

Social accountability  
perspectives and practices  
in East Asia and the Pacific

CAMBODIA INDONESIA  
MONGOLIA PHILIPPINES



# Mongolia

## Social accountability stocktaking reports



Affiliated Network for Social Accountability In East Asia and the Pacific  
... connecting citizens to improve governance  
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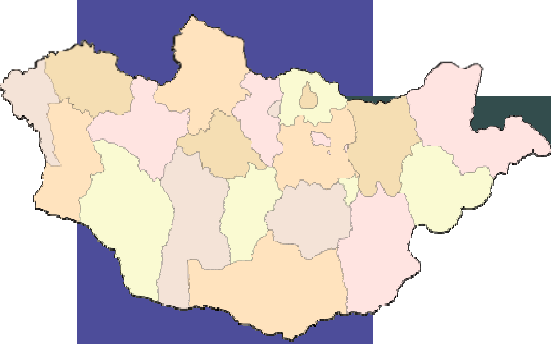
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## ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
ANSA-EAP	Affiliated Network for Social Accountability in East Asia and the Pacific
AusAID	Australian Agency for International Development
CBO	Community-based organization
CSC/CSC-NGO	Civil Society Council of Non-Government Organizations
CSO	Civil society organization
CSR	Center for Social Responsibility
DEMO	Democracy Education Center
FGD	Focus group discussion
GDP	Gross Domestic Product
IPO	Informal people's organization
IRIM	Independent Research Institute of Mongolia
MCG	Mongolia Conveners Group
MNT	Mongolian Tugrik (currency)
MP	Member of Parliament
MPRP	Mongolian People's Revolutionary Party
NGO	Non-government organization
OSF	Open Society Forum
PSAM	Partnership for Social Accountability in Mongolia
PWYPE	Publish What You Pay and Earn
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

## GLOSSARY OF MONGOLIAN TERMS

<i>Aimag</i>	Province; the name <i>aimag</i> is derived from the Mongolian and Turkic languages word for “tribe”
<i>Soum</i>	A second level administrative subdivision of Mongolia; translated as “district”
<i>Bag</i>	An administrative subdivision of a <i>soum</i> . Most <i>bags</i> are of an entirely virtual nature. Their purpose is to sort the families of nomads in the <i>soum</i> into groups, without a permanent human settlement.
<i>Khoroo</i>	An administrative subdivision of Ulaanbaatar, the capital of Mongolia. The term is often translated as subdistrict or microdistrict
<i>Khural</i>	Legislative assembly
<i>Khot ail</i>	The basic unit of nomadic Mongolian life is the herding camp, generally composed of two to 12 households.

## PREFACE

**T**he Partnership for Social Accountability in Mongolia (PSAM), a network of civil society organizations, was founded in November 2009. Its mission is to promote the exchange of social accountability knowledge and experiences in Mongolian civil society through information sharing. PSAM was also established to facilitate efforts toward capacity building in partnership with the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP).

To better understand the state of social accountability in Mongolia, it was important to map out how institutions and individuals understood and practiced social accountability. The study focused on the two key actors of social accountability, the government and citizen groups.

For a clearer focus on how social accountability is understood and practiced in Mongolia, the research team utilized ANSA-EAP's "Four Pillars of Social Accountability" framework. These four pillars, or enabling conditions for social accountability, are (a) government responsiveness, (b) organized and capable citizen groups, (c) access to information, and (d) social and cultural appropriateness.

Three research organizations affiliated with PSAM conducted the study between May and August of 2010. The Center for Social Responsibility (CSR) worked on the section on "government responsiveness", while the Infratest Research and Training Institute focused on "organized and capable citizen groups". The Independent Research Institute of Mongolia (IRIM) was responsible for the sections on "access to information" and "social and cultural appropriateness".

The research team gratefully acknowledges the guidance of ANSA-EAP, especially Dr. Angelita Gregorio-Medel, Project Director; Adelfo V. Briones,



Research and Knowledge Management Coordinator, and Cody S. Rabe, Research Officer.

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Finally, the team would like to thank all the participants and respondents from civil society organizations, government agencies, experts from donor organizations and others. Without their collaboration and contribution, this study would not have been possible.

— *Mapping Research Team*



## OPENING THE SPACE FOR SOCIAL ACCOUNTABILITY IN MONGOLIA

**D**espite the rapid economic growth in the last few years, poverty remains a major problem in Mongolia. According to the Poverty Assessment Study done in 2003-2004, around 36% of the population lived below the poverty line. The Poverty Measurement Survey conducted in 2005-2009 showed that more than three out of ten Mongolians live below the poverty line (National Statistical Office of Mongolia, 2010).<sup>1</sup> Conversely, the per capita Gross Domestic Product (GDP) for 2005-2009 increased 2.11 times.<sup>2</sup> Clearly, despite the steady increase in the GDP, it has not had a positive impact on the government's poverty alleviation efforts.

The increase of the GDP has been attributed to the boom in the extractive industries (popularly known as the mining sector) in Mongolia in recent years. Investment agreements have been made in strategically important large-scale mineral deposits throughout the country. This boom has resulted in the steady increase of revenues for the government. It appears, however, that the windfall from the mining boom has not trickled down to the majority of Mongolians in the form of services and benefits.

While exploration and utilization of natural resources has led to an increase in public revenues, the quality of basic services has not improved. Citizen participation in government decision-making processes is, for the most part, absent. The need for an active citizenry in Mongolia is now being felt more than ever, whether this emanates from individual citizens or from organized citizen groups, to conduct oversight and monitoring activities of where and how public revenues are being spent. As a result, the demand



for accountability mechanisms has increased not only within government (supply-side) but also from the citizens (demand-side).

With the current trend towards exploring and developing strategically important natural resources, it is crucial to map out the existing social accountability environment in Mongolia. This is premised by the assumption that the practice of social accountability will play an important role in the process of development leading towards poverty reduction. As it is, a number of civil society organizations in Mongolia are now in the process of network- and partnership-building, a crucial step in consolidating the forces that help drive social accountability.

This study was conducted in partnership with ANSA-EAP. An added value to the Mongolian study is the formulation of the Levels of Relations in Social Accountability Framework, developed by the Mongolian Research Team, to complement ANSA-EAP's Four Pillars of Social Accountability framework.

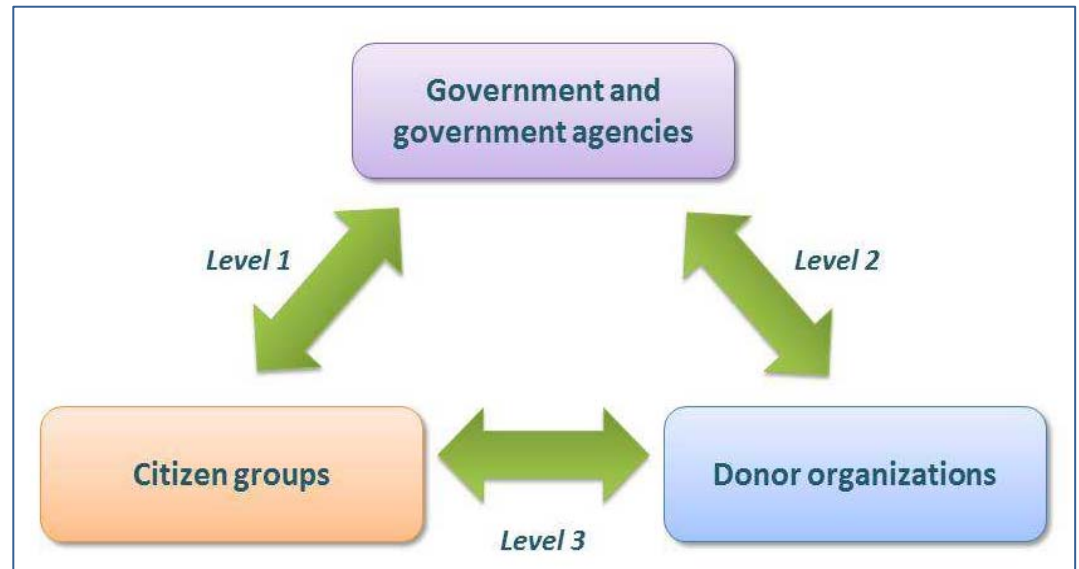
## UNDERSTANDING SOCIAL ACCOUNTABILITY RELATIONSHIPS

By its nature, social accountability involves relationships. This is precisely the reason why the “engagement” in “constructive engagement” is “social”—it revolves around the interface and dynamics between and among the demand-side and supply-side of governance as they engage one another towards specific governance outcomes. Figure 2 illustrates the social accountability relationship.

### Government and Citizen Groups

Government vis-à-vis citizen group relationship/engagement refers to the day-to-day operational engagement. The instruments of government engagement with citizen groups at this level include (1) legal regulations, policy and program documents, and cooperative agreements; and (2) official government websites. Citizen groups engage government through the following instrumentalities: (1) legally-established rules and regulations, cooperative agreements, and contracts; (2) demands, requests, notices, and declarations expressing opinions on certain issues; and (3) official government websites.

Figure 1. The levels of social relations of key actors of social accountability. (Source: Authors)



To get an indication of the degree of engagement under Level I, the researchers ran a qualitative survey that covered the following:

- Document review of legal, policy, and program documents on certain issues, as well as agreements for cooperation between stakeholders on specific common concerns. (Sample questions: What are the issues in existing policy and program coordination regarding social accountability? When and for what purpose were these adopted and approved? What kinds of legal regulations are included in these documents? To what extent do policy and programs link or integrate social accountability goals and objectives? Etc.)
- Content analysis of government websites established purportedly to enable public access to information; and
- Document review and analysis of impacts and outcomes (if any) of citizen group activities including demands, requests, notes, and declarations addressed to government agencies, as well as final results of agreements for cooperation and contracts between stakeholders. (Sample questions: How many demands, requests, and notifications have citizen groups submitted to government agencies and officers? How many were given attention? How were they resolved? What was the impact or outcome? Etc.)

## Government, Citizen Groups, Donor Agencies

The instruments of engagement between government and donor organizations include: (1) legal regulations and forms of coordination; (2) policy and program documents on specific issues; and (3) cooperation in various areas of concern.

Donor organizations, for their part, engage the government and its agencies through tools such as legal regulations and coordination; policy and program documents on specific issues; and demands, requests, and notes expressing opinions on various issues. For the engagement between donor organizations and citizen groups, the main instrument is often the form of programs and projects in various areas.

To get an indication of variations in the degree of engagement at this level, the researchers conducted an analysis of the legal and policy environment using the following strategies:

- Interviews with officials of international donor agencies who have indicated interest in the area of social accountability. (Sample questions: What is your assessment of the current situation of social accountability in Mongolia? What factors contribute to the current situation? What is your assessment of the capacity of citizen groups to engage government? What is the state of the policy and regulatory environment, and how may it be improved? Etc.).
- Initial profiling of citizen groups perceived to be working in the area of social accountability: membership; goals and objectives; types of activities; capacity (financial and human resources); experience (previous work and projects, impacts and outcomes, lessons); challenges; etc.
- Creation of a database of citizen groups and other stakeholders: membership, contact information, goals and objectives, key activity directions, operations, etc.

## EXPLORING SOCIAL ACCOUNTABILITY IN MONGOLIA

The study focused on three priority areas where social accountability is thought to be at its most active and where its impact can be seen from the perspective of governance and development outcomes. These areas are (1)

*Table 1. Government agencies and websites included in this study.*

GOVERNMENT AGENCY, PROVINCE, DISTRICT	URL/WEBSITE ADDRESS
Office of the President	<a href="http://www.president.mn/mongolian/">http://www.president.mn/mongolian/</a>
Government website	<a href="http://www.open-government.mn/">http://www.open-government.mn/</a>
Ministry of Nature, Environment and Tourism	<a href="http://www.mne.mn/mn/">http://www.mne.mn/mn/</a>
Ministry of Finance (for budget-related information)	<a href="http://www.mof.gov.mn/">http://www.mof.gov.mn/</a>
Ministry of Finance	<a href="http://www.iltod.gov.mn/">http://www.iltod.gov.mn/</a>
Ministry of Judicial and Home Affairs	<a href="http://www.jurists.mn/web1/main.aspx?code=10">http://www.jurists.mn/web1/main.aspx?code=10</a>
Human Rights Commission of Mongolia	<a href="http://www.mn-nhrc.org/">http://www.mn-nhrc.org/</a>
Office of the State Great Khural (Parliament)	<a href="http://www.parliament.mn/">http://www.parliament.mn/</a>
Sukhbaatar district	<a href="http://sbd.ub.gov.mn/news.php">http://sbd.ub.gov.mn/news.php</a>
Songino-Khairkhan district	<a href="http://shd.ub.gov.mn/">http://shd.ub.gov.mn/</a>
Bayanzurkh district	<a href="http://www.bzd.ub.gov.mn/">http://www.bzd.ub.gov.mn/</a>
Khovd province	(No official website found)
Umnugobi province	<a href="http://umnugobi.gov.mn/">http://umnugobi.gov.mn/</a>
Darkhan-uul province	<a href="http://info.e-darkhan.com/">http://info.e-darkhan.com/</a>

government budget and expenditure, (2) the extractive industry and the environment, and (3) access to information.

The study selected government agencies perceived to be involved with social accountability issues, that is, where citizens and citizen groups have more at stake in terms of transparency, accountability, and participation. To do this, the study included a survey of each agency's website in order to define the extent to which information was made available and accessible. The government agencies/websites are listed in Table 1.

The study reviewed a number of official documents related to laws and policies. The documents were categorized according to the general content and relevance to the three priority areas of budget, extractive industry and environment issues, and access to information. A total of 57 documents were reviewed. Table 2 shows the types and number of legal and policy documents reviewed at various levels.

The study also entailed face-to-face and telephone interviews, focus group discussions (FGDs), and email inquiries. Table 3 (next page) shows the method of data-gathering, respondents, location of respondents' offices, and the number of respondents.

Table 2. Types and number of legal and policy documents reviewed for the study.

LEVEL	TYPE OF DOCUMENT			
	General	Budget-related	Extractive industry & environment	Access to information
National laws	15	2	4	4
Policy pronouncements at national level	6	6	6	1
Policy pronouncements at national & local levels	4	1	2	1
<b>TOTAL</b>	25	9	12	6

Table 3. Method of data gathering, respondents, location of respondents' offices, and the number of respondents.

LOCATION	RESPONDENTS	NUMBER
<b>Interview</b>		
Ulaanbaatar	NGO leaders	11
	Social movement leaders	2
	Individual citizens involved in social development projects	2
	Relevant local program & project staff	2
	Staff of international donor organizations supporting social accountability initiatives	3
	Government officials (national & sub-national levels)	4
<b>Aimags</b>		
Khovd/Jargalant soum	NGO leaders	9
	Social movement leaders	3
Umnugobi/Dalanzadgad soum	Individual citizens involved in social development projects	3
	Relevant local program & project staff	3
Darkhan-uul/Darkhan soum	Staff of international donor organizations supporting social accountability initiatives	2
	Government officials (national & sub-national levels)	6
<b>Focus group discussion</b>		
Ulaanbaatar	NGO staff	4
Aimags	NGO staff	3
<b>Phone interviews and email inquiries (on the registration of NGOs)</b>		
Ulaanbaatar and aimags	Various government agencies	

## MAPPING SOCIAL ACCOUNTABILITY IN MONGOLIA

To understand the concept and practice of social accountability in Mongolia, the study followed the framework of the Four Pillars of Social Accountability. These enabling conditions or Four Pillars—(1) government openness, (2) organized and capable citizen groups, (3) access to information, and (4) social and cultural appropriateness—provide a multi-dimensional view of social accountability in the country.

### GOVERNMENT OPENNESS TO SOCIAL ACCOUNTABILITY

The role and effectiveness of citizen groups as partners in ensuring good governance are, to a large extent, dependent on the efforts of both government and citizen groups to create such an enabling environment. Citizen action in the context of governance requires that government is open to citizen participation, whether it is in the area of planning and policy-making, budget monitoring, expenditure tracking, and performance monitoring and evaluation.

The backbone of government's openness to citizen participation is the country's legal and policy framework. Social accountability is strengthened depending on the extent to which initiatives are given recognition and support through legislation and institutionalization. Such a situation, of course, presupposes two things: first, that there are "champions" of social accountability within the government, and second, that what is stated in paper is actually implemented and monitored on the ground.

#### Policy Support for Social Accountability

Mongolia is bound by international, national, and local laws to guarantee civic participation in government action.

The Universal Declaration of Human Rights, to which the State of Mongolia is a signatory, states that “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The will of the people shall be the basis of the authority of government.” (Article 21) This article is the foundational framework for citizen participation in countries that embrace democracy. In addition, several other international legal covenants complement this pronouncement. For example, the International Covenant on Civil and Political Rights (1976) guarantees the rights to freedom of expression and harbor a personal point of view, and to partake directly in government through elected representatives. The International Covenant on Economic, Social and Cultural Rights (1976) likewise asserts the right of everyone to form trade unions and join a trade union of his/her choice, subject only to the rules of the organization concerned, for the promotion and protection of his/her economic and social interests.

The provisions of these international legally-binding agreements are likewise enshrined in Mongolian laws. Mongolia’s Constitution, ratified in 1992, emphasizes that “state power shall be vested in the people of Mongolia. The Mongolian people shall exercise it through their direct participation in state affairs as well as through the representative bodies of State authority elected by them.” (Article 3.1) This provision is the fundamental legal basis for social accountability in Mongolia.

More specifically, a number of laws clarify the relationship between the government and citizen groups and the direction that both actors need to take. The Law on Non-Governmental Organizations (popularly known as the “Law on NGOs”), enacted in 1997, clarifies the role of NGOs vis-à-vis the government. Article 9.5 of this law says that “NGOs may participate in developing draft resolutions of legislative and executive agencies at their own request” and Article 9.6 adds that “NGOs are entitled to express their positions on decisions made by government agencies and make statements.” The Law on Sessions of the State Great *Khural* (2007) granted citizen groups the right to participate in decision- and policy-making by the highest law-making body of the country, the Parliament of Mongolia. This law outlines the six steps in drafting a law or resolution; the first five steps provide for a working group that involves citizen-stakeholders and experts:

- 16.5. Depending on the importance of the relationships and affairs that the draft law would regulate, and its scope, the Speaker of the Parliament, Standing Committees and Party/Coalition Groups may hold a Working Group, consisting of MPs and experts, to develop the draft legislation, obtain opinions and conclusions to be submitted to the Parliament for discussion.
- 16.6. A Working Group based on Article 16.5 of this law shall operate within the scope of the following rights and obligations:
  - 16.6.1. May demand additional information and surveys from the initiators and other related agencies and officers for analysis.
  - If deemed necessary, may call upon highly-skilled experts in the subject matter.

Likewise, the Law on Developing and Submitting Drafts of Laws and Parliament Resolutions (2001), Article 18, states the following:

Law initiators shall get comments and inputs from central state administrative bodies, experts, academics, NGOs and citizens on the subject matter, which may be included in the draft if deemed necessary. Unless otherwise stated in the legislation, the law initiator shall obtain input from citizens and legal entities in the following ways: a) place a draft law on the website for no less than 10 days for public access, and b) directly deliver a copy of the draft to citizens and legal entities or hold meetings and discussion.

