

# Justice in waiting: Kumtor and a community's struggle for their rights



FORUM-ASIA



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**The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond.

It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu.



Public Association **“Human Rights Movement: Bir Duino-Kyrgyzstan”** is the successor of the Public Association “Citizens against Corruption” (CAC), founded in May 2000, which is the successor of the first association “Coalition for Democracy and Civil Society”, established in December 1998. Since forming the Public Association “Citizens against Corruption”, the organization’s staff has made a big contribution to the development of the human rights movement in Kyrgyzstan.

BDK was created to promote civil, political, cultural and economic rights and other social useful objectives, using monitoring and analysis tools for human rights evaluation in Kyrgyzstan. To achieve the goal of creating an effective monitoring system, targeted at human rights evaluation, BDK seeks to increase civil participation among youth and marginalized groups of population using the existing frameworks laid out by the Constitution of the Kyrgyz Republic.

# Foreword

The Kumtor gold mine is one of the main sources of income for Kyrgyzstan's state budget. In 2022, the country's government fully nationalised the mine, squeezing Canadian investor Centerra Gold out of the country under the pretext of environmental concerns. However, in reality, the environmental risks associated with Kumtor are not the primary concern of the authorities.

While the Kyrgyz government considers the transfer of the Kumtor gold mine from Centerra Gold as a major victory, there are opinions among the local communities and the public on the future development of the high altitude mine.

The public and experts are concerned about two issues - corruption and the environment. Under the new terms of the agreement, 100% of Kumtor was transferred to Kyrgyz ownership. Last May, the Kyrgyz government accused Centerra Gold of environmental and economic wrongdoing, filed lawsuits worth millions of dollars, and imposed external management at Kumtor. The high-mountain gold mine had been developed by Centerra since 1996, but the mine was managed by the company and the Kyrgyz government stayed out of the way. Since then, Kyrgyzstan's dividends have been noticeably less than Centerra's revenues. Therefore, there was considerable dissatisfaction among the people about the fact that a foreign company was benefiting from the mine.

The most important problem at Kumtor remains the environment. Thousands of tons of the glacier have melted because of industrial waste dumping. In order to protect the glaciers, we need to switch to underground mining, with the necessary environmental measures. Another issue associated with Kumtor is toxic radioactive wastes, which has a negative impact on the lives and health of local people. The tailings dump at the mine is located near the Naryn River. If the dam bursts, the Naryn River will become polluted, and toxic substances could reach Uzbekistan, Tajikistan and Kazakhstan. This could be a catastrophe for the entire Central Asian region, and open Kyrgyzstan up for liability for generating environmental harm to the region. It is necessary to clean up the waste ponds from the mine, clear the rubble, and take the mine out of its current emergency condition.

It is necessary to conduct independent research involving experts and the communities, and clean up the surrounding areas of the mine using revenues from the mine. There is no other way. The dumps could ruin the mine, the production could stop and we won't be able to produce a single gram of gold. The Kyrgyz authorities are responsible for the environmental situation at Kumtor, and Centerra Gold is completely free of claims. There is no need to destroy the glaciers, and it is time to prevent a catastrophe and reduce the harm being caused by Kumtor to the communities and the environment.

**Tolekan Ismailova**  
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**Human Rights Movement “Bir Duino-Kyrgyzstan”**

# Foreword

The Asian Forum for Human Rights and Development (FORUM-ASIA) is committed to protecting, supporting, and promoting human rights for all in Asia, including those often left behind in the fringes of society. Our research, capacity building and advocacy efforts are undertaken keeping in mind that sustainable development can only be realised if civil society and marginalised communities have a voice in the decisions that affect them.

This research is one such effort to platform the stories and testimonies of a community in crisis, in the Issyk-Kul region of Kyrgyzstan. The story of the Kumtor Gold Mine in the Issyk-Kul region is an age-old one of economic growth vs ecological well-being. For decades, Kumtor's significant contribution to the country's GDP has placed business interests over the community's struggle for their rights and entitlements. Through this report, we hope to highlight the stark realities of detrimental business practices on the human rights of those most impacted by it, using the backdrop of Kumtor.

The 2022 Special Rapporteur's report on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment emphasised that businesses must be held accountable for their actions, including "respecting, protecting and fulfilling human rights". And when they fail to do so, "aggrieved rights holders must have access to justice, with effective remedies". In the case of Kumtor, these rights have been repeatedly violated, without any fair rehabilitative and remedial efforts by the mining company or the government of Kyrgyzstan.

I hope the testimonies shared in this report shed more light on the intricate connection between business operations, human rights, and the environment, and lead to a more pronounced call to action for the communities in Issyk-Kul who have suffered long enough.

**Omer Dawoodjee**  
**Interim Executive Director,**  
**FORUM-ASIA**

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Issyk-Kul Lake

# Introduction

For more than two decades, the Kumtor Gold Mine has been at the centre of Kyrgyzstan's ambition to mineral wealth and economic growth. This has long caused friction between proponents of prioritising the economy on the one hand, and the generations bearing the brunt of the ecological impacts of the mine on the other.

This report examines those tensions by exploring how the Kumtor Gold Mine affects the rights of neighbouring communities and the environment of the Issyk-Kul region in general. More specifically, it highlights the experiences and testimonies of the people most affected, while focusing on their socioeconomic, cultural, civil, political and environmental rights.

Furthermore, it offers concrete recommendations to key stakeholders for adhering to a more human rights-based framework for economic growth in order to protect the people's right to a clean, safe and healthy environment.





Participants at a workshop in Barskoon village

## Methodology

Formal interviews, focus group discussions (FGDs) and desk research were the main research methods used in this study. Interviews and FGDs were conducted with local communities, government representatives, civil society organisations (CSOs), mining company representatives, the National Human Rights Commission and activists in Tosor, Barskoon, Chon Jargylchak, Kichi Jargylchak, Karakol and Cholpon-Ata in the Issyk-Kul region from 3-17 July 2022.

Before conducting the interviews and FGDs, we briefed all interviewees on the purpose and scope of the research, and sought written or verbal consent for participation and use of their stories, testimonies and photos. We conducted all interviews in Kyrgyz and Russian and translated them to English. In total, the FFM Team interviewed more than 50 local community leaders, civic activists, deputies of the local government, and ecological experts.

In addition to primary research, we also conducted desk research for deeper insights into the background and context of the challenges facing the residents of the Issyk-Kul region, and the country at large with respect to mining, human rights and environmental conservation.



Participants at a workshop in Barskoon village





# Background

Kyrgyzstan, a landlocked country in Central Asia, is surrounded by Kazakhstan to the north, Uzbekistan to the west, Tajikistan to the southwest and the People's Republic of China to the southeast.<sup>1</sup> The majestic Tian Shan mountain range covers 80 per cent of its total area, the remainder is comprised of valleys and basins.<sup>2</sup> With almost 3,500 rivers and streams<sup>3</sup> and 2,000 lakes, Kyrgyzstan hosts the second largest mountain lake in the world, i.e. Issyk-Kul (also known as the 'Pearl of Kyrgyzstan'), which lies at an altitude of 5,272 feet, and is located in the northeast of the Tien Shan.<sup>4</sup>

Spanning seven regions and two cities,<sup>5</sup> Kyrgyzstan's population stands at 6.7 million,<sup>6</sup> and is spread across a total land area of 199,900 square kilometres. This makes it one of the least densely populated countries in the world at 34 people per square kilometre.<sup>7</sup> The primary research site – the Issyk-Kul region – covers approximately 43,100 square kilometres, with a population of 496,000.<sup>8</sup> Women make up 50.7 per cent of the total population of the country<sup>9</sup> and a majority (i.e. 64.4 per cent) live in rural areas.<sup>10</sup>

- 1 Sinor, Denis. 2019. "Kyrgyzstan | People, Language, & History." In Encyclopædia Britannica. <https://www.britannica.com/place/Kyrgyzstan>.
- 2 "Kyrgyzstan - New World Encyclopedia." n.d. [www.newworldencyclopedia.org](http://www.newworldencyclopedia.org). Accessed November 6, 2022. <https://www.newworldencyclopedia.org/entry/Kyrgyzstan>.
- 3 "UNECE Helps Kyrgyzstan to Improve Understanding of International Water Law | UNECE." n.d. [unece.org](http://unece.org). Accessed November 6, 2022. <https://unece.org/press/unece-helps-kyrgyzstan-improve-understanding-international-water-law>
- 4 "Information about Kyrgyzstan." n.d. Тянь-Шань Трэвел. Accessed November 6, 2022. <https://www.tien-shan.com/about-kyrgyzstan/>.
- 5 Kyrgyzstan BRIEF STATISTICAL HANDBOOK. 2022. National Statistical Committee of the Kyrgyz Republic. <http://www.stat.kg/media/publicationarchive/672ef-dec-dda1-400c-96b4-f0508d24d220.pdf>.
- 6 ibid
- 7 "Kyrgyzstan Population (2019) - Worldometers." 2019. Worldometers.info. 2019. <https://www.worldometers.info/world-population/kyrgyzstan-population/>.
- 8 "Issyk-Kul – Инвестиционная карта." n.d. Accessed November 6, 2022. <https://invest.gov.kg/issyk-kul/>.
- 9 "Kyrgyzstan Population (2022) Live — Countrymeters." n.d. Countrymeters.info. <https://countrymeters.info/en/Kyrgyzstan>.
- 10 ibid





Kyrgyzstan has a rich nomadic and pastoral heritage. The name 'Kyrgyz' means 'forty tribes' – a reference to the epic where 40 nomadic tribes of the ethnic Turkic people, led by the warrior Manas, fought the Chinese and Mongol armies to protect their land from invasion. These 40 tribes are immortalised in the 40-ray sun in the flag of Kyrgyzstan.<sup>11</sup> Islam is the dominant religion, at almost 90 per cent, followed by Christianity (at 7 per cent).<sup>12</sup> Ethnic Kyrgyz make up 73 per cent of

the population, while 15 per cent are ethnic Uzbeks and 6 per cent are ethnic Russians.<sup>13</sup> Kyrgyzstan is one of two former Soviet republics to retain Russian as an official language. Russian and Kyrgyz are the two official languages.<sup>14</sup>

Due to its mountainous landscape, Kyrgyzstan has a continental climate with cold winters and warm summers, interspersed with moderate rainfall depending on the elevation of a particular area.<sup>15</sup> Kyrgyzstan has a large number of specially protected

areas, covering 7.3 per cent of the country's total area.<sup>16</sup> By 2024, the government plans to increase it to 10 per cent.<sup>17</sup> The first protected area, the Issyk-Kul region, was declared in 1948.<sup>18</sup> It is also a UNESCO protected biosphere reserve because of its unique ecological characteristics.<sup>19</sup>

<sup>11</sup> Scott, Daniel Noll and Audrey. 2017. "Four Elements of Kyrgyz Nomadic Culture You'll Encounter in Kyrgyzstan." G Adventures Blog. July 7, 2017. <https://www.gadventures.com/blog/four-elements-kyrgyz-nomadic-culture/#:~:text=The%20story%20of%20the%20Kyrgyz>.

<sup>12</sup> "Kyrgyzstan." n.d. United States Department of State. Accessed November 6, 2022. <https://www.state.gov/reports/2020-report-on-international-religious-freedom-kyrgyzstan/>.

<sup>13</sup> *ibid*

<sup>14</sup> "Languages Spoken in Kyrgyzstan." 2017. WorldAtlas. April 25, 2017. <https://www.worldatlas.com/articles/languages-spoken-in-kyrgyzstan.html>.

<sup>15</sup> "Kyrgyzstan Climate: Average Weather, Temperature, Precipitation, Best Time." n.d. [www.climatestotravel.com](http://www.climatestotravel.com). <https://www.climatestotravel.com/climate/kyrgyzstan>.

