRDs by both state and non-state actors, creates a challenging environment for defenders in Mongolia. As the frontier for the realisation of human rights, an effective protection mechanism for W/HRDs is essential.

HARASSMENT FACED BY DEFENDERS

Intimidation and Threats

Based on the testimonies by local communities and community-based defenders documented by the FFM team, intimidation and threats have been found as the most common types of harassment in all visited areas. The perpetrators commit these types of harassment with a sense of impunity, either by direct verbal threats or by phone calls or messages.

In Binder Soum, community-based defenders leading the movement “Save Onon River” (Movement) claimed that they had been receiving multiple threats via phone from unknown callers for at least the past one year. All of the threats had a similar message: asking the defenders to halt their advocacy or something bad will happen to them. These intimidations and threats are also often directed towards their family members such as spouses and children. Mr Altangerel Namsrai, the leader of the Movement, shared that the intimidation has alarmed his family and made them oppose his advocacy work to ensure security for himself and his family. Although until the time of the interview no threats have been concretised, the continuous harassment spread fear in the Movement and generated pressure to the local community opposing mining activities, also affecting their psychosocial well-being.



Binder Soum Government building

As both the Binder Soum local Government and communities oppose mining activities in the Onon River basin area, the Movement is strong. A series of protests have been organised in the past few years at the local, provincial, and capital levels. Nevertheless, despite the continuous attempts by the Movement to close down the mining sites, operations continue. Furthermore, there is increasing tension as Batshireet Soum local authorities are supporting the mining operations in the Onon River basin area.

The FFM team interviewed Mr Altankhuyag Surenkhor and Mr Baatar Namsrai, two community-based HRDs from Batshireet Soum who have been advocating against mining activities in the area. They shared how mining companies and people supporting their operations, including local Government officials, continue to pressure whoever is opposing them.



Mr Altankhuyag Surenkhor, Batshireet Soum Resident

Although recently no direct threats have been made, there is constant psychological pressure, as defenders advocating to stop the mining operations continue to be labelled by pro-mining individuals as 'fake activists', protesting for their own personal benefit. Mr. Altankhuyag further shared that their requests for funding to organise community activities to the local Government have been denied due to their position on the mining activities. The two HRDs also suspect corruption or bribery taking place within the Batshireet Soum administration, which seems to ensure that adopted policies are in favor of mining companies or those who support mining operations. When the FFM team asked whether they have been in touch with NHRCM about the alleged human rights violations committed by mining operations, they shared that they were not aware of the possibility to reporting to NHRCM.

'MY FATHER WAS THE FORMER GOVERNOR OF BATSHIREET SOUM, WHO ISSUED THE LICENCE FOR THESE MINING COMPANIES. SO PEOPLE NOW ARE PRESSURING ME, ASKING WHY I AM DOING SOMETHING IN CONTRARY WITH WHAT MY FATHER DID? I AM EVEN LABELLED AS A 'FAKE ACTIVIST''

Mr Altankhuyag Surenkhor, Batshireet Soum resident





In Batnorov Soum, where illegal mining activities by artisanal ninja miners are rampant, the FFM team recorded testimonies of local government officials who were harassed as they tried to halt these activities. The Batnorov Soum Governor, Mr Taivanjargal Combosuren and former state environmental inspector, Ms Zultsetseg Erdenbaatar based in Batnorov Soum, shared that they were threatened by the ninja miners when reprimanding them to stop digging the pasture land.

In the case of Mr Taivanjargal and Ms Zultsetseg, the threats were also extended to their family members. When conducting an inspection, a ninja miner asked them to stop or something bad will happen to their family. Unfortunately, the FFM team was not able to interview local communities residing in Batnorov Soum, because according to the Soum Governor they were engaged in preparation for the visit of the Prime Minister of Mongolia, scheduled after a day of the FFM team's visit.

Along the lines with what experienced by Batnorov Soum Government officials, the representative of the NHRCM in Khentii Aimag, Ms Erdenebayasgalan Dagva, shared that she was also intimidated by ninja miners while visiting different areas in Khentii Aimag. She recalled that whenever she visited illegal mining sites, ninja miners would often pelt stones towards her car to intimidate and refrain her from patrolling the area. Despite this, she conducted these patrols by herself with serious threats to her safety. She recorded these instances of intimidation and threats in a regular report to the NHRCM headquarters. However, she shared that no measures have been taken by the head office to ensure her security, and she did not follow-up on the intimidation that she experienced while doing her work.



Pasture land affected by ninja mining in Batnorov District

Another challenge faced by the NHRCM is its limited capacity to push businesses to comply with its request and/or recommendations, especially when it comes to their work at the Aimag level. Consequently, when the staff submits a request to visit mining sites, they are often rejected by the mining company from doing so. Moreover, whenever an allegation of human rights violation is found by the NHRCM representative at the provincial level, the concerned officer is required to report to the NHRCM office in the Capital, and then wait for further instructions before taking any action. This centralised process does not allow NHRCM staff at the provincial level to act immediately and spontaneously against alleged human rights violations taking place in the area. In one case, Ms Erdenebayasgalan had even been fined for breaching the protocol of NHRCM, when she took discretion to help a victim of domestic violence without getting permission from the Capital.

'THE MANDATE OF NHRCM IS LIMITED, BUT THE MANDATE OF NHRCM'S PROVINCIAL REPRESENTATIVE IS EVEN MORE LIMITED, AS WE CANNOT TAKE ANY PROMPT ACTION AGAINST ALLEGED HUMAN RIGHTS VIOLATION HAPPENING IN THE PROVINCE. IT IS IMPORTANT TO AMEND THE LAW, TO STRENGTHEN THE MANDATE OF NHRCM, ESPECIALLY AT PROVINCIAL LEVEL'

Ms Erdenebayasgalan Dagva, NHRCM Representative in Khentii Aimag

Hills surrounding Batnorov Soum, Khentii Aimag

In addition, NHRCM representatives in the provinces end up with a very broad job description, as there is only one person appointed for each aimag. This makes it very hard for them to properly focus on human rights protection work. Ms Erdenebayasgalan described the current mandate given to NHRCM representative in aimag level as a "messenger", with no discretion that can be taken by the aimag representative. Despite the NHRCM having a strong legal mandate, the commission's limited capacity at the provincial level is likely caused by the limited resources of the institution.⁸³

Physical Harassment

The FFM team recorded cases of physical harassment when visiting Tsagaan-Ovoo Soum and meeting with herders who have been advocating against Steppe Gold's mining operations. The FFM team collected testimonies of few local community members, particularly herders living close to the mining site, who have been vocal against the mining operations in the area, as they believe it will have negative impacts on their livelihoods and the environment.

