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Empowering Local Communities in the Kyrgyz Mining Sector: The Case of Talas

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The Kyrgyz Republic’s abundance of natural resources and minerals plays a significant role in the country’s economic performance. In 2014, it was estimated that the aggregate revenue generated by five active mines – chief among them the Kumtor mine – constituted 8.4percent of the Republic’s GDP, amounting to 53.9percent of its industrial production¹ and half of its total exports.² The government sees this revenue as a way

to counterbalance the country’s huge budget deficiency³ and high level of dependence on foreign aid and loans.⁴ To achieve this economic goal, over the past 15 years, the government has accelerated the exploration and extraction of small and medium deposits, attracting domestic (JSC “Kyrgyz Altyn”)⁵ and foreign investors (from Canada, China, the UK, Germany, Kazakhstan, Russia, Switzerland, and the USA).⁶

However, due to political instability, the absence of investment partners, implementing agencies' lack of capacity,⁷ and overlapping administrative bodies,⁸ the extraction industry remains underdeveloped⁹, policies are partially implemented (if at all),¹⁰ and development indicators are not achieved.¹¹ Moreover, the sectoral programs have never taken into consideration external (global market price for gold and other minerals, challenges to export, unattractiveness of the mines, etc.)¹² and internal (political, cultural and social challenges, government will, and the capacity of implementing agencies) factors,¹³ resulting in them not achieving the desired results.

The government's inability to implement and meet its targets has presented several challenges. In particular, it has created tripartite conflict between state structures, investors and local communities, which has resulted in restrictions on mine development and foreign investment. Contributing factors include, but are not limited to, the frustration of local communities that live in poverty while political elites reap the benefits of mines; a lack of transparency on the part of mining companies and government; inadequate accountability in redistributing revenues and social payments; and limited participation by local government and local communities in the decision-making processes and policy implementation.

In this paper, I focus on the mining *rayon* of Talas, home to three important gold deposits (Jerui, Andash, and Taldy-Bulak), and investigate the dynamics of cooperation between the three parties outlined above. This study is based on my personal experience working as a head of EITI public reception in Talas *rayon*, microdata

collected as part of this work, and surveys of three different groups of stakeholders: national and local government, donors, and local communities. Since not all representatives of donors and the national government completed surveys, this study does not provide a comprehensive accounting of the actions of stakeholders, but indicates a common tendency.

I argue that despite the government's (primarily legislative) efforts to respond to its constituents' concerns, it failed to bring about tangible changes in terms of local communities' participation in natural resource management. Moreover, efforts by other participating stakeholders (donor-funded NGOs and mining companies) to enhance local communities' role in decision-making processes and to inform them about the mining sector resulted in only a few positive changes.

The paper begins with a general discussion and analysis of literature on the mining sector of Kyrgyzstan and Talas *rayon*, social conflicts that emerged throughout the country, and ways of overcoming them, specifically by promoting the engagement of local communities as a "primary" or "key" stakeholder on a par with the government and mining companies. It then introduces region-specific (Talas) background and research questions, before discussing different conflict resolution/cooperation approaches and their outcomes. Next, I present, analyze and interpret the results of the survey. The study concludes by offering policy recommendations for each stakeholder – donor-funded NGOs, the national government, local government, and mining companies – with a view to empowering local communities in the sphere of natural resource management.

Mismatches between Mining Development and Local Communities

The Kyrgyz mining sector is highly politicized. Local communities' negative perceptions have been largely shaped by the negative publicity received by the country's main mine, Kumtor. In 1998, a 20-ton container of sodium cyanide fell from the bridge into the Barskoon River and leaked into Issyk-Kul Lake. Due to the scale of damages from the accident, compensation was a highly contentious issue. Communities in the immediate vicinity of the mine received compensation directly after the accident.¹⁴ But other communities requesting fair compensation from the cyanide accident were not compensated. Because all funds allocated for the compensation passed through Kyrgyz state structures, the mining company claimed that it fulfilled its obligations to the victims.

This event opened a Pandora's box, so to speak. In 2005, after the Tulip Revolution, local communities near Kumtor mine began to demand compensation for the damage caused to their health and the local environment by demonstrating near the company's camp. They blocked the road leading to the gold ore deposit. Immediately after the demonstration, the national government formed a commission called the "Emergency Government Commission." The mandate of the commission was to consider the claims of local communities. The commission recommended that the government compensate accident victims.¹⁵ Successive governments used the Commission to settle their grievances with the previous government by accusing them of making agreements that went against the

interests of ordinary people, compelling Canadian investor Centerra Gold to renegotiate its natural resources exploitation agreement three times in an eight-year span: in 2004, 2009, and 2012.¹⁶

Demonstrations, conflicts, and violence became a systematic process whereby national stakeholders could enrich themselves or seek redress of domestic political grievances.¹⁷ The reasons for the conflicts varied from one region to another: ecological concerns in Talas;¹⁸ employment issues in Chui (Orlovka);¹⁹ contract and revenue transparency, as well as government and mining company accountability in Issyk-Kul (Kumtor);²⁰ legal violations and lack of transparency on the part of mining companies in Osh (Chon-Alai).²¹

According to the State Agency on Geology and Mineral Resources, mining-related conflict peaked between 2010 and 2012, with 36 mining conflict zones throughout the country.²² These conflicts were detrimental to the country's image, hampering foreign investors' willingness to engage in the sector.

