

Source Document: UNESCO, “Undertaking the Human Rights Based Approach: Lessons for Policy, Planning and Programming. Documenting Lessons Learned for the Human Rights-Based Approach to Programming: An Asia-Pacific Perspective”

Integrating a Human Rights-Based Approach (HRBA) into Programming: Mongolia

Name of Project: HRBA in empowering herder communities.

Lead LLP Partners: UNDP Mongolia, Ev Aran (NGO)

Partner/s: Herder communities, civil society organizations, media, public advocates, national human rights institution, local government, the judiciary, law enforcement agencies.

Location: Mongolia, Ulaanbaatar and five Aimags (provinces).

Human Rights-based Techniques Used: Stakeholder consultations (strategic mapping), field missions, community dialogues, non-formal legal education, media campaign, evidence based advocacy, public interest litigation, judiciary workshops and a handbook on environmental law.

Project Specific Innovations:

- Engaging the national human rights institution for evidence based advocacy;
- Implementing non-formal legal education for right holders to improve negotiation skills;
- Inviting journalists to join field missions as part of the media campaign;
- Production of a handbook on environmental law for the judiciary to promote Public Interest Litigations (PIL);
- Supporting access to information by communities with limited electricity and broadcasting infrastructure;
- Enabling right holders to participate in public discussions on human rights and the environment.

Project Background and Outline: Under Mongolia’s law on Minerals, exploitation licenses have been issued in many critical areas including significant watershed lands, habitat lands of rare and endangered species of flora and fauna, and areas of outstanding natural beauty, resulting in irreparable harm to Mongolia’s natural environment and to future generations of Mongolia’s people. As a result of the large number of licenses, the use of outmoded and environmentally destructive gold mining technology, inadequate environmental impact assessments, failure to rehabilitate mining sites and inadequate monitoring and enforcement of environmental regulations, environmental and associated human rights issues have become one of Mongolia’s most pressing national concerns. The most significant human rights issues in Mongolia’s mining sector are a direct outgrowth of the adverse impacts of mining on Mongolia’s natural environment. Mining activities in Mongolia

have created serious problems of water pollution, diminished surface waters, and caused the destruction of pasture land. At large, the root causes for lack of access to rights could be summarized by the shortcomings in mining legislation that does not take into account the rights of residents in the mining exploitation zones. Also, limited access to justice became evident during public interest litigations at the courts.

The herder communities suffer the most and they lack the resources and power for participation and inclusion in the decision-making process that affects their preferred livelihoods.

The main objective of this pilot is to reinforce the HRBA concepts while targeting extractive mining practices in rural areas of Mongolia. The pilot aims to achieve a demonstrated level of empowerment of herder communities that are affected by environmentally destructive mining practices. The project sought to educate the judiciary on environmental law, run public litigation programmes and social campaigns to highlight the issue and provide advocacy for change in partnership with the National Human Rights Commission.

Rights Advanced: The right to live in a safe and healthy environment, the right to participate in the development process, the right to freedom of movement, right to freedom of expression and information, and access to justice.

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