

Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

Comments on Zero Draft of 16 July 2018

By: *Minority Rights Group International & Lex Justi*

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Minority Rights Group International (MRG), an international non-governmental organization working to secure the rights of minorities and indigenous peoples¹, and Lex Justi, a law practice with a business and human rights specialty², would like to submit comments on the Zero Draft of the *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises* dated 16 July 2018, and Case Studies highlighting the vulnerability of minorities to corporate activity.

We wish to begin by expressing our appreciation to the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights for the Zero Draft and the opportunity to provide comments on the Draft as well as Case Studies. With this contribution, MRG and Lex Justi would like to share their views on why **‘national or ethnic, religious and linguistic minorities’ should be included in the groups of persons specifically mentioned in Articles 9(2)(g) and 15(5) of the Zero Draft.**

Specifically, while we note that these provisions currently include: ‘women, children, persons with disabilities, indigenous peoples, migrants, refugees and internal displaced persons,’ they do not include ‘national or ethnic, religious and linguistic minorities.’

¹ **Minority Rights Group International (MRG)** is an international non-governmental organisation that campaigns worldwide with around 130 partners in over 60 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard. MRG has over 40 years experience of working with non-dominant ethnic, religious and linguistic communities. We have consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission for Human and Peoples’ Rights. Website : <https://minorityrights.org>

² **Lex Justi** is a specialist law firm that provides legal consulting services to a range of clients, including law firms, multi-national companies and international and nongovernmental organizations, including on business and human rights issues, in order to further the responsibility of businesses to respect human rights. Website : <http://www.lexjusti.com/cl/business-and-human-rights-services>

I. National or Ethnic, Religious and Linguistic Minorities are Accorded Special Attention under International Human Rights Law

The rights of national or ethnic, religious and linguistic minorities have traditionally been accorded particular attention in international human rights law, as evidenced by article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and article 2(2) in the International Covenant on Economic, Social and Cultural Rights.

These foundational international instruments provide for respect for the rights of persons without distinction or discrimination ‘of any kind’ as to, among others, race, colour, language, religion, and national origin. The importance of these provisions within the international human rights framework is evidenced not only by their inclusion in both instruments, but also their prominence in the second article of these International Covenants.

In addition, Article 27 of the ICCPR provides that in States with ‘ethnic, religious or linguistic minorities,’ those minorities ‘shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.’ Article 30 of the Convention on the Rights of the Child provides a nearly identical right for children belonging to an ethnic, religious or linguistic minority.

The particular attention attributed to minorities under international human rights law is further evidenced by the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination, the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the mandate and reports of the Special Rapporteur on Minority Issues.

II. National or Ethnic, Religious and Linguistic Minorities are Accorded Special Attention within the Business and Human Rights Area

The foremost instrument in the business and human rights area, the UN Guiding Principles on Business and Human Rights (UNGPs), notes that businesses may need to consider human rights standards contained in United Nations instruments on ‘national or ethnic, religious and linguistic minorities.’³ The UNGPs also refer to the need to consider the specific concerns of national or ethnic minorities, religious and linguistic minorities in connection with the due diligence process, as discussed below under III. B. The Committee on Economic, Social and Cultural Rights, in General Comment No. 24, specifically noted that ‘ethnic or religious minorities where these minorities are politically disempowered’ ‘are often disproportionately affected by the adverse impact of business activities.’⁴

³ UN Guiding Principles on Business and Human Rights, commentary to Guiding Principle 12 (2011).

⁴ Committee on Economic, Social and Cultural Rights, *General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, para. 8, U.N. Doc. E/C.12/GC/24 (10 Aug. 2017).