To tackle these regional conflicts, in June 2012, the government proposed several amendments into the Tax Code and adopted a new "Subsoil" law. Results include:

- 1) The licensing process became more transparent. The new subsoil law improved licensing process by: instituting competitions and auctions for the right to use subsoil resources, charging fees for withholding a license, and reducing the grounds for suppression and termination of licenses. The new "competition commission" involved local government deputies, and

everyone was free to participate in competitions and auctions.²³

- 2) The subsoil law introduced a social package for local communities. This was used as a toolkit to bring about positive changes in villages.²⁴
- 3) The new amendment required 2 percent of the company's income to be directed toward national and local budgets. Charges for withholding a license are allocated to the local government in order to boost the mines' social impact.²⁵

These positive changes to the laws were welcomed and spread by the media and government officials. However, six years later, the mining industry still faces demonstrations, conflicts and violence. Local communities are still frustrated by poor governance, numerous environmental damages from mining development, previous bad legacies, negative mine experiences, and social and economic grievances. Government, for its part, still fails to respond to its constituents' demands.

Government reform efforts have, in many cases, been limited to formal legislative, organizational, and technical reforms. Such reforms and changes to the legal framework were seen as a way to both gratify donors and secure continued funding from international finance institutions. New laws have been passed and current laws amended at a rapid pace, occasionally resulting in legal expansion (i.e. legislation that sits on the shelf and gathers dust) and selective implementation of legislation and policy.²⁶

Talas, the Most Violent and Intense Case

Talas is the smallest of Kyrgyzstan's seven regions (*oblasts*), both in terms of area (11,400 square km) and population (247,200 people). It is located in the northwest of the country and divided into 4 districts (*rayons*): Talas, Manas, Bakai-Ata and Kara-Buura.²⁷ 85 percent of the population of Talas lives in rural areas.²⁸ It is estimated that two-thirds of the region's population depends on agriculture²⁹ for their livelihood; the mining sector, by contrast, represents less than one percent.³⁰

The mining history of Talas rayon can be traced back to the Soviet era, with the discovery of deposits at what is now Andash mine in 1963, at Taldy-Bulak in 1967, and at Jerui in 1969.³¹ But industrial extraction did not occur during the Soviet period, as the government did not consider these mines as economically viable as others in Kyrgyzstan, which contained minerals such as antimony, mercury, uranium and coal.³² In 1994, the Kyrgyz government issued the first license for gold mining at Andash mine to UK investors, the Ala-Too Gold Mining Company.³³ To date, 21 licenses have been issued for Talas *rayon*, including four (Andash, Taldy-Bulak, Jerui, and Aktash) for gold and copper exploration and one (Jerui) for gold extraction.³⁴

All the mines are located very close to the villages: Andash is 1.5 km from the village Kopuro-Bazar; Taldy-Bulak 9 km from Aral village; and Jerui 23 km from the Kara-OI (Bekmoldo) village.³⁵ This proximity stokes public concerns about the presence of mining in the area.³⁶ A resident of Kopuro-

Bazaar village, Zhumabek Sabatarov, summarized the public's concerns in this way:

"We are against [mine development] because they [the mining company] want to open the [gold extracting] factory despite it being detrimental to health, environment, quality of life, and the future

*of our children. They made it too close to burial chambers and the tailing constructed on the shore of the river. They did not take into account the direction of the wind. The factory has been opened through deception and human venality. It is located at a distance of less than a kilometer from the residential settlement, and therefore cannot be run."*³⁷

Map 1. Mining sites and the nearest settlements to them



Source: Oxus International Survey, 2012

Villagers are concerned about the potential environmental impacts of mine development. Although agriculture is a seasonal activity that does not bring much profit, they believe that they are better off with agriculture than with mining, which offers substantial profit in the short term but leaves a legacy of extensive environmental problems long after mine deposits have been exhausted. An estimated 21.5 percent of Talas residents lived in poverty in 2015,³⁸ a level lower than any

other region of the country or even the capital, Bishkek. As such,

local communities are less driven by their personal economic motives and needs.

Anecdotal evidence of negative experience of mine development in other parts of the country, which locals receive from newspapers, TV, neighbors, friends, and other government officials, fuels anxiety

about the potential negative impacts of mine development. Mining companies and the government have worked together to try to change this perception, organizing exchanges where some community representatives can visit operational mines. However, this approach has backfired: though participants in the exchange trips speak positively about the work of the mines, other people suggest that they have been bought off by the company and are prepared to sell out the rest of the village, increasing concerns about mining.³⁹

Between the first mine development activities in Talas rayon and the present (1994-2016), massive meetings, demonstrations, and violence have occurred near three mines. It is sometimes said that these activities are not spontaneous, but organized by members of opposition parties who fund protesters in order to advance their own agenda and destabilize the region, especially around elections.⁴⁰ Whatever the origin of the protest, all social movements demand the cessation of mine activities, calling for a 50-year moratorium.⁴¹

Table 1. A Story of Conflicts (1994-2016)⁴²

Mines	Ownership Change	Present Licensee	Current status	Court cases	Peaceful protests	Violent protests
Jerui	7	Russian investor Vostok Geolodobycha	Construction works started for further exploration	2	12	-
Andash	5	Australian investor Robust Resources	Suspended for an unspecified period	1	9	2
Taldy-Bulak	2	Australian investor Robust Resources	Suspended for an unspecified period	0	5	2

Note: Mining activities in Andash and Taldy-Bulak have been on hold since 2012 and old license holders have passed their right to Australian investor Robust Resources, which is in no rush to start development. In 2015, Jerui mine was licensed to the Russian company JSC Vostok Geolodobycha; construction began a couple of months ago. The company is planning to extract its first gold product by 2018.