In 2018, one car was reported to be drifting in circles, surrounding a ger where a herder family opposing the mining activity lived. The same car also hit the wooden toilet hut located near the ger. No one claimed to be responsible for this act of intimidation and destruction of property, but there have been strong allegations made by the victims of the perpetrator being linked to Steppe Gold.



The FFM team also recorded cases of use of excessive force. Mr Tuvshinjargal Sambuu and Ms Mungunkhun Dulmaa, herders and W/HRDs living close to the Steppe Gold mining site, have been vocal in protesting against the mining operations. On 21 August 2018, when the W/HRDs together with other herders protested against the company's decision to fence the pasture land, around ten security personnel from a security company allegedly hired by Steppe Gold beat the two W/HRDs. Mr Tuvshinjargal was handcuffed and put to the ground while one security personnel sat on his head. He was then beaten up by several other people, which led to his shoulder being fractured. When he screamed for help, fortunately, one of the herders who was part of the protest managed to help him get into a car. However, the car was eventually stopped by the security personnel, who started to hit the window and the body of the car with a blunt object. Despite this, they managed to run away and secure themselves in the police station in the Soum town hall. He shared the incident with the Deputy Soum Governor on the same day, but unfortunately, at the time of the FFM, no action has been taken. A video recording a portion of the incident can be accessed via [this link](#).



Mr Tuvshinjargal Sambuu physically harassed by security personnel
[footage from the video taken by HRD]

While Mr Tuvshinjargal was being attacked, Ms Mungunkhun recorded the incident with her mobile phone. As she was recording, she was grabbed by three security personnel and her mobile was snatched from her hand. She managed to retrieve it from the hand of the security person, hide it under her brassiere, and run away. She was still chased by the security personnel, who manhandled her, and then forcefully took away Ms Mungunkhun's mobile phone from inside her brassiere and started to beat her. They then allegedly brought her to the security post of the Steppe Gold. Ms Mungunkhun estimated that she was detained for around five hours as a form of "punishment". During her detention, she shared that she was sexually harassed by the security personnel in the pretext of "locating her mobile phone", although they already had it in their possession.



'THE SITUATION WAS VERY SCARY; MY CLOTHES WERE TORN APART BY THEM. I WAS SCARED FOR MY LIFE, I THOUGHT I WOULD DIE AT THAT TIME'.

Ms Mungunkhun Dulmaa, WHRD from Tsagaan-Ovoo Soum

She was feeling jittery that she would lose her life for being pressured by muscular security personnel and was afraid to call out for help. Later when she was released, her mobile phone was eventually returned to her. When this incident happened, Ms Mungunkhun had recently undergone an appendicitis surgery. The physical attack towards her damaged the stitches, and as a result, she needed to go back to hospital to do re-stitching. The video of the beating has been deleted from her phone by one of the security personnel.

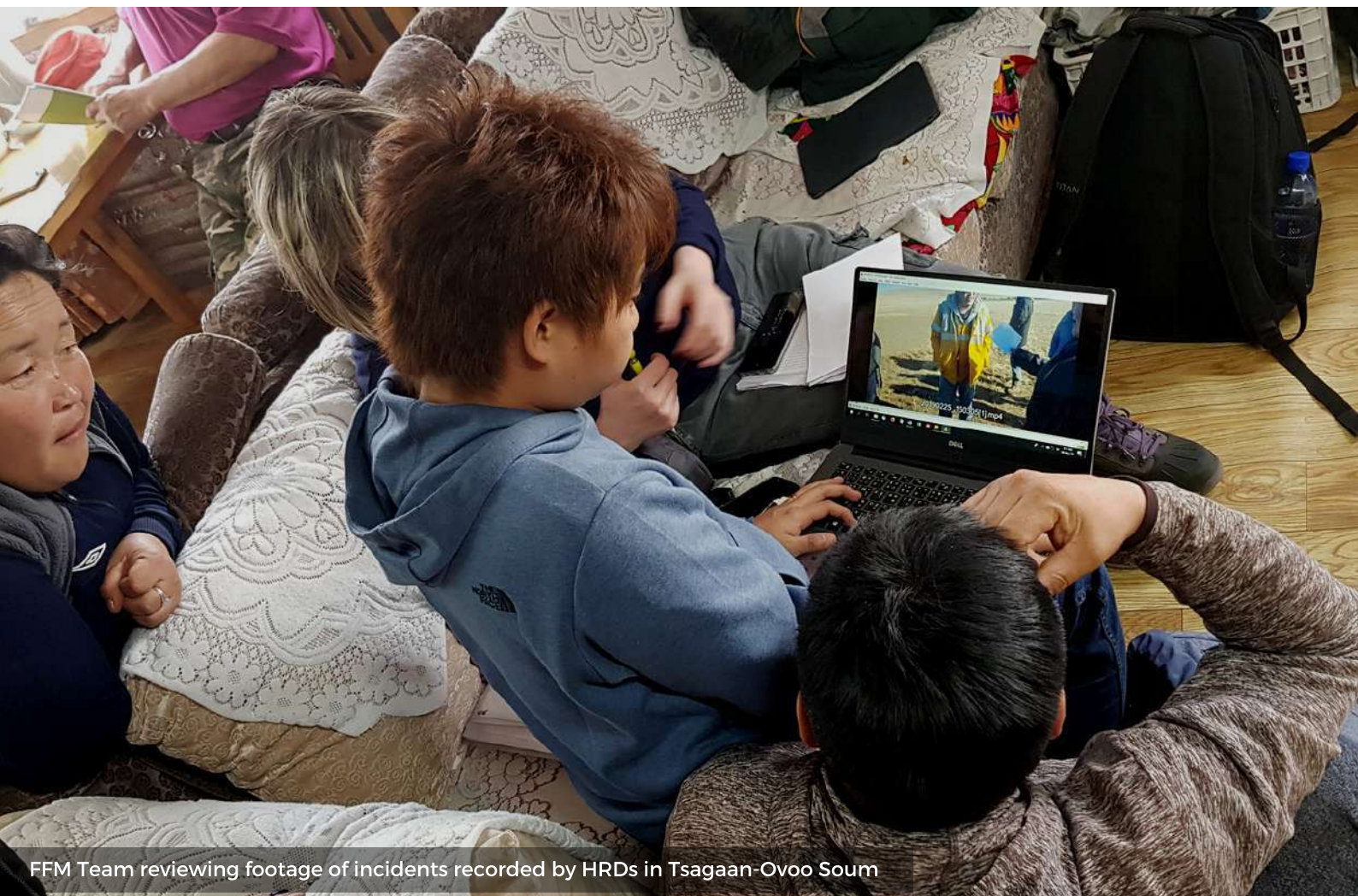


Gate of Steppe Gold compound

The two W/HRDs reported the incident to the police, however, they allegedly never received the acknowledgement of the submission of the police report. At that time, the police officer only shared that they will look into the case, but to date, there has been no action on the said police report. Furthermore, the FFM team was informed that the local doctor did not want to issue medical certificates to the victims for the injuries suffered as a result of the attack. The doctor also refused to issue a medical certificate for Ms Mungunkhun's re-stitching.

