CIVIL SOCIETY AND ITS ROLE IN DEMOCRATIC TRANSFORMATION OF MONGOLIA, 1996 -2012

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DECLARATION

I declare that the thesis entitled **"Civil Society and Its Role in Democratic Transformation of Mongolia, 1996-2012"** submitted by me for the award of degree of **DOCTOR OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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I dedicate this thesis to my late “Ma”

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All said, mistakes, if any, are all mine.

Santosh Kumar Jha

CONTENTS

LIST OF ABBREVIATIONS

ADB -	Asian Development Bank
CHRD	Centre for Human Rights and Development
CMES	Citizens' Movement for Ethical Society
CMEA	Council for Mutual Economic Assistance
CSI	Civil Society Index
CSO	Civil Society Organization
CSS	Community Sample Survey
DA	Democratic Alliance
DP	Democratic Party
DSM	Democratic Socialist Movement
ESCAP	Economic and Social Commission for Asia and the Pacific
EU	Europe Union
FAO	Food and Agriculture Organisation
FPTS	First Past the Post System
GEC	General Election Commission
GI	Global International
GOM	Government of Mongolia
HDI	Human Development Index
ICSF	International Civil Society Forum
ICSFD	International Civil Society Forum for Democracy
IDA	International Development Association
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	International Non-Governmental Organization
MDC	Motherland Democracy Coalition
MDP	Mongolian Democratic Party
MDU	Mongolian Democratic Union
MFOS	Mongolian Foundation for Open Society
MGP	Mongolian Green Party
MJHA	Ministry of Justice and Home Affairs

MMFA	Mongolian Ministry of Foreign Affairs
MNDP	Mongolia National Democratic Party
MNPP	Mongolian National Progress Party
MOECS	Ministry of Education, Culture, and Science
MOFE	Ministry of Finance and Economics
MOSI	Mongolian Open Society Institute
MP	Member of Parliament
MPR	Mongolian People's Republic
MPRP	Mongolian People's Revolutionary Party
MRCA	Mongolian Red Cross Association
MSDP	Mongolian Social-Democratic Party
MSSL	Ministry of Social Security and Labour
MTUF	Mongolian Trade Unions' Federation
MUHP	Mongolian United Heritage Party
MWF	Mongolian Women's Federation
NAG	National Advisory Group
NATO	North Atlantic Treaty Organization
NCGE	National Committee on Gender Equality
NCTI	National Chamber of Trade and Industry
NHRC	National Human Rights Commission
NPO	Non-Profit Organization
NPM	New Progressive Movement
NSO	National Statistical Office
OFS	Open Forum Society
OSF	Open Society Forum
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
PRC	People's Republic of China
PGK	People's Great Khural
ROC	Republic of China
RSC	Regional Stakeholder Consultation
SGH	State Great Hural
TAF	The Asia Foundation
UMENGO	Union of Mongolian Environmental NGOs

UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHRC	United Nations Human Rights Council
UNO	United Nations Organizations
US	United States
USAID	United States Agency for International Development
USSR	Union of the Soviet Socialist Republics
WB	World Bank
WHO	World Health Organization
WSP	Women for Social Progress Movement

MAP


WORLD MAP
Greenland (Denmark)
Canada
Alaska (USA)
United States of America
Russia
China
India
Kazakhstan
Mongolia
Australia
Indonesia
Brazil
Peru
Bolivia
Paraguay
Chile
Argentina
Uruguay
Colombia
Venezuela
Guyana
Ecuador
Mexico
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Comoros
Mozambique
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Mauritius
Zimbabwe
Zambia
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Namibia
Botswana
Swaziland
South Africa
Lesotho
Papua New Guinea
Timor-Leste
Solomon Islands
Vanuatu
Fiji
Tonga
Samoa
Kiribati
Tuvalu
Nauru
Marshall Islands
Federated States of Micronesia
Palau
Guam (U.S.)
Northern Mariana Islands (U.S.)
New Caledonia (Fr.)
Wallis and Futuna (Fr.)
New Zealand
North Island
South Island
Tasmania
Arctic Ocean
Antarctica
Southern Ocean
Indian Ocean
Pacific Ocean
Atlantic Ocean
Arctic Circle
Antarctic Circle
Tropic of Cancer
Tropic of Capricorn
Equator
Prime Meridian
Baffin Bay
Hudson Bay
Labrador Sea
Beaufort Sea
Gulf of Alaska
Norwegian Sea
Barents Sea
Kara Sea
Laptev Sea
East Siberian Sea
Bering Sea
Sea of Okhotsk
Sea of Japan (East Sea)
East China Sea
Philippine Sea
Arabian Sea
Bay of Bengal
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Franz Josef Land
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Grenada
Trinidad & Tobago
Suriname
French Guiana (Fr.)
Cabo Verde
São Tomé and Principe
Equatorial Guinea
Lesotho
0 2,000 4,000 Miles
0 2,000 4,000 6,000 8,000 Kilometers
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PREFACE

Berlin wall came down in 1989. This unexpected event as well as the rapid Soviet implosion, and the after all, it should be emphasized relatively peaceful ensuing secessions, taught us that prediction is not the strong side of scholarly endeavours in history; it came as a surprise to most historians and social scientists, with few exceptions. The decomposition of the Soviet empire is the first time in world history in which an empire leaves the scene without any preceding lost wars, which makes the Russian experience unique.

Although Mongolia was the first Asian country to adopt Soviet style communism it was also the first to reject communism and Soviet domination. Mongolian independence, established in 1911, was not destined to last long. In 1921, during the civil war in Russia and with the support of Bolshevik Soviet troops, Mongolian nationalists in Ulaanbaatar defeated the Chinese troops who had been sent in 1919. On November 26th, 1924 (Independence Day), the Mongolians established the world's second communist regime - the Mongolian People's Republic. This new regime remained relatively autonomous from Moscow until the late 1920s, when Stalin consolidated his power. Mongolia then adopted a Soviet-style political structure-and command economy. Because, Mongolia had always been supported by the Soviet Union, it maintained economic and political ties with the country. In fact these ties were so strong that Mongolia was sometimes called the *16th unofficial republic of the Soviet Union.* Despite these long-standing ties to the Soviet Union, in 1989 Mongolia cast off communism and Soviet domination through the processes of a democratic movement.

This transition spawned by the Mongolian democratic movement extends from the late 1980s to the present. It is against this background that this research study aims at examining the whole gamut of civil society and its role in democratic transformation of Mongolia during the period from 1996 to 2012.

Santosh Kumar Jha

Chapter- 1:

Introduction

The Soviet Union's collapse in 1991 provided Mongolia with a historic opportunity to launch democratic political and economic reforms by dismantling its communist regime and command economy. Mongolia's democratic transformation exclusively indicates that it has attended remarkable achievements in reaching this goal. Today, Mongolian democracy meets the criteria of a liberal democracy and goes through consolidation. Mongolia's parliamentary system has had a leading role in building democracy and market economy in which a matured civil society has been playing a significant role.

Civil Society, as a term and as a concept, is though an old one the interests in its studies are of recent origin. According to Keane "for just about a century after 1850, the language of civil society almost disappeared from academic and political life and, as recently as 20 years ago, the term itself remained bizarre sounding and old-fashioned, or was greeted in some circles with disparagement and resentment". He argues that "since then, across the world, the term civil society has become both a master class in the human sciences and a key expression often used by politicians, corporate executives, media, charitable foundations, human rights organizations, and citizens" (2010: 1).

The term 'Civil Society' finds significant mentions in the works of political thinkers like Hobbes, Locke, Hegel and Gramsci. In modern political science, civil society is defined as a liaison between the private sector and the state. It involves people acting collectively to express in public sphere their interests, preferences and ideas or to check the authority of the state and make it answerable. It is, thus, constituted by voluntary association, groups and movements that are products of free exchange of idea in a democratic construction that also seeks to keep a permanent check on the powers of the state in the interest of citizens' autonomy. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of ritual, autonomy and power. In the later version, civil society also acquires some

normative proportions, as it becomes a state of affairs enviable for the sake of democracy and freedom.

Mongolia is a case where the evolution of civil society took place in 1989-1990, when it embarked on a dual transformation to democracy and market economy, after remaining dependent on the former Soviet Union for almost seventy years. The process of the establishment of a parliamentary democracy was impressively peaceful, as well as effective, resulting in the adoption of a democratic constitution guaranteeing human rights and freedom, a functioning government formed through regular free and fair popular election, the emergence of a multi-party system, NGO sector, independent media and religious organizations. From the start of democratization in 1989, Mongolian civil society often has been regarded as vibrant and strong. This is a result of high number of civil society organizations (CSOs) in the country and their influence in different aspects of life (Fish 1998: 136).

The notion of the civil society or 'citizen's society' has been used in the constitution of Mongolia adopted in 1992. Consequently, "it is fundamentally political and itself asserts the primacy of the citizen's wellbeing. Therefore his/her rights and interests vis-a-vis the interests of the state" (Mongolia Constitution 1992: Article 1). It is in this sense "that the term was used in the 1992 democratic constitution which states in the preamble that the supreme objective of the people of Mongolia is building a humane, civil and democratic society in the country" (Mongolia Constitution 1992: Article 1). Currently, the civil society includes several broad groups of organisations, such as non-governmental organisation (NGOs), trade unions, chambers of commerce, political parties, religious organisations, non-profit media and community groups. Among them, the most influential actors are NGOs.

In 1986, Mongolia began experimenting with the Soviet reforms and developed its own model of *perestroika and glasnost*, which came to be known as *Orchilan Baigalalt and Iltod* respectively (Batbayar 2003; Boone 1994). However, a major step towards political liberalization appeared in December 1989, when President Batmunkh's speech encouraged the formation of a pro-democratic opposition which became the second landmark turning point towards the democratization of Mongolia.

The consequences of this dramatic change towards self-governing transformation which began in the month of winter of 1989-90 so that, it led to the first organized opposition faction, the Mongolian Democratic Coalition (MDC). In May 1990, the constitution was reformed. It deleted a mention to the Mongolian People's Revolutionary Party's role as the "guiding force" in the state and legalized new "informal" political groups through formal listing, creating a standing parliamentary body called the State Little Khural, elected by relative representation of political parties. The constitutional reform established the office of the President. After a long time a new electoral regulation was approved which began the first multi-party elections for a People's Great Khural were organized on July 29. This was the first free elections in Mongolia's 70 years of modern history that finally showed the mode for taking steps towards the establishment of a multiparty, pluralistic and democratic society.

Soon after its formation in November 1991, the Mongolian Parliament, People's Great *Khural* started working on a new Constitution for the country. The new constitution was adopted on January 13, 1992. It was fourth constitution of the country since 1921. It replaced the 1960 constitution. The new constitution brought substantial changes in Mongolian political structure to demonstrate a new spirit of sovereignty and willpower to break free from communism. As the key elements in the new Constitution which was highlights on the establishment of democracy prior in Mongolia. So that previously contrary to the constitution, this had stressed over "building the State through socialism".

> "[T]he adoption of the democratic Constitution in 1992 and holding the first free and fair parliamentary elections in the same year gave further impetus for the emergence of a new type of citizen's organization: Western-style issue-oriented, office-based, more professionalized advocacy and oversight non-governmental organizations (NGOs) aimed at influencing the public policy and holding the government accountable. Some of the most active NGOs were pro-democracy and pro-development organizations, which were formed and led by women affiliated with the opposition parties. The development of NGOs in the 1990s was supported financially, technically and ideologically by a number of foreign and international organizations, such as; The Asia Foundation (USA), Konrad Adenauer Foundation (Germany), USAID, UNDP, NED, AusAID and the Global Fund for Women. This support was

> essential for the adoption of the NGO Law in 1997, which further facilitated the formation of other new NGOs. Towards the late 1990s, however, donor support became less focused on political aspects of democratization and more focused on the socio-economic support role of the emerging non-governmental sector, emphasizing service-delivery functions of NGOs over their advocacy and monitoring roles" (CSI Report for Mongolia 2005).

Political liberalization in Mongolia brought forth an unprecedented freedom of speech, assembly and association. From 1990 onwards, Mongolia has been experiencing a lively debate covering a broad range of political, economic and social issues. Many newspapers, including those run by political parties and individuals, were freely published and being circulated in Mongolia. A great number of non-governmental organisations (NGOs) have been formed since 1990. Among them, one can find associations of teachers, lawyers, handicapped people, monitory groups, including Muslims and Buryats (Batbayar 2003). In 1990s civil society receded into the background. This civil society played a major role in democratic changes in Mongolia. But after 2000 this has re-emerged. Increasing crime, corruption, poverty and miserable conditions of people turned in to mass movement and articulated in the form of public protest and demonstrations. Demand of this movement were justice, government accountability and curb on corruption. After 2004 parliamentary elections movement got further momentum. "This was a reflection of gradual decline of MPRP's near-monopoly of political power and more evenly distributed political power between MPRP and other parties. This helped significantly expand the political space for independent citizen action and more balanced and timely reporting on current events by the independent media" (CSI Report for Mongolia 2005).

While reviewing the route of the political parties and the evolution of a multi-party system it has been found that the change in the Constitution of Mongolia and adoption of a new one has brought with it a number of radical transformations in the institutional structure of the country. Starting from the 1992 parliament elections to the 2012 parliamentary elections, one finds that how starting from one-party dominance to a multi-party coalition, the Mongolian democracy has come through a long way.

After an amendment in the law related to the elections, the 2nd general elections were held on June 30, 1996. Major contesting parties were the Mongolian People's

Revolutionary Party (MPRP) and the Mongolia Democratic Coalition (MDC). These elections were a turning point in the contemporary history of the country because it was for the first time that the opposition Democratic Coalition won a landslide victory by defeating the MPRP. The coalition won more than 50 of the total 76 parliamentary seats. The defeat forced MPRP leadership to remould the party. From being "a hard-core communist group, it changed to a centre-left social democratic party after 1996. This helped in a peaceful transition from communism to democratization" (Soni 2008: 23).

After transition of power in 1996 Mongolia's economic development became a major concern of international donor agencies. They helped NGOs working in the areas related to socio-economic development of the country. Most of the donor agencies used the term "civil society" to denote the activities of these NGOs. However, the meaning of the term was not clearly defined. There was no attempt made to conceptualise the differences between NGOs and civil society. "The conceptual confusion that followed helped the already incomprehensible distinction between the new breed of sovereign voluntary organizations and the nominally non-governmental organizations that had functioned merely as an addition of the state mechanism" (UNDP 2006). This prevented a large number of groups working in the protection and promotion of human rights from getting distinctive identity. They were often clubbed with groups working with the government and in the policy areas. Most of the NGOs remained type casted as service-delivery groups filling the vacuum created by the absence of state.

The Law on NGOs in 1997 opened up a plethora of opportunities. "The number of registered NGOs with the Ministry of Justice and Home Affairs begun to boost so much so that the figures reached over 5000 within few years" (CSI Report for Mongolia 2005). The regulation guarantees Mongolian people's right to create self-help groups. They were free to create groups based on their idea of welfare and their outlook. The role of the state and any kind of political interference was reduced. "But, the NGO sector in Mongolia is still in its infantry stages. This sector faces numerous challenges ranging from their internal issues to their broader influences over society to empower the democratization process" (UNDP 2006).

When Democratic Coalition lost in July 2000 elections it brought back MPRP into power. The MPRP came out victorious by making commitments to continue with democratic reforms in the Mongolian domestic and foreign policies as well to continue the liberalisation of the economy. This can be cited as the success of the political movement's post 1990s. The 2004 elections were unique and mature in as the overall turnout for voting came to be a noteworthy 75 percent. At this time, "a sizeable number of Mongolian voters lived in remote areas far from polling stations and had to travel by horse, camel, or four-wheelers to cast their ballots. Secondly, as the election mandate was fractured with no party having the majority, a kind of grand coalition was formed with the participation of both the MPRP and other parties in the administration" (Soni 2008: 24).

Later in 2008, the parliamentary elections were the first elections to take place under a new election law enacted in 2005. The issues of building Mongolian democracy and giving more space to the civil society dominated the election campaigns that reflected the common will of the citizens. In all, 39 seats were won by the ruling MPRP and at least 25 seats by the main opposition party, the Democrats Party. However, a turning point in Mongolia's political development took place in May 2009. After the democratic revolution, the fifth presidential elections in 2009 led to Ts. Elbegdroj of Democrats party being elected with the required absolute majority. That was the first time that any non-MPRP president was elected since the adoption of new Mongolian constitution in 1992.

The results of the 2012 parliament elections reflected that Mongolia was willing to provide a strong government forming a grand coalition with the Civil Will Green Party in the lead. It seems that "even without an ideological outline, an efficient coalition government may still contribute to building of trust among the political parties and thus may continue democratic institutionalization in Mongolia" (Soni 2008).

Thus, the elections and the multiparty system gave people an option of informed choices and facilitated the democratic transformation in Mongolia with civil society playing a major role in ensuring the prevalence of democracy and a market economy. This would also highlight how the civil societies created awareness.

With this background, this study focuses on examining the role of civil society in the democratic transformation of Mongolia during 1996-2012.

During the period of this research study the people of Mongolia have open heartedly accepted democratic reforms. Since 1990, Mongolia has embraced constitutions and incorporating several laws according to its constitutional setup. Mongolia also built political institutions in line with its democratic constitutions. A vibrant civil society, the rule of law and free media was needed in order to pursue domestic reform. It also required a road map on how to pursue the social, cultural and political reforms. For real functional meaning in democratic reforms they also required transparency, accountability and responsibility so that they are not left as mere terms but rather become entrenched and embedded social and political practice. For the civil society to play this role, consistent policy instruments are needed to strengthen the Mongolian democracy, which this study seeks to highlight.

Review of the Literature

Mongolia has been one of the most interesting countries, which during the 1990s not only went through democratic reforms but also saw its economic transformations from a centrally planned to a market economy. In more than one-way Mongolia can be seen as one of the first Asian country which successfully transited to democracy from the authoritarian rule. Since the end of the one-party rule Mongolia has progressed well in terms of democratic freedoms and constitutional rights.

Though 'third-wave democracies' theorist still see Mongolia as "one of the least likely cases" of democratic transition. Whatever has been achieved in political development the role of civil society has been of paramount importance in it. This thesis relies on reviewing the existing literature on the role of civil society and development of democracy. The literature available on this subject has been reviewed under different headings as follows:

Development of Civil Society in Mongolia

Civil society is considered as the third breathing space between the state and the people, which act as the space of discussion, communications, facilitation, and building of linkages for the involvement of citizens in the democratic processes of the political system. Alagappa (2004) describes a civil society as a combined "action in the quest of the public good by non-state, non-market groups". According to him, "the state and civil society are reciprocally dependent on each other for endurance". On the other hand, Diamond (1994) is of the opinion that a "civil society is regarded as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting and autonomous from the state, and bound by a legal order or set of shared rules". Bhargava (2005) argues that one of the most important attributes of the civil society is that its domain which is separate and independent from that of the state. Another argument seems to the domain of civil society is made up of voluntary and involuntary associations and groups in the society, but domain such as family and caste are not part of it. Singh (2008) however, says that a voluntary association, groups and movements are resulted from the free exchange of ideas in a democratic setup, which seeks to keep a constant check on state power in citizens' interest.

Fish (1998) argues that at the dawn of democratisation in 1989, the Mongolian civil society was regarded as vivacious. The democratic transition was well entrenched because of civil society organizations and their influence. The events and developments of 1989 and 1990 formed the advent of Mongolian civil society. Since that time the civil society has seen a real growth and development. Since "the grand objective of civil society in Mongolia is to build a humane, civil and democratic society, the Mongolian people supported democratic governance and a vibrant civil society as the best possible way of effective political and social development" (Jargalsaikhn 2012). Since 1990, "the country has recognized a set of institutions that provide guarantees to ensure civil and political rights. "The freedom to gather and unite has fundamentally been respected since the transition began; several political parties, new trade unions, and the NGOs have emerged" (Fritz 2001).

Severinghaus (1995) discusses political reforms in the Mongolian polity. He says that three agreements between the government and the opposition parties shaped the

nature of the civil society in the country. The first one was related to the election laws, which were to be revised, the second one was that the new laws were to be created independent media which would be free from government control and the third one was to take measures against corruption. The new development gave the veto power to the president and his role as an ombudsman checked. Due to enactment of new laws by the parliament concerning the NGOs, a number of them flourished truly independent from government control. Through these reforms, the government was able to educate Mongolia's electorate to make informed choices in 1996 parliamentary elections. Several other important laws were passed in 1995 to strengthen the legal framework for Mongolia's democracy, a new civil services act and the law on control and auditing of state management was passed. Han (2008) commented on the reports of the result of a large-scale survey-research project that also covers Mongolian democracy in historical perspective. He estimates the level of support for democracy in Mongolia in the principle as well as in action. In fact, his remarks address the desirability and suitability of democracy. Considering political freedom, independent judiciary, role of media, civil society and NGOs, law and order situation, the author highlights the process of democratisation of Mongolian polity and society during 1990-2000. Undarya highlight that,

> "[M]ongolian civil society has emerged through a long way since early 1990s. As far as the human rights, women's rights and pro-democracy NGOs are concerned, they have matured considerably, evidently articulating their standards and ideology, maintaining moral practices, successfully building fresh forms of egalitarian structures and organizations, nurturing harmony and movement-building for a growth oriented social change. They have been able to keep up their work in a largely inauspicious political, financial, cultural and ecological atmosphere and without ample support from the government or international community. Nonetheless, at the beginning of a new decade, the field is not adequately equipped to play an essential role needed to make powerful citizens and communities against corruption and human rights violations, to make government and private sectors accountable and chart a more equitable course of development" (Undarya 2013).

Civil Society under New Democratic Regime

The new democratic regime that took over power in Mongolia in 1996, for the first time, realised the value of civil society in the democratic transformation of Mongolia.

As such, numerous civil society organisations, including the NGOs, received governmental support not only to flourish but also to have their say in the government actions leading to political and economic reforms (Soni 2012). This helped the country much to undergo a smooth democratic transformation. However, the transition from the old communist regime of Mongolia began amid democratic upheavals, which emerged in the erstwhile Soviet Union in late 1980s. When Gorbachev announced "the policy directions of *'Glasnost'* and *'Perestroika'* in 1986 to modify the stagnant Soviet system of socialism, it led to ripple effects on Mongolia's drive toward democracy" (Batbayar 2003; Boone 1994). The fall down of Marxism-Leninism in the Soviet Union as its ruling ideology also led to an unexpected death of Marxism-Leninism in Mongolia. This showed how despite of political, cultural and historical differences the two countries went under interlinked political transitions independently. Most importantly, the ethos of pluralism, protection of civil liberties, as well as democratic procedures like, tolerance, equality, transparency and accountability, are essential for a civil society. It is also important for the consolidation of trust in democratic structures. Above all, in "the post-communist era, people needed to adapt to these values and norms to enhance democratic values and develop a civic culture" (Rice & Feldman, 1997).

There are three different opinions to discuss on how "the Soviet Union and changes in the Eastern Europe helped in creating a favourable condition for the development of civic culture by the late 1980s" (Ginsburg 1998). During 1985-1989, when the USSR was going under change of regime, the MPRP in Mongolia tried to implement the policy of economic restricting as well as political openness. This revealed the need for decisive radical changes in Mongolia (Batbayar and Soni 2007). Thirdly, the political change in Mongolia was demanded by a new generation, which was trained in the Soviet Union and the Eastern Europe and influenced by the latest developments in these regions. The Democratic revolution took place in early 1990s and until 1989 and when the first general election took place, mass demonstration demanded an end of the one-party rule and the establishment of the multiparty system as well as free election with universal suffrage. Kotkin and Elleman (1999) discussed the contemporary issues ranging from economic and cultural change to nationalism and emergent elites, apart from dealing with the post-Cold War Mongolian foreign policy and its implications for Mongolia's relations with the outside world.

Heaton (1991) discusses the exact events which led to beginning of the transition process. In 1989 “Young Artists Convention” which was attended by higher authorities of Mongolian society and reform minded people of the country became the immediate forum of popular uprising in December 1989. This street protest was followed by many others. The hunger strike led by the opposition in March 1990 forced the Communist party government to initiate a massive political reshuffling of its core structure and government. It removed all its members from the government and allowed other political formations to claim power and gradually systematize the multiparty elections. It soon dismantled party’s control over the security forces. The civil society found its way to create a democratic regime in Mongolia and counter the pre-existing communist establishment. The state had lack of general control, manoeuvring, and bullying over civil society space and people’s lives. Any attempt to regulate civil society space encountered a sombre examination from the media, the CSOs, and the public. The right to freedom of expression, association, movement, and religion as well as assembly, and other human rights were recognized. At “the last, the international institutions, Western governments and human rights watch groups recognised Mongolia as a ‘free’ autonomous country after a democratic governance came in power” (UNDP 2005).

According to Jargalsaikhan, “the theory and practice of promoting democracy and civil society are very important topics of discussion in the country at present”. The main objective of the Mongolian government is “building a humane, civil and democratic society” as declared in the 1992 Constitution. He argues that “the Western-style issue-oriented, office-based, more professionalized advocacy and oversight non-governmental organizations (NGOs) aimed at influencing public policy and holding the governments accountable to the people”. According to him, “some of the most active NGOs were pro-democracy and pro-development organizations, which were formed and led by women affiliated with the opposition parties” (Jargalsaikhan 2012).

Meanwhile, the nature and ideological inclination of the MPRP have also gone through transformation. Now it comprises many similar components from the communist regime, while “the main opposition coalition consisted of intellectuals who were impressed with the new changes in the erstwhile USSR” (Lee 2002).

Mongolia now has very strong and assertive political parties representing common voices of people and the popular Mongolian cultures. They were formed because of a "resourceful leadership and dogged dedication to party-building by the political entrepreneurs" stated Fish, (1998). The civil society is Mongolia is both strong and vibrant (Fish, 1998; Fritz, 2002; 2008; Doorenspleet & Mudde, 2008; Severinghaus, 1995). Many authors mention that some of the civil society groups get limited external support which helped them play a significant role in the pro-democracy activities (Fish, 1998; Fritz, 2002, Doorenspleet & Mudde, 2008).

Fitz (2002; 2008) looks over the growing involvement of the civil society organizations in the democratic system, against bribery and officious misconduct. Second, she draws an appealing example from the Mongolian case- "that if parties are significant for democratisation, then support to parties- alongside help to civil society - should be a key boulevard for the exterior promotion of democratic organization", Finally, Fritz highlights need for significant progress in "civic engagements and links between civil society and authorities who form policies" (Fritz 2002).

The civil societies occupy an important space in present Mongolia post the 1990 Democratic transition. The presence of a civil society space and changes within and outside them vis-à-vis the state, political sphere and economic activities are noteworthy. There are no armed conflicts in the country which keeps the violent, undemocratic elements outside. The Mongolian case can be taken as a system where civic activities have greater space than earlier during the one-party communist regime. It is also better than any authoritarian system. "The Law on Non-Governmental Organizations (1997) provides explicit lawful protections for the civil society organizations in Mongolia" (Ginsburg 1998).

Role of Civil Society in Democratic Reforms

Mongolia was a monarchy till 1924. In 1924 revolution MPRP took control and ruled for next 6 decades. During the cold war Mongolia remained a loyal member of the communist bloc led by the Soviet Union. The membership in the block determined Mongolian domestic and foreign policies. Soviet Union's economic aid was the sole means of international support it was getting. The Soviet influence was also

responsible for its one-party communist system. The leadership of the Mongolian People's Revolutionary Party (MPRP) was rooted in the ideas of Marxism-Leninism. For almost 6 decades, "Mongolia remained a totalitarian state which prohibited any condemnation of the one-party authoritarianism, its communist philosophy and centrally planned economy" (Batbayar 2003). The path to political transformation was paved after the disintegration of the Soviet Union in 1990-91 (Soni 2002). Samuel Huntington (1991) terms Mongolian transition to democracy as "the process of transpose". It is mainly because the process was a result of a joint effort of groups both in power and out of power.

Mongolian Democratic Union (MDU) led opposition in the early periods shaped the future of the country. They started a hunger strike in front of the government palace and demanded political independence and human rights. The communist party's rule ignored these demands at first. The MPRP government agreed to a meeting with the MDU only after the demonstrations were intensified. "Mongolia has exhibited a relentless but muted reminiscence for communism by choosing the re-constituted party of the old communist government to the presidency and parliament" even after the multiparty elections (Severinghaus 2000).

Heaton (1992) discusses that the Mongolian government set to begin formulating a new national constitution and the final draft out in 1992 with a well-built presidential and solitary parliament (unicameral- Great Khural), elected by the direct accepted vote. According to the 1992 constitution Mongolia is a democracy that prioritises individual freedom and human rights. The parliamentary system of governance's "specification for human rights and basic freedoms was the first ever codification of the government's dedication to egalitarian values in Mongolia's 2000 years of existence" (Fritz 2002).

1992 Constitution makes the president as the head of the Mongolian state and a symbol of its unity. The president is elected in a complex process. The three phases include recommendation of candidates, for which only political parties represented in the parliament are allowed to give names. The voting for the president is direct. In the third phase parliaments' formal recognition is required (Sanders 1992; Ginsburg 1995). The first presidential elections were held in 1993. In the election Democratic

Force Party's P. Ochirbat was elected as the president. He got around 58 percent of the popular votes. In next two elections in 1997 and 2001, MPRP's candidate N. Bagabandiwas elected with 61 and 58 percent votes.

Since Mongolia is a parliamentary democracy the parliament is more powerful than the president. The State Great Khural controls the executive of the government. It is the sovereign body which makes laws and decides the policies. "These initiatives vary from trade speculation and economic liberalization to budget distribution used for rural development" (Fish 1998). Rossabi (2005), talks about the process of democratic transition from socialism to liberalism. He argues that "with the cessation of the crucial support from the erstwhile USSR the IMF, the World Bank and the ADB advanced a free-market ideology and they replaced the old commitment to central planning". The shock therapy caused high inflation with prices of the essential commodities rising fast.

Among the political systems which turned democratic in the 1990s Mongolia presents a unique case. According to Promfret (2002) "compared to the other new democracies where most of political parties stay behind splintered and lack an ideological impel, Mongolian political parties have religiously obeyed the Western European custom of demarcating between the centre-left (represented by the MPRP) and the centre-right (represented by the Democratic Party), fully articulating their party manifestos and ideological manifestations". All the smaller political parties in Mongolia have integrated to form a strong political opposition. This has made Mongolia into a two-party system (Promfret 2000). Scholar like Fritz, assert the readiness of the smaller parties to form large political formation to challenge the dominance of the long-established rule of MPRP. "Perhaps this is the reason why the international agencies have categorized Mongolia as a rapid reforming nation and a successful liberal democracy" (Fritz 2002). That is the reason that international agencies have more confidence in the civil society in Mongolia than the other countries in the Central Asia (Sabloff 2002). Heaton (1992) argues that during political reforms in early 1990s the MPRP passed a law that banned political parties from operating in government organs and required all government offices, including the president and vice-president, to drop their party affiliation. Batbayar argues that "the unicameral legislature- the State Great Khural passed an election law for the free election through

election commission that gave way to the political parties to get registered" (Batbayar 1993).

Donnell argues that, "since commitment to democracy among the elites is an essential condition for ensuring it, the elites in Mongolia contributed to the development of a fair and transparent electoral system mainly through active participation of the civil society" (O'Donnell 1996). Among all the electoral systems Mongolia adopted the First Past the Post System (FPTS). It was considered well suited for stable governments. This system is suitable for new democracies. The lack of the well rooted institutions essential for democracy to survive during its initial hiccups.

Mongolian political system can be described as semi-presidential and parliamentary. The Prime Minister is the head of the government elected as the leader of the largest party in the parliament. The Prime Minister selects his own cabinet which is subject to the approval of the Parliament. The president, elected for four years term is the head of the state. According to the 1992 constitution all the citizens above the age of 18 and above have the right to vote. Unlike in the liberal democracies in the liberal world Mongolian democracy do recognise economic and social rights for its citizens. Dahl and other scholars argue that realisation of such rights and their protection is argued to be extrinsic to democracy and as the outcomes of government policies (Dahl 1971; Landman 2005). However, Mongolian democracy follows larger normative developments. It takes social and economic rights as essential parts of the international human rights and part of democracy.

Sanders (1992) provides a brief sketch of Mongolia's transition phase that included first and second parliamentary elections held in 1990 that resulted in setting up a three-member drafting commission for making a new constitution. The three-member commission favoured social democracy and divided the draft into four groups. The main draft included human rights, and along with it, state affairs, social, political and economic issues and the last was on the legal and constitutional issues. These were the main pillars of making a new constitution for Mongolia. The commission had submitted three drafts and in 1991, debates started for a new constitution. Constitution gave freedom to all Mongolian people and introduced human rights as well as free and fair elections; it allowed people to open NGOs, run free media,

experience independent judiciary etc. In 1992, the first multiparty election was introduced following the adoption of new constitution in Mongolia. Since then, the role played by the civil society in the democratic reforms became visible and after 1996 elections, it saw several democratic changes in governmental policies and norms for the welfare of the people at large (Wachman 2009).

After 1992 reforms the name of the state changed from "Mongolian People's Republic" to just Mongolia. Other symbols of communist rule such as the "gold star" from the national flag were removed (Soni 2011).

Several parties and groups have been formed since the abolition of single party rule in 1990. These parties have been reorganized or renamed to suit the process of democratization. Despite so many of these parties there remained only a few groups who have a large enough membership and influence (Batbayar and Soni 2007).Therefore, there was a need for the revival of the political parties as it was realised after 1996 elections particularly when the term of the new democratic regime was getting over in 2000. By then the role of the civil society, especially the NGOs became more proactive. Finally, in 2005, a new law on parties was adopted by the Mongolian parliament. During 2012 parliamentary elections, the role of civil society was unique in the sense that not only political parties but also the electorates made the economic security a major issue of democratic reforms (Soni 2013). However, "a closer look at civil society, especially the activities of the NGOs, shows that there is still much more still needs to be done to make civil society more vibrant, active and effective, to make it an important element of democratic transformation" (Jargalsaikhan 2012).

The literature survey done above does indicate the role of civil society in emerging prevalence of democracy and market economy as well as the role of individual NGOs. It also indicates the difficulties Mongolian civil society faced in the realisation of the democratic consolidation. The present study seeks to fill up these gaps. This research presents a thematic study on the main subject, which has not been found in the available literature. This research also carries a focused study on whether the civil society in Mongolia plays a crucial role to empowerment of citizens and communities. So that it rise against the corruption and human rights violations. It also

tried to highlights civil society which has been able to made both government and private sector accountability.

Definition, Rationale and Scope of the Study

After the collapse of the Soviet Union radical changes were seen in Eastern Europe and in the countries of central Asia. Both these regions witnessed a decline in authoritarianism. They moved from one model of communist rule to another which is more harsh and authoritarian. It experimented with some kind of electoral democracy also. Mongolia is the only case among all the post-soviet regimes. It remains an exceptional case primarily because of the political opening during the 1990s far exceeded all the expectations. Unlike in the neighbouring countries it moved on the path of multiparty democracy and there were hardly any serious attempts made to go back to the early days of Soviet system. It was in the early 1990s that democratic reforms began to accelerate in Mongolian polity as a number of changes occurred ranging from electoral reforms to the adoption of a new constitution to implementation of security and foreign policies on new bases. The 1996 election further led to formation of a pro-reform democratic government, which gave way to rapid economic liberalization. By the end of the 1990s, economic reforms made Mongolia an adherent of free trade regimes. It was one of the success stories of democratisation in Asia. Mongolia was able to achieve this feat without any violence and with complete harmony. This led to flourishing of a massive civil society movement.

In the last two decades, a vibrant civil society has emerged in Mongolia, which differs from the earlier civil society organizations in the sense that they have acquired a global character, transcending boundaries. They are now no longer bound by time and distance. Being comprehensive in nature, these civil society's organizations have come to encompass the non-governmental organizations, media, trade unions, research organizations, interests group, foreign or domestic development groups, advocacy groups, intellectuals, human rights organizations, charities for relief etc. These organizations have played a vibrant role in Mongolia in political and economic fields, particularly by creating awareness among the masses to support the replacement of Communist regime.

These civil society groups have become active agents and participants in the various governmental committees to reforms the existing rules and regulations in the political and economic fields. This could be done by the different organizations particularly by creating awareness among the masses to support the replacement of communist regime besides becoming participant in the various governmental committees to reform the existing rules and regulations in the political and economic fields.

This study, therefore, has sought to analyse how Mongolia has been able to implement democratic reforms in its polity and economy with the active participation of the civil society during the period of this study. The roles played by civil society including that of the elites, media, NGOs, religious groups and masses in democratic transformation in general and political and economic reforms in particular, is the main focus of this research.

The scope of this study is limited to the period from 1996 to 2012. This was the period when most of the democratic changes in Mongolia were visible. The year 1996 has been taken as the beginning year because for the first time, the Democratic Party came to power in Mongolia. The year also witnessed many international donors shifting their focus on Mongolia's economic development in which the civil society played a major role. The year 2012 has been taken as the cut off year because it was in this year that the second last and the sixth parliamentary elections were held. It was also the same year when the Mongolian Parliament approved the concept policy of State on Supporting Sustainable Development of Civil Society.

Research Questions

The present study has examined the following questions:

1) What were the factors responsible for the evolution of civil society in Mongolia?

2) What roles did the civil society including- NGOs, play for the success of democratic transformations in Mongolia?

3) How did the participation of civil society help build new forms of democratic political structures, including the electoral system in Mongolia?

4) What were the contributions of civil society to political and economic reforms in Mongolia in the post-1996 period?

5) What have been the major impediments Mongolia's civil society faced in the realisation of democratic consolidation?

Hypotheses

1) Unlike previous regimes, the democratic regime provides more space for a vibrant civil society in Mongolia.

2) A strong and effective civil society has been the key factor for determining Mongolia's equitable and democratic development.

Research Methodology

The historical, analytical and descriptive methodology has been followed while examining the proposed research study, particularly with regard to the changes in the nature of Mongolia's political regimes. While understanding the concept of civil society and examining its role in the democratic transformation of Mongolia the deductive and inductive methods were also followed. Both the primary as well as secondary sources have been consulted to fulfil the aims and objective of this study. The primary data include governmental reports and documents relevant to this study as well as other reports and documents particularly on economic aspects released by various authentic organizations, such as ADB, UNDP, IMF, World Bank, The Asia Foundation (USA), and CIA etc. The secondary sources include books, articles published in various journals, and reports from different NGOs on the subject of democratic transformation in Mongolia. The study also includes relevant source material and data on the websites to be collected through the internet.

Scheme of the Study

Chapter 1: Introduction

This chapter introduces the subject to the manner in which the whole thesis has been presented. It deals with the background of democratization in Mongolia with a focus on the democratic movement of the late 1980s and the holding of the first parliamentary election in 1992, which gave ways to the democratic transformation and emergence of a vibrant civil society that in turn played an important role in the democratic transformation.

Chapter 2: Civil Society: A Theoretical Perspective

In this chapter, theoretical aspects related to the Civil Society have been discussed thoroughly. Moreover, worldwide approaches and views of several renowned scholars are highlighted to bring its impact on the Civil Society phenomena in different parts of the world.

Chapter 3: Democratic Transition in Mongolia

This chapter focuses on Mongolia's democratic transition following the Soviet collapse. However, it also examines the impact of Gorbachev's reform policy of *perestroika* and *glasnost* on Mongolian domestic policy and the ensuing reforms in Mongolia through *Orchilanbaigalian* and *Iltod.* It also deals with the discussion on constitutional development that started in 1991 and leading to the adoption of a new democratic constitution in 1992.

Chapter 4: Development of Civil Society under New Democratic Regime

This chapter focuses on the development of Mongolia's civil society in the early 1990s. It examines the four key dimensions- structure, environment, values and impact in which the civil society exists and functions. This chapter also deals with the emergence of a first-ever democratic regime in Mongolia in 1996, which provided a positive environment for the civil society to come of age itself as a strong pro-democracy advocacy group. It also examines the role played by the civil society in

articulating the democratic values and principles, building new forms of democratic structures and organizations, and fostering solidarity to stand for progressive socio-economic and political changes.

Chapter 5: Role of Civil Society in Political and Economic Reforms

This chapter highlights the role of civil society in political and economic reform in the post-1996 period. It deals with not only various legal reforms in the political field but also electoral reforms for both the parliamentary as well as the presidential election. In this context, the parliamentary elections of 2000, 2004, 2008 and 2012 have been discussed in detail. It also highlights the Government-NGO cooperation on developing a State Policy Concept on the Supporting Sustainable Development of Civil Society. Participations of civil society in economic reforms have also been examined during the period of a 'real' democratic transformation (1996-2012).

Chapter 6: Conclusion

The concluding chapter provides a broad conclusion of civil society and democratic transformation in Mongolia during the period from 1996 to 2012. It also highlights the main findings, which can be a great help for further research work.

Chapter 2:

Civil Society: A Theoretical Perspective

The civil society comes from the European political history. It is rooted in the political history of the continent. The early signs of civil society can be identified and traced to the late 18th and early 19th century. "This is the period when developed the distinction between civil society and the state" (Keane, 1998). In the French revolution and its immediate aftermath "the traditional language of civil society *(societas civilis*), which had until then referred to a peaceful political order governed by law" went through a massive change. Civil society in comparison to the political society or the government got a distinctive identity as a "realm of social life - market exchanges, charitable groups, clubs and voluntary associations, independent churches and publishing houses – institutionally separated from territorial state institutions". This meaning has retained its relevance even today. According to Keane, "it is a term that describes as well as anticipates a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be nonviolent, self-organizing, self-reflexive, and permanently in tension, both with each other and with the governmental institutions that ''frame,'' constrict and enable their activities" (Keane 2009: 1).

Today the civil society' has become a very significant part of the modern political life. It has proved its essentiality in many fields of life. Pateman goes a little further and argues that civil society can be instrumental in understanding the past phenomena, "such as the bumpy geographic distribution of 'absolutist' states or the appearance of modern forms of excluding women from public life" (Pateman 1988). Elias on the other argues that civil society is essential tool of spreading the European civilisation to the rest of the world (Elias 1978).

Though it mostly retains its original meaning it has also acquired some new dimensions in recent times. It is used to understand the contemporary social and political developments. In countries such as Czech Republic, Poland, and Hungary for example, the civil society played a very important role in the resistance against the authoritarian regimes. During the post Prague Spring period it provided crucial

avenues to articulate popular anger and aspirations. In the global movements against totalitarianism civil society has emerged as the channel of mobilisation and articulation.