Source: Author's analysis based on media reports and personal microdata

The contentious issue of mining development in Talas has divided the

population into two irreconcilable groups. The majority opposes mining development,

while a minority supports the mining companies and mine development as whole.⁴³ Thus, disputes have resulted in the suspension of most mining activities; all mining projects are currently suspended or non-operational for different reasons.

The government wants to change local communities' attitude toward the projects by highlighting the economic benefits of mining activities.⁴⁴ Top officials and the heads of main state agencies in the mining sector cite figures of projected revenues from mine development and tax and social payments, as well as employment opportunities, in their official statements and meetings:

“As soon as the Jerui mine starts to operate, considerable income will be generated through taxation. This will reduce annual pressure on the budget, which will stimulate the development of the region. The Russian investor will also allocate money for social needs to build educational institutions, hospitals and roads.” (Prime Minister Temir Sariyev, in a meeting with the local population of Talas region on July 10, 2015).⁴⁵

To date, there is a standoff between the government, local communities, and mining companies over mining activities. Collaboration between main stakeholders has been transitory, failing to secure consistent cooperation, find shared perspectives, and ensure the persistent involvement of all parties in decision-making processes.

Conflict resolution and cooperation approaches

There have been numerous efforts to bridge the gap between stakeholders and resolve existing conflicts while preventing backlash in the future. Depending on their mandate, opportunities, and capacities, local government, mining companies, and donor-funder NGOs have approached conflict resolution and cooperation in different ways.

Five national NGOs⁴⁶ funded by international organizations worked on conflict resolution and building cooperation between stakeholders in Talas rayon. They conducted capacity-building activities, created platforms for dialogue between interested stakeholders, and funded existing consultancy and information centers. They also held trainings to enhance local communities' and local government's awareness of the legal framework governing mining, EITI, ecological impacts, and the like. Dialogue platforms included roundtables and conferences where all interested stakeholders could work together and discuss urgent issues at the local and national levels. EITI public reception spread information to three village communities.

The government focused its conflict resolution efforts on informational campaigns. After the new subsoil law was adopted in 2012, the local government was in charge of informing local communities about mine development regulations. However, this information-sharing approach had limited success due to the insufficient capacity of local government and the challenge of involving local communities.

In the wake of violent conflicts, mining companies began to collaborate more closely with local communities.⁴⁷ Some companies, especially Western ones,⁴⁸ deployed communications teams to

interface with local communities, an approach that led to a number of steps:

- The signing of a tripartite agreement between the mining company, local government, and local communities;
- The participation of mining companies in regular meetings with local communities, including the spreading of information about the mining process, payments, and ecological impacts;
- The involvement of elected members of local communities in employment and ecological monitoring committees;
- The implementation of social projects (enhancement of infrastructure and roads, stipend programs for village youth, etc.)

However, as the survey results show, these mechanisms are not sufficient to address problems on the ground, including the local population's perception that they are powerless in the face of mining development.

Survey Results

To better capture the expectations of local communities, I implemented a survey targeting local communities, national and local governments, and international organizations. Respondents include 44 inhabitants from the three main villages (Aral for Taldi-Bulak mine, Bekmoldo and Manas for Jerui mine, and Kopuro Bazaar for Andash mine), representatives of eight international organizations (World Bank, USAID, University of Central Asia, Eurasia Foundation in Central Asia, Soros

Foundation, Publish What You Pay, GIZ, and UNDP), representatives of four national governmental agencies (the State Department of Industry, Energy and Subsoil Use Regulation under the Government of the Kyrgyz Republic, the Industry Department of the Parliament Committee, the Ministry of Economy of the Kyrgyz Republic, and the State Agency for Geology and Mineral Resources), one subnational governmental agency (Oblast regional department for industry development), and three local government representatives.

The survey addresses three key points:

- How much awareness is there about the government decisions and policies on the ground?
- How participatory are decision-making and policy discussions? and
- How effective are capacity-building activities?

The survey results were categorized by distinguishing three different groups of respondents (government officials, donors, and local communities). We also need to differentiate between the perceptions of national and of local government, which can often be sharply divergent due to their differing levels of interaction with locals, differential access to official information, and the allocation of powers and functions.

Awareness of government decisions and policies relating to mining development

The government and donors, as well as NGOs, cite the lack of information about mining activities, mining companies, and the financial impact of mining as the main reason for anti-mining demonstrations on the part of local communities. To prevent these demonstrations, government, NGOs, and mining companies in Talas region have accordingly been gathering information and enhancing awareness since the violent conflicts of 2011-2012.

Local communities

The results of my survey indicate that local communities are reasonably informed about mining-related decisions and policies, and fairly well-disposed toward Kyrgyzstan's mining sector. When asked "Are you aware of the government decisions and policies with regards to the mining sector?," more than half (59percent) of respondents responded in the affirmative. This was supported by the question "How do you get informed about the government decisions and policies with regards to the mining sector," which indicated that the majority of respondents (55percent) receive information through their relatives, neighbors, friends, activists; a sizable minority receive information from local NGOs (40percent), local government (34percent), and from TV, newspapers, or internet (30percent). However, when asked "How would you like to get informed about government decisions and policies with regards to the mining sector?" about 65 percent of respondents answered "Through local government," with 53 percent saying "Through local NGOs," and "From the Internet" the third most common response (50percent).