After the incident, Mr Tuvshinjargal claimed that he received an anonymous call threatening him to stop what he is doing or face death. The series of harassments traumatised the W/HRDs. When the FFM team asked questions to the Soum Government about the incidents involving the W/HRDs, the Deputy Governor of Tsagaan-Ovoo Soum informed that they did not have any mandate to intervene, leaving the case to the law enforcement agency. The Deputy Soum Governor, Mr Batmagnai Damdinjav, shared that there were also instances where civil servants of Tsagaan-Ovoo Soum were threatened by the herders opposing the mining operation. However, they shared that they did not want to take any action on it. There was no further elaboration received on what kind of threats the Soum Government officials received from the herders.

From the Steppe Gold's side, when the FFM team visited their compound, the company's representative acknowledged that a series of protests had been taking place, but denied incidents or involvements in physical violence. The company stressed that they encouraged the security personnel to have a non-violent approach towards the local community. They shared that during the fencing of the land, the only incident that occurred was a verbal argument with local communities opposing the fencing, eventually amicably resolved. This claim seems to contradict the pictures, videos, and testimonies obtained by the FFM team.



FFM Team reviewing footage of incidents recorded by HRDs in Tsagaan-Ovoo Soum

'DURING THE FENCING (OF MINING SITE), THE SECURITY SUB-CONTRACTOR SUPERVISED THE OPERATION. THERE WAS A LITTLE BIT OF MISUNDERSTANDING, BUT THERE WAS NO VIOLENCE.'

Mr Munkhzul Ganbat, Lead Legal of Steppe Gold

CONCLUSION

Mining operations, regardless of their scale and nature, are posing a series of concrete threats to the people and environment of the soums visited by the FFM team.

In the Onon River basin area, the proximity of the mining sites to water sources and forest areas threatens the ecosystem and the right to livelihoods of local communities and herders. At the domestic level, the operations of U&B, Aivuuntes, and Pegmatite could violate Article 16.2 of the Mongolian Constitution, guaranteeing the right of Mongolian citizens to live in a safe and healthy environment, protected against environmental pollution and ecological imbalance. Furthermore, their operations go against the very essential spirit of the LN Law, which despite the mining-friendly amendment of 2015, rightly captured the need to ensure that no mining is allowed in proximity to rivers and forest reserve areas.

As state party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Mongolia has also the duty to protect the right to livelihoods of its people under Article 11. Failure to do so would also contradict with the Framework Principles on Human Rights and Environment established by the UN Special Rapporteur on Human Rights and the Environment.⁸⁴ Mongolia is also responsible for conserving its biological diversity, using its resources in a sustainable manner as a contracting party of the Convention on Biological Diversity⁸⁵ and of the Ramsar Convention on Wetlands of International Importance, under which the basin of Khurkh-Khuiten, a tributary of the Onon River, is listed as a protected site. Mining operations in the Onon River basin also risk to infringe on the UN Guiding Principles on Business and Human Rights (UNGPs), which clearly define the business enterprises' responsibility to respect internationally recognised human rights (Principle 12), as the ones protected by the ICESCR.



Not only the environment, but also the people of Binder and Batshireet soums are under increased pressure. Community-based HRDs from the “Save Onon River” movement claimed that they have been receiving multiple threats by phone from unknown people, urging them to stop their advocacy work. In a similar fashion, two citizens from Batshireet Soum denounced the psychological burden of being labelled as “fake activist”, accused of protesting against the mining operations for their own personal gains. These acts of intimidation have not been investigated and clashes with Mongolia’s obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right to hold opinions without interference. Moreover, it contradicts with the UN Declaration on HRDs, in particular Article 5, 6, 7, and 12.⁸⁶

Mongolia has also enthusiastically adopted the Sustainable Development Goals (SDGs) and the 2030 Agenda; all these mining operations could specifically compromise the achievements of SDG 1 (no poverty), SDG 2 (zero hunger), SDG 6 (clean water and sanitation), SDG 15 (life on land), and SDG 16 (peace, justice and strong institutions). Testimonies collected from community members and local authorities from Binder Soum indicate that there is very little time left before the Onon River is permanently contaminated, as people already start avoiding fishing or bathing in the river. If concrete measures are not taken to ensure that the Onon River basin area is free from mining operations, the fears of the Binder’s local community and authority will quickly turn into reality.



In Batnorov Soum, ninja mining activities have already heavily damaged the soil of what once was a very rich pastureland, key source of food for both the herders and their cattle. These illegal mining activities, a part from explicitly violating Article 7.3 of the Minerals Law (2006),⁸⁷ infringe the Mongolian constitutional right protected by Article 16.2 and their right to livelihoods guaranteed by Article 11 of the ICESCR. According to the local authorities in Batnorov Soum and Khentii Aimag, part of the ninja mining activities seem to be connected to a larger criminal network selling precious gems abroad with the connivance of corrupted law enforcement officials. However, regardless of the criminal machinery behind it, ninja mining also reveals a condition of extreme poverty and social exclusion, pushing men, women, and children into digging holes without any security standards in place, risking their lives to make a living. This condition clashes with Mongolian Government's pledge to leave no-one behind following the spirit of the Agenda 2030, and in particular SDG 1, 2, and 10 (reduced inequalities).

The FFM team was also concerned to hear about the physical attacks and intimidations against local authorities and a representative of the NHRCM. The latter should play a key role in ensuring that human rights violations are investigated and brought to the attention of the relevant authorities, but seems to lack financial and human resources, especially at the provincial level.

This particularly worrying situation clashes with the A status of full compliance with the Paris Principles granted by the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) to the NHRCM, and with the SDG 16, which includes the compliance to the Paris Principles as one of its indicators (16.A.1).

