The 5th International Conference of
the BRICS Initiative for Critical Agrarian Studies
[New Extractivism, Peasantries and Social Dynamics: Critical Perspectives and Debates]

Conference Paper No. 49

Mining, Nomadism and Extractivism: the Politics of Civil Society Mobilisation in Mongolia

Pascale Hatcher

13-16 October 2017
Russian Presidential Academy of National Economy and Public Administration (RANEPA)
Moscow, Russia

Organized jointly by:

With funding support from:

October, 2017

Check regular updates via BICAS website: www.iss.nl/bicas
For more conference information, please visit: http://www.ranepa.ru/eng/
and https://msses.ru/en/
Other websites of co-organizers:
http://cohd.cau.edu.cn/bicas
www.plaas.org.za/bicas
http://www.ufrgs.br/english/home
www.tni.org
www.future-agricultures.org
http://rosalux.ru/
http://peasantstudies.ru/

Mining, Nomadism and Extractivism: the Politics of Civil Society Mobilisation in Mongolia

This is a working paper. Please do not cite without permission

Pascale Hatcher

Abstract

Amidst the exponential expansion of its mining sector in the past decade, Mongolia became, in 2011-2012, the fastest growing economy in the world. In fact, the country is currently the building site of what are expected to become two of the largest mines on Earth. Spearheaded by international donors, the country's mining regime is boasting substantial socio-environmental standards and remarkable provisions for local consultation in every phase of the mining projects. However, the mining boom has also brought important societal change, from a rise in inequalities and corruption, to profound transformations of nomadic livelihood in rural areas, where 40 per cent of the country's population still lives. Amidst growing tensions between the socio-environmental promises attached to the country's regime and the reality on the ground, this paper explores how communities have been organising at the local, national and transnational level to contest the aftermath of the mining boom. The paper argues that provisions for participation has been severely hampered by complex layers of international, national and local tampering, leaving little space for grassroots voices. Crucially, the recent economic downturn has led to an increasing crackdown against an emerging, yet plural, social movement which has been attempting to (re)politicize the debate over mining in the country.

Keywords: Civil Society, Mining, Mongolia, Non-Governmental Organizations, Oyu Tolgoi, Participation

'And the nice thing about this [the Gobi], there's no people around, the land is flat, there's no tropical jungle, there's no NGOs […].

Robert Friedlands[1]

1 Introduction

The fast pace development of Mongolia's mineral reserves has led its people to refer to their homeland as 'Mine-golia' (Langfitt, 2012). The country, which is trapped on all sides by resource-hungry China, its primary trading partner, and Russia, became the stage of what the *Financial Times* referred to in 2012, as an 'investment bonanza' (Pilling, 2012). It is estimated that Mongolia rests on 6,000 deposits of 80 different minerals, notably coal, copper, gold, rare earth and iron ore.[2]

It is in the Gobi desert that two mines are currently being built: Tavan Tolgoi, which is expected to become the world's largest coal mine, and right next to it, Oyu Tolgoi, which is expected to become the third-largest copper and gold mine. While mining activities in the country are legislated by a regime that boasts strict international socio-environmental standards and important provisions for community participation in every phase of a given project, the mining boom has also brought important societal change, from a rise in inequalities and corruption, to profound transformations of nomadic livelihood in rural areas, where 40 per cent of the country's population still lives. This paper explores the tensions arising from the dichotomy between the promises attached to the recent mining boom, and the reality on the ground. Specifically, the paper analyses the forms of community organisation and resistance that have recently emerged to contest both the socio-economic disparities tied to the recent mining economy, as well as its immediate environmental impacts.

Building on critical political economy literature, as well as interviews conducted in the country[3], the paper suggests that the participatory measures embedded in the country's mining regime have been severely hampered by complex layers of international, national and local tampering, leaving little space for grassroots voices. Crucially, the analysis focuses on the politics of participatory processes in the country and the increasing crackdown against an emerging, yet plural, social movement which has been attempting to (re)politicize the debate over mining in the country.

Two sets of preliminary arguments are emerging from this paper. First, the post-socialist era in the early 1990s has left foreign donors, who were entering the country, scrambling for NGOs to fund, notably amidst the drastic spikes of inequalities caused by the country's turn towards a market economy. While donors have largely funded international NGOs within the country, the paper brings forth the hypothesis that international donors have *fashioned* the mainstream NGO sector as it stands today in Ulaanbaatar, the capital. These NGOs were funnelled to narrowly focus on 'developmental activities' and as such, to shy away from political advocacy. This echoes the overall enthusiasm of donors for 'civil society' (often downgraded to NGOs) which began in the late 1990s across the Global South, amidst attempts to deepen neoliberalism and to extend its discipline towards non-orthodox realms. Here, and as exemplified by the case of the mining sector in Mongolia, a narrowly defined civil society has been tasked with *depoliticized* development activities.

[1] Ivanhoe's Chief Executive Officer discussing Oyu Tolgoi Mine in 2005. See Friedlands (2005).

[2] In addition to these minerals, Mongolia is believed to have reserves of asbestos, bismuth, clays, diamond, gemstones, graphite, gypsum, lead, limestone, magnesium, molybdenum, nickel, petroleum, phosphate, platinum-group metals, salt, sand and gravel, silica, talc, tin, tungsten, uranium, zeolite and zinc (USGS 1999:15.1).

[3] While methodologically this paper's findings rest overwhelmingly on secondary sources, some of the data builds on interviews of NGOs and bilateral agencies representatives. These interviews were carried out over the course of three visits to Mongolia in August-September of 2013, 2014 and 2015 (in the capital, as well as mine sites across the country).

The second main point argued in this paper is that such civil society tampering – and in some cases, engineering – is increasingly being challenged by the emergence of more organised grassroots movements that increasingly defy the fast-paced and unrestrained development of the mining sector. In this paper, it will be noted that such factions of local civil society have come under widespread criticism, not only from the government, the mining industry, the media and donors, but from *mainstream* development-focused NGOs. Amidst the proliferation of labels such as 'terrorist' being attached to this plural movement, important questions over the nature of civil society in Mongolia and the reconfiguration of political spaces are emerging.

The paper is divided in three parts. First, it provides an overview of the emergence of civil society in Mongolia. The second part analyses the making of the country's mining regime. Here particular attention will be paid to the injection of international norms within the mining regime and the tensions that such norms have brought forth at the national/local levels. The final section explores the strategies undertaken by a wide range of NGOs to address the issues brought forth by the sector. A distinction will be made between what will be defined as 'mainstream NGOs' and civil society movements attempting to challenge the underlying norms attached to the country's mining regime or to contest its very existence.

2 Civil Society in Mongolia

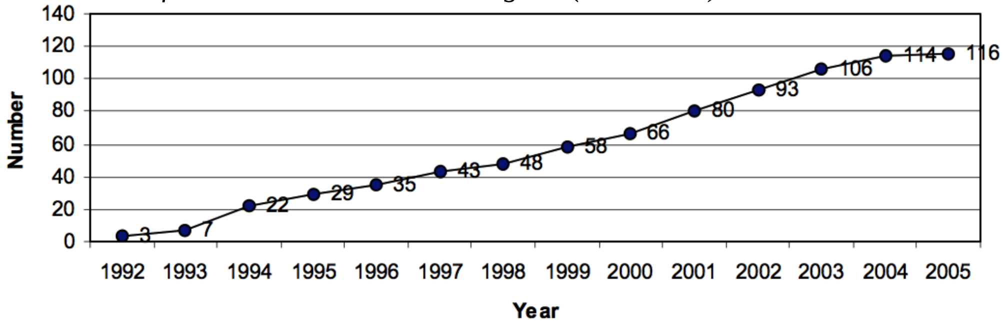
In the early 1990s Mongolia freed itself from 70 years of Russian influence. The adoption of the 1992 Constitution marked the country's rupture with its strict communist legacy. The new democratic constitution provided for multi-party elections and a broad set of rights and freedoms.

However, it is arguably amidst the severe social aftermath of the economic reforms adopted in the early 1990s that a segment of civil society truly found its footing and, as such, started proliferating. Before the economic liberalization, social inequalities were negligible and poverty was virtually inexistent in rural areas (IFAD, n.d.). State subsidies and price controls were substantial. However, first in 1991 and again in 1994, the country underwent 'shock therapy' measures in order to decisively transit towards a market-oriented economy. Under the auspices of the World Bank and the International Monetary Fund, the country notably liberalized prices, removed trade restrictions and privatized state enterprises. As a result of these waves of the liberalization, the purchasing power of citizens spiralled down (the cost of food increasing by 477 per cent), inflation gripped the country (325 per cent inflation in 1992) (Shagdar, 2007: 2), and while unemployment was not a problem before 1990 (Word Bank, 1996: 28), it had reached 8.7 per cent in 1994 (Khongorzul 2009: 139). The reforms further marked the sizeable waning of the country's social welfare system. On the education front, primary school enrolment rates dropped (World Bank, 1996: 52). Likewise, the cuts made to the universal healthcare system led to the deterioration of basic healthcare services (World Bank, 1996: 60-63). Social security benefits and pensions dropped in real terms and vulnerable groups received 80 per cent less in social assistance in 1995 than they did in 1994 (World Bank, 2006: 74). The rapid 'transition has led to an economically segregated society, increasing, unemployment, poverty, and corruption', conclude Chuluunbaatar and Landman (2013: 113).