Although local communities are primarily informed during informal gatherings and on

the streets through their relatives, neighbors, friends, and activists, local communities understand that this information came from third or fourth parties. This makes the government seem a more reliable primary source of information. I should note, however, that the question was only about getting how individuals are informed, and does not indicate local communities' level of trust in the government's decisions and policies. During the survey, it became apparent that most local communities would like to be informed of the decisions taken by the government and consider that it has sometimes failed to inform them. Respondents also noted that requesting information in a written form is more effective, especially when the request is registered on the official requesting journal. Local communities have a tendency to primarily appeal to the local government (*ayil okmotu* and deputies of local council) and have only limited communication with national government bodies.

It is also essential to understand what role local communities think they play in the management of mining sector in their home region. Local communities were asked "Do you believe that you can influence decision-making process and policy discussions in the mining sector?" As seen in Figure 1, the majority of respondents assume that they can influence decision-making process and policies in the mining sector.

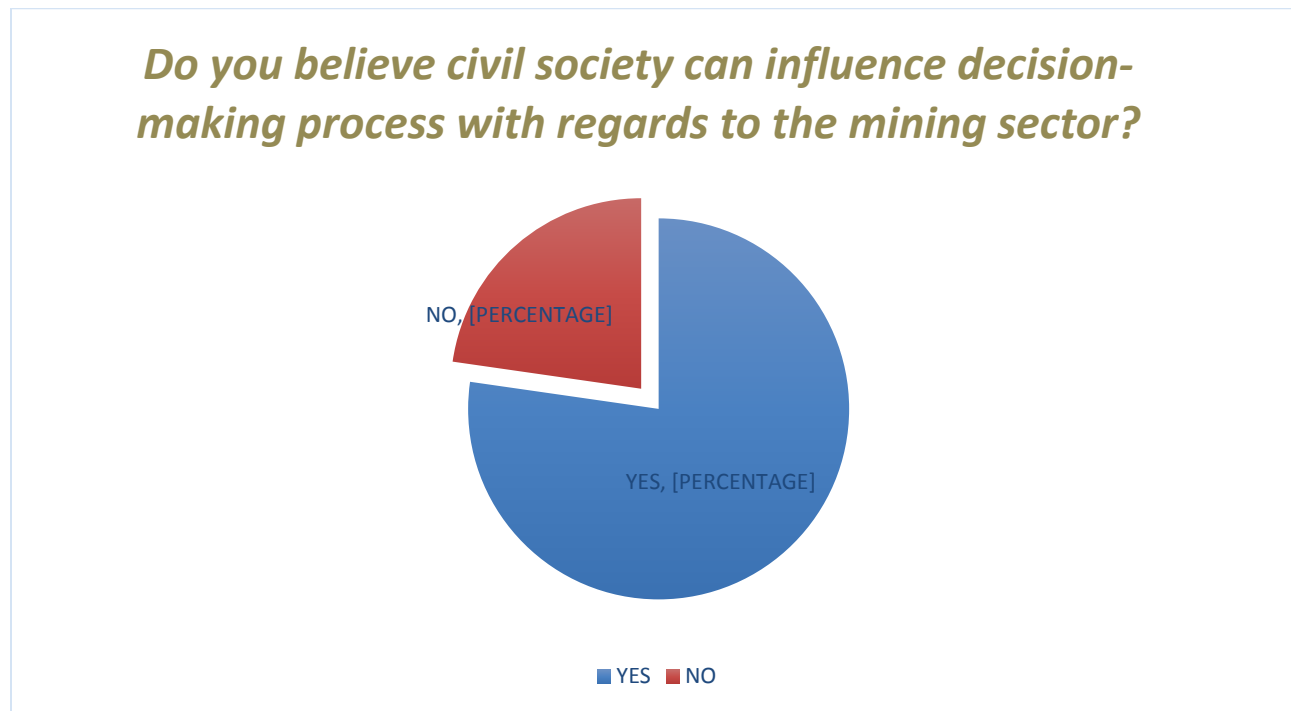
This was followed by the question "How can you influence the government decisions and policies with regards to the mining sector?" Respondents indicated that direct participation methods—including public hearings (32percent) and competition and auction for subsoil usage rights

(17percent)—are more effective than indirect ones.

Overall, local communities' self-reported knowledge of government decisions and policies in the mining sector can be considered acceptable. However, the majority considers that informational process could still be improved, especially at the local level through local government, NGOs, and internet sources (the last of which has improved in recent years).⁴⁹ Local communities tend to rely on local activists, and even on local government, more than

on local NGOs, because NGOs do not have a vested interest in the process and are usually active only if there is financial support for them. Respondents indicated that they influence decisions and policies primarily through direct participation. Finally, appeals are directed far more to the local government than to the national government.

Figure 1. Percentage of Local Communities That Believes It Can Influence Decision-Making Process and Policy Discussions⁵⁰



Source: Survey conducted by the author

Donors

International organizations working in Kyrgyzstan, in particular Talas *rayon*, believe that local communities are not sufficiently aware of the decisions taken and policies developed by the government. Respondents believe larger constituencies

are required to influence policymakers; they also believe that within communities there are some active groups that have become better aware of mining sector activities thanks to their own initiative and interest. However, these groups are seen as unable to influence events due to the small size of their membership.

Low membership, they suggest, is connected to a lack of interest and awareness on the part of larger constituencies; as such, more efforts should be undertaken to inform the broader public. As one respondent put it, “Maybe smaller groups have, but more work needs to be done to inform the broader public in local communities.”