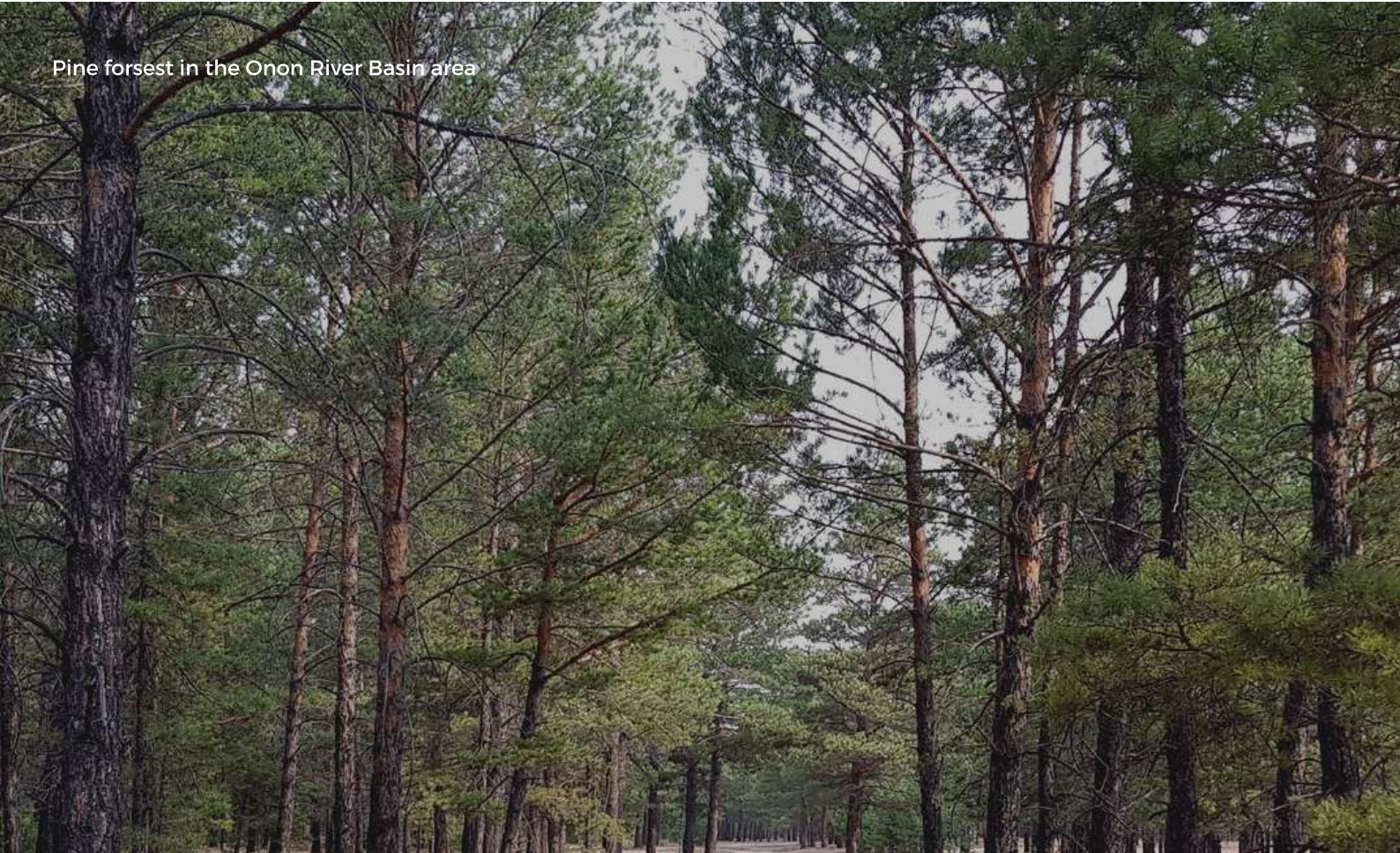
In Tsagaan-Ovoo Soum, the local Government, and in particular the Governor of the Bag number 2, should have ensured that there is no overlap between the land of 13 households and the mining site of Steppe Gold. This should have been done by raising awareness about land-related regulations, double-checking the land register before granting land to Steppe Gold, in order to ensure the respect of the rights guaranteed by Mongolian Constitution, especially Article 16.2, and international standards such as the ICESCR (Article 11). Although Steppe Gold operations are at an early stage, the FFM team recorded the growing fear of local communities and herders that water wells will be contaminated and cattle poisoned, while dust and noise is allegedly already negatively affecting the standard of living of the families living nearby the mining site. These adverse impacts would already clash with Principle 12 of the UNGPs as well as SDG 6 (clean water and sanitation).

Furthermore, the FFM team recorded how HRDs opposing the mining operation have been psychologically and physically abused by security personnel allegedly hired by Steppe Gold. This is a flagrant violation of the said Principle 12 of the UNGPs, especially in relation to the ICCPR and the protection of the rights to freedom of expression (Article 19) and peaceful assembly (Article 21). Local authorities are yet to conduct prompt and impartial investigations, in line with Article 9 (5) of the UN Declaration on HRDs, and SDG 16, which recognises the importance of access to justice and the role of human rights advocates.



In all the above mentioned soums, the FFM team observed a growing sense of frustration over the inaction of local and central governments to promptly investigate possible violations, and ensure the respect of Mongolia's national laws and international obligations. The very large majority of local communities and herders interviewed were firmly determined to not let the land where they have lived for generations be contaminated and their beloved ones grow up in a polluted environment. Although perfectly aware of the possible financial gains that mining would bring to them, and despite threats and intimidations, they did not buy in the concept of responsible mining but have chosen to put the love for their land first.

Pine forest in the Onon River Basin area



'WE NEED TO TAKE ACTION FOR OUR FUTURE GENERATIONS, WE NEED TO PRESERVE OUR NATURE FOR THEM. WE NEED TO MAKE SURE THAT MINING DOES NOT BECOME AN ESSENTIAL PART OF OUR LIVELIHOOD'.

RECOMMENDATIONS

Recommendations to the Government of Mongolia

On the protection of human rights defenders:

A.

To strengthen the current draft of the Human Rights Defenders Protection Law in consultation with women human rights defenders (WHRDs) and human rights defenders (HRDs), especially those based in rural areas, in order to create an enabling environment for W/HRDs to conduct their human rights work without fear of reprisals, and enact the law with full resources for effective implementation.