The drastic socio-economic changes of the mid-1990s allowed for local and International NGOs (INGOs) focused on *developmental activities* to flourish, most notably amidst the wave of funding offered by international donors at the time. Mongolia's experience is similar to numerous countries across the Global South which underwent structural adjustment programs during the 1980s and 1990s. There, like in Mongolia, NGOs multiplied and scrambled to fill the void left by a waning of the State.
Changes in the country's legislation further explain the multiplication of NGOs in the 1990s. The 'Foreign Policy Concept' adopted by the Great Khural (the country's Parliament) in 1994 opened the country to the international community and further paved the way to welcoming INGOs in Mongolia. As indicated in Figure 1, only a handful of INGOs were active in the country by 1990-91, notably the Asia Foundation and Konrad Adenauer Stiftung. The number of INGOs had grown to 36 by 1996 and,

by 2006, 116 INGOs had registered with the Ministry of Justice and Home Affairs, including international networks such as The Rotary Club (Byambajav, 2006: 132).

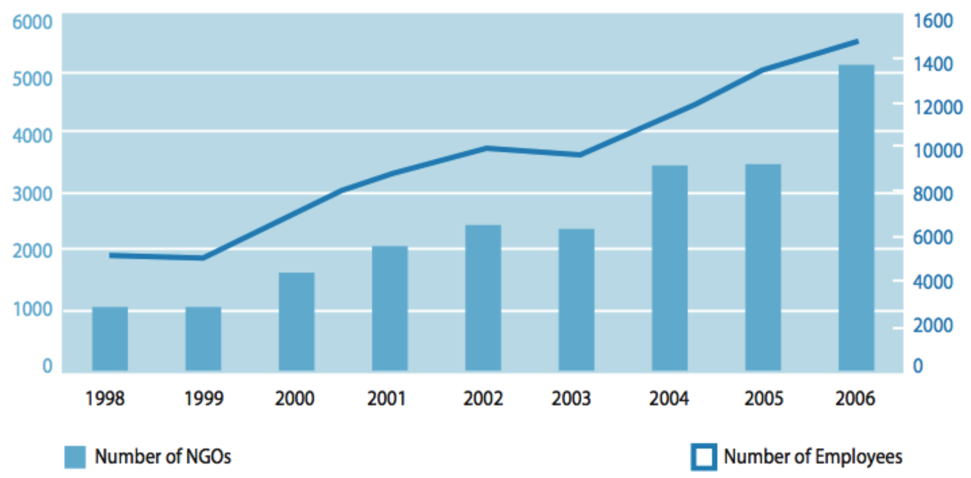
Figure 1. Growth of International NGOs in Mongolia (1992-2005)



Source: Byambajav (2006: 133).

On the local front, the 'Law on NGOs', which was adopted in 1997, created a more favorable legal environment (Byambajav, 2006: 132) – see Figure 2. By 2007, over 6,000 NGOs had already registered with the Ministry of Justice and Home Affairs (Namkhaijantsan, 2009: 60) and, as emphasized by Enkhsaikhan (2005: 23), this is an impressive number for a country of less than three million people.

Figure 2. Number of registered NGOs in Mongolia (1998-2006)



Source: Namkhaijantsan (2009: 60).

However, despite such a rapid growth in numbers, Namkhaijantsan (2009) calls for caution as the vast majority of these NGOs are inactive or operating on a temporary basis, and many are also interest groups representing the private sector or 'political will'. The author further notes that 'Of these [6,000] organisations, less than 200 are thought to be permanently active [...]' (2009: 60).

In an analysis of the state of civil society in Mongolia,[4] Undarya (2013: 53) observes that: 'Contrary to the common highly optimistic perception of the state of civil society in Mongolia [...results are] indicating a structurally rather weak civil society, operating in a largely disabling environment, with moderate impact [...]'. Financially, despite recent changes, legislation and tax policies supporting civil society's activities remain weak[5] and there is little adequate governmental support offered to these

[4] The report *State of Civil Society in Mongolia.* See CIVICUS Center for Citizens' Alliance (2006).

[5] According to the tax law, NGOs are required to deduct 10 per cent income tax, 10 per cent personal contribution to social insurance and further pay 11 per cent employer's contribution to social insurance.

organizations, most notably for local CSOs working on human rights issues (Enkhsaikhan, 2005: 24). While these types of organizations have cumulated 'significant programmatic experience' and strengthened their local and national networks, the report concludes that 'very little progress' was made in securing their financial sustainability (Undarya, 2013: 56).

The analysis of funding sources is further indicative of the NGO landscape in the country. INGOs scoop up an overwhelming share of the funding available to NGOs in the country. In turn, local NGOs have had to rely almost entirely on funding from INGOs and international donors. It is in fact estimated that 42.1 per cent of the population in Mongolia find that INGOs are 'not open to public' (Byambajav, 2006: 139).

This points towards two important observations. As the NGO sector was technically inexistent before the 1990s, the external nature of funding sources suggests that external funding has been nurturing Mongolia's contemporary NGO landscape. This point directly relates to the greater debate over the *NGOization* of development which refers to the politics of the proliferation of development NGOs across the Global South over the last decades (see Carroll and Jarvis, 2014; Edwards, 2004; Hearn, 1999, 2007; Van Rooy, 1997). In her extensive study of civil society building in Africa, Hearn (1999) observed that while throughout the 1990s both bilateral and multilateral donors had greatly contributed to the *NGOization* of the sector, it was a particular type of 'civil society' that was being built.

> [...] foreign support to civil society in all three countries [Ghana, South Africa and Uganda], is not about the breadth and depth of actually existing, largely rural based civil society. Donors are not funding the popular sector of society, but are strengthening a new African elite committed to the promotion of a limited form of procedural democracy and structural-adjustment-type economic policies in partnership with the West. The sixty or so organizations that I identified as donor-funded form the core of the kind of liberal civil society that is being 'socially engineered' in Africa (Hearn, 1999: 4).

With its communist past, Mongolia's 'civil society' has traditionally been organized around political parties, trade unions and mass organizations (Undarya, 2013: 53), and as such, the hypothesis by which donors have 'engineered' a range of NGOs in Mongolia is by no means far-stretched. However, this must be juxtaposed to the overarching liberal theories over the purpose of such NGOs within the development sphere and, more importantly, within the consolidation of neoliberalism in Mongolia. The infatuation of bilateral and multilateral donors with civil society, which began in the late 1990s, has been well documented, notably within the Post-Washington Consensus (PWC) literature.[6] In fact, what the framework seeks to achieve is to build on the Washington Consensus foundations to extend its reach to non-orthodox realms such as civil society.[7] Under the lens of the PWC lies the belief that civil society can be usefully put to work in the crucial task of building and complimenting liberal markets (Carroll and Jarvis, 2014). Here, and as exemplified by the case of the mining sector in Mongolia, civil society (i.e. NGOs) is tasked with developmental activities but more importantly, as the depoliticized overseers of good market-related practices (accountability and transparency). Within its developmental tasks, NGOs are expected to manage the social impacts of neoliberal reforms – without having to rethink the reforms themselves.

In the case of Mongolia, such a framework sheds light on the important challenges faced by a civil society engaged in advocacy work, notably highly political work of challenging the unrestrained development of the country's mining sector. This is analysed in the following section.

Additionally, while NGO incomes are tax-exempt, they are not exempt from real estate taxes. See Undarya (2013).

[6] As well as the poverty reduction narrative attached to it. The latter brings forth key concepts such as 'participation', 'empowerment' and 'social capital'. See for example Fine (1999); Fine, Lapavitsas and Pincus (2001); Guggenheim, Olson and Woolcock (2004); Harriss (2002).

[7] See Biekart (1999), Carroll (2010), Edwards (2004), Hearn (1999), Hickey and Mohan (2005), Van Rooy (1997), Wood (1990).