Civil society has played a vital role also in understanding some of very diverse range of issues such "as the rise of 'free market' economic strategies and decline of welfare states, its transformation, emergence of a hybrid third way, and the intensification of social actions" (Melucci 1988, Khane 2009).

Conceptualising Civil Society

Civil Society commonly considered as the third space between the state and the people, which acts as the space of discourse, interactions, facilitation and construction of linkages for the participation of citizens in the democratic processes of the political system. As a society of free citizens and groups it is a space which is used by the people to express free and independent views. They use the space to manage their mundane affairs. It is a space which makes the social life more and more participatory. All the activities in the society become a place of exchange and formation of a public space irrespective of the ideology. Additionally, it becomes a platform for the struggles to create a society free from socioeconomic exploitation and political repression.

Civil Society Organizations (CSOs) are sovereign organizations within a social order. Here people may work together to resolve their own problems. It can be an expression and channelization of mass views. In addition, they can pressurise the government. Civil societies are not allowed to flourish in an undemocratic society where public opinion is suppressed. It is only a democratic society, which facilitates the growth of civil society and vice versa "since democracy implies the power of the state to be restricted by the presence of social relations structured independent of the state. It derives support and encouragement from the hypothesis that democratic philosophy of the state will be feeble if the rest of society including relations, school, church, trade unions, etc. is based on totalitarianism" (Mohapatra 2008). The Civil Society Organizations instils the values of self-organization. People at different levels can cooperate and make responsible decisions which can decide the fate of their

polity. It is very difficult to imagine a political movement without any organised form. It is also "impossible at the individual level to further legislation, protect individual liberties, and place checks on governmental power" *(*Mohapatra 2008: 77). According to Turner, "acknowledging the significance of civil society, the liberals like J.S. Mill and Alexis De Tocqueville held that even democracies have the tendency to slide to despotism in absence of these active social associations" (Turner 1994: 27). Therefore they have emphasised on the existence of civil society as a prior condition for democracy. They argue that it is difficult to sustain a democracy without civil society.

Civil Society as Public Sphere

One thing is common to the various meanings of the civil society terms in the idea that social life is differentiated into various spheres and civil society is one among them. Civil society thus describes an aspect of social life. At the outset, therefore, it must be clarified that the connotation of the term civil society is different from that of society. Civil society is one among many spheres of the larger society along with family, economy, politics, etc. The notion of society, therefore, is much broader in scope than that of civil society. Louis Dumont argues, "Society can be defined as an association into which we are born, to which we involuntarily belong and from where we get all our ideas and education, society in this way is an all-purpose institute" (Dumont 1986: 32).

In the past two or three decades, the course of unimaginative and increasingly troublesome conceptual division between the state and the society has been replaced in academic discourse by a more nuanced set of distinctions. First, the state is distinguished more carefully now from a particular dimension of what makes this sphere public. "It is public first because it is accessible to all. Second, because people enter here with views on matters that affect the whole body of citizens, and not themselves alone. However, a public sphere construed thus has not realised its full potential so far. This is only a partially realised public sphere because people in it are indifferent to the process by which a common good is formulated" (Dumont 1986: 22).

The opinion about the idea of a common good did not arise after any deliberation. No dialogues were initiated before it was presumed that it exists. Take the example of opinion polls conducted by national dailies. In these polls, a question on an issue of common concern is formulated for the public, placed in a newspaper or on the Internet, and those interested are asked to give their views on 'society' referred to them by the term 'civil society'. Second, what makes this sphere public? Evans and others argue that "most of current literature accepts the relative definition of civil society. It is a transitional arena independent from the family, market, political society, and the state." (Evans, Henry, & Sundstrom, 2006: 323-25) However, there are disagreements among the students of Civil Society about what constitutes its boundary and its links with other normative approaches.

Diamond and Howard exclude "individual and family life, inward-group activity" (Diamond 1994: 5) and "personal networks" (Howard 2003: 107-8), "whereas Henry and Sundstrom omit revolutionary organizations that use aggression and criminal groups" (Henry & Sundstrom 2006: 324-25). Alagappa highlights "joint action in the search of the public good by non-state, non-market groups" (Alagappa 2004: 32). Equally, Giersdorf and Croissant include actors who "formulate and organize interests, values and demands of public concern in this public sphere" (Giersdorf & Croissant 2011: 4).

"Social life occurs in five major spheres: economic, political, state, civil and uncivil. The rules of the game are different in each sphere. The state provides many public goods (i.e., distribution of wealth, provision of national security, public safety, and well-being)" (Alagappa 2004). Though the state-society relations are explained as argumentative, Alagappa argues that,

> "[T]he state and civil society are mutually dependent for survival. There is an overlapping space between civil society and the state; this can be beneficial to both. Economic society and the market also dwell in a grey area, where, for example, business entrepreneurs, unions, and even civil society organizations sometimes cooperate but sometimes brazen out. Similar, but more intense relations occur in the overlapping areas between the political society and civil society. To obtain political power, politicians use civil society space to mobilize the public. The space for uncivil activities, which often features unlawful and violent behaviours, does exist in any state;

> however, its size differs due to the state's capacity to maintain law and order, as well as other cultural and societal factors, therefore, there is an area of overlap between civil and uncivil societies" (2004: 37).

Positioning civil society space between the state and the people, in the centre of these two extremities is rooted in its dynamism. It uses the gap between the two to expand, shrink and shift. The placement in the middle also helps in identifying overlapping areas for numerous activities. This may answer the reasons and nature of such activities (Alagappa 2004). The placement in the middle also "presents civil society as vulnerable to exploitation by different actors unless this arena for civic activities is respected and protected by law." (Jarrgalsaikhan 2011: 4).

Normative vs. Empirical (Inclusive) Approach

Earlier works on "civil society often employed a normative approach" (Keane, 1998). By advancing properties of a good society, Heinrich, opines, "postulating what a civil society should look like, rather than examining the extent to which existing societies live up to this normative ideal" (Heinrich 2005: 213). The studies of the societies passing through the process of democratization linked its normative and empirical approaches and created a more inclusive approach of the study of civil society. Further Hann and Dunn also attempts to argue for a "more inclusive usage of civil society, in which it is not defined negatively, in opposition to the state, but positively in the context of the ideas and practices through which cooperation and trust are established in social life" (Hann & Dunn 1996: 22).

The present research claims that "civil society is a universal concept that embodies voluntary associations of citizens for the public good". The people rationally work for a public sphere which is non-violent and inclusive. The strength and inclusivity of the civil society space is very much defined by the nature of a political system. The democratic state unlike the non-democratic one is more willing to provide the broad ranging rights to its citizens. Alagappa argues,

> "[I]n theory, such [totalitarian, authoritarian, and paternalistic] regimes severely restrict or even eliminate the space for civil society….[i]n practice, totalitarian and authoritarian governments have not always been successful in controlling and manipulating

> civil society organizations and have proved even less successful in eliminating them….certain (non-state-sponsored) civil society organizations exist in fear of the state and often go underground" (2004: 37).

The presence of civil society is safer in a democratic system in comparison to other forms of governments. In other words, it can be said that civil societies provide platform for public welfare. This is why the boundaries of civil societies' activities overlap with different spheres of societies. Taking consideration of different factors involved, the participants of civil society space freely operate. "Although, many Western scholars have explained the civil society concept, an open-minded, comprehensive perspective can produce a perceptive analysis of civil society in non-Western context" (Jarrgalsaikhan 2011: 4). This has made the scholars more conscious of the cultural and traditional basics that effect the structuring of civil societies.

Institutionalization of Civil Society

There are various debates over types of institutionalization of civil societies. There is an overwhelming focus material and human resources in one of the approaches. According to Evans and others in order for civil society to be become a channel to communication between state and society it is important to present it with these resources (Evans, Henry, & Sundstrom, 2006: 311-12). In other words absence of these resources, even in a political sphere conducive to its growth civil society would never be able to play a significant role. In a slightly different argument Diamond argues, that civil society groups "need the protection of institutionalized legal order to guard their autonomy and freedom of action" (Diamond 1994: 5). Cohen and Arato, too "emphasize the importance of the institutionalized protection" (Cohen & Arato, 1992: 441-442). Alagappa, argues that, the civil society institutionalization involves,

> "[A] guarantee of fundamental rights, which in turn calls for a constitution, separation of powers, and an independent judiciary; an independent and accessible media; devolution of power and resources to local levels and non-state institutions; acceptance of non-state institutions as legitimate; and financially secure organizations" (2004: 470).

One cannot underestimate any of these factors. An institutionalized civil society separate and comparatively autonomous from the state needs material and human resources as well as legal security. Without such autonomy from economic, political and uncivil societies the civil society would not be required. Though there are several other factors which affect the institutionalisation process, the factors stated above are the basic.

One cannot imagine a dynamic civil society in a non-democratic polity. Totalitarian or authoritarian regimes cannot accept the existence of civil society because that will go against their rational for existence (Alagappa 2004: 37). If at all there is a civil society group under such regimes they are unacknowledged or in *absenetia*. Authoritarian political systems may or may not provide a space for civil society associations. They would like to have a limited number for legitimacy purposes. However, such groups if allowed operate with utmost caution and under the control of the state (Alagappa 2004). It is "only in a democratic system that the existence of civil society is legally protected" (Diamond, 1994; Linz & Stepan, 1996).

Though it is a debatable matter, some of the scholars argue that civil society is stronger and most flourishing in a state which has greater capacity to deliver public goods. In other words, a state which is unable to provide for safety, security and other basic amenities to its citizens cannot provide for a strong civil society. Maintenance of law and order is a must for institutionalisation of civil society. This is true for a democratic state as well (Rosenblum & Post, 2002: 7; Alagappa 2004: 36-37). However, there is a dissenting argument too. A powerful state which provides for most of the basic amenities to its citizens and also has a strong police apparatus can have greater control over the public sphere and may not want to risk the law and order to be disturbed by too many groups (Smith, 2004; Ross, 2001; Ziegler, 2010).

In a society where civil society groups are dependent on external resources for their survival the independence becomes an issue. The international organisations, companies, groups supporting a group can create suspicion of political intervention forcing the state to control their activities. However, such collaboration can also promote global networks and greater exchange of ideas and technology. As Henderson argue "the incentive structure of 'the grant game' encourages donors as

well as grant recipients to behave in ways that hinder rather than facilitate civic development" (Henderson 2002:141). In the third world countries, in a new democratised society lack of financial and human resources make the civil societies dependent on the state or other donor agencies. According to Alagappa, "besides these factors, the institutionalization of the civil society space in new democracies often requires closer collaboration between a pluralist legislature, an accessible media, an independent judiciary, and the solidarity of citizens" (2004: 50-52).

The society which is diverse and divided on the lines of economic wealth, religion, ethnicity or political ideas the chances of conflict among the civil society groups is higher. "In such society's public sphere may become the field for struggle among various political factions, religious groups, and economic classes" (Alagappa 2004: 464-465,499; White, 1995; Varshney, 2001). Most of the post-colonial societies in the third word face this difficulty and that explains the weak civil society institutions in these countries even if there is a democratic political system.

Evolution of Civil Society

The beginning of civil society idea in Western Europe evolved with of modern age. As discussed earlier, the basic idea underlying the concept of civil society is the existence of differentiation in social life. Modern societies are more differentiated than earlier societies that results in clear separation of different spheres of family, economy, civil society and state. The origin of the concept of civil society can be traced to the ancient and medieval period. The term "civil society" dates back to the works of Cicero and other Romans to the ancient Greek philosophers. Although, "the concept became conspicuous until the 18th century Western Europe, it was a theoretical construct useful in analyzing and understanding the emerging socio-political economy of the industrialized west in the 18th and 19th centuries" (Samuel 2007). According to John Keane, "the renaissance of interest in civil society draws strength from its European roots, which are traceable to the late 18th century and early 19th century development of the distinction between civil society and the state" (Keane 1998: 14).

The decline of the absolute power of the state and the emergence of popular assemblies, secular authority, institution of private property, urban culture, nationalist and democratic movements provided the public space for the growth of civil society. In this public sphere, the people to fulfil their needs formed associations or groups, independent of the state. The emergence of the middle class with the growing level of literacy, community organizations and social welfare bodies were established to demand services like health, education, employment etc, from the state. Consequently, in the late 19th century and early 20th century, local government units came to be established which diluted the state's central power. These bodies were limited in size and programme, did not have any political objectives nor were revolutionary and demanded improved services for their community (Mohapatra 2008: 377-78).

In the 21st century, international civil society has emerged which differed from the earlier civil society organizations in the sense that they have acquired a global character, transcending boundaries and no longer bound by time and distance. More so, unlike the 21st century, these global civil societies not only aimed to achieve socio-economic development but also political ends. Being comprehensive in nature, these global civil societies have come to encompass non-governmental organizations, media, trade unions, research organizations, interests group, foreign or domestic development groups, advocacy groups, intellectuals, human rights organizations, charities for relief etc. In the context of Mongolia, these global civil societies, particularly professionals, NGOs, and media, etc. played a vibrant role in the process of democratic transformation.

Liberal and Marxist Views

No discussion on the political development in a society can be complete without a reference to civil society. The discussions on civil society falls into three different ideological views that provide a conceptual framework: the liberal, Idealist and the Marxist.

Liberal Views of Civil Society

The first articulation of the concept of civil society occurred within the domain of the liberal political theory of the 17thcentury. In the ancient European political theories – the Greek and Roman, idea of political life was all-comprehensive. No other sphere of society was expected to play any political role other than the state. In medieval Europe, however, the political sphere was considered as one among many spheres. The institution that provided most competition to the state was the Church. Hence, for a very long time there were two sources of authority: the church and the state. At the same time, the relationship between the two authorities was unstable, prone to quarrel with regard to their respective spheres of competence (Taylor, 2003, Singh 2008: 191).

Ideas of modern state and civil society originated against the background of medieval Christendom with its dual source of authority. The story of their origins can be divided into two stages. During the first phase, there was a long ideological-political battle on behalf of the institution of the state and against the claims of the Church. In the second phase, we see a struggle against the state's authority and for the rights and liberties of individuals. It is in the second phase that we can locate the historical origin of the modern idea of civil society as a space for the articulation of political interest of individuals against the authority of the state (Singh 2008: 191).

In liberal philosophy, "civil society is primarily seen as a guard of citizens' rights and interests against the state as its idea was developed along the tradition of European anti-absolutist thinking" (Chatterjee 2002: 71). "The liberal conception of civil society, according to Bratton, marks a significant shift from classical political thought which viewed the state as expressing the 'civil' form of society" (Bratton 1994: 1-21).

Civil society in the recent liberal political discourses has acquired a new meaning under the phase of 'Third Wave' of democratization. The fall of the Soviet Union and emergence of new states in Eastern Europe and political changes among the states of former Soviet Union, has generated a rich and diverse literature on the role of civil societies. They have been attributed a role in the transformation of these societies from authoritarianism (Gregor Ekiert and Jan Kubic 1999: 44). Liberal theories focus

on the role of several non-state groupings such as church, trade unions, nascent political formations, internally supported non-governmental organisations and their activities in the these societies. They have been identified to have liberty-enhancing properties.

Liberals' basic premise is that every citizen freely chooses and pursues his/her individual life project and in order to do that becomes a part of several dynamic formal and informal groupings. These associations provide space and platform to all its members to express and pursue different interests, identities and aspirations. These groups become a bulwark of individual liberty. They guard against all kinds of attempts by the state to violate such liberties (Francesca 2016: 3).

Liberal emphasis on pluralism and inclusivity defines their expectations from the civil society. The associations created by the individuals must not be a part of coercive apparatus of the state neither it should act on the behalf of the market. Though liberals include all kind of ends and modes of organizing such associations and do not discriminate about their shape and sizes they worry about its nature (Francesca 2016: 3). For a liberal the civil society is a minimalist in the sense that it demands from the state nothing but maximum guarantee to freedom and liberty of association as a minimum for social mobilisation (Tushnet 2000: 398-99). Liberals believe that civil society groups guarantee transparency in the policymaking activities of the state and keep a check on it from the outside.

Civil society forms an essential part of theory of democracy. The state will not be democratic if there is no civil society in it. All major liberal political philosophers including Hobbes, Locke, Mill, and Tocqueville see the essential links between democracy and civil society. Unlike a totalitarian state which seeks to control all social institutions and leaves no democratic space for the operation of groups in democracy there are spheres of life which must be independent to interferences of the state. Those spheres are domain of the civil society. A real democracy is not possible without an active civil society and a vibrant and meaningful civil society is not come into existence without democracy.

According to Mohapatra, “Hobbes and Locke were the early thinkers who made a clear reference to ‘civil society’ as distinguished from the ‘state of nature’. Both talked about a public sphere where individuals had some inalienable rights, which were protected by the state” formed by the social contract (2008: 379).

John Locke’s views

John Locke contrasts “the concept of civil society with the state of nature” (Locke 2000: 1-59). The state of nature, according to Locke, is a hypothetical conduction of human beings prior to the foundation of political or civil society. Locke refers to it as the state of nature because in the absence of any positive legal and political authority, the only force that guides human beings is the law of nature. In other words, all men are naturally in a ‘state’. According to Locke, in this condition there is freedom and equality amongst the members of a species who share the same human nature. The “laws of nature that guide human beings regarding fundamental rules of right and wrong govern this condition. All human beings have been endowed with the faculty of reason with which they can recognize and follow the law of nature” (Singh 2008).

The state of nature is a condition ‘of perfect freedom’ where man can live within the limits set by the low of nature. Everybody is independent of the will of the other. It is also a state of equality, where no one has more rights than the others. Each man has the ‘executive power’ of punishing the transgressor of the law of nature. Locke’s state of nature is a peaceful condition of human living where rational and free men respect each other’s freedom. Gradually, due to some reasons, men in the state of nature decide to get out of it and establish a civil society to get over the problem of the absence of any common judge to interpret the law of nature in specific situations. As stated earlier, each man in state of nature has the ‘executive power’ as far as the law of nature is concerned (Singh 2008: 192).

For John Locke, conception of civil society is not that of a sphere separate from the political sphere of the state. Civil society provides a stable set of positive standing laws, impartial judges, and a coercive apparatus for enforcing those laws. Locke was also critical of the monarch’s monopoly of power in England and was in favour of a constitutional monarchy. Adam Smith has extensively discussed the idea of civil

society in his works. His work on classical political economy, the Wealth of Nations has extensive references to the concept. He demands more and more freedom for the civil society vis-a-vis the state. This helped the civil society as a historically evolved area of individual rights and freedoms, where individuals in competition with each other pursued their respective concern. In his theory of political economy, Smith argued that the processes of the economy are governed by laws of their own and must be kept free from the control of the state. He conceptualized the state as a laissez-faire state, with its functions being restricted to laws and order, defence, currency, and communication (Singh 2008: 191-92).

Enlightenment Concept of Civil Society

The idea of civil society was first articulated in the modern times by the philosophers of the Scottish Enlightenment.[1] These philosophers were able to posit the universality of civil society which they defined as commercial society within a framework of law. They saw it as a solution to the market which has lately started redefining the relations in the feudal society. The Enlightenment concept of civil society is strongly linked to the emergence of the sphere of economy by the end of the 18th century. In the wake of the Industrial Revolution, institutions of capitalist political economy had acquired a very important place in the social life of countries in Western Europe (mainly, England) and the United States. One of the important features of capitalism was the establishment of an independent sphere of economy with laws of its own (Singh 2008: 193).

Thinkers of the Enlightenment, such as David Hume, Adam Ferguson, and Adam Smith, replicated on the significance of these developments and constructed theories about them. Scholars such as Adam Ferguson saw the rising lust for private wealth among certain sections as a serious threat to civic virtue. They believed that this lust of private wealth is turning the people away from state irrespective of the fact that state itself is becoming powerful as a security apparatus (Baker 1998: 4). The very real threat of despotism followed from this, according to Ferguson, "the concern of civil society, first, with the rising tension between individualism and community life.

[1] Hume, Smith, Ferguson, Hutcheson and Kames were the most significant of these philosophers, who wrote between circa 1730-1780. Of these theorists, Furguson's book, An Essay on the History of Civil Society is the first to use the concept systematically (Pearce, 1998, p. 10)

Second, with the need to check the power of the state, and third, with the need to rediscover some kind of republican virtue or public spirit, represent enduring concerns for theorists of civil society to this day" (Ferguson 1966: 261). This was of course not yet a modern concern. Ferguson, however, identifies the significance of association as a counter to such trends. According to Keane despite Ferguson's emphasis on the association he was not able to see the need of distinction between his 'association' and the state (Keane 1988a: 44).

Adam Smith developed his influential theory of political economy, in which he argued, "the processes of economic are governed by laws of their own and must be kept free from the control of the state. He conceptualized the state as a laissez faire state, with its functions being restricted to law and order, defence, currency, and communication" (Singh 2008: 194).

The concept of civil society, as distinct from the state, emerged with this new idea of 'political economy'. According to the new concept, commerce in the market place provides greater opportunities for civility and creation of a 'civil society'. The meeting of individuals who are completely unaware about each other previous creates the possibilities of refinement. Likewise, the state could legitimately monopolize the spheres of law and justice, its tasks reduced narrowly to the maintenance of peace, order and security. Thus according to Enlightenment thought, "civil society is a name given to modern commerce based society, this is a product of capitalist political economy. In this conception, the sphere of civil society is clearly demarcated from that of political society or state" (Singh 2008). This development marks a concrete step forward from Locke's conception of civil society in which this separation is not clearly worked out. At the same time, the ethical foundations of civil society were located in the philosophy of individualism that the thinkers of Enlightenment inherited from 17th century thought, particularly from Locke. Individuals were seen as autonomous social actors pursuing their private interests in the civil society. They were also seen as sociable in nature with sympathy and affectation, dependent on each other for their needs. These attributes provide psychological and moral foundations for the idea of civil society as a space for the social interaction of private individuals (Singh 2008: 194).

Adam Smith called the modem form of civil society "commercial society" and Hegel called it "a needs system" (Lixin 2009: 24). J. S. Mill and Alexis De Tocqueville wished "to limit the growing power of the state. De Tocqueville emphasises the importance of voluntary associations in promoting democratic citizenship" (Bratton 2004: 1). For de Tocqueville, Civil Society is 'Associational Life'. For Tocqueville "civil associations prepare people for democracy and put a check on the state. For him the role of the state in society diminishes with the rise of civil society" (Mohapatra 2008: 379).

Marxist Views of Civil Society

Philosophers such as Hegel, Marx and Gramsci did not agree with the liberal concept of civil society. Fredrich Hegel, a philosopher who believed in the supremacy of the state finds civil society's role differently than the liberals. He is kept as an idealist who does not see any problem with the state. Nonetheless, it was he who first developed a modern concept of civil society in his *Philosophy of Right* (1821). According to Baker, there are similar tensions "between individual autonomy and community" in Hegel "as the philosophers of the Scottish Enlightenment" unlike them he did not refer "to an ethical unity 'from without'". Hegel tried "to resolve the contradictions that existed in civil society due to its particularity by reference to the universal state". Baker states that "it is only at this point, then, that the idea of civil society first became one concerning" the proper relation between the state and people (Baker 1998: 4).

Hegel stated, "The creation of civil society is the achievement of the modem world" (Post, Robert C. and Nancy L. Rosenblum 2002). Hegel argued that modern society is divided into three separate domains— family, civil society and the state. The three institutions are organized on three deferent principals. In Hegel's formulations, family is the domain of private life based on love and trust, where there is no space for individual's egos. In contrast, both civil society and state are spheres of individuals' 'public' activities. Civil society is the sphere of pursuit of private or sectional interstates in an open market. The state, on the others hand, makes its appearance in order to overcome the problems created by modern civil society (Singh 2008: 196).

According to Hegel, the state represents the synthesis in the dialectical relations between the thesis (family) and its anti-thesis (civil society). He criticised civil society as a negative institution which represents the irrational forces of individual desires. “This sphere is an expression for the individualist and atomistic atmosphere of middle-class commercial society. That is why Hegel trusts state as the final form of social institution and wants to keep civil society under its control” (Mohapatra 2008: 379).

For Hegel the ultimate, “ethical unity is found only in the universal state”. This makes its guidance to civil society a must because it represents the individual egos. Karl Marx goes further than Hegel and criticises civil society. He rejects Hegel’s account of state. He argues that there is nothing called impartial universal state. The state for Marx is an instrument in the hand of the bourgeois and helps it maintain its dominance over the rest of the classes (Baker 1998: 5).

Marx argues that civil society actually is a bourgeoisie space. It is an articulation of anti-proletarian solidarity for profit maximisation (Kumar 1993: 379). Marx argued that the activities which constitute civil society may also create the ultimate sphere of struggle between the classes. It is the sphere where exploitation is taking place and therefore it can be the sight of class struggle. He criticised liberal notions of the civil society and cited the failures of it in most of the industrial societies of the right to safeguard what it stands for; freedom and liberty of the individuals. He argued the reason of the failure is the economic structure of society. In the civil society economically well-off have higher weight and power which they use to control the state (Bresser-Pereira, and Luiz Carlos, 2010).

Marx argued that state couldn’t stand above civil society to protect universal interest against the private interests articulated in civil society. The modern state, according to Marx, was neither independent of nor neutral towards the particular interests of civil society. On the contrary, state for Marx was deeply embedded in civil society. Accordingly, to understand the nature of the state it is necessary to understand the nature of civil society. For Marx civil society included within its sphere the whole of pre-state economic and social life. The true nature of civil society can be understood by analysing the nature of political economy (Singh 2008: 197). According to Marx,

without abolishing the capitalist civil society that meant that the abolition of capitalist relations of production, true citizenship and true political life is not possible. “As long as capitalist relations of production exist, narrow privet interests will always mark the political sphere. Only working class revolution can establish conditions free from the tyranny of particular interests” (Singh 2008: 197).

Marx emphasized that the civil society has to become a sight of class conflicts. It is a sight of selfish struggle exploitation and competition among the bourgeoisie. Therefore civil society, for Marx represents an illusion of individual freedoms “that disguises actual existing class exploitation and that is why he demanded the abolition of the antithesis between political society (state) and civil society through the abolition of both” (Hann 1996). Therefore, civil society will wither away along with the withering away of the state and its other paraphernalia.

According to Gramsci civil society institutions help the ruling classes to create consent by disseminating their ideology. He argued that “these institutions ensure cultural and moral supremacy of the ruling class over the subordinate class” (Singh 2008: 198). Gramsci gave special importance to the role of civil society because the institutions of civil society make the people aware of the societal rules of behaviour and teach them to have a feeling of respect for the ruling class. Gramsci made “civil society a part of the state in order to understand the hegemony of the capitalist class”. Bourgeois society is dependent on the effective functioning of the structures of civil society for its stability. He “underlined the crucial role of civil society as the contributor of the cultural and ideological capital required for the survival of the hegemony of capitalism” (Ehrenberg 1999: 208).

Gramsci holds that to sustain its exploitative rule, the ruling class needs to establish legitimacy by creating a false perception among the working classes of their own social situation. Thus, the ruling class needs to control the civil society institutions where human ideas, ideals and values are formed. In this way, the ruling class obtains the consent of the subordinate classes for their own subordination and ensure cultural and moral supremacy and hegemony (Singh 2008: 199).

In the end of the 20th century Neo-Marxist thinker Herbert Marcuse argued that in order to analyze the problem of contemporary society, it is imperative to understand the difference between state and civil society in the Hegelian term. According to Marcuse's analysis, it is only within the sphere of 'Modern Capitalism' that civil society establishes its domination over the state. However, within the domain of 'Modem Communism', the state establishes its domination over civil society. He further maintains that both the situation acts as obstacles in the path of civil liberty. Civil liberty demands that the society should be free from both the constraints.

State, Civil Society and Democracy

Civil Society-State relations are a mixture of both conflict and cooperation. Their mutual antagonism emanates from their contradictory natures. Civil society wishes to restrict the state interference in the society and in the life of the individual. However, in an authoritarian regime "state power is used to restrict the activities of the civil society. State tries to acquire the roles of the civil society. Their relation becomes a zero-sum game where one grows at the cost of other. It is only in a truly democratic society there is a possibility of any unity between them. The harmony between them is a guarantee of a healthy democracy" (Mohapatra 2008: 380).

According to Marxists approach, the state and civil society are the executive arms of the bourgeoisie. From the discussions here it is clear that the concept of civil society is contested. Nonetheless, the purpose and requirement of this study of civil society is to locate the institutions of public good. To make it simple and functional and to avoid the contestations for the sake of smooth conduct of the present study we can say that the term civil society denotes all kinds of human groupings which are not directly affiliated with the government. In order to make a distinction between explicitly political and economic groups we can also exclude the economic enterprises owned by the private sector out of the purview of this study. In simple terms civil society groups are not only non-governmental but they are also non-profit making in nature. To be "more specific, civil society includes NGOs (Non-Governmental Organizations), media, trade associations, sports clubs, advocacy groups, and groups of special interests" (Mohapatra 2008: 380). It is also evident

from the discussion that, regardless of the varied meanings and definitions, civil society is considered as an essential pre-requisite of democracy.

Different Definitions of Civil Society

For a deeper understanding of the concept of civil society, which has been subject to various contestations, some leading definitions and views need to be considered. Civil Society has been defined from many points of view in terms of its relationship with development and good governance. According to the Commonwealth of Nations civil society groups are people's organizations which "promote culture, good governance, human development and livelihoods while addressing commonwealth goals for development, democracy and cultural understanding".

> "[T]he term civil society is non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations Civil Society Organizations (CSOs) therefore refer to a wide array of organizations: community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations" (World Bank 2004).

Bhargava, argues that "one of the most important attributes of the civil society is that its domain is separate and independent from that of the state. Secondly, the sphere of civil society is made up of voluntary and some involuntary associations and groups in the society, but sphere such as family and caste is not part of it" (Bhargava 2005: 14). However, Singh says that "the civil society is constituted by voluntary association; groups and movements that are products of the free exchange of ideas in a democratic framework and that also seek to keep a permanent check on the powers of the state in the interest of citizens' freedom" (Singh 2008: 189).

Monshipouri says that "in general, civil society is thought of to provide a buffer between state and citizens: it counters balances the power of the state by promoting societal interests vis-a-vis the ruling elite. Thus conceived, civil society includes professional associations, guilds, syndicates, labour unions, federations, political parties, and other non-governmental groups" (Monshipouri 1997: 247). A "strong

civil society supports democratic participation, assures the right and probity of the citizenry and contributes towards a deepening of policy accountability" (Rahman, Wadood and Eusuf 2002: 424).

According to the London School of Economics Centre for Civil Society, civil society is "the arena of un-coerced collective action around shared interests, purposes and values" (Khilnani 2001: 11). There are several differences between the state institutions and the institutions of the civil society. State is compulsory, whereas the membership of civil society is voluntary. The state is permanent whereas civil societies are relatively temporary and issue based. It is difficult to always draw boundaries between civil society, state, market and family. Unlike any other institution civil society embraces a variety of different sections, spaces and power relations based on the need and requirement. Most of the times the term civil societies are seen and experienced in day to day life in the form of non-governmental organisations, charities, community groups, student and women's groups, religious organizations, trade unions and diversified professional associations. Several social movements and self help groups are found in a society at a particular moment. All of them can be termed as civil society as long as they maintain the autonomy vis-a-vis the state.

Disagreeing with the attempts to have a universal definition for the terms Sunil Khilnani argues that different cultural regions have different meaning to it. According to him, in the "West, civil society is a means of rejuvenating public life; in the East, it means besides political and civil liberties, private property rights and markets; and in the South, it refers to those forces and agents which oppose the state and its efforts at regulation" (Khilnani 2001: 11). Khilnani argues that "civil society incarnates desire to recover for society powers; economic, social, expressive and believed to have been illegitimately usurped by states. He further says that for some time civil society seemed to promise something better and available to democracy, prosperity, autonomy and the means to exercise it" (Khilnani 2001: 12).

In most parts of "the world, the language of civil society has also been applied to such disparate political phenomena as the decline and restructuring of welfare states, the rise of free market economic strategies, and the growth of social movements"

(Melucci 1988: 22). Chandhoke raised the "question of civil society by defining it as an essential prerequisite of democracy and also said that civil society organizations cannot replace institutions like state because there are certain issues which should be responded only by the state" (Chandhoke 2009: 12-16).

They all converge at the point of civil society to be understood as an instrument of change and democracy. Bentham and Boyle says that the elements of Civil Society include, "(1) independent media of communication that includes television, radio, newspapers, internet, journals, periodicals; (2) expert bodies on all aspects of government policy; (3) a network of voluntary associations in all walks of social life through which people manage their own affairs among them some assume significance for the promotion of democracy those are trade unions, professional associations, women groups, human rights, religious groups and the grass-root organizations of any kind" (Beetham, David and Kevin Boyle 1995: 107-08).

Diamond says, "Civil Society includes a vast range of organizations, formal and informal. These include groups that are: (1) economic (productive and commercial associations and networks); (2) cultural (religious, ethnic, communal, and other institutions and associations that defend collective rights, values, faiths, beliefs, and symbols); (3) informational and educational (devoted to the production and dissemination-whether for profit or not of public knowledge, ideas, news, and information); (4) interest-based (designed to advance or defend the common functional or material interests of their members, whether workers, veterans, pensioners, professionals, or the like); (5) developmental (organizations that combine individual resources to improve the infrastructure, institutions, and quality of life of the community); (6) issue-oriented (movements for environmental protection, women's rights, land reform, or consumer protection); and (7) civic (seeking in non-partisan fashion to improve the political system and make it more democratic through human rights monitoring, voter education and mobilization, poll watching, anticorruption efforts, and so on)" (Diamond, 1994: 6). Finally, from the point of view of its practice and applicability, it is agreed that civil society is an indispensable precondition for a democratic polity. It assures the vibrancy of the movements which the democracy dynamic. A well functioning democracy cannot be imagined with a vibrant civil society.

According to Brysk, “if civil society is more than association, democratization is more than participation” (Brysk 2000: 4). Despite the existence of a wide literature on the concept of civil society, its meaning is widely contested. Scholars have debated the concept and its real meaning for very long time now. Just like any other concept in political science the concept of civil society draws people to its different aspects leading to numerous and sometimes irreconcilable differences. Overall, it can be said that civil society is considered as a third space between state and citizens. However, in “the last couple of years the word ‘civil society’ have been used frequently in different perspectives of state affairs. Nothing is complete without an explicit reference to the civil society” (Bhatta 2006).

Key Issues of Civil Society

The importance of civil society in enabling groups and individuals within the structure of power cannot be underestimated at the time when most of the societies are going through turmoil. Civil society “defines and expresses various social identities and makes them equals creating a bridge to share their feelings for others and, thus creates a condition of trust and solidarity” (Alexander, 2006; Habermas, 1982). Civil societies make “the freedom of communication possible through social networks among groups of variously-sized and through non-state communication media” (Keane 1990).

Despite its significance there are arguments about the term being obsolete. In the recent times when states have either overtaken most of the works of civil society or have tried to control their movements in favour of profit making enterprises this claim makes sense. However, it still looks too early to pronounce the death of civil society. The argument that democratic institutions can survive and flourish globally, “especially after a century plagued by revolutionary upheavals, total war, totalitarianism, dictatorship, and state dirigisme marked by dysfunctions caused by ‘the overreach of the state’” (Chandhoke 1995) without a strong civil society is an attempt to read history without its context. It is for this reason in history that political languages of democracy and civil society were able to be connected. “Democracy has come to mean a special type of political system and way of life in which civil society and government tend to function as two necessary moments, separate but contiguous,

distinct but interdependent, internal articulations of a system in which the exercise of power" (Keane 1988a, 1998).

The global buzz about civil society is a result of democratisation of a large number of countries in the third world and in the erstwhile Soviet Union in the late twentieth century. It is also related to the adoption of neoliberal economic reforms in the same period. Mostly of these groups are limited within the borders of a state. Globalisation, greater emphasis on the withdrawal of the state and protection of human rights in the global politics have created trends of global unity which creates the sense that civilians living in one part of the world have responsibility to others living outside one's political borders which may strengthen the idea of civil society. A measure of "the 'emigration' of the term from its European birthplace is the way that the contemporary renewal of interest in civil society first began during the second half of the 1960s in Japan" (Uchida, 1967; Hirata, 1969). According to Schmitter, in "Latin America, neo-Gramscian versions of the concept of civil society were subsequently used as a theoretical weapon against dictatorship" (O' Donnell and Schmitter, 1986). Scholar argues that,

> "[S]ub-Saharan Africa also emphasized how associational life-farmers' organizations, lawyers and journalists associations, mineworkers unions, Christian churches and Islamic brotherhoods are most likely to thrive in the presence of effective states; and how, paradoxically, weak states can become stronger, more effective at promoting the accumulation and better distribution of wealth, and improving their own legitimacy and power potential – by allowing a good measure of pluralism in associational life" (Bratton 1989).

There have "also been many studies in Muslim-majority states guided by civil society perspectives" (Norton 1994; Mardin, 1995).

Mongolian Concept of Civil Society

In Mongolia the popular term for civil society is different. It is generally referred as "citizens' society" instead of civil society. The term emphasises the political meaning rather a more non-political approach to civil society. It fundamentally asserts the rights and well-being of the citizens in the country (Jha 2016: 97). "It is in this sense that the term was used in the 1992 democratic Constitution of Mongolia, which states

in the preamble that the supreme objective of the people of Mongolia is building a humane, civil and democratic society in the country" (Mongolia Preamble 1992).

In recent times there is a greater emphasis on the understanding civil society in much broader context. The attempt is to make sense of existing power relations in a society in order to have a better and systemic sense of existing civil society groups. The relations between the citizens and the state cannot be understood without looking into the history of the society. In Mongolia civil societies are divided into three levels. The political groups mostly working for the betterment of the democratic system are kept in the first category or level. They are working within the constitutional boundaries. These groups become a means through which citizens make the Mongolian state institutions to respect the popular opinion. The second level is about groups which protect the citizens and their human rights from excessive state. The third level is about the groups which help the state to executive its objective in a better and participatory ways. These groups prepare the citizens to "benefit from economic and socio-cultural development" (CSI Report for Mongolia 2005).

Since 'civil society' is activities of the citizens outside the formal and legal requirement of the state it can also be called an independent sphere. It helps people to form and create horizontal networks apart from checking State from interfering in people's life. It creates an environment which caters to the citizens' autonomy in resolving their day to day problems with a fellow citizen. All the civil society groups be it NGO or something else cater to these basic jobs. Despite their independence from the state all the civil society groups are formal institutions. These institutions have strategic importance. According to Civil Society Index Report, "along with focusing on, for instance, NGO sector development, activists and their supporters must constantly check if their programs are in fact resulting in the empowerment of citizens at all levels, particularly at the grassroots, vis-à-vis their governing institutions and other components of the society" (CSI Report for Mongolia 2005).

> "[C]ivil Society Review round table discussion in 2003 definition of Civil Society got another perspective. They tried to reconcile the development sector meaning of NGOs with the deeper understandings in political science literature. They moved on with the idea of civil society as a sphere of social and political existence where people come and form their voluntary groups with a greater

and mass (or public) organizations appeal" (CSI Report for Mongolia 2005).

To sum up, whether in the dimension of freedom of society from state interference, or representation of diverse interests, or reducing the economic and bureaucratic power, the necessity of civil society as autonomous agency in democracy is of prime importance.

Diamond, agrees that "civil society is defined in its relation to the state, writes that it is the realm of organised social life that is voluntary, self-generating, (largely) self-supporting, and autonomous from the state, and bound by a legal order or set of shared rules" (Diamond 1994: 5). Diamond's definition demonstrates that "a number of categorical assumptions about civil society flow from its identification as a non-state sphere that calls the state to account. Indeed, Diamond identifies them. Firstly, civil society is concerned with public not private ends. Secondly, it does not seek power in the state. And, thirdly, its associations are themselves pluralistic and diverse" (Diamond 1994: 6). The interesting thing about this set of ideas is, it helps the civil society scholars to redefine and make it a truly liberal concept.

It can be safely argued that civil society as a concept and theory today falls squarely within the boundaries of liberal theory. Its emphasis on the separation of power and the control on the state is a revival of the old dictum of minimum state. However, there are significant differences with the 'classical' theory which must not be underestimated. Once upon a time liberals created civil society as a strong instrument against the struggle with feudal control over the power. Today they need to curb the power of the state or to save democracy against the possible incursions of the state. In the contemporary prioritisation of individual liberty and autonomous society the idea of limited state does come back. This limited state promotes the market as it did in the classic theory era, In the case of Mongolia too under idea of civil society in relevant which has been examined in detail in the next three chapters.

Chapters 3:

Democratic Transition in Mongolia

In the late 1980s most of the Eastern European countries went through a long phase of political transition from totalitarian system of government to a democratic system of government. Pinkney states that "it is difficult to discuss the move from authoritarianism to democracy without the concept of transition. Countries are not authoritarian one day and democratic the next" (Pinkney 1993: 101). Within less than few decades, Mongolia's political transformation has been enchanting. From the Soviet styled one party system to a more competitive political system with multiple parties and a state controlled socialist economy to a free market economy were major political departures. Although such departure was not that isolated event as looking at other former East European countries. However, Mongolia being the Soviet's eastern neighbour was quite a development in the post Soviet Union phases.

Mongolia was the second communist country which followed Soviet Union path. But very soon Mongolia experiences a democratic revolution under the leadership of Moscow-educated Sanjaasuren Zorig. On International Human Rights Day 10th December 1989 a small group of 200 people marched for democracy on Ulaanbaatar's Sukhbaatar Square. communist leadership of Mongolia watched with apprehension from "the square's monolithic Government House as the protests quickly swelled to tens of thousands of people, with students, academics, miners, and nomadic herdsmen all taking part in the demonstration" (Sindelar 2009: 1).

Decades of Soviet influence on Mongolia created some kind of economic and political dependence on the USSR. The decisions taken in the USSR directly influenced the policies of Mongolia. The leadership and day to day in Mongolia was shaped by those decisions taken in the USSR. With the collapse of the USSR Mongolian political leadership started devising a different system. The Soviet disintegration in 1991 further hastened the process and the end of the Cold War embarked on the path of democratization process in many former one-party states. Likewise, Mongolia's transition was different as it was once a vassal state of China and later came under the Soviet control. However, this quest for independent identity

among the Mongolian populace was a long drawn demand. Within less than three decades, Mongolia has been relatively successful in institutionalizing a nascent democracy with governing structures based on rule of law, transparency and accountability, a vibrant and functioning civil society with market economy.