<sup>16</sup> <https://fauna.kg/oopt>

<sup>17</sup> "Biodiversity Conservation Priorities of the Kyrgyz Republic till 2024." n.d. Accessed November 6, 2022. <https://www.cbd.int/doc/world/kg/kg-nbsap-v3-en.pdf>.

<sup>18</sup> <https://fauna.kg/oopt/>

<sup>19</sup> "Issyk Kul Biosphere Reserve, Kyrgyzstan." UNESCO. October 10, 2019. <https://en.unesco.org/biosphere/aspac/issyk-kul>.

## 4.1 Political Context

Much of Kyrgyzstan's politics is influenced by its Soviet era history. The country was a constituent republic of the Soviet Union and was known as the Kirghiz Soviet Socialist Republic, before gaining independence on 31 August 1991 following the collapse of the Union of Soviet Socialist Republics (USSR), and officially becoming the Kyrgyz Republic.<sup>20</sup> Since then, Kyrgyzstan and its people have strived to find their identity, independent of its Soviet past.

Kyrgyzstan's first post-Soviet era constitution came into existence in 1993, formally establishing the country as a secular unitary presidential republic.<sup>21</sup> For the first time, this constitution recognised the human rights and freedoms of its people, and created the legislative, executive and judicial branches of government.<sup>22</sup> In the same year, Kyrgyzstan introduced its own national currency, the som.<sup>23</sup>

In terms of administrative structure, Kyrgyzstan is divided into three levels of local government. The top tier is made up of seven regions/provinces ('oblasts') and two independent cities, Osh and the capital, Bishkek. The second comprises of 40 districts (i.e. 'rayons') and 32 cities, and the third is made up of nine urban-type settlements, three villages and 452 village communities ('aiyl aimaks').<sup>24</sup>

In its 31 years of existence, Kyrgyzstan has experienced three revolutions. The Tulip Revolution (or First Kyrgyz Revolution) of 2005 was a result of widespread allegations of corruption, authoritarianism and rigged elections, and led to the resignation of Kyrgyzstan's first President, Askar Akayev.<sup>25</sup> It was followed by a bloody uprising, the Second Kyrgyz Revolution of 2010, which also ended with the removal of Kyrgyz president

<sup>20</sup> Sinor, Denis. 2019. "Kyrgyzstan | People, Language, & History." In Encyclopædia Britannica. <https://www.britannica.com/place/Kyrgyzstan>. <https://www.britannica.com/place/Kyrgyzstan>

<sup>21</sup> LAW of the KYRGYZ REPUBLIC on the New Wording of the Constitution of the Kyrgyz Republic. 2003.

<sup>22</sup> *ibid*

<sup>23</sup> "Kyrgyzstan - New World Encyclopedia." n.d. [www.newworldencyclopedia.org](http://www.newworldencyclopedia.org). Accessed November 6, 2022. <https://www.newworldencyclopedia.org/entry/Kyrgyzstan#Politics>.

<sup>24</sup> Review of Kyrgyzstan BRIEF STATISTICAL HANDBOOK. 2022. National Statistical Committee of the Kyrgyz Republic. <http://www.stat.kg/media/publicationarchive/672ef-dec-dda1-400c-96b4-f0508d24d220.pdf>.

<sup>25</sup> "What Was the Tulip Revolution?" 2017. WorldAtlas. August 1, 2017. <https://www.worldatlas.com/articles/what-was-the-tulip-revolution.html>.



## Kyrgyzstan's administrative structure

### TOP LEVEL

7 regions ('oblasts') and  
2 independent cities of Bishkek and Osh

### INTERMEDIATE LEVEL

40 districts ('rayons')  
and 32 cities

### MUNICIPAL LEVEL

9 urban-type settlements, 3 villages and 452  
village communities ('aiyl aimaks')

Kurmanbek Bakiyev from office, following ethnic tensions between the Kyrgyz and the Uzbeks in the south of the country.<sup>26</sup> The result was a historic constitutional referendum, with 90 per cent of the population supporting an amendment to limit residential powers, essentially making Kyrgyzstan Central Asia's first parliamentary democracy.<sup>27</sup>

The Third Kyrgyz Revolution began in 2020 when protesters alleged election fraud<sup>28</sup> after parliamentary elections. Following violent clashes, more than 1,000 people were injured and a state of emergency was declared in Bishkek, resulting in President Sooronbay Jeenbekov's resignation from office.<sup>29</sup> In 2021, another constitutional referendum was held, which led to the Kyrgyz people overwhelmingly voting to grant greater powers to the President, officially reversing the outcome of the 2010 vote.<sup>30</sup>

26 Putz, Catherine. n.d. "Remembering Kyrgyzstan's Revolutions." *The Diplomat.com*. <https://thediplomat.com/2015/04/remembering-kyrgyzstans-revolutions/>.

27 Huskey, Eugene, and David Hill. 2011. "The 2010 Referendum and Parliamentary Elections in Kyrgyzstan." *Electoral Studies* 30 (4): 876–79. <https://doi.org/10.1016/j.electstud.2011.06.009>

28 Wani, Ayjaz. n.d. "Kyrgyzstan: From Democratic Revolutions to Coup." ORF. Accessed November 6, 2022. <https://www.orfonline.org/expert-speak/kyrgyzstan-from-democratic-revolutions-to-coup/>.

29 *ibid*

30 "Kyrgyz Voters Approve Constitutional Changes to Strengthen Presidency." n.d. RadioFreeEurope/RadioLiberty. Accessed November 6, 2022. <https://www.rferl.org/a/kyrgyzstan-constitution-strengthen-japarov-president-cy-31197472.html>.

The new constitution weakens the powers of the Prime Minister and the Parliament ('Jogorku Kenesh')<sup>31</sup>, but the President serves two five-year terms, as compared to a single six-year term as was previously the case.<sup>32</sup>

Together with the 2021 referendum, snap Presidential elections were held, elevating controversial candidate Sadyr Japarov to the Presidency.<sup>33</sup> Prior to taking on his new role, Japarov was serving an 11.6-year prison sentence for kidnapping.<sup>34</sup> In 2013, Japarov and his supporters locked a local Governor in a car during a rally to popularise the nationalisation of the Kumtor Gold Mine.<sup>35</sup>

Following the incident, Japarov fled the country and, upon returning to Kyrgyzstan in 2017, was arrested and sent to prison. While there, he founded the conservative Mekenchil party, which gained popularity despite him being behind bars; during this time, his people rallied for his release.<sup>36</sup>

During the political unrest of 2020, Japarov was hurriedly freed and, within two weeks of his release, he became both acting Prime Minister and President. He was elected President with a landslide vote, securing almost 80 per cent of the vote.<sup>37</sup> His meteoric rise to power has been attributed to links with organised crime, although that has never been proven. Others credit his win to his popular appeal, focus on nationalism, and a promise to restore Kyrgyzstan pride by taking it back to its roots and vowing to prioritise the people's wellbeing.<sup>38</sup>

Many have concluded that Japarov's victory, as well as the outcome of the 2021 constitutional referendum, have cemented Kyrgyzstan's move away from a democratic model towards a more authoritarian form of governance, not unlike its Central Asia neighbours.

31 "Kyrgyzstan." n.d. Presidential Power. Accessed November 6, 2022. <https://presidential-power.net/?cat=48>.

32 [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)017-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)017-e)

33 Pikulicka-Wilczewska, Agnieszka. n.d. "Kyrgyzstan's Sadyr Japarov: From a Prison Cell to the Presidency." *www.aljazeera.com*. <https://www.aljazeera.com/features/2021/11/2/sadyr-japarov-from-a-prison-cell-to-the-presidency>.

34 *ibid*

35 *ibid*

36 *ibid*

37 *ibid*

38 *ibid*

Altynbek Sulaimanov, a former governor (official title: 'the President's Plenipotentiary Representative') of the Issyk-Kul region,<sup>39</sup> is the leader of the State Unity and Patriotism political party, also known as 'Bir Bol'. Prior to his appointment as governor in 2022, Sulaimanov was a member of Respublika, a pro-parliamentary, pro-Russian party, and served as Parliament Deputy for many years.<sup>40</sup>

On the 2nd of June 2019, Sulaimanov and other deputies initiated a draft law On the Prohibition of the Geological Study of Subsoil for the Purpose of Prospecting, Exploration and Development of Uranium and Thorium Deposits in the Kyrgyz Republic. This draft law was aimed to ensure safety from radiation poisoning, reduce environmental damage, and prevent further deterioration in the health of the affected communities.<sup>41</sup> In the same year, Sulaimanov was one of many people under investigation by the State Committee for National Security in connection to the assassination of Chinese businessman Aierken Saimaiti,<sup>42</sup> a money launderer who confessed to smuggling millions of dollars out of Kyrgyzstan for a covert criminal syndicate.<sup>43</sup>

## 4.2 Socio-Economic and Cultural Context

Kyrgyzstan has a large informal sector that accounts for nearly 50 per cent of all economic activity and employs 71 per cent of its workforce. Most people are engaged in agriculture, construction, trade and services.<sup>44</sup>

39 "Алтынбек Сулайманов назначен полпредом президента в Иссык-Кульской области." 2022. *Новости Кыргызстана*. February 24, 2022. <https://kg.akipress.org/news:1764764>.

40 "Background on Respublika Party." n.d. Carnegie Endowment for International Peace. Accessed November 6, 2022. <https://carnegieendowment.org/2012/01/17/background-on-respublika-party-pub-46485>.

41 KUDRYAVTSEVA, Tatyana. 2019. "Draft Law on Uranium Mining Ban in Kyrgyzstan Submitted to Parliament -." 24.Kg. June 11, 2019. [https://24.kg/english/120264\\_Draft-law\\_on\\_uranium\\_mining\\_ban\\_in\\_Kyrgyzstan\\_submitted\\_to\\_Parliament/](https://24.kg/english/120264_Draft-law_on_uranium_mining_ban_in_Kyrgyzstan_submitted_to_Parliament/).

42 "Алтынбек Сулайманов находится на допросе в ГКНБ." n.d. *Barometr.kg*. Accessed November 6, 2022. <https://barometr.kg/altynbek-sulajmanov-nahoditsya-na-doprose-v-gknb>.

43 Bellingcat, OCCRP, RFE/RL, Kloop, and. n.d. "His Murder Is Necessary: Man Who Exposed Kyrgyz Smuggling Scheme Was Hunted by Contract Killers." OCCRP. <https://www.occrp.org/en/plunder-and-patronage/his-murder-is-necessary-man-who-exposed-kyrgyz-smuggling-scheme-was-hunted-by-contract-killers>.

44 Review of UNDERSTANDING INFORMAL ECONOMY in KYRGYZSTAN Better Social Justice for Workers, Higher Sustainability for the Country. 2021.

Over the years, Kyrgyzstan has developed a dependency on the service sector, which currently contributes 54.2 per cent to its GDP and employs 55 per cent of the country's workforce. It is followed by the industrial sector, which accounts for 31.2 per cent of the GDP and employs 25 per cent of the workforce.

Agriculture's contribution to the GDP continues to decline and now stands at 15 per cent,<sup>45</sup> employing 19 per cent of the workforce.<sup>46</sup>

Kyrgyzstan's is classified as a lower middle-income country because of an ever-increasing reliance on foreign remittances – mostly from Kyrgyz workers in Russia and Kazakhstan – who contribute almost 30 per cent to the GDP.<sup>47</sup> Significant revenues from gold exports also highlight the volatility of the economy.<sup>48</sup> This sentiment has been echoed by Olivier De Schutter, the UN Special Rapporteur on extreme poverty and human rights who, during a visit in May 2022, urged the country to reduce its reliance on remittances and invest in education and a social protection system for the poor.<sup>49</sup>

In 2020, the COVID-19 pandemic resulted in an 8.6 per cent decline in GDP.<sup>50</sup> Soon after, sanctions imposed on Russia as a result of the Ukraine conflict caused the economy to further contract by 5 per cent, deepening Kyrgyzstan's economic instability.<sup>51</sup>

45 "Kyrgyz Republic - Share of Economic Sectors in the Gross Domestic Product 2021." n.d. Statista. Accessed November 6, 2022. <https://www.statista.com/statistics/528614/share-of-economic-sectors-in-the-gdp-in-kyrgyz-republic/>.

