



**16<sup>th</sup> Regular Session of the UN Human Rights Council  
Item 6: Universal Periodic Report (UPR) Plenary on the Mongolia**

**Oral Statement Delivered by Ms. Sukhgerel Dugersuren on Behalf of  
Asian Forum for Human Rights and Development (FORUM-ASIA)**

**Wednesday, 16 March 2011**

Thank you, Mr. President. FORUM-ASIA and the Mongolian NGO Forum on UPR regret that the government of Mongolia has failed to provide a written response in advance regarding their positions on the 11 recommendations it committed to examine before this Plenary.<sup>1</sup> We believe that the practice of submitting a written response prior to the adoption of the UPR outcome document is a key exercise in ensuring that the UPR Plenary session be maximized with substantive discussions.

Mr. President, we appreciate the UPR Working Group for its careful review of the submissions by stakeholders. However, we put on record our dismay that issues concerning land, water and environmental rights did not receive due attention. Mongolia is becoming increasingly known for its abundant mineral resources and the opportunities offered by its lax legal framework. As a result, a host of human rights challenges have emerged including internal displacement as well as violations of the rights to land and water. As such, we are extremely disappointed that the government has chosen not to accept the recommendation posed by Hungary (para. 86.3) to mandate the Constitutional Court to act upon the violations of individual rights and freedoms, particularly for the land and environmental rights of indigenous and herder communities. Considering the exemplary initiative that Mongolia has demonstrated in ratifying the Optional Protocol to the ICESCR, we urge that this recommendation be immediately taken on board with concrete steps to amend the Constitution to include a mechanism for protection and redress for infringements of the rights and freedoms guaranteed by the Constitution.

Mr. President, 50% of Mongolia's total population reside in the capital Ulaanbaatar and are at high risk of environmental and health hazards which would emanate from the uranium exploration project being carried out just 70km from the city. Nomadic herders make up over 25% of the national population and are now being pushed out of their lands due to mining projects. The Tsaatan people, who have been recognized by the World Cultural and Historical Heritage, are being threatened by gold mining and the proposed phosphorus extraction at the Lake Huvsgul. These are the least instances requiring urgent remedial measures by the Mongolian government as well as close attention of this Council.

Mr. President, we see the contradiction in the remarks by the government which stated in the national report that "water scarcity and desertification are key environmental and climate change concerns" whilst approving the mega-sized Oyu Tolgoi and Tavan Tolgoi mines and a number of medium-sized projects in the Gobi Desert. We also remain concerned at its plan to pipe water from the Orhon and Kherien rivers, which would be detrimental to the livelihood of the people in the areas along the rivers. The government must swiftly undertake environmental and socio-economic impact assessments as well as sustainability impact assessments in strict compliance with international human rights and environmental standards. Lastly, we emphasize that the international community has collective responsibility to assist Mongolia in preventing further deterioration of desertification and climate change which poses immense threat to the enjoyment of human rights. Thank you, Mr. President.

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<sup>1</sup> Mongolian NGO Forum on UPR, Press Release, "The Government of Mongolia Expresses Readiness to Work with Civil Society before the UN Human Rights Council", 3 November 2010, <http://www.upr-mongolia.mn>