



Food and Agriculture
Organization of the
United Nations

THE VOLUNTARY GUIDELINES: SECURING OUR RIGHTS **MONGOLIA**

Success stories

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Valley
glaciers of
Mongolia

MONGOLIA CASE STUDY

Highlights



An updated law on pastureland has been drafted.



Mongolia was one of the first countries to assess forest tenure governance using an approach based on the principles of the Voluntary Guidelines.



A road map on securing tenure rights was established through a working group.



Following trainings, the Agency for Land Administration and Management, Geodesy and Cartography (ALAMGAC) plays a key role in developing initiatives to secure the legitimate tenure rights of local herders, based on participatory and inclusive approaches.



Issued by ALAMGAC in 2016, "Securing the legitimate tenure rights of land and its resources" is an official agreement helping secure the rights of pastoral herders.



A national, multi-stakeholder platform and government-led working group gives Mongolians a sense of ownership of the Guidelines.



The Voluntary Guidelines and a technical guide on pastureland were translated into Mongolian and used alongside a video and comic book to reach out to local communities.

1. INTRODUCTION

110 million hectares of Mongolia is pastureland, followed by about 1.2 million hectares of arable land. Mongolia's pastures comprise the world's largest continuous area of common grazing land.

Only 7 percent of the cropland in Mongolia is irrigated, and 8 percent is forested. The average rate of deforestation in the 2000–2005 time period was 0.5 percent.

INTERESTING FACTS

Agriculture, livestock, water, grassland, forest, health, natural disaster management and ecosystem services are the most vulnerable sectors.

Between 1990 and 2006, the area of barren land increased 3 times, while woodland decreased by 25 percent.

Surface water resources are decreasing at an accelerating rate.

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* were endorsed by the Committee on World Food Security in May 2012.

These Voluntary Guidelines have been described as a catalyst leading to improvements in the conditions under which land and natural resources are held in the agriculture, fisheries and forestry sectors. The Guidelines address problems of weak governance of tenure and the growing pressure on natural resources, thereby assisting countries to achieve food security for all.

FAO has been working in more than 58 countries providing technical assistance, training and capacity development, as well as support to the assessment, formulation and implementation of the relevant national policies and laws.

This case study gives an overview of the procedures and institutions now in place in Mongolia that, influenced by the Voluntary Guidelines, recognize and promote equal land rights. Though context specific, the study shares actions that could be replicated in different settings.

Raising awareness about the Voluntary Guidelines in **Mongolia** stimulated dialogue to improve tenure governance in the country. The Guidelines have accelerated the preparation of formal legislation related to pastoral land, to secure the legitimate tenure rights of nomad herders. This process, in which conflicting interests must be considered, is long and complex but the Guidelines are playing a vital role in putting globally recognized principles into action on the ground.

The Voluntary Guidelines were introduced in Mongolia in 2014 through funds provided by the Government of the Federal Republic of Germany.



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Paperback

Available in:
Albanian, Arabic, Chinese, English, French, Hindi, Lao, Nepali, Russian, Spanish





2. THE CASE OF MONGOLIA

With more than 80 percent of land in Mongolia being used as pasture, good land management is vital for the country.

Mongolian culture is traditionally based on livestock and a nomadic lifestyle. The mentality of the people is deeply rooted in and conditioned by the environment. The management of pastureland is part of the culture and even during the socialist period, herders were key actors in the collectivist economic system.

CUSTOMARY LAW

Pastureland was traditionally regulated under customary law as it was the most effective way of ensuring ecological sustainability and minimizing animal losses during natural disasters.

Socialism in Mongolia ended in 1990. Livestock was privatized and the number of livestock grazing on the Mongolian steppe almost tripled from 23 million to 66 million, leading to overgrazing in many regions. In addition, urbanization and the development of new industries, like

mining, meant there was an urgent need for the legal framework related to pastureland and other land laws to be revised.

LAND DEGRADATION

Mongolia has also been impacted by deforestation, climate change and desertification. Herders in Mongolia have seen the degradation of more than 70 percent of the land. Extreme climate-related disasters include drought, severe storms, flash floods and harsh winters that continue into spring.