46 "Kyrgyz Republic - Employment by Economic Sector 2019." n.d. Statista. Accessed November 6, 2022. <https://www.statista.com/statistics/528617/employment-by-economic-sector-in-kyrgyz-republic/>.

47 "Overview." n.d. World Bank. <https://www.worldbank.org/en/country/kyrgyzrepublic/overview#1>.

48 *ibid*

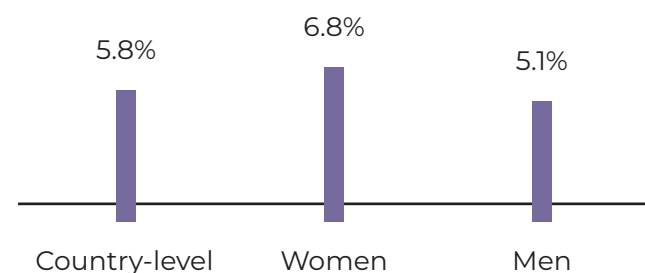
49 "Kyrgyzstan: Invest in People to Reduce Human Capital Flight, Says UN Expert." n.d. OHCHR. Accessed November 6, 2022. <https://www.ohchr.org/en/press-releases/2022/06/kyrgyzstan-invest-people-reduce-human-capital-flight-says-un-expert#:~:text=Kyrgyzstan%20remains%20overly%20dependent%20on>.

50 Review of UNDERSTANDING INFORMAL ECONOMY in KYRGYZSTAN Better Social Justice for Workers, Higher Sustainability for the Country. 2021.

51 "Overview." n.d. World Bank. Accessed November 6, 2022. <https://www.worldbank.org/en/country/kyrgyzrepublic/overview#3>.



## Unemployment rate in Kyrgyzstan



The unemployment rate in Kyrgyzstan stands at 5.8 per cent. This figure is higher for women (6.8 per cent) as compared to 5.1 per cent for men<sup>52</sup>. Despite a high literacy rate (99.6 per cent), 25.3 per cent of the population lives below the national poverty line, indicating that education does not always translate into sustained income.<sup>53</sup>

Kyrgyzstan has a significant demographic advantage, with more than half of the population under the age of 25.<sup>54</sup> However, widespread poverty and limited economic opportunities means young people are plagued with uncertainty and fear for the future that prevents the country from reaping its demographic dividends.<sup>55</sup>

In the Issyk-Kul region, agriculture and cattle farming are the main sources of livelihood. Most farmers cultivate apricots, apples, potatoes and hay for sheep, horses and cattle. Tourism and gold mining also supplement incomes. As of 2019, the region reported 526 small enterprises and 55 medium enterprises, employing 4,100 and 2,400 workers respectively, and totalling USD 14.6 million in exports.<sup>56</sup> Issyk-Kul attracted 70 per cent of all tourists visiting the country in 2021<sup>57</sup>.

Internationally, Kyrgyzstan has ratified eight of nine UN Core International Human Rights Treaties, with the exception of the Convention for the Protection of All Persons from Enforced Disappearance.<sup>58</sup> Kyrgyzstan's Constitution cements human rights

52 "Poverty: Kyrgyz Republic." Asian Development Bank. May 20, 2021. <https://www.adb.org/countries/kyrgyz-republic/poverty>.

53 *ibid*

54 "Adolescents and Youth." n.d. [www.unicef.org/kyrgyzstan/adolescents-youth](http://www.unicef.org/kyrgyzstan/adolescents-youth).

55 *ibid*

56 "Issyk-Kul – Инвестиционная карта." n.d. <https://invest.gov.kg/issyk-kul/>.

57 Review of Kyrgyzstan BRIEF STATISTICAL HANDBOOK. 2022.

58 "Treaty Bodies Treaties." 2019. [Ohchr.org](https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN). 2019. [https://tbineternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN](https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN).

and freedoms as inalienable rights in Article 23, and guarantees that 'no laws shall be passed that abolish or diminish human rights and freedoms' (Article 56).<sup>59</sup>

But despite this, the country has, over the years, regressed on many human rights indicators. Freedom House, a non-profit organisation in the US which conducts research and advocacy on democracy, political freedom, and human rights downgraded it from 'partly free' in 2020 to 'not free' in 2022, classifying it as an 'consolidated authoritarian regime.'

This has translated into greater state-sanctioned violent vigilantism, corruption and a crackdown on civil liberties and media freedom.<sup>60</sup> Kyrgyzstan is also classified as 'obstructed' on the CIVICUS Monitor (a research tool that provides close to real-time data on the state of civil society and civic freedoms in 196 countries) representing a shrinking civic space with curbs to: freedom of peaceful assembly and association; freedom of expression; and freedom of speech.<sup>61</sup> This can be witnessed through the repeated harassment, intimidation, torture and imprisonment of critical voices, including defamation suits against independent media outlets<sup>62</sup> and arrests of leading activists, human rights defenders, and journalists.<sup>63</sup> In 2021 alone, 63 cases of torture were reported, most of them perpetrated by the police. Criminal charges were never filed in any of those cases.<sup>64</sup>

A number of repressive laws have been passed by the Japarov government to contain dissent, including the 2021 Law On Protection from False

59 "KYRGYZSTAN DRAFT LAW 'on the CONSTITUTION of the KYRGYZ REPUBLIC' (\*)." n.d. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-REF\(2021\)017-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=C-DL-REF(2021)017-e).

60 "Kyrgyzstan: Freedom in the World 2022 Country Report." n.d. Freedom House. Accessed November 6, 2022. <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2022>.

61 "CIVICUS - Tracking Conditions for Citizen Action." n.d. [Monitor.civicus.org](https://monitor.civicus.org/country/kyrgyzstan/). Accessed November 6, 2022. <https://monitor.civicus.org/country/kyrgyzstan/>.

62 "Kyrgyzstan Archives." n.d. Amnesty International. Accessed November 6, 2022. <https://www.amnesty.org/en/location/europe-and-central-asia/kyrgyzstan/report-kyrgyzstan/>.

63 "Inside Kyrgyzstan's Campaign to Silence Journalist Bolot Temirov." n.d. RadioFreeEurope/RadioLiberty. Accessed November 6, 2022. <https://www.rferl.org/a/kyrgyzstan-temirov-journalist-special-investigation/31677591.html>.

64 "Country Reports on Human Rights Practices for 2021 United States Department of State · Bureau of Democracy, Human Rights and Labor KYRGYZ REPUBLIC 2021 HUMAN RIGHTS REPORT EXECUTIVE SUMMARY." n.d. Accessed November 6, 2022. [https://www.state.gov/wp-content/uploads/2022/02/313615\\_KYRGYZ-REPUBLIC-2021-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2022/02/313615_KYRGYZ-REPUBLIC-2021-HUMAN-RIGHTS-REPORT.pdf).

and Inaccurate Information, which gives the state sweeping powers to collect users' data and shut down websites containing 'fake' information,<sup>65</sup> as well as an amendment to the Law on Non-Commercial Organisations (NCOs) that forces NGOs to adhere to arduous financial reporting standards in an effort to weaken civil society.<sup>66</sup>

The country's patriarchal heritage continues to create unsafe spaces for women and other minority groups. Members of the LGBTQ+ community often face harassment, sexual assault, loss of employment, lack of housing options and increased surveillance by authorities.<sup>67</sup> Domestic violence is also a widespread problem, with 27 per cent of women having experienced some form of physical and/or sexual intimate partner violence in their lifetime.<sup>68</sup> During the COVID-19 pandemic, there was an alarming increase (65 per cent) in reported cases of domestic violence.<sup>69</sup> Despite their prohibition by the law,<sup>70</sup> bride kidnapping, polygamy, child marriage and forced marriages are rampant practices.

On International Women's Day in 2020, 70 activists – most of them women – were attacked by masked men during a peaceful march organised to spotlight violence against women<sup>71</sup> and were subsequently detained by the police. On the Gender Inequality Index, which measures differences between men and women through three key indicators: reproductive health, empowerment, and labour market, Kyrgyzstan

65 "Kyrgyzstan: 'False Information' Law Threatens Free Speech." 2021. Human Rights Watch. August 3, 2021. <https://www.hrw.org/news/2021/08/03/kyrgyzstan-false-information-law-threatens-free-speech>.

66 "Mandates of the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association." n.d. Accessed November 6, 2022. <https://sp-commreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26942>.

67 "Kyrgyzstan." n.d. United States Department of State. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/kyrgyzstan/>.

68 "Kyrgyzstan." n.d. [EvaW-Global-Database.unwomen.org](http://EvaW-Global-Database.unwomen.org). Accessed November 7, 2022. <https://evaw-global-database.unwomen.org/en/countries/asia/kyrgyzstan>.

69 Human Rights Watch. 2021. "Submission to the Committee on the Elimination of Discrimination against Women Review of Kyrgyzstan," September 29, 2021. <https://www.hrw.org/news/2021/09/29/submission-committee-elimination-discrimination-against-women-review-kyrgyzstan>.

70 "Kyrgyzstan: Pressure Builds to Protect Women and Girls." 2019. Human Rights Watch. May 28, 2019. <https://www.hrw.org/news/2019/05/28/kyrgyzstan-pressure-builds-protect-women-and-girls>.

71 "Kyrgyzstan: Women's Activists Detained." 2020. Human Rights Watch. March 11, 2020. <https://www.hrw.org/news/2020/03/12/kyrgyzstan-womens-activists-detained>.

is ranked 82 out of 162 countries, placing it in the lower half of the scorecard.<sup>72</sup> The small number of seats held by women in parliament (19.2 per cent), the 25 per cent wage gap between the sexes,<sup>73</sup> and the difference in labour force participation by women (44.8 per cent compared to 75.5 per cent by men) all contribute to this ranking.<sup>74</sup>

## 4.3 Corporate Accountability and Human Rights

Kyrgyzstan has long struggled with the curse of mineral wealth, often sacrificing human rights at the altar of economic growth. The extractive industry – comprised mostly of gold and coal – has been Kyrgyzstan's cash cow for more than two decades now, and contributes in excess of 12 per cent to the GDP<sup>75</sup>, 42 per cent to exports, and 9.7 per cent to government revenues<sup>76</sup>.

As of July 2022, there were approximately 2,398 mining licences in the country, broken down into 531 for water resources, 401 for coal, 398 for gold, 107 for metals, 57 for oil and gas, and 904 for non-metallic deposits,<sup>77</sup> whereas the mining industry employs more than 20,000 people<sup>78</sup>.

Article 16 of the Kyrgyz Constitution guarantees the special protection of land and natural resources by the state, ensuring its preservation to 'maintain a unified ecological system and sustainable development.'<sup>79</sup>

72 "Human Development Reports." n.d. [Hdr.undp.org](http://hdr.undp.org). <https://hdr.undp.org/en/countries/profiles/KGZ>.

73 Review of Kyrgyzstan BRIEF STATISTICAL HANDBOOK. 2022.

74 United Nations. n.d. "Specific Country Data." [Hdr.undp.org](http://hdr.undp.org). Accessed November 7, 2022. <https://hdr.undp.org/data-center/specific-country-data#/countries/KGZ>.