B.

To observe their obligations under international human rights treaties and standards, particularly the ICCPR, by fully respecting the freedoms of all people working to defend human rights, and the UN Declaration on Human Rights Defenders.

C.

To proactively protect the legitimate activities of W/HRDs working on business-related issues, including conducting prompt, independent, and impartial investigations on the cases of violations against W/HRDs in the areas of the Onon River basin and Tsaagan-Ovoo Soum, as per Article 9 (5) of the UN Declaration on Human Rights Defenders.

D.

To ensure, as instructed by the UNGPs, that W/HRDs, local communities and herders are able to access effective remedies when business-related human rights abuses occur, holding corporations and other non-state actors operating in Mongolia fully accountable for any environmental and human rights violations.

- E.** To strengthen the work of the NHRCM in relation to the protection of W/HRDs and environment, by allocating appropriate financial and human resources, in compliance with the Paris Principles (2).
- F.** To specifically expand the mandate of NHRCM representatives based in the provinces to enable them to respond to urgent W/HRDs cases in their area, by also simplifying bureaucratic processes within the NHRCM.
- G.** To guarantee an adequate standard of living of all Mongolian people, including W/HRDs, in line with the country's obligations under Article 11 of the ICESCR.

On the protection of human rights and environment:

- A.** To ensure that the rights of local herder communities are protected by law, revise article 40.1.6 of the Land Law, requiring owners to utilise their land for a specific purpose within two years-time since they receive a land certificate.
- B.** To review the amendments made to the Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, and increase the safety zones back to at least 200 to 1,000 meters from riverbanks.
- C.** To ensure that business enterprises, in particular in the mining sector, operate in full compliance with national legislation and policies, in particular the Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, Minerals Law, Law on Water, and Environmental Impact Assessment Law, as well as international standards such as the ICESCR, ICCPR, Convention on Biological Diversity (Biodiversity Treaty), Ramsar Convention on Wetlands, and the UNGPs.

D.

To take concrete steps for the development of a National Action Plan on Business and Human Rights in close consultation with all relevant stakeholders, in particular civil society actors, local communities and business sector, in line with the UNGPs.

E.

To officially invite the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to conduct an official visit to Mongolia and fully cooperate with such mechanisms.

Recommendations to Khentii Aimag Government:

A.

To promptly investigate, in coordination with the central Government, on allegations made by the “Save Onon River” movement and other residents from the soums of Binder and Batshireet on the deletion of four tributaries of the Onon River from the National River Database.

B.

To develop, together with the central Government and soums authorities, a holistic strategy to tackle the issue of illegal artisanal mining (ninja mining), looking into land rehabilitation, physical protection of communities living near these sites, and social and financial support to the ninja miners themselves.

Recommendations to Batshireet and Binder Soums Government:

A.

To promote dialogue and peaceful confrontation between the two communities, ensuring that no acts of verbal or physical violence take place and escalate into a conflict.

B.

To regularly monitor through land and environmental inspectors the operations of all mining companies operating in the Onon River basin area, by also regularly testing samples of water and soil, and make the results public.

Recommendations to Tsagaavan-Ovoo Soum Government:

- A. To promptly investigate all forms of threats and violence against local community members, herders, W/HRDs opposing mining operations in the area, holding perpetrators accountable and ensure prompt access to effective remedies, which should be accessible, affordable, adequate, and timely.
- B. To regularly monitor through land and environmental inspectors the operations of Steppe Gold, preventing any form of pollution, particularly in relation to water wells and dust, as well as protecting the people's right to livelihoods as per Article 11 of the ICESCR.
- C. To ensure that all relevant legislation on the usage of land and mining operation are widely understood by the local community and herders, actively supporting them with the processes related to land certificate and register, so that no land occupied for generations can be taken by mining companies.
- D. To ensure that all community members are allowed to access scholarship programmes and other initiatives funded by Steppe Gold in an equal, open, and transparent way.

Recommendations to Aivuuntes and Pegmatite:

- A. To halt any kind of operations that can potentially damage the environment and the right to livelihoods of the communities and herders living both upstream and downstream the Onon River, in line with Principle 12 of the UNGPs.⁸⁸
- B. To conduct regular tests of water and soil samples through certified laboratories, make the results public, and effectively compensate all families that have been eventually affected by mining operations, in line with the Principle 17 of the UNGPs.

C.

To ensure that all phases of their operations are in full compliance with the relevant national legislations and policies, in particular the Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, Minerals Law, Law on Water, and Environmental Impact Assessment Law, and international standards such as the UNGPs.

Recommendations to Steppe Gold:

A.

To conduct internal investigations looking into any kind of harassment and violence perpetrated by subcontracted security personnel against W/HRDs protesting against the mining operation, ensure no such incidents happen anymore, and justly compensate victims for any kind of physical or psychological damages.

B.

To promptly investigate together with local authorities any cases of cattle's suspicious deaths and illnesses, while continuing to test water and soil samples and make the results public.

C.

To take timely and concrete measures to ensure that the right to livelihoods of the herders that have been setting up their camps nearby the mining site for generations is not negatively affected by dust and pollution of water wells, in line with Principle 12 of the UNGPs.

D.

To carry out human rights due diligence in order to identify, prevent, mitigate, and account for how they address adverse human rights impacts in line with Principle 17 of the UNGPs.

E.

To ensure that all phases of their operations are in full compliance with the relevant national legislation and policies, in particular the Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, Minerals Law, Law on Water, and Environmental Impact Assessment Law, and international standards such as the UNGPs.

Recommendations to the United Nations Special Rapporteur on the Situation of Human Rights Defenders:

- A. To encourage the Government of Mongolia to enact the Human Rights Defenders Protection Law by genuinely considering inputs from W/HRDs.
- B. To stress to the Government of Mongolia the importance of public participation and meaningful consultation with communities and W/HRDs in any decisions affecting them.
- C. To urge the Government of Mongolia to fully implement the UN Declaration on HRDs, the UN General Assembly Resolution on WHRDs,⁸⁹ and the UN Human Rights Council Resolution on Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development.⁹⁰
- D. To send formal communications to companies with regards to threats, intimidation, and harassment against W/HRDs.
- E. To strengthen collaboration with other United Nations Special Procedures Mandate Holders and other UN agencies to address human rights violations against human rights defenders.