“ This and the increase in livestock numbers mean herders can't fit their livestock on the land. These environmental as well as social issues are igniting fights, legal issues and even serious conflicts among herders. ”

AKHAI, T

Head of the Pastureland Herders' Association, Bayan-Ulgii Province

Every year hundreds of herder families are abandoning their way of life and heading to Mongolia's crowded capital, Ulaanbaatar, with hope of a more secure income, but the reality is often a different story. In cities, the social and economic costs are high, and the nomadic lifestyle is forgotten.

Dzud

Herder households periodically suffer from *dzud*¹. In the 2010 *dzud*, 217 000 households making up 28 percent of population were affected. Of those affected, 43 555 households lost their entire herd with an additional 163 780 households losing at least half of their animals. This led to the migration of many herder families to neighboring *aimags*² or the capital city, where they faced challenges accessing basic services, such as health care, transportation and education.



Altansumber, Mongolia

A nomadic family sitting outside their home, a traditional Mongolian yurt, near the Altansumber Forest.

Senior herder Dash has lived in Tuv *aimag* for generations. His eight children were born and grew up in the countryside but migrated to the capital to study and work after the 2010 dzud. One of his children describes the situation:

“ Living in the city is becoming harsher year by year. But there is no incentive to go back to live in the countryside and my children would not be able to adapt. ”

NARANKHUU
Eldest son, 46 years old

¹ **Dzud:** A dzud (or zud) is the Mongolian term for a winter disaster in which deep snow, severe cold, or other conditions that make forage unavailable or inaccessible lead to high livestock mortality. At least five types of dzud exist: White dzud - deep snow covers grass; Black dzud - freezing temperatures and lack of snow and forage; a combined dzud - both deep snow and cold temperatures; a storm dzud - high wind and blizzard conditions; and Iron dzud - a layer of ice makes forage inaccessible.

² **Aimags:** An Aimag is a province, a primary administrative unit.

3. THE ROLE OF THE VOLUNTARY GUIDELINES IN MONGOLIA

In this critical context, and at the request of the Ministry of Food and Agriculture (MOFA), the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* were introduced to Mongolia in 2014.

NATIONAL MULTI-STAKEHOLDER PLATFORM AND WORKING GROUP ESTABLISHED

Following the introduction of the Guidelines, a national multi-stakeholder platform and a working group were established to develop policy dialogue on tenure rights.

REVISED LAW ON PASTURELAND

The controversial law on pastureland was developed several times after the end of socialism but was never passed by the parliament because of conflicting interests and lack of consultation with the herders themselves.

Based on the momentum created by the presentation of the Voluntary Guidelines in Mongolia, a new version of the law has been drafted.

ASSESSMENT OF THE FORESTRY SECTOR

Mongolia's forestry sector is in a process of change. Since the mid-1990s international donors and experts have emphasized the mismanagement of the sector. Illegal logging and the impacts of climate change have destroyed large areas of forest. According to the national forest inventory, the forest area of Mongolia decreased by 6.6 percent between 1999 and 2015 to 12.3 million hectares in 2015 primarily due to logging, harmful insects and forest fire. Stopping forest degradation is a major challenge.

To tackle these challenges, significant changes have been introduced to the management of the forestry sector, including Community-Based Forest Management (CBFM) and empowerment of the local communities. This has helped to improve forest management, reduce forest fires, reduce illegal logging, and strengthen rural livelihoods. However, CBFM has remained limited in scale and effectiveness.



“Хүнсний баталгаат байдлыг хангах хүр
ашиглах, эзэмших эрхтэй холбоотой
зөвлөмжийг танилцуулах үн

10-р сарын 28-ий өдр
Улаанбаат 14



4. CHANGES AND ACHIEVEMENTS

The Voluntary Guidelines were officially presented to the Mongolian government - the Ministry of Food and Agriculture (now the Ministry of Food, Agriculture and Light Industry - MOFALI), the Ministry of Environment and Tourism (MET) and ALAMGAC, during a multi-stakeholder awareness raising workshop organized in October 2014.