75 "Горнодобывающая отрасль принесла в бюджет страны 26 млрд сомов с начала года." n.d. Accessed November 7, 2022. <https://economist.kg/novosti/2022/08/24/gornodobyvajushhaya-otrasl-prinesla-v-bjudzhet-strany-26-mlrd-somov-s-nachala-goda/>.

76 "Kyrgyz Republic." n.d. EITI. Accessed November 7, 2022. <https://eiti.org/countries/kyrgyz-republic>.

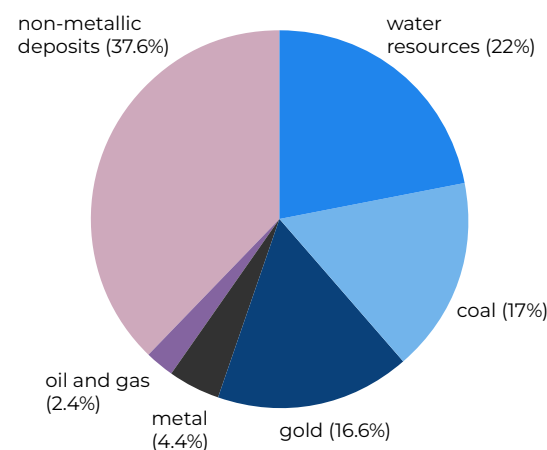
77 KUDRYAVTSEVA, Tatyana. 2022. "Kyrgyzstan Checks All Licenses Issued to Subsoil Users -" 24.Kg. July 19, 2022. [https://24.kg/english/239992\\_Kyrgyzstan\\_checks\\_all\\_licenses\\_issued\\_to\\_subsoil\\_users/](https://24.kg/english/239992_Kyrgyzstan_checks_all_licenses_issued_to_subsoil_users/).

78 "Kyrgyzstan's Mining Sector Wilts as Authorities Seek Total Control | Eurasianet." n.d. [Eurasianet.org](http://Eurasianet.org). Accessed November 7, 2022. <https://eurasianet.org/kyrgyzstans-mining-sector-wilts-as-authorities-seek-total-control>.

79 DRAFT LAW "on the CONSTITUTION of the KYRGYZ REPUBLIC." n.d.



## Mining licenses in Kyrgyzstan



The main regulations governing mineral resources are The Land Code of 1999,<sup>80</sup> The Water Code of 2005<sup>81</sup>, and The Law on Subsoil of 2018<sup>82</sup>. The Land Code controls the allocation, registration, use and termination of land rights for mineral resources.<sup>83</sup> The Water Code governs the use, protection and development of surface and groundwater, with an aim to provide safe, sustainable and sufficient water to the people of Kyrgyzstan.<sup>84</sup>

The Law on Subsoil is the main law regulating the licensing system for mineral exploration in the country, and is overseen by the State Committee for Industry, Energy and Subsoil Use (SCIESU).<sup>85</sup> The Law On Subsoil also carries stipulations for regular environmental, industrial safety and subsoil protection audits, and allows for termination of the rights of subsoil use in case of failure to adhere to the above-mentioned rules<sup>86</sup>.

In addition to mining related laws, there are specific laws safeguarding the environment, including the Law on Environmental Protection of 1999,<sup>87</sup> the Law On Environmental Audits of 1999,<sup>88</sup> which provide guidelines for the use of natural resources, while

80 LAND CODE of the KYRGYZ REPUBLIC. 1999.

81 WATER CODE of the KYRGYZ REPUBLIC. 2005.

82 LAW of the KYRGYZ REPUBLIC of May 19, 2018 No. 49 about Subsoil. 2018.

83 Review of Extractive Industries Transparency Initiative: Report of the Kyrgyz Republic for 2015 - 2017. n.d. KEITE KYRGZTAN.

84 ibid

85 ibid

86 ibid

87 IGF MINING POLICY FRAMEWORK ASSESSMENT Kyrgyzstan. 2018. Intergovernmental Forum. <https://www.iisd.org/system/files/publications/kyrgyzstan-mining-policy-framework-assessment-en.pdf>

88 ibid

also preserving the environment. This includes the need for Environmental Impact Assessments (EIAs) in consultation with the public.<sup>89</sup> This law is complemented by the Regulation on the Procedure for Conducting Environmental Impact Assessments of 2015, which provides the blueprint for undertaking EIAs for economic activities.<sup>90</sup> The country's international commitment to combating climate change extends to the United Nations Framework Convention on Climate Change (UNFCCC), to which Kyrgyzstan has been a party to since 2000, and has ratified all relevant agreements, including the Paris Climate Accords.<sup>91</sup>

However, the country's contentious history with mining, environmental degradation and human rights predates these laws and goes all the way back to the Soviet era. Communities are still grappling with the effects of Kyrgyzstan's pre-independence uranium mines. They are now closed, but many abandoned sites are radioactive waste dumps. Decades later, we see a marked increase in the levels of water and air pollution, distressing surrounding communities because of deadly uranium waste.<sup>92</sup> The result is poorer health outcomes across the board.<sup>93</sup>

A good example is Kaji-Say village, located in the southern part of Issyk-Kul Lake, where more than 600,000 tons of radioactive waste is buried.<sup>94</sup> Residents here exhibit higher incidences of tumours and cancers compared to the national average.<sup>95</sup> In 2019, following widespread protests against the uranium mining project by Canada's Azarga Uranium in the Issyk-Kul region, Kyrgyzstan

89 ibid

90 Review of Extractive Industries Transparency Initiative: Report of the Kyrgyz Republic for 2015 - 2017. n.d. KEITE KYRGZTAN.

91 "Climate change in Kyrgyzstan". UNDP. Accessed 7 November 2022 <https://www.undp.org/kyrgyzstan/climate-change-kyrgyzstan>

92 Dogan, Ilhan, Ibrahim Ilker Ozyigit, Bermet Kidiraliyeva, Kadirbay Cekirov, Gulbubu Kurmanbekova, Bihter Ucar, Nurzat Saykueva, et al. 2021. "Assessment of Pollution at the Former Uranium Waste Dumpsite near Kaji-Say Village/Kyrgyzstan: A Genetic and Physiological Investigation." *Journal of Radiation Research and Applied Sciences* 14 (1): 280-94. <https://doi.org/10.1080/16878507.2021.1957397>

93 "Uranium Mine in Kyrgyzstan Spreads Pollution for 53 Years." n.d. The Third Pole. <https://www.thethirdpole.net/en/pollution/uranium-mine-radioactive-waste-kyrgyzstan/>

94 Dogan, Ilhan, Ibrahim Ilker Ozyigit, Bermet Kidiraliyeva, Kadirbay Cekirov, Gulbubu Kurmanbekova, Bihter Ucar, Nurzat Saykueva, et al. 2021. "Assessment of Pollution at the Former Uranium Waste Dumpsite near Kaji-Say Village/Kyrgyzstan: A Genetic and Physiological Investigation." *Journal of Radiation Research and Applied Sciences* 14 (1): 280-94. <https://doi.org/10.1080/16878507.2021.1957397>

95 ibid

banned uranium exploration and mining altogether.<sup>96</sup>

## KUMTOR GOLD MINE

At the centre of this study sits the Kumtor Gold Mine. It is one of the largest open-pit gold mines in Central Asia, and is the biggest contributor to state budget, accounting for more than 10 per cent of GDP.<sup>97</sup> The mine employs more than 4,000 people, most of them Kyrgyz citizens.<sup>98</sup> Kumtor is located 350 kilometres south-east of Bishkek, in the southern part of Central Tien-Shan mountain range, and stands at an altitude of 4,000 metres above sea level.<sup>99</sup> The Kyrgyz State Geological Committee first began exploration in Kumtor in 1978.<sup>100</sup> However, it was only after independence that Kyrgyzstan begun attracting investments from the West, that Canadian mining company Cameco was selected to continue exploration.

In 1992, a Master Agreement was initiated between the Government of Kyrgyzstan and Cameco Corporation, officially forming the Kumtor Gold Company (KGC).<sup>101</sup> In 1994, after the agreement was finalised, Cameco acquired a 33 per cent stake in the Kumtor Gold Company, and commercial production began in 1997.<sup>102</sup> In 2004, Cameco and the Government of Kyrgyzstan announced an agreement to transfer KGC to a new jointly owned<sup>103</sup> Canadian company called Centerra Gold Inc, officially handing over full ownership of the Kumtor Gold Mine to Centerra Gold.<sup>104</sup>

96 Reuters. 2019. "Kyrgyzstan Bans Uranium Mining after Protests," May 2, 2019, sec. Commodities News. <https://www.reuters.com/article/us-kyrgyzstan-uranium-idUSKCN1S81NN>.

97 "Mongolia and Kyrgyzstan Struggle with the Curse of Mineral Wealth." n.d. The Economist. Accessed November 7, 2022. <https://www.economist.com/asia/2021/11/06/mongolia-and-kyrgyzstan-struggle-with-the-curse-of-mineral-wealth>.

98 "Kumtor Gold Company | Official Site of the Kumtor Gold Company - Welcome." n.d. [www.kumtor.kg](http://www.kumtor.kg). Accessed November 7, 2022. <https://www.kumtor.kg/en/>

99 "Operations | Kumtor Gold Company." n.d. [www.kumtor.kg](http://www.kumtor.kg). Accessed November 7, 2022. <https://www.kumtor.kg/en/deposit/>

100 "History | Kumtor Gold Company." n.d. [www.kumtor.kg](http://www.kumtor.kg). Accessed November 7, 2022. <https://www.kumtor.kg/en/deposit/history/>

101 "Centerra Gold." n.d. [www.centerragold.com](http://www.centerragold.com). <https://www.centerragold.com/corporate/history>

102 ibid

103 Jointly owned by Cameco and Kyrgyz Republic-owned Kyrgyzaltyn JSC. (explain in-text)

104 ibid

The Kyrgyzstan government retained 33 per cent ownership of Centerra Gold through a state enterprise called Kyrgyzaltyn. After years of disagreements between Centerra Gold and the government centred around allegations of breaking national laws, parliament passed a law in 2021 to temporarily allow the state to take control of the company.<sup>105</sup> One day later, a district court fined KGC USD 3.1 billion for violating environmental regulations.<sup>106</sup> In 2022, after a whole year of back and forth in court, the Kyrgyz government finally reached an agreement with Centerra Gold and acquired full ownership of Kumtor Gold Mine.<sup>107</sup> Over the next 10 years, it is expected to produce no less than USD 5 billion worth of gold.<sup>108</sup>

Since it began operations, Kumtor has been accused of a series of human rights violations and environmental devastation. In 1998, a mining truck overturned and discharged two tons of sodium cyanide (used to clean gold) into the Barskoon River, the only source of drinkable water for the surrounding villages.<sup>109</sup> Villagers were kept in the dark for five hours after the toxic spill and when they were eventually informed, the severity of the accident was downplayed.<sup>110</sup> Within one month of the incident, the affected villages had been evacuated, but not before several villagers died and more than 5,000 others took ill<sup>111</sup>. Over 17,000 people were said to have received urgent medical intervention.<sup>112</sup> There were also reports of forced abortions carried out on pregnant women.<sup>113</sup> Frustrated with the government's inaction against KGC, the residents of Issyk-Kul led a series of protests against Centerra Gold between 2013-2014, leading to hundreds being injured or arrested, and in some

105 Reuters. 2021. "Kyrgyzstan Court Fines Centerra Gold Mining Venture \$3.1 Billion," May 8, 2021, sec. Precious Metals & Minerals. <https://www.reuters.com/article/centerra-gold-kyrgyzstan-idUSL1N2MV07Q>

106 ibid

107 <https://www.reuters.com/business/kyrgyzstan-cana-das-centerra-end-kumtor-gold-mine-dispute-2022-04-04/>