III. Rights Particularly Affected

A. Discrimination in hiring and employment

Members of minorities can be negatively impacted by the discriminatory policies and practices of businesses. The ILO Declaration on Fundamental Principles and Rights at Work contains principles concerning fundamental rights that businesses should respect, as provided in Guiding Principle 12 in the UNGPs. The ILO Declaration specifically includes the elimination of discrimination in respect of employment and occupation and references the 1958 Discrimination (Employment and Occupation) Convention (no. 111). Under this Convention, discrimination on the basis of race, religion, and national or social origin is specifically prohibited.

The 1963 International Convention on the Elimination of All Forms of Racial Discrimination (CERD) similarly prohibits discrimination in its Article 1. We would note that discrimination by businesses does not require a demonstration of discriminatory intent. The phrase ‘purpose or effect’ in Article 1 of CERD refers to actions or policies that may be textually neutral but are interpreted in a manner that results in discrimination.

From Tamils working on tea plantations in Sri Lanka to Dalits employed in textile factories in South Asia (please see attached Case Studies), minorities are particularly vulnerable to exploitative employment contracts as well as being exposed to poor working conditions. These two examples are particularly relevant to the Zero Draft, since in both cases minorities are working for employers contributing to international supply chains of large-scale transnational corporations.

We would note that the UN Human Rights Council has itself recognized the need to address caste-based employment discrimination in employment, vulnerability to slavery and slavery like practices and the relegation of these groups to degrading and hazardous work.⁵ Also, the UN Secretary-General, in 2013, endorsed the Guidance Note on Racial Discrimination and Protection of Minorities that sets forth recommendations and guidance for the UN system on addressing racial discrimination and protection of minorities and includes the recommendation of support for ‘reforms that advance minority participation and full equality in ... employment.’⁶ The 2002 General Recommendation No. 29 of the Committee on the Elimination of Racial Discrimination on descent-based discrimination acknowledges that such discrimination includes caste and analogous systems of inherited status, which are covered under CERD.

⁵ UN OHCHR, UN Network on Racial Discrimination and Protection of Minorities ‘Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approach to Combat Caste-Based and Analogous Forms of Discrimination,’ pp. 14-15 (2017).

⁶ See Recommendation 11, UN Secretary General, ‘Guidance Note of the Secretary General on Racial Discrimination and Protection of Minorities’ (March 2013)
<https://www.ohchr.org/documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>.

B. Land Rights

Another area in which MRG and Lex Justi have noted that minorities can be affected is with respect to their land rights. As noted above, Article 27 of the ICCPR provides that in States with ‘ethnic, religious or linguistic minorities,’ those minorities ‘shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.’ In interpreting this provision, the UN Human Rights Committee has stated in its General Comment No. 23 that the rights of individuals protected under this article ‘may consist in a way of life which is closely associated with territory and use of its resources.’⁷

MRG has observed that natural resource exploitation can impact upon communities of national or ethnic, religious and linguistic minorities who have close relationships to their lands, based on their livelihoods, cultural and/or religious practices, in ways similar to that of indigenous peoples. In the Americas, for instance, Afro-descendant minority communities have been particularly vulnerable to land-grabbing by extractive companies (please see attached Case Study).

1. Due Diligence

In ensuring the protection of land rights of minority groups, appropriate human rights due diligence must be carried out by businesses in a manner that effectively considers issues of gender, vulnerability and/or marginalization given the ‘specific challenges that may be faced by ... national or ethnic minorities, religious and linguistic minorities,’ according to the commentary to Guiding Principle 3 in the UNGPs.

2. Meaningful Consultation and Participation

In connection with due diligence, MRG and Lex Justi would note that minority communities have a fundamental right to meaningful participation in decisions concerning them, as aptly expressed in article 2(2) of the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Guiding Principle 18(b) of the UNGPs also recognizes the importance of ‘meaningful consultation with potentially affected groups’ and the commentary to this Principle notes the importance of paying attention to ‘individuals from groups or populations that may be at heightened risk of vulnerability or marginalization,’ and thus, to minority groups.