GLOSSARY

Aimag	Province
Bag	Brigade/ sub-District
EIA	Environmental Impact Assessment
FFM	Fact-Finding Mission
HRDs	Human Rights Defenders
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
LN Law	Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs
NHRCM	National Human Rights Commission of Mongolia
NGO	Non-Governmental Organisation
Ramsar Convention	Convention on Wetlands of International Importance especially as Waterfowl Habitat
SDGs	Sustainable Development Goals
Soum	District
UNGPs	UN Guiding Principles on Business and Human Rights
WHRDs	Women Human Rights Defenders

ENDNOTES

[1] (2012) *Mongolia: The situation of human rights defenders working on mining issues* [Online]. Available at: <https://www.forum-asia.org/uploads/books/2013/March/FFM-Mongolia.pdf>

[2] The 2012 FFM findings were reflected into a series of recommendations addressing a range of actors including the Mongolian Government, the National Human Rights Commission of Mongolia (NHRCM), and HRDs themselves. The FFM called for a full recognition of the role and support for the work of HRDs in addressing human rights violations related to mining activities. The FFM recommended also the establishment of an enabling legal environment, with specific regard to public interest litigation. *Ibid.*

[3] Mongolian Statistical information Service. (2018). [online] Available at: http://1212.mn/tables.aspx?tbl_id=DT_NSO_0300_004V1&RESIDENT_select_all=0&RESIDENTSingleSelect=_1_11_12&SOUM_select_all=0&SOUMSingleSelect=&YearY_select_all=0&YearYSingleSelect=&viewtype=table

[4] UN-REDD Mongolia National Programme Management Unit. (2018). *Mongolia's Forest Reference Level submission to the UNFCCC*. p.2. [online] Available at: https://redd.unfccc.int/files/2018_frel_submission_mongolia.pdf

[5] See: Environmental Database of Mongolia. [online] Available at: https://eic.mn/index_spa.php

[6] Unurzul, M. (2019). State special protected area to be expanded with 1.3 mln hectares. Montsame. [online] Available at: <https://www.montsame.mn/en/read/198434>

[7] National Statistic Office of Mongolia. (2017). *Mongolian Statistic Yearbook 2017*. p.15. [online] Available at: <http://1212.mn/BookLibraryDownload.ashx?url=YEARBOOK.2017.last.pdf&ln=En>

[8] In both the *aimags* visited by the FFM team, the candidate of the Mongolian People's Revolutionary Party (the third largest political party nationwide) obtained the highest number of votes in the first turn.

[9] See: Intergovernmental Forum on Mining, Minerals, Metals, and Sustainable Development. (2017). *IGF Releases Mining Policy Framework Assessment: Mongolia - Intergovernmental Forum*. [online] Available at: <https://www.igfmining.org/announcement/mongolia-mpf/>

[10] See: Ministry of Mining and Heavy Industry. *Priorities and Objectives*. [online] Available at: <http://mmhi.gov.mn/public/page/pageid/3/>

[11] The index is based on the perceived levels of public sector corruption according to experts and business people. See: Transparency International. (2019). *Corruption Perceptions Index 2018*. [online] Available at: <https://www.transparency.org/cpi2018>

[12] Independent Research Institute of Mongolia NGO, et al. *Corruption Risk Assessment in Mining Sector of Mongolia*. (2016). Ulaanbaatar, pp. 62, 78. [online] Available at: https://www.undp.org/content/dam/mongolia/Publications/DemGov/20160603_MiningCorruptionStudy/Corruption%20risk%20assessment_Mining_Eng.pdf

[13] See: Reporters Without Borders. (2019). *Country Profile Mongolia*. [online] Available at: <https://www.mom-rsf.org/en/countries/mongolia/>

[14] See: Reporters Without Borders. (2019). *Mongolia: Defamation suits and self-censorship*. [online] Available at: <https://rsf.org/en/mongolia>

[15] See: CIVICUS Monitor. (2019). *Mongolia Civic Space Rating*. [online] Available at: <https://monitor.civicus.org/country/mongolia/>

[16] Mongolia is also a party to four out of nine Optional Protocols. See: OHCHR - UN Treaty Body Database. (2019). *Ratification Status for Mongolia*. [online] Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=115&Lang=EN

[17] See: UN SDG Knowledge Platform. (2019). *Sustainable Development Knowledge Platform: Mongolia*. [online] Available at: <https://sustainabledevelopment.un.org/memberstates/mongolia>

[18] Mongolia's national GDP has increased tenfold over the last 25 years, from 1.3 billion USD in 1992, when the post-Soviet and current constitution entered into force, to 13 billion USD in 2018. See: The World Bank. (2019). *Mongolia GDP Data*. [online] Available at: <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=MN&view=chart>

[19] As of 2017, the Human Development Index (HDI) of Mongolia stood at 0.741 (in 1990 it was 0.579), placing the country in the high human development category - it ranked 92 out of 189 countries and territories. The HDI is defined by three indicators: life expectancy, years of education received and standard of living (basing on the Gross National Income per capita) of a given national population. See: United Nations Development Programme. *Human Development Indices and Indicators: 2018 Statistical Update*. p. 1-2. [online] Available at: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MNG.pdf

Mongolia performs relatively well when it comes to the Gender Inequality Index, ranking 65 out of 160. See: United Nations Development Programme. (2019). *Gender Inequality Index*. [online] Available at: <http://hdr.undp.org/en/composite/GII>

[20] See: Trading Economics. (2019). *Mongolia GDP Growth Rate YoY*. [online] Available at: <https://tradingeconomics.com/mongolia/gdp-growth>

[21] Government of Mongolia. (2019). *Mongolia Voluntary National Review Report 2019*. p. 10. [online] Available at: https://sustainabledevelopment.un.org/content/documents/23342MONGOLIA_VOLUNTARY_NATIONAL_REVIEW_REPORT_2019.pdf

[22] The Global Hunger Index considers the following indicators in each assessed country: the prevalence of undernourishment, child stunting, child wasting, and child mortality. See: Global Hunger Index. (2018). *Mongolia*. [online] Available at: <https://www.globalhungerindex.org/mongolia.html>

[23] *Ibid.* n.7, p. 30.