The lack of interest on the part of most locals can be explained by the lack of knowledge and trust about the sector. Donors state that “the main problem is that communication is not taking place in a trusted environment; all sides assume a hidden agenda toward the other sides.” To open lines of communication and create an atmosphere of trust, local communities should be informed and, most importantly, involved in the decision-making processes of both government and mining companies throughout the mining cycle.

To conclude, donors are still concerned about the continuous lack of information on the ground, which leads to a lack of interest and indifference on the part of much of the population. Although there are some groups of activists that are aware of and try to participate in the government’s discussions, they fail to exert influence because they are in minority. Moreover, there is mistrust among stakeholders, which makes tripartite cooperation challenging. For this to work, donors believe a larger part of local communities needs to be involved in all stages of the mining cycle.

Government

National government legislation contains the right of access to information, and the government provides the opportunity to request information and participate in official government activities. Government

representatives also affirm that communities are aware of decisions and policies in the mining sphere, pointing to the fact that all this information is posted on their website: “Governmental decisions are open data, which is available on official governmental websites. The government makes tens of decisions per week. And the fact that local communities does not monitor them is an unused chance for them.”

When asked “How do you consult local communities with regards to government policies and decisions?” government representatives responded that such consultations occur via email and through meetings of the EITI Supervisory Board. Local communities are also informed through EITI reports, national conferences, trainings on the ground, and publications and booklets produced by donor-funded NGOs.

Local governments work closely with local communities; therefore, they are much more familiar with locals’ grievances. In the survey, local government representatives suggested a low level of local community awareness: “Local government tried to convince national government that information on official state websites is not available to everyone in the villages, and mass media (TV and newspapers) are not viable and leave much to be desired;” “My personal opinion is no. Because awareness is at a low level. There are limited newspapers, TV is satellite, and there is a lack of other information sources. Local communities, for their part, are not active and interested in getting information; not all of them are aware about mechanisms of requesting information and appealing to the government.”

Local government also believes that awareness enhancement has become a response to the conflicts and occurs only in the early stages: “[Are local communities aware?] Yes, but periodically. Only when the conflicts start or in the beginning of exploration and extraction activities is there a place for dialogue platforms.” Both national and local government ensure that they respond to local communities’ requests as soon as possible (within 14 days), according to the Law on Access to Information.

Finally, both national and local government believe that local communities can influence decisions and policies in the mining sector through public hearings, competitions and auctions for the right of subsoil usage (which they usually do not attend), as well as by researching, providing recommendations on issues, and writing petitions. Another way to exert influence is through their representatives: “Through their elected local deputies and activists who are the members of different public monitoring councils and special commissions.”

In conclusion, there is a difference in the national and local governments’ perceptions of communities’ awareness of decisions and policies in the mining sector. The national government is certain that communities are aware, whereas local government respondents indicated several challenges, chief among them undeveloped modes of communication. Both national and local government consult their constituents using a range of approaches (emailing, distributing booklets and reports, responding to constituents’ requests, etc.). Government officials believe that local communities can exert influence through

direct and indirect participation as well as through their representatives.

Participation in decision-making and policy discussions

Public participation in decision-making processes and policy discussions is very complicated, and difficult to achieve even in developed countries. Like local communities’ access to information (mentioned above), civil society involvement and ordinary people’s ability to voice their opinions are enshrined in the laws of the Kyrgyz Republic and facilitated by various processes: public hearings, *kurultai*, competitions and auctions for subsoil usage rights, and official meetings.

Even though the government is taking steps to ensure access to information and there is room for public participation in the decision-making process, these steps have largely failed to gain traction in local communities. The constitution makes it clear that when the government is drafting law, it should be discussed in public hearings and the opinions of civil society should be taken into account, but public apathy means that these hearings are, at present, a mere formality.

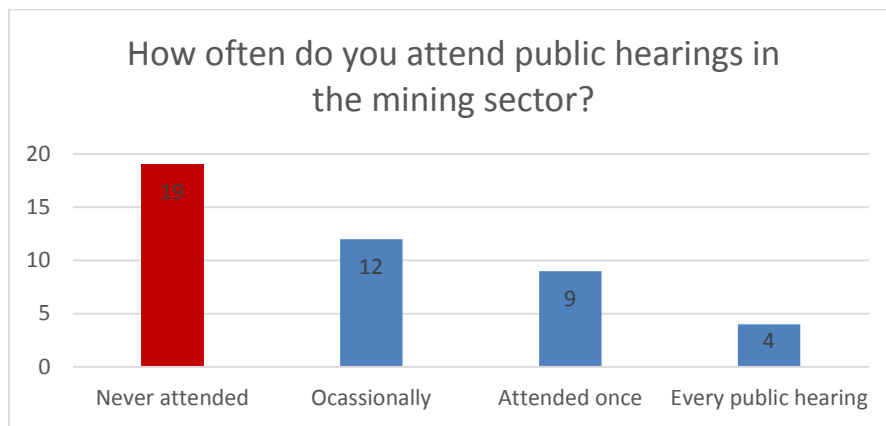
This section examines the participation of local communities in the decision-making process and policy discussions on the ground; their perception of government and donors; whether the government promotes local community involvement; and whether locals have any capacity to speak out, influence, and monitor decisions and policies.

Local communities

Survey results revealed that almost half of respondents (19 out of 44) had never attended public hearings and more than half (27 out of 44) had never attended competitions and auctions for subsoil usage rights.