The Law on Government (1993), considered to be the supreme authority in executive matters, provides that

Supporting ideas and initiatives from public organizations to help develop the country, strengthen the State and social structures and ensure implementation of government policy and decisions may be heard, and the State shall work with these organizations on required measures and action. (Article 28.3)

Local governments are, likewise, enjoined to recognize and allow citizen participation in local decision-making. This policy is embodied in the Law on Administrative and Territorial Units and Their Management enacted in 2006. In Article 24.2, it is provided that “Government and non-government



organizations, legal entities and citizens may submit issues for discussion and resolution to the representative *khurals* at their level (*soum* and district Representative *Khural*; *bag* and *khoroо* Community *Khural*)." The same law also assigns local governors to oversee elections and public referendums at all levels (presidential, parliamentary, and local) and to organize actions with citizen groups to discuss and resolve pressing local issues.

In summary, the above-mentioned laws legitimize citizen participation in government policy-making by allowing citizens to:

- Take part in working groups in developing draft laws and regulations;
- Access draft laws and regulations and express their opinions, comments, and inputs directly to the lawmakers or through other media (such as websites);
- Take part in meetings and discussions on the development and drafting of laws and regulations;
- Take part in events conducted by local government units to provide inputs for draft laws and regulations and on pressing local issues; and
- Submit ideas, opinions, and comments to help strengthen development plans and social structures, as well as to ensure implementation of laws and regulations.

Citizen groups, however, have raised three issues regarding the implementation of these laws. These issues are:

- The lack of detailed implementing rules and regulations to guide the operational implementation by individual government agencies and local government units;
- The lack of a framework for sanctioning government bodies that either go against the provisions or simply ignore them; and
- The passive role of citizens and citizen groups while waiting for government agencies and officials to initiate events where the former can participate.

### **State Recognition of Citizen Groups as Legal Entities**

The transition period in the 1990s saw the blossoming of diverse citizen groups in Mongolia, which some perceived as a measure of the State's attitude toward citizen participation in governance decision-making. This

situation, however, has led to some confusion as to the nature and functions of such citizen groups in a democracy.

Non-government organizations include

... many groups and institutions that are entirely or largely independent of government and that have primarily humanitarian or cooperative rather than commercial objectives. They may be private agencies in industrial countries that support international development; indigenous groups organized regionally or nationally; and member-groups in villages. NGOs include charitable and religious associations that mobilize private funds for development, distribute food and family planning services, and promote community organization. They also include independent cooperatives, community associations, water-user societies, women's groups and pastoral associations. Citizen groups that raise awareness and influence policy are also NGOs. (Definitions of an NGO, 1990)

A crucial issue for citizen groups in Mongolia is the implementation of the set of laws and policies regulating the recognition and accreditation of NGOs and civil society organizations.

In Article 16.10 of the Constitution of Mongolia, citizen groups have “the right to form a party or other mass organization, with freedom of association with these organizations on the basis of social and personal interest and opinion.” The same article likewise says that “Discrimination and persecution of a person for joining a political party or other mass organization, or for being a member, shall be prohibited.”

The Law on NGOs, the General Law on State Registration, and the Law on State Registration of Legal Entities regulate the establishment of any citizen group and its registration as a legal body.

The term “non-governmental organization” or “NGO” was first introduced in Mongolia in the mid-1990s. The term replaced the socialist “public (or mass) organization” established by, and designed to support, the ruling Central Committee of the Mongolian People’s Revolutionary Party (MPRP) and the mainstream party ideology. The Law on NGOs was adopted with support from The Asia Foundation in 1997, with a number of amendments in 1998, 2003, and 2009.

The Law on NGOs defines an NGO as “an organization which is independent from the state, self-governing, non-profit, and established voluntarily by citizens or by legal entities other than state agencies (i.e. organs that exercise legislative, executive and judicial powers) on the basis of their individual or social interests and opinions.” (Article 4.1)

An important aspect of this provision is the departure from the previous state-controlled citizen organization. In this law, space is provided to citizens and non-government entities to establish self-determined organizations that are, to a large extent, free of state and party control and direction. Furthermore, citizens cannot be compelled to join such organizations, nor are they to be discriminated if they want to do so.<sup>3</sup> In sum, the Law on NGOs defined and legally established any citizen’s right and freedom to associate based on one’s own interest and belief.

There are two ways by which an NGO may be dissolved or disbanded. The first is for a court of law to disband an NGO if it is found to be operating outside its expressed mission or scope of work, or if it violates the law. The second is when the NGO’s governing body decides to dissolve the organization because it has already achieved its purpose.

### **Citizen Participation and Monitoring of Government Action**

In a 2009 assessment by the Global Integrity Report showing the Mongolia Integrity Indicators Scorecard, one of the items asked was “Are good governance/anti-corruption CSOs able to operate freely?” Under the sub-item, “In practice, anti-corruption/good governance CSOs actively engage in political and policymaking process”, the score was “50” (out of 100), with the following comment:

There is no formal mechanism for access to decision-making processes at any level. There is no formal channel to access and deliver information to decision-makers. Under these circumstances, CSOs largely rely on informal channels to influence policy-making.

The above report does not seem to agree with Article 3.1 of the Constitution, which says, “In Mongolia, state power shall be vested in the people of Mongolia. The Mongolian people shall exercise this through direct

participation in state affairs as well as through representative bodies of State authority which they shall elect.” Likewise, Article 16.12 says, “Citizens shall exercise the right to submit complaints and petitions to government agencies and officers for resolution” and “government agencies and officers shall have the duty to resolve complaints and requests submitted by citizens.” All these sections serve as a legal background for implementation of government policy and decisions, and for citizen oversight and monitoring of government actions. As in many other things, policy does not jibe with reality.

The Law on Government (2003) says that it is legal to outsource to citizen groups duties and services assigned to government agencies (Article 19.1). This provision enables citizen participation in government decision- and policy-making.

The Law on State Audit and Inspection (2003) states that the audit organization may get input and assistance from NGOs and citizens in performing its inspection and audit duties. The audit agencies may conduct audit and inspection actions in response to information provided by a citizen if the subject matter is within the scope of the auditing agency. A limitation of this policy is that it is up to the auditing and inspection agency whether or not to accept citizen involvement.

The right of citizens to participate is expanded in the Law on Environment Protection (1995). It states that

Public organizations shall exercise the right to conduct public oversight on implementation of environment-related legislation, carry out site checks, demand elimination of violations, submit opinions and comment on environment protection to central state administrative agency in charge of

#### “CSO” OR “NGO”?

The UNDP describes CSOs as “non-state actors whose aims are neither to generate profits nor to seek governing power. CSOs unite people to advance shared goals and interests” (UNDP, 2006, p. 3). The term CSO is currently the term of choice, as it encompasses a wider variety of organizations engaged in development work. CSOs comprise the full range of formal and informal organizations within civil society: NGOs, community-based organizations (CBOs), indigenous peoples’ organizations, academia, journalist associations, faith-based organizations, trade unions, and trade associations, and the like. (UNDP, 2006; ADB, n.d.) NGOs are subsumed under the more generic descriptor of CSO.

environment protection and all levels of governor, organize ecology education activities, alone or in partnership with professional organizations, and submit the methodology and tools for environment protection to relevant agencies for effective decision-making. (Article 32.1-4)

Other policy documents express the government's desire for citizen groups to participate, monitor, and oversee government decisions and policy implementation, as well as to demand for government reports on these actions. The Conceptual Framework on the Development of Mongolia (1996), for example, directs government agencies to:

- Encourage citizen participation in governance and create sustainable mechanisms to ensure that the constitutional concept of state power is vested in the people of Mongolia;
- Allow direct participation in state affairs as well as through representative bodies of the State authority as elected by citizens; and
- Make government information open and transparent by using ICT [information and communication technology] extensively to get citizen input and allow citizen overseeing and monitoring of government actions.

The Government Action Plan (2008-2012) is quite clear on the role of citizen participation. Under Section 4.5, with the heading "Civil Society and Public Administration Policy", the following mechanisms for social accountability are enumerated:

- Reform the operational environment for civil society to enable oversight of government action, inspection of government agencies, advocacy, and to support and develop public-private partnership and cooperation.
- Eradicate corruption from central and local public agencies to create citizen-centered, skilled and responsible service providers and free the public service from bureaucracy by making it open and transparent.
- Introduce mechanisms of responsibility for budget managers and administrators for effective expenditure of public funds, making such mechanisms quick and efficient.
- Amend the Law on Management of Public Funds to increase the powers of local government, to create a more favorable business environment, eliminate government bureaucracy, create citizen groups and civil

## POLICY SUPPORT FOR CITIZEN PARTICIPATION IN ANTI-CORRUPTION EFFORTS

The Anti-Corruption Law of 2006 enables community and citizen groups to take part in fighting corruption by lodging complaints and opinions and setting up a non-staff community council to advise the agency against corruption. This council, at the head of the Anti-Corruption Agency, shall consist of 15 members and excludes politicians and civil servants. The council is appointed by the President of Mongolia for a four-year term. This enables civic participation against corruption and in overseeing agency operations.

The main drawback of this legislation is that it entitles the President alone to appoint the council. The anti-corruption legislation allows citizen groups to submit complaints and requests to the anti-corruption agency; to provide information to the agency; encourages the agency to support citizen initiatives to fight corruption; increases citizen group participation; and encourages cooperation between the agency and citizen groups. This enables citizen groups to participate in oversight and monitoring of the agency fighting corruption.

society oversight of government actions, and monitor expenditure of public funds by oversight and public discussion.

- Create legal conditions for citizen oversight and monitoring and ensure citizen rights to submit requests and complaints when they feel their rights have been violated.

The same Government Action Plan also states that the government aims to develop partnerships between and among government, private sector, and civil society. One of its goals is to increase transparency and responsibility by intensifying legal reforms. A sub-goal is to “create a permanent and on-going web-based system to monitor the status of resolution of complaints and requests from citizens to government.”

A number of government resolutions ensure that citizen groups may oversee government implementation of policy implementation and service delivery. Some of these resolutions include the following:

- The Government of Mongolia Resolution No. 93 (2008) on “Cooperation with NGOs”. This resolution supports an agreement of cooperation with the Civil Society Council of NGOs (CSC-NGOs). It also directs line ministries and the governors of *aimags* and the capital city to work with CSOs in monitoring the implementation of the Key Directions of the Socioeconomic Development of Mongolia, including the budget expenditure. This resolution was a result of intensive advocacy work by the CSC-NGOs.

- The Government of Mongolia Resolution No. 143 (2009) on “Criteria for Reporting the Transparency of Government Agencies” (Annex). The main drawback of this resolution, however, is that it does not indicate how CSOs are to be involved in evaluating government agencies under these criteria.

The CSC-NGOs, with a membership of 300 NGOs, citizen movements, labor unions, and non-profit organizations, was established by various Mongolian civil society organizations on February 1, 2008. Acting as an umbrella organization, the CSC-NGOs helps bridge government and civil society organizations.

In March 26, 2008, the CSC-NGOs and the Government of Mongolia signed the Cooperative Agreement to contract NGOs to implement specific services. This agreement would enable NGOs and other citizen groups to monitor the implementation of policies and the budget expenditure, cooperate in policy development, and exchange information and mutual support.

There is no doubt that this agreement is a positive step toward engendering a more transparent government and bringing about an enabling environment for social accountability.

Since then, the CSC-NGOs has created sub-councils that work hand in hand with relevant line ministries. The Citizen Council for the Environment, for example, works with the Ministry of Environment and Tourism; the Citizen Council for Social Welfare also works closely with the Ministry of Social Welfare and Labor Citizen; the Council for Education, Science and Culture also works closely with the relevant line ministry.

Some specific agreements between the CSC-NGOs (or its sub-councils) and the line ministries are the following:

- The Ministry of Education, Science and Culture issued Resolution No. 150 (2009) outsourcing specific projects, through contracts, to a number of CSOs;
- The Ministry of Social Welfare and Labor issued Resolution No. 64 (2009) endorsing a regulation to outsource to CSOs specific duties and services. This was followed by Resolution No. 77 (2009), which specifies the types of services outsourced to NGOs in the same year. These services include training and education, research and monitoring, and goods and services.

- The partnership between the Ministry of Environment and the Citizen Council for Environmental Issues resulted in the implementation of 34 projects managed by a number of NGOs.
- Local government units in the provinces also inked agreements with civil society organizations.

These projects and activities show the extent to which CSOs are now working with the government and its institutions—from outsourcing contracts to monitoring government projects. To a certain extent, constructive engagement between citizen groups and the government are working in Mongolia.

But a recurring issue is the faithful implementation of the law, which is often contingent on the motivation, will, and interest of concerned government officials and decision-makers.

### Citizen Groups Working With Government

While the law ensures the right of citizen groups to participate in and monitor government actions, the situation is that there are no clear and detailed parameters, criteria, and guidelines for the screening, selection, and accreditation of NGOs to work with government. Table 4, for example, illustrates this situation.

In 2009, the Ministry of Social Welfare and Labor approved a set of guidelines entitled “The Regulation to Outsource to NGOs for Government and Duties”. It provides for the publication of outsourced services to NGOs. It mandates the Working Group to include NGOs in the implementation of its functions.<sup>4</sup> The Ministry issued a set of criteria for the selection of NGOs, which includes the following:

- The NGO must have been set up to serve society, working for the well-being of society.
- The NGO must have been in operation for at least three consecutive years.
- The NGO must have operational experience in labor, social welfare, human development and protection of human rights.
- The NGO must have sufficient financial and human resources.

The other line agencies and local government units (*aimags, soums, districts, and Ulaanbaatar*<sup>5</sup>) are yet to develop, approve, and issue similar



Table 4. An assessment of the parameters, criteria, and guidelines in the screening, selection, and accreditation of NGOs

NATIONAL/LOCAL	NATIONAL LEVEL	DARHAN UUL AIMAG	UMNUGOBI AIMAG	HOVD AIMAG
Existence and implementation of selection regulations	Only in some areas	None	None	None
Criteria for the selection	Only in some areas	Set by the Ministry of Social Welfare and Labor	None	None
Cases of government being “selective”, or selection based on nepotism	Yes	Yes	Yes	Yes
Selection based on discussions with CSC-NGOs members	Yes	Yes	Yes	Yes
Selections based on demand from civil society organizations	Yes	Yes	Yes	Yes

guidelines. The Darhan-uul *aimag* agencies generally follow the resolution approved by the Ministry of Social Welfare and Labor.

### Issues Surrounding Citizen-Government Engagements

According to respondents, the process of screening, selection, and accreditation of NGOs is not open and competitive. Allegations of conflicts of interest, nepotism, and favoritism have been raised. A civil movement leader alleged that for the last three years (2007-2010), ministries have set up “artificial NGOs, making it appear that they are working with civil society.” This respondent added that “some ministers have even financed these NGOs that are ‘in their pocket’.” (Civil movement leader, personal communication, March 2010).

Another group of respondents from Darhan-Uul *aimag* also made similar allegations. They said that “ministries patronize their ‘own’ NGOs without any criteria or standard for the selection.” There are government officials that have “establish[ed] their NGOs, and they use these ‘NGOs’ to monitor government services, but it is clear that these ‘NGOs’ work only for the government.” (NGO respondents, personal communication, March 2010)

### CO-OPTATION OF SO-CALLED “NGOs”?

There are “NGOs” established by government officials or former *soum* governors; these are the ones that receive funding. (FGD with members of a CSO, *Hovd aimag*)

Our organization submitted a project proposal to conduct a survey in an area that was eroded as a result of mining operations in 21 provinces. We have approached a number of agencies since 2007, but they were consistent in their reply: We have no budget. Later, we found out that a government agency hired a company to do exactly what we proposed. In fact, we found out that they used our proposal. (FGD with members of a CSO, *Ulaanbaatar City*)

Despite these drawbacks, there are efforts to overcome the shortcomings. The Governor’s Office of *Darhan-Uul aimag*, for example, complies with the criteria approved by the Ministry of Social Welfare and Labor in the selection of NGOs (e.g. at least three years in operation, owns an office, etc.). Members of the CSC-NGOs are also working on a procedure in identifying and endorsing skilled NGOs that have the capacity to work with government agencies.

Citizen groups that have worked with various government agencies appreciate the experience. Citing his work with the Professional Inspection Department, a civic leader said the experience has taught him to value the importance of improving the legal environment so that citizens like him are provided the opportunity to help the government. When the agency opened themselves to citizen monitoring, his organization—without hesitation—immediately volunteered its services. (Civil movement leader, personal communication, March 2010)

The next section takes a closer look at the second enabling condition (or pillar) of social accountability: organized and capable citizen groups.

### FROM KHOT AIL TO CITIZEN GROUPS: THE DEMAND-SIDE OF SOCIAL ACCOUNTABILITY

This section describes citizen engagement with government, the capabilities of citizen groups, and the understanding and practice of social accountability. It tells of the evolution of citizen groups—from the primeval civil society called *khot ail* to the present-day civil society organizations. It takes a quick survey at their programs, projects and activities with

**IMPRESSIONS OF GOVERNMENT OFFICIALS ON THE STATE OF NGO PARTICIPATION**

[Our agency] is willing to work with NGOs in conducting consumer evaluation. The problem is that they [NGOs] don't have any professional survey organizations. So what we do instead is to ask a representative from each NGO to work with us.

- Interview with a government official of Darhan-uul aimag

The Ministry has a special advisory council with 30 members representing both government and non-government organizations. The council monitors the allocation and expenditure of funds by the Ministry. But we still have to develop a detailed set of criteria for the selection of NGOs that work with us.

- Interview with a Ministry officer

government agencies. It looks at the social accountability approaches, strategies, tools, and mechanisms they use. Their experiences and insights in working with government institutions and government officials are presented along with opportunities, obstacles, and challenges.

**The Development and Formation of Civil Society in Mongolia**

Countries that made the transition from a socialist/communist regime to an open and democratic system invested huge amounts of resources to revive their weakened economies and to provide support to a disoriented populace. The Mongolian government, while trying to adjust to a new system of government, practically left the task of civic education to civil society organizations that were, for the most part, unprepared and lacking the capacity to take on the responsibility.

This part reviews how civil society in Mongolia evolved and developed in the context of historical and cultural contingencies.

**Khot ail: Mongolia's primeval civil society**

Civil society in Mongolia evolved from and was shaped by the traditional Mongolian lifestyle, a feature of which is the *khot ail*, which continues to exist in rural areas. The *khot ail* is a group of families living in proximity with each other. The *khot ail* has a strong collective culture necessary for the clan's survival and continuity in an inhospitable environment. It has also strengthened the culture of collective problem solving among family members, friends, and neighbors.<sup>6</sup> This traditional collective lifestyle has developed into a positive and open attitude among citizens and local

governments and has become the foundation of the *kheseg*, which is Mongolia's official local administrative unit. Mongolia's first civil societies must have sprung from such familial and intimate settings.

The pull and push of historical events in Mongolia appeared to have not seriously affected the integrity of the *khot ail*, which continues to flourish in Mongolian society.