While the right to free, prior and informed consent is clearly enjoyed by indigenous peoples, there are also grounds for the right to be considered applicable to minority communities, in at least certain circumstances. The Inter-American Court of Human Rights in the Case of the *Saramaka People v. Suriname*, involving logging and mining concessions, also found that the Saramaka community, descendants of self-liberated African slaves, while not indigenous, had developed analogous spiritual and cultural relations to their traditional lands. Considered

⁷ Human Rights Committee, *General Comment No. 23: Article 27 (Rights of Minorities)*, para. 3.2, U.N. Doc. CCPR/C/21/Rev.1/Add.5 (8 April 1994). The Committee specifically references, in a subsequent paragraph, that ‘culture manifests itself in many forms, including a particular way of life associated with the use of land resources.’ *Ibid.*, para. 7.

as a tribal community, therefore, the Inter-American Court concluded that they enjoy the same rights. These rights include that the Saramaka should be consulted in connection with the development or investment project planned within territories which the community traditionally occupied.⁸ Going further, the Inter-American Court stated that:

‘[I]n addition to the consultation that is always required when planning development or investment projects within traditional Saramaka territory, the safeguard of effective participation that is necessary when dealing with major development or investment plans that may have a profound impact on the property rights of the members of the Saramaka people to a large part of their territory must be understood to additionally require the free, prior, and informed consent of the Saramakas, in accordance with their traditions and customs.’⁹

While the right to free, prior and informed consent does not extend at this time to all minority communities, their right to meaningful consultation is not in doubt. Therefore, **Article 9(2)(g) of the Zero Draft concerning meaningful consultation should also mention national or ethnic, religious and linguistic minorities**, within the groups of persons who face heightened risks of violations of human rights in the context of business activities.

C. Other Areas

New and unforeseen negative impacts on the rights of minorities continue to occur. For example, in the technology sector, recent events have highlighted how **hate speech and incitement to violence** published and disseminated via corporate social media platforms, such as Facebook and WhatsApp, can result in advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence against minorities. Thus, MRG and Lex Justi consider that businesses’ special heightened attention to minorities will help ensure that new types of violations of minorities’ rights are identified and addressed in a timely manner.

Also, we would note from MRG’s and Lex Justi’s experience, that minority groups, similarly to indigenous peoples, have difficulty **accessing effective remedies** in the case of business-related human rights abuses. These difficulties can arise, for example, when countries have inoperative or ineffective judicial systems, weak governance or internal conflicts. In countries where a fair local judiciary system exists, legal procedures can be costly, time-consuming, psychologically daunting and require expert legal assistance. In response to a request from the Council of the European Union, the European Union Agency for Fundamental Rights issued an Opinion in 2017 that expressly recommends that:

‘particular attention should be given to ensuring effective access to remedy in cases of business-related human rights abuse for persons in situations of heightened vulnerability and marginalization, such as children, migrants, *minority ethnic groups such as Roma and Travellers*, indigenous people and persons with disabilities.’¹⁰

⁸ Case of the Saramaka People v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights (ser. C) No. 172, paras. 129, 133 (28 Nov. 2007).

⁹ Ibid., para. 137.

¹⁰ European Union Agency for Fundamental Rights, ‘Improving access to remedy in the area of business and human rights at the EU level: Opinion of the European Union Agency for Fundamental Rights,’ p. 8 (10 April 2017) <https://fra.europa.eu/en/opinion/2017/business-human-rights>.

IV. Additional Observations

As an organization with a mandate to address indigenous peoples' issues, MRG has welcomed the particular attention that various business and human rights initiatives have accorded to indigenous peoples issues. However, we, together with our partner Lex Justi, believe that the business community has not yet accorded the necessary attention to negative impacts on minorities. We would note that, consistent with the UNGPs, even where States are unable or unwilling to fulfil their own human rights obligations, the responsibility of businesses to respect human rights remains, and that this obligation exists over and above businesses' compliance with national laws and regulations protecting human rights.¹¹

Moreover, we believe that there is a need to recognize the intersectionality of minority status with other types of marginalized status. For example, MRG has found that there is a strong overlap between the exploitation of women garment workers in South Asia with their belonging to marginalized Dalit communities.

