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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**The right to food**

**Report of the Special Rapporteur on the right to food, Jean Ziegler**

**Addendum**

**MISSION TO MONGOLIA\* \*\***

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\* The summary is being circulated in all languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

\*\* The reason for the late submission of this report is to reflect the latest information.

## Summary

The Special Rapporteur on the right to food conducted a mission to Mongolia from 14-24 August 2004. The mission was motivated in part by the impacts of the severe winters which have recently killed millions of livestock in Mongolia, and by the fact that Mongolia has the highest level of undernourishment in Asia, according to statistics of the Food and Agriculture Organization (FAO).

The report reviews the impacts of the harsh winters and *dzuds*, and gives an overview of levels of undernourishment, hunger and poverty in Mongolia. It then examines the legal framework governing the right to food in Mongolia and examines whether government policies and programmes are in place to meet Mongolia's obligations towards the right to food. The report then moves on to examine main findings and concerns regarding the realization of the right to food.

The Special Rapporteur was very encouraged by the openness of the Government towards gaining a better understanding of the right to food. He was encouraged by improvements in the human rights environment and the monitoring of economic, social and cultural rights by the National Human Rights Commission. He was also encouraged by government policies and progress being made in addressing issues of food availability and food safety.

However, the key finding of the report is that there is a serious gap in addressing issues of food insecurity and the lack of access to food in Mongolia. While attention has been paid in government policies and programmes to issues of nutrition, little attention has been paid to issues of access to food and chronic undernourishment. Few studies on food insecurity or undernourishment appear to have been carried out, even though studies on poverty would appear to verify that chronic under-consumption has become a serious problem in Mongolia. Over a third of the Mongolian population is chronically undernourished and a persistently high level of poverty is preventing people from having access to adequate food, despite the fact that before 1990, poverty and malnutrition were generally unknown in Mongolia. The economic transition initiated in the 1990s towards a liberalized market economy has had negative effects on food security, following a process of deindustrialization and a lack of public investment in pastoralist livelihoods, and has been accompanied by the emergence of extreme poverty and growing inequality. Despite the fact that Mongolia receives one of the highest levels of development aid per capita in the world, the depth of poverty and the level of undernourishment are increasing, amounting to a regression in the realization of the right to food.

The report recommends that an urgent study be carried out to fully determine the situation of undernourishment, food insecurity and access to food. Protection of the right to food must be strengthened, and government policies must be put in place to reverse the apparent regression in the realization of the right to food. Responsibilities for issues of access to food and water must be clearly allocated. International aid should be directed towards

reducing poverty and food insecurity. Particular support should be given to rural pastoralist livelihoods, including increasing investment in necessary public goods. Pastoral land should not be privatized, but secure tenure under common property rules would reduce overgrazing and increase sustainability of pastoralist livelihoods. Generating sustainable, pro-poor development that provides adequate employment in urban areas must also be prioritized. The obstacles inherent to Mongolia's situation as a remote landlocked country must also be recognized at the international level and the rules of trade liberalization should permit development and the realization of the right to adequate food.

**Annex****REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD,  
JEAN ZIEGLER, ON HIS MISSION TO MONGOLIA****(14-24 August 2004)****CONTENTS**

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## Introduction

1. The Special Rapporteur wishes to thank the Government of Mongolia for its full cooperation and assistance in organizing the mission. Mongolia issued a standing open invitation to special rapporteurs on 9 April 2004, and the Special Rapporteur was pleased to be the first to visit the country. The Special Rapporteur would like to express his particular appreciation to the Permanent Representative of Mongolia to the United Nations Office at Geneva, His Excellency Ambassador Khasbazaryn Bekhbat, and to the Mongolian Ministry of Foreign Affairs and to Mr. Bat-Ochir Erdenebulgan for his excellent assistance. He would also like to express his gratitude to the United Nations Country Team in Mongolia, especially Mr. Robert Hagan, Deputy Resident Coordinator and Representative of the World Health Organization (WHO) in Mongolia, and to the senior management team of the United Nations Development Programme (UNDP). He particularly appreciated the assistance of Mr. Massoud Hedeshi of the Office of the Resident Coordinator. He would also like to thank the Office of the United Nations High Commissioner for Human Rights for supporting the organization of his mission.
2. During his mission, the Special Rapporteur was honoured to be received by the Acting Prime Minister of Mongolia, His Excellency Chultemiyn Ulaan, as well as senior members of the Government, including the Minister for Food and Agriculture, the Minister of Health, and senior officials from other relevant government ministries, including the Ministry of Social Welfare and Labour and the Ministry of Justice and Home Affairs. He also appreciated the meeting with senior members of the Disaster Management Agency. He also appreciated meeting the municipal authorities in Ulaanbaatar. During the mission, the Special Rapporteur also visited areas in Selenge province in the north and Dugobi province in the south. The Special Rapporteur appreciated the assistance of Mr. J. Bayarmagnai, Governor of Selenge province and Mr. J. Adiya, Governor of Dugobi.
3. The Special Rapporteur and his team also had the honour to be received by a number of national and international organizations. He particularly appreciated the time spent with Mr. Dashdorj, the Commissioner, and other members of the Mongolian National Human Rights Commission. He also appreciated the time and information provided by non-governmental organizations, including the Centre for Human Rights and Development in Mongolia, World Vision, Action Contre La Faim, and Save the Children Fund (UK). He also appreciated the assistance of the multilateral donor agencies, particularly the Swiss Agency for Development and Cooperation (SDC).
4. Mongolia is a beautiful country with rolling grassy steppes, permanently snowcapped mountains - the Taiga to the north and the Altai to the west - and in the south, the Gobi desert that stretches across a third of the country. It is a huge, landlocked country bordered by its vast neighbours, the Russian Federation to the north, China to the south and Kazakhstan to the west. It has one of the lowest population densities in the world, with only 2.6 million people for 1.5 million km<sup>2</sup>. The short summers are dry and hot, but during the long, freezing winters, temperatures can drop below -30 degrees centigrade. Around 40 per cent of the population live in sparsely populated rural areas, leading a semi-nomadic lifestyle in round white felt