108 ibid

109 "Even Two Decades after Massive Cyanide Spill, Kyrgyz Poisoning Victims Get Scant Compensation." n.d. RadioFreeEurope/RadioLiberty. <https://www.rferl.org/a/qish-log-ovozi-kumtor-cyanide-spill-compensation-gold-mining/30797137.html>

110 ibid

111 ibid

112 "Kumtor: The Gold Mine That Could Make or Break Kyrgyzstan." n.d. OpenDemocracy. Accessed November 7, 2022. <https://www.opendemocracy.net/en/odr/kumtor-gold-mine-could-make-or-break-kyrgyzstan/>

113 "Even Two Decades after Massive Cyanide Spill, Kyrgyz Poisoning Victims Get Scant Compensation." n.d. RadioFreeEurope/RadioLiberty. <https://www.rferl.org/a/qish-log-ovozi-kumtor-cyanide-spill-compensation-gold-mining/30797137.html>



cases tortured.<sup>114</sup> In the end, the President declared a state of emergency in the area surrounding the Kumtor Gold Mine.<sup>115</sup>

In 2020, after more than a two-decade struggle, KGC was ordered to pay the survivors of the Barskoon disaster USD 5,700 each as compensation, a pittance, considering the long-term adverse consequences on the community's peace, health, and livelihoods.<sup>116</sup> In addition to the effects on health, the disaster deprived villagers of their main source of livelihood i.e. trading in Barskoon's famous locally grown apples (a result of pollution).<sup>117</sup>

Locals have repeatedly complained about excessive dust from trucks and the mining operation in general which affects their access to safe food and drinking water. So far, neither the government nor Centerra Gold have done anything to address this.<sup>118</sup> Additionally, as per paragraph 3.6 of Article 3 of the bilateral agreement between Kumtor and the Kyrgyz government, the mining company is mandated to invest in the development of infrastructure in the Issyk-Kul region where it operates.<sup>119</sup> But for years now, very little funding has been directed towards supporting towns and villages. Today, the water supply system is significantly outdated and has been out of repair for a long time. Because of this, local residents have limited access to clean drinking water, which is often turned off by local authorities due to shortages.

The greatest threat, however, is posed by the melting Davydov and Lysyi glaciers<sup>120</sup> surrounding the Kumtor Gold Mine. The mine cuts across the glaciers that feed fresh water into the Naryn River, Central Asia's principal waterway.<sup>121</sup> For years, the open-pit mine has discharged pollutants in the form of waste rock containing acid-forming compounds such as sulphur trioxide, sulfuric anhydride, lead, cadmium and dioxides<sup>122</sup> that accelerate the thawing of the already-melting fragile glaciers. As a result of the liquifying glaciers, the size of Lake Petrov – sitting only five kilometres from the mine's tailing ponds – has been increasing by 92,000 square metres every year.<sup>123</sup> If this is allowed to continue, the lake could overflow and the dam located below the tailings site<sup>124</sup> that stores more than 90 million cubic metres of chemical waste could burst. Tailing sites are sites to store finely ground residual particles after the valuable metals have been removed from the ore. This would cause severe groundwater pollution, with toxic chemical tailings entering the Naryn River to bring about catastrophic consequences not just for Kyrgyzstan, but also for its Central Asian neighbours.

The open nature of the mine makes it particularly hazardous because it not only poses a threat the chemistry of the air and waters of the surrounding area, but also emits toxic dust particles that compromise the health of workers and neighbouring communities.<sup>125</sup> Centerra Gold has continually denied responsibility for the melting glaciers and instead attributes the damage solely to climate change.<sup>126</sup>

<sup>120</sup> "EBRD's Environmental Policy under Scrutiny in Kyrgyzstan." n.d. [TheDiplomat.com](https://thediplomat.com). Accessed November 7, 2022. <https://thediplomat.com/2014/11/ebdrs-environmental-policy-under-scrutiny-in-kyrgyzstan/>.

<sup>121</sup> "Are Kyrgyzstan's Glaciers under Threat? This Ecologist Thinks So." n.d. OpenDemocracy. Accessed November 7, 2022. <https://www.opendemocracy.net/en/odr/are-kyrgyzstans-glaciers-under-threat/>.

<sup>122</sup> Waste rock is rock that has been mined and transported out of the pit but does not have metal concentrations (do this in-text)

<sup>123</sup> "Are Kyrgyzstan's Glaciers under Threat? This Ecologist Thinks So." n.d. OpenDemocracy. Accessed November 7, 2022. <https://www.opendemocracy.net/en/odr/are-kyrgyzstans-glaciers-under-threat/>.

<sup>124</sup> A site to store finely ground residual particles after the valuable metals have been removed from the ore – (do this in text)

<sup>125</sup> "Bloomberg - Are You a Robot?" n.d. [www.bloomberg.com](https://www.bloomberg.com). Accessed November 7, 2022. <https://www.bloomberg.com/news/articles/2021-09-01/centerra-says-seized-kyrgyzstan-mine-flooded-endangering-site?leadSource=uverl-fy%20wall>.

<sup>126</sup> "COP21: How Glacial Melt and Toxic Waste Could Spell Disaster in Kyrgyzstan." 2015. The New Humanitarian. December 2, 2015. <https://www.thenewhumanitarian.org/feature/2015/12/02/cop21-how-glacial-melt-and-toxic->

In May 2022, following the nationalisation of Kumtor, a crack appeared on the pit wall of the central mine, resulting in the government ordering 40 workers to go on leave.<sup>127</sup> In response, President Sadyr Japarov washed his hands of the incident, stressing that 'disasters will continue to happen' because such things are beyond his control.<sup>128</sup> In July 2022, an avalanche was triggered when a glacier suddenly collapsed in the Issyk-Kul region.<sup>129</sup> Fortunately, no one was injured, but experts interpret this seemingly isolated incident as a harbinger of things to come if current mining practices do not change.

In August 2022, Tengiz Bolturuk was dismissed as Manager of Kumtor. Irregularities in financial reporting were cited.<sup>130</sup> Subsequently, the Opposition demanded access to all documents related to the activities at Kumtor<sup>131</sup> and raised the alarm against the Japarov government, accusing it of concealing information on buyers of the gold. In an effort to appease his critics, Japarov organised a media interview where he insisted that secrecy was necessary 'for the safety of the cargo' and stressed that 'no one can steal even one gram' (from Kumtor).<sup>132</sup>

More recently, Bolturuk was arrested by the General Prosecutor's Office in the Ministry of Internal Affairs of the Kyrgyz Republic. His arrest came after an investigation into the activities at KGC.<sup>133</sup> Three criminal cases were initiated on grounds of violation of legislation on joint-stock companies.<sup>134</sup> The General Prosecutor's Office announced that a corruption scheme by officials of Kumtor Gold Company resulted in the state losing around 1 billion soms (USD 12.5 million).<sup>135</sup>

[waste-could-spell-disaster-kyrgyzstan.](#)

<sup>127</sup> "Kyrgyzstan: Pit Wall Cracks Raise Questions over Future of Giant Kumtor Gold Mine | Eurasianet." n.d. [Eurasianet.org](https://eurasianet.org). Accessed November 7, 2022. <https://eurasianet.org/kyrgyzstan-pit-wall-cracks-raise-questions-over-future-of-giant-kumtor-gold-mine>.

<sup>128</sup> *ibid*

<sup>129</sup> "Collapsing Glacier in Kyrgyzstan Sends Worrying Signal to Central Asia." 2022. State of the Planet. July 13, 2022. <https://news.climate.columbia.edu/2022/07/13/a-collapsing-glaciers-in-kyrgyzstan-sends-worrying-signal-to-central-asia/>.

<sup>130</sup> "Тенгиз Болтурук освобожден от должности руководителя Кумтора за финансовые нарушения." n.d. Радио Азаттык (Кыргызская служба Радио Свободная Европа/Радио Свобода). Accessed November 7, 2022. <https://rus.azattyk.org/a/32001903.html>.

<sup>131</sup> "Оппозиционеры требуют от власти отчета по деятельности Кумтора." n.d. Радио Азаттык (Кыргызская служба Радио Свободная Европа/Радио Свобода). Accessed November 7, 2022. <https://rus.azattyk.org/a/32008558.html>.

<sup>132</sup> "Президент Кыргызстана объяснил, почему не раскрывается информация о покупателях золота страны." n.d. Радио Азаттык (Кыргызская служба Радио Свободная Европа/Радио Свобода). Accessed November 7, 2022. <https://rus.azattyk.org/a/32007933.html>.

<sup>133</sup> DZHUMASHOVA, Aida. 2022. "Prosecutor General's Office Opens 3 Criminal Cases after Check of Kumtor's Work -" 24.Kg. September 13, 2022. [https://24.kg/english/244816\\_Prosecutor\\_Generals\\_Office\\_opens\\_3\\_criminal\\_cases\\_after\\_check\\_of\\_Kumtors\\_work/](https://24.kg/english/244816_Prosecutor_Generals_Office_opens_3_criminal_cases_after_check_of_Kumtors_work/).

<sup>134</sup> *ibid*

<sup>135</sup> *ibid*

<sup>114</sup> "Centerra Gold: The Ugly Face of Canadian Capitalism | MiningWatch Canada." n.d. [MiningWatch.ca](https://miningwatch.ca). Accessed November 7, 2022. <https://miningwatch.ca/blog/2021/6/9/centerra-gold-ugly-face-canadian-capitalism>.

<sup>115</sup> Press, The Associated. 2013. "Hundreds Storm Office of Canadian Centerra Mine in Kyrgyzstan, 55 Wounded in Clashes." Financial Post, May 31, 2013. <https://financialpost.com/commodities/mining/kyrgyzstan-declares-state-of-emergency-as-centerra-mine-protest-turns-bloody>.

<sup>116</sup> "Centerra Gold: The Ugly Face of Canadian Capitalism | MiningWatch Canada." n.d. [MiningWatch.ca](https://miningwatch.ca). Accessed November 7, 2022. <https://miningwatch.ca/blog/2021/6/9/centerra-gold-ugly-face-canadian-capitalism>.

<sup>117</sup> "Even Two Decades after Massive Cyanide Spill, Kyrgyz Poisoning Victims Get Scant Compensation." n.d. RadioFreeEurope/RadioLiberty. <https://www.rferl.org/a/qish-loq-ovozi-kumtor-cyanide-spill-compensation-gold-mining/30797137.html>.

<sup>118</sup> "Kumtor: The Gold Mine That Could Make or Break Kyrgyzstan." n.d. OpenDemocracy. Accessed November 7, 2022. <https://www.opendemocracy.net/en/odr/kumtor-gold-mine-could-make-or-break-kyrgyzstan/>.

<sup>119</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/80053?cl=ru-ru>





Apricots, a main source of livelihood in Issyk-Kul

# Findings From the Field

## Economic, Social and Cultural Rights

Basing on testimonies collected as well direct observation by the FFM Team, Kumtor's operations pose a clear and present threat to the economic, social and cultural rights (ESCRs) of the communities in the Issyk-Kul region, not to mention the whole of Kyrgyzstan and Central Asia.

### DUST, LIVELIHOODS AND FOOD

The dust residue of the mining operations consists of tiny solid particles emitted during crushing, grinding and mechanical processing of rock materials, loading and unloading of bulk cargo, and condensation of vapours. This dust contains poisonous elements like formaldehyde and silicon dioxide (SiO<sub>2</sub>), as well as chemicals in the form of chromium salts, limestone, caustic soda, arsenic and calcium carbide. The amount of dust generated by trucks and mining activities from the Kumtor mine was flagged as a major problem in every FGD conducted by the FFM Team.