3 International Norms & the Making of the Mining Boom

It is crucial to note that the same set of multilateral organizations that promoted Mongolia's economic liberalization was soon to turn towards large-scale mining as the main driver of the country's economy. While the Russians did produce petroleum in Mongolia during the 1950s and 1960s, and even though the 1990s saw some mining development (USGS, 1999: 15.1), it is mostly within the last decade that Mongolia's large-scale mining sector began to shift gear.

It is impressive to note that within a decade, Mongolia has managed to position itself in 7th place in terms of world mineral and ore production (Mendoza et al., 2012: 4). The recent developments have resonated across the country's economy. In 2011, the economy grew by more than 17.5 per cent, making it the fastest growing economy in the world (Langfitt, 2012). By 2010, the sector was representing 71 per cent of total exports (Ernst and Young, 2012: 4), and by 2012, 30 per cent of the country's GDP (Resource Capital, cited in Ernst and Young, 2012: 7). In 2011 alone, the mining sector had contributed US$1.7 billion to the government's revenues (EITI Mongolia, n.d.).[8]

While these shares of revenues are set to increase drastically in the near future due to the expected expansion of mining activities in the country, the recent decline in oil and commodity prices, the slowing demand from China, as well as a tax dispute that has pinned Rio Tinto and the Government of Mongolia[9] have deeply scared Mongolia's economy since 2013. In light of the overwhelming dependence of the country's economy on mining activities, the fast pace development of the sector, and the particular governance regime that has fed it, must be examined.

Amidst the rapid liberalization of the economy and the retreat of Soviet support to the country's national budget, the Government of Mongolia turned towards mining. In the early 1990s therefore, the aggressive 'Gold Program' was established is the hope that an increase in gold mining across the country would soothe the cash-strap economy. Following the election of the right-leaning Democratic Union at the parliamentary elections of 1996, a new mineral Law was adopted (Byambajav, 2015: 93). The Mineral Law of 1997 was tailored on the recommendations of multilateral organizations, most notably the World Bank,[10] and as such, aimed at attracting foreign investments for the development of large-scale mining (USGS, 1999: 15.1). The argument here is that with the guidance of a handful of international organizations, the particular governance framework adopted by Mongolia is noteworthy as it drew on western mining law models[11], notably by prioritizing the transparency, security and transferability of property rights. Its low taxation and royalty burdens were highly enticing to foreign investors (Packard and Khurelbold, 2010).

Along-side the Gold Program, the adoption of the 1997 Mining Law and its very competitive tax and foreign investment regime saw the fast-paced development of the country's mining sector, most notably gold production (Namkhaijantsan, 2009: 60). The particular nature of a mining regime is highly relevant to analyse as it determines the way different institutional arrangements enable or disable different actors (*i.e.*: the kind of political identities they confer to actors) and the way norms legitimate their claims.

While the governance of the mining sector stemming from the 1997 Mining Code was highly successful in developing the sector, it failed to address the inadequacy of the state to monitor the sector and enforce the laws. By the end of the decade, the expansion of mining activities had become

[8] Representing 32 per cent of total government revenues (EITI, 2012)

[9] The dispute, which started in August 2013, mainly revolved around revenue sharing issues (cost overruns and a dispute over taxes) and issues linked to the role of foreign investors in the country, now heavily reliant on mining. Amidst the dispute, Rio Tinto laid-off 1,700 workers and foreign investments in the country fell from US$4.5 billion in 2012 to about US$400 million in 2014 (Kohn 2015).

[10] On the topic, see Hatcher (2014).

[11] See Campbell (2013, 2009, 2004).

'aggressive', observes Urantsooj, Chair of the Mongolian NGO *Center for Human Rights and Development*. She notes that so many licences were issued that 'almost the whole country was covered'.[12] In fact, Namkhaijantsan (2009: 62) estimates that due 'to the very liberal mining regime established in late 1990s, Mongolia at some point licensed about 42% of its territory'. The country's Mineral Resources Authority admits that 4,000 hectares of land have been adversely affected by mining since the beginning of the mining boom – 500 mining sites affecting 56 towns in 15 different provinces (cited in Mendoza et al., 2012: 18). Across the country, affected communities started organizing against mining.[13]

The animist culture still has a great resonance today in Mongolia where 40 per cent of the population lives at least partially, a nomadic life. In such a particular setting, environmental protection is of the utmost importance to Mongolians. In a study focusing on the role played by Mongolia's civil society in influencing mining policies, Namkhaijantsan (2009) follows the mobilization movement:

> Companies neglected environmental standards, and fared poorly on rehabilitation. Use of poor technology and obsolete equipment, the tendency of placer gold mines to be located in river basins, the use of river water for gold extraction and putting waste into rivers resulted in numerous reported cases of pollution and some rivers drying up. This, combined with the low regulatory enforcement capacity of the government, led to environmental problems which started affecting rural livestock herders as pastures and water resources became scarce. Many civil society groups, especially at the grassroots level, emerged in reaction to environmental concerns around mining, and ultimately some of these groups went beyond environmental issues in their quest to bring about more responsible mining practices. (Namkhaijantsan, 2009: 60)

Amidst the surge of discontent over the impact of mining activities, the environment became the rally point for civil society in Mongolia: 'the struggles of local civil society groups seeking to protect the environment and livelihoods (or the 'homeland) of the local people from the threats imposed by mining operations have come to be the most sustained grassroots movement in Mongolia during the past decade', observes Byambajav (2015: 92).

The coming together of communities on such issues led to the 'River Movements', which advocate for better environmental standards, responsible mining initiatives and the promotion of multi-stakeholder dialogue. Byambajav (2015: 92) recalls that the rural mobilization in Mongolia focussed in particular on the need to protect the Ongi River, a 435km long river flowing across eight rural districts and three provinces. It is worth underlying that the River is the only river flowing in the Gobi Desert. The Ongi River Movement was established in 2001 when Lake Ulaan, the mouth of the Ongi River, had dried up following the explosion of gold mining activities in the region.

The movement became influential amidst the parliamentary election campaign of 2004:

> […] the Ongi River Movement organized a protest march alongside the Ongi River to persuade local people to vote only for candidates who would work for the protection of the river. Twenty-four people spent 4 weeks walking from the mouth of the river, holding public meetings with the local herders on the way. As a result, some candidates joined the march and proclaimed their support for the movement. (Byambajav, 2015: 94)

Fed by this increase in mobilization multi-stakeholder discussions and hearings were held over the adoption of a new minerals law in 2006: 'This was the first time discussions of this sort were organized around the mining sector, and came about at the height of civil society activism on mining issues' (Namkhaijantsan, 2009: 61). The process led to the adoption of the new *Mineral Law of*

[12] Urantsooj, G. (16 February 2012) Personal communication (Center for Human Rights and Development), Ulaanbaatar [conversation].
[13] See Byambajav (2012) for a study of the local herders mobilization processes against a gold mine in the Tsenher district.

Mongolia (2006), which brought forth changes that initially curbed some of the most liberal provisions embedded in the 1997 Mining Code.

However, pro-mining interests were quick to describe the Government's amended Law as an outburst of 'statism' (Connors, 2011: 61).[14] According to the World Bank (2008), the 2006 Law embodied a 'pushback by the state on private sector led development', a move perceived by the multilateral institution as leaving the country's minerals sector in a state of uncertainty and a weak regulatory setting (2009: vi). Investors were unnerved. In addition to the introduction of special provisions for minerals labelled 'of strategic importance'[15] and increased fiscal rates imposed on the sector, the amendments saw the adoption of a controversial Windfall Profits Tax (WPT) on gold and copper, the highest in the world (Pistilli, 2012).[16] According to the World Bank, the WPT 'acted as a major deterrent to investment in the mining sector' (World Bank, 2012b: 24).

The argument to be made here is that the 2006 changes were indicative of the socio-political tensions that had arisen as a result of the rapid expansion of the mining sector. This expansion, which had led to an exponential multiplication of licences and activities, had not been accompanied by socio-environmental monitoring capacities. Such a legacy led to the rise of demands from grassroots organizations and brought forth important social mobilization across the country, pressuring the government to better maximize profits from the booming sector.

However, while some of the new mining law provisions were telling of the organizational power of Mongolia's bourgeoning CSOs, it is crucial to explore the fine print of the 2006 legislation. Despite the outcry of the mining community, the country's mining regime remained – and still remains – rooted in neoliberal norms.[17] The analysis of a mining regime should distinguish between *rules* and *decision-making procedures* (such as laws) and specific *principles* and *norms* (Kébabdjian, 1999: 137). The distinction is relevant with regard to the Mongolian case as it highlights that while the rules and decision-making procedures in the Mongolian mining regime have indeed drastically mutated in 2006, the norms and principles embedded in the regime remain entrenched within a neoliberal framework.