Mongolia's Geopolitical Situation

Mongolia is a landlocked country in the northern Asia, located in the grassland steppes between Russia and China. Mongolia has a 4,673 km border with China's Inner Mongolia and Xinjiang, and shares its border with Russia for 3,441 km. Mongolia has a little over 2.9 million people, it has the 19th largest territory in the world, in population its ranks 139$^{th.}$ However, population wise it is a small country of Asia, geographically it is counted among the biggest countries of the world (Soni 2008: 415). Its climate is desert type in the south central part and continental in the remaining, and both areas experience large daily and seasonal temperature fluctuations. Its capital, Ulaanbaatar, is reputed to be the coldest capital in the world. "The land ranges from desert to semi-desert to grassy steppe, with mountains in the west and south-west, arable land is estimated to constitute only 0.8 percent of this vast country" (Soni 2008).

There is a large section of Mongolian population of semi-nomadic tribes who still live a traditional style in rural areas. The rest of the population in the country lives in and around the capital city of Ulaanbaatar. It relationship with China both in the past and at the present help us understand it better. For a long time in the late middle and modern period (1691-1911), Mongolia was directly ruled the Chinese empires. Except for the nomadic tribes most other parts of the countries paid homage to the Chinese. It was under their pressure that nobility was forced to declare independence in 1911 during the tumultuous years of the Chinese revolution. The Bogdo Gegen, recognized as a reincarnated Buddhist lama who was both the temporal and spiritual leader, headed this state. However, his regime was marked by a period of turmoil, reflecting internal discord between both the new Republic of China and Tsarist Russia over the issue of Mongolia's independence. What really came into force was a Soviet support to Mongolian revolutionaries that helped the later to gain "real" independence

in 1921 (Soni 2006: 72-76). Consequently, a communist government was established in Mongolia in 1924 when the country's first communist constitution was adopted.

Map1: Geopolitical Map in Mongolia

Source: https://www.nationsonline.org/oneworld/map/mongolia_map2.htm

Although, Mongolia actually sought Soviet Union's protection against the prospect of People's Republic of China (PRC) expansionism, its territory was used by Moscow to ensure shorter lines of attack on the PRC than the USSR. "It would have otherwise had to offer greater strategic depth to combat a PRC assault, had Beijing launched an assault on the USSR" (Soni 2002). After its transformation from socialist country to a liberal country in 1990 both Chinese and the Soviet changed their perceptions about it. Though due to its location Mongolia has always been a geopolitical buffer. Moscow and Beijing have tried to subordinate one another, but wanted a neutral region "where each of the two neighbours can be secured of Ulaanbaatar's political flexibility and an absence of menace" (Wachman 2009: 2). Both Beijing and Moscow looked to their core interests, as long as Mongolia not only gives precedence interests to one over the other. In addition, Mongolia acted as a buffer, both politically and

economically, rather merely territorially, and wanted to act as neutrally in the bloody history of geopolitical frication. According to Sanders,

> "[T]he Mongolian Communist's regime was closely aligned to the Soviet government, and although formally independent, Mongolia became a satellite of the Soviet Union. One aspect of this was a strong Soviet military and civilian presence in Mongolia and political leadership dependence on Moscow, as indicated by the change from Tsedenbal to Batmunkh as head of state in the post-Brezhnev period. The ascent of Gorbachev to power in the Soviet Union, in March 1985, and the domestic and foreign policy reforms he advocated, proved to be crucial for triggering liberalization in Mongolia" (1984: 122).

Mongolia tried to follow the reforms initiated by Gorbachove in the late 1980s. It developed its own form of *perestroika* named öörchlönbaiguulalt in Mongolians and *glasnost* named Il Tod. In 1989 Mongolian President, Jambyn Batmönkh, a plenum of the ruling communist party criticized the long period of Yumjaagiin Tsedenbal's rule from 1952 till 1984. He, taking the example of Khrushchev's criticism of Stalin in the 1950s condemned Horloogiin Choibalsm's similar personality cult in Mongolia. This became the vantage of political and economic reforms in Mongolia. "There was a shift in foreign policy goals and Mongolia opened up to the outside world" (Soni 2013: 30). The political maturity of the leadership allowed Mongolia to overcome the transition period with a low level of violence.

The "democratic transition began rather suddenly in Mongolia. They were initially triggered by changes in the external and internal environment rather than by domestic demand which however emerged, once liberalization began. Mongolia had no established dissidents or otherwise organized opposition to the communist regime" (Sanders 1984). A Western scholar in the mid-1989 commented that "there were some calls for more liberalization in Mongolia" (Sanders 1984: 122). Warden argues, "It was difficult to assess how deep these feelings were", but for sure "they represented an immediate threat to the regimes' stability" (Warden 1991: 203).

Soviet Reform Policy and its Impact on Mongolia

Mikhail Gorbachev became General Secretary of the Communist Party of the Soviet Union in March 1985. With the new leadership, the conduct of Soviet foreign policy

had enhanced. An adept public relations effort became a significant element of Moscow's diplomacy, but the substance of the Soviet Union in international activities had also been changed largely. Gorbachev himself gradually urged more on the need for "a new approach" in addressing the problems of the world. In February 1986 at the 27th Party Congress, he said:

> "[I]t is not only in internal affairs that the turning point has been reached. It characterizes external affairs as well. The changes in contemporary world development are so thoughtful and important if they require a rethinking and inclusive analysis of all factors involved. The situation of nuclear deterrence demands the development of new approaches, process and forms of relations between different social systems, states and regions" (Concept of Mongolia Foreign Policy 1994).

In July 1986, Gorbachev was even bolder in another speech in Vladivostok, claiming, "the current stage in the development of civilization is dictating the need for an urgent, radical break with many of the conventional approaches to foreign policy, a break with the traditions of political thinking" (Ibid). As part of this process, "the Soviet troops in Mongolia were to be reduced, and a complete withdrawal of troops was decided in March 1989. Mongolia lost much of its geo-strategic importance for the Soviet Union and with it most of its foreign aid, much of which was provided as credits rather than 'free' grant aid" (Heaton 1987: 75-77). Gorbachev started to take reform on reviving the Soviet economy. Because of anti-Russian feeling in the Soviet Republics Soviet economy was stalled and reorganization was needed. Gorbachev presented a programme of reform. It aimed at fast paid technological modernization, increased industrial and agricultural, production. "This also advocated domestic and foreign policy reform. This proved miracle for Mongolia. Mongolia started liberalisation according to the idea of Gorbachev's reform process as well as keeping Mongolia's own requirement" (Europa Yearbook 2008: 3116).

Gorbachev in Russia was opposed to violent suppression of anti-communist protests in "Soviet supported" countries. From 1986 onwards, reforms began to take place in Mongolia, with imitations of Soviet reform policies such as its own version of perestroika (orchlonbaigalalt or orchlonshinechlel-'renewal') and glasnost (Il tod 'transparency'). But the real opening act of political liberalization came in December

1988, when at a plenum of the MPRP Central Committee[1], Batmunkh was publicly critical to Tsedenbal period. He condemned the way Choibalsm had built a cult of personality. His public assertions led to the initiation of a public debate on the contemporary history and culture of Mongolia. The Soviet Union too was criticised for its alleged oppression of dissents in 1930s. "Mongolia's transition to communism, as in other communist countries, such debates in Mongolia too contributed to delegitimizing the existing regime. That was one aspect of reform policy that got momentum in Mongolia" (Fritz 2008: 770). He highlights that,

> "[T]he second aspect of reform policy that found its expression by Batmunkh's speech encouraged the formation of a pro-democratic opposition. In early 1989, some oppositional debating clubs emerged, including a group called 'New Generation', led by S. Zorig and E. Bat-Uul, and a 'Club of Young Economists', led by M. Enkhsaikhan and D. Ganbold. The members and leaders of these clubs were young, mostly in their late 20s and 30s, and who had benefited from the existing regime. Many of them had studied abroad in Berlin, Budapest, Prague, Warsaw or Moscow. After they had returned to Mongolia, they were working for the most part either at the National University or in various ministries. Significantly, the key struggle for the political liberalization took place between December 1989 and March 1990" (Fritz 2008: 771).

The students call on freeing the media from party control and other debates on basic human rights, multi-party elections triggered the protests. Apart from these overt activities, secret covert meetings on potential social and political changes were discussed and posters and pamphlets against the government policies were pasted on the streets of Ulaanbaatar pleading and encouraging the common people to support the demands for changes in the political system. Slogans such as "Mongols mount up" became very popular; at they sought to call the Mongolians for change because of the importance of horse in the Mongolian culture as an armed man. "These outbursts led by many young people formed political groups, clubs and unions such as Orchlon Club, the Shine Ue (the New Generation Group), the Ertunts (Universe) Debate Club, the Zaluu Ediin Zasagchdin (Young Economists club) and the Devshilted

[1]MPRP denotes the Mongolian People's Revolutionary Party (the Mongolian Communist Party), which was the only party to rule Mongolia until the collapse of the forum Soviet Union, see Sharad K Soni, (2002), Mongolia-Russia Relations: Kiakhta to Vladivostok (New Delhi, Shipra Publications), p. 90-99.

Zaluuchuudin Evsel (Progressing Youth Union). All these newly formed organizations were the foundation of the future political parties" (Fritz 2008: 766-88).

Democratic Transition

The young leadership in the Mongolian ruling party was all educated in the Soviet Union and therefore it is no wonder that most of them were very receptive to what was happening in the Soviet Union at the time. The old guard however, had conventional thinking and was opposed to the so called reforms of Gorbachove. This created a generational struggle for power in the ruling party. "The young Mongolian's who came in the mid to late 1980s brought back with them the reform ideas introduced by Mikhail Gorbachev" (Rossabi 2005: 2). Batbayar states that,

> "[S]tudents began advocating freeing the media from party control and engaged in a broad range of discussions about human rights, and multi-party elections. They had secret meetings to discuss potential social and political changes. Moreover, much propaganda directed against the government and its policy was posted in the main streets, in downtown Ulaanbaatar, encouraging people to support changes in the political system and demand freedom, and human rights. They launched slogans such as Mongols; mount up calling for change, because the horse is a symbol of the armed Mongol man" (1995: 955).

The democratic transition in the post Cold War scenario in Mongolia had several ups and downs. The collapse of the Soviet Union left Mongolia completely without any protector in the international politics. Its polity was very ideological and to some extent authoritarian and it had lasted in this form for almost seventy years. Its economy was heavily directed and controlled by the state. Mongolia had to discard them and start an afresh now. It started becoming a liberal democracy with open and competitive multi-party elections. It started dismantling the socialist model of state led economy. It initiated a free market economy instead. The country initiated reforms in economic policies and took major steps to privatize the economy. Within almost a decade Mongolia experienced massive economic and political changes. However, this transition was not an easy one. It had severe repercussions. Mongolians had to sacrifice a lot to get to the democratic status and avoid sliding into chaos after the events in 1989 and early 1990.

Until the collapse of the Soviet Union, the Mongolian political system was a replica of the Soviet party state. "The Communist Party- the Mongolian People's Revolutionary Party (MPRP) was the only party, which was officially permitted to function. However, since the start of *glasnost* and *perestroika, which* began in 1980s in the Soviet Union, their repercussion was also felt in many Warsaw Pact countries in Eastern Europe and Mongolia as well" (Batbayar 1995). The reforms and restructuring led to change in priorities of the Soviet state in domestic and external policies. With the Soviet's declining financial and economic support, Mongolia began to diversify its priorities as well. This was more so because "the Soviets had begun to turn inward, evincing a new preoccupation with internal affairs" (Batbayar 1995: 955).

As following the fall of communist regimes in Eastern Europe, a reformist group called the Mongolian Democratic Union was formed in Ulaanbaatar in December 1989. Soon after it began to call for the regime to stand down and launched demonstrations on the main square of Ulaanbaatar as well as a hunger strike. The MPRP, on its part, was divided over how to respond. "At the 19th Party Congress in March 1990, it debated whether to respond with force, as its Chinese counterpart had done in Tiananmen Square in June 1989 or to launch reforms as in the Eastern European countries" (Soni 2005). The debate between the conservatives and reformists was won by the reformists within the ruling party. Batmonh who was leading the conservative section had to resign. He was not alone. The entire MPRP Central Committee resigned with him. The young and dynamic Punsalmaagiyn Ochirbat who was just 48-year-old and a minister of foreign economic relations and supply replaced Batmonh and became the head of the state and the Chairman of the Great Hural. He appointed a Central Committee which was younger and full of reformist zeal. After Bathmonh took over it took less than two months for the Parliament to announce the amendments in the Constitution. In the proposed amendments the reference to the MPRP as the guide of the society was to be removed and opposition parties were to be legalised. The proposal was to create a new bicameral legislature and posts of president and vice-president. "The first multiparty parliamentary elections in Mongolia's history were announced to take place in July 1990. However at the same time, the establishment of diplomatic relations with the

United States and normalization of relations with China provided Mongolia fair opportunities to look for new options and greater chances to stand on its own" (Soni 2005: 220-38).

> "[I]t essentially provided a fair chance for both the government and the people to carry out open discussions on the prevailing situation and find out ways to overcome the problems. Reforms, therefore, were urgently required for the prosperity of the Mongolian people not only in the domestic political, social and economic fields but also in the foreign affairs. It further gained momentum due to the collapse of the former Soviet Union in 1991 and the end of the Cold War. Having made a critical reappraisal of its own policy Mongolia began changing many of its existing policies that were believed to have prevented country's progress at the domestic level. In May 1990, the Constitution was amended by deleting reference to the MPRP's role as the guiding force in the country, legalizing the new informal parties through official registration, creating a standing legislative body called the State Little Hural, elected by proportional representation of parties, and establishing the office of the President. Besides, a new electoral law was approved and the first multi-party elections for a People's Great Hural were held on July 29, 1990" (CSI Report for Mongolia 2005).

The new constitution on which the debate started in November 1991 was adopted in the early 1992. People's Great Hural discussed the details of the new Constitution and adopted it in January 1992. The new Constitution was the fourth since 1921 and it replaced the constitution adopted in the 1960. The new Constitution was democratic and stressed on political freedom. It replaced the phrase, "building the State through socialism". This also led to change in the political ideology and state institutions. The Soviet import of Leninist ideology was abandoned. The most important departure was the framing of the new constitution and its mandate provisioning the establishing of only one chamber of the legislature is the Great Hural and abandoning the previous two-chamber house. This new one-chamber legislature called the State Great Hural, a unit-cameral body, had 76 deputies. The constitution also provisioned for establishment of a multi-ownership' economy for the first time post-SU era which would be in tandem with then existing world economy and also alluding to the concerns of its special conditions of the country (Soni 2013: 33).

With the call for Mongolia's political and social transition, there was also a significant change in the Mongolian economy. The economic restructuring led to

liberalization of the economy and establishment of a new banking and financial systems pausing privatization for development of a nascent market economy also called as a 'shock therapy' reforms-privatization, currency reforms and price and wage liberalization (Soni 2013: 33). Further, the reform leaders also changed the name of the country from People's Republic of Mongolia to Mongolia to distance new system from the old authoritarian communist past. The flag's gold star was also removed from the national flag under the auspices of the new constitution that came to force in February 1992 (Soni 2013: 33).

This political transition from one-party authoritarian regime to liberal democratic regime was a major departure in contemporary Mongolian political history. The visibility of multiplicity of political parties in the political scene in Mongolia indicates this phenomenon. However, there are only few of the parties that have a major influence and stable membership. With regular parliamentary elections becoming "a norm, and leading to the consolidation of political parties and redefining their national agendas" (Batbayar and Soni 2007: 110).

Role of Mongolian Democratic Union

In February 1989, among many of the unions, the Mongolian Revolutionary Youth Union organized a convention for consultation on the prevailing political situation and the challenges in the society. Thus, the convention agreed to constitute a youth union to contribute to the reform process. In the process, some of the leading intellectuals were also influenced by developments in Eastern Europe who had been involved in club and union activities established the Mongolian Democratic Union (MDU) on February 18, 1989. The Government did not register the union. It had only nine members and no single leader.

According to an MDU brochure S. Zoring, Ts. Elbegdorj,[2] Amarsanna, Da. Ganbold, B. Bat-Uul. Ts.Enkhtuvshin, D. Ninj, Nyamsuren, Tsogtsaikhan and Sukhbaatar were the founder members of the MDU. These individuals were leaders of the democratic

2Ts. Elbergdmj is the former President of Mongolia, who has the distinction of becoming the first ever democratic President in the history of Mongolia.

movement. The formation of the MDU was the first crucial step to establish a set of groups which campaigned against communism. MDU was a very significant political stage in the establishment of democracy in Mongolia. It added in the process of the development of democracy in the country. The newly formed union took out several public demonstrations and carried out meetings in and around the capital city, Ulaanbaatar since February 1989. The MDU organized massive demonstrations during the MPRP congress and also during a session of the Great Hural, between December 11 and 14 December in 1989 highlighting the needs of democracy. The demonstrators went on for months in and by January 1990 it became really massive. This was designed to coincide with the International Human Rights day. Its impact on the democratic transition in Mongolia cannot be denied. Rossabi states "the scene observers in Government House witnessed on December 10, 1989, both surprised and shocked them. Many scores of people marched around with banners and signs calling for the elimination of 'bureaucratic oppression' as well as a promise to implement 'perestroika'" (Rossabi 2005: 2). Slogans and banners at "the rallies together with demonstration raised public awareness and people began seeking profound changes. The signs and banners carried such slogans, as 'Democracy is our goal', 'Democracy in your hands', and 'Solidarity for human right'" (Bayantur 2008: 30). However, opposition groups carefully organized such "a pro-democratic protest on International Human Rights day taking into account the risk of being arrested and avoiding possible retribution by the government such as that occurred in China's Tiananmen Square massacre" (Sodnomdarjaa 2003: 209 "End of Communist Experiment" was vehemently criticised (Sikes 1990: 34). Heaton states that,

> "[E]ncouraged by the turnout, seeing two thousand protesters joining them, the leaders of democratic movement in the demanded for multi-party system, free elections with universal suffrage, human rights, freedom of the press, religion, freedom of speech, freedom to travel, a free market economy, private ownership, strong civil society and top-down government restructuring. Mongolian Democratic Party originals slogans that were posted were included the following demands, A Multi-party system, a legal state, respect for human right, freedom of speech and the MPRP restricts human right and freedom. He emphasizes that the ruling party initially responded by promising to undertake reform and that the MPRP General Secretary Jambyn Batmokh stated in early February that the party would hold a dialogue with the MDU. According to him, other regime leaders also discussed the need for the development of a

> multi-party system and popular elections for the Great People's Hurals (GPH), Mongolia's chief legislative body. The communists, however, appeared to be in hurry" (1991: 50-51).

It is to be noted here that the December 1989 demonstration was one of the most remarkable event in the history of Mongolia Sikes says, "the long-repressed Mongolians hoped for a leader with vision and independence, someone who would represent their pride rather than their domination". People saw this leadership quality in Sanjaasureng in Zorig. He quotes a young lecturer working at National University of Mongolia as regarding "we have opened people's eyes for the first time in decades. The people do not react to our movement because they are forced to; they react because they feel compelled to" (Sikes 1990: 35). The outcome of the demonstration empowered the MDU to submit a first citizens' petition for political demands to the communist leadership.[3] Therefore, they demanded the following:

A. Demand was to amend the constitution of Mongolia.

1. Demand to embark multi party democracy.

2. Constitution of Mongolia must respect Universal Human Rights Declaration.

3. Reorganize the great Peoples Hural into a permanent functioning parliament;

B. Demand of Electoral Reforms

C. The socialist development of the Mongolian People's Republic must be evaluated to:

1. Set up a public commission to commit to trial the people who nourished the wilfulness of Kh. Choibalsan and Yu. Tsedenbal.

3 This petition was a remarkable result of the rally, and it stated that, we are deeply concerned about the process of reforms, the present social, political and economic situation of the country and the slow reaction to the urgent problems (Sikes 1990: 35).

2. Rehabilitation and compensation of the families of patriots, non professionals, and clergymen who had been repressed (Bayantur 2005: 20).

In order to avoid a looming domestic crisis, the ruling MPRP negotiated with the reformers positively to work together to the principles of a multi-party system and basic human rights within a period of five years. This was not taken well by the young reformers, as they were not willing to wait for that long to pursue these changes in the system. This accelerated the establishment of the MDU, and many other civil society organizations such as the Democratic Socialist Movement (DSM) and the New Progressive Movement (NPM) were formed. The main agenda of these groups were to advocate democratic transition, free press and move away from the shackles of the Soviet legacy. These activities led to increased "political consciousness among the Mongolians as never before" (Sodnomdarjaa 2003: 211). These changes brought a dramatic change in the political environment in the country with more political freedom and public sphere. On the other hand "having dutifully followed every twist in the Soviet party line for decades, Mongolian were now ready to negotiate perhaps the most difficult turns so far: *glasnost and perestroika"* (Sikes 1990: 35).

The MDU soon decided to become a political party. In February 1990 its leaders decided to leave its role as the Civil Society group and participate in the democratic government making in the country. Its demands turned more and more political including the demand for resignation of the ruling council. At the same time, "foreign journalists had been permitted to enter the country, a signal that the pro-democracy efforts also enjoyed support inside the incumbent regime. In early March 1990, when the Politburo gathered for a meeting, it witnessed an increasingly large demonstration. There were up to 20,000 demonstrators in Ulaanbaatar, and even protesters from the MDU/MDP (Mongolian Democratic Party) went on a hunger strike" (Soni 2011:263). Sanders states that,

> "[O]n 9 March 1990, the MPRP General Secretary Batmunkh announced that the entire Politburo was stepping down, that was considered to be singling a major breakthrough. Over the next few days, Batmunkh gave up his General Secretary post and stepped down as Chairman of the Great Khural (Parliament). G. Orchibat as

> General Secretary and the unrelated P. Ochirbat as Chairman of Parliament replaced him. Furthermore, as advocated by Batmunkh, the Great Khural adopted a change to the constitution ending the MPRP's monopoly. He argued, "The party will achieve a leading role through its work rather than through a constitutional position" (1990: 11).

At the same time, a new law on foreign direct investment was adopted, aiming to attract funds from non-COMECON sources[4]. Between March and May 1990, "there was another period of the tug-of-war between the interim government and the opposition, which now increasingly demanded free elections" (Rossabi, 2008: 18-24). In early May 1990, the MPRP relented and agreed fully to legalize the registration of new parties and to hold elections to two-chamber parliament at the end of July. This gave the new parties two and half months to organize. "The first elections were to be for a parliament, which would in the elect a head of state, while these domestic political changes were unfolding, Foreign Minister Gombosuren travelled to Europe in June 1990, seeking to attract new aid" (Sanders 1990: 242).

Overall, the reform process went surprisingly smoothly, with a fortuitous coincidence of external and internal factors. The initial triggers for democratic reforms were external. I.e. the demise of the Soviet Union in 1991 and the stoppage of the financial aid it was receiving from the country. Soviet Union use to provide massive technical and other expert support to run the Mongolian economy. Internally the democratic opposition was getting stronger day by day. It was getting more and more popular support. The youthful leadership attracted a lot of positive support for the opposition. Though most of the leaders got their education in the Central Eastern Europe and in Moscow most of them chose to follow the liberal model of democracy. This created a insecurity among the ruling elites. The state resisted the temptation of repression because the ruling dispensation was itself divided. The pro-reform section was strengthened by the external atmosphere such as signals from the Soviet Union itself against any attempt to initiate a repression. The ruling MPRP chose to go with the flow and took reformist position.

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4 COMECON or CMEA (The Council for Mutual Economic Assistance) was an international economic organization of socialist countries, formed in 1949. Mongolia joined this organization on 7th June 1962 as the first among the Asian nations. Since new Mongolia's Foreign, trade was dominated by CMEA countries. See Sharad K. Soni (2002), Mongolia-Russia Relations.

Because of strain relationship Soviet Union stopped military, technological and financial support to Mongolia during 1987 to 1992. Hence Mongolia has to change its economic and security policy. It had an impact on Mongolia's internal and external policy changes. Mongolia declared: "Maintaining friendly relations with the Russian Federation and the People's Republic of China shall be a priority of Mongolia's foreign policy activity. It shall not adopt the line of either country but shall maintain in principle a balanced relationship with both of them and shall promote all-around good neighbourly co-operation" (Concept of Mongolia Foreign Policy 1994).

It has been observed that the turning point came where following the mass demonstrations in the winter of 1990; the Mongolian People's Republican Party (MPRP) began to loosen its control of the political system. The Politburo of the MPRP resigned in March and the constitution was amended in May, deleting reference to the MPRP's role as the guiding force in the country. Opposition parties were legalized; a standing legislative body was created, and the Office of President was established. The first free and multi-party elections in Mongolia were held in July 1990. The MPRP won with a landslide victory by having 85 percent casted vote. It was not until 1996 that the reformed MPRP was thrown became out of office by the democrats for the first time in the contemporary history of Mongolia.

Post-1990 Election: Domestic Situation

The first coalition government began to work under the new system of reform process. Privatisation of national assets was the main agenda of economic reform. Law passed in May 1991 entitled people to participate in privatization through a voucher system (Heaton 1992: 50). Process of privatisation was most important element in reform process as it transforms Mongolia into market economy.

According to the International Monetary Fund, "the program was initiated in October 1991 and was based on a voucher system similar to that used in a number of other transitional economies (Czechoslovakia, Poland and Romania). The decision to use the voucher system was a consequence of the low level of domestic financial savings, the lack of a well-developed capital market and the absence of adequate means of

valuing state enterprises' assets" (IMF Report 1996). The process proceeded as follows:

> "[In] September 1991, the prices under control were liberalised. Further liberalization took place in March 1992, leaving only public utilities, transportation, housing rents, selected medicines, flour, bread and rationed vodka subject to price controls. The Mongolian Stock Exchange was established in February 1992. Privatization of livestock herds was implemented and reached 80 percent of the entire herd animals between 1991 and 1993" (World Bank Report 1992).

The elections of State Great Hural in June 1992 reflected a different political scenario from 1990 elections. The people became aware of the 'reform goals' and the policies of the government. In the elections, 10 coalitions of 13 political parties represented by 275 candidates, and 18 independent candidates competed for the 76-member legislature. The multiplicity of political parties in the election fray also showed the challenges to evolution of nascent democratic political process in Mongolia. The dominant MPRP who had almost 62 percent (61.74) of the popular electorate in 1990 received only 57 (56.9) in 1992. This was a major shock to incumbent ruling party. However, the remaining three main opposition parties secured only 27 per cent in 1992, declined almost by 7 percentage points than 1990. Independent candidates gobbled the remaining 3 percent. Despite MPRP forming the government with 70 among 76 seats, the opposition unity was forming in the horizon that shaped the political scene in the subsequent years (Scalapino 2000). Ginsburg says that,

> "[M]eanwhile, a political battle took place inside the MPRP as the victor struggled to control its direction and select its candidate for the new Prime Minister. A struggle eventually led to the nomination of Tudev as the MPRP candidate in the 1993 presidential election. The backdrop of these changes was the continuing downward spiral in the Mongolian economy. As reforms continued, life got worse for the average Mongolian. Some leaders moved to mobilize popular discontent outside the political party structure in the winter of 1992-1993. Mongolia's efforts to build a political party structure and a civil society with a firm foundation built on democratic principles had not yet succeeded June 6, 1993; presidential election was a key milestone in reforms in Mongolia. First, the MPRP But the major opposition parties came together and nominated him as their candidate did not nominate the President Ochirbat. President Ochirbat became a symbol for reform both inside and outside the

> MPRP, while Tudev was identified as the standard barrier for the conservative, anti-reformers. In the end, Ochirbat won 58 percent (57.8) of the popular vote and Tudev only 38.7 percent. The pressures that helped bring about the opposition unity and ultimately the victory for President Ochirbat in 1993, also helped lay the foundation for their victory in the June 30, 1996, parliamentary elections (1995: 467).

However, the campaign led by Bill Clinton as a Presidential candidate in the US in 1992 in which he had declared the centrality of economy in the problems faced by the country through the iconic phrase of "It's the economy, stupid," will help us understand the Mongolian scenario at the time. Mongolia was facing a lot of economic challenges which were critical to the success of movements for democratic transition. None of the political forces in the country at the time were prepared to face the economic and political challenges. There were no attempts made to understand the depth of these problems in the euphoria of democratic transition.

Framing the Constitution

As discussed in the previous pages following "the collapse of the Berlin Wall in 1989, Mongolian students began to demand democratic reforms. The ruling MPRP agreed and a new period of democracy was introduced" (Ginsburg 1995: 459).
A drafting committee was formed for constitutional reform. Drafting committee had representation from all political parties. After studying different constitution of the world the new constitution of Mongolia came into being in 1992 (Ginsburg 1995: 459). Constitution adopted unicameral parliament called the State Great Hural. Another "important provision is to adopt presidential form of government. Constititutional court was given power to strike down legislation that was unconstitutional. The new constitution is the product of peaceful and democratic revolution of Mongolia in 1990" (Ginsburg 1995: 459). Mostly younger people demonstrating on Sukhbaatar Square in the capital Ulaanbaatar spearheaded it. It ended with the authoritarian government resigning without bloodshed.

After the general elections and formation of the new government in July-September 1990, the process of drawing up the fourth constitution began with the creation of a Constitution Drafting Commission under the leadership of then "President Ochirbat.

Dzardyhan, Deputy Chairperson of the Little Hural, a Kazakh and former Deputy Premier, was appointed Deputy Chairperson of the Commission, and Chimid, Secretary of the Little Hural with long experience in the judiciary and government, became its Secretary" (Mongolia Constitution 1992: Articles 70) . All three were members of the majority MPRP, which at the time was in the process of abandoning its Marxist-Leninist platform in favour of social democracy. It was decided that the members of the Commission would be divided into four groups to work on the draft's main themes (Articles 70):

Human rights, supervised by Tsog, Chairman of the Law Standing Committee, an MPRP member who had previously been an official in the State Procurator's Office;

State affairs, under the guidance of Bayar, Chairman of the State Organization Standing Committee and MPRP member who had been a Deputy Chairperson of the State Committee for Information, Radio, and Television under the previous government;

Economic, social, and political matters, headed by Enhsayhan, Chairman of the Economy Standing Committee, an independent member and former director of the Institute of Market Studies;

Legal and constitutional issues directed by Amarsanaa, the just-appointed Minister of Law.

Broad public debate on the new constitution began in Mongolia with the publication of a draft in June 1991. Vice-President Gonchigdorj, Chairperson of the Little Hural, decreed on May 25 that all proposed amendments to this draft were to be submitted through local or national government channels to the Constitution Drafting Commission by September 1, 1991. The Little Hural would then examine the revised draft in October and subsequently by the People's Great Hural (MPR Constitution Drafting Commission). Meanwhile, "the commission had decided to enlist the assistance of the International Commission of Jurists, and an earlier first draft was already in circulation abroad in early May" (Sanders 1992: 507).

The collapse of the old regime and emergence of the new one also coincided with the emergence of other phenomena in Mongolia which was the rise of a strong sense of nationalism. This was the reason that the relied heavily on symbolism. It borrowed the icon of Chinggis Khan and his glorious and legendry code of laws.

Besides variations in the numbering of chapters and articles, the texts of the two drafts also differed. They agreed that the new national assembly, the Mongolian Great Hural, would consist of one chamber elected for six years with half the membership of 75 (excluding the chairman) being renewed every three years (Articles 21 and 23, respectively). However, between the drafts, the proposed minimum age for election was raised from 25 to 30 years (Article 21).

Both drafts said the Mongolian president had to be at least 40 years old. In listing 15 duties of the president, the May draft (Article 34) included chairmanship of a proposed General Council of Courts, which according to Article 52 was to function at the Office of the President "for protecting and ensuring independence and impartiality of judges". Such an arrangement was incompatible with the independence of the courts and it was deleted from the June draft. The functions were tarns-furred to the chairperson of the proposed Constitutional Court (Article 55) of which a former president could become a member (Article 62). Likewise, the May draft listed proposed names for seven new Mongolian provinces (replacing the 18 existing ones) (Article 59), while the June draft (Article 46) gave no number or names of administrative divisions. Both drafts also declared Mongolia's right to use the high seas and outer space, although this article was later dropped altogether (https://www.consitution+in+mongolia+pdf&oq).

A third draft, which emerged in November 1991, was the product of some rethinking after the attempted anti-Gorbachev coup in Moscow, as well as discussions at an international conference in Ulan Bator in September on Mongolia's transition to democracy and the role of the new Constitution (https://www.consitution+in+mongolia+pdf&oq). The responding to a conference delegate's comment that the government was constitutionally rather weak, Vice-President Gonchigdorj said: "The government will be made strong. However, it will not be made into an instrument of dictatorship. The government will be of the people"

(Ibid). In the November draft (Article 41:3), the government was made partly accountable to the president as well as to the Great Hural, although this provision was eventually deleted. The government's powers were listed (Article 38); declaration of a state of emergency (paragraph 13) was introduced into the powers of the president (Article 33), and attempts to seize power was prohibited (Article 3:2) (Ibid).

On religious freedom, the May and June drafts said (Article 9): "In Mongolia, religion is separated from the state and schools from monasteries and monasteries are forbidden to carry out political activities". The November draft (Article 9) added that "religious instruction shall be given by religious schools; state institutions shall not be engaged in religious activities". It also affirmed the right and freedom to practice religion, declaring, "The state shall regulate by law the relationship between state institutions and monasteries and other religious institutions". The final text based on the November additions, smoothed over some of the differences and began: "The state shall respect religion and religion shall honour the state" (Sandars 1992: 513). Other laws might still prescribe some constitutional rights, freedoms, and duties, however. In the three drafts (Article 16) "citizens have the right to form political parties and other public organisations. But all parties and public organisations shall uphold public and state security, health and moral" (https://www.consitution+in+mongolia+pdf&oq). Similarly, "citizens have freedom of assembly and peaceful demonstration which shall be defined and regulated by law." The November draft sought to regulate publications as well. This and the reference to "health and morals" were deleted from the final text, which added a prohibition on discrimination or persecution for party membership but suspended party membership of some state employees.

The Constitutional Debate in Great Hural

When the session of the People's Great Hural opened on November 11, 1991, it was planned to complete the two readings of the draft constitution and deal with routine business in three weeks. The first two day's proceedings were taken up with procedural issues, and it was the third day before President Punsalmaagiyn Ochirbat delivered his report on the draft. The fourth day was devoted to questions on the

document answered by Vice-President Gonchigdorj, and the fifth to the election of a panel of 21 deputies to edit the final text (Ibid).

An early outbreak of feuding between conservatives and democrats was characteristic of the "last period in the rule of the old structures," as one observer described this last session of the assembly under the old rules. The immediate cause was a disagreement over the country's future name; a plenum of the MPRP Central Committee earlier in the year had called for the retention of "Mongolian People's Republic," and this demand was renewed in a statement published by the Central Committee Research Centre. It claimed that 60 percent of Mongols favoured "MPR," the name by which the world and the United Nations knew the country, and only 20 percent wanted Mongolia. The MPRP also wanted the Constitution, like its predecessors, to be called the "Fundamental Law" (Sanders 1992: 514). To "preserve the interests of apparatus conservatism," the democrats claimed, the MPRP majority (85 percent of the seats in the People's Great Hural) brought the session to deadlock by "playing on the national and patriotic feelings of the people," and "accused their opponents of trying to seize power, win cheap popularity, frustrate the meeting and lead the discussion away from the major issues". However, the Great Hural eventually compromised between Mongolia and MPR in favour of the "Republic of Mongolia" and this entered general use. The Little Hural's proposal of AhTsaadz for the name of the Constitution was dropped in favour of IA Dzasag (both mean the Great Law) (https://www.mongoliamessenger.mn).

The debate on the first reading began ten days after the session opened, and despite evening and Sunday sessions, only 21 articles were dealt with in the first three weeks. The rejection of parliamentary government in favour of presidential rule one day and the overturning of this decision on the next demonstrated the confused nature of the proceedings. It was proposed that the new Hural would have two chambers with 120 to 150 members, then one chamber with 102 members, and finally one with 76 members; some speakers wanted a majority of urban constituencies; others wanted the term of the Hural reduced from six to four years (https://www.consitution+in+mongolia+pdf&oq).

Another issue that could not be resolved immediately was whether all members of the government would have to be members of the new parliament, or only one-third of them, as in the case of the Little Hural. The deputies "spend hours and days discussing one issue, and all of a sudden they approve a whole set of articles and provisions", a commentator remarked (https://www.mongoliamessenger.mn). The article on the election of the president stimulated a heated debate that ended in an unworkable compromise: if the new Hural were unable to decide between the two leading presidential candidates, it would have to dissolve itself for parliamentary as well as presidential elections to be held. It was agreed to shelve this issue until the second reading.

The People's Great Hural session was seen as the last chance for the opponents of radical reform to uphold their position and "preserve the old structures by affecting only cosmetic changes". When the second reading of the Constitution began at the end of December, it almost immediately became deadlocked over land privatization. MPRP conservatives wanted the land to remain state property, but democrats and independents pointed out that the right to own private property had already been acknowledged. A vote of 67 percent in favour of privatization settled the matter (https://www.mongoliamessenger.mn).

However, in a deal over acceptance of the new state emblem (Article 12:3) as the second reading was completed, the People's Great Hural decided at the last moment to call the Constitution not "The Republic of Mongolia's Great Code," as had been agreed two months before, but "Mongolia's Fundamental Law". Consequently, the Mongolian People's Republic, briefly the Republic of Mongolia, became Mongolia (Ardyn 1992: 3-7). The State Hural of Mongolia is the highest organ of State power and the supreme legislative power shall be vested only in the State Hural.

Adoption of 1992 Constitution in Mongolia

Democratic Mongolia adopted its new constitution in January 1992. This constitution was the basis on which the democratic transition was to happen. "Mongolia's first constitution had been adopted after independence in 1924 with revisions made to it in 1940 and 1960 (both modelled on the Soviet Constitution of 1939). Following the

formation of the new government in October 1990, a Constitution Drafting Commission headed by President Punsalmaa Ochirbat started working on a fourth Constitution" (Sanders 1992: 506-10). There were four groups in drafting committee reflecting the Constitution's main themes: human rights, state affairs, economic, social and political matters, and legal and constitutional issues. In June 1991 first draft of constitution was published. However, "many people argued that Mongolia should have a parliamentary system, the first draft called for a strong presidential system and a single chamber parliament" (Sanders 1992; 506).

However, the "new Constitution, the 4th one since 1921, finally adopted on January 13, 1992, replacing the 1960 Constitution, which brought presentable changes in Mongolia's political systems" (Taipei: 1992: 1-31). Unlike earlier constitution that emphasised building the States through "socialism" the new constitution talks about "establishment of democracy". Marxist –Leninist ideology was given up. There is a shift from bicameral parliament to unicameral parliament. According to this report "a multi-ownership economy was introduced by this Constitution, which would go with the mainstream of the world economy and conform to the special conditions of the country" (Soni 2008: 34). In order to distance itself "Mongolian People's Republic to Mongolia and the Communist gold star was removed from the national flag under the new Constitution which entered into force on February 12, 1992" (Summary of World Broadcasts February 1992)

Chapter three of the Mongolian constitution deals with the structure of the state. It calls the State Great Hural as the Supreme legislature in the country. The power of the President was increased in comparison to the amendments in 1991. The new constitution called for direct election of the President through popular vote unlike in the past when he/she was indirectly elected by the legislature. The President was made the head of State and commander-in-chief of the Mongolian Armed Forces. He was also designated as the head of the National Security Council. The president is elected for a four year term by absolute majority. A person can be elected president only for two consecutive terms. The Constitution empowers "the President to propose a Prime Minister, call for the government's dissolution, initiate legislation, veto all or parts of the legislation, and issue decrees, which become effective with the Prime Minister's signature" (Soni 2008: 35). The chairman of the SGH becomes the acting

President in the absence of the President for whatever reason. The SHG chairman exercises Presidential power only until the election of a new President. Punsalmaagiyn Ochirbat became the first popularly elected President in the June 1993 elections.

According to the 1992 constitution the post of the Prime Minister is recognised as the head of the government. His term is also for four years. The President nominates him, who is to be confirmed by the SGH. The Prime Minister forms a cabinet, subject to the approval by the SGH. The Constitution also stipulates that dissolution of the government occur upon the Prime Minister's resignation, simultaneous resignation of half the cabinet, or after an SGH vote for dissolution. However, as the supreme government organ, the SGH is empowered to enact and amend laws, determine domestic and foreign policy ratify international agreements, and declare a state of emergency. Besides, "the SGH meets bi-annually and its members elect a Chairman and Vice Chairman both of them serving four-year terms. District constituencies popularly elect the Members of Parliament (SGH) for four-year terms" (Mongolia Constitution 1992).

According "to new constitution the Constitutional Court (Constitutional Tribunal) is designated as the high court which deals with the constitutional law. It has nine members, including a chairman. All of them are appointed for a six-year term" (Ibid). The court's primary jurisdiction is judicial review. It is also the protector of the rights provided to the citizens in the Constitution.

The constitution provides for the enactment of laws related to political parties and interest groups. The parliament can pass laws on all the issues related to the democratic development of the society. The new laws passed after the enactment of the constitution reflect a far more democratic atmosphere and more receptivity towards democratic institutions. The political party's law is a classic example of this. It allows formation of parties of various ideological and political lines and provides them equal opportunity to run in the elections. After the enactment of the new constitution several interest groups have emerged. The number of NGOs has grown tremendously in the post 1992 era. There are around 1,800 registered NGOs in Mongolia today. They are all registered with the Ministry of Justice in 2000 (CSI

Report for Mongolia 2005). Today Mongolian citizen have numerous and diverse channels to raise their voices and get representation on issues of their concern. The new constitution has really provided the space for the rise of a more empowered civil society in Mongolia.

To sum up, Mongolia's quest for democratic transition that began in 1989-90 was an epochal movement in its political history. From communism to electoral democracy, Mongolia was the first Asian Leninist party system to make this transition. With this transition, one of the first decisions that Mongolian leaders did was the adoption of the new constitution in February 1992, which mandate the country's first free and fair elections to its unicameral central legislature, the State Great Hural.