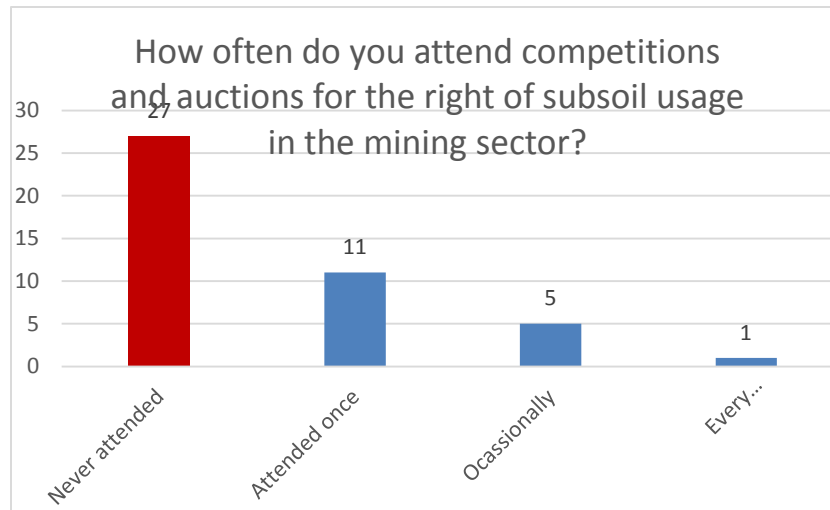
Respondents tend to be more active in attending public hearings (57percent) than competitions and auctions (39percent). To the question “What kind of difficulties do you face in attending public hearings or competitions and auctions for the right of subsoil usage?” the majority of respondents (66percent) noted difficulties in obtaining communication and information resources.

Figure 2. Attendance of public hearings by local communities⁵¹



Source: Survey conducted by the author

Figure 3. Attendance of competitions and auctions by local communities⁵²



Source: Survey conducted by the author

In conclusion, there is a low level of participation and limited expression of opinions by local communities in official government proceedings. This can be explained by the lack of a culture of participation in such proceedings, as well as a lack of interest on the part of constituents.

Donors

International organizations, for their part, believe that although there have been some efforts in this regard, local community participation is still often not encouraged. They believe that promotion of locals' participation is often no more than a temporary response to the conflicts occurring near mines. For it to become systematic, they say, state agencies need government funding: "the State Committee is promoting the local community's participation, but more as a firefighting measure, if conflicts are becoming visible. They should do it [promote locals' participation] more regularly, frequently, as part of the normal process. For this, the State Committee needs a regular budget, to be provided by the Ministry of Finance."

According to some other donors, civil society participation is just a formal proceeding that produces no real changes and involves no real openness to recommendations: "It may be different for government bodies, but it seems that more bodies are interested in at least creating an image of working with communities." However, all donors felt that locals can and should participate in decision-making processes and policy formation by promoting cooperation and collaboration with other stakeholders (government and mining companies), and take active part in tripartite dialogue: "through voicing the interests of local communities and

preventing any misunderstandings between the parties." "They need to be part of the dialogue between the government and companies, directly facing the consequences of any activities, such as extraction."

Participation is important to influence, as is monitoring policies to ensure decisions are implemented. International organizations consider that, "There are certain groups that try to stay up-to-date on issues, but local communities more broadly do not." Moreover, monitoring usually does not occur in a continuous and organized manner. For that to occur, local communities need to possess the capacity to participate and be influential. As such, donors have divided into two camps: those who believe that local communities are capable of participating, but lack information; and those who believe that they do not have sufficient capacity to participate.

Overall, donors' perception of civil society's participation is that "it leaves much to be desired (far from satisfactory)." However, they perceive civil society as a key stakeholder, suggesting that civil society should play a more purposeful role in mining resource management and that it should engage with the government and mining companies through the formal system rather than informal processes (conflicts, demonstrations and violence).

Government

National and local governments believe that local communities have many opportunities to participate in the decision-making process: through public hearings, competitions, auctions, government sessions, *kurultai*, forums, etc. The national government believes that it does not have

any trouble engaging the local communities. Some local government officials, by contrast, indicate that local communities' financial difficulties impede them from attending official proceedings, a challenge local governments can sometimes address with local budget funding. However, this is not a long-term solution; they need to find a way to inspire local communities to attend these meetings of their own accord, without monetary incentives.

Government officials believe that because they lack of information, facts and evidence-based arguments, local communities' voices are weak in demanding and promoting their grievances, making it hard for them to influence some decisions: "they need to develop their capacities in environmental, financial and other areas. For instance, they talk a lot in general about environmental consequences of mine development, but never talk about how and why mine development is a threat to the environment. They do not operate with facts and researched information." For local communities to be more effective, they need systematic capacity-building programs.

The government is not entirely certain that local communities can monitor government decisions and policies. It believes that monitoring occurs through the local council deputies and activists, as well as special committees and government commissions, that represent their rights and are actively supported in monitoring processes by other stakeholders—international and local NGOs, activists, and mass media.

In conclusion, the government realizes that local communities' participation is low and that they have trouble participating and voicing their grievances and recommendations. But the government feels satisfied that its own (legislative) efforts to

promote civil society participation in the decision-making process are sufficient, regardless of the fact that said civil society has neither the interest nor capacity to fully engage in these processes.