In this light, Ulaanbaatar was quick to bow to the industry's pressure. The latter was intended to entice mining companies to transform the minerals within the country, in which case they were exempt from the WPT. The additional revenues from the tax were to be earmarked for social programs (USAID, 2011: 2). Crucially however, amidst the negotiations over the Investment Agreement of Oyu Tolgoi (OT) mine, the tax was cancelled in 2009 (and phased out over two years). It further should be noted that despite the 2006 fiscal amendments, the Mongolian taxation regime remained 'competitive with other major foreign mining jurisdictions' (Connors, 2011: 37).[18] Furthermore, the mineral law allowed

[14] The cold reception from the pro-mining lobbies resulted notably from the Law's provisions relating to state ownership. In a controversial move, the new version of the Law stipulates that in cases of exploitation of minerals labelled 'of strategic importance', the state may now claim up to 34 per cent where non-State funding sources were used to determine proven reserves (Art. 5.5). The Law further instructs holders of a mining licence for a mineral deposit of strategic importance to trade no less than 10 per cent of its shares on the Mongolian Stock Exchange (Art. 5.6).

[15] Whereby the State can claim up to 34 per cent where non-State funding sources were used to determine proven reserves or up to 50 per cent ownership where State funds were used (Art. 5).

[16] The latter imposed a 68 per cent tax on the portion of metal sales price of copper ore and concentrate in excess of US$2,600 per tonne and sales price of gold above US$500 per ounce – raised to US$850 per ounce in 2008 (Connors, 2011: 37).

[17] In fact, since it came into effect in 2006, the Mining Law has been amended 22 times. See Ashid Advocates (2015) for a brief summary of the recent amendments.

[18] The Mining Law offered an attractive setting for foreign investors, provided for commercial freedom and allowed for transfer freedom (Connors, 2011: 61). In terms of royalty rates, it should be emphasized that the raise from a trifling 2.5 per cent (as enshrined in the 1997 Law) to a modest 5 per cent (in 2006), may hardly be defined as a display of 'resource nationalism'. Furthermore, it should be noted that a 2001 amendment to the

for mining licence holders who will invest no less than US$50 million during the first five years of the mining project to negotiate an Investment Agreement which provides better provisions than the ones listed in the mining code. In practice, therefore, the Code offers tremendous negotiating power to large investors, as illustrated by the case of the copper/gold mine Oyu Tolgoi.

OT, which is expected to have a lifespan ranging from 60 to 120 years (USAID, 2011: 11), is located in the remote region of the Southern Gobi desert. Far from Ulaanbaatar's gaze (600 km), the mine is only 80 km from the Chinese border. While still under construction – the mine produced its first concentrate in January 2013 – OT already accounts for 30 per cent of the country's GDP (Langfitt, 2012). When it reaches its peak in 2019, OT is expected to account for 55 per cent of Mongolia's fiscal revenues (McMahon, 2010: 25).

Rio Tinto, now the country's largest investor, has a majority shareholding in the mine, while the government of Mongolia retains 34 per cent of OT.[19] OT is currently financed notably by the World Bank's International Financial Corporation (IFC)[20] and a guarantee against the risks of expropriation, war and civil disturbance, and breach of contract by the Multilateral Investment Guarantee Agency.
OT's Investment Agreement was signed in October 2009, after six long years of negotiations and a contested public review by the Parliament.[21] The Agreement's fiscal provisions are generous – taxes and rates are stabilized for 30 years and as such, no fiscal or regulatory changes may be imposed unless they are more favourable to the project. Crucially, in addition to the cancellation of the WPT, the agreement included the revision of corporate income tax to extend the loss carried-forward provision from two to eight years (World Bank, 2009: 15).

Beyond its fiscal incentives, OT's socio-environmental provisions were presented as the highest standards in the industry.[22] At first glance, this suggested that the country had succeeded in balancing the quest for investment with solid socio-environmental standards[23] and in providing a substantial space for civil society participation.

The World Bank, which incidentally was also a key player in assisting the Government with its socio-environmental pro-mining policy and most notably OT's Investment Agreement (World Bank,

1997 Law had actually increased royalty rates to 7.5 per cent of the sales value of gold and, as such, the recent amendment could be considered as an actual decrease in royalty rates. For a detailed review of the country's fiscal regime, see Ernst and Young (2012).

[19] In the mid-1990s, BHP obtained the first exploration licences for OT. In 2000, it sold its licences to the Canadian mining company Ivanhoe. Rio Tinto took over management control from Ivanhoe in December 2010.

[20] An A Loan worth up to US$400 million together with a B Loan of up to US$1 billion to be syndicated to international commercial banks, as part of a proposed US$4.5 billion project debt financing.

[21] According to the NGOs Centre for Human Rights and Development et al. (2010), the Government's approval of OT's Investment Agreement was done without obtaining the prior consent of Mongolia's Parliament.

[22] Under Chapter 38, the Investment Agreement requires provisions to ensure: a) Independent and public reporting on the progress of the project's environmental protection plan and monitoring program be undertaken every three years; b) The cost of eliminating material, adverse impacts on air, water, soil, animals and plants to be borne by the project; c) Areas closed to further mining are to receive environmental rehabilitation and potential hazards will be addressed to protect the public; d) A mine-closure plan will be financed through funds allocated to an escrow account beginning seven years before actual closure.

[23] The Mineral Law notably requires an Environmental Protection Plan (EPP) for exploration as well as an EPP and environmental impact assessments for mining licence holders. Additional laws pertaining to the mining sector's socio-environmental legislative framework include the Law on Special Protected Areas (enacted in 2005), which notably prohibits mining and minerals exploration in nationally designated protected areas; the Law on Forests (2007), which keeps mining out of all protected forests and the Law on the Prohibition of Mineral Exploration in Water Basin Areas and Forest Areas (2009), which extends protection to areas outside of the Specially Protected Areas and prohibits mineral extraction in forests, headwaters and protection areas (USAID, 2011: 2).

2012a),[24] observes that: 'income benefits from the sector must be balanced against potentially high environmental and community health costs' (World Bank, 2008). OT's management boasts an important engagement with local communities (OT, 2013a), stating that it will: 'continue to prepare, conduct, implement, update on an appropriate basis, and make public socio-economic baseline studies, socio-economic impact assessments, socio-economic risk analyses, as well as multi-year communities plans, community relations management systems, policies, procedures and guidelines, and mine closure plans, all of which shall be produced with community participation and input and be consistent with international best practice' (Art. 4.7).

While Mongolia's mining regime has been tightly knitted with a strong social development narrative, alarming disparities between the country's legislations and their implementation have been multiplying, notably in terms of the State's ability – and its willingness – to implement and monitor the regime's safeguards.

Concerns over the participatory processes have also emerged, notably in relation to the legitimacy of the parties selected to represent the 'local communities' in talks with the mining authority (Sukhgerel, personal communications, October 2013). It is worth noting that over 70 per cent of the NGOs registered in Mongolia operate in the capital (Namkhaijantsan, 2009: 60), leaving the regions with a serous lack of organized support. According to Undarya (2013: 54), rural civil society is 'sorely under-developed' due to the lack of financial support and information, notably herders, the poor and ethnic and religious minorities. In its own Environmental and Social Review Summary, the IFC admits it has not been able to confirm how OT has benchmarked what it refers to as broad community support (cited in OT Watch et al, 2012: 6). The quality of the participatory processes and, ultimately, of the consent provided by local communities are further complicated by the uniqueness of Mongolia's demography, as argued by Sukhgerel of OT Watch:

> The fact that Mongolia is sparsely populated is creating a negative impact on little communities getting together. Nomads living in the Gobi live within distances of five or ten kilometres from another household. For them to get together and talk over issues [...] is not possible because of the physical distances and the lack of communication. […] There are some companies that say that it has not been possible to reach every household [because of] physical distance […]. Rio Tinto has been using this reason for not bringing critical masses of people together. It is very convenient for them that these people are all apart just by bringing two or three families together, and to them that is sufficient. [When nomads are] resisting a contract they were made to sign using deceit. They come to you and say: 'you are the only one left, everyone had signed it; we are not going to come around to get your signature and we will just move on with the process'. The people believed and so they just signed it. This is Rio Tinto. […] That is the strategy that they have used to get the nomads to sign.[25]

This is perhaps best summarized by the comment of Robert Friedland – Ivanhoe's Chief Executive Officer at the time of the discovery of OT's mineral riches – concerning 'how nice it was to have so few people around OT and "no NGOs"' (Friedlands, 2005).