Unlike the existing theories of democratization, the Mongolian case of transition is different. As many scholars argue that Mongolian democratization is a different and more so a 'deviant' case namely on three related grounds geographical isolation unlike the East European countries, the absence of pre-history of democracy and relatively less economically development (Fish 2001: 323-38). The geographic isolation from the centres of democracies of the West makes Mongolia a peculiar case. The relative geo-strategic unimportance of Mongolia has not encouraged the many western organizations like the EU and security alliance like the NATO to proselytise democracy. Similarly, Mongolia was under the Qing rule for almost three centuries and later under the Soviets as a satellite state with one-party political system until its demise in 1990. Economically, the level of development was not even middle level countries, forget about high income countries. Rather it relied heavily to the Soviet Union's subsidies and transfers (Theriot & Matheson, 1985; Heaton, 1992; Fish, 1998).

On the other hand, scholars like Fritz argue that today "Mongolian political system remains as a consolidation stage of democracy," (Carothers, 2002; Doorenspleet & Mudde, 2008; Fritz, 2008). Fritz rates Mongolian rate of democratic quality is near that of Czech Republic, Poland and Slovenia and some other Baltic states. However, its immediate neighbours Russia and China and many other CIS countries see it differently (Fish, 2001; Fritz, 2008).

There are diverse perspectives on successful democratization in Mongolia. Fish has to say the following,

> "[C]omparative analysis, proposed five causes that make Mongolia difference from the rest of the post-communist states, especially those in Central Asia. These causes as enumerated by Fish are scarcities of natural resources (oil and gas), lack of geostrategic significance for major powers, the absence of regional power pretensions, the absence of a unifying national figure, and the institutional mechanism of a semi-presidential system" (Fish 2001).

On the other hand, Fritz outlines the combination of different factors that help explain Mongolia's "remarkably smooth transition to democracy" (Fritz 2008: 785). Besides, as Mongolia has already surpassed more than two decades of uninterrupted democratization, therefore the argument of pre-history of democracy is no longer deemed essential. At the same time, the Mongolian resilience and success of democracy in a non-Western setting. The third category of the 'low level of economic development' has not impeded democratization process.

Chapter- 4:

Development of Civil Society under New Democratic Regime

The Mongolian terms *ardchilal* (democracy) and *irgenii niigem* (civil society) have become key terminologies in public and political life. By this way for portraying relationships of the state, government, administration, legacy, and policy on one side and national and international non-state, donor, development, aid, environment, conservation, and human rights organizations, associations, societies, unions (broadly implying people), and the society on the other. The "word *ardchilal* in Mongolian term literally means 'people-ization' and *irgenii niigem* literally means 'civil or citizens' society'. There is no consistent definition and understanding regarding the content and application of these words and people constantly discuss, debate, and argue what they really mean when using these words" (cf. Chuluunjav 1997, Taipei 2004).

It is noticeable that around one third of the world's countries were democratic in the 1980s which impeccably accounted for two third in 1990s, where these nations were turned out to be either democratic or were on a path toward transforming into a democracy. This process necessarily demanded for the existence of civil society. The civil society at this point of time was meant to be the inclusion of all the groups and organizations in a society which are moderately outside the state, the family, and the market.

Civil society in the several countries shares a long history of stunted development until the fall of the Berlin Wall in Germany. The some levels of inclusion and participation significantly varied across countries but civil society during this period generally ailed under the repressive apparatus of various autocratic regimes in various countries. The liberalization reforms of the 1990s resuscitated civil society, yet it barely entered a new era, unlike in other regions. The role of civil society was critical in the democratic transitions in Eastern Europe and Latin American countries.

The civil society is considered as the third space between the state and the people. Consequently, it acts as the space of discourse, interactions, facilitation, and

construction of linkages for the participation of citizens in the democratic processes of the political system. In the year of 1992, the adoption of a democratic constitution in Mongolia, "guaranteeing human rights and freedoms resulted in a functioning government formed through regular free and fair popular election, emergence of a multi-party system, NGO sector, independent media and religious organizations" (CSI Report for Mongolia 2005). Fish, argues that "at the start of democratisation in 1989, Mongolian civil society often has been regarded as vibrant and strong as a result of the activities of a number of country's civil society organizations and their influence" (Fish 1998: 127-41).

Development of Civil Society

In 1989 and 1990, inception of developing civil society in Mongolia resulted owing to the country's transition to democracy. The process of development of democracy and civil society in Mongolia started off beginning 1990s. This process has seen its development in the past two decades. Since the grand objective of civil society in Mongolia is building "a humane, civil and democratic society, the Mongolian people supported democratic governance and a vibrant civil society as the best possible way of effective political and social development" (Mendee 2012: 14).

Since 1990s Mongolia had set up a number of institutions that ensured the safety and protection of civil and political rights of the citizens. "The freedom to assemble and associate has essentially been respected since the beginning of the transition; numerous political parties, new trade unions, and nongovernmental organizations (NGOs) have flourished" (Fritz 2001, Mendee 2012: 12). By this way Mongolia is committed to conclusion of the final phase of its development to market capitalism to strengthen democracy.

Being "a landlocked Asian country, Mongolia is sandwiched between the Russia and China. With the population of approximately 2.9 million and a territory of 1.5 million square kilometres, Mongolia is one of the least densely populated countries in the world" (Soni 2006). That the "urban human development index (HDI) is higher than the rural HDI by 14 % is indicative of the significant development gap between urban and rural areas" (UNDP 2003). The "literacy rate is high at 97.8 %,

among adults over the age of 15. Racially and ethnically, Mongolia is largely homogenous with 81.5% of the population being Khalkh while the Kazakh constitute the main ethnic minority at 4.3%" (National Statistical Office, 2000). The majority of "the population are religious or cultural Buddhists while the Muslim, Christians and the people of other faiths are very small minorities" (CSI Report for Mongolia 2005). The official language is Mongolian.

The first re-organised Parliament in Mongolia adopted the new Constitution which acknowledged the essential principles for the new democratic and civil society. Subsequently, since then, Parliament has passed a number of laws assuring human and civil rights. However, it is important that citizens must exercise those rights and responsibilities as per the constitution. This is prerequisite to the establishment of a civil society. The degree of citizenship is distinctively marked by the level of influence of the political and economic reforms on the daily lives of citizens along with ensuring that these reforms become the norms of life.

Critics are of the view that in present situation law enforcement is in a poor condition. Some argues that because of its peculiar socio-economic and historical nature law adopted in constitution does not suit Mongolia. People in Mongolia lived under authoritarian regime for a long time; therefore, it is slightly difficult for them to adjust their lives according to the new rule and regulations. Bringing the political and economic changes to be drafted on paper is far easier than being implemented. Therefore, the most complex responsibility was to transform the mind-set of the people and also to bring the change in means and ways of their involvement in the entirely new social relations. Moreover, "there is a wide gap between the new political and economic system and the capability of people to live in a new environment and to contribute in new relationships. One of the reasons for this problem lays in the bureaucratism of government officials and organizations" (The Asia Foundation 2000).

The conceited character of government officials is a very common aspect, therefore, people consider them disloyal and insignificant and they only respect their positions but not like them as individuals. This fear from government officials and other deleterious phenomena have been developed in the socialist period of development.

The satirical proverb, ‘A mouse died for state affairs’, is still considered to be an effective belief for many people which is a major hindrance in the development of civil society in Mongolia. According to Narangerel, “Civil society will be sincerely recognised if all people start taking stand in big or small matters for themselves, their families and children, and also for their country and the nation” (Narangerel 2000).

Democracy is stated to be a fundamental goal in a society and neither any initiative nor reform will be successful without the dynamic inputs provided by its citizens. The development of such conditions is a key objective of the institutions of the government. It must be remembered in this context that civil society has historically been premised on transparency of the organs of the government, a visible structure of accountability, an adherence to principles of public opinion, a social and political pluralism.

In different words, governmental organizations ought to be the under the command of its citizens. It’s known as a check and balance system. There’s an adage of an outstanding politician that “there are not any perilous individuals however there's perilous government.” A remarkable feature of any transitional society is that there is a gap in actual political culture between the stated official positions and the actual reality on the ground. This could lead to flourishing of corruption in a political background that also lead to corruption and abuse of power. These are the issues that generally occur in a transition era. In Mongolia, if you compare the scenario with that of years ago, it is evident that the initiative and involvement of people has been significantly increased.

In establishing a civil society, Mongolian NGOs play a vital role. NGOs’ creation and successful programs and operations are some of the examples offer a strong base in Mongolia for civil society’s further growth. Many people unify their attempts and create voluntary organisations to initiate the government’s operations. NGOs are the voices of people. Especially today, under Mongolia’s settings, given its distinctive democratic trajectory, NGO had the historical role of playing the role of effective opposition. Thus, with the state, NGOs will function as arbitrators. Overlooking and

bypassing the role of Non Governmental Organisation won't be true to the spirit of democracy (The Asia Foundation 2000: 30).

A free mass media is another very significant indicator for civil society. Citizens' openness to express their views is a basic democratic principle. In this sector, Mongolia has made significant strides. Human rights are a problem that is distinct but important. It should touch on this subject since it discusses the essence of civil society. A study of the international conventions signed by Mongolian government including the human right conventions establishes its commitment to the democratic values and raises faith in the international community. However it is equally worrying trend when it comes to human right violations in everyday life, police atrocities, judicial accountability. And therefore there is much that still needs to be remedied for the protection of human rights.

Citizen bodies and Non Governmental Organisations plays a crucial and significant role democratizing of the society as well as for the strengthening of civil society. Government organizations should organize civic education training, particularly the Ministry of Education and academic organisations at all levels. Supporting and cooperating with these attempts is also very crucial. Civic education programs can play a crucial role for the socialisation of the youths; it could also play a constructive and educative role for democratising the lower bureaucracy and police personnel.

Substantial accomplishments have been seen in the growth of democracy and civil society in Mongolia that has been moving forward in recent years. Today, building the social, political and cultural infrastructure for civil society has become significant problems in the nation. Mongolia adopted its magnificent goal of building a "human, civil and democratic society" (Jargalsaikhan 2012). The transition to a democratic country and introduction of a constitutional democracy in 1992 and successful conduct of elections added fresh incentive to the establishment of citizen organisations which was fundamentally western-style, office-based, more professional advocacy and under the supervision of NGOs aiming to influence public policy government organisations and making the government accountable towards further transparency. Some of the most important non-governmental organizations for democracy and development are dominated by politically active

females associated with some political parties. A number of achievements have been made in the course of the democratic development over the past decade to which the people of Mongolia, the governing party or the opposition cannot step back.

Civil Society under New Democratic Regime

After the 1996 Parliamentary elections and peaceful transition of power in Mongolia, international donor organizations have started focusing on two important things; first, economic development in the country and secondly, socio-economic effectiveness of NGOs. The word "civil society" started to be used by donor organisations in the early 1990s, but it had not been obviously described and was converted into Mongolian in the same way as the constitutional term "civil society". The concept was not clear and was used without a clear articulation of the society-state relations. It was also not obviously differentiated from the concept of NGOs. This conceptual indeterminacy both in theory as well as in practice led to obfuscation and civil society was often equated with the new social bodies like Non Governmental Organisations. However this ignored the fact that civil society has much stronger normative foundation whereas NGOs merely operated as an extension of the state machinery and the state apparatus. However even the reformist works of the NGOs were overlooked and undermined in this context by the strengthening of more political human rights, political advocacy and public surveillance of these NGOs (CSI Report for Mongolia 2005).

Significantly, having a large network across the nation, some others groups and organizations maintained close relations with the government especially because of their long-term ties with MPRP who formed government in Mongolia for two terms, firstly during 1992-96 and secondly in 2000-04 and in both these term it almost captured 72 seats out of 76. These organizations worked collectively with the women, children, youths of the society and some taking along some other small organizations like pensioner's association, chamber of commerce, trade unions and Mongolian Red Cross Association etc. Independent women organizations in Mongolia have also became prominent and they somehow undermined the monopoly of Mongolian women's Federation because of getting enormous economic and

infrastructural support from the international donors" (CSI Report for Mongolia 2005).

The democratic set up and the provision of facilitating laws helped foster the growth of Non Governmental Organisations. The number of Non Governmental Organisation sprang up to five hundred. The law guaranteed "the rights and freedom of Mongolian citizen to freely establish NGOs on the basis of their interests and opinions without any state or other parties' intervention" (Vandangombo 2010: 8-9).

Classification of Civil Society under CSI's Definition

In Mongolia, the democratic regime offers more space to civil society than past authoritarian regimes. Because the state has no systemic control, manipulation and harassment of the space and lives of civil society, every effort to impose regulations comes under severe scrutiny by the press, the organizations of civil society and the public. Moreover, the Constitution recognizes civil freedoms and human rights and adheres to them by State organizations. Significantly, international organizations, international human rights organisations, international community recognises Mongolia as a free democratic country. This led many to observe that despite occasional incidents the control of low enforcement prevails. The civil society in Mongolia under the definition of the Civil Society Index (CSI) includes the following groups; (http://www.opensocityfoundations.orgpdf).

1. **Non-governmental Organizations (NGOs):** These NGOs are listed under the Ministry of Justice and Home Affairs (MJHA) under the 1997 Law on Non-State Organizations (NGO Law). The number of NGOs is based on the registration at the MJHA of Mongolia. Article 4 of the Law on NGOs sets out two types of NGOs: Public Benefit NGO and a Member Benefit NGO. The charitable activities for the promotion of arts, culture and education, protection of nature and environment, support of human rights and community development are defined as the public benefit. A public benefit organization is defined as the one that makes the main purpose of its charter its engagement in public benefit or charitable activities. A mutual benefit organization shall mean an NGO that operates primarily to serve the legitimate interests of its members.

2. **Trade Unions:** They are under the Ministry of Justice and Home Affairs under the 1991 Law on Trade Unions, which include inherited structures and fewer new unions formed in the context of market economy. This is one of the best-structured sectors of civil society with provincial and district Trade Unions' Councils in all areas and the Mongolian Trade Unions' Federation at the national level.

3. **Chambers of Commerce:** It is listed with the Ministry of Justice and Home Affairs in the 1995 Law on Chambers of Trade and Industry, which stipulates that there may only be one National Chamber of Trade and Industry (NCTI) and one chamber per province or for two to three provinces. The existing NCTI regularly organises consultation meetings with business representatives and has close ties with the Government.

4. **Political Parties: "**These are registered with the Supreme Court under the 1990 Law on Political Parties" (http://www.opensocityfoundations.orgpdf). In 2003, there were 18 political parties registered. However, the main competition is between the MPRP and Mongolian Democratic Party (MDP), the only parties that have truly national memberships. The Mongolian New Social Democratic Party, the Civil Courage-Republican Party and the Mongolian Republican Party have won few seats in the parliament since 2004 election.

5. **Religious Organizations:** These are founded to help fulfil the religious and spiritual needs of the believers and conduct religious rituals and teaching. These organizations are registered with the MJHA under the 1993 Law on State and Monastery or Church Relations, after a review by provincial and capital city legislatures.

6. **Association of Mongolian Advocate's (Defence Attorney's):** It is registered with the Ministry of Justice and governed by the 2002 Law on Legal Defence (Advocacy). The Association was first formed in 1934 as the Mongolian Advocate's Committee, a part of the unitary Party-State structure. In 1990, it was renamed as the Mongolian Advocate's Association and was granted a monopoly right to represent all defence attorneys in the 9-member Specialization Committee

that determines lawyers' eligibility to act as defence attorneys by the Law on Legal Defence (https://.www.ilo.org). The Association claims a membership of about 1000 defence attorneys and is by law declared a non-governmental professional organization with a main mission of defending defence lawyers' rights.

International Forum for Civil Society-2003

The Ministry for Foreign Affairs of Mongolia invited "a group of pro-democracy and human rights NGOs in December 2002, in conjunction to the Fifth International Conference on New and Restored Democracies (ICNRD), to hold the International Civil Society Forum-2003" (ICSF Report 2003). As a single Party government dominated the 2000-2004 regimes, the Independent Groups were originally wary of the above demand, by cracking down on liberty of the press and tightening up the Criminal Code. The NGO officials declared publicly that they would only undertake the assignment if the government tried in any manner to monitor the forum agenda and process.

> "[U]pon obtaining ministerial officials assurance those NGOs would be provided with an autonomous forum space; the NGOs set up a National Core Group (NCG) and decided ICSF-2003 to be the 'Center for the Citizens' alliance (then the CEDAW watch). In addition to the organization of a productive and successful international forum, the NCG tried to maximize the positive impact on the development of the Mongolian civil society and democratic reforms of ICSF-2003" (CSI Report for Mongolia 2005).

The NCG conducted a domestic civil society, democracy, human rights and good governance education campaign in that area. It also arranged a theoretical working session and the civil company review round table discussion to explain the use of the word "civil society" in Mongolia. It similarly arranged a student workshop for media experts. Besides, it evaluates Mongolia's growth and present state of civil society and identifies important strategic guidelines for future intervention to enhance civil society and to promote democratic reform more efficiently in Mongolia.

Assessment of Civil Society

The very optimistic perception, as the research depicts about the status of civil society in Mongolia is low and underdeveloped. It shows a structurally fragile civil society, working mainly in a disabled setting and having a moderate effect but a positive values-driven engagement with the people and society. An examination of civil society with four major factor ie, "Structure, environment, values and effect of the civil society still is in an emerging phase of growth and operation, but driven by rather powerful positive principles" (CSI Report for Mongolia 2005).

The Structure of Civil Society in Mongolia

The review of the structure of civil society reveals that, while the general level of involvement of people in civil society remains relatively small, there are powerful evidences of increased popular mobilisations in both rural and urban regions. After the parliamentary election in 2004 scope of dissent has widened and this led to the mass movements and protest against state. Their demand was accountability from the state and equity. However, the majority of civil society operations are focused in the towns where the well-known professional CSOs are situated, particularly NGOs (CSI Report for Mongolia 2005).

The absence of key resources, particularly financial aid and data information, are the key to underdevelopment of rural civil society. CSOs usually have under-represented rural citizens, in particular, herders, poor individuals, ethnic, and religious minorities. Since women's participation levels are not only ill represented in most CSO, but they also dominate the well-established NGOs with their leadership qualities in order to focus on issues. There are major trends in the development of inter-sectoral and intra-sectoral collaboration between CSOs. However, owing to the continuing dominance in this region of the hereditary hierarchical systems, the question of the efficiency and legitimacy of umbrella organisations remains controversial. In addition, bequeathed mass organisations, which are mainly financially viable, can also take advantage of domestic and local government resources considerably. In both urban and rural regions, the economic sustainability of autonomous human rights NGOs is still highly fragile as they remain almost

solely dependent on international financing (Open Society Forum for Mongolia 2005).

Environment of Civil Society in Mongolia

External environment for civil society in Mongolia is mainly incapacitated. The most serious impediments to the growth of civil society are the hostile political context marked by phenomenon such as state rule and suppression of the society, excessive centralization, rampant government corruption and a powerful oligarchic authority.

> "[O]ther civil society developments are hampered by extensive human rights violations. Other reason were widespread poverty and unemployment, lack of a powerful middle class, a considerable urban-rural development gap and major social issues, like alcoholism, crime and violence. The legal framework for most of the CSOs, including political parties, human rights NGOs and anti-corruption and pro-democracy movements has been rather liberal to this point, supported by the 1992 democratic constitution" (Open Society Forum for Mongolia 2005).

However, in particular with regard to policy issues such as necessitating public accountability, contesting the financial oligarchic interest and combating the use of torture by law-enforcement authorities; the Ministry of justice is proposing fresh laws on NOPOs with strong potential for undermining autonomous citizen actions. Depending on the outlet and levels of government and the type of CSO involved, the nature of state and civil society relations obviously contrasts. However, general relations between the state and civil society were evaluated mainly as unproductive, and often between the private sector and society. The environmental aspect examines the general political, social and economic climate in which civil society exists and operates. The following can be emphasized in political context as variables which impede civil society's growth: (Ibid: 9).

1. The government is still dominant, mainly authoritarian and restrictive.

2. Public offices are extensively corrupted.

3. Weak and poorly representation from different parties, mainly dominated by rich people, party devoid of internal democracy and an underdeveloped opposition.

4. Electoral fraud and excessive monetary impact have eroded the validity of elections more and more.

5. Judiciary inadequately independent.

6. The extremely centralized government power and weak democratic representation.

7. Considerably inefficient, unresponsive and opaque government services.

Value of Civil Society in Mongolia

There is a more favourable assessment of civil society values in Mongolia. It demonstrates that the general commitment of CSOs for democracy promotion, public responsibility, non-violence, gender equality, poverty alleviation and environmental protection, particularly by NGOs and social movements, has found substantial place in socio-economic structure of Mongolian democratic regime.

> "[H]owever, study has shown a general inability of coherent implementation in the ongoing practice of CSOs of democratic and humanitarian values and principles in order to secure internal democracy, economic transparency, equal hiring and support for policies on gender equality and non-violence. Political parties, apartment owners' unions and hereditary mass organisations, including trade unions, were usually considered less democratic and transparent and, in many instances, vulnerable to political affiliation, bribery and intolerance" (CSI Report for Mongolia 2005).

However, the general favourable trends on the value of the civil society in Mongolia are being developed currently. Special mention should be made of non-violence. Mongolian civil society was mainly non-violent except for ethno-nationalist organizations. However, in the past, some environmental organizations and indigenous herder organizations used violence out of frustration and desperation, colliding with repressive state bodies, corrupt government and hostile mining firms on several occasions. These "kinds of confrontations on natural resources are

unfortunately and are likely to increase unless the state and businesses take suitable action to mitigate the social and environmental effects of mining and, above all, guarantee that mining agreements are reasonable to local people" (CSI Report for Mongolia 2005).

1. Independence from the state which essentially does not mean being against of the state but permitting cooperation with the state from an individual perspective;

2. Freedom from constricted economic interests and political forces;

3. Non-violence of every kind including physical, psychological and verbal;

4. Lucidity with the citizens;

5. Accountability – first and foremost to citizens and further towards to donors organizations and other parties;

6. Focus should be on backing up and endowing "the most marginalized" section of the society and also the "least powerful groups";

7. Non-discriminatory structure;

8. Self-awareness and assurance towards bringing personal change along with promoting social change.

Impact of Civil Society on Mongolian Society

The effects of civil society were mainly positive. In order to determine how active and successful civil societies are in carrying out various vital tasks within the Mongolian community, this dimension has been investigated. In general, because of the unfavourable political and economic environment, CSOs are unable to transform their efforts and values into a direct effect. The CSI has proved that CSOs are particularly active and have an effect on the empowerment of different communities through non-formal education, dissemination of data and promotion of knowledge,

particularly in supporting the rights of women and gender equality (CSI Report for Mongolia 2005).

Such advocacy policies on human rights and gender equality are also more successful but have not been very efficient in keeping the government and companies answerable. It is also evident that CSOs offer vital services such as free legal assistance, psychological assistance, facilities for females and child, and informal training for disadvantaged kids, to underprivileged and marginalized people. Sadly, most of these facilities are restricted and frequently irregular.

Civil Society and NGOs for Protecting Women's Right

Mongolia is distinctly distinguished from most other nations by significant inverse gender gaps in education. In secondary schools, the enrolment rate is 20% greater for girls and 70% for females than for children (UNDP 2003). This trend began in the socialist era but after 1990 has been amplified. At "the same time, women have been grossly under-represented at decision-making levels. In 2005, only 6.6% of the 76 MPs are women, including an MP who is the only female cabinet member" (Gandi 2005). Women representation in public post is very low. However, women are well represented in top post of finance, education, health and hotel sectors. On the other hand men can be "seen in mining, transportation, defence, energy and construction sectors; both men and women are relatively well-adjusted in processing, trade, real estate and agricultural sectors" (Manila 2005 19). Thus, though "overall women earn less than men, their social status is on average higher than men's" (Fall 2001; 3). Pandey highlight that,

> "[T]he gender dynamics is further complicated by highly visible and effective female leadership of Mongolia's civil society alongside high rates of violence against women. The Women's NGOs in Mongolia have played a crucial role in moving the society towards democratization. Since transition, NGOs have been grappling with the issue of women's representation in politics and a women's share in the decision-making. With active involvement of these NGOs National Police on Gender Empowerment was adopted in 2002 the implementation of which was overseen by the National Committee for Gender Equality headed by the Prime Minister" (Pandey 2016).

After two decades of struggle to pass a law on gender equality, the Mongolian Parliament adopted Law on Promotion of Gender Equality on February 14, 2011. The objective of 2011 law was to ensure women political participation, giving women equal economic, cultural and social rights. The idea was to check any kind of discrimination even in family affairs. "Women's NGOs like Mongolian Women's Fund and other women leaders in a coalition of 17 women's groups played significant roles in adoption of this law" (Pandey 2016: 73).

Last decade of 20th century witnessed women emancipation. Upliftment in status of women in social, cultural and economic affairs is commendable. There are many women organisations ensuring the gender equality in education employment and politics. Most of the women's organizations are now form the part of active NGOs focussing on the social protection and social security for women. Earlier issue of social security were not given importance by state. Ensuring gender equality in political, social, economic and cultural institutions is one of the most important objectives of women's organizations worldwide. Women organisation in Mongolia has increased significantly and working hard to follow the worldwide phenomenon of establishing gender equality.

Development of Media

Being the second country in the world that switched to Communism in 1921, Mongolia was a Soviet state, although officially independent in terms of geopolitics, which sandwiched between the Soviet Union with China. During Communism in Mongolia, all domestic and local media were strictly governed by the totalitarian rule, and after 1970, the only international television broadcast was offered by the Soviet TV station Orbit. Media were predominantly subjected to censorship, and reporters who questioned official policy had been heavily punished. The government loosened its grip with a Mongol variant of 'Perestroika' and offered State and party-run media freedom that was more editorial in the late 1980's. Mongolian media, in any case, were faithful to the government and played no important part in establishing a nonviolent Mongolian transition atmosphere in 1990. "The transition was non-dramatic and primarily spurred by the collapse of the Soviet Union in the late 1980s; the slightly reformed Communist party, Mongolian People's Revolutionary Party

(MPRP), stayed in power after the first two multi-party elections in 1990 and 1992" **(**Nielsen 2009: 21). He states that,

> "[D]espite the dominant control of the media, MPRP was not able to stay in power. The party lost the presidential election "in 1993 as well as the parliamentary election in 1996, partly due to the above-mentioned economic crisis. It would seem, then, that controlling the media does not necessarily ensure political control: The relation between the media and politics is more complex. The independent newspaper 'Shine Toly' broke the government monopoly in February 1990, and within two years, a wide variety of mainly weekly political newspapers mushroomed. Many Mongolians exploited enthusiastically the newfound freedom to express themselves, but despite this enthusiasm and the constitutional rights ensured in 1992, the new print publications had to overcome a series of severe obstacles, including an economic crisis from 1992 to 1994, and unfair competition from the government with regard to access to newsprint, printing, and distribution. Many newly established newspapers were published irregularly, and the state-run newspapers managed to maintain a dominant position in terms of circulation throughout the 1990s. Further, MPRP controlled all electronic media until 1994, when a Christian American-Mongolian foundation, launched Eagle TV in Ulaanbaatar. In 1996 and 1997, two more stations were launched in the capital" **(**Nielsen 2009: 21).

Rural areas had good access to national print media, radio and television for those households with radio and TV receivers during communist rule. Furthermore, all aimag (province)[1] had a government-run local newspaper that was distributed to all sums and many bags. Many of the province centres had a local radio and/or TV station too, and some of them took "the opportunity to cut away from the Mongolian Radio transmission for four half-hours a week for local programmes" (Simering 1999). This well-organised, top-to bottom dissemination of information from the different government levels broke down after the collapse of communism. The

[1] Mongolia is divided into 21 aimags (provinces) and 336 soums. Each aimag has an administrative center (town), and the soum centers are usually villages. The mining cities Erdenet and Darkhan with 70,000-80,000 inhabitants are more urbanized and modern than the other towns in the provinces, (Simering 1999).

"national print media are no longer distributed to the same extent, and many of the local media outlets have closed, so national radio and television play a more significant role" (Myagmar and Nielsen 2001).

The transition to democracy ended the strict Party-State control of all media institutions and spurred an explosive growth of private media, especially newspapers. The 1998 Law on Media Freedom bans state censorship and state ownership of mass media. "In 2004, there were 161 newspapers, 69 journals and magazines, 43 radio channels, 37 air and 15 cable television channels" (Press Institute of Mongolia 2005). Politically, the elections have resulted in dramatic shifts in the governing power, and after the election in 2004, an unforeseen coalition government between the MPRP and the Democratic Party (DP) was formed. Although alterations in governing power and a plurality of media can be seen as healthy signs in a consolidating democracy, the democratic process in Mongolia is prone "to serious problems such as corruption, violations of human rights, no distinct differentiation between legislative, executive, and judicial powers, and confusion between political and business interests" (Nielsen 2009: 22).

Legal Regulation on Media

In the 1990s the media in Mongolia developed in accordance with the Constitution of 1992. When "there was no proper media law, the Mongolian Constitution guaranteed free speech and the right to information" (UNESCO 2004). The media legislation adopted in 1998 provided the media industry with a legislative structure. The law was aimed at affirming liberty of speech and the abolition of censorship. The law had vague clauses and no accurate execution strategies were available. Media law for bidden the control and operation of media services by public entities. However the legislation did not impede the domestic authorities' ability to continue running a state-run radio and television station. A thorough classification of secrecy can be applied to public documents in according to the State secrecy laws. As a consequence, government authorities at all levels used these constraints frequently to avoid public disclosure of data. In May 2006, the Ministry of Justice and the Interior submitted a proposal for a law on liberty of information, due to heavyweight lobbying by the International and political pressure from overseas. Article 19 applauded "the

draft law as it includes some significant improvements to the current situation. Its' is comprehensive critical assessment of the draft law stresses that key issues need to be improved" (Mongolia Constitution Article 19).

'Law on defamation' restricts free and independent media in Mongolia. This law seeks to protect the name and reputation of a citizen and safeguards the right to privacy, while criminal law and civil law have defamation clauses contrary to global norms. Under criminal legislation: "A criminal charge of a fine for 51- 150 times of an increased amount of the lowest level of salary or arrest for a period of over 3 months or up to 6 months shall be imposed, if libel is distributed through media or if the crime on insult and libel is committed by a person who was criminally charged before" (Nielsen 2009). The content of this act is completely goes against the idea of freedom of expression. According to Nielsen,

> "[S]ince the late 1990's civil society, organisations have lobbied for a transformation of the state-run radio and television station. Finally, in January 2005, in close consultation with the NGO Globe International and international organisations including Article 19, a new law on Public Radio and Television was adopted and in January 2006, the state-run radio and television station was turned into a public broadcaster. Finally, there is no legislation on media ownership that prevents concentration of ownership. To date there are no limitations to private media ownership while the media law prohibits government ownership of media. As a result, political investment through private persons in the media is considerable. It is now being discussed that all the names of owners of media entities must be available in order for the public to know which media are owned by which politicians or inclined to be biased in which way. Foreign ownership of media also exists in practice as exemplified by Eagle TV, with US Christian backing" (2009: 19-33).

Freedom of Expression under Pressure

As has been already pointed out, in terms of freedom of speech and press, the general Mongolian legal framework is quite progressive. We must emphasize that the media in Mongolia do not only play a part from the point of view of democratization but it also profoundly influences the radical changes in society and culture experienced by

Mongolia as a part of the complete modernization process. Violations of freedom of speech in a variety of types, “from physical bullying and threats, comprehensive use of libel instances to economic pressure and unfair obstruction are faced by both domestic and local press” (Anke Redl & Poul Erik Nielsen 2007: 32).

The project to monitor and “promote free expression violations and the rights of independent media was initiated by the NGO ‘Globe International’ in partnership with the ‘International Free Expression Exchange’ and the Moscow Center for Journalists for Extreme Situation in October 2005” (Anke Redl & Poul Erik Nielsen 2007: 32). The initiative aims at developing a thorough surveillance of violations of free expression and campaigning for independent media freedoms so that Mongolia's press can play an increased role in the growth of democracy (Anke Redl & Poul Erik Nielsen 2007: 32).

A study on violations of freedom of speech by reporters in five daily journals and two main weekly newspapers was done by Globe International in November 2005. In addition, more than half of reporters were threatened or pressurised while doing their job. Violations were most commonly exercised through threatening by phone calls, media administration pressure, police or courts interrogation and requests for incorrect corrections. The growth of free and independent media in Mongolia is confronted with many difficulties.

> “[T]he violations of freedom of speech mentioned above are difficult in themselves, but even more seriously as part of a more important issue is media’s dependence on politics and finance. There is little room for autonomous, adequate journalism because of the enormous political and economic impact on media. The media is full of ‘company news’ in the form of paid papers or paid programs” (Anke Redl & Poul Erik Nielsen 2007: 34).

There’s a worldwide recognition on media being widely influenced by politics and economic accessibility but the fact that reporters themselves are reporting for the business or for the politicians is a significant cause of concern in Mongolia. The journalist, therefore, risks the profession’s credibility and it also prohibits them from subsequently reporting the business or politicians in a critical manner. Secondly, newspaper readers and television audiences are placed in an unfortunate situation

where they do not know what to think, as the media current 'company news' in the same way as separately edited reports. (Anke Redl & Poul Erik Nielsen 2007: 36).

> "[T]he constitutional rights of freedom of speech and of the press have created the basis for free and free media in Mongolia and the changes in society and technology have led to drastic modifications in the Mongolian landscape of press, with an impressive growth in media outlets and outside pluralism. However, "the Mongolian media as an institution have far to go to live up to the ideals of liberal media theory" (2007: 37).

A number of critical issues for the growth of free and independent media in Mongolia were identified in this study. The media industry is still confronting the difficulties in order to retain its key position as the watchdog and as the supplier of appropriate and autonomous data to the public in the process of democratization.

State -Civil Society Relations

This "sub-dimension" defines and evaluates the nature and quality of civil society-State relations with regard to Mongolia.

Autonomy

Civil Society Originations (CSOs) aspire for a significant degree of state autonomy and are therefore able to participate in numerous surveillance and advocacy operations. Despite accepting the presence of autonomous CSOs, the government has not completely stopped its efforts to regulate CSO operations as stated by 85.6% Regional Stakeholder Consultation (RSC) participants (www.civicus.org/new/media/csipdf). "The state exercises its power over CSOs through the registration process, strictly disseminating information through state-owned mass media and putting restrictions on public protests and demonstrations" (www.civicus.org/new/media/csipdf). Additionally, state also through intimidation, interrogation and surveillance at local level put restrictions on the autonomously working CSOs. RSC applicants distinguished that government has strictly confined autonomy of CSO mainly in election years and therefore, from 2000 to 2004, these restrictions were severe on CSO mechanism in Mongolia; however, these restrictions

varied in form and its intensity (Ibid). For example, government's efforts to stifle the MJPL were most serious which was mixed up with police brutality and widespread media propaganda (https://www.ohchr.org). While more subtle efforts were made to discipline pertinent criticism from women and human rights NGOs.

In addition, while urban middle-class CSOs usually operated free of public interference, rural CSOs appeared to be more susceptible to local and national officials (www.civicus.org/new/media/csipdf). Thus, the autonomy exercised by "the rural CSOs is more difficult to retain as most CSOs representatives hold public employment and they mostly exist in the context concentration of political and financial authority in the hands of the local governor coupled with severe adherent polarization and competition" (Anke Redl & Poul Erik Nielsen 2007: 32).

Many public officials as well as conservative representatives belonging to some NGOs are expressing concern about the "unnecessary and excessive amount of NGOs and are stressing on the need to 'regularize' the NGO sector by limiting their numbers, imposing hierarchical umbrella structures and increasing state oversight" (Fall 2003).

CSOs that have some "access to the state and have cooperation with their institutions often practice self-censorship, so that their eminence with regard to state is not compromised" (https://www.civicus.org.new.media.csipdf). In 2002, two NGO leaders voiced their willingness, fearing of undermining their NGO project with multiple State organizations to withdraw from human rights NGO 'Action for Civil Liberties'. It has also been noted that many critical commentaries in the final report on MPRP were to be omitted on request by Open Forum society as these NGOs conducted the surveillance of 2004, 2008 and 2012 election campaign and finance monitoring (Ibid).

Dialogue

No institutionalized framework exists which ensures frequent and meaningful dialogs between the State and civil society. The desire and the need for greater involvement of people and their organisations in policy and decision-making have not been understood by state institutions or government officials. Such an exchange takes place

without being planned and differs by industry of civil society (CSI Report for Mongolia 2005). CSOs working in the fields of children, elderly people and people with disabilities traditionally have greater connections to government, without significant fluctuation depending on the ruling group.

Although, primarily through "the 'Ministry of Social Security and Labour' the women's NGOs have been more active and successful in creating official communication channels with the Government" (Ibid). A small number of these interactions can be defined as bi-directional as the government retains a dominant role most of the time, especially when it handles the intermediary between state and CSOs', as was the case with NGO public PRSP dialogue. Nevertheless, there are some good trends in government agencies that increase their ability for dialogue with CSOs (CSI Report for Mongolia 2005).

Cooperation

Province to province, the level of the local government assistance to CSOs differs. State assistance covers various types of services, such as a CSO contract "(Micro-financial distribution and management, research, analysis and Coordination of NGO-Government Dialogue, etc.), enabling a free or discounted use of public buildings office space, public access to data, officials and occasional grants. UMENGO has effectively collaborated in its environmental protection campaigns with the 'Parliamentary Standing Committee on Environmental Protection'" (CSI Report for Mongolia 2005). In sum, some positive trends in "national and local governments providing increased support to CSOs remain restricted in scope. CSOs overall are not happy with the level of State CSO assistance at present and participants in National Consultation indicated that many government and provincial institutions are blind and deaf to CSOs" (CSI Report for Mongolia 2005).

Private Sector - Civil Society Relations

This section describes and evaluates the nature and quality of the civil society-private sector relations. In terms of attitudes of the private sector towards civil society, the private sectors were divided on the subject of women's rights and pro-democracy

NGOs. A large portion of RSC (almost 42 per cent) reported that the attitude of the private sector towards civilian society was good, while around thirty per cent felt that it was indifferent to civil society (Ibid). In the case of CSOs working in arts and culture, sport and leisure, religious arenas and charity and local growth, this seems to be true. "Some provincial participants also reported that the attitude of private sector towards CSOs is much more positive than that of the government, but because local firms themselves are under government pressure, they cannot promote CSOs efficiently" (CSI Report for Mongolia).

Political parties, in particular the MPRP, and the Democratic Party to a lesser extent, are also well known for their very efficient collection of funds from private businesses. However this way of collecting funds often borders on or actually turns into a type of extortion and corruption, particularly with respect to the authority in power. In general, more politically-oriented, non-partisan CSOs could not count on assistance from the private sector.

It is noticeable that the "stakeholders evaluations of private sector's attitudes towards CSOs seemed to be rather theoretical due to the deficiency of sufficient examples of cooperation and support from the business community towards specific CSO activities in any particular region" (CSI Report for Mongolia 2005). Indeed, according to the scoreboard conference and the participants of the national consultation, the most favourable evaluation was heavily disputed by the NAG representatives. These debates have shown how some CSOs have been able to develop beneficial links with the private sector in a some provinces and the capital city as well, but that local citizens think that mining and alcohol-producing businesses, who totally ignore the social and environmental impact of their activities, are "under siege" in most provinces and within the urban communities (CSI Report for Mongolia 2005).

The restricted assistance of the private sector promotes non-policy CSOs working in the areas of arts and culture, sports and pleasure, charity and local and religious development. The CSOs have relied almost solely on external donors, politically-oriented, such as human rights, women's rights, environmental protection and anti-corruption. Some jurisdictions reported that the attitudes of the private sector to CSOs

are far more positive than the state, but since they are under public pressure local enterprises are unable to promote CSOs efficiently.

Role of NGOs -Civil Society

In the highly politicized and corrupt Mongolian culture, civil society plays a significant role. Civil society is now unfortunately not a particularly powerful force for change. Many organizations, such as the various journalistic groups and a host of NGOs, are previously strongly linked to the political leadership. Frequently a politician's spouse or parents formed an NGO to access financing. Exceptions that make a distinction are important. Organizations "like the *Soyombo Movement* and the *Healthy and Just Society Movement* commit themselves for working hard to achieve social change. In 2006 several civil movements have joined forces and have gathered substantial support for extra parliamentarian activities" (Anke Redl, and Poul Erik Nielsen 2007: 40).

> "[W]ithin the media field, some NGOs stand out for their long-term commitment to supporting the development of free and independent media; the Press Institute of Mongolia and Globe International being the most prominent. The different NGOs and many media outlets have been supported by a great variety of donors in the area. Danish International Development Agency (DANIDA) came in with heavy support in the mid 1990's and made a big impact in setting up Press Institute of Mongolia (PIM) and the Free Press Printing house, but DANIDA was also among the first to withdraw support before the development towards free and independent media was self-sustainable. At present, donor support has decreased with UNESCO and private American foundations being among the chief contributors. At any rate, there are still a host of minor contributors around extending support to different media activities, but there is no genuine coordination of activities or a holistic approach" (Anke Redl, and Poul Erik Nielsen 2007: 40).

When the citizens' organizations came up in 1992, they were established as an independent force for the promotion of citizens' interests. The people acknowledged the state's long-suppression of their freedoms, and they felt antagonised with the state. In addition, the state considered such organizations to be a danger to its power.

In post-authoritarian systems, this reciprocal distrust between governments and NGOs is prevalent. This suspicion has eroded gradually in Mongolia, and collaboration among NGOs and government has now increased (The Asia Foundation 2000).

The new NGOs in Mongolia are considered as a significant source of data for the unheard voice of the individuals and for the government responses towards them. This is especially crucial when the nation such as Mongolia now does have a one-party government. If the people are not proportionally represented in parliament then they obviously need to express their opinions and obtain data through other channels. For this purpose, NGOs offer one such channel. Another is a free and autonomous press. In a one-party government in power in which transparency and accountability may be restricted, the government supervision role of NGOs becomes more essential. Over "the past two decades, Mongolia has had much experience with its NGO sector which can be shared with other nations, such as America" (Severinghaus 2000: 33). The laws related to NGOs in Mongolia are in good state and can serve as a model for other nations, according to legal experts. "The role of NGOs as a crucial aspect of a democratic government and civil society is well understood by the Mongolian population engaged in the growth of NGO community. They should share their opinions and experiences with other nations" (Severinghaus 2000: 33).