### The evolution of Mongolia's civil society

The end of the Manchu occupation in the early 1900s saw the rise of informal citizen movements advocating for independence. In 1924, Mongolia followed the way of Russia by becoming the second socialist country in the world.

The communist regime mandated all kinds of citizen groups to support the state. Student groups, women groups, labor groups, youth groups—all kinds of groups were established to comply with and prop the government's agenda. These groups were no more than instruments of the state in pursuing its goals.

The collapse of the communist regime in 1991 brought about the proliferation and growth of independent citizen groups, variously called civil society organizations, non-government organizations, and community-based organizations. The 1992 Constitution enshrined universal principles and values, including civil and political rights that recognize and support the work of these citizen groups.

How did this transition come about? What events led to the establishment and proliferation of civil society organizations in Mongolia?

Influenced by the opening up of the Soviet Union whose *glasnost* (freedom of information) and *perestroika* (re-structuring) led to social, political, and economic changes in the region, citizen-led movements were organized to oppose the Mongolian totalitarian system. In 1989, three major civil movements joined forces in Mongolia: the Democratic Union, the New Progressive Union, and the Students' Union. While openly calling for democracy, these movements were deliberately non-violent.

In March 1990, an estimated 90,000 demonstrators—led by the Democratic Union—showed up to oppose the government. This led to the resignation of the Mongolian People's Revolutionary Party (MPRP). In May

that year, the Mongolian Constitution was amended, effectively eliminating the MPRP's political domination in the country. The People's Great *Hural* was elected in July 29, 1990 during the first multi-party elections.

The New Constitution took effect in February 1992 and established Mongolia as an independent and sovereign republic with a unicameral legislature, the State Great *Khural*. Unlike the previous regime, the state now recognized and legalized opposition parties.

The significance of the transition was not lost on Mongolia's civil society. The change opened Mongolia's democratic space and provided opportunities for civil society organizations to sprout and bloom. Hundreds of CSOs, NGOs, and CBOs rushed to fill the space.

Expectedly, the enthusiasm over the unfolding events waned given the differences in ideology and interests among the leaders, not to mention the lack of capacity to lead and consolidate their gains. The Democratic Union, which was at the forefront in toppling the communist regime, became a political coalition.

But thanks to the 1992 Constitution, the seeds of a more engaged civil society had been sown and were taking root in the arena of governance.

### Organized Citizen Groups in Mongolia

The 1997 Law on Non-Governmental Organizations (popularly known as the "Law on NGOs") is the last arbiter when it comes to the role of CSOs and NGOs vis-à-vis the government.

The Law on NGOs says there are two types of NGOs: the "public benefit NGO" and the "member benefit NGO". "Public benefit NGOs" operate for the benefit of the general public in the fields of culture, arts, education, science, health, sports, nature and environment, community development, human rights, protection of sectoral interests, charity, and similar fields. The "member benefit NGOs" are those that operate primarily to serve the legitimate interests of its members. (DEMO, n.d.)

There are currently more than 12,400 citizen groups registered with the State Registration Office of Mongolia. Among these, 7,465 (or 60.2%) are categorized as "public benefit NGOs" while 4,935 (or 39.7%) are identified as "member benefit NGOs". (State Registration Office of Mongolia, 2010)

Another way of looking at citizen groups in Mongolia is by structure and organization. Civil movement organizations, for example, are identified as NGOs. Trade unions and the Red Cross are categorized under “special organizations”. Political parties and faith-based organizations are classified as associations. As of 2010, there were 25 registered political parties in Mongolia. (State Registration Office of Mongolia, 2010)

The phone survey included 161 citizen group members. Twenty percent of these consider their organizations as “permanent and stable”, while 80% said their organizations are “non-permanent and not operating on a regular basis.”

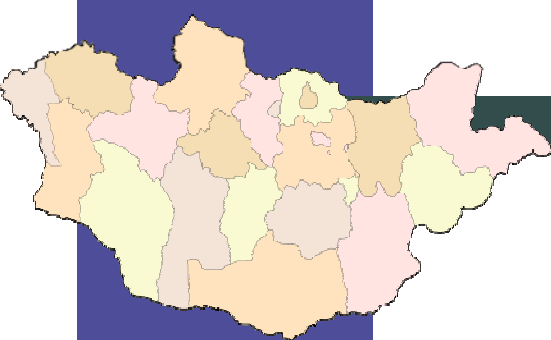
*Table 5. Socio-demographic information covered by the phone survey. (N=161)*

INDICATORS	NUMBER	PERCENT DISTRIBUTION
<b>Sex</b>		
Male	56	34.8
Female	103	63.9
No answer	2	1.2
<b>Age group</b>		
18-25	16	9.9
26-35	25	15.5
36-45	34	21.1
46-55	58	36
56+	27	16.8
No answer	1	6.2
<b>Education</b>		
None	1	0.62
Less	1	0.62
Primary	-	-
Secondary	5	3.1
College	5	3.1
University	148	91.9
No answer	1	0.62
<b>Total</b>	<b>161</b>	<b>100.0</b>

The respondents were mostly females (64%). Males represented roughly 35% of the respondents. Nearly all the respondents had university education (91.9%). Table 5 shows the socio-demographic profile of the respondents.

Nearly all the organizations classified themselves as “NGOs”, as shown in Figure 2. Many of these NGOs began operations in 2001. In 2006, most of these started to grow and expand, with projects and programs increasing yearly and activities becoming more diverse. Mongolian social accountability advocates claim that this phenomenon demonstrates two things: first, the impact citizen groups have been making on the economic, social and political conditions in Mongolia; and, second, the widening of spaces for engagement provided by the government (Undral, 2004).

The study categorized and ranked the respondent organizations according to their areas of sectors of engagement (see Table 6). The top five were NGOs working in education/democracy and civil education



(17.4%); second were those in environment, nature protection and reclamation (15.5%); third, those serving society/society centered (13%); fourth, those in citizen empowerment, capacity building, protection of interests (12.4%); and fifth, those in women and gender equality (11.8%).

Half of those surveyed rely on external funding support from international donor agencies such as the OSF, Mercy Corps, ADB, TAF, the World Bank, and the various agencies of the United Nations. Another source of funding support come from the private and public sectors, also considered as external funding sources. A small share comes from internally-generated incomes as service providers and membership/tuition fees. More than one in five citizen groups depend on government contracts in order to survive.

Figure 3 illustrates the sources of funding of citizen groups that participated in the study.

Figure 2. Proportion based on classification of CSOs included in the study.

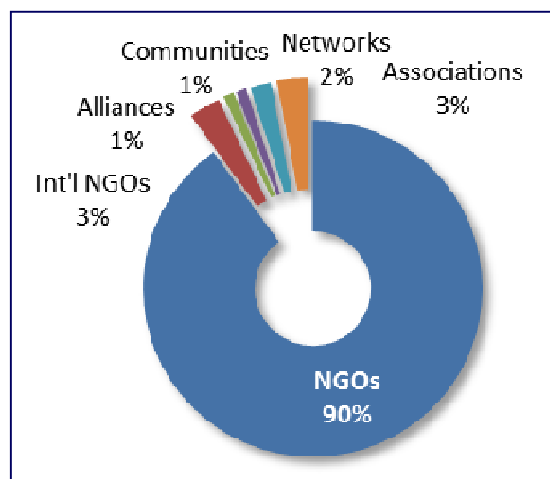


Table 6. Sectors and areas of engagement of CSOs included in the study.

Ranking	Areas or sectors of engagement	Number	% of Total
1	Education/democracy and civil education	28	17.4
2	Environment, nature protection and reclamation	25	15.5
3	Serving society/ society centered	21	13.0
4	Citizen empowerment, capacity building, protection of interests	20	12.4
5	Women and gender equality	19	11.8
6	Health/reproductive health	14	8.7
7	Social welfare	14	8.7
8	Training, research and evaluation	9	5.6
9	Human rights	7	4.3
10	Ultra poor citizens	6	3.7

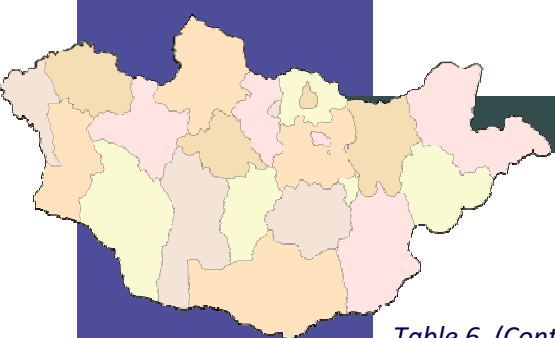


Table 6. (Continued)

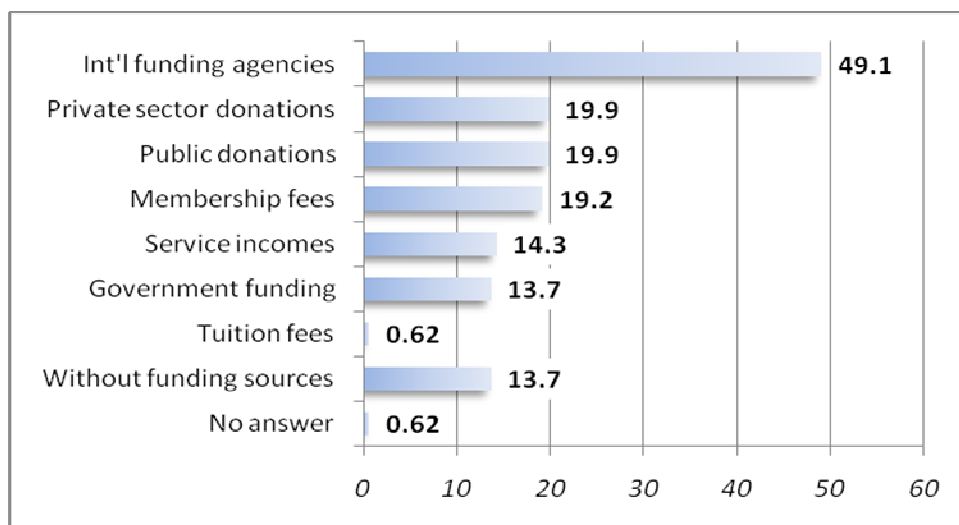
Ranking	Areas or sectors of engagement	Number	% of Total
11	Family and children	5	3.1
12	Agriculture and animal husbandry	5	3.1
13	Media, information dissemination	4	2.5
14	Business development	4	2.5
15	Working for people with disabilities	3	1.9
16	Legal consultation	3	1.9
17	Unanswered	3	1.9
18	Advocacy and participation	2	1.2
19	Trade unions	2	1.2
20	Interests of residents	1	0.62
21	Extractive industry transparency	1	0.62
22	Fighting corruption	1	0.62
<b>TOTAL</b>		<b>197</b>	<b>100.0</b>

Women manage more than half of the surveyed organizations (58.4%). Most citizen groups have an average of five full-time staff members supported by 20 or more volunteers and part-time staff.

### Social Accountability Initiatives of Citizen Groups

For purposes of this study, the citizen groups were clustered around general thematic areas: (1) monitoring of government activities in budgeting, environment and extractive industries, and access to information;

Figure 3. Percentage of CSOs and their sources of funding support.





(2) ensuring budget transparency; (3) involvement in policy research; (4) advocacy on environmental issues; and (5) strengthening civic education and network expansion.

### Monitoring of government activities

Many CSOs and NGOs monitored government activities in budgeting, environment, extractive industries, and access to information. Table 7 shows the specific monitoring activities conducted by citizen groups at the national and local levels.

In 2009, 47 citizen groups (15 local and 32 national) were selected to monitor the following government activities: budgets and expenditures in public services; performance assessments of government workers; implementation of environmental programs as well as other sectoral programs in public health, public education, social welfare, human rights, and the extractive industry.

In recent years, citizen groups in the rural areas have started to monitor local government budgets, expenditures and procurement. In Umnugobi *aimag*, for example, local civil society representatives sit as observers in the Tender Evaluation Committee (similar to procurement processes in other

Table 7. Monitoring activities of citizen groups on government projects. (Source: OSF Annual Report, 2005-2009, pp. 12, 28, 54-55.)

NATIONAL LEVEL	LOCAL LEVEL
<b>Budget</b>	
<ul style="list-style-type: none"> <li>• Formulation and expenditure of public agency equity</li> <li>• Expenditure of the reserve fund of the Songinohairhan district governor</li> <li>• Expenditure of the Chingeltei district government on street lighting and establishing a green area</li> <li>• Income and expenditure of waste management fund in Bayangol district</li> <li>• Formulation of budget income from interests and fines</li> <li>• Citizen oversight of local budget formulation</li> <li>• Expenditure of Science and Technology Fund</li> <li>• Selection of vendors for construction and urban development sector work, funded by the Mongolian Development Fund and government budget</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen participation in the local budget</li> <li>• Expenditure of Governor's Reserve Fund</li> <li>• Services fee income</li> <li>• Local budget monitoring</li> <li>• Expenditure of Health - Insurance Fund</li> <li>• Monitoring of Public Procurement</li> <li>• Development of gateway-budget monitoring</li> <li>• Monitoring of the operations of <i>aimag</i> Development Fund</li> </ul>

Table 7. Monitoring activities of citizen groups... (continued)

NATIONAL LEVEL	LOCAL LEVEL
<b>Budget (continued)</b>	
<ul style="list-style-type: none"> <li>• Operation of the Health Support Fund and its financial management</li> <li>• Advocacy, capacity-building of public agencies to ensure budget transparency</li> <li>• Financing of political parties</li> <li>• Expenditure of Special Fund supporting employment for those with disabilities</li> </ul>	
<b>Environment and extractive industry</b>	
<ul style="list-style-type: none"> <li>• Process of licensing exploitation of minerals</li> <li>• Activities on environment protection</li> <li>• Payments and taxes from mining companies to the local budget</li> <li>• License monitoring</li> <li>• Tuul River basin</li> <li>• Expenditure of Environment Protection Fund</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring re-forestation</li> <li>• Status of businesses in the Eastern Mongolian Protected Area in environment reclamation</li> </ul>
<b>Access to Information</b>	
<ul style="list-style-type: none"> <li>• Transparency of information of government agencies</li> <li>• Violations of the right to free speech</li> <li>• Content of Transition Period program</li> <li>• Supporting freedom of expression and free media</li> <li>• Content of websites of government organizations</li> <li>• Implementation of judge's decision to restrict rights</li> <li>• Roles of citizen representatives in collective settlement of disputes</li> <li>• Recommendations from the Independent Anti-Corruption Agency</li> <li>• Improving responsibility of citizen representatives to ensure openness of court hearings, legal background for court decisions and enhancing the legal environment for selection of representatives</li> </ul>	<ul style="list-style-type: none"> <li>• Openness and transparency of information at local government agencies</li> <li>• Openness and transparency of information at government agencies</li> <li>• Citizen participation in rural areas</li> <li>• Activities of public radio and TV of Gobi-Altai <i>aimag</i></li> <li>• Implementation of Governor's action plan to improve citizen participation</li> </ul>

countries). Some citizen groups also monitor local governments' environmental programs.

The Open Society Forum (OSF) has encouraged monitoring activities by citizen groups, supporting 90 CSOs from 2006 to 2009. The OSF support ranged from developing a monitoring framework to working with government agencies in policy implementation. Short-term monitoring activities focused on foreign funded government projects in human rights protection, the extractive industry, and social welfare, among others. The

positive performance of CSOs even at this early stage indicated the need to extend and sustain monitoring activities through networking and resource mobilization. (OSF Annual Report, 2008, p. 18)

According to respondents, citizen groups always make it a point to present the results of their monitoring work to concerned government agencies. The findings are likewise disseminated to the public during meetings with stakeholders, or through community billboards, or sharing these with the media. Relevant monitoring information also finds its way into the design of ongoing interventions, such as in re-planning activities.

Generally, the public and the government in general are now more open to monitoring activities (OSF Annual Report, 2007, p. 11). As a result, a number of government agencies and local government units are discussing with citizen groups on how to foster and institutionalize constructive engagement, starting with building good relationships among the various stakeholders.

### **Ensuring budget transparency**

In 2006, a number of CSOs, NGOs, and experts initiated budget analysis and budget monitoring activities with support from the Civil Education Center and the OSF. These activities were conducted even as local governments were in the process of consulting citizen representatives for the purpose of revising the Annual Budget for 2007. A group of CSOs held a campaign called the “Glass Wallet”<sup>7</sup> in partnership with the governors’ offices and citizen representatives from the *Khurals* of Baganuur and Bayanzurh districts. Participating CSOs included the New Administrative Initiative, Local Governance Development Foundation, Independent Research Institute of Mongolia (IRIM), and the Mongolian Education Alliance.

A milestone in ensuring budget transparency was the “Glass Wallet” activity during the government-sponsored Open Day Event.<sup>8</sup> The handbook simply titled “Glass Wallet” was launched. The handbook’s goals were twofold: first, it aimed at raising public awareness on citizen participation in the budget process, and, second, as a tool for replicating the initiative in other localities.

**TRIPARTITE PARTNERSHIP AGREEMENT MODEL: "GLASS WALLET" PROJECT**

The administration of Bayanzurh district and the Citizen Representative *Khural*, in partnership with the IRIM, developed a model tripartite agreement to help create mechanisms for citizen participation and monitoring of the formulation and expenditure of the budgets of government organizations in the district, and to create conditions for effective cooperation by ensuring budget transparency. In addition, regulations on the creation of a transparent budget were developed jointly and attached to the model agreement. This agreement delineates the potential cooperation of stakeholders in running a transparent budget Glass Wallet campaign, upgrading transparent budget regulations, and publicizing the need for a transparent budget for the community. (Source: IRIM, 2009, pp. 1-3)

Other monitoring initiatives on budget transparency include the following:

- In the Baganuur district, a set of new regulations to enhance citizen participation in budget-related activities.
- In the Umnugobi *aimag*, monitoring the Governor's Reserve Fund expenditure by the Rural Women's Support Foundation. The foundation was also responsible for including new provisions in the regulations that allowed for more efficient monitoring and inspection procedures.
- In the Umnugobi *aimag*, improvement of accountability procedures in public procurement in the governor's office and parliament by the Women Leaders' Foundation.

**Involvement in policy research**

Policy research has focused on enhancing citizen participation in policy building. To support these initiatives, the OSF implemented a Policy Research Grant Program in 2004.

The OSF program has published a total of 25 research studies proposing alternative ways to enhance government transparency. Research themes ranged from improving citizen and civil society participation in policy-making at the local and central levels, supporting transparency in the budget and financial processes, and formulating strategies to encourage citizen participation in tracking government expenditure. Table 8 shows the research agenda from 2004 to 2009.

Table 8. Five-year CSO Research Agenda (2004-2009) to support government transparency.