Capacity-building activities

The ability to achieve set objectives is a key global challenge. To increase this capacity, a range of interested stakeholders are promoting agendas and programs that improve people's understanding of key legislation, procedures, and processes, as well as providing them with essential analysis, research, and negotiation skills. To quote the OECD, "Skills have become the global currency of the 21st century. Without proper investment in skills, people languish on the margins of society."⁵³ In recent years, any projects implemented by donor-funded NGOs have been followed by capacity-building efforts and technical assistance, and the Talas region is no exception. There have been a number of capacity-building activities directed toward the promotion of EITI, conflict resolution, and building cooperation between stakeholders.

Local communities

60percent of respondents have participated in capacity-building activities run by NGOs. Trainings, workshops, and seminars reportedly aimed primarily at increasing the knowledge and enhancing the awareness of local communities on issues including: legal framework, EITI, good governance, transparency and accountability, ecological impacts, etc. Usually, NGOs do not assess the needs of the community before conducting capacity-building workshops; local communities receive trainings and workshops that are part of the NGO's

existing advocacy. In the past 5 years, international multilateral and bilateral organizations have actively financed the projects promoting EITI, the enhancement of transparency and accountability, and cooperation between stakeholders in the mining sector. Capacity-building programs included trainings, seminars, and peer-to-peer learning.

Two-thirds of respondents would like to participate in future capacity-building activities. Respondents expressed interest in learning more about: mechanisms for monitoring and analyzing mining policies and decisions, environmental mitigation and offset tools, and beneficial ownership.

Donors

International organizations have implemented various projects in the Kyrgyz mining sector, focusing on transparency and accountability; good governance; EITI standards; mining policy; law, strategy, and adjustment; conflict resolution; and development of social infrastructure. They have used capacity-building programs, technical assistance, consulting, and grant mechanisms as part of trainings/seminars, short-term programs (1-2 weeks), exchange visits, advisory services by national and international experts, and regional dialogue platforms.

Because the government had limited success at informing local communities, this function was taken over by donor-funded NGOs, which inform locals through capacity building programs. As a representative of the donor community acknowledges, “There is a broad interest in getting better informed. There is a lack of regular information from and exchange with the government at the national and also at the

local level (it is important to mention that local representatives also do not share information). The main problem is the absence of regular communication, which creates rumors.” Donors imply that locals are also interested in capacity-building programs because they want to be capable of promoting and advancing their rights and interests on a par with other powerful stakeholders (i.e., mining companies and the government).

When asked, “How can future capacity building programs be changed? (in terms of focus, methods, objectives, etc.),” donors suggest that capacity-building programs could be moved away from awareness and knowledge enhancement toward capacity development. However, to achieve that shift, the government should elaborate a sophisticated information provision system: “The government has to set up regular communication and exchange mechanisms (there are four main players that have to be taken into account: national government, local representatives, local population, and company); all four groups have to be part of the exchange. Capacity-building for the local population has to start with better information about mining economics and has to include openly accessible meetings to avoid rumors. The emphasis for all capacity-building has to be on trust and on regularity. To achieve this, funding has to be provided by the Ministry of Finance—only with such investment will future international investment in Kyrgyzstan be possible.” Other recommendations of donors addressed organizational aspects: the need to assess communities’ needs, expand the audience of capacity-building efforts, and organize events where people live.

To conclude, donors think that the base of capacity-building is awareness enhancement, and that funding should be allocated for sophisticated information exchange on a daily basis. In addition, capacity-building activities should be adapted to local needs and opportunities by focusing on on-the-ground realities rather than the situation in capitals or regional centers.

Government

National and local government support, assist, and cooperate in implementing capacity-building programs on topics such as transparency and accountability; EITI standards; good governance; mining policy; law, strategy, and adjustment; conflict resolution; and social corporate responsibility. They have supported trainings, seminars, national and local conferences, and public hearings.

National government representatives suggest creating a base of literate experts who could provide trustworthy information and enhance local communities' financial literacy. Representatives of local government, for their part, suggest including new people in capacity-building programs, as well as focusing on social corporate responsibility and environmental themes. They also suggest ensuring that there is a practical component to these trainings, as well as that trainers are well qualified and capable of engaging with local people.

When asked how capacity-building programs should be improved, one local government official said he would recommend changing the format from traditional approaches to innovative ones: "There is a need to change traditional

approaches such as trainings, seminars to more practicable ones with the usage of innovative methods and technologies." Another replied, "Maybe we need to work out new modules because all the previous themes are similar and have exhausted themselves. Change the structure and methods, as well as inviting new trainees who are practitioners." Because the trainings are similar to each other, local communities are not interested in participating. A local government representative believes: "They are tired and are not interested because the content of trainings and seminars is always more or less the same. There is a need to develop new interactive trainings with themes and modules that are relevant and urgent and are conducted by competent experts and trainers who explain in simple language without complicating things that are already complicated."

Conclusion

Several conclusions can be drawn from this analysis:

First, because the Kyrgyz government so heavily depends on the mining sector, it is naïve for local communities to hope that the moratorium on mining will be continued; most likely, the mines will be operational within a few years. This means that, given the overall political and economic situation, protests are likely to continue, both due to fears of ecological impact and regarding employment and salary issues if the companies start work.

These protests will also continue to be used as tools for influencing political elites and their relationship with foreign investors.

Second, although there have been many changes in laws and regulations, which have accentuated the politicization of the mining sector, there is still deep mistrust between local communities and the government.