In addition, we would note that in many of the Case Studies below, the infringements on the rights of minorities by businesses have occurred as a result of the government's failure to fulfil its responsibilities to protect and respect human rights. In some cases, the governmental authorities have failed to take the necessary legislative or regulatory action to protect minorities, while in others, the government owns or controls the business enterprise that infringed the rights of minorities, in both cases, in violation of the State's international human rights obligations and the UNGPs.¹² Thus, Article 15(5) should clearly reflect that State Parties should give special attention to minorities who face heightened risks of violations of human rights, within the context of business activities, in implementing the Zero Draft.

V. Recommendation

In conclusion, MRG and Lex Justi would call your attention to the numerous Case Studies attached to these comments that provide clear evidence that national or ethnic minorities and religious and linguistic minorities face heightened risks of violations of human rights within the context of business activities similar to the other groups listed in Articles 9(2)(g) and 15(5).

We therefore, suggest the **inclusion of these minorities in Articles 9(2)(g) and 15(5)** where other groups, which face heightened risks of violations of human rights by businesses, are mentioned.

¹¹ See UN Guiding Principles on Business and Human Rights, commentary to Guiding Principle 11 (2011).

¹² Ibid., Principles 1, 2, 3 and 4.

Case Studies

African Americans in the United States

African Americans make up 12.9 percent of the US population, comprising the second largest minority group (after Latinos), and numbering approximately 38.8 million. They are mainly descendants of slaves brought from Africa between the seventeenth and nineteenth centuries.

With their history of forced immigration to the United States, African Americans were de-cultured and dehumanized, their misery treated as 'natural' and benign. Today, they are an important minority in a nation with a singular degree of world influence. Much of the USA's contemporary cultural life can be credited to African Americans, but racism remains a definitive and stark reality. A critical aspect of the racism that African Americans face is the continuing geographic segregation in many areas of the USA, as a result of so-called 'Jim Crow' laws enacted in the South after the Civil War, as well as discriminatory attitudes right across the country including the so-called 'white flight' from urban areas to suburbs in the 1960's onwards.

This geographic segregation means that many African Americans in the USA face increased pollution-related health problems due to the siting of high polluting facilities close to or in predominantly African-American communities thereby creating a cancer risk. Hazardous and toxic air pollutants harm more than 1 million African Americans who live within 800 meters of an oil or natural gas facility.¹³ African Americans are particularly affected by adverse health impacts from these operations due to their high level of poverty.

Afro-descendants in Latin America

Afro-descendants, or people of African descent, comprised some 133 million people in Latin America in 2015, or about a quarter of the total population, but remain one of the least visible minorities in the region. It is estimated that between 5 and 10 million Africans were forcibly brought to the Spanish and Portuguese colonies in Latin America during a time period that spans the sixteenth to nineteenth centuries as slaves for the purpose of work. The majority of Afro-descendants live in Brazil, Colombia, Cuba, Ecuador, Mexico and Venezuela and have a shared history of displacement and exclusion. Being born to Afro-descendant parents significantly heightens the probability that the child is poor.

In Colombia, despite the passing of Law 70 in 1993, which granted collective land titles for black communities and their right to the management of the resources found within them,

¹³ See NAACP and Clean Air Task Force, 'Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas on African American Communities' (November 2017) http://www.naacp.org/wp-content/uploads/2017/11/Fumes-Across-the-Fence-Line_NAACP_CATF.pdf. For additional information on the health effects of air pollution from the oil and gas industry, see Clean Air Task Force, 'Fossil Fumes: A public health analysis of toxic air pollution from the oil and gas industry' (June 2016) <https://www.catf.us/resource/fossil-fumes-public-health-analysis/>.