The Asia Foundation

The Asia Foundation was the first "American NGO" to promote the democratic and market economy reform process in Mongolia. "The Asia Foundation is likely to be the first international donor to promote such organizations as part of a bigger attempt to promote the growth of civil society in Mongolia" (Severinghaus 2000). In the early phases, their attempts were aimed at organizing and addressing particular problems of citizens at Ulaanbaatar. Over the course of time, the new NGOs started to create branches throughout the nation to address their rural interests as well. Possibly, the Asia Foundation was the first donor to promote rural NGO programs and the growth of rural civil society in Mongolia.

"From the early years of democratic reforms, the Asian Foundation played a major role in creating Mongolian democratic principles through enhanced democractic

institutions, capacity building for the judiciary and Citizens Council organizations, developing NGOs and numerous training programs," says Mongolian Prime Minister N. Enkhbayar. He highly values the attempts of the Asia Foundation to promote Mongolia's more active involvement in the Asia-Pacific region's political and economic collaboration (The Asia Foundation 2000).

In the legal modifications of political, economic and social relations, the programs of the Asia foundation played a significant role. In addition, the Asia Foundation's programs to building capabilities have been an important factor for organizations and public servants at different levels. Ambassador Nyamdoo of Mongolia remarks, "The Asia Foundation supported the New Democracy in Mongolia has been constantly motivated to bring subtle changes for the growth of democracy in the Great Genghis Khan's land" (The Asia Foundation 2000).

Globe International

> "Globe International was established in 1999 as a non-profit nongovernmental organization. It concentrates on freedom of speech, public broadcasting, and elections in democratic manner and human rights in particular and has developed a particular knowledge in legal matters. It has been financed by the OSI, the Swiss Development and Cooperation Agency and USAID" (The Asia Foundation 2000).

In 2002, 'Global International' started its work on a year-long project entitled 'The Right to Know: the Freedom of Information'. In relation to a round-table with parliamentarians, it arranged workshops and seminars. Global International (GI) got itself linked with Article 19, a British human rights organization taking its name from the part of the 'UN Universal Declaration of Human Rights which injects the right "to seek, receive, and communicate information and ideas through any medium irrespective of any frontiers." In 2004-2005, a number of guidebooks on freedom of information were published by GI. Global International further intensified its work with parliament and with the Ministry of Justice and Home Affairs. The Ministry also decided that GI lawyers and their global partner Article 19 should work on the draft legislation on freedom of data. It is not surprising that there is less than an unmoving enthusiasm from the government elites for implementing extensive legislation that

ensures public access to government activities. The cabinet discussed the submission of draft legislation to the Parliament in 2005-2006, but resolved to postpone the action before further consideration was carried out.

A group of five liberal parliamentarians presented a draft law before their associates in 2007 but no action had been taken by the parliament. In 2008, the Government included in its 2008-2012 Action Plan a suggested law on freedom of data. Many leaders thought that freedom of information was like something which ought to end up before coming into reality or which would never occur such as the four or five year plan. Now that GI is conscious that it takes more years of active advocacy, it is a bigger project called "Better Access to Reduce Corruption," which has brought together an alliance of ten NGOs into a lobbying coalition. In 2009, Chairman of Globe International and the Director of the Open Society Forum met with Member of Parliaments who had presented a draft law two years back and the respondents agreed to write a fresh draft law. The government endorsed Resolution No. 143 on data transparency and presented its draft legislation to Parliament after another year of roundtables, public lectures, coalition building, revision of bills of legislation and extensive lobbying. In mid-2011 the parliament adopted a law on the transparency of information and the right of access to information almost a decade after Global International started its right to know campaign (http://globeinter.org.mn.old/en/emech).

The passed legislation is an outstanding success. It enables the budgets, finances, and procurement of the Government to be made public and defines how institutions should disclose data. It provides for public records of all government resources assigned to the press, including advertising expenses. It guarantees the right to seek data for all citizens and legal entities or even commands government officers to respond within seven working days. The law provides for the protection of extremely delicate data, as it is provisioned even in the most open political standard. Maltreatment of these laws by authorities is commonly prevalent in autocratic regimes, which typically promise a handful of liberties to their people and then evict them by dubiously exemptions on the basis of wide implementations of "safety and government interest" (UNESCO 2012). But the Mongolian Act has shown that it has to be implemented in true sense over the half decade since it was passed. It could also

affect the way the administration works. Each year "since the law was adopted, Mongolia has made significant gains from the 34th percentile in the worldwide rankings in the nations of Transparency International Corruption Review (CPI) from 2011 to 2015" (Transparency International 2015).

This law would definitely not have been implemented without perseverance from Global International and associated CSOs, particularly as freedom of information is seldom sought after by ruling elites and has little appeal to most of the general public. Few things such as maintaining democracy are more fundamental than maintaining public activities open for its citizens After all, voters can only function on information they have; the quality of their decisions relies on how well they know of the conduct of their officials. Moreover, the honesty and integrity of leaders always depends on how much they have to disclose. Groups like Global International promote democracy through informed voters and politicians.

CEDAW-Watch Network

> "[W]hen the new NGOs emerged in 1992, they were eager to promote their own causes. They were advocates for things in which they believed. After all, this was the first time ever in Mongolia that people had the right to press for their own interests, independent of or against the state. In time, citizens began to realize that they should not only advocate their interests but also monitor the government's performance of its policies and programs related to their interests. Within the last few years, this has led to emergence of the first oversight NGOs such as the CEDAW-Watch Network, a consortium of NGOs that is monitoring the government's implementation of the U.N. Convention on the Elimination of all Forms of Discrimination against Women" (The Asia Foundation 2003).

In Mongolia, out of 1,700 functioning NGOs, only 40 of them are women's organisations. However, these women organizations are far more active than the other ones. Many individuals and male population in particular, wondered what these women's organisations were doing. Moreover, which rights of women have been breached? Women's non-governmental organisations, prepare women's to take part

in active politics and also make them financially independent. Severinghaus **a**nalysis that,

> "[W]omens groups have led the way in the development of civil society in Mongolia. However, women's NGOs were not necessarily focused on gender issues. Some women's NGOs addressed concerns of general public interest. The Women for Social Progress, for example, runs a Voter Education Centre that provides information and education to the public on elections and on the activities of the parliament. The goal of the Centre for Citizenship Education (founded and run by women) is to develop civic education in the fundamentals of democracy for the public and for secondary schools" (Severinghaus 2000: 33).

Open Society Forum

The Open Society Forum (OSF) as the successor of the Mongolian Foundation for Open Society is a part of the Soros Foundation Network. It was established as an NGO in 2004 in order to focus "on two fundamental capacities, first, for ensuring democratic governance and second for delivering economic policy". In this, "a minor part is also the media programme, whose goal is more precisely: to assist in ensuring the role of the media in democratic society as a factual, objective and balanced information provider and as a public watchdog" (Anke Redl, and Poul Erik Nielsen 2007: 43). In the past, the Soros Foundation had extended its support to the improvement of independent and free media throughout Mongolia but now the open society forum is the main focus of their funding and media support has also diminished incalculably.

> "[O]pen society forum endorsed various media operations in 2004 and 2005, including the exchange of programs between rural radio stations, government broadcasting advocacy, and several government conferences. OSF has created a number of social and political programming talk shows, which were primarily being broadcast on the government channel" (Open Society Forum for Mongolia 2005).

UNESCO

Over the years, a variety of projects has been supported by United Nations Educational and Cultural Organisation **(**UNESCO) in Mongolia which are primarily related to freedom of media, "transparency in public administration and regulating media practitioners' rights along with tackling minority issues such as the Kazakh minority project, training courses and support to community radio station for local people. Additionally, it has also financed the media sector analysis in order to establish a more conversant basis for new enterprises" (Anke Redl, and Poul Erik Nielsen, 2007: 44).

News and Information Association of Mongolia

News and Information Association of Mongolia (NIAM)**,** through its own dedicated website has been providing a suitable platform for independent and balanced news on socio-economic and political issues of Mongolia. The declaration of mission states: (http:/www.moninfo.org). NIAM participates in wider media reforms in Mongolia by means of "growth of training in journalism and the development of journalism resources and student journalism traineeships" (Ibid). A platform for information-sharing among other NGOs and donor organizations is being offered through one of the NIAM media development initiatives. NIAM has initiated and organized a continuous series of monthly conferences with media development officials from NGOs and NGOs that participate in project journalism (Anke Redl, and Poul Erik Nielsen, 2007: 43-44).

The organizations involved in NIAM include the Global International Forum, Open Society Forum, the Press Institute of Mongolia, UNDP, UNFPA, the Swiss Development and Co-operation Agency, and the National Broadcasting Office of Mongolia. This type of platform is very required in a setting where media development operations between donor organizations are little coordinated (https://www.moninfo.org).

Strengths and Weaknesses of Mongolian Civil Society

The biggest challenge faced today by CSOs of Mongolia is a lack of appropriate public assistance or collaboration with the government; an absence of efficient legislation or tax policies supporting the operations of CSOs; a fragile civil society infrastructure and a concentrated majority of CSO operations in capital city Ulaanbaatar which is making rural areas devoid of being benefited from the CSO's mechanism. Furthermore, the significance and support of civil society operations in society are weakly understood. Civil society must, therefore, be strengthened by consolidating it as an essential aspect of a democratic society in Mongolia. Mongolian civil society's strengths and weaknesses are as follows: (CSI Report for Mongolia 2005).

Strengths of Mongolian Civil Society

1. Multiplicity: Civil society has extended its scope and reaches since the democratization of the Mongolian society. The diversity of interest and concerns that the civil society advocates has only expanded with time. Multiple civil society groups and organisations has emerged that advocate issues related to environmental justice and protection, alleviation of poverty and against state and police violence. New CSOs have largely been flourished by flouting the monopolistic footing of socialist-style mass organizations.

2. Information and Media: There are substantial constraints in this area although certain areas benefit from a number of new sources. The internet revolution has further loosened media dependence on state institutions and diversified the news both in its form and content. The coming of autonomous news channels, newspapers as well as the radio channels has helped democratize the news media. In fact, they have a significant advantage.

3. International Linkages: Mongolian CSOs have been profited from Mongolia's higher integration with the international system by establishing ties with significant global organisations, regional and global networks and organisations.

4. Democratic Culture: Mongolian society still has low level of overall socio-cultural indicators. CSOs make a significant dent in a monotonous and statist culture as it advocates the primacy of political and cultural pluralism. Civil society in such countries also have an educative function, through consensus and open discussions, to take collective decisions, to respect one another's views, to listen, to mutual compromise and to create higher tolerance to various perspectives and lifestyles, all of it create a tolerant and conscious citizenry.

5. Women's Leadership: Historically females have been excluded from the political arena; it is the civil society that can foster their active participation in public life. In this direction civil society also have a historical role of ensuring women's participation. Leadership and involvement by women are significant contributions to Mongolian civil society's democratic and humane growth.

6. New Skills and Methods: CSOs develop fresh organisational techniques and activities based on teamwork, consultations and equitable involvement, enhancing more horizontal and non-hierarchical relationships within CSOs with certain social implications.

7. Human Resources: The civil society in Mongolia has an advantage in terms of availability of human resources. The members of the civil society are well trained and educated. The civil society members showcase strong commitment to the goals of democratization, public education, and women participation. This human resource is the biggest asset of the civil society. The challenge of the civil society in many of the transitional countries and poor countries is the lack of an active local participation and awareness. Mongolia is certainly in an advantageous position in this regard. However it must be stated here that human resources on their own are like a ship without a captain and likewise open to all the volatilities of the ocean. It is important therefore that they find political direction and a political leadership as well as a social context that is conducive to their operation and can guide them in rough weathers.

8. Institutional Development: It is important to note here that many of the civil society organisations are myopic and short-lived. Often inter-organisational strife, leadership battles, a lack of discipline and opportunism of the leadership takes toll on

the civil society groups, often bringing disrepute and public trial of these institutions. It is therefore of critical importance that as society, civil must focus on developing a political and institutional culture that go beyond individual organisations and focus on the networking, decentralization. Leadership creation, training of cadres, public education, and awareness programmes is important steps in that direction. Mongolia has taken certain concrete steps in that direction reflecting the institutional strength of civil society in the country. They have begun "a culture of inter-organisational exchange of information, exchange of cadres and personnel, joint programmes. Yet the civil society in Mongolia has gone a long way in order to get a public trust and in order to establish ethical credentials" (Ibid).

9. Connectivity to Society: One of the very significant strengths of the civil society groups are their malleability and flexibility. As the state institutions and apparatuses are too rigid for the everyday needs of the society and often end up in legal battles, it is the civil society that given its institutional design can be of great use. Thus connectivity to the society along with its responsive character as well as its cost effectiveness is great tools for the effective and practical solutions of the society at large.

10. Cooperation with the State: Co-operation of and with state is one of the essential prerequisite for the success of the civil society. A hostile government and a hostile public opinion could be of devastating consequence for the civil societies. As increasingly civil society assumed the role of state in many societies its dependence on state has only increased. In Mongolian context too this dependence on state could be noticed. However there still certain areas of mistrust and miscommunication that needs to be remedied and bridged. State officials, though apprehensive in the beginning, has come to realize and accept the vital role of these organisations and this certainly has resulted in wider co-operation.

Weaknesses of Mongolian Civil Society

1. **Weak Rural Civil Society:** Rural CSOs with low funding abilities are less in numbers. The main reasons include local public intervention, badly

institutionalized activities, more constraints on access to data, even less diversified media and weak local self-governing institutions.

2. **Financial Capacity:** One of the biggest drawbacks and constrain in the autonomous development of civil society groups are their dependence on external grants. As they grow from project to project and are accountable to their funders and prisoners of their agendas, civil societies do not and could not develop an autonomous culture.

3. **Quality of Programs:** Apart from the financial constraints that we discussed above, another big handicap of the civil society is its provisional and contingent nature. These organisations do not have a long term strategy and often develop from project to project. A lack of comprehensive planning and purpose becomes biggest obstacle.

4. **Critical Skills and Capacity**: Civil Society Organisations often lack research capabilities, analytical and monitoring skills and in their ability to conduct quality and impact for assessments and strategic planning. Sometimes, CSOs themselves lack adequate legal knowledge.

5. **Weak Organization:** Weak organisational structures further adversely impinge upon the success of the civil society organisations. The promise of decentralization and democratic processes, financial accountability and transparency, both to their constituents as well as to the larger public, still remain unfulfilled. The low turn-over of CSO leaders often leads to stagnation of the organization. Members' participation in decision-making processes is often inadequate. Also, inter-CSO communication, coordination and cooperation remain in need of significant improvement, especially between different civil society sectors and with the private sector.

6. **Mentality**: The old mentality of relying upon the state apparatus has not yet fully been overcome, thus a large number of CSOs rely upon state patronage and sanctions. Though there are few institutions which has established their autonomy, many CSOs are still held back by the socialist mentality of relying on

the state, waiting for guidelines and orders from above and therefore lack independent initiative. There are also problems of low levels of trust and a tendency of many CSOs to limit themselves to narrow organizational interests.

7. **Partisanship**: One big obstacle in the path of the success of civil society is partisan mentality. The partisan mentality and the partisan political culture cause social strife.

8. **Public Support**: Because the public has little knowledge of the significance of civil societies and the contributions of CSOs to the growth of the country, a bad growth in civil reporter ship and bad public relations between CSOs, CSOs are unable in providing government assistance.

9. **Support Infrastructure**: As we have argued earlier, civil society cannot function in a political vacuum. A facilitating state and conducive public opinion are most essential component of its success. However "laws and rules create obstacles in the registration of the CSOs. An unfavourable taxation system and often hostile approach of the state official become cumbersome for the promotion and development of the civil society groups" (CSI Report for Mongolia 2005).

Current Challenges

Mongolian democracy is facing huge difficulties despite its strong civil society. One is a single party's dominance. There is no question at the moment about the dedication of the ruling MPP towards pluralism, but neither can it be considered as being accurate. It won all 16 ministerial positions itself during the electoral victory of the Party in 2016 general elections. Under the finest circumstances, one-party hegemony can present a challenge to open government. And Mongolia faces best circumstances and it is hard to argue. The aversion of their neighbors to democracy has only increased in latest years. In specific, Russia invests strongly in the promotion of global autocracy (Larry Diamond, Marc F. Plattner, and Christopher Walker 2016).

The present financial crisis in Mongolia could make Mongolia particularly susceptible to foreign pressures and instigations. "The latest shrinkage of commodity

prices has made it necessary for the nation to receive economic assistance, and some Mongolian rulers view China as their future alternative to the IMF" (Benard 2016). To prevent Mongolia from falling in the hands of neighbors who do nothing but disdain democracy, financial institutions managed by the West need to pledge to support the waning finances of the country. There are difficulties in the drastic development of gold and other precious metals mining. In resource-rich countries, governing elites tend to have particularly difficulty controlling themselves, often with terrible democratic implications. In Russia, the massive official corruption fuelled by the resource wealth in the 1990s resulted many ordinary people to decide that democracy was no obstacle to their rulers being broken down. Russia's experience gave an appeal for democracy and a leader who committed himself to reducing corruption and breaking control of the oligarchs over the state, regardless of the implications for democracy. Moreover, as the fresh post-Soviet reformers of Russia helped to profit from oil, they had too much to hide in the open government (Fish 1998: 127–34).

In Mongolia, a Russian-style situation is conceived, but Mongolian democracy benefits from the vitality of civil society. Control agencies, such as GI and its allies, have definitely not removed corruption, but have attempted to make open budgets, finances and procurement public, helping to avoid the kind of free-for-all extortion seen in Russia and so many other resource-rich countries. Environmental protection organisations from militant grassroots sources such as ORM and UMMRL resist the state capture by powerful mining multinationals. Groups like MNFB help the state to make policies at the same time as urging the requests of a social group which has traditionally disregarded their interests. The NCAV carries out aching social issues and promotes the interests of a huge social group, which has remained silent until recently, victims of domestic violence. The "powerful civilian society industry of Mongolia is perhaps not enough to make sure that a country's notable democratic experiment continues to thrive" (Fish 1998: 127–34).

In this research study it has been debated that the Mongolian people have dynamically incorporated democratic choices and reforms. Since1990, Mongolia has progressed extraordinarily, particularly through the adoption of a democratic Constitution and the passing of hundreds of legislation in accordance with the

Constitution in order to set up democratic institutions. In order to carry out national reforms, it is essential to have a strong civil society, the rules of law and the efficient liberty of the press. There must be a genuine functional importance for the concepts of “transparency”, “responsibility” and “accountability” in democratic reform, so that they are not left alone in terms which, in their democratic application, sound politically correct.

The essential significance of an affianced civil society to promote and consolidate democracy, mobilize and articulate the interests of citizens, and make the State more responsible and responsive to people's requirements. In the previous 20 years, the civil society of Mongolia has grown substantially and diverse its activities.

A close examination of civil society, and particularly of NGO operations, demonstrates that far more must be done to enhance the dynamism, activity and efficiency of civil society, so that it becomes a significant part of democratic transformations and strengthening. A preliminary assessment demonstrates that even though civil society continues to grow in Mongolia in quantitative terms, it remains very fragile and requires a strong legislation and other environment to guarantee that its in-depth growth, maturity and efficiency can be adequately achieved. To date, grassroots operations are not always guided by civil society. The main point is that, in order for a collective solution to the difficult social issues, the state is going to collaborate with NGOs through collaboration rather than war. Both the level of employment and the level of living of citizens, provided the government and civil society cooperate, will increase significantly.

Chapter- 5:

Role of Civil Society in Political and Economic Reforms

The third wave of democracy had engulfed many countries that were earlier ruled by military or authoritarian governments. One party system and dictatorship had significant influence in the global politics during their years of dominance crippling the freedom of their citizen. However, the importance of democratic regime lies in its very system of functioning that provides a citizen a choice to elect their leaders. This is facilitated by free and competitive elections. It gives an opportunity to people to choose an ideology represented by different political parties.

Collapse of the Soviet Union 1991 provided Mongolia with a historic opportunity to launch democratic political and economic reforms by dismantling its communist regime and command economy. Mongolia's democratic transformation expressly indicates that Mongolia has attained remarkable achievements in reaching this goal. At present, Mongolian democracy meets the criteria for liberal democracy and goes through consolidation. Mongolia's parliamentary democracy has had a leading role in building democracy and market economy in which a matured civil society has been playing a significant role. According to Soni, "In the post- 1991 period, democratic transition was a major policy shift in Mongolia that brought the country on a new stage of development. Democracy at work is visible not only in forming political parties but also institutionalizing the parliament democracy" (Soni 2013: 34).

In the year 1989, some reformists used a term "Young Artists' Convention" to mention the annual public forum which provided a platform to discuss different economic and political changes. Many high level authorities attended this event. On 10th December 1989, there was a street protest which was followed by similar incidents (Kaplonski 2004: 67). Communist Party' Political Bureau agreed "to dismiss all its members, relinquish the communist party's leading role, organize the multiparty election, and dismantle the Communist Party organizations in the security forces" (Heaton 1991: 31). When there was hunger strike "in March 1990 by the democratic opposition. A Soviet-educated economist Tsedenbal became the Prime

Minister. He implemented massive economic reform and strengthened the communist party-run political system" (Sanders 1985).

Institutions like political parties and pressure groups are required for flourishing of democracy in any country. In accordance with "the new Constitution, other laws were passed as revisions, amendments and changes of existing law on political parties, a law on parliamentary and presidential elections, and a law on local elections. These newly passed laws reflected far more practices that are democratic and establishment of democratized institutions. For example, the political party's law allowed the establishment of parties, which could run in the elections" (Severingus 2001: 64).

Moreover, interest groups have blossomed. For example, "the number of civil society organisation has developed dramatically with more than 1,800 registered by the Ministry of Justice in 2000" (Ministry of Justice and Internal Affairs of Mongolia) . "The 1997 NGOs law as particularly enlightened and favourable to the growth of civil society. Therefore, Mongolian citizens have several channels for representing their interests, including national NGOs. This demonstrates the empowerment of civil society in Mongolia to support the democratization process" (Severinghaus 2001: 64).

The first parliamentary elections were held in the year 1990. The election was declared and recognised to be fair, thus boosting the image of electoral system. It led to the formation of a new government. The new government was entrusted with the task of drafting a new constitution for the country. The new constitution, thus drafted, was adopted in January 1992. The constitution envisioned a multi-party democracy for the country. The new Mongolian constitution was an amalgam of the presidential and parliamentary system, incorporating the best features of the both. The new constitution furthermore established a comprehensive defence of the human rights and the civil and political rights of the citizens.

"This is stipulation for human rights and basic freedoms is the first codification of the government's commitment to democratic values in Mongolia's 2000 years of existence" (Fritz 2002, Taipei 2004: 5). According to Sanders,

> "[T]he Mongolian constitution, the president is the head of the state and the symbol of the people's unity. The election of the president

> proceeds in three phases. The first phase involves the nomination of candidates. The constitution allows only the political parties represented in the parliament to nominate candidates. Of these candidates, a majority of voters chooses one to the presidency. Finally, the parliament formally recognizes the mandate of the president elected by the voters. In the 1993 presidential election, P. Ochirbat, the candidate of the Democratic Force Party, was elected as the first president with 58 percent of the vote" (Sanders 1992).

As we have discussed above the Mongolian parliamentary system combines the best features of the parliamentary and the presidential system. Unlike countries like India and United Kingdom, Mongolia has a unicameral system. This is one interesting difference in Mongolia in relation to the classical parliamentary system, which were originally bicameral. The parliament has seventy six members elected to the house. These members are elected by a popular mandate for a four year term, after which they must seek a fresh mandate. One must remember here that the parliament in Mongolia is a powerful legislative body and has more powers than the president.

Parliament not only exercises legislative powers but also have considerable control over matters of finance, budget, and largely decides the fate of the country. Most of the policies are first introduced in parliament and is approved by it before they become operative in the society. Parliament also uses its power to bridge the rural and urban divide and introduces policies for rural development. President on the other hand is nominal and ceremonial head of the state. President in Mongolia does not have the power to veto the legislature and its policies. This is an important difference from the presidential system.

Political Reforms

Democracy, as we know, is based on the popular mandate. Elections and a competitive and pluralist electoral system is the best way to ensure the representation of all sections of the society. Unlike the West, which has a relatively long exposure to the democratic system, countries like Mongolia are very new to the modern form of representative system. Therefore it becomes crucial for the makers and the framers of these countries to carefully dwell upon the choice of the political system. The framers of Mongolian constitution dwelt upon this question at length and decided upon a

representative and multi-party system. Only such a system can ensure representation of all section which was considered crucial for the country's transition to democracy.

O'Donnell states, "That fair elections are the main criterion that certifies countries as democratic before other governments and international opinion" (O'Donnell, 1996: 44). Electoral laws have their own importance which cannot be underestimated since they ensure fair electoral practices. It is therefore important to observe electoral system of a country to understand its democratic attributes. In the case of Mongolia, one-way find that the successful launch of democratization process resulted into the federal government structure of Mongolia that has facilitated emergence of just and transparent voting practices. Still it is required to examine the attributes of formation of Mongolian democratic system to check whether (1). There were any flaw in the election process of the country and (2). Did the supporters of Mongolian democracy pay heed to issues related to formation of state during democratic revolution? However this can be addressed by facilitating an assessment and interpretation of fundamental factors of voting system and consecutive election results held so far since 1990 democratic transition (O'Donnell 1996: 44).

Mongolian people have structured their electoral processes in a way that it suits country's historical and political as well as social atmosphere. A semi presidential structure is chosen for sharing presidential and parliamentary governance power, by a nation that is under democratic transition. Mongolian parliamentary elections have the First Part of the Post (FTPT) system. The government is led by the Prime Minister and he or she choice his cabinet according to the State Great Hural's approval. Mongolia has "Two-Round System", for electing president. President is chosen for 4 years and works as the nominal head of the state. Though in different elections, different voting rules were followed including "a block votes system (1992), in 1996- a party list and candidate list system, and in 2000- a first-past- the post system" (Landman, Larizza, McEvoy 2005: 42). For selecting president, Two-Round Systems is chosen usually. The "French Two-Round System" has a special feature to make it sure that the winning candidate obtains full majority in voting that is, over 50%. In a simple term, it is "called the two round system because, if no candidate receives a majority in the first round, a second round vote is held in which the two top

candidates compete with one candidate finally declared the winner" ((Landman, Larizza, McEvoy 2005: 42).

Elections laws help establish such electoral systems, which establish regular and democratic elections. The new Constitution of Mongolia guarantees citizens the universal right to vote if they are of age 18 and over. Three separate laws, with a substantial amount of repetition and overlap of articles and provisions currently govern Mongolian elections. The election laws are ambiguous to some extent as the terms used in the election laws have neither been clearly defined nor clearly interpreted. Following the establishment of the Constitution, the first Parliamentary Election Law was adopted in 1992. The State Great Hural approved provincial government election law and the presidential election law in 1993. The Parliamentary Election Law specifies that 76 members shall be elected to the State Great Hural of Mongolia with a multi-member district majoritarian system. This multi-member district system ranges from nineteen electoral districts with four mandates each; to thirty-eight districts with two mandates.[1] However "the electoral law was amended in 1996 and initiated a single-member district system" (Sanders 1992: 12). The last four elections three parliament (2000, 2004, and 2008) were held according to this amended electoral law and in coming years other election reforms had been introduced in Mongolia. Prior "to the election the General Election Commission was to determine which system should be use for a particular election" (Soni 2004: 109-10).

The continuing success of 1996 elections can show how good has been the Mongolian transition from Communism to democracy. Mongolian case is interesting because it is the only country in Central Asia and East Asia which can boast of being a positive outcome of communism as well as transiting towards democratic system. Mongolian journey towards democracy began in 1992 with ratification of its

[1]The parliamentary election law stipulates that candidates should be at least 25 years old to be elected member of the State Great Hural and independent candidates should receive the support from a minimum of 801 eligible voters to be nominated. Many reforms have been made to election laws that include regulating campaign expenses. See The State Great Hural Election Law, Article 7.2, December 2005, General Election Commission (Ulaanbaatar, Mongolia), 2.

constitution. Since then Mongolia held six parliamentary elections as well as six presidential elections so far and successfully transferred power from one hand to other hand among different political parties. “In last 22 years Mongolia evolved different democratic institutions including the national legislature, different major and small political parties, judiciary and civil society”. (https://www.iri.org>sites>default>files>2009).

Mongolian Politics and Two Major Parties

Mongolian politics are controlled by party systems, wealthy corporations that contribute political campaign donors, and wealthy individuals and their families. New political institutions have been formed throughout the 20th century, and adapted different sections for population, primarily for the elite. In this regard, political parties are the most active and powerful players in the political field (Batbayar 2016: 18). Morozova wrote that “In present day Mongolia, it has become impossible for a businessman to be successful without a party affiliation (the MPRP or the DP), for politicians have strong influence upon the fate of private entrepreneurship especially in the sphere of land ownership, construction and transportation” (Morozova 2010). Hence, government controls every aspect of business and policymaking. Elites, corporations, and wealthy individuals became means of adapting two major parties, Mongolian People’s Party (MPP) and Mongolian Democratic Party (MDP). Compared to ancient democracy, modern American democracy, and European democracy, the Mongolian democratic state is relatively young and inexperienced. Therefore, political disaffection on an individual level under the new democracy is very high (Batbayar 2016: 18). Mariano Tocal explains that political disaffection in new democratic states is because “citizens in new democracies do not have the ‘recent and prolonged’ experience that would enable them evaluate the functioning, achievements, and performance of their newly established democratic institutions” (Mariano Tocal 2006). The Mongolian government consists of three main power distribution branches.

Legislative Branch

Legislative branch State Great Khural (Mongolian Parliament), the 1992 constitution restructured the legislative branch of government by creating a unicameral parliamentary legislature. This is the highest organ of the state power. State Great Khural consists of 76 members, of which 48 are directly elected from the districts, and the political parties appoint 28 by proportional representation. The Parliament has the power to draft legislation, enact and amend laws, approve the annual budget, approve foreign and domestic policies, declare states of emergency and war, and ratify international treaties and agreements (https://en.wikipedia.org/wiki/Politics_of_Mongolia).

Executive Branch

The executive branch office head belongs to the Prime Minister. The ruling party appoints the Prime Minister and Deputy Prime Minister, thus president confirms them. The Prime Minister chooses his or her cabinet members when they are confirmed by parliament. The Cabinet consists of 16 ministries, which run various projects and programs, and create policies in their relevant areas. The main function of the executive branch is to implement Mongolian law, and duties directly contribute to country's economic and social development (https://en.wikipedia.org/wiki/Politics_of_Mongolia).

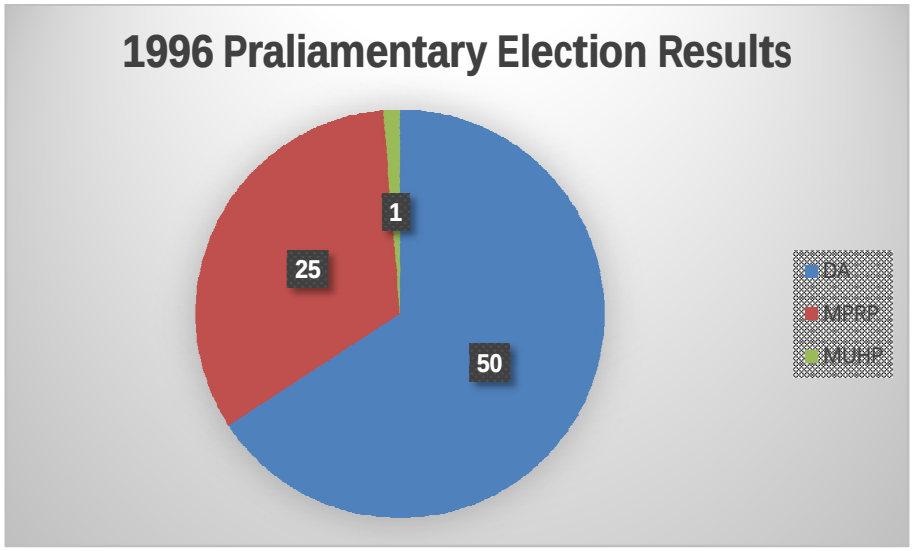
President

The President of Mongolia is directly elected by popular vote. He or She is the head of state, commander-in-chief of the armed forces, and head of the National Security Council. Political parties nominate presidential candidates when their party has at least one seat in the parliament. Thanks to the constitution, the president is empowered to propose the nomination of Prime Minister, can terminate the entire executive branch cabinet, and can dissolve legislations and veto all or parts of legislation passed by the Parliament. Moreover, the president has the power to appoint judges and ambassadors (https://en.wikipedia.org/wiki/Politics_of_Mongolia).

The 1996 Parliamentary

In January 1996, "Article 26 of the Election Law was revised which divided Mongolia into 76 single member districts with one candidate chosen from each constituency" (Bayantur 2005: 12). Elections took place in June 1996 and the results presented a kind of watershed in the history of parliamentary democracy in Mongolia. The voter turnout was 92 present, which reflected the mood of Mongolian people and their rising trust on the procedural dimension of democracy. The results ended the seventy-five years dominance of MPRP. "In the elections of 1996, 267 out of 302 candidates were from 7 parties or coalitions and there were 35 independents candidates." The "Democratic Alliance (DA) including Mongolian National Democratic Party (MNDP) and Mongolian Social Democratic Party (MSDP) together received 65.8 percent of the total 76 seats in the Great State Hural, Mongolia's Parliament. This clearly showed a remarkable increase in the vote share of the Democratic Alliance with six seats in 1992 to 50 seats in 1996" (Sanders 2003: 250). Whereas "MPRP lost 45 out of 70 seats which they had in the previous polls Exceptone seat which was won by O. Dashbalbar of the Mongolian United Heritage Party (MUHP), most of the seats were taken either by the Democratic Alliance and the MPRP" (Soni 2008: 39).

Fig. 1: 1996 Parliament Election Result



Source: General Election Commission of Mongolia, 1996

The Democratic Alliance had a first ever victory in the parliamentary elections despite of their exaggerated electoral promises with 50 out of 76 seats in the State Great Hural. According to Ginsburg,

> "[T]he new State Great Hural, with an average age of 38, reflected the youth of the country. Seven of the new MPs were women, up from three in previous Great Hural but down from the 20% mandated in the one-party period. Seventeen of the new MPs were in private business or were leaders of NGOs, reflecting the rise of civil society as an important political force" (1997: 61).

Thus, the election of 1996 brought for the first time a major shift of the political power in Mongolia in 75 years of history. Although, "this election victory brought various challenges and difficulties for the democrats because experienced MPRP bureaucrats and well qualified professionals were replaced with the younger and less experienced DUC party members. Former MP and economist, 'Mendsaikhan Enksaikhan', head of the DUC, was elected as the new Prime Minister" (Severinghaus 2001: 62). When it comes to deliverance, "the new government introduced judicial reforms and radical economic reforms, freed the media and strengthened the legal system. Thus, democracy was further consolidated and strengthened in Mongolia" (Severinghaus 2001: 62). However, the four years stint of Democratic Alliance in power was severely faced with a stiff resistance form MPRP that by that time had learned the parliamentary procedures to obstruct and attack the collations reform agenda. Moreover the Democratic Alliance itself was encircled with the problems of corruption, "a political infighting within Coalition itself and an attitude among the Coalition members that seemed to put their personal ambitions prior to the Coalition or national interest" (Ibid: 62). Despite of all efforts done by the Democratic Alliance to run the government efficiently, the MPRP ensured to make those efforts worthless and destructive. Moreover it used every principle of parliamentary procedures and laws to create obstacles in the reform agenda of the ruling party" (Soni 2013: 35).

All these factors went against the coalition and the election of 2000 brought back MPRP again in power. However, fortunately the transition from MPRP to the Democratic Union in 1996 election proved to be peaceful and smooth signifying the importance of political parties in the democratic consolidation in Mongolia. Civil

society provided the people with an opportunity to vote out the Communist Party and vote in the Democrats and the voter turnout and the election results bear a testimony to this fact. The momentum of civil society and its active participation in the elections ensures different separate levels between responses of government to the demands of the Mongolian people.

Presidential Election in 1997

The democratic transition in Mongolia continued till the presidential elections in 1997. Three MPs from different parties were selected. The Democratic Alliance and the MPRP together nominated P. Orchirbat, where as the Mongolian United Conservative Party picked up Jambin Gombojav. On May 19, 1997, N. Bagabandi, won the second Presidential election, and he was accused of misusing the veto power. This led to apprehensions over the power of veto. N. Bagabandi used veto to reject several prime ministerial candidates that were unfavourable to him and belonged to a political party opposed to his own. "The coalition was also accused for creating instability and dismissing 4 prime ministers as well as cabinets within four years. N. Bagabandi received support of 60.8% of the electorate. This was done purposely in order to slow down the rapid political and economic reforms brought in by the previous government" (Soni 2008: 15-16). Rest of the vote share was split between the incumbent President P. Ochirbat of the Democratic Union with 29.6% and J. Gombojav with 7.7% of the vote. "A heavy turnout of voters, i.e. 85% of the 1.1 million eligible voters proved every change worth" (Khayanhyara 2002: 120-22).

The MPRP fully supported N. Bagabandi with finance as well as media back up. His competitor J. Gombojav, due to his extensive experience in the rural areas gained vote from hinterland whereas on "the other hand, incumbent President P. Orchirbat had to rely on his personal charisma and economic reforms such as tax free imports" (Soni 2008: 15-16). Even then, P. Ochirbat was not sure of repeating his first presidential victory to be repeated. The Democrats however had no replacement for him to meet the age requirement of 45 years according to the Presidential Election Law. A complete dramatic change was seen in the voters' preference from one party to the other one. Official position and influence, party affiliation and performance in previous elections mattered more this time to the voters. Severinghus says there was

"a strong indication that Mongolian voters were prepared to see regime change and he indicated that the ongoing new elections were genuinely democratic and the democratic transition continued successfully" (2000: 130-32).

The Parliamentary Election of 2000

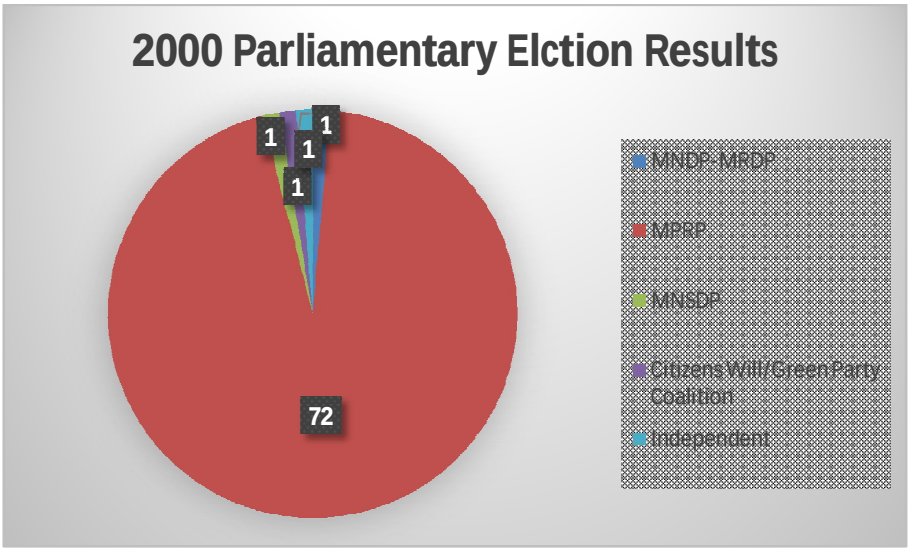
In the elections held in the year 2000, regaining the political power, the MPRP came back to power with a thumping majority. They won seventy two seats out of seventy six seats. Thus not only ensuring that power remains in their hand but they also secured ninety five percent of the seats in the parliament. The total number voters' turnout was 82.43 present. Though the results were not much surprising looking at the four years stint of Democratic Alliance but the magnitude of victory was amazing. "It completely wiped out the Democratic Coalition and Social Democratic acquired 13% and 9% of the votes respectively but were not able to won a single seat" (Soni 2008: 40). However, the MPRP won with a small margin and not with a popular and clear mandate still the magnitude of victory surprised the MPRP itself.

Eight women candidates were nominated by the as members of the parliament. One of them was a member of "the MNDP, former Prime Minister J. Narantsastralt, and she were the only non MPRP MP. Mr S. Oyun who was the head of the Citizens' Will/the Green Party Coalition, was re-elected from his constituency in Domend province. The third name was of B. Erdenebat, chairperson of Mongolian New Socialist Democratic Party, elected from the Ulaanbaatar constituency" (Soni 2008). "L. Gundalai, who won with 41.57% of the vote in Khuvsgul province was the only independent candidate to win" (Yadamsuren 2002: 103-04). It Many think "the election law needs to be reformed so that the number of seats held by different parties in Parliament more closely reflects the popular vote and therefore leads to more meaningful debate of the government's legislative agenda" (Severinghaus 2001: 62).

Thus, we found that MPRP completely overshadowed the presence of all the others parties and succeeded in projecting itself as the sole harbinger of people's interests. This shift in the hands of power strengthened the belief that a meaningful opposition always has the chance of capturing power strengthened the belief that a meaningful

opposition always has the chance of capturing power and forbids the mistakes from becoming permanent.

Fig. 2 2000 Parliament Election Result



Source: General Election Commission of Mongolia, 2000

However, the reasons were various for the defeat of the democrats but the core factor was that the Coalition was not able to deliver the promises made during its tenure. There are several reasons for the defeat of the Democrats Alliance. Firstly, responsible for the defeat of democrats were the formation of four governments in four year period i.e. revolving door to door government. It resulted in a degree of instability and a failure to provide a stable leadership. Secondly, there were serious pitfalls in the economic policies of the Democratic Alliance. Thirdly, the Coalition could not keep its strings attached and resulted in the split of the same with each party running its own list candidates. Fourthly, the experience of MPRP in police matters outweighs the newly elected MPs of the Democratic Coalition that was evident in most of the cases during the later regime.