[24] See: world population review. (2019). *Mongolia Population 2019*. [online] Available at: <http://worldpopulationreview.com/countries/mongolia-population/>

[25] The drastic growth of the capital's population is expressed by the share of its almost 1,5 million residents - as high as 55% - living in the so-called ger districts, located in the outskirts of the city and formed by gers, the Mongolian typical tents. See: Reuters. (2018). *Urban nomads: Mongolian herders battle new future as leave the land for the city*. [online] Available at: <https://www.reuters.com/article/us-mongolia-climatechange-herders/urban-nomads-mongolian-herders-battle-new-future-as-leave-the-land-for-the-city-idUSKBN1I400N>

[26] In the Soviet era, the head of cattle was limited to 25 million nationwide; after the fall of the Soviet Union the number sharply increased, with over 66 million recorded in 2018. See: National Statistical Office of Mongolia. [online] Available at: http://1212.mn/stat.aspx?LIST_ID=976_L10_1

[27] A dzud normally consists of a summer drought followed by an extremely cold winter; it may cause the death of up to 10 million cattle, as it occurred in 2010. See: Food and Agriculture Organization of the United Nations (FAO). *Special report - FAO/WFP Crop and livestock assessment mission to Mongolia*. (2017). p.17. [online] Available at: <http://www.fao.org/3/I8377EN/i8377en.pdf>

[28] *Ibid.* n.25.

[29] See: Human Rights Council resolution A/HRC/23/36/Add.2, *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona - Addendum, Mission to Mongolia (3 to 7 December 2012)*. (2013). paragraph 45. [online] Available at: <https://digitallibrary.un.org/record/755529>

See also: Human Rights Council resolution A/HRC/23/32/Add.1. *Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Addendum - Visit to Mongolia*. (2013). paragraph 4. [online] Available at: <https://undocs.org/en/A/HRC/23/32/Add.1>

[30] *Ibid.* n.25.

[31] A precise knowledge of the land and environment is also part of the wisdom passed down from their ancestors and through the generations. See: HealingEarth. (2019). *Case Study: Mongolian Herders*. [online] Available at: <https://healingearth.ijep.net/climate/case-study-mongolian-herders>

[32] *Ibid.*

[33] See: National Statistical Office of Mongolia. [online] Available at: http://1212.mn/tables.aspx?tbl_id=DT_NSO_0400_026V1&ISIC4_select_all=0&ISIC4_SingleSelect=_1_101_102&Sex_select_all=0&SexSingleSelect=_1&YearQ_select_all=0&YearQSingleSelect=_201901&viewtype=barchart and http://1212.mn/tables.aspx?tbl_id=DT_NSO_0500_001V1&13999001_select_all=0&13999001SingleSelect=_T1&ISIC_I_select_all=0&ISIC_I_SingleSelect=_0_1_2&YearY_select_all=0&YearYSingleSelect=_2018_2010_2005_2015&viewtype=barchart

[34] *Ibid.* n.27. p.10. and National Statistics Office of Mongolia. *Social and economic situation of Mongolia (in the first half of 2019)*. (2019). p. 47,51. [online] Available at: <http://www.en.nso.mn/content/316>

[35] As of 2016, extractive industries made some 86% of total exports. See: Extractive Industries Transparency Initiative. (2019). *Mongolia Country Profile*. [online] Available at: <https://eiti.org/mongolia>

[36] See: Tradingeconomics.com. (2019). *Mongolia Foreign Direct Investment*. [online] Available at: <https://tradingeconomics.com/mongolia/foreign-direct-investment>

[37] See: Xinhua (2019). *Mongolia's FDI up by 7.5 pct in Jan-April*. [online] Available at: http://www.xinhuanet.com/english/2019-06/06/c_138122269.htm

[38] *Ibid.* n.29.

[39] See: World Bank. (2019). *Mongolia's 2018 Poverty Rate Estimated at 28.4 Percent*. [online] Available at: <https://www.worldbank.org/en/news/press-release/2019/06/21/mongolias-2018-poverty-rate-estimated-at-284-percent>

[40] Over the last 65 years, Mongolia's average temperature has risen by more than 2°C, whereas the world's average stands at 0.8°C. The altered weather cycle makes more difficult for the herders to predict the daily and monthly weather pattern, so the livestock is more vulnerable to adverse natural events, including to dzuds. See: *Ibid.* n. 31. and Denyer, S. (2019). *Mongolia's nomadic way of life threatened by climate change, neglect, modernity*. The Washington Post. [online] Available at: https://wapo.st/2ufcWXQ?tid=ss_tw

[41] *Ibid.*

[42] The livestock threshold to sustain a family is estimated in about 250-300 heads. See: *Ibid.* and National Statistical Office of Mongolia. [online] Available at: http://www.1212.mn/tables.aspx?tbl_id=DT_NSO_1001_044V1&13999001_select_all=1&13999001SingleSelect=&SOUM_select_all=0&SOUMSingleSelect=_0&YearY_select_all=0&YearYSingleSelect=_2018&viewtype=table

[43] See: National Statistical Office of Mongolia. [online] Available at: http://1212.mn/stat.aspx?LIST_ID=976_L04

[44] See: Mongolia Guide. *Khentii*. [online] Available at: <https://mongolia-guide.com/destination/khentii>

[45] The SDV 2030 has a strong connection to the UN Sustainable Development Goals (SDGs) and the National Green Development Policy. See: UN Economic and Social Commission for Asia and the Pacific. (2018). *Sustainability Outlook of Mongolia*. p.17. [online] Available at: https://www.unescap.org/sites/default/files/SOM%20eng%202018_09_04%20last.pdf

[46] People in Need. (2018). *Needs Assessment and response Plan - 2017/18 Dzud Emergency*. p. 8-9. [online] Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/PI_NDzudResponsePlanforUpload.pdf

[47] Constitution of Mongolia. Article 16 (2).

[48] *Ibid.* Article 38 (4).

[49] World Bank. (2019). *Mongolia Overview*. [online] Available at: <https://www.worldbank.org/en/country/mongolia/overview>

[50] Mineral Resources Authority of Mongolia. (2017). *Annual Bulletin of Mining and Geology Mongolia 2016*. [online] Available at: https://www.bgr.bund.de/EN/Themen/Zusammenarbeit/TechnZusammenarb/Downloads/mongolei_MRAM_AnnualBulletin2016.pdf?__blob=publicationFile&v=2

Mongolia's top exports are coal briquettes (33%), copper ore (24%), gold (28%), crude petroleum (5.4%) and iron ore (4.3%). See: OEC. (2019). *Mongolia Country Profile*. [online] Available at: <https://atlas.media.mit.edu/en/profile/country/mng/>

[51] The Minerals Law of Mongolia defines mineral exploration as the work carried out on and under the earth's surface to identify the location of mineral concentration and evaluate their quality. Mining is defined as the entire range of activities that includes separating and extracting minerals from land surface, subsoil, stockpile, waste or tailings, and increasing the concentration of its usable contents.