Another dimension of the tensions arising from mining are linked to the environment. The Centre for Human Rights and Development observes that environmental issues remain one of the most pressing human rights concerns in the country (cited in Mendoza et al., 2012: 18). It is estimated that 31 per cent of the country's population lives on degraded land – i.e. a degradation estimate taking into account biomass, soil health, water quantity and biodiversity and range in severity (UNDP, 2013:

[24] As OT was going to be the first mine to adopt such an agreement in Mongolia, the World Bank quickly stepped in to work out 'model contracts and investment agreements' for future mineral and petroleum development (*Mining Sector Institutional Strengthening Technical Assistance Project*, 2008–12, Project ID P108768).

[25] Sukhgerel, D. (18 February 2012) Personal communication (OT Watch), Ulaanbaatar [conversation].

191).[26] Pressing environmental concerns partly stem from the country's legacy of unrestrained expansion of mining activities during the first two decades after the transition to the market economy.

Water access and air quality are amongst the chief concerns raised by communities in mining areas, and most acutely in the Gobi around OT.[27] On its official website, OT is reassuring and boasts that: 'Oyu Tolgoi will be one of the most "water conservative" mines in the world, committing to zero impact on community water sources' (OT, 2013b). However, it is estimated that OT alone will need to use 920 litres of water per second for the next 30 years (Watts, 2011). With a lifespan of approximately 60 years, the mega-mine's thirst is one of the most serious concerns for local herders and environmentalists.[28] Concerns are particularly acute in relation to the diversion of the Undai River which flows across OT's property.[29] The mostly subterranean river replenishes springs and downstream wells. Yet, OT has 'failed to present and publicly consult the Undai River diversion plans' (McGrath et al., 2012: 21). Furthermore, it is to be noted that shallow aquifers are vulnerable to pollution from wastewater, leachate from solid waste dumps and chemical spills (USAID, 2011: 9).

While OT has vowed to meet Mongolian and international environmental codes and standards and to 'minimize[s] environmental impacts to an economically feasible extent' (cited in Mongolian Mining Journal, 2012), Sukhgerel, the Executive Director of the NGO OT Watch, underlines that 'a definition or interpretation of "economically feasible"' should be further detailed. It should also be noted that any environmental issues arising from mining development in the region are bound to be drastically amplified by the actual scale and quantity of projects in the same region. Tavan Tolgoi, the world's largest coal mine, is located only 160 km from OT, while the other giant copper mine of Tsagaan Suvraga is 230 km North, notwithstanding the other five to six medium-sized mines which are all situated within a 500 km radius (BIC, 2012). Olsen, an expert on local wildlife, argues that the potential cumulative impact of mining in the region has not been comprehensively studied: 'How much can an ecosystem take until it collapses?' (cited in Watts, 2011).

In Mongolia, there appears to be a clear dislocation between the regulations and the actual capacity to implement and enforce such socio-environmental provisions. A fact-finding mission led by USAID (2011: 3) concluded that: 'Even with additional legislation protecting natural resources, the [Government of Mongolia] does not have in-depth experience in environmental protection issues. Stakeholders have raised concern that [it] cannot supervise companies due to lack of manpower and technical capability'. The sheer scale and speed that characterizes the expansion of the sector in the country suggests that the Government's actual ability – and willingness – to monitor, regulate and implement socio-environmental standards should be questioned.

Despite the multiplication of technical assistance projects, reports that the Government and the IFC have been failing to implement their own socio-environmental safeguards have been proliferating (BIC, 2012; Goodland, 2012; McGrath et al., 2012; USAID, 2011). If OT's owners now boast that: '[OT's] biodiversity and environmental policies meet World Bank Standards and are comparable to similar projects around the world' (OT, 2013b), OT's Environmental and Social Impact Assessment – published in August 2012 after an eight months delay – remains deeply controversial.[30]

[26] The fast-paced development of the Southern Gobi region also brings forth the issue of its impact on the desert's fragile eco-system. Some of the area's local species are already classified as vulnerable, threatened or endangered.

[27] Sukhgerel, D. (18 February 2012) Personal communication (OT Watch), Ulaanbaatar [conversation].

[28] OT's Investment Agreement states that local communities will be able to use the water it discovers for household purposes, and it will also guarantee the supply of livestock drinking water for existing users (Mongolian Mining Journal, 2012).

[29] If OT has been taking surface water until now (construction phase), the company plans to extract and treat saline water from a fossil aquifer that should technically leave the springs and groundwater wells untouched.

[30] Sukhgerel, D. (18 February 2012) Personal communication (OT Watch), Ulaanbaatar [conversation].

4 Mining, Participation & Funding: The Politics of Civil Society Engagement

Amidst such socio-environmental concerns over the fast expansion of large-scale mining activities in Mongolia, a small yet plural grassroots civil society movement has been emerging. The latter is as diverse as its methods. This section provides an overview of the main strategies which have been employed by these movements, methods that are on the one hand converging with the INGOs' own strategies and, on the other hand, attempting to re-politicize debates over the future of mining in Mongolia.

The Transparency Initiative & International Grievance Mechanisms

Albeit international, one of the key initiatives that rallied the grassroots NGOs working on mining-related issues in Mongolia was the Extractive Industries Transparency Initiative (EITI). Launched in 2002, the voluntary initiative, which remains highly dependent on World Bank funding in Mongolia, is meant to encourage the transparency and disclosure of revenues from resource-rich governments and the industry.[31] According to Namkhaijantsan (2009), the Manager for Economic Policy Issues at the Open Society Forum in Mongolia: 'civil society was able to influence most of the critical issues in implementing the EITI' (2009: 61). The initiative has provided civil society with 'the opportunity to engage in a dialogue with the government and companies over substantive issues in the mining sector' (Namkhaijantsan, 2009: 62).

In her study of EITI, Klein (2013) observes that the multi-stakeholder process, which involves civil society participants, may force a technical framework onto highly political issues. Designed in multilateral spheres, this initiative, if taken alone, may become dislocated from local power struggles and ultimately fail to deliver the democratic promises conveyed by the transparency discourse (Keblusek, 2010). Furthermore, Namkhaijantsan (2009: 62) underlines that the Publish What You Pay (PWYP) coalition in Mongolia is the only one represented on EITI's National Council, and as such: '[...] other civil society groups may feel disenfranchised in terms of the EITI. In that sense, both the government and the PWYP coalition will need to ensure that other civil society groups feel welcome to participate in the EITI, given the abundance of civil society engagement on mining issues and various related initiatives'.

This is not to say that transparency is not a welcome measure in Mongolia, where corruption has become an endemic problem, both at the local and national levels. Mining money has seen the country slip down Transparency International's (2011) rankings, now occupying the 120th position. However, the funnelling of most grassroots organizations actions on this issue might be steering such organizations away from the more political issues tied to the country's particular mining regime.

One must recall that the EITI is easily embraced by donors and to some extent, the industry, as it doesn't hamper the deepening of marketization. Ultimately, the Initiative seeks to open a transparent dialogue over mining activities and how their negative impacts can be minimized. Taken alone, such an engagement builds on the understanding that the neoliberal norms embedded in the country's mining regime are not to be challenged.

Meanwhile however, and despite Mongolia joining the EITI and some important recent improvements linked to the Initiative (see Pell, 2014), Namkhaijantsan (2009: 62) observes that 'the [mining] licensing process remains non-transparent, and the selling and buying of licenses takes place without government or public control, creating suspicions of corruption'. Furthermore, the exponential revenues brought forth by the fast-paced development of the mining sector have had little direct effect on poverty reduction. A third of Mongolia's population still lives below the poverty line (McGrath et al., 2012: 6) – a proportion that reaches nearly 50 per cent in rural areas (Awehali, 2011). Furthermore,

[31] Mongolia endorsed the initiative in early 2006.

the poverty gap seems to be deepening (UNICEF Mongolia, n.d.). World Vision (2013) estimates that more than one third of the population lives on less than 68 cents a day.

If Mongolia has equipped itself with a Human Development Fund (HDF)[32] fed by mining revenues, two-thirds of the Funds' budget have been spent on securing electoral votes via monthly cash payments to the population (Watts, 2011). For The Economist (2013), the most obvious effects of the inflow of foreign money are sharply rising prices, unplanned urbanization and the presence of rich looking foreign visitors and residents' (2013: 29). Inflation in the country did hit 20 per cent in 2012 (Pilling, 2012). These issues might go a long way to explain why today, Mongolia ranks 108 out of 187 countries on the Human Development Index (HDI), below the regional average (UNDP, 2013).[33]

However, beyond taking part in transparency initiatives, certain segments of civil society in Mongolia have long been organizing, most notably around environmental issues. The latter is plural and may not fit neatly within a framework such as the EITI:

> [...] the issue of how civil society engages in the EITI in Mongolia is of key importance. At present there are questions about whether the national [publish What you pay] coalition truly represents civil society, and whether there is room for other civil society actors to meaningfully engage in the EITI. This is especially important, given the large number of civil society organisations focusing on different mining issues, and also that there are competing international agencies and organisations supporting civil society activities relating to mining.

