

### C. Thematic priorities for 2023-26

*1. What issues should the Special Rapporteur focus on during the next three years of his mandate for the effective realization of the right to development at the local, national, regional and international levels?*

FORUM-ASIA would like to request the Special Rapporteur on the right to development to shed light on the specific cases of business and human rights related violations in Mongolia and Kyrgyzstan (highlighted below) in the upcoming reports, and will be ready to support any future advocacy actions and interventions with the help of FORUM-ASIA's local partners in the two countries.

An important aspect of realising the right to development in the context of Asia involves holding businesses accountable for the human rights violations and environmental rights violations perpetrated through their operations. FORUM-ASIA's recent research on the impact of mining operations in Mongolia and Kyrgyzstan alludes to a larger problem of businesses and governments prioritising economic growth over inclusive development.

***In Mongolia***, [our research](#) in partnership with the Centre for Human Rights and Development (CHRD) in Dalanjargalan, Ulaanbadrakh, and Khatanbulag soums (districts) in Dornogovi aimag (province) explored the consequences of mining operations on surrounding herder communities.

Based on testimonies from herders, local government officials, community members, representatives of NGOs, HRDs, and mining company representatives, the research documented the impact of mining on the economic, social and cultural rights; civil and political rights; environmental rights; and rights of HRDs. Testimonies highlighted deterioration in the health and well-being of community members; decrease in the quality of livestock and subsequent income earned; reduction in pasture land and water sources; increased dust, noise, and water pollution; lack of community involvement; and inaction from relevant stakeholders. Additionally, HRDs advocating for their livelihoods and right to a healthy and safe environment reported multiple forms of harassment, including intimidation, surveillance, and judicial harassment.

Despite repeated attempts by community members to hold the mining companies accountable for their actions and seek remedies for the human rights violations experienced by them, they were met with silence, or sometimes outright denial.

On 21 May 2023, in a troubling move, French President Emmanuel Macron [visited Mongolia](#) with a promise to boost the Mongolian economy by exporting critical minerals to France in the latter's quest for energy sovereignty. This would mean increased Uranium exploration and extraction in partnership with French owned [Orano Nuclear](#), whose [existing uranium mines in Mongolia](#) are already well-known for ignoring national and international human rights obligations. Accelerated mining in the two uranium deposit sites of Dulaan Uul and Zoovch Ovoo – estimated to generate 64,000 tonnes of uranium – could have catastrophic consequences on the rights of the communities and the environment. Despite being the first country in Asia to pass the 2021 Law of Mongolia on the Legal Status of Human Rights Defenders (HRD Protection Law), the move to prioritise mining could lead to increased targeting of HRDs and set the country back on its human rights milestones.

Similarly, *in Kyrgyzstan*, [FORUM-ASIA and Bir Duino's research](#) on the impact of the Kumtor Gold Mine highlights how businesses and governments can be complicit in violating the community's rights and prevent impacted communities from accessing fair and adequate remedies. Communities have been fighting for decades to get justice from Canadian mining company Centerra Gold for the [1998 sodium cyanide spill](#) which not only resulted in polluting Barskoon River (the only source of drinkable water for the surrounding villages), but also had far-reaching consequences on the community's health and livelihoods.

However, one of the most worrying consequences of continued mining operations at Kumtor is on the ecology - the surrounding glaciers. The open-pit mine's tailings ponds are in close proximity to the fragile and already-melting Davydov and Lysyi glaciers, which could result in severe groundwater pollution, with toxic chemical tailings entering the Naryn River (Central Asia's principal waterway). This could have [far-reaching consequences](#) not just for Kyrgyzstan but also for its Central Asian neighbours.

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. 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. In July 2022, an avalanche was triggered when a glacier suddenly collapsed in the Issyk-Kul region. Fortunately, no one was injured, but experts interpret this incident as a harbinger of things to come if current mining practices do not change.

The example of Kumtor indicates a clear lack of environmental due diligence, including regular environmental impact assessments, which directly affects one of the seven Ps of the right to development – ‘planet’, and is a reminder that development that destroys ecosystems is not development at all, as there is no future for people without the planet.

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