

Exploring Legal Liabilities of Mining Companies for Human Rights Abuses: Case Study of Mongolian Mine

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Abstract : Context: The mining industry has a long history of human rights abuses, including forced labor, environmental pollution, and displacement of communities. In recent years, there has been growing international pressure to hold mining companies accountable for these abuses. Research Aim: This study explores the legal liabilities of mining companies for human rights abuses. The study specifically examines the case of Erdenet Mining Corporation (EMC), a large mining company in Mongolia that has been accused of human rights abuses. Methodology: The study used a mixed-methods approach, which included a review of legal literature, interviews with community members and NGOs, and a case study of EMC. Findings: The study found that mining companies can be held liable for human rights abuses under a variety of regulatory frameworks, including soft law and self-regulatory instruments in the mining industry, international law, national law, and corporate law. The study also found that there are a number of challenges to holding mining companies accountable for human rights abuses, including the lack of effective enforcement mechanisms and the difficulty of proving causation. Theoretical Importance: The study contributes to the growing body of literature on the legal liabilities of mining companies for human rights abuses. The study also provides insights into the challenges of holding mining companies accountable for human rights abuses. Data Collection: The data for the study was collected through a variety of methods, including a review of legal literature, interviews with community members and NGOs, and a case study of EMC. Analysis Procedures: The data was analyzed using a variety of methods, including content analysis, thematic analysis, and case study analysis. Conclusion: The study concludes that mining companies can be held liable for human rights abuses under a variety of legal and regulatory frameworks. There are positive developments in ensuring greater accountability and protection of affected communities and the environment in countries with a strong economy. Regrettably, access to avenues of redress is reasonably low in less developed countries, where the governments have not implemented a robust mechanism to enforce liability requirements in the mining industry. The study recommends that governments and mining companies take more ambitious steps to enhance corporate accountability.

Keywords : human rights, human rights abuses, ESG, litigation, Erdenet Mining Corporation, corporate social responsibility, soft law, self-regulation, mining industry, parent company liability, sustainability, environment, UN

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