YEAR	POLICY RESEARCH AGENDA
2004	<ul style="list-style-type: none"> <li>• Funding election campaigns</li> <li>• Media and press freedom and IT opportunities</li> <li>• ICT development in rural areas</li> <li>• Ways to fight white collar crime and fraud</li> <li>• Central and local government - suitable balance</li> </ul>
2005	<ul style="list-style-type: none"> <li>• To purchase products and services by state property</li> <li>• To increase civil participation in decision-making: Legal and institutional environment</li> <li>• To reform public administration and public units and public and social service quality and access</li> </ul>
2006	<ul style="list-style-type: none"> <li>• Budget and finance centralization and independence</li> <li>• Legal support for NGO participation in decision-making</li> <li>• Mining sector demands and educational sector supply</li> </ul>
2007	<ul style="list-style-type: none"> <li>• Civil participation in Citizen Representative Hurals in 2007</li> <li>• Encourage civil participation in <i>aimag</i> and <i>soum</i> Citizen Representative Hurals in policy and decisions</li> </ul>
2008	<ul style="list-style-type: none"> <li>• Encouragement mechanisms for NGO and civil participation in government monitoring and evaluation</li> <li>• Relationship between medical institution service quality and financing</li> <li>• Methods to develop legal and activity environment to support investigative media</li> </ul>
2009	<ul style="list-style-type: none"> <li>• Legal procedure to stop the mining sector</li> <li>• Micro-economic policies to share mining sector profits</li> <li>• Funding for political parties</li> <li>• Judicial empowerment and independence</li> </ul>

### Advocacy on environmental issues

In 2007, the Human Rights and Development Center and the Huvsgul Lake Owners Association carried out strategic advocacy work in ten court cases on environmental issues. The work of these NGOs serves as a model for the protection of the common public interest. Their experience has provided citizen groups guidance on how to build their capacities in this field. Their advocacy encouraged government officials to see human rights in a new light. According to CSO leaders, the July 1, 2008 riots could have been prevented, or at least resolved peacefully, had the model been applied to prevent the violation of human rights by government agencies.<sup>9</sup>

Other citizen groups have also applied strategic advocacy on issues such as land disputes, privatization and licensing, and the abrogation of

“unrealistic” legal provisions. Citizen groups working in this area include the Coalition of Environmental NGOs, Lawyers’ Association for the Environment, Women Lawyers’ Association, the Zorig Foundation, and the National Center Against Violence.

### **Strengthening civic education and network expansion**

CSOs with strong civic education and social accountability orientation include the Academy of Political Education, OSF, the Human Rights and Development Center, Mercy Corps, Democracy Education Center, and the Soyombo Movement.

A number of citizen groups in Mongolia have established networks to strengthen their collective efforts in mainstreaming social accountability. Three of these networks are the Civil Society Council of NGOs, the Coalition of Environmental NGOs, the Citizen’s Oversight of the Budget Coalition, and the Publish What You Pay and Earn (PWYPE) Coalition.

#### *Civil Society Council of NGOs*

The Civil Society Council of NGOs (CSC-NGOs) was established on February 1, 2008. It has a membership of 300 organizations. Its goal is to coordinate programs and activities between the government and CSOs. Thus, for example, through the work of the CSC-NGOs, the government published Resolution No. 93 creating the conditions for NGO involvement in monitoring the implementation of Key Directions of Mongolia’s socio-economic development. Resolution No. 93 sets the ground for central and local governments to work with CSOs particularly in laying out the preparatory work in outsourcing government services and contracts to CSOs at the local level. The Democracy Education Center (DEMO) was selected to coordinate CSC-NGOs activities and regularly update the network through its website, [www.demo.org.mn](http://www.demo.org.mn).

In general, the CSC-NGOs’ efforts have been recognized by the government and its member organizations.

#### *Citizens’ Oversight of the Budget Coalition*

Established in 2008, the Citizens’ Oversight of the Budget Coalition has gained practical experience in monitoring the public finance management

activities. Its 13 member organizations monitor the government's budgeting and expenditure procedure, analyze budget-related information, and publish the findings through its information portal, [www.tusuv.mn](http://www.tusuv.mn). Table 9 shows the areas where the coalition has carried out budget monitoring activities on the 2010 local and central government budgets.

The Citizens' Oversight of the Budget Coalition applies a number of budget monitoring tools and processes. Some of these include:

- Selection of the agency for monitoring; collection of preliminary data and discussion with coalition members;
- Collection of detailed information (media resources, reports, audit reports, financial reports from all sources including citizens);

*Table 9. Budget monitoring information of the Citizens' Oversight of the Budget Coalition, 2010.*

VENUE	AREA BEING MONITORED	RESPONSIBLE
Ulaanbaatar (capital city)	<ul style="list-style-type: none"> <li>• Ulaanbaatar Fund, a reserve fund for the Mayor</li> <li>• Income from privatization of municipal property</li> <li>• Expenditure of funds allocated to political parties with seats in the Ulaanbaatar city parliament</li> <li>• Tender for roof repairs of second maternity house</li> <li>• Expenses for settlement of land disputes and reclamation (700 million MNT)</li> <li>• PR and media expenses (190 million MNT)</li> <li>• Central Cultural Palace (893 million MNT)</li> </ul>	<ul style="list-style-type: none"> <li>• IRIM</li> <li>• Progressive Union</li> <li>• Local Government Development Foundation</li> </ul>
Bayangol district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Governor's Reserve Fund (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Funds for political parties holding seats in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer Foundation</li> </ul>
Sukhbaatar district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Governor's Reserve Fund (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Funds for political parties holding seats in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Women for Social Progress Movement</li> </ul>

Table 9. Budget monitoring information of the Citizens' Oversight of the Budget Coalition, 2010. (Continued)

VENUE	AREA BEING MONITORED	RESPONSIBLE
Songinokhairhan district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Governor's Reserve Fund (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Funds for political parties with seats in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Zorig Foundation</li> </ul>
Bayanzurh district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Governor's Reserve Fund (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Bayanzurh-One heart program 850000,0</li> <li>• Unallocated local expenses</li> <li>• Bayanzurh Development program 500,000 MNT</li> <li>• Funds for political parties with seats in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Education Alliance</li> </ul>
Khan-Uul district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Reserve Fund of the Governor (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Funds for political parties with seats in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Center for Human Rights and Development, Zuv Tusgal</li> </ul>
Baganuur district	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Governor's Reserve Fund (Local Reserve Fund)</li> <li>• District Development Fund</li> <li>• Khoroo Support Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Waste management and removal service fund</li> <li>• Funds for political parties with in the Ulaanbaatar city parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Nuurentein Ich NGO</li> </ul>



Table 9. Budget monitoring information of the Citizens' Oversight of the Budget Coalition, 2010. (Continued)

VENUE	AREA BEING MONITORED	RESPONSIBLE
Dundgobi aimag	<ul style="list-style-type: none"> <li>• Expenditure of 500 million MNT for MPs</li> <li>• Reserve Fund of the Governor (Local Reserve Fund)</li> <li>• Aimag Development Fund</li> <li>• Social Welfare Fund for Senior Citizens</li> <li>• Emergency Fund</li> <li>• Funds for political parties with seats in the aimag parliament</li> </ul>	<ul style="list-style-type: none"> <li>• Steps Without Boundaries NGO</li> </ul>

- Requesting government organizations and officials, both verbally and in writing, for more information if necessary;
- Observing the budget expenditure;
- Analyzing all data gathered and arriving at conclusions;
- Discussing the monitoring results with coalition members;
- Preparing and distributing the budget information sheet;
- Advocating, i.e. filing a demand for corrective action from the agency and/or officials; and
- Evaluating budget transparency procedures according to criteria; arriving at a final evaluation. (Citizens' Oversight of the Budget Coalition, 2010)

### *The PWYPE Coalition*

The PWYPE Coalition was established in 2006 to enhance transparency by strengthening social accountability mechanisms in the extractive industry. Supported by the OSF, it works with the US-based Revenue Watch Initiative (RWI), the International PWYPE Coalition, and the World Bank. The PWYPE Coalition, together with the OSF, represents Mongolian CSOs in the National Council of the Extractive Industry Transparency Initiative.

The PWYPE Coalition analyzes the flow of revenues from the mining sector, disseminates information about the extractive industry to the public, and organizes public forums on transparency initiatives in partnership with the industry's key players, such as the government and the private sector. The PWYPE Coalition has put forward a number of policy recommendations to the National Chamber of Commerce and Industry, the Ministry of Trade

and Industry, the National Council of the Extractive Industry Transparency Initiative, and the National Mining Association, among other players in the field.

In 2009, Mongolia underwent an annual audit reconciliation with the International Extractive Industry Initiative. The findings were submitted by the OSF to the International Secretariat of Extractive Industry Transparency Initiative. The PWYPE Coalition held discussions with CSOs to review preliminary reports of international validation of the Extractive Industry Transparency Initiative. It also works with the Mongolian government to facilitate the establishment of transparency mechanisms in the environment and mining sectors.

The PWYPE Coalition uses the following tools and mechanisms to ensure transparency in the mining sector:

- Comments on the final report of the National Council of the Extractive Industry Transparency Initiative validation, especially on five indicators concerning Mongolia, which are submitted to the International Secretariat of Extractive Industry Transparency Initiative.
- Publication of the validation report in the media and on websites.
- A press conference on the final results of the Extractive Industry Transparency Initiative validation.
- Submission of demands to the National Council of the Extractive Industry Transparency Initiative and Technical Working Group<sup>10</sup> on the findings of the validation report.
- Representation of civil society in the Technical Working Group and the National Council of Mongolia Extractive Industry Transparency Initiative.
- Making information from the Extractive Industry Transparency Initiative on mining companies open and transparent. (OSF, Annual Report, 2006, pp. 20-21)

### Partnership Agreements With Government

Many government officials prefer to work with umbrella organizations rather than individual groups in outsourcing government services. Representing civil society's interests, and promoting the common goals of more than 300 citizen groups in Mongolia, the Civil Council of Environment

NGOs and the Civil Society Council of NGOs have provided the space for more meaningful partnerships with the government.

### **Civil Council of Environment NGOs**

The Civil Council of Environment NGOs has played a key role in mainstreaming social accountability in the Ministry of Environment and Tourism.<sup>11</sup> It is a network composed of around 600 NGOs governed by a nine-member board and supported by a three-person secretariat.

The engagement has resulted in a four-year cooperative agreement between the network and the Ministry of Environment and Tourism. One of the major outcomes of the partnership is a set of policies promoting collaboration between the government and citizen groups. An important aspect of the agreement is an annual performance assessment.

For 2010, the ministry has contracted the network to implement 34 activities in line with Government Resolution No. 143. The resolution provides that government agency programs and activities, including budgets, are to be evaluated by independent organizations such as citizen groups. The policy allows accredited network members to carry out monitoring activities on government programs such as the prohibition of illegal logging in protected forests and mining in designated river basins, the application of regulations on water laws, and other similar programs. The activities are aimed at mainstreaming social accountability in the agency.

The Civil Council of Environment NGOs uses a number of tools and mechanisms such as the following:

- Implementation of contracts;
- Representation in the Policy Council of the Ministry as well as in the program work groups;
- Participation in action planning activities;
- Provision of inputs on improvement of human resource capacities; and
- Helping build the Council's capability to work closely and effectively with the government.

### **Civil Society Council of NGOs**

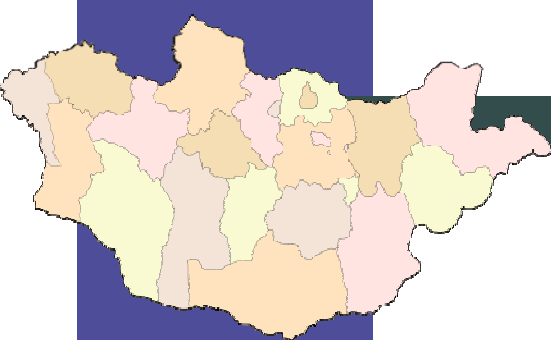
Established through Government Resolution No. 93 (2008), the Civil Society Council of NGOs is instrumental in bringing together various citizen

groups from all over the country and representing their interests vis-à-vis the government. The partnership is marked by two milestones: the yearly celebration of the “Civil Society Day” starting 2009, and the implementation of the policy that opened the doors for citizen groups to work with government.

The Council works at the local, national, and international levels. Locally, the Council helps build the capabilities of citizen groups, supports local council branch offices, conducts advocacy work, and disseminates information to the public. At the national level, the Council formulates cooperative agreements and develops joint action plans with the government. At the international level, the Council provides assistance to international organizations in monitoring and evaluating the implementation of various policies and programs in areas such as human rights, the Millennium Development Goals, and women and gender equality.

The Council’s local level offices have implemented a number of social accountability activities. For example, the Darhan Uul *aimag* has put together an action plan promoting citizen participation in local governance. Some of the activities include:

- Signing of a contract on cooperative agreement and ensuring its proper implementation.
- Holding of common events, such as the celebration of a Civil Society Day (through a decree by the Governor), joint sessions, and other events.
- Development of general guidelines for activities in Darhan Uul *aimag*, under the framework of Resolution No. 64 of the Ministry of Social Welfare and Labor.
- Appointment of representatives from local citizen groups to the Livelihood Support Council and the local Tender Evaluation committees.
- Monitoring of expenditures of government programs, projects and funds in partnership with professional organizations.
- Establishment of an information network among local citizen groups.
- Implementation of training and advocacy activities on human rights, gender equality, child rights, occupational safety, and ecology education.
- Holding of an NGO Open Day.
- Promotion of citizen groups in local media.
- Organizing a participatory campaign on environmental protection.



- Encouraging citizen groups to report annually on their activities to the local Governor and to parliament.
- Giving of awards to exemplar citizen groups.

Table 10 shows the accomplishments of the members of the Council in their work with the national government and selected local government units.

*Table 10. Accomplishments of citizen groups in their work with the national government & selected local government units.*

LEVEL	GOVERNMENT	COUNCIL MEMBERS
National level	<ul style="list-style-type: none"> <li>• Resolutions and regulations supporting citizen groups (e.g. Resolution Nos. 43, 93)</li> <li>• Cooperative agreement signed</li> <li>• Government agencies appoint staff to working with citizen groups</li> </ul>	<ul style="list-style-type: none"> <li>• Contract between Civil Society Council of citizen groups</li> <li>• CSC-NGOs established</li> <li>• Government agencies celebrate Civil Society Day</li> </ul>
Hovd	<ul style="list-style-type: none"> <li>• CSC-NGOs established</li> <li>• Monitoring of public procurement in the School Tea Break program</li> <li>• Tripartite partnership agreement</li> <li>• Citizen group representation in Tender Evaluation Committees</li> <li>• Citizen groups outsourced for some government activities</li> <li>• Government staff appointed to work with citizen groups</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen group network established</li> <li>• Tripartite agreement on outsourcing government activities</li> <li>• Citizen group outsourced for some government activities</li> </ul>
Umnugobi	<ul style="list-style-type: none"> <li>• Cooperative agreement reached</li> <li>• Civil society hall established</li> <li>• Appointment of citizen group representation on tender evaluation committees</li> <li>• NGO survey of quality and delivery of government services</li> </ul>	<ul style="list-style-type: none"> <li>• CSC-NGOs and network established with agreement with Governor</li> <li>• Local Governor’s Reserve Fund starts funding citizen group activities</li> <li>•</li> </ul>
Darhan-Uul	<ul style="list-style-type: none"> <li>• Tripartite agreement: Governor’s Office and Trade Union and Employers’ Association</li> <li>• Cooperative agreement to work with CSC-NGOs</li> <li>• Citizen group representation in working groups and in other government activities</li> </ul>	<ul style="list-style-type: none"> <li>• Government is open to working with citizen groups</li> <li>• Civil Hall established at the local parliament</li> <li>• Citizen group network established</li> <li>• CSC-NGOs develops action plan in cooperation with (and approved by) the Governor’s Office</li> <li>• Tripartite partnership program implemented</li> </ul>

## Opportunities and Challenges of Citizen Groups in Mongolia

Citizen groups engaged in social accountability in Mongolia are confronted with a number of challenges as well as opportunities. Most of these revolve around financial stability and upgrading human resource capability, partnership risk management, trust-building between government and citizens, and enhancement of citizen group partnerships.

### Financial stability and upgrading human resource capability

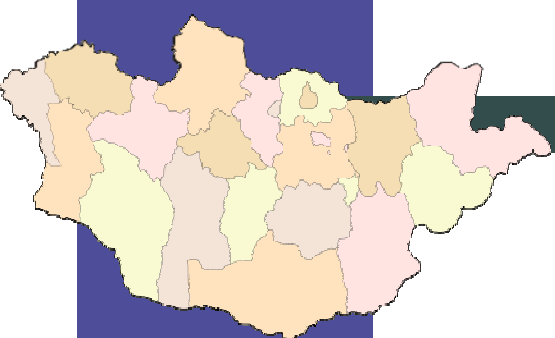
Like most CSOs and NGOs all over the world, Mongolian citizen groups often find themselves under financial straits. For good or for bad, most of these citizen groups are dependent on external funding support from international donor organizations. Because of this, not a few respondents expressed concern about the extent to which such funding support may influence social accountability agenda-setting. While donor support is appreciated, they also long for the day when they would be self-sufficient and self-sustaining. Internally-sourced funding support is ideal, but they also realize that such a situation is still far into the future.

The other major challenge is building their human resource capability. A requirement to address the demands of social accountability is the need to scale a steeper learning curve. Areas that need critical upgrading include technical proficiency (especially those dealing with government bureaucracy and procedures), organizational capability (including coalition-building and networking), knowledge generation and information management, political sensing, and ethical competency.

### Partnership risk management

Majority of the respondents believe that a way out of their financial difficulties is outsourcing specific government duties and services through long-term government contracts. The goal of many citizen groups, in effect, is to become the government's partners as service providers—"for-a-fee". Such a scheme would be a good source of revenues for their sustainability.

But many government agencies, however, prefer working with established and experienced citizen groups. This leaves out those that are still trying to make a name and making ends meet in terms of financial and



human resources. This in turn raises the question of equity—how government should farm out service contracts, given government’s preference for more experienced citizen groups. In addition, how level is the playing field among the citizen groups themselves, given the enormous governance problems facing the country?

Another issue is the framework for partnership management between a government agency and citizen groups. As service delivery providers “for-a-fee”, NGOs and CSOs are assured of revenues, giving the latter a sense of financial stability. But this arrangement also opens itself to the possibility of co-optation of the latter actors.<sup>12</sup> The risk of co-optation becomes greater because of the asymmetrical relationship between the key actors, the government being the “sponsor” and the CSO being the “client”. To what extent are all parties aware of such possibility and the implications thereof? How are these risks to be mitigated?

A deeper concern is the likelihood of “role reversal”, with the government taking on the role of “monitors” of citizen groups as contracted parties. Social accountability is supposed to highlight the demand-side of governance, that is, to bring the “voice” of citizens—represented by citizen groups—into the arena of politics and decision-making. This is why citizen groups are referred to as “a key actor” in social accountability, the government being the other one. Being under contract by the government as a service provider would raise the question of “Who will monitor whom?” as far as third-party monitoring is concerned. Inevitably, citizen groups will have to be ready to answer questions like “If citizen groups are, in effect, acting as government proxies, then who will do the monitoring?”

### **Building trust between government and citizen groups**

The period of transition between socialist and democratic regimes has been very short for the government and citizen groups (and among citizen groups themselves) to forge a strong relationship. Respondents candidly admitted of difficulties and inevitable conflicts while trying to engage each other in the governance arena.