Definitely the democrats could not meet people's expectations. Half of the Mongolians considered the Communist regime much better in terms of living conditions as compared to the democratic transition period., "voters feeling also seemed mixed about Mongolia's communist past; the majority said that a return to

communism was not a desirable choice". The election was fought in a background that saw a range of new social issues getting politicized. "Mongolian people during polls were unemployment and poverty. Furthermore, one single party had controlled the power in the country for 70 years and it was still unbeatable. Media and local organizations anonymously supported it and common citizens were used to vote for the same" (Severinghaus 2001). Half of the "MPs nominated from the MPRP were former MPs while the other half were new to the parliament. This shows that people trusted the MPRP by voting for incumbent MPRP members of the parliament" (Severinghaus 2001).

The MPRP was trusted as Mongolians expressed "a strong culture of support for well-educated experienced individuals during election. Party platforms are important analysing competing parties' goals during elections. Political platforms offer a good indication of the possible future government program" (International Republican Institute 2000). Some of the parties' slogans and platforms that were circulated throughout the 2000 election indicate that the "slogans to helped people to take make decisions; despite the fact that some people became cynical that parties could not keep their promises during the election campaign. For example, the MPRP slogans were let's recovering the State from the crisis and reduce the people from poverty" (Severinghaus 2001). According to Yadamsuren,

> "[T]he Citizen's Will Party/Green Party Coalition slogan was, it will depend only on your civic courage. The new coalition platform was focused on the rule of law, and transparency accountability in governance. The MNDP slogan was 'Your choice is the Future of Mongolia'. The slogans of the Motherland-Mongolian New Socialist Democratic Party (MNSDP or EREL Corporation) was 'Believe in Yourself and Do It Yourselves', however its reputation was cantered on chairman B. Erdenebat who also owned the sole business that funded his party. When the MPRP came to power the new Prime Minister and Chairman, N. Enkhbayar officially stated that the new government would not introduce major changes in the transition process. The MPRP General Secretary, L. Enebish, became the new Speaker of Parliament. It was very hard, however, for the opposition to oppose the MPRP in government or in Parliament because the MPRP had control over both Parliament and the Presidency. This is example demonstrates that power shifted from the more authoritarian to the democratic forces in alternative elections without a major disruption in the transition to democracy" (2002: 21).

The international Republican Institute observers and other international delegations observed the entire electoral process in the 2000 parliamentary election. They evaluated the whole election process starting from the pre-election period, Election Day, the counting of ballots and until the transfer of power. Their "report claims that the ongoing support of international NGOs such as the International Republican Institute, Konard Adenauer Foundation, Open Society or Soros Foundation, USAID, the Asia Foundation and others has been critical in helping build the opposition's election strategy and efficiency, in teaching citizens how to hold fair elections, and in encouraging all political parties to publicize their platform" (IDEA 1997: 66).

Presidential Election 2001

The 1992 constitution introduced a semi-presidential system in Mongolia. The Mongolian president thus has some prerogatives which may strengthen his position. He has, for example, the right of legislative initiative or the right to veto laws passed by the parliament, which, however, can be overridden by a two-thirds majority of present MPs. However, political crises during the so-called cohabitation period of 1997-2000 led to a debate about the transformation of the political system. The president and the parliamentary majority belonged to rival political parties, which resulted in a prolonged stalemate and a power struggle between the president and the parliament over the selection of the prime minister. The constitutional amendments of 2000 kerbed the president's powers and turned Mongolia into a parliamentary system, albeit with a popularly elected president (Maskarinec 2014: 186-91).[2]

[2]"After the constitutional amendments of 2000, the president lost the right to interfere in the process of cabinet formation. The amendments forced the president to propose to the parliament the prime ministerial candidate nominated by the majority within five working days. Similarly, the prime minister gained full authority to propose the composition of the cabinet, without presidential interference. Finally, the president is accountable to the parliament for any violation of the Constitution or abuse of power in breach of his oath. The president may be removed from his post, on the basis of a judgement of the Constitutional Court, by an overwhelming majority of all members of the parliament present and voting" (see Munkh-Erdene 2010).

Following the surprising result of the 2000 election, there was another important political event-the Presidential elections held on May 20, 2001. “In the run-up to the election, Presidential candidate R. Gonchigdroj, former Social Democratic Party leader and 1996-2000 State Hural Speaker, defeated former National Democrat and Prime Minister M. Enksaikhan and won the nominations as the newly-united Democratic Party’s presidential candidate” (Finch 2002: 40). The Citizen’s Will Party formed a coalition with the Mongolian Republican Party to nominate “L. Dashntam as its candidate for the Presidency. Ultimately, the Democrats’ newly found unity was not enough to unseat N. Bagabandi, who won handily with 58% of the vote, compared with 36.5% for R. Gonchigdorj. The third contender, Dashnyam garnered 3.5% of the vote” (Finch 2002: 40).

The Presidential election victory enhanced the MPRP’s political dominance. They made unpopular and painful decisions to liberalize Mongolia’s economy during “four consecutive democratic coalition powers exhibited enormous corruption and failed to improve life of people of Mongolia.” (Finch 2002: 41). “In 2001the MPRP strengthened its politics and showed how it can restructure the market economy on track” (Finch 2001: 39).Whereas the two parties the National Democrats and Social Democrats, which lost to the MPRP merged together to form a single Democratic Party. However according to Soni, “the strength of the MPRP in Mongolian politics was also felt when the then President N. Bagabandi swept out the 2001 presidential elections and won for his second term” (Soni 2013: 36)

Though the Democratic Party called for equilibrium of power between the Parliament and the Presidency the MPRP incumbent President N. Bagabandi’s win was widely viewed as free and fair. Working of The MPRP showed its communist roots and a socialist democratic doctrine adopted in 1997. Severinghaus, felt that “the MPRP strengthened the process of democratization, initiated economic reforms and also tried to maintain similar liberal atmosphere politically and economically” (Severinghaus 2000: 132).

The MPRP returned in power in 2000 and 2001 both at the Parliamentary and Presidential elections. These two important incidents reflected a peaceful transition towards democracy in Mongolia, and also proved that the elections became an

integral part of country's progress towards a mature democracy The exchange of power between the MPRP and Democrats in 1996 and 2000 also reflected that democracy in is consolidating democracy as per the transition paradigm highly criticised by Carothers (Carothers 2002: 15-17).

The Parliamentary Election of 2004

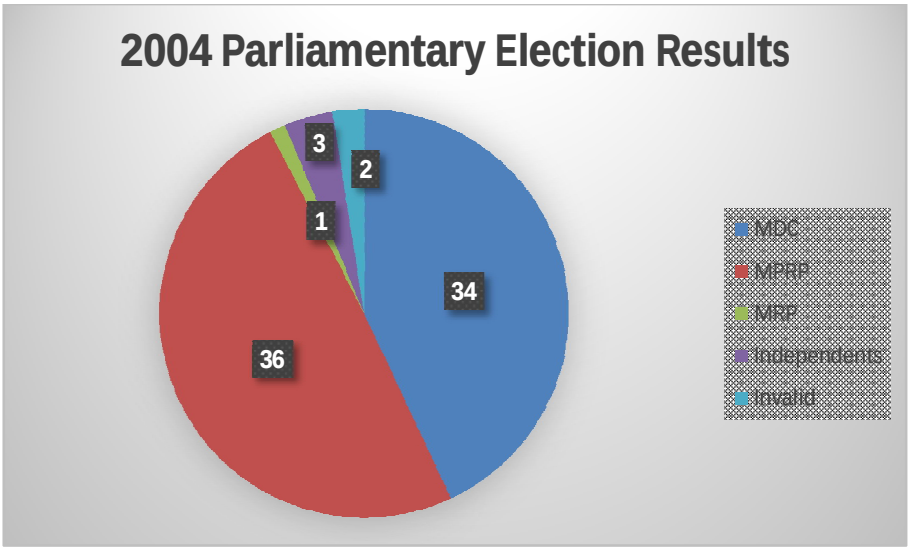
On June 27, 2004, the Mongolian Parliament held its fourth election after the new constitution entered into force in 1992. The election of 2004 brought a kind of coalition unique and first of its kind in Mongolia as both the MPRP and the MDC were short of majority and hence decided to forge an alliance between them. Seven political parties and fifteen independent ran in the 2004 parliamentary election.[3] The MPRP dominated the electoral campaign with an estimated 90 per cent of political advertising, saturating the airwaves and blanketing the capital, Ulaanbaatar, in campaign posters, while the MDC put on a very low-key campaign avoiding glitzy rallies, TV ads and street billboards. The opposition made a remarkable advance, obtaining 34 seats. The elections took place on June 27, 2004 with the MPRP winning 36 seats and MDC winning 34 seats with neither of them heaving the minimum required seats 39 to form of government. Mongolian republic Party won 1 seat and 3 seats were won by the independents with 2 seats being declared as invalid[4]. Controversies over election results in districts 24 and 59 (https://www.ubpost.mongolnews.mn), were settled with a re-election ruled by the court. The dusts finally dropped with the MPRP and MDC both securing one more seat, which means the election ended with 37 seats for the

[3] There "seven parties are Mongolian's People Revolutionary Party (MPRP), Democracy Coalition (DC), Republican Party (RP), Mongolian Party of National Unity (MPNU), Mongolian United Conservative Party (MUCP), Mongolian Liberal Party (MLP) and Mongolian Liberal Party".

[4] "MPRP Win One More Seat," The Mongol Messenger, July 21, 2004, p.1. The Mongolian court overruled the Central Election Commission's decision that election was to be held again in District 24. The court recognized the June 29 results as effective, with the MDC candidate being elected. "City Administrative Court Rules on 24th District Dispute," The UB Post, September 9, 2004, p.1.at https://www.ubpost.mongolnews.mn (accessed on 12 April 2019).

MDC, 3 seats for independent candidates, and one seat for the Republic Party.[5] The absence of parliamentary majority was unprecedented in Mongolia. Consequently, Mongolia's democracy began to operate in a way that was partially similar to the convocational democracy depicted by Arend Lijphart.[6]

Fig. 3: 2004 Parliamentary Election Results



Source: General Election Commission of Mongolia, 2004

[5] "MPRP Win One More Seat," *The Mongol Messenger*, July 21, 2004, p.1. The Mongolian court overruled the Central Election Commission's decision that election was to be held again in District 24. The court recognized the June 29 results as effective, with the MDC candidate being elected. "City Administrative Court Rules on 24th District Dispute," *The UB Post*, September 9, 2004, p.1. at https://www.ubpost.mongolnews.mn (accessed on 12 April 2019).

[6] Lijphart divides democratic systems into centripetal democracy, centrifugal democracy, depoliticized democracy, and consociational democracy based on social structure (homogeneity and heterogeneity) and elite behaviour (cooperation or competition). The so-called "consociation democracy" refers to a situation in which political elites prefer cooperation over competition despite the presence of high heterogeneity in the social structure. One of the characteristics of consociational democracy is coalition government in which positions are allocated based on vote share. However, the social structure of Mongolia does not qualify as heterogeneity and therefore only partially fitsthe description of consociational democracy. For characteristics of consociational democracy see Arend Lijphart, *Democracies: Pattern of Majoritarian and Consensus Government in Twenty-One Countries*, Chinese translation by Chen Kun-sen (Taipei: Guiguan Publications, 1993), p. 8-12.

As no party had the absolute majority and the situation was that of a hung parliament. The solution provided was to form a coalition government instead of relying on the support of the three independent candidates. Hence, the grand coalition was formed between "the MPRP and the MDC under the Prime Minister ship of Tsakhiagiyn Elbegdorj of the Democratic Party to save the country from going into another election that was not very conducive looking at the economic situation" (Soni 2013). But "the fragile coalition government did not remained intact for long and lastly on January 11, 2006 collapsed altogether when all the MPRP cabinet members resigned in protest to what they described as the coalition ineffective governance and loss of public support" (Dumbaugh and Morrison 2006: 8). According to Soni,

> "[T]he election held in June 2004, the MPRP tried to convince not only the West and the international donor community but also the people as a whole about its resolve to keep economic and political reforms in Mongolia on track. But the final outcome of the 2004 elections has revealed that the people exercised their franchise against the ruling MPRP. Voter turnout was over 82.2 percent, which was remarkable considering the fact that a sizeable number of Mongolian voters live in remote areas far from polling stations and had to travel by horse, camel, or four-wheelers to cast their ballots" (2013: 36).

The voter turnout was 82.2 percent more or less on the same pattern of 2000. The parties of MDC won around 44 percent of the vote with an increase of seven-percentage point from the privies election, whereas the MPRP party won 49 percent votes with an eight percent decrease from the previous election. Though the MPRP had a slight edge over the MDC in terms of vote, percentage and seats won but the real winner was the later as it managed to capture the imagination of the masses despite having a strong presence of the former.

2005 Presidential Election

In May 2005, the country elected the Speaker Nambar Enkhbayar of the Mongolian People's Revolutionary Party (MPRP) as the new President. The formerly communist MPRP that had ruled the country since independence from China in 1921 had regained power in 2000 after four years of rule by the Motherland-Democracy Coalition (MDC).

> "[In] the Presidential Elections of 2005, candidates from political parties with seats in the State Great Khural, including N. Enkhbayar from the MPRP, M. Enkhsaikhan from the Democratic Party, B. Erdenebat from the Mongolian People's New Socialist Party (Motherland Party) and U. Jargalsaikhan from the Republican Party, competed for votes. Eligible voters nationwide totalled 1,236,733, of whom 8,71,667 voters, or 70.48 percent, of the total electorate participated in the elections" (Dumbaugh & M. Morrison 2006: 1-6).

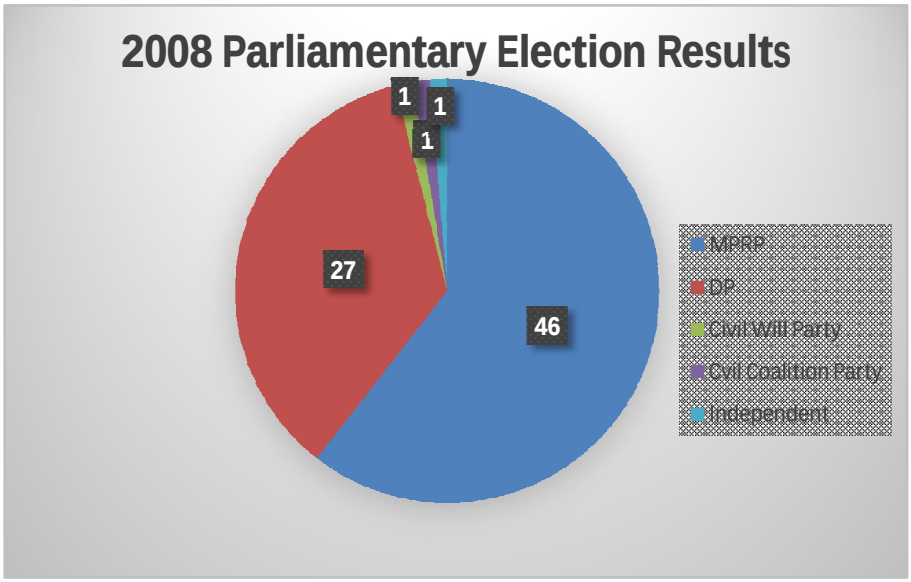
The 2005 elections came in the background of a four year long rule of the Coalition government. The coalition government was an era of multiple confusions in policy choices. The different parties that constituted the coalition had their own priorities and therefore a confusion and lack of determination reflected in the government. Thus the presidential elections that were held in 2005 brought a MPRP candidate to the power. Nambaryan Enkhbayar of the MPRP, former Prime Minister, became the new president. He secures 53.4 per cent of the popular votes as opposed to Mendsaikhani Enkhsaikhan, candidate of the Democratic Party. The Democratic Party candidate could secure merely 19.7 per cent of the votes. "Finally, the Democratic Party declined the MPRP's proposal of entering what the latter called as the government of 'national unity' and instead decided to function as an opposition or build an alternative shadow government'' (https://www.ubpost.mongolnews.mn). However, nothing somewhat a so-called "shadow government" came into being.

The Parliamentary Election of 2008

The year of 2008 was low point in the, democratic history of Mongolia. The fifth Parliamentary elections took place on 29 June 2008, with 356 candidates running the 76 seats in the State Great Hural. However, the turnout dipped down to 74.3 percent in 2008 from 82 percent in 2004, the results shifted the power in the hands of MPRP 46 seats, 27 seats went to main opposition party, the Democrats Party, and Civic Will Party, Civic Coalition and Independent shared one each. Violence erupted just after the election results, the heavy television coverage, small-scale political protests escalated into large demonstrations in the capital Ulaanbaatar. The protests led to the looting of the MPRP head quarters, which was later set on fire; nearby buildings suffered similar destruction, in which around five people were killed in the unrest and scores of people were severely injured, including police officers; over 700 people

were arrested. The government around mid night a four-day state of emergency was declared. “This event was a kind of black spot in the democratic evolution of Mongolia which promoted the authoritarian tendencies and tried to malign the democratic credentials of the region” (Soni 2013: 37). Despite all these “S. Bayar was elected as the new Prime Minister of the coalition government between MPRP and Democratic Party” (Kaldo 1998: 766-88).

Fig. 4: 2008 Parliamentary Election Results



Source: General Election Commission of Mongolia, 2008

La Porta articulate that,

> “[H]owever, the outcome of the Presidential election of 2009 was all the more significant in the light of the July 2008 violence following the highly charged parliamentary elections. Though the violence of Mongolia’s independent history shocked the nation, the victory of Ts. Elbegdorj of Democratic Party over incumbent President N. Enkhbayar of the MPRP took the people by surprise. Elbegdorj’s elevation to presidency indicated positive hallmarks, such as restoration of balance in governance, agreements on badly-needed mining and energy investments and commitment to remain oriented towards the West and other Asian democracies” (2009: 36).

2009 Presidential Election

On Sunday, May 24, 2009 more than a million Mongolians, approximately 73% of eligible voters nationwide, went to the polls to elect a new President; the fifth presidential election since the nation established democracy in 1990. These elections proceeded peacefully and confirmed Mongolia's commitment to democracy (https://www.ubpost.mongolnews.mn).

In the 24 May 2009, presidential election incumbent President N. Enkhbayar was the MPRP nominee and Ts. Elbegdorj was the Democratic Party candidate. The Green Party and the Civil Will Party opted to forego fielding their own candidates and formally agreed to support the Democratic Party. The consensus view among analysts was that the MPRP's Enkhbayar would win in a close election with high turnout. However, the Democratic Party was optimistic and eager to avenge the hotly disputed parliamentary elections of last summer. On 24 May 2009 former Prime Minister and Democratic Party legislator Tsakhiagiin Elbegdorj was elected as President of Mongolia in free and fair elections. Elbegdorj defeated Nambaryn Enkhbayar in this first instance in Mongolia of an incumbent losing a presidential election. The loss was not followed by accusations of fraud or bad faith, but rather by a peaceful transfer of power characterized by the timely and gracious concession of President Enkhbayar. This was also the first election as president of a Democratic Party candidate. The outcome of the May 24 presidential election was a major step in the burnishing of Mongolia's democratic credentials (https://www.ubpost.mongolnews.mn).

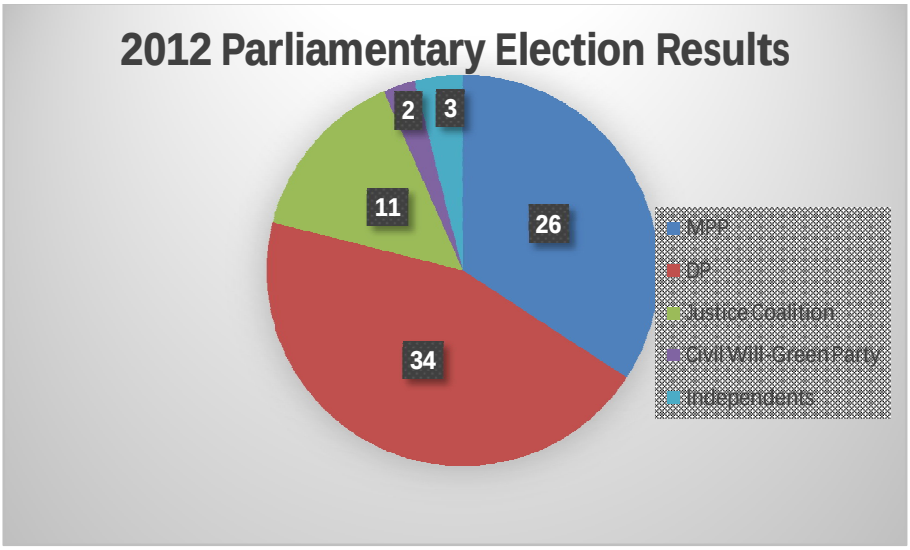
The Parliamentary Election of 2012

The 2012 parliamentary election was the sixth successfully conducted election in Mongolia. 67.28 per cent of the citizens casted their votes. This was certainly a much lower participation as compared to 2008 parliamentary elections that witnessed a much larger participation. In 2008 election 76.46 percent of the people had casted their votes. However no one party could form government on their own. The Democratic Party emerged as the single largest party winning thirty one seats. Though the party could not form government on their own yet they had improved their tally by three seats in comparison to the 2008 Parliamentary elections. Being the

single largest party they formed the government in coalition with other smaller parties. The MPP on the other hand had an electoral debacle and lost half of their seats in comparison to 2008 elections, reducing their number to twelve members. While earlier, in 2008, they had twenty five members. Third important political party was Justice Coalition. They secured eleven seats in 2012 parliamentary elections. According to Maskarinec,

> "[T]his amount to a historical success because no other third party in Mongolia since1992 had won more than one seat. "The parliamentary Civil Will e Green Party (CWGP) came in fourth with two seats, i.e. the same number which both parties had secured in2008, before they merged. Finally, independents won three seats, pared to one in 2008. Comparison of the results in the party list and nominal tiers show that the latter was decisive for the main parties. While the margin of 4.01% of the vote between the DP and. the MPP in the list tier translated into only one additional mandate for the DP, the difference of 0.87% in the nominal tier gave the DP five additional seats" (2014: 186-91).

Fig. 5 2012 Parliamentary Election



Source: General Election Commission of Mongolia, 2012

An important role in the election outcome was played by the element of proportionality introduced in 2011. "The electoral results showed that the list tier may allow the representation of smaller parties, but with the 5% threshold, it is the third-ranked party that benefits the most. The Justice Coalition won 7 of its 11 seats in the

list tier, and the CWGP was successful in the list tier only" (Ibid). "Compared with 2008, or even 2004, the 2012 election outcome demonstrates an at least tentative disruption of the bipolarization of electoral politics in Mongolia. This process began after the 2000 election when the DP was established, concentrating most opposition parties that were trying to continue the legacy of Mongolian transition" (2014: 186-91).

As we have noted earlier Mongolia is exceptional amongst the post-socialist countries in maintaining a democratic political system. Not only it secured a peaceful democratic transition from socialism but also been successful in conducting periodic elections in a fair and transparent manner. More importantly, "even without an ideological profile, an effective government through a grand coalition may still contribute to the building of trust in political parties and thus the continued institutionalization of democracy in Mongolia" (Dierkes 2012). Alicia Campi notes that, this "new populist government will support legislation less attractive to investors from big foreign mineral companies" (Campi 2012).The shape of Mongolia's present domestic political situation is yet to be seen as the incumbent government led by democrats have to deal with many issues, including "changes to the parliamentary election law, especially the introduction of proportional voting that will facilitate the rise of smaller political parties and mostly ad-hoc coalitions" (Soni 2013: 37).

The election of 2012 was significant in many ways for Mongolia, which implemented new election laws. For the first time in history, electronic voting machines were used in order to avoid the charges of fraud and manipulation that took place during the 2008 elections. Democratic consolidation has strengthened with the new electoral system that combines majority as well as a proportionate voting. It also benefits smaller parties and ad-hoc coalitions. Mongolia and once again proved it to be the only post socialist democracy in the region. The 2008 election riots shocked the country hampering the impression of its smooth transition towards a democratic system. However, it emerged to be a big lesson for the leaders of Mongolia and they tried to ensure the blunders of 2008 do not repeat themselves as investor's across the world would watch closely. Any political instability could disrupt the economy of Mongolia (Narangoa 2012: 2-3). Narango explains further,

> "[T]he new election law also permitted Mongolian citizens living overseas to vote, and introduced a quota system to ensure that no less than 20 per cent of the candidates are women. Meanwhile, the proportion of female candidates was nearly 32 per cent, well above the quota. At least 10 of them were elected, and 2 are still yet to be confirmed. These figures show a significant step forward and bring up the proportion of female legislators from less than 4 percent to about 13-16 percent, an historical high. The main reason for the increase was not the quota system but the increasing disillusionment with the male-dominated corrupt leadership and the perception that female leaders were less corrupt and more principled. Despite unfavourable listing on party ballot lists, four women won the election through the proportional system, which suggests that voters made conscientious candidate choices" (Narangoa 2012: 3).

The latest government will face several social and economic challenges. The traditional pastoral economy and tourism in Mongolia will also be an important issue in years to come. "Stamping out corruption and creating a transparent government are crucial to building the sustainable democracy that will maintain Mongolia's reputation in the world amid growing resource nationalism and the growing economic and political influence of its two neighbours" (Narangoa 2012: 3).

The adoption of the democratic Constitution in 1992 and the elections "from 1992 to 2012 have resulted in significant change thereby making the political agencies and political actors well versed with the nuance of democratic ideals. This facilitates a kind of restructuring of the political space making it conducive for the democratic transition in Mongolia" (Fritz 2008: 766-88).

2013 Presidential Election

On 26th June 2013 first presidential election was held in Mongolia. "It was the first nationwide electoral contest following the 2012 parliamentary election, so the results were a litmus test of the popularity of the main governing and opposition parties. The incumbent president, Tsakhiagiin Elbegdorj, narrowly won in the first round and confirmed a strong domination of the Democratic Party in Mongolian politics. In the wake of the presidential election the party controls, for the first time since the democratic transition of 1990, all important positions in the country" (Maskarinec 2014: 186-91). Maskarinec further says that,

> "[T]he presidential election took place on 26, June 2013 and became important in the context of DP strong domination in Mongolian politics. Turnout was fairly homogenous throughout the country, but the average turnout of 66.50% meant the lowest level in the history of Mongolian presidential elections (compare with 73.59% in 2009). Elbegdorj's first-round victory was aided by his successful campaign strategy, as he defeated his main opponent, Bat-Erdene, by 8 percentage points (50.89%-42.52%). Udval obtained 6.51% and confirmed her weak position, even among the voters of her own party, as she gained almost 16 percentage points less than the MPRP (Justice Coalition respectively) in 2012.The election again demonstrated the importance of the urban-rural cleavage in Mongolian politics, which is, however, especially in the presidential elections, associated with the party system's fragmentation the inability of most political parties to act uniformly in the elections" (2014 186-91).

Since 1990 to 2012, Mongolia has been regularly and successfully following democratic system by holding both parliamentary as well as presidential elections. The results in significant changes there by making the political agencies, civil society and political actor well versed with the nuance of democratic ideals. This facilitates a kind of restructuring of political space making it conducive for the democratic transformation in Mongolia. There were some concerns regarding the results of Parliamentary elections of 2004 with respect to vote rigging and other unfair means, people of Mongolia still accepted the poll results. "The popular support and the high voter participation in the parliamentary and presidential elections seemed to be in encouraging factor for the evolving democracy in region" (Fritz 2008: 766-88). Moreover, "all the requisite institutions of a democratic state have already been set up in the past 22 years. This is a big and impressive achievement in itself" (Enkhsaikhan 2005: 21). Therefore, the writer believes that the country can be rightfully regarded as an electoral democracy.

In the last "two decade of the 21st century, in terms of political reforms, Mongolia stands as an independent democratic nation, which aims to further improve its parliamentary governance. The Parliament is the supreme state body established by the people's own choice and representing their interests. The destiny of democracy will largely depend on how the Parliament develops" (Maskarinec 2014). In the researcher's opinion, it is a common phenomenon when the Parliament is based on a multi-party system. However observing the political process of recent years it is seen

that it is sufficient in a context of Mongolia country to have two or three accountable parties able to take responsibility. The fact that "political parties have rather similar platforms demonstrates that all parties have a mission to promote and develop the country of Mongolia. However, these parties still differ in their proposed priorities and defined objectives as well as in ways and mechanisms of achieving those objectives" (Maskarinec 2014: 192).

Disputes over the Election System

Discussion over the need to reform the election system has been an inevitable scene before every parliamentary election. In a forum on the development of Mongolia's election system held on March 28 and 29, 2002, political parties uttered varied viewpoints.[7] The debate lasted, and the climax came when the three major opposition parties boycotted the meeting convened by the Standing Committee in State Structure on February 6, 2004 by the names of Mongolian Democratic Party, Civil Will Republican Party, and Mongolian Democratic New Socialist Party. In the February 17, forum that was jointly sponsored by International Republican Institute of the USA and Konrad Adenauer Foundation of Germany, members representing the Voters Education Centre of Mongolia. The Mongolian civil society, the Mongolian press as well as election experts expressed concern; they said that any adjustment of existing election rules might bring about unnecessary confusion and disputes given the fact that the election was only a short time away.

The Mongolian Human Right Association also reckoned that adjustment of regulations would be controversial now that the parliament was in the hands of one single party. The Voters Education Centre of Mongolia and the secretary of the Central Election Commission criticized the traditional absolute majority system as

[7] "The MPRP wanted to follow existing system. The Mongolian Democratic New Socialist Party (MDNSP) favoured proportional representation. The Civil Will Party (CWP, which merged with the Republican Party on February 22, 2002 and is formally known as CWRP) and Green Party (GP) preferred a combination of both systems". The Democratic Party (DP) did not express its stance. "Mongolia Seeking Advice to Improve Election Law," The Mongol Messenger, April 3, 2002, pp. 1-5. at http://wwwmongoliathisweek.mn (accessed on 20, February 2018).

being the number one cause of disproportionality [8] (referring to the 2000 parliamentary election where the Democratic Coalition secured only three seats despite its relatively high 40% vote share). The forum concluded with the host International Republican Institute of the USA citing the remarks of US Deputy Secretary of State Richard Armitage during his visit to Mongolia in early 2004, saying that adjustment of existing election rules would be inappropriate given the importance (https://www.ubpost.mongolnews.mn).

The disputes ended when the Mongolian Parliament decided in the spring session that existing election system would be followed. Statistics of the Central Election Commission shows that the electorate consists of 1,472,000 citizens. The Central Election Commission notified the President of Mongolia of the election result on July 12 (https://www.ubpost.mongolnews.mn). This election disputes issue solved by Mongolian civil society very important key role.

Implementation of Reforms: 2012 Parliamentary Elections

General Election Commission

> "[T]he General Election Commission **(**GEC) is perceived, as less partisan than in prior elections, but it still needs to be protected further from political interference especially when it comes to accepting candidate nominations, monitoring political finance, and enforcing sanction for violations. The members of GEC are composed of five members nominated by parliament, two members by the President, and two members by the Supreme Court. The GEC

[8] "Data here refer to Mongolia's election system as "absolute majority." However, existing parliamentary election system as set up in 1996 involves 76 single-member districts, plus the 25% required vote share. A re-election is called for in which the top two candidates compete against each other within 14 days after the election if no oneacquired the required 25% vote share. See 'Election Laws Amended,' *The Mongol Messenger*, March 20, 1996, p.3. This system differs in nature from the single-member district relative majority system and the runoff vote system in single-member district absolute majority (where 50% vote share is required). Yet it is the same in structure with the latter. The former leads to a face-off between two parties and the latter leads to a coalition between several parties. To avoid both ends of the spectrum, Mongolia adopts a system that is somewhere in between. In the single-member district system in which smaller parties has little room for survival, the disproportionality is more highlighted than in plural-member district system". See Wang Ye-li, *Comparison of Election Systems*, (Taipei: Wunan Publications, 1998), Chapter 3.

> needs to be stronger in dealing with the parties, develop better conflict management skills and hold regular party liaison meetings, while complying with the law to support their decisions. Some interlocutors noted that the GEC had no official results hour by hour for every polling station to check for fraud and that the GEC needs to be more transparent about the data on their website as they are not publishing a full report" (UNDP 2013).

Voter Registration

In the 2008 parliamentary election there were many complains of fraud particularly related to voter registration. In fact, this was a common complain throughout.

> "[T]he multiple registrations were hugely problematic and contributed to a lack of trust in election results. To address this, the responsibility of maintaining the voter list was shifted from the GEC to the Government Authority for State Registration (GASR). The voter's list in 2012 was much improved, though problems were still noted such as voter's names listed twice or added to the wrong family. Most complaints about civil registry were about discrepancies of address. When a citizen moves to a new address, he or she must register but when you move out citizens tend not to deregister so this creates a pile of voters in same address" (UNDP 2013).

Gender Equality and Women's Empowerment

In Mongolia "the new law 20% quota for female candidates was implemented in the 2012 parliament election, however only 14.5% of parliamentarians are female, positioning Mongolia below the world average of 20.5%" (UNDP 2013). Despite the quota women got only eight additional seats in the parliament. It looked like quota cannot be the only means through which women representation can be increased. New ways needed to be devised.

> "[W]ith support from the UNDP, the National Committee on Gender Equality (NCGE) organized a media campaign 'Women Can Do', which helped portray women as strong. However, the civil society also needs to show what specific actions and results women MPs have achieved. Male MPs are more visible in promoting legal reform, even though policy inputs may be equal behind the scenes. As such, voters perceive male candidates as more effective politicians. With support from the UNFPA, the NCGE organized three-stage training for journalists with the aim to increase female candidate visibility and developed cooperation agreements with

> media outlets to encourage journalists to avoid discrimination against women MPs and not to focus on age, family status or appearance" (UNDP 2013).

Vote Buying and Abuse of Office

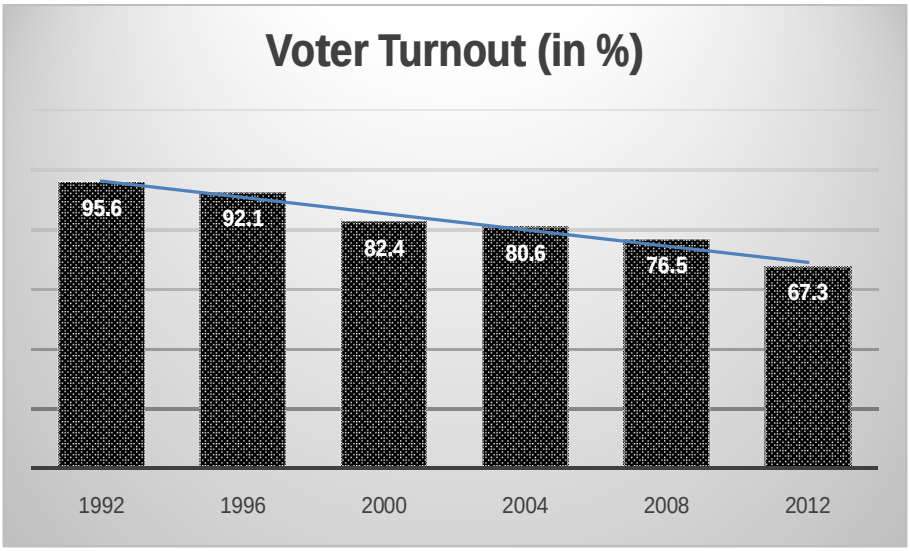
2008 parliamentary elections were full of other serious complains which put a question mark on the credibility of the entire democratic process. There were reports regarding the abuse of office and vote buying and others which were reported in the 2009 parliamentary by-election too. Common people lost their trust in the Parliamentary elections due to these practices. Voters were misled by several candidates and numerous false promises of jobs etc were made to them. Several candidates made those dreamy promises of jobs, subsidies and special grants to lure the voters. Despite the fact that there is no provision to ensure whether these promises were true or false, abuse of power became more possible. "Provisions prohibiting activities and making promises to attract voters and stronger sanctions for violation was introduced" (UNDP 2013).

> "[A]fter the election, Mongolian Parliament had four empty seats (GEC had submitted credentials of 72 candidates), with some in waiting for a by-election, some not filled due to a prolonged dispute over allegations of vote buying. Seats vacant could have a negative impact on the credibility of the election. Due to the existing gaps in the legal framework between the mandate of the administrative court and the constitutional court, the lack of the public awareness on procedures for filing complaints and the role of the General Election Commission needs further clarification in order to strengthen electoral dispute resolution processes" (UNDP 2013).

Voter Participation

Agenda of electoral reform got success. In 2012 parliamentary election there was representation from diverse social groups. But on the other hand voter turnout dropped significantly. Earlier elections were conducted on weekends but the 2012 elections were held on Thursday. Thursday in Mongolia is considered an official holiday. Despite organising election on holiday voter turnout could not increase.

Fig 7: <u>Voter Turnout in State Great Hural Elections</u>



Source: General Election Commission of Mongolia.

After adopting new constitution voter turnout reduced to its lowest in all six parliamentary elections. It is to be noted that Mongolia records 96 percent voter turnout in first election of 1992.

> "[T]he turnout has declined in each election since 1992, but this year marked the steepest decline from a previous election with approximately 9.2% fewer voters going to the polls. The UNDP supported the GEC in producing voter education materials, posters, updating websites and TV ads, so it is believed that voter awareness of the new system, ballots and counting machines may not have been the problem. Low voter turnout could in fact have related to procedural factors such as voting on a weekday and only until 8pm, whereas polls were open until 10pm in previous elections; the reduced period to thirty days for the election campaign; and registration and voting processes. The reforms addressed many ignored issues that had been bothering the electorate. As a result, the 2012 elections ran smoothly and peacefully and this proved that, while there were remaining issues with registration, disputes and campaign finance, political parties and stakeholders accepted the results" (UNDP 2013).

Role of Civil Society in Mongolia's Political System

A vibrant civil society makes the political development of the country possible. It also plays important role in the economic and social development. The decades of 1980s and 1990s saw a big jump in the number of democratic countries in the world. In the process of democratisation civil society groups played very significant role. The civil society groups such as NGOs have gradually become significant actors in the policy making and execution of a country. Some of them have also become a crucial link between the domestic and international networks. Behind this significant jump in the importance of thee role of the NGOs development in the information technology has played a very crucial role. This made it easier for all the groups to keep in touch with the latest developments in technology, management techniques, sources of funding etc. Most of the governments realising the centrality of the NGOs in the development process brought legal changes to suit their flourishing. Today most of the NGOs have international networks and they work as one group. This has facilitated the rise of transnational integration of policy and their execution.

In the post socialist phase Mongolia joined this process and NGOs there became globally linked. The rising number of NGOs and their global links has helped Mongolian democracy in the last two decades to grow (The Asia Foundation 2000).

Citizens are central for achieving any of the goals identified as fundamental in a democratic set up. Without their active participation nothing of significance can be achieved. NGOs become a crucial platform for mobilisation of citizens. Not only NGOs but all kinds of civil society groups help in maintaining the accountability of policy making institutions. They make the process of policy making, its implementation transparent. The government organisations become more responsive because of the presence of the civil society. They guarantee that it is the citizen which controls the government and not the other way around. The government institutions without such control can become corrupt and authoritarian. In Mongolia despite all the democratic elections and presence of large number of civil society groups state-citizen relationships is yet not equal and successive governments have often defied the will of the people. The popular participation is limited to the elections and people still don't raise their voices against the government (The Asia Foundation 2000).

These are considered as the problems of transition from authoritarianism to democracy. The new and encouraging developments related to democracy have already taken place in Mongolia. There is a significant rise in the number of initiatives taken by the citizens in last two decades. NGOs have contributed significantly in the process. The NGOs have laid a solid foundation for the development of democracy in the coming years in Mongolia. They have provided common people their voice. The dominance of one political party and weakness of the opposition has provided enough space to play the crucial role of the missing opposition (Narangerel 2000).

In the last two decades civil society groups have provided dynamism in the economic and social life in Mongolia. One of the most notable civil society groups in Mongolian is the group of journalists. They have fought for greater freedom for the press and less control of the state on the media. They have trained the young journalist in the merits of quality and free press in a democracy. There are groups such as the Woman's Lawyer Association and the Liberal Woman's Brain Pool (LWBP) which have played significant role in the democratisation process in the country. "In addition, some of these groups received foreign support, including funding from the Soros foundation for the Press Institute and the Asia Foundation and National endowment for the LWBP" (Fish 1998: 136-37).

However, it has been noticed today that despite the vibrancy of civil society and levels of participation in the parliament and presidential election process, there remains a significant degree of separation between the demands and activities of Mongolian citizens and the response of government. There has not been the establishment of a culture or process of public consultation on government policy and legislation and Mongolia has yet to enact freedom of information legislation. The public has more confidence in the President than in Parliament, and they have low levels trust in political party organizations, which may reflect some lack of connection among party leader, party representatives and party members and supporters. The Civil society Organizations have actively engaged and conduct research on government accountable, transparency, corruption and governance issues (Fish 1998: 136-37).

Economic Reforms

The last decade of the twentieth century, soon after the collapse of the former Soviet Union in 1991, saw Mongolia going for transition from communism and centrally planned economy[9] to democracy and market economy.[10] In addition, it also paved the way of transform Mongolia from a semi-nomadic pastoral society to one based on settled industries in an urbanized environment. Such transformation led to many changes in Mongolia's polity, economy and society.

Mongolian politics is "set against expanding and deepening poverty despite substantial improvements in the domestic economy after the deep crisis of the 1990s. Following the withdrawal of massive economic support of the USSR, Mongolia's GDP growth rate dropped by 9.4% in 1990-1994 and the inflation rate soared to 325%" (UNDP 1997). The "economy began to slowly recover in 1994-1996 due to restructuring including trade liberalization and privatization in 2002, the GDP growth reached 4.0%" (UNDP 2003), and "GDP per capita was estimated at 422 USD" (World Bank 2004). The "growth rate is not sufficient, however, to reduce widespread poverty, which is officially declared 36.1%" (UNDP 2003). In post socialist phase the gap between urban and rural development has increased. Thus, in 2002, 61.6% of the GDP was produced in cities and only 38.4% in rural areas. "Transportation and information infrastructures are grossly underdeveloped in most rural areas, barely linking the peripheries with aimag (province) and soum (subdivision) administrative centres and the capital city. Migration to urban areas increased over the last decade with at least 21% of the population being migrants in 2000" (UNDP 1997).