Afro-Colombian collective territories are increasingly threatened by the arbitrary implementation of economic development or mega-projects. The implementation of such projects has been associated with brutal forced displacement, mass violence and targeted killings of Afro-descendants and their leaders in Colombia by both legal and illegal armed groups, usually at the behest of the government and international and private capital interests.

The impacts of extractive and development projects on Afro-descendants in Latin America is the subject of an extensive 2015 report by the Inter-American Commission on Human Rights (IACHR).¹⁴ The report includes information obtained by the IACHR during public hearings concerning the construction of the transoceanic canal on the strip of the Pacific and the Atlantic in Nicaragua, and its economic, social, cultural and environmental impacts on Afro-descendants, including their displacement.¹⁵

In addition, the IACHR, according to the report, has received numerous reports of plans or projects being authorized by governments without the prior consultation with Afro-descendant communities.¹⁶ Afro-descendant groups in Colombia have indicated problems with exercising their right to prior consultation to projects in their territories that include structural racism, vulnerability of the communities, the State's historical abandonment, the State's granting of environmental licenses, requests, and mining titling without consultation, as well as the denial of access to identity registration and recognition processes.

Moreover, where Afro-descendants have acted to defend their interests, whether in Argentina, Colombia and Honduras, they have often been viewed as obstructing development, with the result that community leaders were not only criminalized by the State, but also threatened, harassed, forcibly evicted and sometimes even assassinated.

Ahwazi Arabs in Iran

The Ahwazi Arab minority in Iran live in the south-western province of Khuzestan, which borders Iraq. They live in poverty and suffer ill health from industrial pollution. As one of the major oil and gas production areas in the country, air pollution emissions are emitted from many types of equipment and processes in the oil and gas sector, including wells, completion operations, storage tanks, compressors and valves. Hazardous and toxic air pollutants include methane, benzene, formaldehyde, and ethylbenzene. In 2015, the World Health Organization declared Ahwaz City, which is the capital of Khuzestan province, the most polluted city in the world. The region has high asthma levels among children and teenagers as a result of industrial waste and emissions. Emissions also have polluted the waters of the Karoon River, which has affected fish stocks, thereby directly impacting Ahwazi livelihoods.

¹⁴ Inter-American Commission on Human Rights, 'Indigenous Peoples, Afro-Descendent communities and Natural Resources: Human Right Protection in the Context of Extraction, Exploitation, and Development Activities' (2015) <http://www.oas.org/en/iachr/reports/pdfs/extractiveindustries2016.pdf>.

¹⁵ Ibid., pp. 41-42.

¹⁶ Ibid., p. 99.

The Ahwazi community, which is already subjected to discrimination in employment, has not benefited from opportunities for jobs in the oil and gas industries in the region. Only a very small percentage of the labour force of these oil and gas industries is hired from the non-Ahwazi-Arab population. Consequently, while Ahwazi-Arabs suffer the ill-effects of natural resource development in their region, they do not accrue any of the benefits of this development. Moreover, the confiscation of Ahwazi land has been so widespread that it amounts to a policy of dispossession.

Dalits in South Asia

Caste and descent-based discrimination is estimated to affect 260 million people worldwide, the majority of whom reside in South Asia.¹⁷ The self-designated term used by these persons is 'Dalits.' Caste discrimination is intimately linked to the economies in these countries. Dalits work in the jobs with the lowest status, often in situations of bonded labour and in hazardous industries.

Dalit women are often employed in agricultural daily labour or wage labour. Work in India's home-based garment sector is primarily performed by women and girls who are Dalits, including Dalit Muslims. They work long hours and in hazardous conditions at home on garments with extremely low pay. Children from Dalit communities are exploited as they often work in hazardous conditions for minimal pay.

Dalits are frequently not provided with the same pay and services, including housing, health care, and education and training offered to other employees. Dalit workers in India's leather industry frequently receive a lower compensation than non-Dalit coworkers. In Indian spinning mills, girls ranging from 15-22 years of age, a majority of whom call themselves Dalits, work in situations that equate to forced labour. They often work 60-hour workweeks or more, do not have contracts and do not receive pay slips. When they are not working, they are not allowed to leave the hostel on their own and are effectively locked into their dormitories.