Pushing for democratic reforms often finds government officials and citizen group representatives on opposite sides of the table. The problem is not only a case of divergent interests but of framing how one side perceives

the other. Labelling one or the other as “incompetent” does not help any—the epithet only serves to “demonize” the other. While in some ways true, such misperceptions often take on proportions that do not match reality.

As in other developing countries, government officials are always in the glare of the public spotlight, making them easy targets of allegations, wrongly or rightly. In Mongolia, suspicions abound about “private NGOs” that are “fronts of, “owned”, or “deliberately set up” by high-ranking government officials, often suspected as conduits of “money laundering”. Whether or not this allegation has basis, such charges often becloud relationship-building among social accountability actors.

### **Enhancement of citizen group partnerships**

One also hears of the “lack of trust” among members of citizen group. Some high profile CSOs are perceived to look down on new and less-experienced CSOs. This gives the impression that the latter’s “inexperience” and “lack of competence” are reasons why government do not give them preference. There are also citizen groups that tend to cast a wary eye on government-CSO agreements, saying that such agreements are as “fragile as the contract paper” on which the agreements are written. Some complain about how some citizen groups have withheld information from their peers. These and other grievances often indicate the shaky relationship between citizen groups and government and even among citizen groups themselves.

Table 11 (next page) presents the challenges and difficulties as perceived by government on one hand, and citizen groups on the other hand. The data in this table were taken from interviews and focus group discussions conducted among key informants.

The next section looks at the third pillar of social accountability, which is access to information. It reviews the environment surrounding access to information in Mongolia, and the extent to which this pillar has advanced—or constrained—social accountability initiatives in the country.



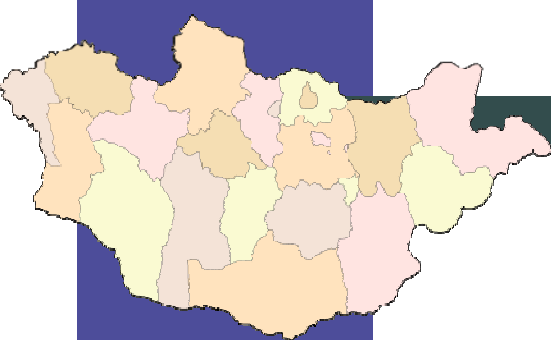


Table 11. Summary of challenges and difficulties of social accountability as perceived by key actors.

LEVEL	RESPONDENTS	
	Government	Citizen Group
National level	<ul style="list-style-type: none"> <li>• NGO law is outdated</li> <li>• NGOs are not united in terms of views and activities</li> <li>• No implementing rules and regulations on “government openness” and access to information</li> <li>• No officially designated information officers (task is perceived as minor and unimportant)</li> </ul>	<ul style="list-style-type: none"> <li>• No clear mechanisms on which government level to work with and how to interface with each other’s work</li> <li>• Government officers in charge of civil society lack the capacity to understand and deal with CSOs</li> <li>• While some ministries and agencies respond to requests for cooperation, they have no experience of working with NGOs</li> <li>• No mechanisms to ensure long-term stable cooperation</li> </ul>
Hovd	<ul style="list-style-type: none"> <li>• NGOs require funding for administrative costs</li> <li>• NGOs appear to have a suspicious attitude toward government</li> <li>• Many NGOs are not stable in terms of operations</li> </ul>	<ul style="list-style-type: none"> <li>• Government officers lack understanding and appreciation of social accountability</li> <li>• Poor legal environment for NGO participation in government decisions and actions</li> <li>• Government agencies are not supportive of NGOs</li> </ul>
Umnugobi	<ul style="list-style-type: none"> <li>• Some NGOs are inactive</li> </ul>	<ul style="list-style-type: none"> <li>• Weak implementation of cooperation and enforcement of rules and regulations</li> <li>• Where there is a legal environment, there is no enforcement</li> <li>• Government chooses to work only with experienced NGOs</li> <li>• Some government officials fear that NGOs will take over their work</li> </ul>
Darhan-Uul	<ul style="list-style-type: none"> <li>• NGOs do not present a united front; fragmented views</li> <li>• NGOs do not report their activities</li> <li>• NGOs lack initiative</li> </ul>	<ul style="list-style-type: none"> <li>• NGOs continue to face financial constraints</li> <li>• Legal environment is not conducive for social accountability</li> <li>• Government is hesitant to provide information to the public</li> <li>• No support for NGOs</li> <li>• No trust in NGOs</li> </ul>

## THE MEANDERING FLOW OF INFORMATION IN MONGOLIA

The third pillar of social accountability is “access to information”. Because social accountability is “constructive engagement” between two actors—government and citizen groups—it is important that they regularly engage in dialogue and problem-solving. These two essential activities—dialogue and problem-solving—require the availability, accessibility, reliability, and usability of high quality information. Accessibility of information, at the minimum, is a key determinant of success of all social accountability mechanisms.

Accessibility can mean four things. First, it connotes physical acquisition (such as physical documents) or, in this electronic age, virtual acquisition (such as information acquired through the internet or in electronic form) of information. Second, because not all information is in document form, accessibility may also mean the availability of government officials—and this includes their ability—to disseminate and share information relevant to the public. Third, accessibility implies the availability of information in a form that is understandable and usable to inquirers and/or end-users. Finally, accessibility also refers to places—physical or virtual—where information is archived, stored, and retrieved.

This section scans the environment surrounding access to information in Mongolia. It looks at whether the legal conditions, policies, rules, and regulations in Mongolia support the basic right of citizens to information as part of its good governance framework. It attempts to identify state-supported mechanisms, if any, that facilitate the flow of information to the public. It seeks to answer the question of the extent to which government provides the conditions for citizens and civil society to gain access to government information. Finally, it seeks to determine the gaps, obstacles, challenges, and opportunities where government and citizens are able to share information to advance the aims of social accountability.

### The Legal Environment Surrounding Access to Information

Mongolia is a signatory to and is legally bound by international agreements that guarantee people’s rights to seek for and gain access to information. This fact is, likewise, reflected in Mongolia’s constitution. Only

information that is legally bound to be protected as classified and secret is exempt from this general policy.

The Universal Declaration of Human Rights, Article 19, for one, says that

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. (United Nations, 1948)

Article 19 of The International Covenant on Civil and Political Rights, adopted by Mongolia in 1974, provides that

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - For respect of the rights or reputation of others;
  - For the protection of national security or of public order, or of public health or morals. (Office of the United Nations High Commissioner for Human Rights, 1966)

Mongolia's "Freedom of Information and Expression", as provided for in the National Human Rights Program and approved by the Parliament in 2003, specifies the

[Creation of] legal conditions for citizens to ensure the right to seek and receive access to information, and for government agencies to provide access to information at the request of the media and citizens, to ensure transparency of operation by state executive, legislative and judiciary agencies and officers, eliminating restrictions set by legislation on state secrets. (Provision 2.2.5)

Two laws regulate the right of access to information in Mongolia. These are the *Law on State Secrets* and the *Law on the List of State Secret*

## MONGOLIAN PARLIAMENT OKs TRANSPARENCY LEGISLATION 17 June 2011

The Parliament of Mongolia June 16 approved the Law on Information Transparency and Right and Freedom to Access Information.

“We believe that the new law will help us to consolidate democracy, freedom of expression and human rights in Mongolia,” commented Naranjargal Khashkhuu, President of Globe International.

Passage of the law was supported by Globe International and the Open Society Foundations, among other groups. The effort to pass a law has been under way for about eight years

In January 2011, the Mongolian Ministry of Justice submitted to parliament a Draft Law of Mongolia on Information Transparency and Freedom of Information. By some reports the final bill is little changed on passage. (No English version of the law as passed exists.) An analysis of the draft bill was done by the Centre for Law and Democracy.

CLD’s Toby Mendel summarized his analysis:

The draft Law has a number of strengths. It defines public bodies quite widely, it has good rules on the processing of requests for information and it puts in place a very broad and progressive set of obligations regarding proactive publication.

At the same time, there are some significant problems with the draft Law. The regime of exceptions is particularly problematical. It is both too wide and too narrow, failing to protect key confidentiality interests while throwing a veil of secrecy over some matters which should be open. Furthermore, it is not based on the idea of preventing harm to protected interests, and it does not include a public interest override. Other problems including the narrow definition of information, sanctions for disclosing confidential information and a rather limited set of promotional measures.

- Retrieved from <http://www.freedominfo.org/2011/06/mongolian-parliament-oks-transparency-legislation/>

*Information.* But a survey conducted by the Ulaanbaatar-based Globe International NGO (n.d.)<sup>13</sup>, which envisions an “established democratic culture, informed and empowered citizens” in Mongolia, revealed<sup>14</sup> the following shortcomings and drawbacks of Mongolia’s existing laws on the right to information:

- The scope of the Law on State Secrets and the Law on List of State Secrets is too broad. Almost anything can be classified as “state secret”.
- The classification period is very long (up to 60 years) and the items protected for indefinite periods are too many (11 items out of 58 are deemed to be “protected”).

- A number of provisions in the Law on State Secrets overlap those in the Law on List of State Secrets.
- Criminal Law provides up to eight years of imprisonment for disclosing state secrets. This is not consistent with the Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1996). The media and journalists are often under pressure and feel harassed because of censorship laws and harsh penalties.
- A number of laws are used to protect state secrets, but some of these laws contradict each other and often overlap with the general laws. These laws include the Law on National Security, Law on Foreign Trade Arbitration, Law on Resolution of Petitions and Complaints Issued by Citizens to Government Organizations and Officials, Law on Criminal Investigation and Charge, Law on Statistics, Law on Archive, Law on Geodesy and Mapping.

While Mongolian laws and policies support citizen right to access of information, this does not seem to reflect reality. More often than not, the restrictions effectively limit the actual exercise of citizen right. While the law says one thing, government and government officials say and do another thing. Government officials invariably give reasons ranging from “state secrets” to “personal confidentiality”. Efforts by citizens and citizen groups to access information are often effectively stymied. For many Mongolian CSOs, these restrictions have put boundaries on social accountability practice where access to information is a sine qua non in the practice of good governance.

### Mechanisms to Facilitate Access to Information

This study surveyed channels or mechanisms of public information, first by identifying government channels to disseminate information, and second by assessing the extent to which citizens and CSOs are able to access and/or receive government information.

There are two ways by which the government disseminates public information: “permanent” and “non-permanent”.

#### Permanent channels

“Permanent” channels refer to conduits *regularly* used by government agencies and officials to disseminate information to their constituents. For

purposes of this study, “permanent” information channels include websites of selected government agencies, government officials (as conduits of information), and the state bulletin publication.

### *Websites of selected government agencies*

Interviewed government officials said government agency websites are the main conduits of public information. This was made possible because of the e-Mongolia Project (2005-2012) of the Information and Communication Technology Authority. The policy mandates all government agencies to set up websites for the purpose of disseminating public information, specifically on government activities.

This study made a rapid assessment of the websites of 15 government agencies and local governments. (One of the local government units did not have a website, however.) (Please refer to Table 1 for the list of government agencies/units and their official websites.)

The selected websites were assessed using a set criteria and a scorecard. The criteria used were accessibility of information, availability of information, and effectiveness of information.

Table 12 shows the indicators and key questions asked.

***Accessibility of information in government websites.*** Access to information, which is the other face of transparency, is the basis of and a primary step for citizens and citizen groups to oversee and monitor government decisions and actions. Social accountability initiatives have more chances of success if and when government information is accessible, and more so if and when openness and transparency become part of the bureaucratic culture of the government.

Transparency is a key indicator of good governance. Information about government structures, systems, procedures, and operations—with few and limited exceptions—should be made accessible and available to any citizen who demands it. Information should, likewise, be sufficient to allow reasonable oversight and monitoring of government activities, among other things. (Pope, 2006)

In determining the accessibility of information from government websites, this study used a number of criteria, such as the number of times the sites were accessed; whether operational and financial reports—if

Table 12. An assessment of the selected government websites, showing the criteria used, the factors measured, and the key questions asked.

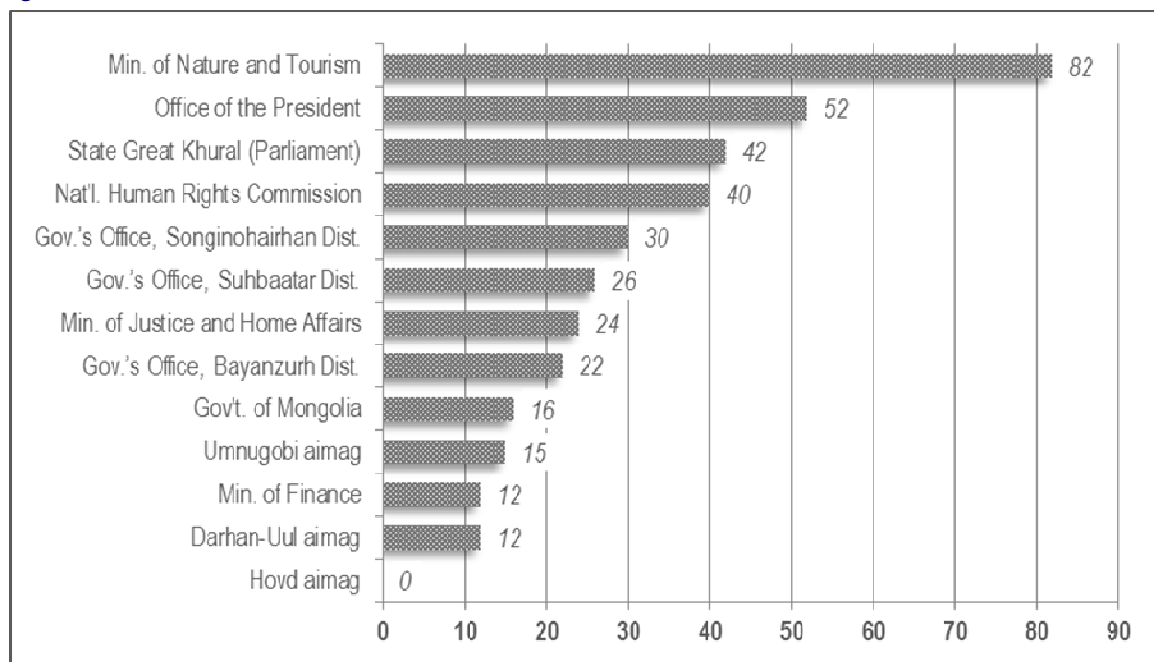
CRITERIA	FACTOR TO BE MEASURED	DIRECTION OF QUESTION
Accessibility of information <sup>15</sup>	Number of times website is accessed—in terms of content and coverage	<ul style="list-style-type: none"> <li>• How often is the website accessed?</li> <li>• Whether there is an easy version of operational and financial reports for the citizens.</li> <li>• Number of opinions, comments and feedbacks in the website.</li> <li>• Are there language options on the website?</li> </ul>
Availability of information	Availability of information provided by government for citizens re: products and services delivered by the government	<ul style="list-style-type: none"> <li>• Whether the agency's operational direction, structure, and division of duties are clearly expressed.</li> <li>• Whether the website contains information on legislation coordinating the agency operations.</li> <li>• Whether the agency's financial and operational reports are displayed on the website.</li> <li>• Whether audit report is on the website.</li> <li>• Whether it is possible to get information on agency activities.</li> </ul>
Effectiveness of information	If the information is disseminated in a timely way, at certain intervals and frequency.	<ul style="list-style-type: none"> <li>• How frequently is the website updated?</li> <li>• Whether the duration for use of new information is sufficient.</li> <li>• What are the opinions and feedback from users on effectiveness of information?</li> <li>• Whether the content of website meets the requirements of citizens and other interested stakeholders.</li> </ul>

posted—were easily understood; the number of opinions, comments, and feedbacks in the website; and the existence of language options.

Figure 5 shows the ratings given by the study's respondents on the accessibility and openness of information based on the set indicators. A perfect score is 50 points (100%), and the "passing" grade is 70%.

The results show that only the Ministry of Nature and Tourism "passed" the "transparency test" out of the 13 government agencies/units evaluated. The Office of the President of Mongolia, which was ranked second, was described as having a website that is "partly open" in terms of transparency

Figure 5. Ratings (in percentage) given by respondents on accessibility of information in selected government websites.



of information. The other websites were perceived to have “insufficient openness of information”.

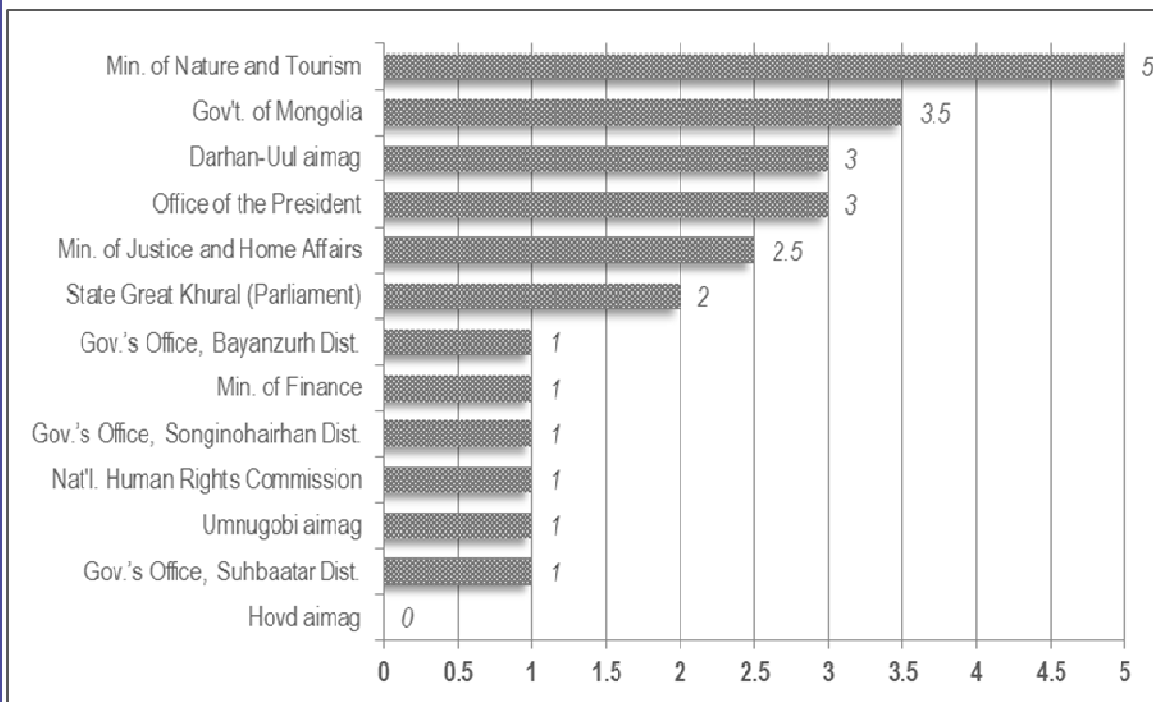
**Availability of information in government websites.** In addition to accessibility, information should be sufficient to meet public demand. The criteria used to measure availability of information had four indicators, such as clarity of content of information, availability of language options, and the number of users who accessed the website. The highest possible score is 20 points. Figure 6 shows the findings of the extent to which information is available in the selected government websites.