Civil Society Organizations (CSOs) including the Mongolian Land Management Association, the National Association of Mongolian Agricultural Cooperatives, the Association of Mongolian Foresters and the World Alliance for Mobile Indigenous Peoples in Mongolia, participated in the workshop. Research institutions and private sectors working on tenure issues at national level were also present.

The workshop was a key point in the recognition of the Voluntary Guidelines as a timely and highly relevant set of guidelines to strengthen and improve the national legal framework.

“ We don’t see any conflicting ideas from the Guidelines, they cover all the most important principles and I encourage all governors from different regions to adopt them. ”

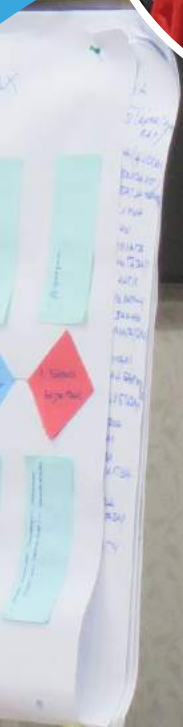
AKHAI, T
Head of Pastureland Herders’ Association,
Bayan-Ulgii Province

A subsequent national, multi-stakeholder platform was created gathering representatives from the different sectors; and workshops are held annually.

Having followed the learning programmes on the Voluntary Guidelines, different organizations, and the Agency for Land Administration and Management, Geodesy and Cartography (ALAMGAC) began to play a key role in following initiatives to recognize and secure the legitimate tenure rights of local herders.

Such initiatives are essential in terms of awareness raising and building consensus with the local communities who are becoming more aware of their land rights.





A large whiteboard in the center of the image with handwritten notes in Mongolian. The notes are organized into columns and rows, detailing various points or tasks. Some of the visible text includes "ИРГЭН ААНС", "БАГИЙН", "ЯДМ, АГДЫНГ.", and "ЦОГЦОМБОР НӨХЦӨН".





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OWNERSHIP OF THE VOLUNTARY GUIDELINES THROUGH MONGOLIA'S GOVERNMENT LED WORKING GROUP

The Mongolian government's Ministry of Food, Agriculture and Light Industry formed an initiative to accelerate the implementation of the Guidelines in the country through various activities.



The working group is made up of selected members of the national platform, representatives from institutions such as ALAMGAC and Civil Society Organizations, pastoralists and forest user groups, as well as research institutions like the Mongolian National University's School of Tourism and Land Management and the Institute of Livestock and Biology.

NATIONAL WORKSHOPS



Four national workshops were organized between 2015 to 2018, during which the platform addressed not only the pastureland issues, but also forest tenure. People living closer to specially protected areas, borderline areas and areas with forest and water resources are very concerned about the possibility of increasing disputes over pasture.

The platform and the working group have been facilitated by a national NGO, PCC (People Centered Conservation) with many years of experience on participatory consultation activities. PCC played a pivotal role in facilitating policy dialogue and capacity development activities.

ENGAGING DIRECTLY WITH LOCAL COMMUNITIES



When people are living in remote areas, community engagement experts are essential. PCC promotes the protection of natural resources, supporting the activities of residents and civil society. They are also committed to addressing issues related to gender inequality.

“ The Voluntary Guidelines work as a soft law in our country because the essence of the guidelines is very relevant to people's everyday life. ”

MS NARANGEREL
People Centered Conservation

One of the founding members of the NGO, Ms Narangerel, described the success of the project.

Ms Narangerel explained how the NGO successfully created an informal multi-stakeholder collaborating platform and institutionalized it by building consensus among members. To sustain this efficient co-working practice, they established informal communication tools based on social media. These Facebook based groups are enriched by local journalists who learnt about the Guidelines and their importance through trainings in 2017.

Beginning with a capacity needs assessment in 2014, capacity development has been key in securing land rights. It has been a base on which the other activities have been developed.