Dalits also suffer from discrimination in hiring. Promises of education and good living conditions, as well as a bonus payment, made to girls, young women and their families during hiring, are often not respected, which results in situations of human trafficking. Those with skills and/or educational qualifications find it difficult to obtain suitable work since employers can recognize the surnames of Dalits.

¹⁷ The Special Rapporteur on minority issues has noted that:

"The term "caste" refers to a strict hierarchical social system that is often based on the notions of purity and pollution, in which individuals placed at the bottom of the system may face exclusion and discrimination in a wide range of areas. The concept of "caste system" is primarily associated with the South Asian region, where its existence is linked to the religiously sanctioned social structure of Hinduism, which identified four original and endogamous groups, or castes, called varnas. At present, the term "caste" has broadened in meaning, transcending religious affiliation. Caste and caste-like systems may be based on either a religious or a secular background and can be found within diverse religious and/or ethnic groups in all geographical regions, including within diaspora communities.'

Report of the Special Rapporteur on minority issues paras. 26 and 27, A/HRC/31/56 (2016).

'Estate' Tamils in Sri Lanka

'Up country Tamils,' also known as 'Indian' or 'estate' Tamils, are the descendants of labourers brought to Sri Lanka by the British to work on tea plantations over 150 years ago. At the time of independence, they were made stateless by the Citizenship Act of 1948-49. A number of agreements between India and Sri Lanka over the next decades allowed repatriation of some Tamils to India and citizenship in Sri Lanka for others. In 2003, a new act authorized the granting of citizenship to all persons of Indian origin.

Tamils have suffered discrimination in Sri Lanka beginning with representation and legislation after independence, aggravated by the adoption of Sinhala as Sri Lanka's official language, and later the discriminatory provisions of the 1972 Constitution. State-sponsored colonization schemes placed many Sinhalese settlers in Tamil areas. Although the official end of the conflict between the Tigers of Tamil Eelam (LTTE) and government forces was declared in May 2009, enforced disappearances, extrajudicial executions, torture and other serious human rights violations and abuses continued to occur after the end of the conflict.

Estate Tamils of South Indian origin number about 840,000 and still comprise a substantial part of the workers on Sri Lanka's tea plantations. These plantations account for a third of the tea produced globally. Estate Tamil communities have poor health and education conditions.

Estate Tamil women working on tea plantations are generally limited to plucking leaves, are required to work longer hours and more days during the year than men, and are paid unequal wages. In the patriarchal society, women are rarely given positions of responsibility. Estate Tamil women face severe discrimination on the basis of the intersectionality of being a minority ethnic group, as a group of indentured labourers and as women.

Kachin in Myanmar

The Kachin encompass a number of ethnic groups speaking almost a dozen distinct languages belonging to the Tibeto-Burman linguistic family who inhabit the same region in the northern part of Myanmar on the border with China, mainly in Kachin State.

The exact Kachin population is unknown due to the absence of reliable census data in Myanmar for more than 60 years. Most estimates suggest there may be about 1 million Kachin in the country. The Kachin are one of Myanmar's largest Christian minorities. Although once again difficult to assess, it is generally thought that between two-thirds and 90 percent of Kachin are Christians, with others following animist practices or Buddhists.

Construction of the Myistone dam, on the Irrawaddy River in Kachin State, had been indefinitely postponed in 2011 by the President at the time, Thein Sein. A statement by the Chinese government in January 2019 revived concerns among the ethnic Kachin in Myanmar that work on the dam by the China State Power Investment Corporation would restart, which resulted in protests in mid-February 2019.