Again, the Ministry of Nature and Tourism got the highest number of points; however, it was still very low at only five points. The rest were well below the median. In other words, none of the selected government websites met the public’s expectations regarding availability of information. Clearly, availability of information from the selected government websites was considered very poor.

This finding appears to support a survey conducted by Globe International NGO (n.d.) that looked into the content and quality of government websites. Of the 430 who answered the survey, 28% said



Figure 6. Ratings given by respondents on availability of information in selected government websites. (Highest possible score is 20.)



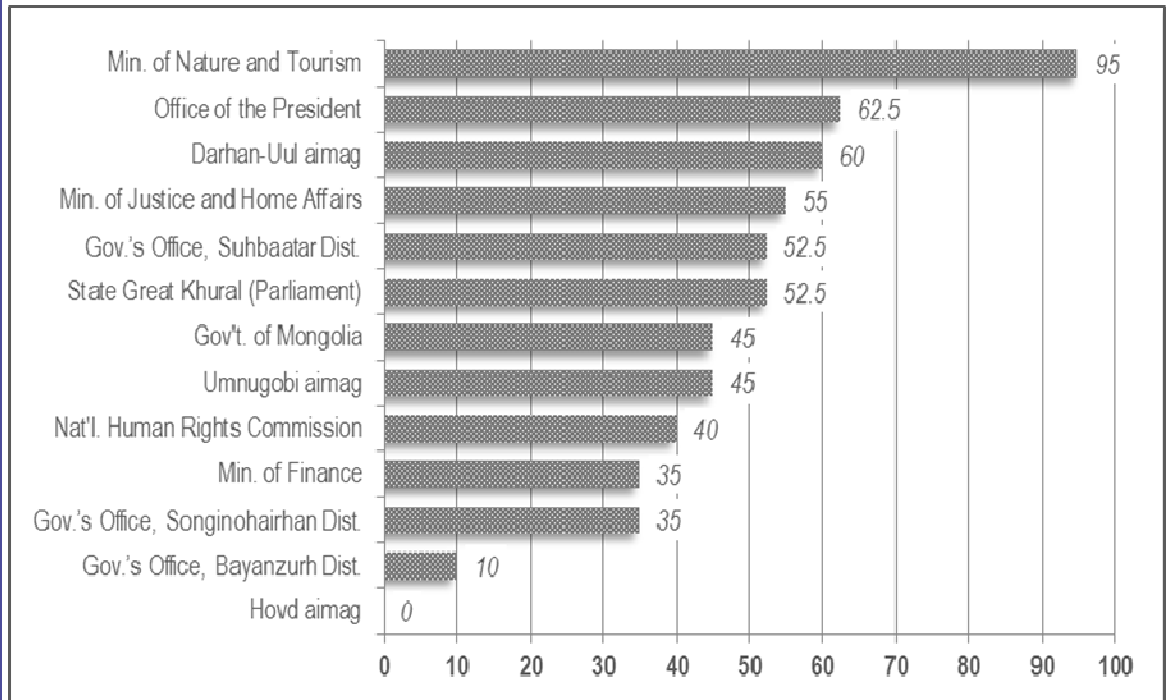
sufficient information was available in the websites, while 16% said the information was insufficient. Twenty percent said the websites did not contain any useful information. Thirty-six percent said they have no knowledge about the websites.

**Effectiveness of information in government websites.** “Effectiveness of information” refers to whether the content of the website (and the way the information is presented) meets the requirements of citizens and other interested stakeholders. Other indicators include the timely dissemination of information, that is, at predictable intervals and frequency; how often the website is updated; whether the duration for use of new information is sufficient; and the type of opinions and feedback from users on effectiveness of information.

Figure 7 shows the results of the perception survey on “effectiveness” of information among government websites.

Again, the respondents gave the Ministry of Nature and Environment the thumbs-up with a rating of 95%, the highest among the government institutions reviewed. Websites found to be only “partly effective” include

Figure 7. Ratings (in percentage) given by respondents on effectiveness of information in selected government websites.



the Office of the President of Mongolia, Darhan-uul *aimag*, the Ministry of Justice and Home Affairs, the Parliament of Mongolia and the Governor's Office of Suhbaatar district. The rest were deemed as failed cases in terms of "effectiveness of information".

Overall, one gets the impression that government websites—at least those included in the study—have not actually addressed issues on accessibility, availability, and effectiveness of information, but are more focused on "appearance", that is, projecting the image of a government that is open and transparent.

The experiences and observations of those who tried to access information through government websites could not agree more. A local NGO official related: "When we asked for information from a government agency, officials there said go to our website because it has everything. But when we checked the website, the information was incomplete and the contents were confusing. When we clicked the links for reports or documents, there was nothing there, or the page was still 'under construction'". (Local NGO official, personal communication, March 2010)

Table 13 summarizes the general points of perceived insufficiency of government websites.

*Table 13. Summary of the assessment of the selected government websites.*

CRITERIA	POINTS OF INSUFFICIENCY
Access to information	<ul style="list-style-type: none"> <li>• Absence of access counters, thus, there is no way of knowing whether and how many users have accessed the website (or “hits”)</li> <li>• Links that could provide additional information have non-existent pages or “page under construction” notice</li> <li>• No clear directions on how to access specific information</li> <li>• No language options menu (except for the website of the Office of the President)</li> <li>• No mechanisms for public opinion and feedback</li> </ul>
Availability of information	<ul style="list-style-type: none"> <li>• While general information is present (organizational structure, key officials and personnel, systems), crucial operational and financial information is missing, e.g. budget allocations, actual and projected expenditures, procurement information, personnel qualification, etc.</li> </ul>
Effectiveness of information	<ul style="list-style-type: none"> <li>• Announcement of events are posted late (if posted at all), thus, there is not enough time for users to be informed and to prepare for the event</li> <li>• Mainly historical type information is available</li> </ul>

### *Government officials as information sources and conduits*

Inherent in a democratic society is the exchange of information and, at a deeper level, dialogue among governance stakeholders. It is natural for constituents to seek and demand for information from their leaders who, in turn, have the obligation to provide such to the former. In a democratic society, government officials are regarded as sources and conduits of public information.

Part of a government official’s mandate is to account for his/her official decisions and actions. The principle of accountability in a democratic society highlights the obligation of government officials to make information accessible and available “horizontally” and “vertically”. Horizontal accountability, in general, means answerability of one’s decisions and actions to one’s superiors and other government institutions. Vertical accountability, on the other hand, refers to the external accountability of government officials toward the public to whom they are ultimately answerable for their decisions and actions.

Government Resolution No. 143 lays down the guidelines for accountability reporting of government activities and operations in Mongolia. Some of these guidelines include the following:

- Information, other than those restricted by legislation, regarding the operations of the agency shall be provided to citizens free of charge and without hindrance through systematic activities.
- Inputs from relevant government and non-government organizations, academic institutions, experts and citizens, if deemed necessary, shall be collected and reflected in developing government policy documents and draft resolutions for common compliance.
- There shall be a hotline operating permanently and a sealed box for receipt of requests, complaints and opinions of citizens, and actions shall be taken in response to input from citizens.
- Requests and complaints shall be resolved within the legally-approved period.
- These provisions serve as guidelines for government officials and institutions to facilitate the public's access to information.

While the legal environment for access to information appears to be conducive, experience says otherwise. The situation has improved, but access to information continues to be a challenge to concerned citizens. As one local NGO official noted:

When we approach government officials for information, they often assume that we—who are thought of as 'outsiders'—are there to 'inspect' their operations. So they refuse our requests. But after the tripartite agreement [among government, civil society, and the private sector], the situation has somewhat improved. They are now providing us with information upon request, albeit with some reluctance. But in general, it is still difficult to get information from the government through formal requests. (Local NGO official, personal communication, March 2010)

Again, this observation was supported the study conducted by Globe International NGO (2008). Of the 330 citizens surveyed by phone, 65% said they had to wait between two years and one month before they were able to get the information they needed. Of this group, 35% said they waited for one month, 21% waited for seven months to one year, 17% waited for four to six months, and 12% waited for over two years.

A major reason for the undue delay for information from the government—which some interpret as “reluctance”—is that many government officials seem to believe their authority precludes their giving out information to the public.<sup>16</sup> Their job descriptions do not mention anything about providing information to citizens. This is the reason why people use informal mechanisms and unofficial channels to access information from the government. This strategy requires establishing personal relationships with government officials, which is often risky. As one respondent said,

Our *aimag* is small and we know each other. We touch base with our friends and relatives in the bureaucracy to get information we need. It’s probably much harder to get information in a big city. (*Local NGO official, personal communication, March 2010*)

The use of informal mechanisms—usually through personal relationships—outside of official channels has led some to question the ethical and legal implications of such a practice.

On the part of many government officials, there seems to be a prevailing thought that providing information to the public is “merely a secondary task”. There are no explicit guidelines on what information is allowed for public consumption, and how to deliver it to the public, so government officials are not motivated to do so.

Full implementation of access to information has a long way to go in Mongolia. Asked to assess the extent of availability of information to citizens, government respondents, on the average, rated the situation at “3” on a scale of 1 to 5 (with 1 as “very poor” and 5 as “excellent”).

### *State Information Bulletin*

The State Information Bulletin is a weekly government publication that contains information on legislative amendments, presidential decrees, new laws, parliamentary and government resolutions, constitutional court decisions, and Supreme Court explanations and comments on legislations. The bulletin publishes income and revenue declarations of high-ranking government officials, information from the Independent Anti-Corruption Agency and the National Human Rights and Freedom reports.

The bulletin has a current circulation of over 4,000 distributed through four postal delivery companies. All government agencies, including rural Offices of Governors and Citizen Representative *Khurals*, subscribe to the bulletin.

### **Non-permanent channels**

In contrast to “permanent” channels, “non-permanent” channels refer to information conduits that are, strictly speaking, outside the jurisdiction of the government and are only used to disseminate information as the need and opportunity arises. These include the mass media (print and broadcast) and printed materials prepared by government agencies.

#### *Mass media*

Like in other countries, the mass media in Mongolia<sup>17</sup> is regarded not only as a conduit of public information but also as a “fourth estate”, that is, as a social or political force that can influence government behavior.<sup>18</sup> One can consider the mass media as a “watchdog”. From the perspective of social accountability, the mass media should be regarded as a key mechanism and tool for information openness and transparency, often leading to positive outcomes. There is no guarantee, however, that the mass media are used as channels to disseminate information useful to the public.

Interviewed government officials do not seem to regard the media as an important channel to disseminate information. Asked to identify the main mechanism for information dissemination, majority mentioned their agency’s website; only a few said “media”. Probably one of the reasons why the media is not extensively used is that it covers only government special events or activities. Government agencies that do use the media do so indirectly by passing information on to a journalist or a reporter.

#### *Printed materials (brochures, leaflets)*

Government officials claim that one way of disseminating information is the publication of agency “brochures” and “printed reports”. While this may be true in some government agencies, it has been the experience of NGOs and the general public that such materials are often unavailable and difficult to access.

## How access to information is perceived in Mongolia

To assess the current situation on access to information from the government, part of this study was to conduct a survey aimed to determine the various ways by which citizens and citizen groups attempt to access information from government agencies. Specific objectives for the survey were: to identify the manner by which government agencies respond to and process requests, petitions, representations, proposals, and statements from citizens and citizen groups; and to highlight experiences, methods, and ways of working among government agencies and citizens/citizen groups in the context of access to information.

The respondents were CSO members and ordinary citizens who in the past submitted requests for information from a particular government agency. Covered in the survey were the Office of the President of Mongolia, the State Great *Khural* (Parliament), Government of Mongolia National Human Rights Commission, Ministry of Nature and Tourism, Ministry of Justice and Home Affairs, and the Ministry of Finance.

The study asked the respondents to trace back official communication sent to a government agency within the past two years. The communication could be in the form of a request, petition, representation, proposal, or statement. Table 14 shows the requests, petitions, representations, proposals, and statements made by CSOs and citizens within a two-year period. It also shows the manner by which concerned government agencies responded to and acknowledged these.

The results show that, generally, government agencies were slow in acknowledging and responding to citizens' requests, petitions, representations, proposals, and statements, if these were responded to at all. Some of the respondents revealed that they had to make repeated requests. A major factor that appeared to contribute to the delays (or the non-response) was the multi-tiered decision-making process within the agencies. Also, government respondents justified the delay by saying they wanted the information "double-checked" before releasing it to the public.

The Ministry of Nature and Tourism and the Ministry of Finance, however, are more open in accepting formal applications from citizens. The process is for the formal application to be addressed to the ministry's secretary, which is then approved by the minister and by the state secretary.

Table 14. Requests, petitions, representations, proposals, and statements from citizens and citizen groups and government agencies' manner of response.

GOVERNMENT AGENCY	REQUESTS, PETITIONS, REPRESENTATIONS, PROPOSALS, AND STATEMENTS BY CSOs AND/OR CITIZENS	ACKNOWLEDGEMENT AND/OR RESPONSE BY GOVERNMENT AGENCY
State Great Khural (Parliament of Mongolia)	<ul style="list-style-type: none"> <li>• 1996-2000 Parliament: 3 of 10 letters sent by citizens were proposals</li> <li>• 2000-onwards: fewer number of letters sent by citizens</li> <li>• Most letters were unrelated to policy formulation</li> </ul>	No information received.
Government of Mongolia	<ul style="list-style-type: none"> <li>• 2008 to first half of 2010: A total of 391 letters (requests, demands, proposals) were received by the Office of the President</li> <li>• Election year: Noticeable rise in the number of letters requesting for financial assistance</li> <li>• Most letters were unrelated to policy formulation</li> <li>• Most letters that were political in content were addressed to the Prime Minister</li> <li>• Most letters requested for financial assistance for organizational activities</li> <li>• Most letters from individuals pertain to salaries, pensions, grants, and requests for housing</li> <li>• Most letters received in autumn were requests for assistance for school fees</li> </ul>	The response rate for letters addressed to the Government in 1992-2004 was comparatively high. However, on resolution of citizen requests, it was observed that the most applications were addressed to lower level organizations or positions, and were recorded as resolved. There were no notifications or reports on the matters from lower level organizations and positions.
National Human Rights Commission	<ul style="list-style-type: none"> <li>• January 2008-December 2009: Most of the requests, petitions, representations, proposals, and statements were from other government organizations</li> </ul>	Most business-like and fastest in acknowledging citizen/citizen group petitions, proposals, and statements.
Ministry of Finance	<ul style="list-style-type: none"> <li>• Least number of applications from citizens and citizen groups; but the number has increased nevertheless</li> <li>• A number of applications pertain to the Oyu Tolgoi (from a protest demonstration)</li> <li>• Most of the applications are requests for financial assistance and addressed to the Minister of Finance and the State Secretary</li> </ul>	No information



Table 14. (Continued)

GOVERNMENT AGENCY	REQUESTS, PETITIONS, REPRESENTATIONS, PROPOSALS, AND STATEMENTS BY CSOs AND/OR CITIZENS	ACKNOWLEDGEMENT AND/OR RESPONSE BY GOVERNMENT AGENCY
Ministry of Justice and Home Affairs	<ul style="list-style-type: none"> <li>• Most applications were concerned with the following issues:</li> <li>• Implementation of court decisions</li> <li>• Disagreements with the decisions of the Prosecution, Court of Appeals, and Retrial Courts</li> <li>• Constabulary decisions and actions</li> <li>• Review of delayed investigations</li> <li>• Petitions for reversal of decisions</li> <li>• Estimates of loss due to collapse of Savings Unions</li> <li>• Selection of lawyers</li> <li>• Job applications, descriptions, and dismissals</li> <li>• Seasonal issues</li> <li>• Registration, terms, and addresses of organizations</li> </ul>	The date and timetable for receipt of citizen proposals is advertised on the internet. The proposals must be sent in written form or through the internet, and by January 2010 all proposals and petitions should have been resolved and the sender notified. All issues are examined by agents of the Minister of Justice and Home Affairs and the issues decided.
Ministry of Nature and Tourism	<ul style="list-style-type: none"> <li>• By end of 2008: Total of 138 applications</li> <li>• 45% were from NGOs and increasing yearly</li> <li>• Mainly on the issue of environmental protection</li> <li>• Number of NGOs in environmental sectors has increased noticeably</li> <li>• Plenty of opportunities for cooperation between NGOs and the Ministry</li> <li>• Many proposals seek to resolve problems and issues in a constructive manner</li> </ul>	At least 5 proposals and petitions from the community and 2-3 proposals from NGOs are addressed to the Ministry of Nature every month. All these issues are decided within the legal framework.

The bottleneck, however, happens when the application is forwarded to a civil servant, who receives the proposal—but offers no answer or reply.

The difficulty in accessing information from government agencies has affected the public's perception of government. Table 15 provides an "expert analysis" of citizens' perception of government responsibility towards its citizens, openness to citizens in government activities, and provision of opportunity for citizens to attend government activities. It also rates citizen acceptance of the government (UNDP Mongolia, 2006).

The fourth pillar—social and cultural appropriateness—provides the human face to social accountability. The next section explores how social

Table 15. Expert analysis of citizen perception of government.

CRITERIA	CONTENT CRITERIA				
	<i>Very good</i>	<i>Good</i>	<i>Average</i>	<i>Poor</i>	<i>Very poor</i>
Expert analysis of government responsibility to citizens	0	1.7 %	32.5%	47.9%	17.9%
Expert analysis of openness in government activity	0	7%	33.9%	43.5%	17.3%
Expert analysis of opportunity for citizens to attend government activities	0	7.2%	52.3%	36.9%	3.6%
Public acceptance of the government	8%	6.8%	33.1%	29.8%	17.2%

accountability initiatives are grounded on Mongolia's social and cultural context.

### A Culture of Subservience

The parameters of social accountability are largely determined by the existing social and cultural context. The success of social accountability initiatives is often highly contingent on a range of factors: the openness of government, the political culture of the people, the extent to which civil rights are guaranteed, and the bureaucratic culture of probity and transparency. These factors must be taken into account when considering social accountability initiatives.

### The political development of Mongolia's civil society

While Mongolia's known history dates back to 2,200 years (Shikii Hutag, 2009), citizen participation and a free market economy—hallmarks of a democratic society—became institutionalized only during the past 20 years.

Mongolia remained under a single-party rule for 70 years, with a centrally-planned economy and a totalitarian system. Freedom House<sup>19</sup>, an independent watchdog organization that supports the expansion of freedom around the world, classified Mongolia as “not free” with a score of 4.00 up to the mid-1990s; “partly free” with a score of 2.5 between 1991 and 2002; and “free” with a score of 2.00 since 2003. Loosely, these indicators show that

Mongolian regimes up to the early 1990s (or roughly prior to the democratic transition) were far from respectful of civil and political rights of its citizens.

The amendment of the constitution in May 1990 allowed free elections with a multi-party system, abolished the MPRP's dominant role, and adopted a presidential system. These changes were facilitated by reform-leaning MPRP members, who assumed power following the resignation of the hard-line leadership. Facing an unprepared opposition, the newly reformed MPRP easily won the country's first free parliamentary elections held in July 1990.

