

Civil Society and its Role in Political Reforms of Mongolia

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Key Words : Civil Society, Political Reforms, Democracy

INTRODUCTION

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). 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 per cent 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 choose 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 *et al.*, 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 *et al.*, 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, 2008: 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 constitution. Since then Mongolia held seventh parliamentary elections as well as seventh presidential elections so far and successfully transferred power from one hand to other hand among different political parties. "In last 30 years Mongolia evolved different democratic institutions including the national legislature, different major and small political parties, judiciary and civil society".

Two Major Parties in Mongolian Politics:

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

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).

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” (Morozova, 2010). 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 adoption of the democratic Constitution in 1992 and the elections “from 1992 to 2016 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).

Since 1990 to 2020, 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 30 years. This is a big and impressive achievement in itself. Therefore, the writer believes that the country can be rightfully regarded as an electoral democracy.

In the last “three 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” (Munkh-Erdene, 2010). 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” (Munkh-Erdene, 2010).

Role of Civil Society in Mongolia’s Political System:

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).

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 the 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 three 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, 2009).

In the last three decades civil society groups have provided dynamism in the Political, 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 sores 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).

Moreover, with the government's reforms and innovation strategy, the 2012 parliament 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'.

Conclusion:

This study is an attempt to understand the role of civil society in political reforms in Mongolia. 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.

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 grassroots 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.

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