The FGD in Tosor highlighted the extent to which the dust is negatively affecting forests and biodiversity. One participant pointed out that the local green forest, which should ideally act as a natural barrier against the dust from Kumtor, has ceased to flourish. The same applies for grass, which is no longer fit for grazing animals. In this regard, renowned Kyrgyz wildlife photographer Vlad Ushakov offered as evidence the mass extinction of mountain sheep. The valleys surrounding Kumtor were popular with wildlife photographers, ecological activists and tourists due to an abundance of foxes, wolves and bears. But according to Ushakov, the open-pit mining operations have ensured that most of the wildlife has disappeared.

In addition to the danger facing their livestock, the communities of Issyk-Kul are concerned about the future of apricot trees (which constitutes a core business as well as a major source of livelihood), and the quality of its fruit. The FFM Team verified the presence of black spots on apricots and apples, particularly those cultivated in proximity to heavy-traffic roads. Although the cause of the spots has not been scientifically investigated, the residents of Kichi-Jargylchak revealed





Apricots with black spots in Tosor

Local Deputy, Beksultanov Sabyr, a participant in the FGD

that a batch of fruit was sent to the Russian Federal Service for Veterinary and Phytosanitary Surveillance for examination, and they confirmed the presence of a yet unidentified bacterium. After a rudimentary experiment, the villagers reported that apricots grown under a roof and protected from the external environment and dust do not develop the black spots.

This mystery is of particular concern because the damaged apricots cannot be exported to Russia, while those sold locally fetch much lower prices and, consequently, damage profits. Residents of Kichi-Jargylchak shared that in 2021, only 10 per cent of their apricots were damaged. In 2022, the share of damaged apricots rose to 60 per cent. They flagged a 'different', distinctly unpleasant taste as a distinguishing characteristic of the affected apricots.

**'Before Kumtor, the quality of our fruits was better'– Kichi-Jargylchak resident**

**'At the beginning, we believed their promises that communities and workers' lives would be improved. But it did not happen'– Tosor resident**

The communities of Barskoon have identified trucks going in and out of Kumtor as a major trigger of the dust menace, alongside noise pollution and vibrations. This village is located along one of the main roads leading to the mining site and experiences regular passage of these heavy trucks. Residents raised the issue of dust, which affects their fruit trees and pastures, and expressed frustration about the constant trembling of their houses caused by the passage of the trucks.

The FFM Team did not witness any trucks from Kumtor during its time in Barskoon, but was informed that because of the crack opening in the pit wall (see page 27), operations at the mining site had slowed down significantly. In the course of their investigation, the FFM Team identified dust measuring devices along the main road and fields in the mountain trail. However, Barskoon's

community members expressed doubts about the efficacy of such devices because dust-related contamination has remained unresolved for years.

During winter, the trucks descend from the Kumtor site with sleet and snow on their wheels, which melts once they reach the villages below, Barskoon being one of them. In the process of melting, villagers have identified the risk of contaminated water from Kumtor being released into the soil.

Erkingul Imankozhoeva, a local community leader and civic activist from Barskoon, confirmed that local communities are unaware of the types and especially the amounts of chemical materials used in Kumtor. These include those used to melt ice on the roads leading to the mining site and the anti-slip liquid applied on tyres and the bodies of the heavy trucks transporting materials and chemicals for the mine.

These concerns stem from a lack of information and trust about what is happening at the Kumtor site. A particular touchpoint is the manner in which the mine dismantles its toxic substances, specifically uranium tailings, and the quality of the soil and water.

Apprehensions about uranium also arise from the fact that uranium tailings sites have long existed in Issyk-Kul. The FFM Team visited Kaji-Say village (see page 11 of Background) and collected a testimony from a community member who expressed fears that in the event of a major incident occurring at the Kumtor site, for instance partial destruction of the glaciers and a consequent landslide, the





Vehicles in Barskoon



FGD with Erkingul Imankozhoeva and other local community representatives in Barskoon

uranium tailing site would be compromised and the entire population would be exposed to serious health hazards.

During the FGDs and one-on-one interviews, the issue of water quality kept coming up. Environmental expert and champion Kalia Moldogazieva explained to the FFM Team that the water utilised at Kumtor is sourced from the nearby Lake Petrov while the villages in Issyk-Kul source theirs from Naryn River. The foremost challenge for local communities, she added, is not the quality of water but the aged piping infrastructure in place, specifically at Barskoon.

Civic activist Erkingul Imankozhoeva put it bluntly to the FFM Team that gold is not the community's most pressing need, but rather clean water.

They would like to see their water examined by independent experts.

This sentiment rings particularly true for Barskoonians. According to one resident, there is widespread fear regarding the health of both the people and their livestock where water is concerned. Repeated assurances from national authorities that the quality of their water is good does little to inspire their confidence, specifically when viewed in light of the 1998 cyanide spill (see [page 13](#) in Background). Cholpon-Ata residents also expressed concern about the quality of their water for the same reason.

Tourism is one of the main sources of income for this village, which sits on the shores of Lake Issyk-Kul and the community fears that another incident

triggered by the activities at Kumtor's operations might completely put an end to their livelihoods.

Not only is the quality of water the biggest concern for communities, but also the quantity as well. This is especially true for Barskoonians. Gulnur Alymbekova, a local community activist, says the situation is already dire, with potable water supplied for only 4-5 hours each day.

The FFM Team received several complaints about access to water. While this has been linked to deterioration of the glaciers triggered by the activities at Kumtor, with a little help from climate change, the outdated water piping system is considered to be the major reason, despite funds being allocated from the national budget.

**'We need clean water, not gold.'**

**'We drink it, but we do not know what we are drinking.'**





Aerial views of the uranium tailings site in Kaji-Say Village



Aerial views of the uranium tailings site in Kaji-Say Village

### THE LASTING EFFECTS OF THE 1998 CYANIDE SPILL

The FFM Team noted that the 1998 cyanide spill is still an open wound for the people of Barskoon, and for Kyrgyzstan as a whole. All community members interviewed pointed to potential lasting effects of the incident, with most of them fearing for their health and access to potable water.

The FFM Team interviewed three members of the Collective of Barskoon named “Issyk-Kul Aiyly”, as well as other community members during one FGD.

Erkingul Imankozhoeva stressed that during the spill, an almost innumerable number of people fell ill, with the likelihood of many unreported deaths. Livestock were also affected due to contaminated drinking water and grass. Gulnur Baktybekova, a retired Doctor, recalled that in the 30 days following the incident, between 50-60 people died from cyanide poisoning at an average rate of 2-3 deaths per day. She accused the government of a cover-up, and claimed that bodies were evacuated from the village and hidden away.

According to Erkingul Imankozhoeva, members of the community continue to report health complications, ranging from skin rashes to constant sneezing and coughing as well as cancer. The FFM Team learned that around 20 women experienced miscarriages after the incident, while others were forced by authorities to terminate pregnancies in order to conceal possible birth defects. She confirmed that children are still being born with undiagnosed diseases. In most cases, such diseases are not visible to the naked eye, and are inherited from parents. They include dystrophic skin changes, hair loss, hypofunction of genital glands and anaemia. These concerns were mirrored by another participant who reported that there are concrete fears of children born with mental and physical disabilities due to exposure to the cyanide spill.

Yet another participant recalled that in the months following the incident, authorities paid very close attention to the village, given the magnitude of the tragedy. She feels that this is no longer the case, and that children’s health, especially, is not being monitored as it should be, despite some villagers still experiencing breathing and lung problems.

She recollected that at the time of the incident, not only did authorities not give timely, precise instructions on steps to take and access to treatment, but they tried to cover up the incident and even downplay its gravity.

Jyldyz Japaralieva was still visibly shaken when she recalled the aftermath of the 1998 cyanide spill. She condemned how, after several days had elapsed, the government suddenly forced them into buses and got them out of their village. Some villagers, however, did not trust the authorities and decided to stay, putting their lives at risk.

At the time, she was working at a local health facility, and she remembered how all hospitals, including those in Bishkek and Karakol, provided the wrong diagnoses. One curious case stands out for her, where one woman was told that she was ill due to hormonal changes. This diagnosis was ‘confirmed’ by doctors at the local hospital.

**‘When President Akayev came to visit, he was laughing and saying this is not too dangerous... but then many local women were forced to abort in order to avoid children born with disabilities.’**  
– Jyldyz Japaralieva

FGD with local community representatives in Barskoon







Maksutova Munara, civic activist of the Issyk-Kul region



Jamankulova Jiydesh, hospital nurse



Photos of the victims of Kumtor uranium radiation



Group discussions

**‘At the time of the incident, locals did not know what to do. Only after some time had elapsed we were told to immediately evacuate the area.’**  
 – Erkingul Imankozhoeva

**‘Before mining, we lived a very different life. We never experienced skin infections, high blood pressure or lung diseases. But everything began with Kumtor’s operations and increased after the 1998 catastrophe.’**

Gulnur Alymbekova from Barskoon is still reeling from the consequences of the catastrophe. Following the incident, animals fell ill and there was no harvests. Crops were destroyed, including potatoes, which is the second most popular produce after fruits. Although she has now adjusted to the circumstances, the impact to her health remains, because she has suffered from a skin condition since 1998. She spends most of her income from farming on medication and treatment.

Gulnur told the FFM Team that she regularly visits a doctor in Karakol to supplement her medicines with injections, but the cost of her treatment has spiked exponentially since the Covid-19 pandemic. Her skin condition also impacts her work because the itching gets worse when she’s out working on her farm.

Gulnur also lamented on the overall lack of adequate nutrition, particularly for women, specifically as it pertains to a shortage of iron and vitamins, which





Interview with environmental expert Kalia Moldogazieva

are becoming scarce and more expensive. She also highlights the difficulty in accessing the right food.

According to environmental expert Kalia Moldogazieva, it is imperative that a serious examination of what happened in 1998 is carried out to uncover the long-term effects on both the residents and the environment. In particular, she stressed that it is not known exactly to what extent scientists and health professionals were allowed to freely visit and inspect the affected area, collect evidence and samples, and to test people. She pointed out that although there is no scientific evidence linking Kumtor's operations to the incident, it is on record that the people of Barskoon are unwell, and they worry about the well-being of their children and future generations.

**'The 1998 catastrophe has had incremental impact on women's health, for example forced abortions, and this is made worse by the government's failure to provide access to affordable balanced nutrition and vitamins for the survivors.'**

## Environment

### MELTING GLACIERS

Throughout the FGDs and interviews, the melting of the Lysyi and Davydov glaciers was flagged as a primary concern in connection to Kumtor's mining operations.

The Glaciers play a central role in the provision of water not only for Kyrgyzstan, but for the entire Central Asia as well. In light of this, respondents felt that it is of utmost importance that urgent and immediate action is taken not only to protect the glaciers, but also to start determining how to hold Centerra Gold and the national authorities accountable for the irreparable damage to them.

Erkingul Imankozhoeva of Barskoon village seems certain that the Lysyi and Davydov glaciers are melting as a result of damage by the dust and explosions from the mining site. Civic activist Ainur Kerimbekova directed the attention of the FFM Team to the visible changing conditions of the glaciers. She said her mountain-climbing relatives are reporting increasingly visible rocks no longer covered by ice.

Saparbek Torojev, a local farmer from Chon Jargylchak village, informed the FFM Team of a worrisome trend from Kumtor site, where dust is reportedly everywhere and is triggering the



Evidence of the destruction of local communities from Kumtor's mining activities

deterioration of the glaciers. A similar concern was shared by Kalia Moldogazieva, who divulged that the approximately 1,700 tons of explosive materials used in the daily operations of open-pit mining are accelerating the melting of the glaciers. Equally worrisome for her is the fact that waste by-products of mining operations are collected and stored in close proximity to the glaciers, increasing the risk of leakage and contamination.