[9] "A centrally planned economy is an economy where decisions on what to produce, how to produce and for whom are taken by the government. This type of economy was prevalent during the pre-1991 period in the Soviet and East European societies. Mongolia too experienced a centrally planned economy for almost 70 years under the influence of the former Soviet Union". For details see Sharad K Soni (2002), *Mongolia-Russia relations: Kiakhta to Vladivostok*, Delhi: Shipra Publications.

[10] "Market economy is an economy in which there is free competition and prices are determined by the interaction of supply and demand. This is post-1991 global phenomenon existing in the democratic societies".

In international order Mongolia does not enjoy much significance. Major power like China and Russia are its neighbour with considerable influence in economic affairs. Interestingly neither Russia nor China has liberal democratic political system. Civil Society Index Report for Mongolia analyse that,

> "[T]o avoid repeating its history of excessive dependence on one or the other big neighbour, the 1992 Constitution and the 1994 Concept of National Security of Mongolia stressed the vital importance of developing extensive and balanced foreign relations, close cooperation with the UN, respect for the Universal Declaration of Human Rights and pursuit of a peaceful foreign policy. Accordingly, Mongolia has actively developed its international relations, especially with more consolidated democracies and powerful economies such as the USA, Western European states, Japan and South Korea. However, following the 9/11 terrorist attacks and the war on terror declared by the United States, there was a marked tilt of Mongolia's foreign policy towards the United States. Thus, the Government of Mongolia joined the coalition of the willing and dispatched a military regiment to Iraq and military instructors to Afghanistan. Furthermore, despite having ratified the Rome Statute of the International Criminal Court, the Mongolian Government signed with the United States a bilateral agreement that exempted Americans from the Court's jurisdiction. All major political forces endorsed this policy shift" (CSI Report for Mongolia 2005).

In the 1990s, initially NGOs were supported financially and technically by a number of foreign and international organisations, such as "The Asia Foundation (USA), Konrad Adenauer Foundation (Germany), USAID, UNDP and the Global Fund for Women. This support was essential for the adoption of the NGO Law in 1997, which further facilitated the formation of new NGOs in accordance with the low" (Ibid). Towards "the late 1990s, however, donor support becomes less focused on political aspects of democratization. Rather it began playing a socio-economic support role in the emerging non-governmental sector, emphasizing service-delivery functions of NGOs over their advocacy and monitoring roles" (Open Society Forum for Mongolia 2005).

Political Liberalization and Civil Society

Twenty six years of democratic capitalist development in Mongolia has not brought economic equality in the society, nor has it brought equal opportunities or juridical

equality for everyone, which is what everyone dreamed it would bring. The nation's economic circumstances are rapidly failing, and people are getting poorer. Until 1990, there was no mass poverty in Mongolia, especially in rural areas. Because the political regime was socialist, wealth distribution was systematically planned and included Soviet subsidies. Smith wrote in an article that "state socialism eliminated poverty by welfare state in Mongolia before post socialism" (Smith 2007).

Within globalization, during the 1990s, the country lost its industrial potential. Almost all of its factories closed down, thousands of people were thrown into the streets as they became unemployed, and the government held mass privatization. Anyone can see how globalization, privatization, and capitalist development significantly affect Mongolians since one third of the population live in capital city Ulaanbaatar. Their major economic source is the mining industry, which is controlled by wealthy nations' multinational corporations, which makes it an import-dependent, raw-material-only export market (Batbayar 2016: 14). Foreign corporations control the entire telecommunication and banking sectors. In Ulaanbaatar, the city has raised modern buildings, fancy shopping malls, and the city itself has been separated between the rich and poor. The entire south side of the city is populated with rich people, including foreigners who live in gated luxury condos, mansions, while suburban areas are heavily populated by poor, unemployed urban migrants (Batbayar 2016: 14).

Edward stated, "Mongolians have remembered Genghis Khan as the founder of a vast empire who delivered such advances as free-trade zones, census-taking, international postal systems and equality before the law to backward medieval Europeans. The far-reaching Mongol rule of the 13th and 14th centuries was a form of globalization practiced long before the term was invented" (Edward 2006). However, the historically powerful nation is facing the harsh side of capitalism, and struggles with unequal wealth distribution and environmental devastation under globalization that was created by Europeans and Euro-Americans today. New democratic capitalistic development, deep greed of natural resources, free market economy, globalization, and inequality in Mongolia is rising fast.

Globalization circumstances are easily seen in the capital city Ulaanbaatar. The roads are filled with expensive Japanese, European, British, and American SUVs that are stuck in an enormous traffic jam under the deep brown polluted air, which is surrounded by mostly urban migrants and poor people in heavily populated suburban "Ger Districts". Animal herders in the Gobi Desert (Juergensmeyer 2012) use modern technology, such as latest iPhones and Samsung Galaxies. Mongolia has been exploited by the deep hunger of foreign multinational corporations' who are seeking mineral resources. Indeed, they get cash for this exploitation, but the money goes directly to the materialistic interests of people. According to Juergensmeyer, post-Cold War globalization in Mongolia emerged with two confusing political systems, socialism without socialism (such as equal social distribution), and democratic capitalism without democracy, with huge inequality in the society. In one word, he defines it as managerial capitalism (Juergensmeyer 2012).

Many developing countries adopted neoliberal economic philosophy since 1970-1980. Policies concerning structural adjustment and economic manipulation reached Mongolia with the help of World Bank and IMF. After the collapse of the Soviet Union system, Mongolia adopted western liberal democracy with a free market economy that was created by Washington consensus (Batbayar 2016: 15). According to Munk-erdene, in 1991, under the World Bank, IMF, and Asian Development, the bank's economic development was well known, as structural adjustment established a free market economy in Mongolia. In 1992, parliament election was dominated by Mongolian People's Party (Former Mongolian Revolutionary Party), which slowed down neoliberal acceleration in the country between 1992 and 1996. However, in 1996, the Mongolian Democratic Party that pursues American and European right-wing party's political ideologies won 50 of 76 parliament seats. Therefore, 1996 marked the great privatization and structural adjustment period of new Mongolian history (Munk-erdene 2011: 63). According to Marxist David Harvey's Accumulation by Dispossession theory, neoliberal policies are driven by privatizing public wealth or state enterprises into private hands in order to control wealth and power in the region (Harvey 2004).

Choikhand, wrote, "The Mongolian government has a different perspective on government intervention. The government is more focused on the privatization of

public assets. It uses shock therapy measures with the assistance of international donor organizations. In addition, the Mongolian government reduced its activities, budget and became less influential in the market" (Choikhand 2006:124). On the other hand, Buyandelger argues, "post-socialist, neoliberalism in Mongolian society may not be understood by ordinary Mongolian people". He explains that neoliberalism is a way and to speed up and end the painful transformation period from communism to democratic capitalist development, which will bring Mongolia and Mongolian people to the next level, preventing the previous power from re-establishing their rule again. As a result of the speedy neoliberal development, corruption in carrying out these policies can be long lasting, and impoverishment may become impossible to cure (Buyandelger 2013).

Mainstream media and liberalists have been claiming that neoliberalism is the only way to reach goodness of life in 21st century, but unfortunately, peoples' quality of life has been dropping dramatically fast in Mongolia. Political liberalization successfully emerged with a strong civil society and concluded with semi-parliamentary government control for a smooth, powerful introduction of liberal democracy. but that economic liberalization is strongly dependent on foreign economic institutions such as International Monetary Fund, World Bank, Asian Development Bank, World Trade Organization, and US agencies for international development and Japanese international cooperation agencies (Choikhand 2006: 124-125).

Rural Finance in Mongolia and Civil Society

Agriculture is considered the backbone of rural economy of Mongolia (Shagdarsuren 2007: 1). Commercial Banks (CBs) are the largest constituent of rural financial markets of Mongolia. As a part of economic transition, Mongolia quickly moved from a mono-banking system to a "Western-style" system in order to create a sustainable banking system. Initially the commercial banks remained largely under government control and the loans were directed according to government priorities. Moreover, these commercial banks faced problems due to lack of understanding of risk and risk management skills. As a result, the country head to suffer from a series of banking crises. When this period crisis was over, Mongolia's economic situation

started improving remarkably. Currently, the country has 16 private commercial banks, Anod Bank and Golomt Bank are larger and more successful (R. C. Vogel & Dennis Sheets 2006: 159).

There are two others private banks namely Zoos Bank and Mongol Post Bank that are expanding remarkable into rural finance. The Zoos Bank considers Ulaanbaatar market as saturated; therefore, plans are afoot to expand into all *aimags*. It has now seven branches outside Ulaanbaatar, which have considerable number of micro-borrowers in rural areas. It has been involved in microfinance project in rural Mongolia with the support of international donor agencies like Asian Development Bank (ADB), World Bank (WB) and United States Agency for International Development (USAID). Mongol Post Bank (MPB), which was separated from Post Office in 1998, has branches all over the country due to its postal origins. MPB is substantially involved in microfinance in rural areas in participation with ADB and World Bank (World Bank 2004).

These international donor agencies facilitate relatively sophisticated risk management techniques and broad outreach. There are two relatively smaller but significant banks in terms of micro and rural finance. They are Xac Bank and Xaan Bank. Xac Bank was created in 2001 by the merger of two Nonbank Financial Institutions (NBFIs). Mainly the Xac Bank was a NGO-MFI, which is globally recognised as an example of transformation of NGO-MFI to a bank. Both the Xac Bank and Xaan Bank were deeply involved in microfinance in rural areas, of which Mercy Corps founded one with financial assistance from USAID and other constituted by a group of six NGOs, which were carrying out the UNDP's Microstart Program in the rural areas (World Bank 2004).

Public Management Performance Monitoring of Civil Society

The performance is measured through a novel mechanism of outcome unlike in the past when it was measured through outputs. Civil society's "first priority was to gather all available public sector management information and make it accessible to society, in other words, create public governance transparency. This information includes key economic issues, projects, influences on and processes of decision

making, names of people involved, size of budgets and final project outcomes" (Jargalsaikhan 2006: 149).

> "[T]he Open Society Forum (OSF) supports this initiative to provide broad public access to information resources about policies, laws and regulations. It has created a physical and virtual space for quality research and analysis of policy and governance in the economic and social development. Because of many years of advocacy by the OSF and other civil society organizations, the Mongolian Parliament adopted the Mongolia Public Service Broadcasting (PSB) law in January 2005, and the former state-owned National Radio and TV service was converted into a public broadcasting entity" (OSF Report for Mongolia 2005).

Civil society groups have ensured the responsibility of government officials at different levels. This has been taken as the main task of these groups and one of their main achievements.

> "[T]o address this issue, the OSF initiated and developed a coalition of organizations to promote open and responsible budgeting processes. The entire framework of budget statement document for 2006 was published for the first time on the OSF website. In addition, the OSF organized the first public debate on the government budget with the Minister of Finance, civil society, donor institutions and local province representatives. The OSF also co-convened monthly meetings on the harmonization of donor activities focused on small and medium size enterprises (SMEs) and the development of micro- credit. Related officials were required to make progress reports in terms of outcomes rather than outputs. Finally, a memorandum of understanding between the Ministry of Finance, the Parliament Standing Committee and the OSF on regular releases of detailed budget information, cooperation in the area of public discussions, and analysis of budget documents is planned" (OSF Report for Mongolia 2005).

In absence of performance measuring system public management system is in state of poor condition. "Mongolia's civil society has been actively engaged in public management reform and maintains that the country could create a more successful transition if the leaders and citizens efficiently joined their efforts to achieve economic development result" (Jargalsaikhan 2012).

Overall, this research study has found that democracy becomes matured and remarkable improvement was achieved in last 20 years. Mongolia is now member

state of global democracy institute. It attends regional conferences. These are some of the parameters considered by freedom house as a free democracy. While these "democratic gains are laudable, they need to be consolidated and sustained through further legal reform, strengthening institutions and processes, oversight and checks and balances, more exhaustive discussion through talk and deeper public commitment in politics and voting" (Sanders 1985).

Due to the transformation measures and new changes, the 2012 elections were recognized as a benchmark with its organized structure that took place peacefully in Mongolia's democratic development. Regardless of the achievement in making the polls peaceful, some reports stated that it failed to win ordinary citizens' faith in political set up. After the political and economic liberalization, both Mongolians and foreigners are still complaining about policy instability, unpredictability, and non-transparency in Ulaanbaatar, key features of bad governance. Even the most knowledgeable foreign officials are now vociferously complaining about Mongolian government policies in particular and politics in general. Mongolian economic transition has proceeded successfully. It is evident by rapid economy growth in real terms with a rate of 6.3% annually on an average and this was faster during the period 2004-2006 averaging 8.4 percent, which reached its peak in 2011 with a growth rate of 17.3 percent (Soni 2013: 31). So, whatever measures have been taken to ensure reform in Mongolia polity and economy the role of civil society has been of paramount importance. It is the civil society in Mongolia which has contributed tremendously in very many ways despite its limitations to the political and economic reforms along democratic lines. Hence, strengthening civil society further is viable option to do away with challenges Mongolian democracy has been facing in order to reach its consolidation.

Chapters 6:

Conclusion

This study is an attempt to understand the role of civil society in democratic transformation of Mongolia during the period of 1996-2012. In 1990, communist rule ended in Mongolia. This research has examined the historical development of civil society, particularly, after the demise of communist rule.

In 1989-90, young scholars, elites, students, and citizens marched in the streets of Ulaanbaatar bringing down the communist government. Massive rallies and demonstrations held in Ulaanbaatar further expanded and spread across the country. It was a great victory over the communist government that ruled the country for seventy years. Moreover, it was emotional outburst and successful mobilisation of the civil society that could make the political revolution and change possible. Mongolian Democratic Party and many other political and business elites was the main engine of this movement.

At that time people expected that democratic revolution can free Mongolian society and will be able to provide equal opportunity to the people. But today country is facing huge economic inequality; rich becoming richer and poor becoming poorer. Unfortunately, capitalist economy brought along with it huge inequality and social disparity resulting in mass poverty, unemployment and many other social disorders and malaises. It is in this context that this research has tried to analyse civil society and its role in democratic transformation of Mongolia, in the broader framework of ensuring country's development in the post revolution era.

The period of this research study is confined to 1996 to 2012. This was the period when most of the democratic changes in Mongolia were visible. The year 1996 has been taken as the beginning year because it was in this year that for the first time, the Democratic Party came to power in Mongolia replacing the decades old communist rule. In 1996 several international donors came out in support of Mongolia in its economic development. In this endeavour civil society played a major role. The year 2012 is important because it was in this year that the sixth parliamentary elections were held since the transition to democratic rule. It was also the same year when the

Mongolian parliament approved the concept policy of state on supporting sustainable development of Civil Society along with reforms in the parliamentary electoral system.

The thesis has two hypotheses. First among them reads that, **"Unlike previous regime, the democratic regime provides more space for a vibrant civil society in Mongolia."** This hypothesis has been proved as one can easily see the difference between communist and post communist regime in Mongolia. In communist rule the State was omnipresent. Therefore, there was no scope of any organisations other than state. After 1990 the number of registered NGOs with the Ministry of Justice and Home Affairs begun to boost so much so that the figures reached over 5000 within few years.

The second hypothesis is **"A strong and effective civil society has been the key factor for determining Mongolia's equitable and democratic development."** This hypothesis has also been proved and it is explained in next section of this chapter. In comparison to transition years, civil society in Mongolia is in a weaker position today. Earlier civil society was successful in pulling down authoritarian regime and fought for laws that protect human rights and freedoms. At present, civil society groups are not in a position to check state power and its abuses. In this situation, it is necessary to rejuvenate civil society organisations in Mongolia so that democracy and economic development could be further strengthened.

As we have seen in the foregoing chapters, the role of civil society has been critical in the transition of Mongolia and its becoming of a democratic country and society. The historical role played by civil society in this transition has made it a critical player in the politics of the country and its autonomy is well regarded. The idea of civil society is centred upon preference of societal freedom from state interference. It further encompasses the ideal of pluralist representation of diverse interests, or of reducing the scope of economic and bureaucratic power in the functioning of society. Civil society as autonomous agency is necessary for successful functioning of democracy as it checks the authoritarian and bureaucratic tendencies. Diamond argues that "civil society is defined in its relation to the state, writes that it as the realm of organised

social life that is voluntary, self-generating, (largely) self-supporting, and autonomous from the state, and bound by a legal order or set of shared rules" (Diamond 1994: 5).

In this sense, civil society theory in western political thinking revolving much around the liberalism. Its focus is much upon the separation and control of power. Historically, civil society evolves in struggle against feudalism but in contemporary times role of civil society became important in its struggle with state in protecting individual liberty.

For a small country like Mongolia democratic changes can be major determinants of country's development, especially in the new geopolitical situation that emerged in the post-Cold War era. Mongolia is a landlocked country in the northern Asia, surrounded by Russia in the north and the People's Republic of China to the west, south and east.

Mongolia's quest for democratic transition that began in 1989-90 was an epochal movement in its political history. Mongolia was the first Asian country which successfully made this transition from communism to liberal democracy. With this transition, one of the first decisions that Mongolia took was the adoption of the new constitution in February 1992 which mandated the country's first free and fair elections to its unicameral central legislature, the State Great Hural. Unlike the existing theories of democratization, the Mongolian case of transition is different. As many scholars argue that Mongolian democratization is a different, and more so, a 'deviant' case. Mongolian example is different, if not necessarily aberrational, on three related grounds. Firstly, geographical isolation of Mongolia, unlike the East European countries makes it difficult to situate the country in a political ecosystem. Secondly, the absence of pre-history of democracy furthermore makes it a complicated task to ground the democratic experience historically and therefore the task of establishing democracy is much more challenging in this country. And thirdly, relatively lesser levels of economic development not just in Mongolia but the entirety of the Third world countries put them in a zone of discomfort as far as the theories and experiences of the democracies are concerned (Fish 2001).

The geographic isolation from the centres of democracies of the West makes Mongolia a peculiar case. The relative geo-strategic unimportance of Mongolia has not encouraged the many western organizations like the EU and security alliance like the NATO to proselytise democracy. Similarly, Mongolia was under the Qing rule for almost three centuries and later under the Soviets as a satellite state with one-party political system until its demise in 1990. Economic backwardness of the country, given the fact that the level of economic development was not even similar to that of developing countries, not to mention high income countries. Mongolia relied heavily to the Soviet Union's subsidies and transfers (Theriot & Matheson, 1985; Heaton, 1992; Fish, 1998). The above mentioned factors placed a huge strain on the smooth transition towards democracy. One must remember here that the classical and traditional experiences of democracy that ushered in Europe had an altogether distinctive historical trajectory. Economic development was considered as a necessary prerequisite for successful functioning of a democratic society. It is in this background that the democratic transitions in underdeveloped countries like Mongolia become interesting for the analysis of the political history of democracy worldwide.

However, as some scholars suggest, there are diverse perspectives on successful democratization in Mongolia. Fish's comparative analysis proposed five causes that make Mongolia different from the rest of the post-communist states, especially those in Central Asia. These causes "as enumerated by Fish are scarcities of natural resources (oil and gas), lack of geostrategic significance for major powers, the absence of regional power pretensions, the absence of a unifying national figure, and the institutional mechanism of a semi-presidential system" (Fish 2001). On the other hand, Fritz outlines the combination of different factors that help explain Mongolia's "remarkably smooth transition to democracy" (Fritz 2008: 785).

The Mongolian resilience and success of democracy is a reminder of successful functioning of democracy in a non-Western setting. Besides, as Mongolia has already surpassed more than two decades of uninterrupted democratization, therefore the argument of pre-history of democracy is no longer deemed relevant. The third factor of the supposed incompatibility of 'low level of economic development' and democracy has been negated by the experiences of Mongolia and many other poor

countries. The people of Mongolia have open heartedly accepted democratic reforms. Since 1990, Mongolia has embraced constitutions and incorporating several laws according to its constitutional setup. Mongolia also built political institutions in line with its democratic constitutions. A vibrant civil society, the rule of law and free media was needed in order to pursue domestic reform. It also required a road map on how to pursue the social, cultural and political reforms. For real functional meaning in democratic reforms they also required transparency, accountability and responsibility so that they are not left as mere terms but rather become entrenched and embedded social and political practice.

The findings of this research suggest that Soviet collapse in 1991 changed the geostrategic environment which made Mongolia politically, economically and strategically insecure. The need for an active civil society is of prime importance for the mobilising and articulating the citizens' interests and making the state more responsive and accountable to the demands and concerns of the citizenry, ultimately leading to fostering and consolidation of democracy.

Aftermath the Soviet collapse, and particularly during the past two decades, diverse civil society groups and movements in Mongolia has grown considerably specialising in different aspects of political spaces. However, when looked closely, the activities of these groups are not adequate to make them active, vibrant and effective in the evolving democratic political landscape. Although the numbers of these groups are increasing, the enabling environment is still very poor for nurturing and developing their positive effectiveness, as the lack of grass root participation is minimal. There is an ever increasing need for the government and the NGO and civil society groups to work closely in sync to ameliorate social, political and economic problems that have been plaguing the young democratic country.

Over the past three decades, there has been a significant improvement of democracy in Mongolia. There is still further requirement of consolidation through proactive legal reforms, strengthening and rejuvenation of institutions and processes, system of transparent oversight of checks and balances, deepening of consultation process through civic engagement in politics and voting.

In the other realm, the protections of civil liberty initiatives by the civil society organisations have been forthcoming. The Union of Mongolian Journalists has been quite successful in proposing lesser state control of the media thereby ensuring independent press freedom. Similarly, the Press Institute of Mongolia have taken proactive steps in imparting professional ethics and education to the budding youngsters about reporting and work culture. "The Woman's Lawyer Association and the Liberal Woman's Brain Pool (LWBP) are examples of strong women's organisation. In addition, some of these groups received foreign support, including funding from the Soros foundation for the Press Institute and the Asia Foundation and National endowment for the LWBP" (Fish 1998: 136-37).

Moreover, with the government's reforms and innovation strategy, the 2012 national elections were relatively well organised without political violence. This indicated some creeping institutionalisation of democracy in Mongolia. This election led to a new 'mixed-member majoritarian' system of national parliament with minimal bipolarisation of the country's electorate as compared to the previous years of 2008 and 2004. However, unlike the past, there has been fragmentation within the 'post-communist camp' parties, leading to the electoral victory of the Democratic Party under Tsakhiagiin Elbegdorj as the state president. This also culminated into legislative and executive powers being seized by non-post-communist camp for the first time since 1991.

Further, the 2016 parliamentary elections buttressed Mongolia's commitment and status towards democratic goals. As keenly observed by international audience, it was conducted through electronic voting machine (EVM) which resulted in quick public announcement of results and thereby minimising political rigging and fraudulent vote counting. With the proactive role of civil society regarding election finance, there was a demand for election reforms a new culture of campaign finance transparency. As assumed, this accomplishment demonstrated Mongolia's thrust for positive civil society-government relations and commitment to 'accountability' and 'transparency'.

Mongolia Presidential election held in June 2017 witnessed the rise of anti china sentiment and nationalism. Newly elected President Khaltmaagiin Battulga's campaign was revolved around anti china fervour and slogan like 'Mongolia First'.

This slogan has a kind of allusion to US President Donald Trump's infamous 'America First' slogan. With this slogan, Battulga positioned himself as a strong proponent of Mongolia's national interests. Battulga promoted the notion that only he could claim Mongol origin.

Nationalism, growing anti China sentiment, economic challenges and how to maintain continuity in foreign relations are some of the vital issues that country is facing today.

Inspite of many unfavourable challenges, Mongolia's pro-active civil society has played important role in maintaining pluralism. Though there is relatively less push back from within the system, but the pressures from civil society from below makes the state responsive to the demands, inputs and suggestions. Unlike other post-communist states where there is a common scenario of weak civil societies, Mongolia, on the other hand, have had many relatively independent and autonomous interest groups and social movements that have benefitted the regime officials in making the polity open. This path of Mongolia towards nurturing and enabling the growth of civil society shows thriving space for democratic polity with other vibrant social actors participating in transparency and good governance.

After the political and economic liberalization, both Mongolians and foreigners continue to complain about policy instability, unpredictability, and non-transparency in Ulaanbaatar as the key features of bad governance in the country. Even the foreign officials vociferously complain about the falling standards of Mongolian government policies in particular and politics in general. Mongolian economic transition has proceeded successfully, as it is evident by rapid economic growth in real terms at an average annual rate of 6.3 percent. It was even faster during the period 2004-2006 averaging 8.4 percent, which reached its peak in 2011 with a growth rate of 17.3 percent. But this economic growth has not reached to everyone equally. Education and health care are no longer affordable to everyone unlike in communist regime Mongolia. Therefore, a person who has not got benefitted from capitalist economy has no easy access of education and health care as it is not free of cost. Here the role of civil society is confined only to urban area but large section of Mongolian resides

in rural area where it has little presence. Hence capitalism in Mongolia creates generational poverty and also endorsed and perpetuated rural-urban divide.

In sum, this research study finds that in the context of a changed scenario in the post-Cold War Mongolia's democratic transformation environment and its vibrant civil society, democracy in Mongolia faces immense challenges. Relying on its so called potent civil society is just not enough to guarantee Mongolia's nascent democratic experiment will prosper despite accounting as an important variable.

However, observing the evolution of civil society and levels of citizen participation in national legislature and presidential election process, there still exists a wide range of separation between the demands and activities of the citizenry and the government's responses. The system still lacks an established culture or process of public consultation on policy and legislative matters. Mongolia does not have freedom of information, and yet to enact one. Besides, there is an increasing trend of citizenry having trust on the executive president than on the parliament, and much lower trust of political parties. This shows that party's increasing drift away from the grassroot citizens in decision-making process and disenchantment and disconnect amongst the leaders, representatives and the people. The Civil Society Organizations have actively engaged and conducted research on government accountability, transparency, corruption and governance issues.

In may be concluded that the prospect of democracy in Mongolia depends upon the spread of civil society. As the political system has not taken roots in the social system entirely, it leaves vast arenas of the social life open for the manoeuvre of civil society. However as the civil society groups and rights based group remain focussed in urban areas the task of democratic consolidation remains incomplete. It is precisely for these reasons, Mongolian democracy needs to be watched and studied, especially given its unique and distinctive historical experiences among the countries that transited from a socialist society to a democratic society.

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Appendix 1: THE STRUCTURE OF THE STATE

The State Ih Hural of Mongolia

Article 20

The State Ih Hural of Mongolia is the highest organ of State power and the supreme legislative power shall be vested only in the State Ih Hural.

Article 21

1. The State Ih Hural shall have one chamber and consist of 76 members.

2. The members of the State Ih Hural shall be elected by citizens of Mongolia entitled to vote, on the basis of universal, free, direct suffrage by secret ballot for a term of four years.

3. Citizens of Mongolia who have reached the age of 25 years and are eligible for elections shall be elected to the State Ih Hural.

4. The procedure of the election of members of the State Ih Hural shall be defined by law.

Article 22

1. If extraordinary circumstances arising from sudden calamities occurring in the whole or a part of the country, imposition of martial law or outbreak of public disorder prevent regular general elections from being held, the State Ih Hural shall retain its mandate till extraordinary circumstances cease to exist and the newly elected members of the State Ih Hural are sworn in.

2. The State Ih Hural may decide on its dissolution if not less than two thirds of its members consider that the State Ih Hural is unable to carry out its mandate, or if the President in consolidation with the Chairman of the State Ih Hural, proposes to do so for

the same reason. In case of such a decision, the State Ih Hural shall exercise its powers till the newly elected members of the State Ih Hural are sworn in.

Article 23

1. A member of the State Ih Hural shall be an envoy of the people and shall represent and uphold the interests of all the citizens and the State.

2. The mandate of a member of the State Ih Hural shall begin with an oath taken before the State Emblem and expire when newly elected members of the State Ih Hural are sworn in.

Article 24

1. Chairman and Vice-Chairman of the State Ih Hural shall be nominated and elected from among the members of the State Ih Hural by secret ballot.

2. The term of office of the Chairman and Vice-Chairman of the State Ih Hural shall be four years. They can be relieved of or removed from their posts before the expiry of their terms for reasons defined by law.

Article 25

1. The State Ih Hural may consider at its initiative any issue pertaining to domestic and foreign policies of the state, and shall keep within its exclusive competence the following questions and decide thereon:

1) to enact laws, make amendments to them;

2) to define the basis of the domestic and foreign policies of the State;

3) to set and announce the date of elections of the President and the State Ih Hural and its members;

4) to determine and change the structure and composition of the Standing Committees of the State Ih Hural, the Government and other bodies directly accountable to it according to law;

5) to pass a law recognizing the full powers of the President after his/her election and to relieve or remove the President;

6) to appoint, replace or remove the Prime Minister, members of the Government and other bodies responsible and accountable to the State Ih Hural as provided for by law;

7) to define the State's financial, credit, tax and monetary policies; to lay own the guidelines for the country's economic and social development; to approve the Government's program of action, the State budget and the report on its execution;

8) to supervise the implementation of laws and other decisions of the State Ih Hural;

9) to define the State borders;

10) to determine the structure, composition and powers of the National Security Council of Mongolia;

11) to approve and change the administrative and territorial divisions of Mongolia at the suggestion by the Government;

12) to determine the legal basis of the system, structure and activities of local self-governing and administrative bodies;

13) to institute honorific titles, orders, medals and higher military ranks; to determine the table of ranks in some special fields of State service;

14) to issue acts of amnesty;

15) to ratify and denounce international agreements to which Mongolia is a Party; to establish and sever diplomatic relations with foreign State at the suggestion of the Government;

16) to hold national referendums. To verify the validity of a referendum in which the majority of eligible citizens has taken part, and to consider the question which has obtained majority votes as decided;

17) to declare a state of war in case the sovereignty and independence of Mongolia are threatened by armed actions on the part of a foreign Power, and to abate it;

18) to declare a state of emergency or martial law in the whole or some parts of the country in special circumstances described in Sections 2 and 3 of this Article, and to approve or nullify the President's decree to that effect.

2. Under the following extraordinary circumstances the State Ih Hural may declare a state of emergency to eliminate the consequences thereof and to restore the life of the population and society to norm:

1) Natural disasters or other unforeseen dangers which have threatened or may threaten directly the life, health, well being and security of the population inhabiting in the whole or a part of the country's territory, occur.

2) State authorities are not able within legal limits to cope with public disorders caused by organized, violent, illegal actions of any organization or a group of people threatening the constitutional order and the existence of the legitimate social system.

3. The State Ih Hural may declare martial law if public disorders in the whole or a part of the country's territory result in an armed conflict or create a real threat of an armed conflict, or if there is an armed aggression or real threat of an aggression from outside.

4. The other powers, structure and the procedures of the State Ih Hural shall be defined by law.

Article 26

1. The President, members of the State Ih Hural and the Government shall have the right to legislative initiate.

2. Citizens and other organizations shall forward their suggestions on draft laws to those entitled to initiate a law.

3. The State Ih Hural shall officially promulgate national laws through publication and, if law does not provide otherwise, it shall be effective 10 days after the day of publication.

Article 27

1. The State Ih Hural shall exercise its powers through its sessions and other organizational forms.

2. Regular sessions of the State Ih Hural shall be convened once in six months and last not less than 75 working days on each occasion.

3. Extraordinary sessions may be convened at the demand of more than one third of the members of the State Ih Hural, and / or on the initiative of the President and the Chairman of the State Ih Hural.

4. The President shall convoke the first session of the State Ih Hural within 30 days following the elections. Other sessions shall be convoke by the Chairman of the State Ih Hural.

5. In case of the proclamation by the President of a state of emergency or war, the State Ih Hural shall be convened for an extraordinary session within 72 hours without prior announcement.

6. The presence of an overwhelming majority of the State Ih Hural shall be required to consider a session valid, and decisions shall be taken by a majority of all members present and voting if the Constitution and other laws do not provide otherwise.

Article 28

1. The State Ih Hural shall have Standing Committees dealing with specific fields.

2. The State Ih Hural shall determine the competence, structure and procedures of the Standing Committees.

Article 29

1. Members of the State Ih Hural shall be remunerated from the State budget during their tenure and shall not hold concurrently any posts and employment other than those assigned by law.

2. Immunity of members of the State Ih Hural shall be protected by law.

3. If a question arises that a member of the State Ih Hural is involved in a crime, it shall be considered by the session of the State Ih Hural and decide whether to suspend his/her mandate. If the court proves the member in question to be guilty of crime, the State Ih Hural shall terminate his/her membership in the legislature.

Appendix 2: The President of Mongolia

Article 30

1. The President of Mongolia shall be the Head of State and embodiment of the unity of the people.

2. An indigenous citizen of Mongolia, who has attained the age of forty five years and has permanently resided as a minimum for the last five years in native land, shall be eligible for election to the post of President for a term of four years.

Article 31

1. Presidential elections shall be conducted in two stages.

2. Political parties which have obtained seats in the State Ih Hural shall nominate individually or collectively Presidential candidates, one candidate per party or coalition of parties.

3. At the primary stage of the elections citizens of Mongolia eligible to vote shall participate in electing the President on the basis of universal, free direct suffrage by secret ballot.

4. The State Ih Hural shall consider the candidate who has obtained a majority of all votes cast in the first voting as elected, the President and shall pass a law recognizing his/her mandate.

5. If none of the candidates obtains a majority vote in the first round, second voting shall take place involving the two candidates who obtains the largest number of votes in the first round. The candidate who a law recognizing his/her mandate shall be passed by the State Ih Hural.

6. If neither of the candidates wins in the second ballot, Presidential elections shall be held anew.

7. The President can be re-elected only once.

8. The President shall not be a member of the State Ih Hural or the Government and shall not concurrently hold the post of the Prime Minister or any other posts and pursue any occupation not relating to his duties assigned by law. If the President holds another office or a post he/she shall be relieved of it from the date on which he/she takes an oath.

Article 32

1. The mandate of the President shall become effective with an oath taken by him / her and shall expire with an oath taken by the newly elected President.

2. Within 30 days after the election the President shall take an oath before the State Ih Hural: “I swear that i shall guard and defend the independence and sovereignty of Mongolia, freedom of the people and national unity and shall uphold and observe the Constitution and faithfully perform the duties of the President”.

Article 33

1. The President enjoys the following prerogative rights:

1) to exercise the right to veto against a part or entirety of laws and other decisions adopted by the State Ih Hural. The laws or decisions shall remain in force if two thirds of the members participating in the session of the State Ih Hural present do not accept the President's veto;

2) to propose to the State Ih Hural the candidature for the appointment to the post of Prime Minister in consultation with the majority party or parties in the State Ih Hural if none of them has majority of seats, as well as to propose to the State Ih Hural the dissolution of the Government;

3) to instruct the Government on issues within the areas of his competence. If the President issues a decree to that effect, it shall become effective upon signature by the Prime Minister;

4) to represent the State with full power in foreign relations and, in consultation with the State Ih Hural, to conclude international treaties on behalf of Mongolia;

5) to appoint and recall heads of plenipotentiary missions of Mongolia to foreign countries in consultation with the State Ih Hural;

6) to receive the Letters of Credence or Recall of Heads of diplomatic missions of foreign states to Mongolia;

7) to confer state titles and higher military ranks and award orders and medals; 8) to grant pardon;

9) to decide matters related to granting and withdrawing Mongolian citizenship and granting asylum;

10) to head the National Security Council of Mongolia;

11) to declare general or partial conscription;

12) to declare a state of emergency or a state of war on the whole or a part of the national territory in the emergency situation described in Sections 2 and 3 of Article 25 of this Constitution under undeletable circumstances when the State Ih Hural is in recess and issue ordinances of the beginning of military operations. The State Ih Hural shall consider within 7 days the presidential decree declaring a state of emergency or a state of war and shall approve or disapprove it. If the State Ih Hural does not take decision on the matter, the Presidential decree shall be void.

2. The President shall be the Commander-in-Chief of the armed forces of Mongolia.

3. The President may address messages to the State Ih Hural and/or to the people, he may at his own discretion attend sessions of the State Ih Hural, report on and submit proposals concerning vital issues of domestic and foreign policies of the country. 4. Other specific powers may be vested in the President only by law.

Article 34

1. The President within his powers shall issue decrees in conformity with law.

2. If a Presidential decree is incompatible with law, the President himself or the State Ih Hural shall invalidate it.

Article 35

1. The President shall be responsible to the State Ih Hural.

2. In case of breach of his oath, violation of the Constitution and the President's authority, the President may be removed from his post on the basis of the finding of the Constitutional Court by an overwhelming majority of members of the State Ih Hural present and voting.

Article 36

1. The person, residence and transport of the President shall be inviolable.

2. Dignity and immunity of the President shall be protected by law.

Article 37

1. In the temporary absence of the President his full powers shall be exercised by the Chairman of the State Ih Hural.

2. In the event of the resignation, death or voluntary retirement of the President his full powers shall be exercised by the Chairman of the State Ih Hural pending the inauguration of the newly elected President. In such a case the State Ih Hural shall announce and hold Presidential elections within four months.

3. The procedure of exercising the duties of the President by the Chairman of the State Ih Hural shall be determined by law. III. The Government of Mongolia.

Article 38

1. The Government of Mongolia is the highest executive body of the State.

2. The Government shall implement the State laws and according to the duty to direct economic, social and cultural development shall exercise the following powers:

1) to organize and ensure nation-wide implementation of the Constitution and other laws;

2) to work out a comprehensive policy on science and technology, guidelines for economic and social development, and make State budget, credit and fiscal plans and to submit these to the State Ih Hural and to execute decisions taken thereon;

3) to elaborate and implement comprehensive measures on sectional, intersectoral, as well as regional development;

4) to undertake measures on the protection of the environment, rational use and restoration of natural resources;

5) to guide the Central state administrative bodies and to direct the activities of local administrations;

6) to strengthen the country's defence capabilities and to ensure national security;

7) to take measure for the protection of human rights and freedoms, to enforce the public order and to prevent of crimes;

8) to implement the State foreign policy;

9) to conclude and implement international treaties with the consent of and subsequent ratification by the State Ih Hural as well as to conclude and abrogate intergovernmental treaties.

3. The specific powers, structure and procedure of the Government shall be determined by law.

Article 39

1. The Government shall comprise of the Prime Minister and members.

2. The Prime Minister shall, in consultation with the President, submit his/her proposals on the structure, composition and change of the Government to the State Ih Hural.

3. The State Ih Hural shall consider the candidatures proposed by the Prime Minister one by one and take decision on their appointment.

Article 40

1. The term of the mandate of the Government shall be four years.

2. The term of office of the Government shall start from the day of the appointment of the Prime Minister by the State Ih Hural and terminate upon the appointment of a new Prime Minister.

Article 41

1. The Prime Minister shall lead the Government and shall be responsible to the State Ih Hural for the implementation of State laws.

2. The Government shall be accountable for its work to the State Ih Hural.

Article 42

Personal immunity of the Prime Minister and members of the Government shall be protected by law.

Article 43

1. The Prime Minister may tender his/her resignation to the State Ih Hural before the expire of his/her term of office if he/she considers that the Government is unable to exercise its powers.

2. The Government shall step down in its entirety upon the resignation of the Prime Minister or if half of the members of the Government resign at the same time.

3. The State Ih Hural shall consider the matter and make a final decision within 15 days after taking initiative to dissolve the Government or receiving the President's proposal or the Prime Minister's statement on resignation.

4. The State Ih Hural shall consider and take decision on the dissolution of the Government if not less than one fourth of the members of the State Ih Hural formally propose the dissolution of the Government.

Article 44

If the Government submits a draft resolution requesting a vote of confidence, the State Ih Hural shall proceed with the matter in accordance with Section 3 of Article 43.

Article 45

1. The Government shall, in conformity with legislation, issue resolutions and ordinances which shall be signed by the Prime Minister and the Minister concerned.

2. If these resolutions and ordinances are incompatible with laws and regulations, the Government itself or the State Ih Hural shall invalidate them.

Article 46

1. Ministries and other government offices of Mongolia shall be constituted in accordance with law.

2. State employees shall be Mongolian nationals. They shall strictly abide by the Constitution and other laws and work for the benefit of the people and in the interest of the State.

3. The working conditions and social guarantees of state employees shall be determined by law.

Appendix 3: August 2003 RTD Report

Narrative Report

Civil Society Review Round Table Discussion

August 14-15, 2003, Ulaanbaatar

Prelude

As specified in the project proposal to The Asia Foundation on the Civil Society Review Round Table Discussion, the RTD was organized in order to;

1. review the current status of Mongolia's civil society development including:
2. an assessment the important contributions Mongolian NGOs and movements have made so far to Mongolia's democratization,
3. an analysis of the challenges to further strengthening the Mongolian civil society
4. advocate for the creation of qualitative, nationally-owned criteria for measuring the growth of civil society, progress of democratization and protection of human rights from the point of view of the national civil society.

The RTD involved 77 participants (out of the 100 invited) who represented a broad spectrum of the NGO and research community as well as political parties, cultural organizations and private sector. Dr. Ochirbat, the First President of Mongolia, Dr. Chimid, Lawyer, Mr. Lamjav, Lawyer and other leading figures of the Mongolian civil society provided valuable insights into the discussions.

Process

The CS Review RTD was the second in the series of public for an organized within the framework of the ICSF preparations to stimulate discussion and analysis on the concept of civil society in general and the development of civil society in Mongolia. Thus, in March, 2003, the ICSF Secretariat organized a 2-day Workshop on Civil Society involving approximately 40 participants from NGOs and research institutions. With the assistance of

Dr. Cas Mudde from the Antwerp University, Belgium, the participants were exposed to a theoretical discussion of what the term civil society connotes and what important interfaces it entails.

The Workshop was the first time that Mongolian activists and academics engaged in theoretical discussion on civil society. When asked how many of the Workshop participants had participated in conceptual discussions on civil society, only a handful of hands were raised and mainly by the members of the National Core Group in charge of organizing the ICSF-2003.

Although the Workshop participants clearly appreciated the opportunity to talk about civil society at a theoretical level, it was evident that they were not entirely satisfied and even felt slightly at a loss as to how exactly they should define civil society and how they should talk about. Ever more importantly, the participants did not get a sense of how this workshop made a difference for their present and future work. In other words, no clear implications for practice arose from the workshop.

One of the main achievements of the CS Review RTD was that it gave precisely what the March workshop was unable to deliver; definite directions and areas for collective action and analysis and a more structured definition of civil society for the purposes of the Mongolian public.