CREATING AN ENABLING ENVIRONMENT FOR IMPROVED TENURE LEGISLATION

Several initiatives created an enabling environment for the formulation of better policies, laws and practices:

- translation of the Voluntary Guidelines and related guides into Mongolian;
- support provided by legal experts and other international and local consultants;
- tenure related dialogue stimulated by different workshops and learning programs specifically tailored to the Mongolian context.

Based on this support:

- Most of the participants shared what they learned from the training with their co-workers, either through on-the-job training, follow-up workshops or by creating a corner in their offices displaying printed material related to the Voluntary Guidelines. These materials are also accessible through online platforms such as websites and governmental and non-governmental social media groups. University lecturers who attended the training on the Voluntary Guidelines have been

using their knowledge of the Guidelines in their own lectures and include it as a key resource for students studying land and natural resource management.

“ Year by year, the quality and content of the training is becoming greater, our facilitators and practitioners are well trained and now well prepared to instruct us on this challenging issue. ”

PUREVDASH, D

Field Facilitator of FAO Project in the forest sector in Khuvsgul Province

Through the involvement of Civil Society Organizations and their engagement in national level workshops, stakeholders at regional level have been able to make recommendations to policy makers:

- increase awareness raising on the Guidelines among pastoral herders;
- involve communities in land management planning;
- support government officers through capacity development programmes.

Key partners, such as the Green Gold project, funded by the Swiss Development Corporation are influential actors working to

improve the management of pastures. Green Gold uses the principles and recommendations in the Voluntary Guidelines to promote better land governance. Along with other partners such as USAID, Green Gold strongly advocates for the development of an effective pastoral land law in Mongolia.



MAPPING OF PASTURELAND AND NATURAL RESOURCES

ALAMGAC, the Agency for Land Administration and Management, Geodesy and Cartography, has adapted its practices, based on the recommendations of the Voluntary Guidelines, organizing meetings at local level and involving local authorities and herder groups. In several *Soums*, these meetings led to official agreements that helped secure the rights of herders. The meetings were also discussed on the national, multi-stakeholder platform.

The official regulation “Securing the legitimate tenure rights of land and its resources” was released on January 21, 2016 by order of the director of ALAMGAC.



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DEVELOPMENT PLANNING IN SOUMS

According to Mr Batsaikhan, the most effective way to implement the Voluntary Guidelines is through the development planning of *Soums*³, assessing complex settings through studies that include research and data on natural resources, human settlements, infrastructure, and environmental conditions.

Specially designed software is being used to determine each *soum* or *aimag*'s suitability for further development indicators. Assessing the conditions of each *soum*, the government decides on development priorities.

This software has become an official tool for land authorities. The main concepts of the Voluntary Guidelines are the core of its methodology. As a result, development plans have been made for 50 *soums* and the initiative is expected to continue throughout Mongolia.



³ **Soum:** A Soum is a second level administrative subdivision of Mongolia.

SUPPORTING THE DESIGN AND DEVELOPMENT OF THE PASTURELAND LAW

The Government in Mongolia is committed to improving the pastureland legislation. Pastureland is state-owned but managed by local herders who, despite increased responsibility, have fewer rights to use the land and its resources.

In the last decade the need for a legal framework for pastureland has become evident. After several attempts to pass the law, the government requested FAO's support to design a pastureland law, based on the previous versions of the law, but more in line with the principles of the Voluntary Guidelines.

Led by the Ministry of Food, Agriculture and Light Industry, the draft was developed in close collaboration with national level research institutions and initiatives under the aegis of the national multi-stakeholder platform:

- the Center for Policy Research (CPR), a local NGO specialized in policy analysis and development;
- the Green Gold project;
- the National Association of Pasture user groups.

Despite delays due to changes in parliament and government, the new Government reaffirmed their commitment during the first quarter of 2018, creating a specific working group and preparing a second version of the draft. Both the former and current governments have actively endorsed the recommendations of the Voluntary Guidelines consulting with stakeholders and herders at local level.