[52] Oxford Business Group. (2015). *Mongolia Report 2014*. p. 108. [online] Available at: <https://oxfordbusinessgroup.com/overview/re-establishing-momentum-government-must-overcome-political-and-regulatory-uncertainty>

[53] Library of Congress. (2017). *Mongolia: New Mining Law Being Drafted*. [online] Available at: <https://www.loc.gov/law/foreign-news/article/mongolia-new-mining-law-being-drafted/>

[54] Among them, 1599 are mining licenses, 1849 are exploration licenses. The area under mining and exploration licenses is around 8% of the country's total territory. See: Gombosuren, U. (2018). *Seeking Corporate Accountability: Learnings from Mongolia*. FORUM-ASIA Working Paper Series, 3, p.17. Available at: <https://www.forum-asia.org/uploads/wp/2018/03/FORUM-ASIA-Working-Paper-Series-No.-3-Online.pdf>

[55] Mongolia Khural. (2015). *Responsibilities of Citizens' Representatives Khural*. [online] Available at: <http://www.khural.mn/en-us/n/8xyy>

[56] Minerals Law Mongolia. Article 37, 38, 39.

[57] See: UNESCO. *State Parties Ratification Status – World Heritage Convention*. [online] Available at: <https://whc.unesco.org/en/statesparties/>

[58] In the Law, EIA is defined as the “prior identification, mitigation, and elimination of possible adverse impacts of a particular project to be implemented by individuals, business entities and organizations on human health and the environment”. (EIA Law, Article 3.1.6)

[59] *Ibid.*, Article 1

[60] Article 17.4 of EIA Law states that “it is the responsibility of the legal entity performing the detailed environmental impact assessment to organize, at the report preparation stage, consultations with and formally seek comments from the local authority, the community that is likely to be affected by the project and local residents living in the area where the proposed project is going to be implemented’.

[61] *Ibid.* n.54. p. 19.

[62] Asian Development Bank. (2018). *MON: Ulaanbaatar Green Affordable Housing and Resilient Urban Renewable Project*. p.17. [online] Available at: <https://www.adb.org/sites/default/files/project-documents/49169/49169-002-earf-en.pdf>

[63] Law to Prohibit Mineral Exploration and Mining Operations at Headwaters of Rivers, Protected Zones of Water Reservoirs, available at: <http://www.transrivers.org/documents/rivers-and-mining/law-with-long-name/>

[64] See: Publish What You Pay. (2015). *Who is paying the price? The impact of low commodity prices on citizens in Mongolia*. [online] Available at: <https://www.pwyp.org/pwyp-news/who-is-paying-the-price-the-impact-of-low-commodity-prices-on-citizens-in-mongolia/>

[65] As a result of the amendment, in January 2015 the Government declared Gatsuurt gold mine operated by Canadian miner Centerra Gold a ‘deposit of strategic importance’, and therefore not beholden to environmental protection as set by Article 4.2 of the LN Law. The Gatsuurt gold mine is located in proximity to the homonymous river and forested areas.

[66] *Ibid.* n.64.

[67] See: Rivers without Boundaries. (2015). *Major assault on the “Law with Long Name”*. [online] Available at: <http://www.transrivers.org/2015/1483/>

[68] News.mn. (2017). *Mongolia to increase its gold reserve*. [online] Available at: <https://news.mn/en/755620/>

[69] *Ibid.* n. 54.

[70] *Ibid.* p. 18.

[71] Ramsar.org. (2019). *Mongolia Country Profile*. [online] Available at: <https://www.ramsar.org/wetland/mongolia>

[72] The four companies are: U&B, Aivuuntes, Pegmatite and Saihan.

[73] During the interview, Mr Ayurzana explicitly said ‘there are two companies over there, you have seen that they might have already had a negative impact on the river’, knowing that we passed in front of U&B and Aivuuntes.

[74] The *soums* are Batshireet, Binder, Bayan-Adarga, Dadal, Norovlin, Bayan-Uul, and Umnudelger.

[75] Information provided by the Land Officer of Tsagaan Ovo Soum and verified by CHRD. There is no online version of the law available in English.

[76] UN Declaration on HRDs

[77] *Ibid.* n. 16.

[78] de Leon, S. (2019). *Defending in Numbers: Resistance in the Face of Repression*. p. 32. Available at: <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE-1.pdf>

[79] During the National HRD Consultation organised by FORUM-ASIA, CHRDR, and Globe International Center in 2018, participants concluded that "...human rights defenders in Mongolia are still vulnerable to threats, intimidation, and harassment from both state and non-state actor particularly foreign and domestic companies operating in rural areas..." see: FORUM-ASIA. (2018). Mongolia: Time to move from promises to actions. [online] Available at: <https://www.forum-asia.org/?p=27678>

[80] Forst, M. (2019). Visit to Mongolia, 30 April – 13 May 2019 - End of mission statement. [online] Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24603&LangID=E>

[81] See: Tolson, M. (2016). Mining Licenses, Snow Leopards, and a Mysterious Death. [online] Available at: <https://thediplomat.com/2016/02/mining-licenses-snow-leopards-and-a-mysterious-death/>

[82] In late 2018, the Ministry of Justice denied the request to table the draft law in the Parliament.

[83] Center for Human Rights and Development. (2018). Mongolia: Progress on Human Rights demands more Engagement with the State Great Hural. ANNI Report 2018. Available at: <https://www.forum-asia.org/?p=27756>

[84] UN Human Rights Council resolution A/HRC/37/59. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. (2018). [online] Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/59

[85] 1992 Convention on Biological Diversity. Available at: <https://www.cbd.int/doc/legal/cbd-en.pdf>

[86] UN declaration on human rights defenders (1998), Article 5: For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:(a) To meet or assemble peacefully;(b) To form, join and participate in non-governmental organizations, associations or groups;(c) To communicate with non-governmental or intergovernmental organizations.

Article 6: Everyone has the right, individually and in association with others: (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; (b) as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7: Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 12: 1) Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. 2) The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. 3) In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

[87] Minerals Law (2006), Article 7.3: Conducting exploration or mining without a valid license is prohibited.

[88] The responsibility of business enterprises to respect human rights refers to internationally recognised human rights understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.

[89] UN General Assembly resolution A/RES/68/181. Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders. [online] available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

[90] UN Human Rights Council Resolution A/HRC/40/L.22/Rev.1 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development. [online] Available at: <https://undocs.org/A/HRC/40/L.22/Rev.1>

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