Political liberalization has continued since, and the 1996 elections saw the MPRP being swept out of Parliament and a subsequent peaceful transfer of power to the Democratic and Social Democrat Parties. (Freedom House, n.d.)

Despite this relatively short experience in democracy, it is worth noting that Mongolia has gained some headway in developing and deepening democratic and social accountability principles and mechanisms.

Various organizations have conducted a number of studies on social accountability in Mongolia. These include government agencies (the Ministry of Finance) and non-government organizations.<sup>20</sup> The studies highlighted citizen participation in government action especially in the areas of budget and public expenditure, transparency in the extractive industries and its impact on society, anti-corruption, election monitoring, human rights, and media freedom. Some examples include citizen participation in the budgeting process conducted by the Poverty Reduction Unit and the Ministry of Finance.

The World Bank promotes citizen participation among its local partners, the UNDP has its program on social accountability, and the Women for Social Progress Movement supports the monitoring of the formulation and expenditure of public agency equity.

### **Social accountability or social responsibility?**

In determining where a society is coming from culturally, it is important to look at how its citizens understand terms and concepts related to their development. This study sought to understand how Mongolians understand the term "social accountability" and its variations.

Majority of the respondents understand social accountability in the context of “social responsibility”. For them, social responsibility is action by NGOs, citizen movements, and [individual] citizens working with the government, in monitoring government activities, and participating in and overseeing government action. A research participant explained social accountability this way:

... [P]eople are responsible for each other. Those who earn should receive food that meets their needs in well-being and security, but they should also spend some of their income to benefit others. Social responsibility in highly-developed countries is higher, which results in reduced poverty and increased opportunities for livelihood. But there is still inequality in other countries. So the idea is, if you earn money, you should spend some of it on some target group for social development. That is what I understand as social responsibility. Mongolians have a nomadic civilization, so we are always responsible for others and for our relatives. (Focus group discussion of local government officials, Darkhan-Uul *aimag*, March 2010)

Other respondents defined social accountability as “NGO intervention in government action to participate in and oversee government action” (personal communication, NGO official, March 2010).

A cursory survey of existing literature as well as the results of the interviews shows that the concept of “social accountability”, as used in Mongolia, is closely associated with the term “social responsibility”. The word “responsibility” implies duty, obligation, and performance of one’s task. The word “accountability”, on the other hand, is closer to “reportage, reporting one’s performance of duty, and being responsible for one’s action.” Reporting one’s responsibility, therefore, is the goal of “accountable governance”.

A milestone in the history of social accountability in the country was the publication of a handbook simply entitled *Social Accountability* (Davaadulam, 2010). The handbook introduces social accountability as “oversight”, a reference to the idea that citizen monitoring is a key function of social accountability.

## Public officials as power-holders

Part of understanding the people's perceptions about social accountability is to look at their traditional outlook on power relations as shaped by their history. Social accountability has two main actors who are in constant interaction with each other—the government on one hand, and citizens and citizen groups on the other. Obviously, how citizens perceive and regard their government will affect how these actors relate with each other.

### *Traditional Mongolian respect for public officials*

Power holders in ancient Mongolian society were placed at the top of the public totem pole. Some even went to the extent of “worshipping” public leaders. This reverence was applied to the state as a “god”, and public leaders were regarded as “statesmen”.

The tradition of reverence for the state—and the state's perceived power over its constituents—is a major factor that continues to impact on government-citizen relationship. For example, the high self-regard of public officials toward their office, on the one hand, reinforces the power asymmetry in favor of the government and tends to discourage active citizenship. On the other hand, constituents look at the government as a beneficent patron, thus fostering a culture of dependence. These tendencies—deeply rooted in Mongolian society—are still strong and evident (IRIM, 2010).

### *Culture of subservience towards authority*

For over 200 years, up to the early 20<sup>th</sup> century, Mongolia was under the Manchu Dynasty.<sup>21</sup> The domination of a foreign power had left traces of subservience in Mongolian culture especially towards public authority. It is not surprising, then, that “social distance”<sup>22</sup> between government officials and ordinary citizens in Mongolia is more pronounced. For example, ordinary citizens are not comfortable before government officials. They tend to kowtow and flatter them; worse, they offer bribes to gain favors. Many people say this is one of the reasons for the rise of corruption incidence in Mongolian society today.<sup>23</sup>

The 70-year old communist regime made an indelible impact on people's attitude toward the state and those in authority. The ruling communist party regulated and strictly controlled all public affairs. Those who opposed the state were sent into exile. There was no opportunity for citizens to engage the government in a constructive manner, nor monitor government action. This has resulted in what is called the "Mongolian mentality". A study, for example, posits that:

"Mongols have a tendency to seek charismatic leaders and then perceive the individual representing the state as the state itself. This brings about the belief that that individual is more powerful and capable than anyone else. Therefore it is a common ambition to become a chairman, not to be satisfied with being an ordinary person. But the Mongolians are sure that their fate is decided by the state, not by themselves, and seldom accept that government policy may be nonsense. Instead, they prefer to follow and be dependent on a person of higher position. For a Mongolian, the state is the sole truth and heavenly thing, so their own attitude is to accept governance by the state, with no opposition." (Gankhuyag, n.d.)

A UNDP study supports this finding on the way this unique "Mongolian mentality" was shaped by historical, political, and cultural factors:

"The long-established mentality of the Mongols to "respect the state" and the immaturity of the notion that the government provides services to the public

#### TRADITIONAL MONGOLIAN SAYINGS SHOWING RESPECT FOR THE STATE AND PUBLIC LEADERS

A number of sayings or proverbs express this unique regard toward government institutions and public personalities. Some of these are:

*"When someone goes against the King, he loses his head as someone against the dog loses his sleeve."*

*"The state shows its iron face to its people."*

*"May the state emblem bless you."*

These sayings or proverbs show the respect which people give to the government and its representations. This perception of state power gives a unique understanding of the concept of "public agency". This also goes with how "public organization" is understood; it is more like a state administrative organization that exercises power over ordinary citizens.

continue the tradition that discards legality, creating favorable conditions for public officials to put themselves above the citizens, enjoy special perks and reputation.” (UNDP Mongolia, 2006, p. 15)

The citizen culture toward authority has made it difficult for Mongolians to be self-reliant and self-sustaining (Sosormaa, 2008). For social accountability to be mainstreamed in Mongolia, it is crucial that the strategies, tools, and mechanisms are sensitive to the unique features of Mongolian culture.

## THE FUTURE OF SOCIAL ACCOUNTABILITY IN MONGOLIA

Going through the data and information, the researchers were provided with an opportunity to look at the panorama of how social accountability is understood and practiced in Mongolia. Using the Four Pillars of Social Accountability as its framework, the study attempted to examine and describe the historical, socio-political, economic, and cultural factors that have contributed to the current practice of social accountability.

Hopefully, this study will expand the knowledge base of social accountability approaches, tools, and mechanisms not only in Mongolia but in the East Asia and the Pacific region as well. More importantly, the outcomes of this study can be used as a platform to promote and advance social accountability in Mongolia.

The study shows that Mongolia does not lack laws and policies supportive of social accountability—beginning with the 1992 Constitution down to specific legislations. In fact, Mongolia has a “Law on NGOs”, enacted in 1997, which clarifies the role of NGOs vis-à-vis the government and recognizes citizen groups as legal entities representing citizen and sectoral interests.

More importantly, the law departs from the socialist notion of state-controlled citizen organizations whose only purpose is to support state policies and programs. In fact, the law allows citizens and citizen groups to monitor government decisions and actions, and to provide feedback. In addition, the Law on Government (2003) makes it legal for government to outsource duties and services to accredited citizen groups.

But while Mongolian laws and policies are supportive of social accountability, there are a number of gaps and challenges that need to be addressed. One is the discrepancy between what is written in the law and its actual implementation. In many instances, government officials make arbitrary decisions despite provisions allowing citizen groups to engage with government. Two, there is a need to establish an ethical code of conduct to guide the behavior of government officials as well as members of citizen groups in carrying out their engagements. The code of conduct should be culturally sensitive, yet at the same time an instrument to overcome cultural constraints to social accountability practice. Three, a unifying legal framework that will guide and facilitate the work of all stakeholders should be in place. Such a framework should, likewise, address contradictory provisions in existing laws.

The State Registration Office of Mongolia recognizes more than 12,400 citizen groups, of which more than 60% are “public benefit NGOs” while the rest are “member benefit NGOs”. The study had a sample of 161 citizen groups. Majority of these organizations work in the following areas: civic education and democracy, environment protection, delivery of basic services, citizen capacity building and protection of public interests, and women and gender.

In terms of actual constructive engagement with government, citizen groups in Mongolia have focused on the following activities: monitoring of government activities specifically in terms of budget and expenditure, the environment and extractive industries, and access to information; ensuring budget transparency; focusing on policy research; advocating for environmental issues; and strengthening civic education and network expansion. Broad-based citizen coalitions have been working with government in various capacities to help mainstream social accountability. These coalitions include the Civil Society Council (of NGOs), the Citizens’ Oversight of the Budget Coalition, Civil Council of Environment NGOs, and the PWYPE Coalition.

One of the major constraints of social accountability work in Mongolia is the dependence of most citizen groups on external funding for operations and sustainability. Other challenges include coming up with a common understanding of social accountability, enhancing the capacity of citizen



groups, avoiding the issue of co-optation by government agencies, and trust-building between and among social accountability key actors.

While Mongolian laws have provisions that, in effect, allow access to information by citizens, there is no specific law that puts together a legal framework mandating the State to open itself to citizen scrutiny. Understandably, this “delay” in the promulgation of such a law, if it can be termed as such, is probably a spillover of the decades-old socialist regime. In fact, the two sets of laws that regulate access to information—the *Law on State Secrets* and the *Law on the List of State Secret Information*—reflect this thinking.

A number of issues on access to information have been identified, such as which information should be classified as “state secret”, the length of time for a piece of information to be classified “secret”, legal provisions that contradict each other, and many more.

A so-called permanent channel of information is the website of a government organization. Using accessibility, availability, and effectiveness of information as criteria, the study conducted a rapid assessment of a sample of government websites. The results showed that nearly all the government websites failed in all three aspects. Overall, however, the website of the Ministry of Nature and Tourism got the highest scores.

Using ANSA-EAP’s Four Pillars of Social Accountability as guide, this section looks into gains, issues, and gaps related to social accountability initiatives and practice in Mongolia. Where areas for improvement have been noted, recommendations from the research participants are forwarded as take-off points for adjustment and social accountability enhancement towards sustainability.

### Government Responsiveness and Openness

Social accountability involves two key actors—the government and citizen groups—engaged in a dynamic relationship as they carry out actions that have developmental impact. What is clear from the study is that the government, while showing openness in terms of policy pronouncements, has still a long way to go in molding the attitudes and mind-set of its workers.

### Policy- and principle-based decision-making

Decisions to allow citizen participation are often erratic and arbitrary. While the law encourages citizen participation in governance, experience of citizen groups show that the final decision remains at the hands of government officials. Policy-level standards and criteria are not followed, and this practice generates feelings of resentment and envy among citizen groups, especially those that are “disqualified”.

The same problem hampers the continuity and sustainability of activities common to NGOs and government agencies. It is often the case that activities are dropped or discontinued when a government agency’s leadership is replaced, leaving NGOs empty-handed. In other cases, guidelines are changed unilaterally to the dismay of NGO workers. Not a few NGO leaders commented that practices like this are such a waste of resources.

Probably, one of the reasons for this arbitrariness is the lack of a clear policy framework that would tie up legislations and policies related to social accountability. Lacking a unifying frame, not to mention inconsistencies among the various provisions, many government officials—and, for that matter, any social accountability practitioner—find it difficult to make sense of the laws and policies supporting citizen participation and engagement.

A second reason is partly historical and partly cultural - reverence for traditional authority reinforced by decades of foreign domination (during the Manchu Dynasty) and followed by years of state-controlled socialism. In addition, 20 years of democracy have yet to erase the mind-set of state monopoly on decision-making in governance matters. The interaction of these factors may have shaped in the so-called “Mongolian mentality”, as discussed earlier.

But while nearly 80% of respondents in the study expressed reservations about the government’s openness due to legal and policy constraints, most of them said the situation has definitely improved.

### A more open government

A good example is the Ministry of Nature, Environment and Tourism. It allows citizen participation in drafting its plans and conducting its activities. It has endorsed a bill specifying the NGOs it would work with, has a cooperative agreement with the CSC on Environment, and has enjoined the



CSC on the Environment to sit in the Council and Environment Evaluation Committee. In 2010 alone, the Ministry farmed out a total of 34 government contracts to NGOs.

Likewise, some local government units have welcomed citizen groups by signing agreements with the CSC and the Civil Hall, allowing citizen groups to participate in and monitor tender and procurement processes, and farming contracts to NGOs. Uvurkhangai and Dornogovi provinces have been open to the research findings of Mercy Corps. Provinces that work openly with citizen groups include Umnugovi, Khovd, Darkhan-Uul, and Uvurkhangai.

### **A legal framework informed by an ethical code of conduct**

First, a new Law on Administrative Procedure should be adopted, one that establishes an ethical code of conduct to guide the behavior of government officials. (For that matter, citizen groups might, as well, develop and implement an ethical code of conduct for themselves.) The proposed code should spell out the appropriate manner—maybe by adopting international ethical standards—by which government and citizen groups should carry themselves as they work together in their common endeavors.

Second, in addition to a comprehensive legal framework for social accountability, the government needs to legislate implementing rules and regulations. These should include detailed guidelines on how to operationalize government action in social accountability. The rules and regulations should contain guidelines and procedures that would facilitate the work between government agencies and citizen groups.

Third, representatives of the CSC-NGOs—the national network of civil society organizations—should take part in the screening and selection of citizen groups that will be officially accredited to work with government agencies. The standards and criteria for the screening and selection should be an outcome of collective efforts among citizen groups, and between citizen groups and the government.

Fourth, the existing regulations on NGO taxation and social insurance payments should be revoked. Many NGOs simply do not have the financial capacity to pay these obligations. In addition, the NGOs' lack of financial resources often results in a situation of dependence on funding agencies

including government. Some quarters fear that such dependence would compromise their objectivity.

### **Compliance to the law**

Fifth, the judicial courts are a vital mechanism in facilitating a more conducive legal environment for social accountability. A civil movement leader says that “the parliament and all government agencies, which issue decisions and regulations, should comply with the Constitution. The Constitutional Court, which monitors compliance with the Constitution, is legally mandated to receive complaints from citizens if government agencies violate constitutional provisions.” (A civil movement leader, personal communication, March 2010)

Finally, the government should consider the following specific policy proposals:

- Government agencies are duty-bound to allow participation of citizen groups in government decision- and policy-making; implementation of programs, projects, and activities; and evaluation thereof;
- Government agencies are to include in their official records the comments and opinions of citizen groups, and to provide the reasons if these are omitted;
- Government officials are duty-bound to respond to citizen complaints within a specific period of time; and
- Government agencies are to invite citizen groups in the Working Group to select NGOs in outsourcing government services, and to ensure citizen participation in developing the criteria and the regulations.
- Adopt a Law on Administrative Procedures that will include a code of conduct for government officials.
- Exempt from taxation all donations and funds from the private sector for NGOs. Revoke the legal obligation of NGOs to pay for the social insurance for NGO part-time and non-permanent staff.

### **Organized and Capable Citizen Groups**

The manner and speed by which social accountability is mainstreamed into governance practices and structures are contingent on key actors’ understanding and appreciation of the concept in the context of Mongolian society.

### A common understanding of social accountability

Government officials tend to understand social accountability as “social responsibility”, that is, the obligation of individuals, businesses, and society in general to *fulfill their duties toward* the government. Somehow, this notion does not exactly fit with CSOs’ understanding of social accountability, which focuses on the *demand-side of governance*, that is, citizens exacting accountability from government as a matter of right.

Respondents understand social accountability as participation and oversight/monitoring by citizens, represented by citizen groups, in government decisions and actions, which is precisely the expression of the demand-side of governance. But it should be equally emphasized that the quality of citizen engagement with government is *constructive*. “Constructive” means the engagement is anchored on *dialogue* between and among key actors as well as *problem-solving* on issues that crop up along the way. In addition, it means the engagement is evidence-based and results-oriented, not one that is in peril of being co-opted. The goals of such an engagement should result in better delivery of services, improved community welfare, and protection of people’s rights.

What is clear, however, is the need for all key players to level off and come up with a standard understanding of social accountability and similar concepts. At the minimum, a leveled off understanding of concepts and terminologies would help sort out terms that tend to obfuscate the message. At the maximum, it will provide the frameworks and structures by which experience from the ground can be readily understood, appreciated, synthesized and actualized.

A scaled up information dissemination and raising people’s awareness on social accountability should, likewise, be made a priority. Specifically, there should be a more focused advocacy campaign targeted at government officials and institutions for the purpose of deepening their understanding of social accountability concepts and developing a more positive attitude toward citizen groups.

The responsibility of facilitating a systematic advocacy campaign seems to be within the purview of citizen groups that are already into social accountability. The campaign—the form and content of which may be

customized—should focus on the actual experiences of citizen-government engagement, the lessons gained from such experiences, the citizens' right to demand for good governance, their duty to participate in governance processes, the benefits accruing to them through a more efficient and effective delivery of services, etc.

### **Strengthening of social accountability initiatives in Mongolia**

What is certain is the growing interest in social accountability not only among citizen groups but also in government. A number of government agencies and local government units have opened their doors to social accountability initiatives. In the same manner, citizen groups have shown interest in working with the government at various levels in areas such as public service delivery (through partnership agreements, with citizen groups as service-providers); monitoring the flow of revenues (specifically in the booming mining industry); overseeing the budget and public expenditure; participating in policy decision-making processes; etc. Engagements with the government are quite diverse, including: environment conservation, democracy and civil education, women empowerment and gender equality, citizen engagement, rights and interest protection, the extractive industry, social welfare, and many more. It will do well for the government not to overlook these initiatives because they provide the balance necessary for a democratic society to function.

Somewhere at the top of the CSOs' priority list should be an agreement to lay out a shared thrust or direction toward achieving common governance and development outcomes, using social accountability as a major approach. CSOs need to level off and share information about each other's' experiences and plans, including goals, objectives, strategies, and tactics. Citizen groups can also add to the growing body of knowledge on social accountability in Mongolia by sharing their lessons and insights in dealing with government, not to mention the tools and techniques they use—all for the purpose of clarifying their social accountability advocacy and agenda.

### **Accessing and sharing information**

As emphasized in this study, social accountability can only work if information is accessible. The experiences of other countries show that even

with the presence of the appropriate legal and policy support, information can still be withheld or denied because of the intransigence of government officials. In Mongolia, this attitude can be attributed as a carry-over from the previous dispensation. (Citizen and citizen groups, however, may also project a “holier-than-thou” attitude when demanding for information from government agencies, thus creating a negative reaction on the part of government officials.)