With the support of FAO, two rounds of consultation with around 1 500 participants from 12 *soums* of 5 *aimags*, representing different social groups and all ecological regions of Mongolia, took place from September to November 2016 and from August to October 2018.

80.2 % of the participants asserted that the existing land law is not effective in addressing the pressing problems.

As Mr Mergenbaatar, a land officer from Bulgan province clearly explained:

“ ... Before I took the training on the Voluntary Guidelines, I thought the people who haven't officially registered their request to lease their land are not really willing to be responsible for their pastureland. ”

MR MERGENBAATAR

Land Officer, Bulgan Province

He explained that he and his colleagues assumed that these communities would never actually use the land officially, so they allowed themselves to re-organize the places these communities had lived for generations.

73.5 % stated that the new pastureland protection law will address the issues.

He admitted the importance of listening to what the people request. The latest version of the pastureland law is being drafted by the Ministry of Food, Agriculture and Light Industry (MPFALI) for further discussion. The draft law stresses the need for those using the pastureland, as well as the wider community, to be involved in discussions prior to any decisions being made.

“ We are living in a democratic country and not all the decisions can be made from top to bottom. We must listen to what the people are demanding and mitigate serious land conflicts. ”

BATJARGAL, D
Land Officer

Potentially, the law will recognize the legal right for organized herder communities to use pasture, allocating winter and spring pasture under communal management contracts, through local government, to ensure land management that is responsive and resilient to the changing climate.

Akhai, T, Head of the Pastureland Herders' Association, Bayan-Ulgii Province, describes how the Mongolian Government have already addressed the priority issues of pastureland and approved an official document with an action plan called “Mongolian livestock”. He also explained:

“ There are two laws that are related to livestock and policy, but pasturelands are still missing from those documents, which means we are missing a fundamental issue. ”

AKHAI, T
Head of the Pastureland Herders' Association,
Bayan-Ulgii Province

The national forum of herders **Sustainable Livestock Development** held in May 2018 was attended by the President, Mr Battulga, the Prime Minister, the Minister of Food, Agriculture and Light Industry and the Head of the Parliamentary Standing Committee for Environment, Food and Agriculture. All highlighted the importance of addressing the problem of overgrazing and the shift from increasing livestock to improvements in productivity.

“ For Mongolians, it is impossible to separate livestock, herders and land. They are bonded with the natural soul. The foundation is pastureland. ”

AKHAI, T
Head of the Pastureland Herders' Association, Bayan-Ulgii Province



FOREST TENURE

A forest tenure assessment tool, based on the principles of the Voluntary Guidelines, was developed by FAO and has been tested in several countries. Forestry sector stakeholders in Mongolia used the tool to assess their tenure systems through a consultative and participatory process involving government and governmental and non-governmental organizations.

A forest tenure assessment based on the Voluntary Guidelines was conducted in 2016 revealing many challenges and obstacles to Community-Based Forest Management (CBFM) in Mongolia.

The findings meant communities and nongovernmental organizations were able to better understand and articulate the concerns and challenges being experienced at local level. It provided evidence to share with policy makers in the drafting of the pastureland law.



2016



2018

A detailed Community-Based Forestry review of community forestry systems in Mongolia has provided a better understanding of the strengths and weaknesses in current participatory forestry arrangements in the Forestry Sector, and their effect on local livelihoods.

The two assessments have been useful in revealing six areas that would improve Community-Based Forest Management and its outcomes:

Access to justice

A

B

A regulatory framework

C

Strong governance

D

Viable technology

E

Adequate market knowledge

F

Compatibility between bureaucratic values and the participatory ethos of CBFM

5. CHALLENGES AND LESSONS LEARNED

REACHING A WIDE AUDIENCE

Political awareness and willingness, as well as knowledge and understanding of the Voluntary Guidelines and rights to land, make it easier to revise and implement national land laws that respect the responsible governance of tenure of land, fisheries and forests.

The main challenge is setting up a good system of communication with different stakeholders at all levels to understand how future activities can become more effective.