With the tensions arising from mining issues since the late 2010s, a wider range of civil society actors has indeed taken on the mining question. However, amidst the continuous rise in inequalities, and the increase in environmental damages related to the sector, the 2012 elections further exacerbated tensions as they gave way to a government far less sympathetic to the environmental movement. This is discussed in this final section.

When Civil Society Becomes 'Unruly'

Civil society elements challenging the development of the country's mega-mines (OT and Tavan Tolgoi) or the very idea of pursuing an economy based on large-scale mining are facing important challenges in Mongolia, as the existing political spaces for such debates is narrowing. Such challenges have taken a wide range of forms: mass protests in Sukhbaatar Square, the main square in Ulaanbaatar, hunger strikes, direct attacks against mining sites, public interest litigation cases, as well as accessing international grievance mechanisms.[34]

For Sukhgerel of the NGO OT Watch, there is currently 'a broad media campaign against civil society organizations' in the country, in an attempt to accuse such organizations of 'every possible ethical crime' (cited in Tolson, 2014). It is essential to note that while freedom of the press is protected under Mongolian law, it continues to be compromised 'by legal harassment of journalists, political influence

[32] Authorized by the Parliament in 2008, the HDF's objective was to distribute wealth generated by the country's mining projects to all Mongolians. In 2010, 16 per cent of Mongolia's budget was allocated to the HDF (UN, 2012), which is entirely financed with OT's tax revenues. The Fund has mostly taken the controversial form of cash allocations (EBRD, 2012).

[33] The HDI is a composite measure of achievements in three basic dimensions of human development: a long and healthy life, access to education and a decent standard of living.

[34] At the local level, certain segments of civil society in Mongolia have brought public interest litigation cases linked to human rights and the correlated environmental issues (see CIVICUS, 2006). Additionally, since 2010, the use of international complaints mechanisms has become an increasingly important strategy employed by local NGOs. Such strategy has also led to interesting partnerships with international NGOs which have been assisting the local NGOs navigate the often tenuous process of lodging such complaint. For instance, in 2010, the INGOs MiningWatch Canada and RAID assisted local NGOs in filing complaints in the UK and Canada against OT's international shareholders for alleged breaches of the OECD Guidelines for Multinational Enterprises. The same year, another coalition of NGOs appealed to the United Nations Special Representative of the Secretary-General on Business and Human Rights on OT related issues (CHRD et al., 2010). In October 2012, with the support of OT Watch and Gobi Soil, nomadic herders filed with the World Bank's Compliance Advisor Ombudsman (see CAO, 2013).

over news outlets, and financial difficulties faced by media workers' and that to 'avoid being sued for libel, many independent publications are forced to practice some form of self-censorship' (Freedom House, 2013). This is particularly true for journalists covering mining-related issues in the country.

The case of Tsetsegee Munkhbayar, the founder of the environmental organization *United Movement of Mongolian Rivers and Lakes*, is illustrative. Munkhbayar was awarded the prestigious international Goldman Prize in 2007 for his organization's environmental activism. He had successfully sued the government for failing to protect watersheds and forests as required by the *Law to Prohibit Mineral Exploration and Mining Operations at the Headwaters of Rivers, Protected Zones of Water Reservoirs and Forested Areas*[35] – for obvious reasons, the latter is commonly known as the 'Law with the Long Name' (LLN).[36] The LLN, which was adopted by Parliament in 2009, was key in the protection of nomadic herders' lands and watersheds from industrial contamination, diversions of rivers and land-grabbing. It was the very product of more than a decade of grassroots activism in Mongolia. However, the LLN 'was never fully implemented, due to pressure from western mining companies and foreign governments', reports Goldman's website (Goldman Staff, 2013).

Munkhbayar and the more controversial Fire Nation, an ethno-nationalist group, formed a coalition of environmental CSOs and mobilized to ensure the implementation of the LLN. However, the newly elected government in 2012 abolished the Water Service – the main enforcement mechanism of the LLN (Goldman Staff, 2013) and, amidst the dramatic drop in foreign investments, the Parliament called, in August 2013, a meeting to discuss amendments that would significantly weaken the LLN (Goldman Staff, 2013). The move sparked mass protests.[37] Alongside 11 other NGO representatives, Munkhbayar staged a demonstration, during which he indented to deliver a petition to Parliament to stop the amendment of the LLN. During the protest, a firearm accidently went off: 'It is widely understood that the shot was not fired on purpose and nobody was injured' reported Goldman (2013).

Ten protesters were arrested, amongst which five received a prison sentence of 21 years and six months,[38] including Munkhbayar. The charge was group attempt to severely threaten the well-being of society.

While the Goldman Fund distanced themselves from Munkhbayar, and the Asia Foundation, the organization that had originally lobbied the Goldman Fund on his behalf, labelled him a 'terrorist'. Meanwhile, international media like Reuters and Agence France Press (AFP) have also painted a negative portrait of Munkhbayar and the protests that took place in Sukhbaatar Square. For instance, Reuters reports that *Fire Nation* is one of many 'Mongolian neo-Nazi' groups that 'has rebranded itself as an environmentalist organisation' (Barria, 2013). AFP refers to Munkhbayar and his organization as a 'ragtag band of activist herders' (AFP, 2011).

For Eugene Simonov, Coordinator for Rivers without Boundaries, the 'terrorist' label is unsettling: 'Munkhbayar and the United Movement of Rivers and Lakes employ an extremely wide variety of work methods from environmental education, ecosystem restoration and close work with legislature to theatrical projects to armed demonstrations and seizing illegal mining sites' (cited in Tolson, 2014). The argument to be made here is that the multiplication of mobilization strategies and to some extent a radicalization of such strategies, are telling of the larger issues of the unquestioned pursuit of large-scale, foreign-led mining activities as a key economic strategy for the country. Enkhbat Toochog of

[35] The Law was approved in Parliament in July 2009.

[36] The Lawsuit was filed in 2010 and, in October 2011, the country's Supreme Court found the government guilty and ordered it to enforce its environmental laws.

[37] On 4 April 2010, NGOs and 200 representatives from 18 *aimags* (provinces) gathered in the Square, calling on the Government to respect its election promises and accusing it of selling out the country to foreign mining interests. A hunger strike followed to demand constitutional reforms and a review of the OT's Investment Agreement (CHRD et al. 2010).

[38] Excluding time served.

the Southern Mongolian Human Rights Information Center notes that Munkhbayar's actions 'highlighted the desperation of helpless Mongolian pastoralists who had no choice but to resort to an unconventional approach to defend their land, rights and way of life after exhausting all other means' (cited in Tolson, 2014).

5 Conclusion

The country's transition towards the market model, which has been closely guided by multilateral donors, was highly successful in liberalizing the county's economy and attracting foreign investments. However, the social aftermath of this initial transition quickly forced Ulaanbaatar to turn towards large-scale mining activities as a much-needed source of potential government revenues.

Despite strong socio-environmental safeguards embedded in the country's mining regime, the actual implementation process of the provisions appears to have been applied only sporadically, resulting in growing tensions across the country. While local communities – most often under the umbrella of NGOs – have officially been given a key seat at the decision table, the overall mining strategy pursued by the country appears to remain beyond the reach of such participatory initiatives.

Conclusions point towards plural causes. First, as Mongolia only recently became a democracy, its civil society remains quite young. Furthermore, the latter appears to have been largely moulded by international donors and tasked with developmental activities but more importantly, as depolitizised overseers of good market-related practices (accountability and transparency).

However, in recent years, fed by increasing tensions emerging from the fast-paced development of the sector, a popular and unruly civil society movement has been challenging the very nature of the country's mining regime, but also its very existence. The government has severely cracked down on the movement, notably mass protests taking place in Ulaanbaatar, while the media and mainstream NGOs have also distanced themselves from such movements. This suppression of segments of grassroots civil society raises important questions over the nature of civil society in Mongolia and the reconfiguration of political spaces.

References

AFP (Agence France-Presse) (2011) 'Mongolia herder on mission to tackle mining firms', AFP (6 July). http://www.terradaily.com/reports/Mongolia_herder_on_mission_to_tackle_mining_firms_999.html (accessed 22 December 2014).

Ashid Advocates LLP (2015) 'The Amendments of 2013, 2014 and 2015 to the Law of Mongolia on Minerals (2006)', available at http://www.ashidadvocates.mn/files/publications/Minerals%20law%20%20final%20pdf2.pdf, accessed 5 June 2016.