Third, the approaches and agendas pursued by NGOs, local government, and mining companies to address locals' needs and concerns are NOT coherent and lack shared perspectives, making tripartite cooperation difficult. The capacity-building programs have learning objectives that are too complex or abstract and do not address communities' concerns on the ground.

Fourth, the central government wants to generate revenue for budget; it does not have time for systematic and continuous awareness campaigns. National state bodies implement one-shot information campaigns. Moreover, the local government—which is responsible for informing the public—does not perform that function. It does not consider that it has a role in engaging local communities in decision-making processes, nor does it respond to local communities' needs and concerns.

Fifth, even though there have been opportunities to participate and influence the policies and decisions in the mining sector supported by laws, my survey revealed that local communities' level of participation, as well as their level of information, is insufficient.

Recommendations

To forge coordination and a shared perspective among stakeholders, I recommend the establishment of sustainable tripartite platforms for coordination and cooperation.

To donor-funded NGOs:

NGOs working in the mining sector have to learn from the experiences of community-based natural resources management (CBNRM), in particular bio-diverse and protected area management. CBNRM is not a new phenomenon in empowering local communities to manage natural resources; it is well-established, and has had success on a number of continents, including Asia,⁵⁴ Latin America,⁵⁵ and Africa.⁵⁶ The success of CBNRM is correlated to the adaptation of programs to meet each country's needs and priorities. Best practices from these regions and countries can be adopted to meet the demands and challenges facing the mining sector in Kyrgyzstan.

NGOs should establish a community council that will represent local communities during tripartite discussion. Members of this council should be elected by the communities every 1-3 years and be accountable to communities. The community council should also take responsibility for informing and consulting locals on important decisions. Thus, it is important for donors to have long-term funding opportunities that will allow them to build the capacity of council members. The council should be able to develop sustainable income generation, economic, and management programs, based on the community's needs and with the community's approval. The programs should be funded by the social package fund for each community. The

establishment and success of councils are in high demand by donors and donor-funded NGOs.

Donor-funded NGOs should better assess community needs. They need to use applicable capacity-building activities and intensify their coordination efforts in order to reduce the duplication of trainings and seminars. They should refrain from repetitive training with no clear learning objectives, widen their beneficiaries, and promote innovative and interactive approaches in capacity-building and development. Finally, they should ensure that capacity building programs have long-term programming, because short-term capacity building programs have a “one-shot” effect.

To the National Government:

The national government must develop realistic long-term development plans and holistic regional development strategies by taking into consideration external and internal factors such as the economic, social, and cultural situation in the regions.

National government should hold the local government accountable with regards to their performance and work to implement efficient systems, such as by instituting a performance evaluation process for activities as well as employees.

The national government should also devolve more power on mining-sector issues to local government. This will help local government to identify and prevent conflicts and demonstrations before they grow or gain momentum.

Consider applying pilot projects for some mine operations. Development of these mines under pilot projects will allow the national government to gain experience and expertise through less costly mistakes and will present an opportunity to experiment with various management models, such as the CBNRM and the Scandinavian model of mining and natural resource management. Norway, the world’s eighth largest oil exporter, demonstrates that it has taken into account many common missteps in natural resource management: good governance, economic diversification, the balance of income between peaks and recession, involvement and care for isolated and dispersed communities, development of soft power, etc.⁵⁷

Reduce the frequency of changes to the legal framework in the mining sector. The high frequency with which laws are amended in the Kyrgyz Republic, in particular in the mining sector, together with reports on the lack of proper implementation of laws and the high number of ad hoc draft laws produced, indicates that legislative projects are not always sufficiently thought-through at the outset, and then need to undergo numerous revisions. To begin with, there is a need for a better understanding of the importance of good policymaking for good lawmaking. The current policymaking process would thus benefit greatly from further development and systematization. Action plans or legislative agendas cannot substitute for proper policymaking. In addition to the fact that policies in support of proposed legislation are not discussed or developed in detail prior to preparing legislation, an overwhelming emphasis seems to be put on legislation as the principal, if not the only, means of achieving policy goals.

Promote international initiatives such as EITI for greater transparency, accountability, public participation, and good governance in the mining and conservation sectors.

To Local Governments:

Local government must develop and identify the activities that meet the demands of the local population and are in line with national policies for economic and social growth. They should also have the capacity—and be given the opportunity—to influence national level policy. Local government must be given the opportunity (through capacity-building programs) to act as an honest broker between local communities and the national government.

Another key issue: the sustainability of community councils, which could be achieved by involving them in decision-making, monitoring, and evaluation processes with regard to mining activities in their villages. This would reduce the workload of and pressure on local government, as well as the stigma of cooperation. It would also increase local government's capacity to share information with local communities while making it harder for them to withhold it.

In order to avoid future conflict with local communities, local government must be able to use international best practices for monitoring mine

activities and accounting for revenues and expenses from mine development.

Local government should involve local communities in the decision-making process by developing local development plans and implementing requirements and policies. This would be best achieved through community council representatives. Both local government and members of community councils should develop long-term development plans in line with the mining contracts and agreements, and use the revenues from the mine development efficiently, allowing them to and balance incomes across peak and recession periods.

To Mining Companies:

Mining companies should involve and cooperate with the community council in their activities, such as hiring, social corporate responsibility, environmental monitoring, etc.

They should comply with IFC Performance Standard 6. According to the standard, the mining company must demonstrate that the proposed development is legally permitted; follow any protected area management plan; consult with relevant managers, affected communities, indigenous peoples, and other stakeholders; and implement additional activities to “promote and enhance the conservation aims and effective management of the area.”

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