It did so by first giving an assessment of the past contributions of the Mongolian civil society to the country's democratization, starting from the impact and role of the Democratic Union in dismantling the socialist regime and paving the road for the transition to democracy and market economy and ending with the important role NGOs have played in the last decade in pushing for government accountability and transparency, improving public awareness-raising on democracy and human rights, developing human resource (NGO management, computer, language, communication, lobbying, training and other skills)and strengthening the economic development.

Several important observations were made during this session:

• Democratic Union was one of 3 popular movements that emerged in the late 1980s with such drastic effects on the socialist regime. It is necessary to capture the contributions and roles of all three mass movements to the democratic transition in Mongolia.

• One should approach carefully the issue of origins of the civil society and carefully distinguish between the various notions of civil society in this relation. Thus, Ard Ayush's movement could be considered as civil society action as well given it was independent of the State. This is also to say that Mongolian people's struggle for their freedom and independence did not start in the late 1980s but was manifest throughout the history in various ways.

• Mongolia's civil society has lost its strength and intensity in the last years compared to the transition period when it was able to pull down an authoritarian regime and demand laws protecting human rights and freedoms. Now, civil society organizations lack the ability to exert serious influence on State power and check its abuses. Hence, it is necessary to revitalize the Mongolian civil society.

Secondly, the CS Review RTD participants were provided with an analytical framework for evaluating and analyzing the challenges to strengthening civil society in Mongolia for the purposes of promoting Mongolia's democracy and protecting Mongolian citizens' human rights and freedoms. Thus, the participants were encouraged to view civil society not simply as a collection of NGOs but as a society that is based on democratic principles, in which

• citizens are able to make their State institutions to serve them according to the will of the people,

• citizens are able to check the State's arbitrary power and protect their own and other fellow citizens' human rights and freedoms,

• citizens deeply understand and value human rights and freedoms and other democratic principles,

- citizens have equal access to political power and are provided with equal opportunities to benefit from economic and socio-cultural development.

One of the major achievements of the RTD was such conceptual clarification of the concept of civil society for Mongolia. Thus, on one hand, according to the above definition, civil society is to be understood as the ideal of the society we are hoping to live in and develop which the Democratic Constitution of Mongolia declared as the primary goal of the Mongolian people: establishing and developing a humane, democratic and civil society.

On the other hand, civil society is to be understood as citizens' activities that are independent of the State, which contribute to developing horizontal networking schemes and help check the State's abuse of its monopoly of coercive force and create an environment in which citizens can solve their issues with each other without the necessary intervention of the State. Such understanding of civil society would involve all independent of the State civic action, whether or not it is conducted by a formally institutionalized NGO.

In yet another sense, civil society is understood as formal institutions, which may include NGOs, religious groups, media organizations, political parties, etc. depending on the nature of their actions and agenda. Thus, these organizations are to be de facto independent of the state and are to be, in principle, supporting democratic values and principles. Nominally non-governmental organizations serving as extensions of State power would not be considered as civil society organizations in this understanding. Civil society institutions are not to be understood as the ultimate goal but as strategic goals, which are to lead us to the establishment of the civil society in Mongolia in the sense stated in the Constitution. In other words, the purpose is not to establish and strengthen NGOs per se, as an end in and of itself, but as a step towards empowering citizens at all levels, particularly at the grassroots, vis-à-vis their governing institutions and other components of the society.

The organizers of the RTD stated in their presentation that in order to strengthen civil society in Mongolia, we need to look at not only the capacity development of NGOs and improvement of their relations with the State but focus on developing horizontal schemes of dialogue and cooperation between various components of the society and address multiple interfaces of civil society: with the State, with political parties, media, private sector, religious and cultural community, etc. It is particularly important to upgrade the role

of political parties (competing for state power) and businesses (competing for economic resources) in the strengthening of civil society.

Media and civil society relations and inter-connections received substantial attention during the RTD. The ICSF organizers stated that their cooperation with the media has significantly improved since the start of their media campaign signified by the 5-day Civic Journalism Workshop conducted in March. Since then, media representatives have been working more closely and actively with the ICSF Secretariat and NCG. Media shall also be presenting their paper during the ICSF.

During the third session of the RTD, participants' attention was directed to the idea of developing a national mechanism for developing and applying national indicators for assessing the development of civil society, progress of democratization and protection of human rights. While the participants felt that this is indeed a very important and necessary endeavour, it was clear that they were not ready to formulate a specific plan of action or even form the advocacy group. Further discussion was needed to develop this idea further.

As a result of the above discussions, major areas for concerted action were outlined;

- empowerment of average citizens, particularly in rural areas (grassroots),

- development of sound research and analysis including criteria/indicators for measuring democratic development in Mongolia.

Finally, the Mongolian presenter for the ICSF on the Status of Mongolian Civil Society was elected (Ms. Undarya Tumursukh, National Advisor, ICSF-2003) and charged with the responsibility to present a realistic assessment of the Mongolian democracy and civil society based on the discussions and presentations of the RTD.

Follow-Up

As agreed during the RTD, the ICSF organizers convened another meeting to further discuss the creation of the advocacy group (provisionally named Democracy Support Group) and the national evaluation, monitoring and advocacy mechanism for Mongolia's

democracy. The meeting involved about 40 people who were able to gather at the Political Education Academy at a very short notice.

The meeting did not result in its stated goal of forming the Democracy Support Group but did reiterate and elaborate on two points;

- it is of vital strategic importance to support grassroots initiatives and empower average citizens to stand up for their own rights,

- it is of vital strategic importance to develop national research capacity to assess and analyze Mongolia's democratic reforms, growth of civil society and protection of human rights.

Regarding the structure of the national mechanism, the idea to create a National Committee (Mongolia Democracy Watch) involving state and non-state actors did not win popular support. However, a sound alternative was proposed to run the Democracy Support Group (loose coalition of civil society organizations representing all, to the extent that is possible, segments of the Mongolian society) as an annual forum where civil society groups gather and give their assessment of the developments in the country, present their research and analyses, voice their concerns, argue their points and issue recommendations and/or demands for State actors towards ensuring human rights and promoting democracy in Mongolia.

The idea of developing research capacity is not necessarily linked to a particular institution but it was agreed that research has to be done at a professional level. However, research should involve grassroots voices and opinions and also be used widely by activists for monitoring and advocacy, rather than be a set of documents used only by professional organizations but which do not have wider resonance or use.

An important point raised by a number of participants was that many networks and coalitions have been formed in Mongolia but hardly any of them work with any real impact. It was stated that this was due to their not having clearly discussed their mission and strategy. Hence, those involved in the formation of the DSG are to carefully discuss

their vision, mission and strategy prior to the actual formation of the DSG so as not to create another inefficient amalgamation of civil society groups.

In concluding the meeting, it was decided that the participants shall submit their proposals to the ICSF Secretariat, which will develop a concept paper based on the present discussion and their written suggestions. After that, the activists and academics are to meet again and decide where to go from there.

The meeting was significant not only in its outcome (reiterating points raised during the RTD and giving clear directions for actions for individual organizations) but also in that the ICSF organizers self-consciously chose a different tack in approaching the formation of the DSG: openly discussing all the pros and cons and allowing the invitees to question the fundamental assumptions made by the proponents of the DSG idea. Thus, the organizers had brought to the table their suggestions but did not present them as ready-made solutions but actively solicited invitees' criticisms and suggestions.

Despite more than a decade of NGO actions, this is a fairly new approach to public for a and some of the more experienced political activists critiqued the approach as naive and wasteful of time. Despite the fact that one of the central tenets of democracy is open discussion, it was evident that in the last years many of the activists have become accustomed to running pre-mediated and pre-planned meetings focused on channelling participants' voices to the desired outcome rather than allowing for a more natural flow of the discussion ensuring full discussions of the issues. Clearly, one of the skills that Mongolian pro-democracy political and social activists need to develop is conducting truly participatory and democratic discussions.

Post Scriptum

The CS Review RTD is not the last in the series of public for an on democracy and civil society. The ICSF organizers intend to develop the idea of the DSG and the development of nationally-owned democracy, civil society and human rights criteria. They are hoping to suggest the creation of national mechanisms for evaluation, monitoring and advocacy in other countries during the ICSF and possibly include this idea into the Plan of Action that is expected to be produced by the ICSF.

In any case, regardless of the DSG idea (in whatever shape or form) being included in or excluded from the Plan of Action, the ICSF organizers shall follow through this project at the national level and intend to proceed in the most open and democratic fashion in doing so, so as to ensure the sustainability and effectiveness of the DSG in the future.

Appendix 4: ICSF-2003 Outcome Document

"Civil Society Partnerships for Democracy" International Civil Society Forum Ulaanbaatar, Mongolia, September 8-9, 2003

Declaration, Recommendations and Plan of Action

I. Introduction

The International Civil Society Forum (ICSF) on "Civil Society Partnerships for Democracy" took place in Ulaanbaatar prior to the International Conference of New or Restored Democracies (ICNRD) on "Democracy, Good Governance and Civil Society." This was the fifth ICNRD event since1988, but the first to include a major international parallel forum for civil society.

The ICSF brought together over 200 participants from Africa, Asia/Pacific, Europe, Latin America and North America in order to promote partnerships and strengthen commitments to democratic governance locally, nationally and internationally. As we leave Ulaanbaatar, we have unanimously agreed on the need to adhere to and implement the principles, recommendations and plan of action outlined below.

II. Principles

Democracy is a universal good. For citizens the world over it is widely understood as the only legitimate form of governance.

All citizens have the right to participate in political decisions affecting their lives and their communities. In the 21st century, the democratic ideal is a necessary objective at all levels of governance: local, national, regional and international.

Democratic governance requires all of the following elements;

*Conditions of peace and security;

*Guarantees and mechanisms for ensuring rights and freedoms;

*Independent judicial institutions and the rule of law;

*Inclusion and equal opportunities for participation, including the participation of young people;

*Transparency, accountability and access to information;

*Free and fair elections as well as a functioning multi-party system;

*Gender equality;

*Free functioning of the press and other media; and Protection of minorities and vulnerable groups.

The struggle for democratic governance is ongoing in all communities. Democracy is an ever-evolving process that requires the commitment, engagement and empowerment of citizens, as well as of government officials and other stakeholders. Civil society participation is essential to ensuring the greater realization of all of these fundamental prerequisites for successful democratic governance.

III. Recommendations

Our deliberations in Ulaanbaatar have yielded the following recommendations for action by governments, civil society and international organizations/donor community.

A. Recommendations for Governments

1). Civil Society is autonomous and separate from government and needs to be respected in its various functions. While civil society organizations take many forms, governments need to let those forms emerge democratically.

2). Governments should create, in consultation with civil society, an enabling legal framework for both civil society organizations and political parties, while removing restricting legislation. They should also establish legislative frameworks and supporting mechanisms for participation of civil society in oversight mechanisms of security sector governance.

3). Governments should provide mechanisms to engage citizens, whether through formal or informal methods, for example through parliamentary hearings or e-government initiatives

4). It is essential to raise awareness regarding the importance of corporate social responsibility and to improve the regulatory framework for the private sector in order to reconcile ethics with private initiative.

5). Real democratic development must be complemented by development of a viable economic foundation.

6). Decentralization of government decision-making processes, local self-governance and respect for the rule of law are essential to improved governance.

7). Youth should be more involved in decision-making.

8). Improve the education system and curriculum to promote human rights education and active, participatory citizenship.

9). Implement the Millennium Development Goals with the participation of civil society.

10). Reconcile the imbalance between the mandate of the World Trade Organization and the requirements of social and economic rights treaties in order to promote a more just social and economic order.

11). G7 and Russia (G8) should recommit themselves to the Kananaskis aid plan and come up with the U.S. $64 billion needed annually to assist African development.

12). Provide unhindered access to means of communication, especially information communications technologies.

13). Enact effective laws maximizing freedom of information.

14). Enact effective measures to combat corruption.

15). Ensure meaningful engagement - not tokenism – by women's organizations. National gender policies and affirmative action are required and must be effectively implemented and monitored (including monitoring by women's groups).

16). Implement gender-just policies based on principles of equality and non-discrimination as defined in the Convention on Elimination of Discrimination against Women.

17). Human rights must be seen as universal, indivisible and inter-related. Governments must ratify international human rights treaties as well as fulfil their obligations under these treaties following the evolving jurisprudence emanating from treaty bodies. Governments should ratify and implement the Rome Statute for the International Criminal Court.

18). Governments need to strengthen national and regional human rights instruments and mechanisms. (e.g. more effective human rights commissions).

19). Governments should not use the terrorist threat to justify repressive practices.

20). Governments should strengthen mechanisms (e.g. "democracy clauses" of intergovernmental organizations) affecting how the international community responds to threats to democracy.

21). Respect cultural knowledge, diversity and language in all inter-relationships with groups, civil society and peoples.

22). Government policies and development should take on a rights-based approach. Governments should utilize a rights-based approach to policy assessments, implementation and evaluations. Justifiability of rights needs to be strengthened.

23). Governments should promote multilateral cooperation to promote and foster democracy as well as democratic governance monitoring mechanisms.

24). Governments should adopt “human security” as a framework for policy development.

25). Governments should undertake measures to strengthen legislatures in their countries.

26). Existing state-owned broadcasting should be converted into public service broadcasting, in order to promote citizens’ right to know.

B. Recommendations for Civil Society

1). As civil wars have disrupted social organizations and civic leadership, civil society has a crucial role in avoiding armed conflict, developing peace accords and post-conflict peace-building.

2). In highly polarized and politicized societies the role of civil society is that of building bridges to promote dialogue. Government and civil society need to continue dialogue even when at loggerheads;

1) Institutional capacity building is a priority for civil society.

2) Civil society organizations need to continue to develop horizontal linkages among themselves and to preserve their autonomy from government and private enterprise.

3) Civil society should make itself accountable to the public and grassroots constituencies.

4) Civil society organizations need to be responsive to women’s perspectives and utilize gendered analyses of social and political problems. Civil society should transform communities to create supportive environments for women in decision-making.

5) Civil society should create spaces within their own structures to enable participation of women in decision-making.

6) Civil society should ensure the participation of young people and other disadvantaged groups in the development and implementation of policies and programs.

7) Civil society organizations should monitor the effectiveness of existing youth policies and institutions (e.g. youth ministries) and lobby for reforms.

8) Civil society support of the UN treaty system is essential. Ensuring implementation of international agreements is an important strategy for the realization of civil society goals. Civil society can also advocate mechanisms to make present international obligations more binding.

9) Civil society should support parliamentary participation at all levels and their role within international institutions.

10) Civil society activities should not duplicate or replace the legitimate function of democratic representative institutions (e.g. legislatures).

11) Civil society should generate policy options for government.

12). Increase opportunities and political space by linking up regionally and internationally and lobbying intergovernmental organizations.

12) Civil society should participate in election monitoring as well as public policy and legislative strengthening.

13) Civil society organizations should mobilize broad-based support (including media) on the need to implement the Millennium Development Goals.

14) Civil society has an important role to play in monitoring and re-assessing multilateral aid programs.

15) NGO and government “needs assessments” should genuinely reflect the local context and culture.

16) Government and civil society groups should recognize that language and terminology can confuse; they should take measures that better reflect the realities of those they seek to assist.

17) Civil society and governments should engage further in inter-cultural dialogue.

C. Recommendations for Intergovernmental Organizations and the Donor Community (i.e. aid organizations, state, foundations, and corporations).

1) Governments, business communities and civil society should work more closely together in the development and implementation of improved democratization aid policies and programs.

2) Donors should grant civil society actors more access to information in order to enable them to perform a real monitoring function concerning the implementation of aid programs.

3) Donor programs on democratization, rule of law and human rights should be based on a more strategic approach, be of a longer duration, be designed and implemented in a more transparent way.

4) Intergovernmental organizations should be sensitive to local practices and incorporate local perspectives in their decision-making.

5) Donors should provide opportunities for transparent and productive exchange between civil society and public authorities, including political parties.

6) Parliamentary participation at the United Nations and other intergovernmental organizations should be strengthened.

7) Ensure that NGOs are afforded their participatory rights in intergovernmental processes, for example as codified in ECOSOC Resolution 1996/31. NGOs should have the right to fair hearings when participation rights are challenged.

8) Civil society has been both challenged and re-energized by events surrounding the war in Iraq. We agree with the Secretary-General's statement of March 10, 2003 that this war, if waged without Security Council authorization, "would not be in conformity with the Charter." Pre-emptive war is immoral and illegal under international law and should be widely condemned. Following the illegal intervention in Iraq, the UN General Assembly should adopt a "Uniting for Peace" resolution calling for an end to the U.S. – U.K. occupation. The UN General Assembly should also ask the International Court of Justice for an advisory opinion on the legality of "pre-emptive war."

9) Global financial market conditions often hinder democratic development. These problems should be addressed, for example by the following financial market reforms: implementation of a democratic debt arbitration mechanism, Currency Transaction Tax.

10) Project development assessments should incorporate a human rights impact assessment as well as peace and conflict impact assessment.

11) WTO, IMF and World Bank should be brought under more effective coordination within the United Nations system.

12) There should be greater transparency and consultation with civil society and parliaments in international financial decision-making.

13) The United Nations should develop and bring into force a human rights based Code of Conduct for trans-national corporations.

As delegates to the ICSF, we recognize that implementing these principles and recommendations will require the commitment and action of civil society partners around the world. We are each committed to disseminating the results of this meeting and taking action in our respective communities, organizations and networks, as well as with our respective governments.

IV. **Plan of Action**

At this International Civil Society Forum we have agreed on the need for a dedicated process and mechanism to follow up the outcomes from this Forum. We have therefore endorsed the creation of an *"ICSF Follow-up Mechanism"* that will take action in accordance with the following guidelines;

1) **Governance.** The decision-making structures that were responsible for organizing this forum shall be re-constituted to serve until the 6th ICNRD. These include the ICSF National Core Group (NCG) and International Core Group (ICG).

2) **Coordination.** The secretariat in Ulaanbaatar will continue as the interim secretariat for the ICSF Follow-up Mechanism, pending decisions on subsequent secretariat/coordination centre(s) in the period prior to the next ICNRD.

3) **Mechanisms.** The ICSF Follow-up Mechanism will include as part of its program;

*Encouraging and facilitating national and regional "Democracy Watch" networks;

*Links with international organizations and stakeholders, in particular strengthening trilateral partnerships (governments, civil society, UN agencies) for advancing the ICSF-ICNRD process;

*Information sharing, communications, joint analysis; the ICSF web site will be maintained and updated as necessary.

3) **Program.** National and trans-national civil society networks will monitor follow-up to ICSF recommendations and promote progress on;

*Access to justice and the rule of law;

*Conflict prevention, peace-building and transitions from conflict;

*Mechanisms for monitoring compliance with human rights norms and democratic practices;

*Promoting inclusiveness and greater participation in democracy.

4). **Reporting and Accountability.**

The ICG/NCG and the Secretariat will elaborate the institutional memory of the ICSF and share it with future NCG/ICGs. The ICG/NCG and the Secretariat will report annually to delegates to this ICSF.

Civil Society delegates will review progress on these goals at the next ICSF, to be held in 2006 at the time of the 6th ICNRD.

September 9, 2003.

Ulaanbaatar, Mongolia

Appendix 5: ICNRD-5 Outcome Document

ICNRD-5 Ulaanbaatar Plan of Action Democracy, Good Governance and Civil Society 12 September 2003

1. We, the governments and representatives of nations around the world gathered at the 5th International Conference of New or Restored Democracies in Ulaanbaatar on 10-12 September 2003, affirm the need to further work towards consolidation of democracy in our countries by building societies that are just and responsible, inclusive and participatory, open and transparent, that respect all human rights and fundamental freedoms of all and ensure accountability and the rule of law.

2. The Plan of Action of the Fifth ICNRD, which is to be presented to the United Nations General Assembly, will guide the work of the President and the Bureau in the years leading to the sixth ICNRD.

National Action

3.1 For democratic changes to be meaningful and of benefit to all people, these need to be reflected at the national level. Countries may therefore;

3.1 a Draw up, with the collaboration of citizens and civil society, a national plan for strengthening democracy which is consistent with the spirit of the Declaration agreed at Ulaanbaatar.

3.1 b Prior to the sixth ICNRD, prepare 'country information notes'. The country information notes will outline the prospects of advancing and deepening democracy in the country and the steps that have or still need to be taken to address the principles and recommendations of the ICNRD declaration.

3.1 c Develop their own national democratic indicators' databases to be better able to monitor their progress in democratic and social development over time. It is recommended that the development of own national democratic indicators benefit from the current work done in other multilateral fora. The creation of such a database should be an inclusive and dynamic process with the participation of policy-makers, academics and civil society. The exercise will raise public awareness on issues of democratic governance and provide a broad overview of progress in this area. This process could also be central to national consensus building with the engagement of all stakeholders leading to further national consolidation of democracy.

3.1 d Give special attention to the following areas;

3.2 Participation and Representation

3.2 a Ensure that the electoral process guarantees principles of holding free, fair and periodic elections, based on secret balloting and universal suffrage monitored by independent national election bodies;

3.2 b Emphasize voter education particularly in an effort to improve voter turnout and reduce invalid votes. Ensure that voters have access to independent and sufficient information;

3.2 c Ensure independence of electoral bodies and ensure their constitutional guarantees;

3.2 d Ensure transparent electoral campaign financing;

3.2 e Ensure the freedom of association including the right to form independent political parties to create a pluralistic society;

3.2 f Support the participation of citizens living abroad or overseas and ensure that the election and decision-making process benefits from the largest possible rate of participation within society.

3.2 g Decentralize decision making to the local level, where feasible;

3.2 h Improve democratic institutions at the local level;

3.2 i As appropriate, take immediate steps in publishing all legislation (even financial ones) as white papers and consider inviting comments from citizens and interested parties before these are enacted;

3.2 j Improve the work of parliamentary committees; and

3.2 k The executive and legislature should hold regular consultations with citizens to ensure they are well aware of their needs and thus are able to address them accordingly at the highest levels.

3.3 Sustainable Development and Eradication of Poverty;

3.3 a Develop safety nets, including social welfare systems, for the poor and marginalized in our societies;

3.3 b Ensure provision of essential services are affordable for the poorest;

3.3 c Address the urban/rural divide by developing plans that address the needs of rural communities;

3.3 d Promote Human Resource Development for achievement of national economic development goals, especially with a view to the unemployed pursuing a productive life in our communities;

3.3 e Promote public participation in environmental decision making;

3.3 f Prioritize the protection of the environment as this has a direct link to the alleviation of poverty;

3.3 g Aggressively pursue the attainment of the Millennium Development Goals.

3.4 Protection of Human Rights

3.4 a Establish or strengthen independent and impartial human rights commissions in conformity with the Paris Principles, ombudsman offices or similar bodies able to investigate human rights abuses and abuse of power;

3.4 b Harmonize national legislation with international instruments on the promotion and protection of human rights;

3.4 c Consider acceding to all the international human rights instruments, regularly prepare reports on their implementation and submit them for consideration by the appropriate treaty mechanisms and actively cooperate with the United Nations Commission of Human Rights;

3.4 d Support human rights monitoring capacities of NGOs and the media;

3.4 e Develop human rights education programmes for the military, the police, the civil service, as well as the general population. Countries should consider including civic/

democracy/ human rights education in their school curricula, or encourage the appropriate authorities to do so and if necessary, seek the help of the United Nations System and civil society;

3.4 f Promote and protect equality of all people before the law and their equal protection under the law;

3.4 g Ensure right of equal access to justice and to be protected from arbitrary arrest;

3.4 h Investigate alternative dispute settlement mechanisms;

3.4 i Set up, where absent, independent bar/law associations;

3.4 j Strengthen the independence, impartiality and professionalism of the judiciary;

3.4 k Ensure due process of law and the right to be presumed innocent until proven guilty in a court of law;

3.4 l Ensure guaranteed right to a fair and impartial trial;

3.4 m Ensure that violations of human rights and abuse of power are well investigated and perpetrators brought to justice;

3.4 n Ensure remedies are provided to victims of human rights violations; and

3.4 o Protect those who work towards ensuring that rights and freedoms are fully respected.

3.5 Open and Transparent Government

3.5 a Facilitate citizens' access to information;

3.5 b Make internal and trans-national activities and transactions, that are most susceptible to corrupt practices, more transparent and easily accessible for investigation;

3.5 c Provide media education to national officials and civil servants to increase appreciation of the media's role in a democratic society;

3.5 d Facilitate access to government records and other information, within our national legal frameworks, while protecting individuals, organizations and institutions from abuse;

3.5 e Reform any legal instruments that inhibit the media from pursuing their work; and

3.5 f Support programs aimed at improving the professionalism and ethics of journalists in the country and encourage the formation of professional associations of media practitioners.

3.6 Rule of Law and Accountability

3.6 a Ensure that the military remains accountable to the democratically elected civilian government;

3.6 b Strengthen, where necessary, the separation of powers;

3.6 c Strengthen the legal basis of the fight against corruption, including, where possible, speedy negotiation and adoption of the United Nations Convention against Corruption;

3.6 d Become parties to the appropriate UN conventions and protocols to fight international terrorism and promote speediest conclusion to the negotiations on the draft international convention for the suppression of acts of nuclear terrorism and the draft comprehensive convention on international terrorism;

3.6 e Cooperate fully with the Counter-Terrorism Committee (CTC) of the United Nations Security Council to fight terrorism and other international mechanisms to fight transnational crime;

3.6 f Incorporate in legislation and support provisions in international agreements concerning protection of human rights when fighting terrorism;

3.6 g Ensure due process to those who are charged with terrorism, as reflected in international legal documents;

3.6 h Make greater use of the United Nations' and regional mechanisms of peaceful settlement of disputes;

3.6 i Consider recourse to the services of the International Court of Justice and other international and regional dispute settlement institutions; and

3.6 j Incorporate provisions concerning mechanisms of conflict prevention and consensus building in legislation.

4 Regional Actions

Strengthening regional collaboration in democratic development by:

4.1 Drawing up a plan of action for the regions through regional inter-governmental organizations with the collaboration of governments and civil society.

4.2 Adopt regional declarations or charters that are more catered to the conditions in the regions and that focus on regional collaboration for the promotion and support of democracy.

4.3 Map out the relationship between the regional organizations and ICNRD and procedures that need to be followed for collaborative efforts.

4.4 Undertake a series of activities to exchange experiences on coping with political, economic and social challenges of globalization and its impact on democratic governance; social responsibility in a globalizing world; rural and urban development and local participation and representation; participation and representation in the design and implementation of environmental and development programs; policy and capacity development required to achieve the MDGs.

4.5 Agree on modes of mutual assistance in the development of democratic institutions; share experiences in the development of a democratic culture; and develop programmes of assistance for countries undergoing democratic transitions.

4.6 Organize regular regional events within the framework of regional organizations or for a to assess progress of countries in the region in their democratic endeavours.

4.7 Undertake a series of regional meetings and workshops with the participation of academia and civil society to discuss the need for governance and democracy assessments, exchange views on assessment methodologies and identify examples of good practice or innovative problem-solving in this area.

4.8 Create regional networks of policy-makers and civil society members to study conflict prevention and consensus-building in democracies and identify successful experiences to share with regional partners.

4.9 Undertake to set up regional networks of practitioners and stakeholders to promote democracy education curricula and share experiences in this area.

4.10 Promote regional dialogue on the promotion and protection of human rights and fundamental freedoms and create or consolidate regional monitoring mechanisms to assess the state of human rights and fundamental freedoms.

4.11 Promote regional dialogue to share experiences on strengthening electoral and political party systems.

4.12 Use information technology tools to create databases of regional treaties, agreements and declarations and to share resources and experiences in democratic governance.

4.13 Promote development of international cooperation, particularly at the regional level, against corruption.

5 International Actions

Recalling with appreciation the United Nations Secretary-General's Report (A/56/499, 23 October 2001) about the UN System's support to governments in order to promote and consolidate new and restored democracies, the Fifth ICNRD recommends that the United Nations General Assembly supports the following actions in support of promoting and supporting democracy;

5.1 Strengthen the Follow-up Mechanism by ensuring that;

5.1 a It is responsible for the follow-up on the implementation of this Plan of Action;

5.1 b The President or Bureau represent ICNRD at international for a when deemed necessary;

5.1 c The President of the Fifth ICNRD establishes, with the assistance of the United Nations, a working group to examine the conclusions of the Fifth Conference and proposals made in background papers submitted to and interventions made at the Fifth Conference with the aim of studying proposals for making the Conference even more effective and efficient and establishing a practical programme of work for future conferences;

5.1 d It coordinates with the International Civil Society Forum follow-up mechanism; and

5.1 e The President or the Bureau are urged to initiate discussions with the Chair of the Community of Democracies to exchange views on ways of bringing closer the two movements, in a complimentary manner.

Appendix 6: General Policies of the ICSF National Core Group

General Policies for the Preparation and Organization of the International Civil Society Forum on Democracy, Good Governance and Civil Society.

Members of the CSF Core Group agree to abide by the following policies and regulations in understanding of the need to balance efficiency with democratic decision-making principles given the limitations of time.

1. Openness, Transparency, Accountability and Inclusiveness;

The Core Group and Task Force members shall follow the democratic principles of openness, transparency and accountability in all their activities related to the preparation for an organization of the ICS Forum.

Information Sharing:

• Understanding that timely and comprehensive information sharing is key to any joint effort and democratic involvement, members shall ensure that all relevant parties are informed fully and in a timely fashion,

• All meetings shall be announced well in advance to the extent it is possible, given considerations of time, to enable each member of the Core Group or Task Force to attend the meeting,

• In order to facilitate comprehensive and prompt information exchange and dissemination as well as develop a database where newcomers can go for information on previous activities and correspondence, all relevant information shall be sent to the Coordinator/Secretariat where it will be stored in a systematic and accessible manner.

Discussions, Meetings and Decision-Making:

• All key issues related to the substance of the ICS Forum, agenda, structure, list of participants and funding shall be discussed at the Core Group and resolved through consensus (or majority vote),

• All key items such as logo, letterhead design and other public relations and representation materials shall be discussed and approved by the Core Group.

• Job descriptions of the Task Forces and list of responsibilities of individual Members of the Core Group (and Task Forces?) and policies and procedures for the organization of the ICS Forum shall be discussed and approved by the Core Group through consensus.

• All members of the Core Group and Task Forces shall strive to attend each meeting or, failing that, send in their comments and suggestions in written beforehand and retrospectively shortly afterwards.

Accountability:

• All Core Group Members/Heads of Task Forces shall submit progress reports in a timely fashion to the Coordinator and, when needed, to the funding agency. Reports shall be submitted to the funding agency after having been reviewed and approved by the Coordinator. Reporting terms shall be determined on project-by-project basis.

• The Core Group shall have monthly meetings to review work progress and review responsibilities of the Core Group Members/Heads of Task Forces in relation to past and upcoming work.

• In case a Core Group member is unable to fulfil his/her task, he shall inform the Coordinator and either, with the approval of the Coordinator, appoint another employee

from his/her NGO or leave it up to the Coordinator to replace the given Core Group member (individual or the NGO).

• The Coordinator, given time limitations, shall have the authority to redistribute functions to members of the Core Group and discharge a member of the Core Group from his/her duty if the member repeatedly failed to fulfil his/her responsibilities agreed upon at the Core Group meeting or mandated by the Coordinator.

• The Coordinator shall have the right, in consultation with Core Group members, to select a new Core Group member NGO in place of the dismissed NGO.

• In case Core Group members are paid regular honoraria/salaries, the Coordinator shall have the right to hold them accountable through economic sanctions by deducting certain portions from established amounts in case the Core Group member failed to fulfil satisfactorily his/her responsibilities.

Inclusiveness and Public Education Campaign:

• All members of the Core Group and Task Forces shall seek to be inclusive, involving other NGOs to the extent it is possible and appropriate, recognizing that the organization of the ICS Forum is an opportunity for Mongolian NGOs and the public to improve their knowledge of the substantive issues such as democracy, good governance and civil society as well as their institutional capacity through becoming involved in the organization of an international event and developing linkages with other national and international organizations and individuals.

• All members of the Core Group and Task Forces shall seek to contribute to the public education campaign recognizing that the organization of such an international event is an important opportunity to improve Mongolian public's awareness on democracy, good governance and civil society as well as to raise Mongolia's profile internationally boosting its legitimacy as a country committed to democratic values.

• Recognizing that not all Mongolian NGOs or interested members of the public have a command of English, members of the Core Group and Task Forces shall strive to produce their information in both English and Mongolian to ensure that non-English speaking members of the Mongolian public do not become marginalized.

2. Economic Considerations and Justice:

The Core Group and Task Force members shall support the development of fair free market competition by announcing open tenders on all business contracts over 5,000 USD. Winners shall be selected based on the quality and price. In very specific cases, this procedure may be waived due to considerations of time. Such exceptions shall be discussed and agreed upon by the Core Group members.

However, recognizing the opportunity to support income-generation projects for the poor, the Core Group and Task Force members shall seek to support, whenever possible and appropriate, such projects to contribute to the more equitable distribution of opportunities and wealth.

3. Equality and Non-Discrimination:

Last but not least, all Members of the Core Group and Task Forces shall respect and observe international human rights standards and principles of gender equality and non-discrimination.

Discussed and Approved by the Core Group on January 6, 2003.

Appendix 7: Brief Information on CEDAW Watch/Centre for Citizen's Alliance

CEDAW Watch/ICSFD Ulaanbaatar Secretariat

To Centre for Citizens' Alliance

Since 2003, the National CEDAW Watch Network Centre (CEDAW Watch), a Mongolian non-governmental, non-partisan and non-profit organization, has functioned as the Secretariat for the ICSFD, International Civil Society Forum for Democracy, a civil society network that seeks to deepen democratic reforms worldwide via strengthening civil society partnerships globally. CEDAW Watch, in cooperation with the Globe International Non Governmental Origination (NGO), Zorig Foundation, Press Institute of Mongolia, Mongolian Women's Federation, Mongolian Women's Foundation, Political Education Academy and Liberty Centre, hosted and organized the International Civil Society Forum entitled "Civil Society Partnerships for Democracy" on September 8-9, 2003, in Ulaanbaatar. Following the forum, CEDAW Watch has led the implementation of the Civil Society Index action-oriented research project to implement concrete recommendations and decisions issued by the forum participants.

The inception of CEDAW Watch took place in 1996 with the founding of a CEDAW Club affiliated to the Liberal Women's Brain Pool. In 1997, this initiative led to the establishment of the CEDAW Watch Network of Mongolian Women's NGOs. In 1998, the CEDAW Watch Network Centre was set up, which intensified and regularized activities aimed at monitoring the implementation of CEDAW at the national level, raise public awareness on CEDA Wand conduct training programs on how to use CEDAW for lawyers, journalists, actors, public servants, local government officials and women's NGOs. CEDAW Watch has actively engaged in research and policy advocacy in order to introduce provisions of international conventions on women's and children's rights in everyday life of Mongolians. One of the main examples of this work is the shadow report developed by CEDAW Watch in 2001 on the implementation of CEDAW in Mongolia, which was presented to the UN CEDAW Committee in New York alongside the Mongolian Government report. CEDAW Watch thus became the first Mongolian NGO to produce an independent assessment of the government

performance on the implementation of conventions that Mongolia is signatory to and presented a parallel report at UN level.

Although CEDAW Watch has focused mainly on women's rights, it has always viewed this issue area as inseparably linked to the overarching goal of ensuring Mongolia's democratic development and protection of human rights understood holistically. Therefore, since its inception, CEDAW Watch has taken an active part in combating and condemning gross violations of human rights, deepening and expanding democratic reforms and fostering the development of civil society on a larger scale. A clear example of this work is the Open Forum on Human Rights and public awareness raising activities championed by CEDAW Watch in 2002 in response to the government's flagrant violations of civil and political rights of peaceful protestors demanding for the restitution of their economic rights breached by the newly passed land laws. Furthermore, within the framework of preparations for the ICSF-2003, CEDAW Watch and its partner NGOs produced and aired a series of TV and radio programs on topics such as democracy, good governance, civil society, human rights and civic journalism as well as organized several workshops and discussions on these issues. These actions made an important contribution to the development of civil society in Mongolia.

Moreover, in the last 3 years, CEDAW Watch has participated in a comparative research project on civil society development in Mongolia, China, Vietnam and Kazakhstan with support from the Sasakawa Peace Foundation of Japan. Within the scope of this endeavour, CEDAW Watch has conducted several in-depth case studies examining NGO-Government communication and cooperation on various policy issues. For the duration of the last year, CEDAW Watch has led the CSI project aimed at producing a comprehensive assessment of the state of Mongolia's civil society as well as strengthening networking and cooperation among CSOs, improving their analytical capacity and developing concrete strategies and a national plan of action for the further strengthening of Mongolia's democracy and civil society.

In 2005, CEDAW Watch reviewed the work it has so far performed and the role it has so far played in the society and resolved to transform itself into the Centre for Citizens' Alliance in order to bring greater clarity to its programs and increase the effectiveness

and impact of its activities in the future. The Centre for Citizens' Alliance shall implement two main programs that fall under its overall mission of fostering the development of a humane, democratic and civil society in Mongolia: *Civil Society Support Program* and;

Gender Equality and Human Rights Program.

Both programs shall aim at mainstreaming gender equality issues into activities geared towards strengthening democracy, civil society and human rights protection and promotion based on a holistic understanding of and approach to social transformation and a belief that gender equality cannot be effectively promoted without the basis of a strong humane and democratic political system, sound mechanisms for ensuring human rights and a vibrant civil society just as a humane, democratic civil society is unimaginable without ensuring gender equality.

Within the scope of the *Civil Society Support Program*, the Centre shall promote the establishment of a national civil society network of communication and cooperation, conduct regular assessments of the state of civil society at aimag and national levels, promote the development of a justice system within the non-governmental non-profit sector, produce analysis and research as well as influence public policy on issues related to democracy and civil society development. Within the scope of the *Gender Equality and Human Rights Program*, the Centre shall continue its work on developing a draft Law on Gender Equality with support from the EMPOWER Foundation of the Columbia University, USA, carry on its cooperation with the UK Save the Children Fund to amend the Package of Laws on Education to make them more consistent with the principles of the UN convention on children's rights and conduct other research, public education and policy advocacy activities to promote gender equality, children's rights and human rights.

Both programs shall pay special attention to disseminating necessary information and providing technical and programmatic support to rural civil society organizations.

Appendix 8: Human Rights and Freedoms

Article 14

1. All persons lawfully residing within Mongolia are equal before the law and the court.

2. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have the right to act as a legal person.

Article 15

1. The grounds and procedure for Mongolian nationality, acquisition or loss of citizenship shall be defined only by law.

2. Deprivation of Mongolian citizenship, exile and extradition of citizens of Mongolia shall be prohibited.

Article 16

The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms:

1) Right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgement of the court for the most serious crimes, constructed by Mongolian Penal Law.

2) Right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.

3) Right to fair acquisition, possession and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall

be prohibited. If the State and its body's appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment.

4) Right to free choice of employment, favourable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.

5) Right to material and financial assistance in old age, disability, childbirth and child care and in other circumstances as provided by law.

6) Right to the protection of health and medical care. The procedure and conditions of free medical aid shall be defined by law.

7) Right to education. The State shall provide basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.

8) Right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof. Copyrights and patents shall be protected by law.

9) Right to take part in the conduct of State affairs directly or through representative bodies. The right to elect and to be elected to State bodies the right to elect shall be enjoyed from the age of eighteen years and the age eligible for being elected shall be defined by law according to the requirements in respect of the bodies or posts concerned.

10) Right to form a party or other public organizations and unite voluntarily in associations according to the social and personal interests and opinion. All political parties and other public organizations shall uphold public order and State security, and abide by law. Discrimination and persecution of a person or joining a political party or other public organization or for being their member shall be prohibited. Party membership of some categories of State employees may be suspended.

11) Men and women shall have equal right in political, economic, social, cultural fields and in family affairs. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age defined by law. The State shall protect the interests of the family, motherhood and the child.

12) Right to submit a petition or a complaint to State bodies and officials. The State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law.

13) Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived or liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and residence shall be protected by law.

14) Right to appeal to the court to protect his/her right if he/she considers that the right of freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by other; not to testify against himself/herself, his/her family, or parents and children; to self-defence; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court judgement, to seek pardon. Compelling to testify against him/her shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. Application of charges of convicted to the members his/her family and relatives shall be prohibited.

15) Freedom of conscience and religion.

16) Freedom of thought, free expression of opinion, speech, press, peaceful demonstration and meetings. Procedures for organizing demonstrations and other assemblies shall be determined by law.

17) Right to seek and receive information except that which the State and its bodies are legally bound to protect as secret. In order to protect human rights, dignity and reputation of persons and to defend the State national security and public order, secrets of the State, individuals, or organizations which are not subject disclosure shall be defined and protected by law.

18) Right to freedom of movement within the country and freedom to choose the place of one's residence, right to travel or reside abroad, to return to home country. The right to travel and reside abroad may be limited exclusively by law in order to ensure the security of the nation and population and protect public order.

Article 17

1. Citizens of Mongolia while upholding justice and humanism shall fulfil in good faith the following basis duties:

1) respect and abide by the Constitution and other laws;

2) respect the dignity, reputation, right and legitimate interests of other;

3) pay taxes levied by law;

4) defend motherland and serve in the army according to law.

2. It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment.

Article 18

1. The rights and duties of aliens residing in Mongolia shall be regulated by the Mongolian law and by the treaties concluded with the State of the person concerned.

2. Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign nationals in an international treaty being concluded with the country concerned.

3. The rights and duties of stateless persons within the territory of Mongolia shall be determined by the Mongolian law.

4. Aliens or stateless persons persecuted for their convictions, political or other activities pursuing justice may be granted asylum in Mongolia on the basis of their well-founded requests.

5. In allowing the foreign nationals and stateless persons residing in Mongolia to exercise the basic rights and freedoms provided for in Article 16 of the Constitution, the State may establish certain limitations upon the rights other than the inalienable rights spelt out in international instruments to which Mongolia is a Party, out of the consideration of ensuring the national security, populations, and public order.

Article 19

1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to rest orate of infringed rights.

2. Human rights and freedoms as defined by the Constitution and other laws in case of a state of emergency or war shall be subject to limitation only by a law. Such a law shall not affect the right to life, the freedom of thought, conscience and religion, as well as the right not to be subjected to torture, inhuman and cruel treatment.