Awehali, B. (2011) 'Mongolia's wilderness threatened by mining boom', Guardian (11 January). http://www.guardian.co.uk/environment/2011/jan/11/mongolia-wilderness-mining-boom/print) (accessed 4 May 2013).

Barria, C. (2013) 'Mongolia neo-Nazis announce a change of tack - pollution control', Reuters (2 July). http://www.trust.org/item/20130702082829-t2gpl? (20 December 2014).

BIC (Bank Information Centre) (2012) 'Activist Q&A: Meet Sukhgerel Dugersuren'. http://www.bicusa.org/meet-sukhgerel-dugersuren/ (accessed 4 May 2013).

Biekart, K. (1999) *The Politics of Civil Society Building: European Private Aid Agencies and Democratic Transition in Central America*. Amsterdam: International Books and the Transnational Institute.

Byambajav, D. (2006) 'The NGOS in Mongolia: A crucial factor in Mongolian society and politics', *Mongolian Journal of International Affairs*, No 13: 132–146.

Byambajav, D. (2012) 'Mobilizing against Dispossession: Gold Mining and a Local Resistance Movement in Mongolia', *Journal of the Center for Northern Humanities*, No 5: 13–32.

Byambajav, D. (2015) 'The River Movements' Struggle in Mongolia', Profile, *Social Movement Studies*, 14(1): 92–97.

CAO (Compliance Advisor Ombudsman) (2013) 'Mongolia', CAO Case: Oyu Tolgoi-01/Southern Gobi. http://www.cao-ombudsman.org/cases/case_detail.aspx?id=191 (accessed 20 July 2013).

Campbell, Bonnie (ed.) (2013) *Modes of Governance and Revenue Flows in African Mining*. Palgrave Macmillan, Basingstoke.

——— (2009). *Mining in Africa. Regulation and Development*. Pluto, IDRC and Nordica Africa Institute, London, Ottawa and Uppsala.

——— (2004). *Regulating Mining in Africa: For Whose Benefit?* Discussion Paper, no 26, Nordiska Afrikainstitutet, Uppsala.

Carroll, T. (2010) *Delusions of Development: The World Bank and the post- Washington Consensus in Southeast Asia*. Palgrave: Basingstoke.

Carroll, T. and D. Jarvis (eds) (2014) *The Politics of Marketising Asia*. Palgrave: Basingstoke.

CHRD (Centre for Human Rights and Development), OT Watch, MiningWatch Canada and Rights and Accountability in Development (2010) 'Mongolian NGOs Appeal to the UN's Special Representative of the Secretary-General on Business and Human Rights to Resolve Oyu Tolgoi Mine Dispute', Press Release MiningWatch Canada (23 April). http://www.miningwatch.ca (accessed 10 December 2014).

Chuluunbaatar, G. and T. Landman (2013) 'Role of Democracy Assessment Tools in Democracy Consolidation: Lessons Learned From Mongolia', *The Mongolian Journal of International Affairs*, No.18: 105–17.

CIVICUS Center for Citizens' Alliance (2006) 'State of Civil Society in Mongolia (2004-2005)', Ulaanbaatar. http://www.civicus.org/new/media/CSI_Mongolia_Country_Report.pdf (accessed 10 November 2014).

Connors, J. (2011) 'Mining Law and Policy Developments in Mongolia: Considerations for Foreign In vestors', Baker & McKenzie International. http://www.bakermckenzie.com/files/Publication/6c2c6e96-263f-4ff1-82d8-329718c366a7/Presentation/PublicationAttachment/24c777ae-04a0-4880-9caf-d391b0ae7995/pn_tokyouraniummining_mongolia_feb10.pdf (accessed 4 May 2013).

EBRD (European Bank for Reconstruction and Development) (2012) 'Managing Mongolia's Resource Boom'. http://www.ebrd.com/downloads/research/economics/workingpapers/wp0138.pdf (accessed 20 August 2013).

Economist (The) (2012) 'Booming Mongolia: Mine, All Mine', The Economist (21 January). http://www.economist.com/node/21543113 (accessed 6 October 2012).

Economist (The) (2013) 'Before the Gold Rush: Mongolia's road to riches is paved with shareholders' tiffs', The Economist (16 February). http://www.economist.com/news/asia/21571874-mongolias-road-riches-paved-shareholders-tiffs-gold-rush (accessed 5 March 2013).

Edwards, M. (2004) *Civil Society*. Cambridge: Polity.

EITI (Extractive Industries Transparency Initiative) (2012) 'Tax revenue from Mongolia's mining: US$330 per Mongolian', EITI website (23 May). http://eiti.org/news-events/tax-revenue-mongolia-mining# (accessed 19 August 2013).

EITI Mongolia (Extractive Industries Transparency Initiative Mongolia) (n.d.) 'Reports'. http://eiti.org/Mongolia/reports (accessed 5 December 2013).

Enkhsaikhan, J. (2005) 'Democracy and civil society in Mongolia', *The Mongolian Journal of International Affairs*, No. 12: 21–7.

Ernst and Young (2012) 'Mongolia Mining and Tax Guide 2012/13'. www.ey.com (accessed 2 December 2013).

Fine, B. (1999) 'The Developmental State Is Dead-Long Live Social Capital?', *Development and Change* 30(1): 1–19.

Fine, B., C. Lapavitsas and J. Pincus (eds) (2001) *Development Policy in the Twenty-First Century: Beyond the Post-Washington Consensus*. London: Routledge.

Freedom House (2013) 'Mongolia: Freedom of the Press 2013'. http://www.freedomhouse.org/report/freedom-press/2013/mongolia#.U4TWBsZtfZs (accessed 29 December 2013).

Friedland, R. (2005) 'Nothing Like it on Planet Earth', *Resource Investor*, 7 March. http://www.resourceinvestor.com/2005/03/06/nothing-it-planet-earth-robert-friedlands-tour-d-tolgoi (accessed 29 May 2016).

Goldman Staff (2013) 'The Goldman Prize Calls for a Fair and Transparent Trial for Tsetsegee Munkhbayar', Goldman Prize (20 November). http://www.goldmanprize.org/blog/goldman-prize-calls-fair-and-transparent-trial-tsetsegee-munkhbayar (accessed 10 September 2014).

Goodland, R. (2012) 'The Oyu Tolgoi Copper & Gold Mine Project: Comments on Chapter D1 of the ESIA: Environmental and Social Management Plan Framework', October. http://www.bicusa.org/en/Document.102989.pdf (accessed 27 December 2014).

Harriss, J. (2002) *Depoliticizing Development: The World Bank and Social Capital*. London: Anthem Press.

Hatcher, P. (2014) *Regimes of Risk: The World Bank and the Transformation of Mining in Asia*. Palgrave Macmillan: London.

Hearn, J. (1999) 'Foreign Aid, Democratisation and Civil Society in Africa', Discussion Paper, No. 368, Sussex: Institute of Development Studies.

Hearn, J. (2007) 'African NGOs: The New Compradors?', *Development and Change* 38(6): 1095–110.

Hickey, S. and G. Mohan (2005) 'Relocating Participation within a Radical Politics of Development', *Development and Change* 36(2): 237–62

IFAD (International Fund for Agricultural Development) (n.d.) 'Rural poverty in Mongolia'. http://www.ruralpovertyportal.org/country/home/tags/mongolia (accessed 22 November 2013).

Kébabdjian, G. (1999) *Les théories de l'économie politique international* (Theories of international political economy). Paris: Édition du Seuil.

Keblusek, M.E. (2010) 'Is EITI really helping improve global good governance? Examining the Resource Curse, Corruption, and Nigeria's EITI Implementation Experience', Niger Delta Professionals for Development. http://nidprodev.org/EITI%20-%20Nigeria%20Analysis.pdf (accessed 19 December 2013).

Khongorzul, D. (2009) 'Mongolia and Central Asia in Transition', *Ritsumeikan Journal of Asia Pacific Studies*, Vol. 26. http://www.apu.ac.jp/rcaps/page/content0071.html/?version=english (accessed 19 September 2013).

Klein, A. (2013) 'Under Close Watch: the Extractive Industries Transparency Initiative (EITI) and Democratisation Attempts in Cameroon', Paper presented at the workshop on States, markets and the Changing Political Economy of Natural Resources: Theorising the IPE of Development, Sheffield Institute of International Development, Sheffield (23–24 May).

Kohn, M. (2015) "Rio, Mongolia Agree to Restart Oyu Tolgoi Development", *Bloomberg*, May 19, http://www.bloomberg.com/news/articles/2015-05-18/rio-mongolia-agree-to-restart-oyu-tolgoi-development, accessed 5 June 2016.

Langfitt, F. (2012) 'Mineral-Rich Mongolia Rapidly Becoming Mine-golia', National Public Radio. http://www.npr.org/2012/05/21/152683549/mineral-rich-mongolia-rapidly-becoming-minegolia (accessed 21 May 2012).