Even if work on the Myistone dam remains suspended, it is only one of 7 dams planned by the Chinese developer in Myanmar. Myanmar's government has entered agreements for the construction of more than 50 dams by foreign investors, mostly from China and Thailand, with many dams located in ethnic minority areas. Under many of the agreements for construction of the dams, 90 per cent of the power would be exported to China and Thailand. For example, 90 percent of the electricity produced by the Myistone dam is intended for China's Yunnan province. Concerns have been raised that many of the large dams are planned in areas where there is a high earthquake risk and will cause significant environmental damage.

Myanmar's rural population, comprised of some 135 ethnic groups, is heavily dependent on rivers for their livelihoods and culture. Construction of the dams has led to increased militarization and human rights violations, including forced relocation and forced labour.

Karakalpaks in Uzbekistan

In the nominally autonomous Karakalpakstan, which occupies 37 percent of Uzbekistan's territory, ethnic Karakalpaks represent about a third of the region's population. Karakalpakstan is one of the two poorest regions in Uzbekistan, with higher levels of poverty, unemployment and poor health than their Uzbek neighbours.

Ethnic Karakalpaks, who are culturally close to Kazakhs, have lived in the delta of the Amu Darya River and the Aral Sea area for several hundred years. Their traditional lifestyle revolved around cattle breeding, fishing and irrigated agriculture. Dam construction has dried up the Aral Sea, and resulted in a loss of their traditional livelihoods, which has forced tens of thousands of Karakalpaks to move to Kazakhstan and other neighboring countries. Karakalpak women have been particularly impacted due to their increased difficulty of accessing clean water, fuel and food.

As the Aral Sea dried up, the toxic chemicals used in the cotton fields remained on the seabed floor. Sandstorms carried the chemicals through the atmosphere, which are then inhaled by people. The quality of drinking water has also been affected because of the toxic residues of past over-use of pesticides and defoliants. Local people suffer from a range of health issues including stunted growth, low fertility, increased occurrences of cancer as well as lung and heart problems.

Tibetans

Tibetans are composed of a number of related ethnic groups sharing linguistic and cultural similarities. The number of Tibetans in China is a matter of controversy; they may number anywhere between 5 million and 7 million people in Tibet and the neighbouring provinces of Qinghai, Gansu and Sichuan. Tibetan populations elsewhere in China are said to raise the total number of Tibetans living in China to 6 million or more.

Mining for copper, gold and silver by Chinese government-owned mining companies in the Tibetan Autonomous Region (TAR) has increased significantly in recent years without

regard to environmental concerns and in areas of religious significance to Tibetans. Tibet also contains sources of other minerals, including lithium, chromium, uranium and zinc. Information about the effects of mining is difficult to obtain due to government control of the area and limitations on access. Land has been seized from Tibetans for mining projects. Tibetans who express opposition to mining risk arrest and detention without respect for their rights.

Tibetans have been affected by diversion of rivers that serve as sources of drinking water. In November 2018, the Qinghai provincial government launched a project to divert the Machu River that will affect Tibetans in the Amdo region. The Chinese authorities state that the purpose of the diversion is to meet the growing demands for water in Xining, the capital of Qinghai province.

West Papuans in Indonesia

Close to 2 million West Papuans live in Indonesia, mainly in the western portion of the island of New Guinea, in the Provinces of Papua and West Papua. Having settled there as a result of a series of migration waves, they constitute numerous groups, many of which are quite small, representing perhaps over 200 distinct Papuan languages. The majority – though not all – of them live in rural areas, dependent primarily on subsistence agriculture with some cash cropping.

From the 1970's, mining has become of considerable importance, especially at the Mt. Ertsberg gold and copper mine of the Freeport Corporation. New mines opened in the 1990s and mineral products, including oil, represented more than 90 per cent of the value of all exports from West Papua.

West Papuans also remain vastly under-represented in economic and political terms. Land concessions for mining and logging and plantations have been granted without any compensation or concern for the consequences on the environment and local West Papuan communities. Coupled with the deployment of many security and military personnel to push through these developments, the impacts have been devastating.