“ To improve this, we should conduct better coordination or co-working mechanisms with the National Working Group. ”

PUREVDASH, D

Field Facilitator of FAO Project in the forest sector
Khuvsgul Province

MULTI-STAKEHOLDER PLATFORM

In the provinces where customary law still largely applies, and women have little or no right to ownership or inheritance, the challenge to change ways of thinking to a fairer more equitable system has been huge. The process is a slow one but through multi-stakeholder platforms, investment in capacity development at community level and awareness raising through the learning programmes, changes in ways of thinking and the acceptance of new laws is already underway.

“ In reality we don't deal with official documents, we don't like dealing with official matters. That is the biggest mistake which leads us to major losses. ”

MUNKHJARGAL, KH

Herder User Group Leader,
Bulgan Province, Bugat Soum

RAISING AWARENESS VISUALLY

It is easy to think of the Voluntary Guidelines and the supporting technical guides as long, complex and indecipherable documents.

One of the ways in which Civil Society Organizations and local communities, including forest herders and pastoralists, became familiar with the material was with the help of a short video and comic book on the Voluntary Guidelines.

Both the Voluntary Guidelines, the Voluntary Guidelines at a glance and the technical guide “Improving governance of pastoral lands” were officially translated into Mongolian.



Printed copies were distributed and used as a reference when developing pastureland management plans to improve pastoral land governance.

Mrs Purevdash, Field Facilitator of the FAO Project in the Forest sector in Khuvsgul Province, describes these initial challenges:

“ ...To be honest, at first, it was not easy to understand the main concept of the Voluntary Guidelines. We found the terminologies quite challenging. ”

However, after a series of effective trainings, both online and in groups, Mrs Purevdash described how the trainees were brave enough to share very particular case studies from their respective regions.

“ It was quite interesting to apply the guidelines to case histories and to do the analysis together. Quality training and effective communication are triggers for success. ”

She also emphasized the benefits of the comic books and videos to spreading the messages and principles detailed in the Voluntary Guidelines.

Sharing this information with local journalists was also an effective way of disseminating messages and stories related to the Voluntary Guidelines and people's land rights in specific regions.



For more information and to find information on the guidelines in Mongolian

www.pcc.mn

GENDER

As in many countries, gender roles are entrenched, and inequalities are seen at every level from the number of women represented in the government to gender wage disparities. FAO conducted a series of trainings on “Governing land for Women and Men”. The Field Facilitator of the FAO Project in the forest sector in Khuvsgul province admitted that she thought the topic ridiculous in a country like Mongolia where she assumed men and women have equal rights. However, she later remarked:

“ If you travel and meet up with those in *aimags* and *soums* in the rural areas, you can find tons of cases of women's rights being abused. For those who are single mothers, the pastureland issue is severely hard. ”

Mrs Purevdash also admitted that the official land certificates are issued to the man of the household, if the couple agrees to divorce, land automatically shifts into the possession of the man.

MONGOLIA: A MODEL

Other countries looking to revise their tenure laws may consider the following actions in their own country:

- Ensuring there is the political will to reform tenure related policies.
- Establishing an institutional framework that embodies the Voluntary Guidelines giving the country a sense of ownership.
- Conducting awareness raising and capacity development activities at all levels, particularly at grassroots level where local communities are involved in the process. One of the most effective approaches was converting the technical terms of the Voluntary Guidelines into simple and understandable text.
- Creating an enabling environment for dialogue on tenure governance through ongoing consultative and participatory meetings/workshops at all levels.
- Building a sustainable, multi-stakeholder platform for the application of the Guidelines that engages all stakeholders from different sectors.
- Establishing a national working group under the initiative of the relevant ministries at country level. In close collaboration with the national level working group, regional level working groups are also needed to address tenure issues.



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THE VOLUNTARY GUIDELINES: SECURING OUR RIGHTS **MONGOLIA**

“ The Mongolian nomadic people’s attitude towards their living environment is not to dominate it, but to be part of the natural world while enjoying their natural rights. ”

Quoted on the wall of the office of **Mr BATSAIKHAN**, the Land Management Department Director of the National Land Agency, Ulaanbaatar

Success stories

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