Parallel apprehensions were voiced in FGDs at Barskoon, Tosor and Karakol, where residents linked damage to the glaciers to uranium tailings. They fear that the tailings, situated in the Tian Shan mountains 4,000 metres above sea level, could seep into the Naryn River and contaminate a vital source of water for millions of people.

Thankfully, these fears have translated into concrete actions. Both Erkingul Imankozhoeva and Kalia Moldogazieva have initiated recommendations to the draft laws<sup>136</sup> on the protection of glaciers, inspired by the example of Argentina,<sup>137</sup> where a similar law has already been approved by Parliament,<sup>138</sup> and by is awaiting presidential assent<sup>139</sup>. The law has been updated,

<sup>136</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/111700?cl=ru-ru>

<sup>137</sup> <https://climate-laws.org/geographies/argentina/laws/law-26-639-on-minimum-standards-for-preservation-of-glaciers-and-periglacial-environment>

<sup>138</sup> [https://www.president.kg/ru/sobytiya/zakony/5625\\_podpisan\\_zakon\\_kirgizskoy\\_respubliki\\_o\\_vnesenii\\_izmeneniy\\_v\\_vodniy\\_kodeks\\_kirgizskoy\\_respubliki](https://www.president.kg/ru/sobytiya/zakony/5625_podpisan_zakon_kirgizskoy_respubliki_o_vnesenii_izmeneniy_v_vodniy_kodeks_kirgizskoy_respubliki)

<sup>139</sup> [https://rus.azattyk.org/a/kyrgyzstan\\_kumtor\\_gold/25408427.html](https://rus.azattyk.org/a/kyrgyzstan_kumtor_gold/25408427.html)



but Kalia Moldogazieva fears that pressure by business lobbyists will slow down the ratification process, despite the president being publicly concerned about the fate of the glaciers.

**‘Our president keeps talking about the importance of protecting the glaciers, but why has he not signed the special Bill on the protection of the glaciers?’**

Climate Change was also identified as a catalysing factor. The people of Barskoon have noticed that the quantity of snow has decreased over time, to a point where locals joke that ‘you can now collect all the snow in a spoon’. According to the Hydrometeorological Service under the Ministry of Emergency Situations of the Kyrgyz Republic, the amount of precipitation for the year in the valley zones of Kyrgyzstan was between 1-60 millimetres, which is 37 per cent below the multi-year average. This was confirmed by the celebrated environmental photographer, Vlad Ushakov, who expressed uncertainty for the fate of the glaciers in light of declining quantities of snow.

Similar concerns associated with Climate Change were also expressed in Kichi-Jargylchak in relation to rainfall, which is now abundant in summer but almost non-existent in spring and winter. This situation also affects pasture land, crops and the overall supply of water. One community representative intimated that the beginning of Kumtor’s operations coincided with a noticeable change in the biodiversity of the region, which has seen a significant decrease in numbers across all species of wildlife and birds, specifically snails and frogs, which have all but disappeared. The FGD in Kichi-Jargylchak brought home, in dramatic fashion, the unpredictability of weather patterns, highlighting that the snowing that happened in June resulted in the deaths of 350 out of 500 cows, and brought about an overall lack of livestock feed.

**‘Previously, we had water all through the year. That is no longer the case.’**

**‘Who will be held responsible for the damage done to the glaciers?’**

**‘It doesn’t matter who destroys our glaciers; a Canadian company or our local authorities... it’s all the same.’**  
– Vlad Ushakov

## Corruption, Civil and Political Rights

### SEEKING JUSTICE

In 2005, 29 residents of Barskoon filed a class action lawsuit against Centerra Gold for damages resulting from the 1998 cyanide spill. The final ruling only came in 2019, and the FFM Team learnt that in the intervening period, only 17 of the 29 plaintiffs survived. One survivor is suffering from cancer and has gone blind from cyanide poisoning. After 14 long years of trial, Centerra Gold finally paid compensation in the tune of 400,000 soms per plaintiff (less than USD 5000). The plaintiffs had asked for 5 billion soms (USD 60 thousand) in their suit, and furnished the Court with evidence of physical disability triggered by the deadly cyanide spill.

Their quest for justice and accountability has been met with resistance and oppression at every turn. Erkingul Imankozhoeva shared that, since 2005, they have had to protest against the irreparable damages caused by the mining operations. They displayed photos of the ruined glaciers and of the damages caused by landslides triggered by Kumtor’s operations.

**‘We believe that the excavation in Kumtor was the cause of the landslides that damaged our homes in 2013.’**

For these actions, four female employees of the Kumtor mine were arrested in 2006 and taken into custody, but were released on bail shortly after. Between 20 to 22 December 2006, Kumtor’s operations were halted, and employees went on strike because they were not being compensated for working in high altitude conditions. Their demands were subsequently met. Erkingul Imankozhoeva startled the FFM Team when she described how Kumtor created a non-profit entity



Protests by the local communities against Kumtor

to counter legitimate activism by infiltrating peaceful rallies in order to incite them into violence.

The FFM spoke with three women representatives of the Barskoon group who participated in the lawsuit and the peaceful protests, and confirmed that at present, they are not subject to any form of threat, ever since Centerra Gold ceased operations following nationalisation of the mine. However, to fully achieve justice, they stressed the need for the government to look into the environmental impact of the mining project, in particular the open-pit processes that are known to cause irreparable environmental impacts.

Another lawsuit was initiated in 2019 by 54 Barskoon residents, seeking compensation for the health damages triggered by the 1998 incident, and also to highlight the environmental degradation resulting from mining operations. They are seeking 4 million som (USD 50 thousand). But unfortunately, since the nationalisation of the Kumtor mine, media attention on this case has dwindled significantly.

## Access to Information

The FFM Team met with representatives from different CSOs in Karakol, the biggest city in Issyk-Kul. One of their primary concerns in relation to Kumtor was the increasing lack of information and transparency around the mining operations.

While key data such as the amount of gold produced and funds provided to the state are readily available<sup>140</sup>, they decry the opaqueness surrounding amounts transferred into the Regional Development Fund (Fund) and how they spent. At the same time, they are concerned that CSOs have not been granted access to information or monitoring of the operations at Kumtor.

They also stressed that members of Parliament should ensure transparency by demanding to see how much of Kumtor’s profits are actually allocated to the national budget. They raised specific concerns about the high costs associated with

<sup>140</sup> The total amount is more than 13.6 million ounces of gold; more than 4.79 million tons of ore provided, and 78% of the state budget equivalent to 251.3 million USD profit.



the Kumtor headquarters in Bishkek, although no reports are available to detail the expenses.

CSOs constantly meet challenges in accessing information despite the existence of national laws enabling access to transparency and information. The representatives pointed out that, for example, the National Law on Subsoil grants CSOs and the media the right to request and access information. However, all discussions about Kumtor's profits at the national level and in parliament are held behind closed doors and all public inquiries are responded to in general terms with no clarifications or specific data.

The FFM Team interviewed a group from civil society in Karakol who shared that CSOs meet bottlenecks in advocating effectively on these issues because of a lack of platforms and meaningful coordination with civil society and other stakeholders. Local activist groups are eager to learn about how to protect their rights and interests, human rights and human rights advocacy because they have long lived with limited access to information and lack of communication, and are not aware of their legal rights to information.

Ever since the nationalisation of Kumtor, says Kalia Moldogazieva, people are becoming increasingly frustrated with the lack of transparency around its operations. Inasmuch as Centerra Gold was criticised for their lack of transparency, people expressed dissatisfaction through protests. This, she says, led to an overall improvement from Centerra in terms of transparency and sharing of information. But with Kumtor now nationalised, she feels like things are going backwards, with requests for greater transparency falling on deaf ears.

She confirmed to the FFM Team that, unlike in the past, no environmental or sustainability report has been produced since Kumtor's nationalisation. Furthermore, echoing the Civil society representatives in Karakol in Barskoon, she expressed the need for regular updates from the government on their promise to shift from open-pit to underground mining that mitigates impact on people, the environment and biodiversity.

However, she reported that local experts are concerned that the shift would be costly and come with many challenges at this stage.

**'We do not have information on safety of the chemicals used by the company to melt snow and ice on roads for their trucks during winter. Despite previous requests to Centerra and now the government, no information about the chemicals has been availed.'**

## Nationalisation, Transparency and Corruption

The FFM Team also collected opinions about the nationalisation of Kumtor because it is a major and potentially transformative change to its operations.

A majority of respondents expressed general satisfaction with the fact that Centerra has left the country, but suspicions linger that the nationalisation seems a lot more convenient for the company rather than the state.

Groups in Barskoon expressed regret that the nationalisation provided a golden opportunity for Centerra to escape accountability for damages to both people and the environment, and also for mining reclamation. In this regard, Erkingul Imankozhoeva pointed out that the reclamation process was part of the 1992 agreement with Centerra but that in 2009, the then president altered the law to shift that responsibility away from the company.

Also, according to Nuripa Kadyrbekova, the nationalisation triggered only temporary relief because Centerra left the country without a concrete compensation plan for environmental damages and reclamation. Somehow, Kumtor has managed to avoid the responsibility for carrying out the reclamation altogether. Centerra effectively shifted the entire responsibility for damages to Kyrgyzstan.



Women's rights activists

Environmental expert Kalia Moldogazieva shared the same opinion. Centerra reportedly left without submitting its latest biodiversity and environmental impact assessment. She insists that Centerra should never have been allowed to leave the country without initiating and documenting a reclamation process, including documenting its financial contribution.

Members of the communities of Tosor, Barskoon and Cholpon-Ata, as well as CSOs in Karakol, highlighted increasing and widespread corruption and nepotism in the hiring process at Kumtor since the nationalisation. A former Kumtor employee in Tosor directed the FFM team's attention to the runaway corruption that has plagued Kumtor's operations since the early 90s, but is now spreading at an alarming rate. Community members recalled that during the nationalisation, local communities were promised jobs but in the end, only family, friends and acquaintances of officials in positions of power were hired. A representative from the Construction Workers Union who has received reports of nepotism in hiring for senior positions confirmed this to the FFM Team.

Women's rights activists pointed out that the number of female mine workers has reduced since privileges like safe transport and accommodation that were provided by Centerra are no longer available.

**'Without connections, you cannot get a job in Kumtor. Not even a cleaning job. It is not possible.'** – Community member, Cholpon-Ata

The security of workers is another concern, more so in light of past incidents (see page 30 on 1998 Cyanide Spill). When the FFM team visited Issyk-Kul, the Kumtor mine was not fully operational because of a crack in the open-pit wall. Kalia Moldogazieva contends that this is a very serious issue that is being under-reported by the media and not properly addressed by the authorities. No details have been provided on the cause of the crack and its consequences. She recalled that when cracks appeared in the past, Centerra provided timely updates when pushed by the government.

The nationalisation of Kumtor has also left a vacuum in terms of human resources and expertise. Centerra experts have all left the country, and civil society groups in Karakol denounced the shortage of trained local experts to carry out key safety and quality control tasks.





FFM team meets with Issyk-Kul Development Fund Management Director Mr. Mederov Samat



FFM team members meet with Kamil Ruziyev

The Issyk-Kul Development Fund stood out for several interviewees as a major source for concern in the face of rampant corruption, transparency and overall effectiveness. Currently, one per cent of the gross annual income of Kumtor is provided to the Fund.

In a meeting with the FFM Team, Mederov Samat, director of the Issyk-Kul Development Fund Management Directorate, reported that all projects and interventions supported by the Fund are identified in consultation with representatives of local communities, and disbursement decided upon by a commission of 11, which is also mandated with issuing recommendations on the overall management of the Fund.

When asked about the involvement of CSOs in the Fund, he confirmed that out of the 11 commissioners, three are from civil society, namely, 'Ak-Suu Arashan', the Women's Council of Jety-Oguz district, and the Ethno-Cultural Tourist Destination of the Southern Shore of Issyk-Kul.