This is the reason why there is a need for attitudinal and behavioral changes among the key actors of social accountability in Mongolia—with the special mention of government officials—as far as access to information is concerned. Citizen groups, on the other hand, will gain the confidence of other stakeholders if they are open in sharing information with the government, including the methods, tools, and mechanisms they use in monitoring government actions, as well as the results of such activities. For citizen groups, there is need to develop and nurture an environment conducive for information sharing to facilitate social accountability initiatives.

The results of the monitoring and evaluation activities of cooperative ventures between government agencies and citizen groups at the region, *soum*, and *aimag* levels (including those in Ulaanbaatar) should further enhance citizen-government engagements, highlighting the lessons and insights gained from the experience, and identifying opportunities and challenges. The outcomes could, then, be used as platforms for higher-level engagements with specific government agencies as well as for regular sharing with other citizen groups.

### **Sustaining the work of social accountability**

Majority of citizen groups are, for the most part, currently being supported and sustained by international funding organizations. Without such support, these citizen groups will be forced to close shop.

Having identified this as a major constraint, respondents admit the necessity of continued support from external donors. Currently, international donor agencies provide funds for NGO operations as well as technical and capacity-building support for specific sectors.

To be self-sustaining, there is a need to maximize internally-generated resources, with the government as a key resource. Not a few respondents mentioned that it would help citizen groups if the government will include contracts for CSOs in its regular budgets for the outsourcing of identified services. A number of initiatives in this direction are already being implemented at various government levels.

It is also recommended that the Executive Branch (through the Office of the President) and the State Great *Khural* (the Parliament) formulate policy guidelines on the selection criteria, scope of citizen group involvement, roles and responsibilities, etc. Needless to say, citizen groups should be involved in the development of such guidelines. In addition, it would help if government can put together an annual plan listing the programs, projects, and activities—including timelines and budgets—in which citizen groups can participate through formal agreements and contracts.

It is likewise proposed that government agencies and units set up offices dedicated to facilitate government- citizen group partnership and collaboration. Needless to say, a pre-condition for the creation of such offices would be an openness of mindset and attitudes among heads of ministries and government units, down to the level of key staff and personnel.

### **Building the capacity of key players in social accountability**

Citizen groups need to upgrade their capacities because social accountability demands organizational, political, leadership, technical, and ethical competencies. Social accountability covers facilitating dialogues between and among key stakeholders, promoting an environment conducive for negotiation and coalition-building, problem-solving, developing and applying context-sensitive tools, generating data and sharing information and knowledge, and many more. While citizen groups should be concerned about lack of human resources, they also need to give attention to a more focused and systematic capacity-building.

Technical training should be emphasized for staff and personnel, specifically for those who specialize in the multi-faceted work of government bureaucracy including: understanding government organization and administration, policy-making procedures, public finance management and



systems, etc. At a minimum, workers should be familiar with government language and civil society jargon.

There should be a mechanism to oversee, monitor and evaluate contracts between government and citizen groups, not only to assess the performance of the stakeholders, but as a way of highlighting the lessons and insights—including challenges and opportunities—of the various social accountability experiences. The lessons and insights could then be used as a platform for regular sharing with other citizen groups.

### **Expanding the knowledge base on social accountability**

As constructive engagement intensifies, the need to broaden and deepen the social accountability information and knowledge base has become more pronounced. For this purpose, it is imperative to document social accountability experiences in the country using the Tales, Tools, and Techniques (or 3Ts) framework of social accountability recommended by ANSA-EAP. Knowledge sharing should be encouraged not only among social accountability practitioners and experts in the country, but also with peers in the East Asia-Pacific region. Such sharing is sure to enhance theory and practice.

Social development researchers, the academic community and those in established higher education institutions are perhaps in the best position to articulate the theoretical foundations of social accountability. They can also provide the scientific rigor needed in developing and testing tools, mechanisms, and systems. It is, thus, important that social accountability practitioners and experts—both in government and in citizen groups—work closely with those in the academe, and vice-versa. Social accountability practitioners can provide the experiential grounding, while academicians will have a venue for grounded theory formulation.

Government and CSO research institutions are encouraged to develop a priority research agenda and to lay out a plan of collaboration in the years to come. At the same time, international donor organizations that support good governance initiatives are most welcome to include a research agenda in their development activities.

## Access to Information

Three major points appear to be highlighted in the area of access to information: (1) the need to address contradictory provisions in the law (specifically in reference to access to information and transparency), (2) the need to improve the government's conduits of information, and (3) the need to close the gap between policy pronouncement and policy implementation.

### Addressing contradictory provisions in the law

Officially, legislation and policy in Mongolia guarantee the right of any citizen to access information from any government agency at any government level. But the law's effectiveness has been limited because of a number of contradictory provisions in the current legislation, such as those in the Law on State Secrets and the Law on List of State Secrets.

This is a real problem among citizens and citizen groups who want to access information from the government. Yet, it is the primary obligation of the government to review, analyze, and take the necessary action in order to address those provisions that contradict each other.

There is, likewise, a need for the government to review and clarify the policy on "state secrets". One way to do this is to make public the classifications and to provide a list and a description of classified materials.

Government agencies should work closely not only with citizen-experts but also with citizen groups in reviewing contradictory provisions. Another way by which CSOs can help is in making people aware of their basic right to information. This can be done through advocacy activities, capacity building (e.g. training), and acting as conduits for citizen demands.

International organizations—especially those that provide much-needed resources to both government and non-government organizations—would do well not only as a third-party advocate but to actively support legislations that promote access to information.

### Improving channels of information

Many government agencies see their websites as tools or mechanisms for information dissemination. However, an analysis of their websites shows a number of weaknesses in terms of content, availability of information, and

effectiveness. One can only conclude that government websites do not appear to be fully responsive to citizen demand for information.

Table 16 shows the strengths and areas for improvement of government conduits of information: websites, government officials, media, and printed materials. The table also puts forward corresponding recommendations.

Table 16. An assessment of government conduits of information and some recommendations.

CHANNELS	STRENGTHS	AREA FOR IMPROVEMENT	RECOMMENDATION
Government organization websites	<ul style="list-style-type: none"> <li>• Most organizations have a website under the government run e-Mongolia program</li> <li>• Websites provide primary information about the organization</li> </ul>	<ul style="list-style-type: none"> <li>• Many websites are “symbolic”, i.e. merely to comply with policy requirements</li> <li>• No one is in-charge of, and hence accountable for, the administration of the website</li> <li>• No budget/lack of resources to maintain the website</li> </ul>	Include the website administration duties in the scope of work or job description of officers appointed specifically for the task
Government officials	<ul style="list-style-type: none"> <li>• While government officials may provide information, this is mainly due to the “push” that citizens exert, without any due diligence on the former’s part</li> </ul>	<ul style="list-style-type: none"> <li>• No designated person to provide the necessary information</li> <li>• Access to government officials is often difficult due to multi-level bureaucratic channels</li> </ul>	Separate regulation on provision of information to citizens and civil society through a separate set of rules and procedures
Media	<ul style="list-style-type: none"> <li>• With the initiative of media and journalists, government information has become more accessible to the public about the government organizations and their actions</li> </ul>	<ul style="list-style-type: none"> <li>• Limited budget for information dissemination that hinders government initiative to disseminate information</li> </ul>	Budgets need to be allocated to support citizen right to access to information
Print materials	<ul style="list-style-type: none"> <li>• Publications distributed to citizens during Open Day events provide basic information about government organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of budget limits printing of required number of copies for information dissemination</li> </ul>	Budgets need to be allocated to support citizen right to access to information

Two things are crucial in moving the agenda of access to information in Mongolia forward. The first is the availability of qualified and capable human resources in each government agency to focus on the management of information in relation to citizen demand. The second is the allocation of public resources or budgets for the establishment and maintenance of mechanisms—such as websites—to facilitate information dissemination and access by citizens. Underlying these two assumptions, of course, is the need for those in public office to change their way of thinking as far as citizens' right to public information is concerned.

### **Closing the gap between policy pronouncement and policy implementation**

It has been noted repeatedly in this study how citizens and citizen groups find it difficult to access information from government agencies. The difficulty is compounded by the perceived huge gap between what is stated in the law and its actual implementation (or lack of it), such that citizens find the process time-consuming, redundant, and a waste of resources.

To address this problem, the government bureaucracy should seriously consider the following recommendations:

- Review systems and procedures and put in place a more systematic and efficient way of providing information to the public;
- Each government agency should designate an official, with clearly defined terms of reference, who will be accountable in providing information upon citizen demand and in ensuring transparency; and
- Put in place the corresponding system for reward and sanctions in the performance of duties.

Citizen groups can provide support by assessing government openness to provide information to the citizens, and by providing them feedback on their performance. To maintain fairness, the criteria to be used in the regular assessment should be developed both by citizen groups and the government agencies.

International organizations may act as a “third-party bridge” between citizen groups and government agencies. This “bridging” role may take the form of technical and resource assistance to promote good governance outcomes.

## Social and Cultural Appropriateness

The democratic system in Mongolia has only been around for 20 years. The government has, since, been enjoined to account for its actions and decisions, and the citizens encouraged to participate. The practice of social accountability—supposedly an essential feature of democracy—is largely determined by the existing social and cultural context.

### Listening to the community's voice

Traditional Mongolian culture is characterized by a) small clan systems based on herder families living together, and b) a lifestyle that is closely tied to nature. The first, a small clan system, is a fundamental springboard for encouraging citizen group initiatives. The second, close affinity with nature, is key to strengthening Mongolians' natural disposition toward environmental conservation. These two characteristics are, in all likelihood, the key to developing a cooperative and participatory capacity directed toward addressing environmental issues.<sup>24</sup> If so, social accountability initiatives should emphasize community-based social accountability action geared toward making the government accountable for any decision and activity affecting the environment. More importantly, communities affected by decisions that touch on the environment, such as in the extractive industries, should have their voices heard in the chain of decisions that eventually impact on their lives. The time when only the voices of “key players” (in the environment and extractive sectors, referring mainly to the government and “big business”) were heard is a bygone era .

### Alignment of capacity building efforts with the local culture

Building the capacity of social accountability actors has been recognized as a major need. This is true, both for citizen groups and government actors, who need to enhance their “soft” and “hard” competencies to advance social accountability initiatives.<sup>25</sup> Very crucial in shaping the capacities and competencies of the actors—and thus the probability of success of social accountability initiatives—are the recognition of and inputs from the local and ethnic social and cultural factors. A capacity building design, for example, that takes into account local social and cultural norms has a better

chance of shaping the appropriate and specific behaviors that make constructive engagement efforts more successful.

This point is highlighted because of the rising interest in social accountability and, thus, the urgent need to address capacity building requirements. The easiest way is to scan, identify, and borrow capacity building designs, activities, or “best practices” of social accountability from other countries. While there are social accountability designs and practices that can be easily adapted to the Mongolian setting, one should consider the risk of implementing programs that do not take into account the social and cultural sensibilities of the local people.

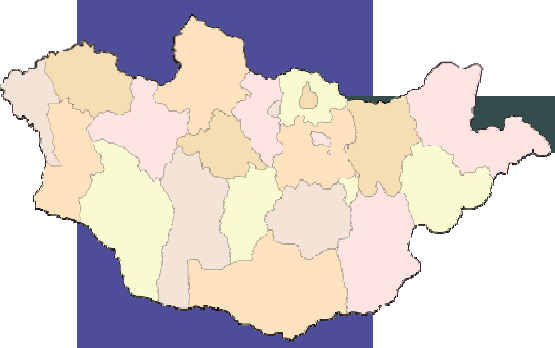
While there are capable local experts who can (and should) serve as resource persons in capacity building activities, it may still be necessary, at this point, to invite foreign experts and practitioners. Part of the requirements should be for these non-Mongolian consultants to be given a comprehensive orientation session on Mongolian culture relevant to social accountability.

The point is that all capacity building designs and activities should seriously take into account the social and cultural context of the Mongolian society.

### **Addressing Mongolian society’s “social distance”**

While Gankhuyag’s “Mongolian mentality” (n.d.) is not unique to Mongolia (as similar mindsets and behaviors are also found in other cultures), there is a need to bring about a change in the way people think and behave toward each other, specifically in the context of advancing democracy and social accountability. In this regard, CSOs are crucial in raising socio-civic awareness among the people by promoting the values of democracy, human rights, and civic participation. CSOs should lay out a comprehensive strategy to: a) strengthen the capacity of citizen groups to engage government, and b) support government efforts in formulating policies and implementing plans to enhance civic action.

In addition, CSOs should support government efforts in creating and fostering a strategic and sustainable development policy—that can easily be translated into programs and projects—that integrates social accountability with outcomes that benefit Mongolian society.



The other aspect is to promote and enhance government openness toward citizen initiatives where these are found. Government agencies can work hand in hand with CSOs in providing information to the public, maintaining partnerships in various sectors (environment, human rights, etc.) and in public management (revenue generation, budget and expenditure). Government policies can provide the necessary mechanisms that will allow citizen participation to flourish. In addition, the government can develop an educational curriculum that will enhance democratic principles, especially the right of citizens to participate in governance.

Members of citizen groups and officials of government agencies should undergo capacity-building together, where warranted. Studies have found that the problem of the so-called “interactive social distance” is minimized when common learning activities are conducted together (Answer.com, n.d.). The idea is that the more the members of two groups interact and learn together *and* from each other, the closer they become socially. Such learning activities can be framed under ANSA-EAP’s “learning-in-action” framework, which emphasis “mutual learning” that leads toward the formation of a “community of learners and practitioners”.

## ENDNOTES

<sup>1</sup> According to the National Statistics Office of Mongolia, the population of Mongolia as of October 2010 was 2,777,560. (National Statistical Office of Mongolia, 2010).

<sup>2</sup> Retrieved from the website: <http://www.asuu.mn/medleg/ediin-zasag/175/1007140011>

<sup>3</sup> Under the socialist system, the ruling party tended to discriminate against and penalized those who were not members of the state-approved public organization.

<sup>4</sup> This mandate has not been implemented because the Working Group has not listed any NGO up to this writing.

<sup>5</sup> As the country's capital, the City of Ulaanbaatar has its own local government category separate from the *aimags*, *soums*, and districts.

<sup>6</sup> The researchers believe that the predisposition toward collective problem solving has found its application in the management and resolution of labor issues and in the practice of corporate social responsibility.

<sup>7</sup> The initiative was called "Glass Wallet" to highlight transparency in the budgeting process.

<sup>8</sup> The Open Day Event is organized by various government agencies to introduce their programs, projects, and activities and disseminate information on services being offered, one of which is a public discussion of budget-related information.

<sup>9</sup> The July 1, 2008 riots stemmed from accusations of election fraud. The ruling party's headquarters and other government buildings were torched as thousands of stone-throwing rioters battled police. Five were killed during the riots. (Quinn, 2008.)

<sup>10</sup> Established by the National Council of the Extractive Industry Transparency Initiative, the Technical Working Group facilitates participation in policy making, drafting of reports, developing recommendation and conclusions, etc.

<sup>11</sup> The administrative expenses of the Council, as well as its secretariat's office space and furniture, are shouldered by the Ministry of Environment and Tourism, while its day-to-day operations are funded by various donors.

<sup>12</sup> "Co-optation" means to assimilate, take, or win over into a larger or established group. Retrieved from <http://dictionary.reference.com/browse/co-optation>.

<sup>13</sup> Globe International NGO is a "non-profit-making, non-membership and tax-exempted NGO...founded in March 1999 to "sustain Mongolian democracy and civil



society, and spread power of information and knowledge". It claims to be "the only group working on freedoms of expression, information and media" [sic]. (Globe International NGO, n.d.)

<sup>14</sup> The survey was conducted in collaboration with an international organization called "Article 19", which advocates for a global campaign for free expression. (Article 19, 1996)

<sup>15</sup> Accessibility of information means the ability of citizens to receive, check and download information regarding government services, service quality and distribution.

<sup>16</sup> Such thinking is probably a relic of the socialist regime, during which authorities tended to be on the safe and conservative side. This was often interpreted by non-government people as "being suspicious".

<sup>17</sup> Though the media provide an important channel/tool for information, they were not included in the survey. The observations and conclusions referred to here are from the qualitative survey.

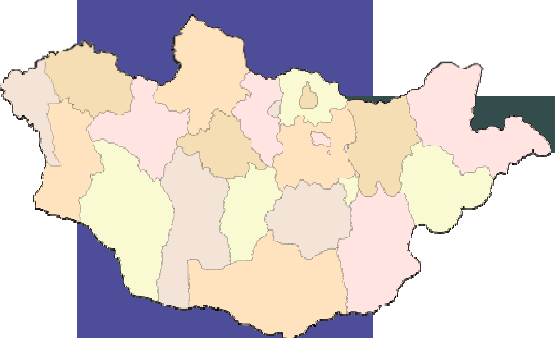
<sup>18</sup> The "fourth estate" is the public press, referred to as a collective and encompassing photographers, journalists, television broadcasters, and radio announcers, among others. Many people generally agree that the fourth estate has immense political and social power, thanks to the fact that the press can be used to shape societies while imparting news of note and commentary of interest. Because the fourth estate is recognized as such an important body, many nations have laws which protect the rights of the press, ensuring that citizens have access to reporting on matters of interest and of note. (WiseGeek, n.d.)

<sup>19</sup> Freedom House is an independent watchdog organization that supports the expansion of freedom around the world. Freedom House supports democratic change, monitors freedom, and advocates for democracy and human rights. *It publishes* standard-setting comparative assessment of global political rights and civil liberties. The *Freedom in the World* data and reports are available in their entirety at the Freedom House website. See <http://www.freedomhouse.org/>

<sup>20</sup> NGOs that have conducted studies on social accountability and similar themes include the World Bank, UNDP, Open Society Forum (OSF), Asia Foundation, Globe International, AusAID, Mercy Corps, Mongolian Press Institute, Women for Social Progress Movement, Zorig Foundation and the Human Rights Development Center.

<sup>21</sup> The Qing (Manchu) Dynasty (1644-1912) was China's last dynasty. The Manchu emperors were unpopular because they were non-Han Chinese and they descended from horsemen from the north and opened up China to exploitation from the West. Even so they made many improvements in the lives of ordinary Chinese and expanded China to its present size. (Facts and Details, n.d.)

<sup>22</sup> "Social distance" is the perceived distance between social strata, as in different socio-economic, racial, or ethnic groups. This is usually measured by the



amount of contact between groups, such as through friendship and marriage. This distance may have arisen spontaneously, as certain groups prefer to ‘keep themselves apart’; but it is often imposed on one group by a dominant group. The charter group, for example, may keep a distance between it and a minority group, through discriminatory practices. (Answers.com, n.d.)

<sup>23</sup> One of the major findings of the report “Assessment of Corruption in Mongolia” (2005), consistent with other quantitative and qualitative studies conducted previously, is that opportunities for corruption are increasing in Mongolia at both the “petty” or administrative and “grand” or elite levels. ( USAID, 2005)

<sup>24</sup> At present, environmental issues and nature conservation are two areas where civil society and the government seem to be working effectively.

<sup>25</sup> “Soft” competencies in social accountability include basic knowledge and skills (including right attitude) in constructive engagement, which include dialogue and collective problem-solving. “Hard” competencies include data and information processing and analysis.

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