McGrath, F., V. Martsynkevych, D. Hoffman, R. Richter, S. Dugersuren and A. Yaylymova (2012) 'Spirited away – Mongolia's mining boom and the people that development left behind', CEE Bankwatch Network, Regine Richter, Urgewald, OT Watch and Bank Information Center. http://bankwatch.org/sites/default/files/spirited-away-mongolia-mining.pdf (accessed 4 May 2013).

McMahon, G. (2010) 'The World Bank's Evolutionary Approach to Mining Sector Reform'. World B ank Extractive Industries for Development Series. http://siteresources.worldbank.org/INTOGMC/Resources/336099-1288881181404/7530465-1288881207444/eifd19_mining_sector_reform.pdf (accessed 4 May 2013).

Mendoza, R.U., H. MacArthur and A. Ong Lopez (2013) 'Extractive Industries, Children and Inclusive Growth: An Analysis of Mongolia, Papua New Guinea and Timor-Leste'. Paper prepared for the American Economic Associations Conference, San Diego (4–6 January).

Mongolian Mining Journal (2012) 'What the Oyu Tolgoi agreement contains and what it means for Mongolia,' *Mongolian Mining Journal* (23 March). http://en.mongolianminingjournal.com/content/19679.shtml (accessed 4 May 2012).

Namkhaijantsan, D. (2009) 'Learning-by-doing: civil society engagement in mining in Mongolia', in C. Eads, P. Mitchell and F. Paris (eds) *Advancing the EITI in the Mining Sector: a consultation with stakeholders*, pp.59–63. www.eitransparency.org (accessed 14 May 2013).

OT (Oyu Tolgoi) (2013a) 'Community Relations'. http://ot.mn/en/communities/communitiy-relations (accessed 13 January 2013).

OT (Oyu Tolgoi) (2013b) 'Factsheet'. http://ot.mn (accessed 13 January 2013).

OT Watch (Oyu Tolgoi Watch), Bank Information Center (BIC), Central and Eastern European Bankwatch (CEE Bankwatch), London Mining Network, Accountability Counsel, and Urgewald (2012) 'Review of the Oyu Tolgoi Copper/Gold Mine Environmental and Social Impact Assessment'. http://en.minewatch.mn/wp-content/uploads/2012/11/CSO-submission-to-EFIC.pdf (accessed 4 May 2013).

Packard, C. and O. Khurelbold (2010) 'The Changing Legal Environment for Mining in Mongolia', Anderson & Anderson LLP. http://www.anallp.com/the-changing-legal-environment-for-mining-in-mongolia-2/ (accessed 4 May 2013).

Pell, J. (2014) 'Show me the money! Strengthening EITI implementation in Mongolia', The Guardian (21 May). http://www.theguardian.com/global-development-professionals-network/adam-smith-international-partner-zone/money-eiti-mongolia (accessed 20 December 2014).

Pilling, D. (2012) 'Mongolia open to talks on investment law', Financial Times (29 May). http://www.ft.com/intl/cms/s/0/3215c23a-a98e-11e1-9972-00144feabdc0.html#axzz1xMLGqDUv (accessed 29 May 2012).

Pistilli, M. (2012) 'Resource Investors to Watch Mongolian Parliamentary Elections', Resource Investing News. http://resourceinvestingnews.com/32963-resource-investors-watch-mongolian-parliamentary-elections-resource-nationalism-rio-tinto-ivanhoe-mines-oyu-tolgoi.html (accessed 4 November 2013).

Rooy, A. van (1997) 'The Civil Society Agenda: Switching Gears in The Post Cold War World', Paper Presented to the International Studies Association Panel on Foreign Aid in the Post-Cold War Era, Toronto (18–22 March).

Shagdar, E. (2007) 'Neo-Liberal Shock Therapy Policy During the Mongolian Economic Transition', Economic Research Institute for Northeast Asia Discussion Paper No. 0703e. http://www.erina.or.jp/en/Research/dp/pdf/0703e.pdf (accessed 19 September 2013).

Tolson, M. (2014) 'Eco-warrior or eco-terrorist? Mongolia jails environmentalist for 21 years', Asian Correspondent (28 January). http://asiancorrespondent.com/118997/mongolia-tsetsegee-munkhbayar-jail/ (accessed 20 December 2014).

Transparency International (2011) 'Corruption Perceptions Index 2011'. http://www.transparency.org/cpi2011/resultsi (accessed 30 April 2014).

UN (United Nations) (2012) Voluntary Peer Review of Competition Law and Policy: Mongolia. New York: United Nations Publications.

Undarya, T. (2013) 'State of Civil Society Development in Mongolia', *The Mongolian Journal of International Affairs*, No. 18: 52–68.

UNDP (United Nations Development Programme) (2013) *Human Development Report 2013*. New York: UNDP.

UNICEF Mongolia (United Nations Children's Fund) (n.d.) 'Mongolia: A country of children and youth'. http://www.unicef.org/mongolia/overview.html (accessed 2 December 2013.

USAID (United States Agency for International Development) (2011) Mongolia - Oyu Tolgoi Copper/Gold/Silver Mine Project Trip Report. http://mongolia.usaid.gov/wp-content/uploads/Mongolia-Oyu-Tolgoi-Trip-Report.pdf (accessed 4 May 2013).

*USGS (United States Geological Survey) (*1999) 'The mineral industry of Mongolia', U.S. Geological Survey - Minerals Yearbook. http://minerals.usgs.gov/minerals/pubs/country/1999/9319099.pdf (accessed 4 May 2013).

Watts, J. (2011) 'Gobi mega-mine puts Mongolia on brink of world's greatest resource boom' (7 November), The Guardian. http://www.guardian.co.uk/environment/2011/nov/07/gobi-mega-mine-mongolia/ (accessed 9 November 2011).

Wood, E. M. (1990) 'The Uses and Abuses of Civil Society', *The Socialist Register*, Vol. 26: 60–84.

World Bank (1996) 'Mongolia Poverty Assessment in a Transition Economy'. http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/1996/06/27/000009265_3961214164741/Rendered/PDF/multi0page.pdf (accessed 19 September 2013).

World Bank (2006) 'Assessment of the Child Money Program and Properties of its Targeting Methodology'. http://www-wds.worldbank.org/servlet/WDSContentServer/IW3P/IB/2006/05/02/000012009_20060502103758/Rendered/PDF/360180ENGLISH0rev0Child0money0AcrD6.pdf (accessed 20 August 2013).

World Bank (2008) 'Project Information Document: Concept Stage', Report No. AB3367. http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/ 2008/03/13/000076092_20080314105934/Rendered/PDF/Project0Inform1ncept 0Stage1Feb20081.pdf (accessed 4 May 2013).

World Bank (2009) 'Implementation completion and results report: development policy credit', Report No. ICR00001282, Poverty Reduction and Economic Management Unit East Asia and Pacific Region. http://www-wds.worldbank.org/external/default/ WDSContentServer/WDSP/IB/2011/04/01/000370910_20110401091122/Rendered/ PDF/ICR12820P115737.pdf (accessed 4 May 2013).

World Bank (2012a) 'Mongolia Overview'. http://www.worldbank.org/en/country/mongolia/overview (accessed 4 May 2013).

World Bank (2012b) 'Mongolia Quarterly Update', World Bank's Poverty Reduction and Economic Management Sector Unit, East Asia and Pacific Region. http://www.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/02/26/000386194_20120226235120/Rendered/PDF/671320WP00PUBL0Update0February02012.pdf (accessed 4 May 2013).

World Vision (2013) 'Facts about Mongolia'. http://www.worldvision.org/our-impact/country-profiles/mongolia (accessed 1 December 2013).

New Extractivism, Peasantries and Social Dynamics: Critical Perspectives and Debates

The 5th International Conference of the BRICS Initiative for Critical Agrarian Studies
October 13-16, 2017
RANEPA, Moscow, Russia

About the Author(s)

Pascale Hatcher is Senior Lecturer in the Department of Political Science and International Relations at University of Canterbury in New Zealand. Her current research agenda focuses on the political economy of mining governance in Asia and the rise of resource nationalism. Her book 'Regimes of Risk: The World Bank and the Transformation of Mining in Asia' (Palgrave, 2014), critically investigates the role played by the World Bank Group in both conceptualising and promoting new mining regimes tailored for resource-rich country clients. Building on case studies located in Asia, the book details a particular politics of mining in the Global South characterised by the transplanting, hijacking and contesting of such mining agenda in national and local arenas.

Contact: pascale.hatcher@canterbury.ac.nz

BRICS Initiative for Critical Agrarian Studies