

***MONGOLIA***

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**Country Information**

Historical Background<sup>1</sup>

Mongolia gained independence with Soviet backing in 1921, with a communist regime gaining political power in 1924 and ruling until 1990. Mongolia underwent a peaceful democratic transition in 1990, adopting a democratic constitution in 1992, and is characterized as a democratic parliamentary governmental system. Following the transition towards democratic rule Mongolia

1. Mongolian People's Revolutionary Party (MPRP): Nambar Enkhbayar
- 2.

GDP. Voluntary and compulsory military service from 18-25 with a conscript obligation of 12 months in land, air, or police services.

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## **2. Nationalism**

There are multiple ultra-nationalist groups that operate in Mongolia, and in some cases they have joined large parties to increase their influence. For example, during the 2013 presidential election the MPRP signed a cooperation agreement with several ultranationalist groups, which in the past have targeted LGBT, Chinese, and Korean residents with threats, violence and extortion.<sup>5</sup> Recently many of the ultra-nationalist groups in Mongolia have begun to adopt environmental stances in an effort to combat foreign controlled businesses operating in the country.

## **3. Resource Nationalism**

In 2010 the Mongolian government banned the issuance of new mining licenses to foreign companies. The move frightened foreign investment, and led to the government announcing plans to bring amendments to Mongolian resource sector law to restore investor confidence. Amendments include opening up more land to exploration, from 8% to 20% of the country, as well as providing companies with extended licenses for mining, from 9 years to 12 years.<sup>6</sup> There has been speculation that the Mongolian government will raise taxes on the sale of minerals in an effort to return the industry to a mainly domestically controlled market, however this has not occurred.

There is a negative outlook on the ability of the Mongolian banking sector by foreign observers, who are fearful of a resurgent banking downturn following the banking sector's performance during the 2008-2009 financial crisis. Some of the core issues that foreign investors and companies should look out for are high loan concentrations, weak risk-monitoring systems, and the developing nature of the regulatory framework of the country. Mining and government are the main areas of bank loans, with very little diversification in the loan portfolios of the banking sector. The banking system also has limited capital resources, meaning that there is a weak buffer to absorb losses or a downward scenario of the economy.<sup>8</sup>

## **6. Resource Issues**

Energy Dependence

More and 1/3<sup>rd</sup> of the country's population relies on livestock as its primary source of living.<sup>11</sup> Following the economic reform programs of the 1990's Mongolia's economy shifted away from agriculture to resource extraction. Reliance on the mineral industry has decreased the food production of the country, transforming traditional pasture and agricultural land to mining areas.

Due to the climate of Mongolia there is little arable land available for cultivation. Furthermore, desertification is encroaching on lands that could be used for food production, especially in areas that are close to the Gobi desert. The use of rivers and lakes by mining companies has had negative effects on Mongolian herding, with traditional waterways drying up, becoming inaccessible, or polluted by mining activities.

Water;

There is little natural water resources in Mongolia, yet even though the country does not have abundant fresh water reserves it has been able to sustain its population. The country has 12,429 m<sup>3</sup>/year of renewable water resources per capita. The country also has an average of 241 mm/year of precipitation.<sup>12</sup>

The mining industry has had a significant impact on the water quality of rivers and lakes due to the intensive use of these

Following the economic reforms of the 1990's there has been concerns that the rapid economic growth of Mongolia has had negative effects on the natural environment of the country. Increased focus on mining and industrial production without adequate environmental protection legislation has led to issues surrounding water scarcity, deforestation, and desertification.

There are ineffective measures to rehabilitate land after mining, with the

Tsagaan Khass (White Swastika):<sup>18</sup> Neo-Nazi group in Mongolia that has recently begun environmentalist campaigns to threaten foreign companies and workers. The group has begun targeting large mining companies with demonstrations and requiring companies to furnish environmental reports of their sites. There have been reports of the group visiting mining sites at random and using intimidation tactics on workers to try and gain information or closure of the site. It is important to note that the group only recently became interested in environmental issues, and before was heavily active in the persecution of LGBT groups as well as foreigners living in Mongolia.

## **8. Rights Issues**

### **Mining**

Subleasing mining areas of other companies and the transfer of mining licenses without government approval is illegal in Mongolia. Enforcement concerning the practice is weak, and has led to a lack of accountability concerning damages caused on mining sites, lack of monitoring of mining practices, tax, and avoidance of responsibility to carry out environmental rehabilitation.<sup>19</sup>

### **Detainees and Police Conduct<sup>20</sup>**

There are laws in place against the mistreatment of detainees, however there are reports of police abuse against detainees, including the use of unnecessary force, torture, deprivation of visitation rights, and beatings. These actions are mainly used to force the prisoner to confess, and there have been threats from the security forces to use these methods against members of the detainee's family or friends.

There exist very few mechanisms to deal with allegations of police abuse, and it's difficult for groups to bring up a complaint against an action.

For example, in 2012 the State Prosecutor General's Special Investigative Unit (SIU), which is responsible for investigating complaints of testimony coercion against prosecutors, judges, and police, received 51 complaints against officials accused of torture. The SIU dismissed 46 complaints because they did not meet the relevant code's definition of torture. Also, there are barriers on who can be held accountable for abuse. For example, only police detectives and investigators can be tried under article 251 of the Criminal code, which prohibits forced testimony and is the main article for prosecuting abuse and torture.<sup>21</sup>

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<sup>18</sup> <http://www.reuters.com/article/2013/07/02/us-mongolia-rightwing-idUSBRE96108N20130702>

<sup>19</sup> "12<sup>th</sup> Report on Human Rights and Freedoms in Mongolia," 9.

<sup>20</sup> "Country Reports on Human Rights Practices for 2013," United States Department of State: Bureau of Human Rights and Labor (2013), pg. 2-



There is also issues on gathering evidence of torture and abuse

While Mongolian law prohibits the censorship of public information, there

Mongolian men, women, and children are also subjected to domestic and foreign forced labour in areas such as Turkey, Kazakhstan, the United Arab Emirates, and the Czech Republic.

Mongolian men, women, and children have been subject to prostitution trading in areas such as China, Hong Kong, India, Indonesia, South Korea, Malaysia, the Philippines, Macau, and Singapore. Mongolian women and girls have been subjected to forced prostitution in areas of Mongolia.

There have been crackdowns on trafficking in the country, however they have not been fully implemented or developed. For instance, Mongolia has not fully implemented the 2012 anti-trafficking law or adopted serious efforts to investigate and prosecute labour trafficking cases. Although article 113 of the Mongolian criminal code prohibits trafficking, it has not been completely or effectively implemented.

Discrimination

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