Regarding transparency and access to information, he pointed out that their official website<sup>141</sup> is regularly updated with essential information regarding spending and development of projects.

In light of concerns and testimonies from residents on the twin issues of dust and the melting glaciers, the FFM Team inquired from Mederov Samat whether the Fund is currently addressing or planning to address them. He made it clear that the Fund only looks into socio-economic challenges, while issues of the environment fall under the Ecological Fund, whose mandate and activities appear shrouded in mystery. None of the respondents appeared to be aware of its existence and, according to Vlad Ushakov and Kalia Moldogazieva, is best known for a lack of transparency and misuse of funds.

Despite a majority of interviewees confessing ignorance about how much is allocated to the Fund or how it is spent, one respondent shared that the Fund does provide some support, but not as much as could be hoped for. All in all, at least the director and members of the community who were interviewed agree on one thing: one per cent

<sup>141</sup> <https://ikonuguu.kg/ru/>

of the funds allocated is not enough to cater to the community's needs, chief among them being schools, hospitals and recreational facilities. A respondent in Tosor revealed that local factories and companies are not receiving adequate support from the Fund. Others expressed hope in the Fund addressing challenges related to environmental degradation and the melting glaciers, as they believe that these are also connected to socio-economic aspects. But they all agree that the one per cent allocated is not nearly enough, and the Fund's operations ought to be more transparent.

For community members of Cholpon-Ata, the activities and expenditure of the Fund remain a mystery. The FFM team met with two members of the Local Council, neither of whom were aware of how the funds are spent nor been able to find any information on the Fund's website.

At the beginning of mining operations, roads were built around Barskoon. But community members interviewed reported that nowadays, real tangible contributions by the Fund are hard to come by.

In order to address this, CSOs in Karakol expressed a need to actively monitor the activities of the Fund.

**'It is dangerous work investigating Kumtor and corruption.'** – Kamil Ruziyev

A key starting point, they said, would be the Fund recognising and consulting CSOs as stakeholders. None of the CSOs interviewed seemed to be aware that CSOs can be enjoined in the 11-member commission.

Regarding corruption and the overall human rights impact of Kumtor, the FFM team met with prominent human rights defender Kamil Ruziyev, head of Ventus, a Karakol-based human rights organisation. At the time, he was facing forgery charges after exposing torture and abuse of power by authorities.<sup>142</sup> He informed the team that he also suspects high level corruption among officials of the Fund, and has been investigating how the funds are spent. This was not an easy task, he confessed, because there exists a latent sense of fear and self-censorship in the communities.

<sup>142</sup> <https://www.rferl.org/a/kyrgyzstan-ruziyev-rights-bogus-charge/31982103.html>





**Cholpon-Ata activist and deputy of the local parliament Osmonova Ainagul**

Kalia Moldogazieva also shared with the FFM Team that when she began investigating the 1998 incident and expressed her opinion on the risks associated with the leak and the poor handling of the crisis, the office of the president called Askar Asanbaev – the Dean of Bishkek Humanitarian University – to demand her dismissal, which happened in 1999. Since then, she has struggled to find full-time work at any university.

Cholpon Abdyraeve, an activist in Cholpon-Ata, also reported that he has been blacklisted by local authorities and barred from joining meetings for being forthright in directing public attention towards Kumtor and its activities.

**‘The lack of information leads to inaction, indifference and loss of faith in the system.’  
– Cholpon-Ata activist**



**Aerial view of Cholpon-Ata city**





Aerial view of Issyk-Kul Lake

# Conclusion

Testimonies and data collected by the FFM team brings to light existing and potential negative impacts of Kumtor on the rights to livelihood and health of the communities interviewed in Issyk-Kul. Their rights to a clean, safe, healthy and sustainable environment are also threatened by its mining operations, which also endanger the mountain ecosystem and the biodiversity of the region. Access to information on those operations is a particular challenge. At the same time, a history of targeted attacks on dissenting voices highlights the impact of the Kumtor mine on fundamental freedoms.

## 1. Kumtor Mine as A Looming Threat to Life, Livelihoods and The Environment

Communities in Issyk-Kul find themselves trapped between the Kumtor mine and uranium tailings, with their centuries-old livelihoods facing existential risks. The dwindling of hay and grass for their livestock and the diminishing quality of apricots and other fruits in their farms are depriving them of sustainable and eco-friendly livelihoods.

Evidence collected suggests that the trade-off between potential immediate high returns from the Kumtor mine and sustainable, environmentally friendly sources of income is a significant disadvantage with regard to quality of life and livelihood of the Issyk-Kul communities.

The dust by-product of the mining operation, which affects fruit produce and pastureland and is linked to the melting of glaciers and a continuous decrease in the supply of potable water, is indicative of looming threats to life and livelihoods. As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Kyrgyzstan has a duty to protect the right to livelihoods of its people under Article 11. This Report suggests that it is failing its citizens. The presence of uranium tailings in the vicinity of streams flowing into



the Issyk-Kul lake and the fact that communities live in close proximity to them pose additional risks to the health and safety of Issyk-Kul communities.

Mining operations centred around the Issyk-Kul River contravenes the UN Guiding Principles on Business and Human Rights (UNGPs), which clearly define a business enterprise's responsibility to respect internationally recognised human rights (Principle 12), such as those protected by ICESCR.

Furthermore, testimonies from Barskoon point to serious concerns about available health facilities and affordable medical care, as well as the standards of physical and mental health for the villagers. This runs contrary to Article 12 (c), (2) (b) of the ICESCR, as well as Article 24 of the United Nations Convention on the Rights of the Child by not providing the highest attainable standards of health.

The global climate crisis, with its unpredictable and extreme weather events, is also taking a toll on Kyrgyzstan and the Issyk-Kul region in particular. The quantum of change that characterises modern global weather systems due to changing living patterns and resultant climate change is undeniably the biggest cause of the problems facing Issyk-Kul's communities. However, it is beyond doubt that Kumtor's mining activities exacerbates the situation.

A lack of expertise, resources and preparedness on the part of both the government and the communities, together with the melting glaciers and the presence of uranium tailings in the vicinity of the mine and in close proximity to villages combine to create a volatile and potentially devastating scenario.

Kyrgyzstan has an obligation to conserve its biological diversity and to use its resources in a sustainable manner as a contracting party of the Convention on Biological Diversity. Testimony collected from renowned wildlife photographer Vlad Ushakov regarding the disappearance of mountain sheep and the declining number of other wildlife species around Kumtor supports the thesis that open-pit mining operations, as demonstrated in Kumtor, significantly threatens Kyrgyzstan's biodiversity and mountain ecosystems.

## 2. Implementation Gaps and Lack of Transparency and Accountability

An overwhelming majority of respondents' perception of corruption in the mining sector validates the findings of secondary sources. Community members, activists and civil society representatives interviewed collectively expressed deep concerns and dissatisfaction with access to information with respect to Kumtor mine's operations and the utilisation of regional development and ecological funds.

CSOs are forced to live with the status quo, despite the existence of laws enabling access to transparency and information. In particular, they reiterated that according to Article 14 of the National Law on Subsoil, CSOs and the media are entitled to request and access information. Additionally, according to Article 7 of the law on Access to Information Held by State and Local Governments of the Kyrgyz Republic, as well as Article 20 of the law on Mass Media of Kyrgyzstan, national authorities have legal guarantees and public access to information. The absence of secondary legislation and the interests of the political elite in the mining industry, including those getting away with corruption, have marred mechanisms of accountability in the country. The communities and CSOs are denied access to information regarding Kumtor's operations and related funds is a glaring violation of Article 19 (2) of the ICCPR.

Acts of harassment, intimidation and retaliation against dissenting voices like Kamil Ruziyev and Kalia Moldogazieva raise alarms on the status of civic space in the country. Such acts should be promptly investigated because they go against Kyrgyzstan's obligation under Article 19 (1) of the ICCPR, namely to protect the right to hold opinions without interference. Furthermore, they violate the UN Declaration on HRDs, specifically Articles 5,6,7 and 12. Prompt and impartial investigations have not been conducted on these cases, as recommended in 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.



Tosor Village





Aerial view of Cholpon-Ata city

# Recommendations

## To the Government of the Kyrgyz Republic:

- Halt all mining activities in Kumtor that will further damage the Lysyi and Davydov glaciers or endanger the environment and biodiversity, and ensure that business operations are in full compliance with the Water Code of Kyrgyzstan, as well as international standards such as the ICESCR, ICCPR, Convention on Biological Diversity and UNGPs
- Publish regular and thorough updates on Kumtor's mining operations, with an emphasis on environmental impact and measures undertaken to protect people and the environment of the Issyk-Kul region and beyond
- Further develop and publicly disclose plans for halting open-pit mining and initiating recultivation processes, and also allow the scientific community and civil society to provide input
- Carry out detailed Environmental Impact Assessments (EIAs) and Strategic Impact Assessments (SIAs) through an independent agency in order to understand the historical impact of Kumtor on the environment and surrounding communities
- Conduct in-depth studies on the impact of dust on crops and pastureland in Issyk-Kul in order to scientifically determine remedies, and financially compensate the affected communities in accordance with Article 11 of the ICESCR and Article 16 of the Constitution of Kyrgyzstan, which states that land and natural resources are the basis of life and activity of the people of the Kyrgyz Republic. This is in addition to paragraphs 1 and 2 of Article 49 of the Constitution of Kyrgyzstan, which stipulate that:
  1. Everyone has the right to an ecological environment favourable for life and health.
  2. Everyone has the right to compensation for damage to health or property caused by actions in the field of environmental management.



- Take steps to ensure thorough judicial, administrative, legislative or other appropriate means for effective access to remedy for individuals and communities affected by the Kumtor's mining operations as per Principle 25 of the UNGPs
- Allow all sectors of society to freely and safely express opinions and seek information in relation to the Kumtor's operations in line with Article 19 of the ICCPR and the Constitution of Kyrgyzstan and Article 16 of the Law on Access to Information Held by State bodies and local authorities of the Kyrgyz Republic
- Proactively protect the legitimate activities of W/HRDs working on business and human rights, environment and corruption, including conducting prompt, independent and impartial investigations into cases of violations and abuse of power such as those flagged by Kamil Ruziev as per Article 9 (5) of the UN Declaration on Human Rights Defenders
- Invest in the training and employment of local experts to carry out key safety and quality control tasks to monitor the operations of Kumtor

### To the Kumtor Gold Company:

- Ensure that all phases of your operations are in full compliance with relevant legislations and policies, in particular law on Ratification of the Agreement on New Terms for the Kumtor Project between the Government of the Kyrgyz Republic, Kyrgyzaltyn Open Joint Stock Company, Centerra Gold Inc. of Canada, Kumtor Operating Company Closed Joint Stock Company, Kumtor Gold Company Closed Joint Stock Company and Cameco Corporation of Canada, signed on April 24, 2009 in Bishkek, as well as international standards like the UNGPs
- Take timely and concrete steps to measure, assess and eventually halt all operations posing a threat to the glaciers
- 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
- Consult with affected communities and

provide adequate compensation for the loss of livelihoods and health-related problems associated with the operations at Kumtor all the way back to the beginning of its operations

### To the Regional Development Fund:

- Publish, both online and offline, regular and thorough updates on projects implemented, their progress and related expenses
- Guarantee fair, participative and democratic selection of the 11 commissioners of the Fund, including representatives from civil society
- Ensure genuine and inclusive participation from civil society in the planning, execution and monitoring of projects supported by the Fund

### To the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises:

- Conduct a country-visit to Kyrgyzstan to assess the impact of Kumtor's operations on both the people and the environment, and in particular the glaciers, and flag Centerra Gold's past and current obligations to the environment and the people of Issyk-Kul

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