tents or *gers* and herding camels, yaks, horses, sheep and goats on the open steppes. The other 60 per cent of the population are concentrated in urban areas and regional centres, with more than a third of the total population living in the capital Ulaanbaatar.

5. In the thirteenth century, the Mongol empire under Genghis Khaan and Kublai Khan stretched from Beijing to the Caspian Sea. Later under Chinese domination, Mongolia became an independent State in 1911, and then a communist republic closely tied to the Soviet Union in 1921. Heavily subsidized by the Soviet Union, Mongolia became partially urbanized and industrialized. Education, health services, social support and pensions were universalized and although living standards were low, extreme poverty was unknown in Mongolia until 1990. With the collapse of the Soviet Union and CMEA in the early 1990s, Mongolia lost its subsidies and its markets and the economy virtually collapsed. Mongolia suffered a brutal drop in income and living standards, rapidly declining from a middle-income country to a low-income one - "from the Second World to the Third".<sup>1</sup> Gross domestic product (GDP) fell sharply from US\$ 1,645 per capita in 1989 to US\$ 393 in 2003.<sup>2</sup> Today, Mongolia is still consolidating radical political and economic reforms initiated in the early 1990s, when it embraced democracy and adopted a minimalist, *laissez-faire* economic model. However, the rapid shift towards a liberalized market economy has been accompanied by the emergence of extreme poverty and growing inequality. A process of de-industrialization has left the Mongolian economy dependent mainly on services, mining (especially gold and copper) and agriculture (especially cashmere), although agriculture is vulnerable to drought, land degradation and severe winters. Mongolia is now one of the least developed countries in Asia. While there are new signs of dynamism in the Mongolian economy, the benefits seem not to have yet reached those who are poor and hungry. Problems of food insecurity and chronic malnutrition persist as poverty deepens, despite high levels of multilateral aid and the efforts of the Government and international agencies.

## I. HUNGER AND FOOD INSECURITY IN MONGOLIA

### A. The harsh winters and *dzuds*

6. Between 1999 and 2001, Mongolia suffered from two extremely harsh winters and *dzuds* (a Mongolian word used to define any condition that stops livestock from grazing grass). This severely affected rural Mongolians who depend on the semi-nomadic livestock herding in the rolling steppes. Heavy snows and impenetrable ice cover prevented livestock from grazing and millions of animals, already weakened from poor pastures due to summer droughts and locusts, died from starvation. More than 3.5 million animals were killed in 2000 and another 4.7 million in 2001.<sup>3</sup> Over 10,000 herders were left without any livestock and thousands more Mongolian families lost most of their herd.

7. Despite the deaths of millions of animals, the *dzuds* did not result in famine, partly due to efforts to provide food aid and animal fodder. A study carried out in 2001 found no difference in the prevalence of acute malnutrition in children under 5 in provinces affected by the *dzud* compared to those that had not been affected.<sup>4</sup> Another study carried out in 2003 found that the stunting of children under 5 was significantly higher in *dzud*-affected areas (38 per cent compared to 26 per cent), but concluded that this could be due to factors other than the *dzud*.<sup>5</sup>

However, the studies did raise concerns about the longer-term nutritional impact of the *dzuds*, raising concerns that greater poverty and lost livelihoods would eventually translate into higher levels of chronic undernourishment.

8. It is important to understand that during the early 1990s, there was a “return to the land”, with many families driven back to rural areas to escape escalating urban poverty. Thousands of people lost their jobs in urban areas as the economy collapsed and State industry was dismantled during the brutal economic transition, and many turned to herding as the only alternative. The number of herders rose dramatically from 147,508 to 417,743 between 1990 and 1999 (an increase of 183 per cent in just one decade) and the urban population fell by 13 per cent between 1989 and 1998.<sup>6</sup> However, some of the new or returning herders proved ill-prepared for the difficulties and risks of pastoral life. Many people taking up herding concentrated around the water sources and *soum* (county) and *aimag* (province) centres, which led to problems of overgrazing and land degradation in areas close to population centres. Exacerbated by the massive death of livestock during the *dzuds*, many herders were eventually forced to return back to the city. Between 1995 and 2000, 75,000 Mongolians migrated to Ulaanbaatar.

9. However, inexperience and overgrazing were not the only factors that affected the sustainability of herding livelihoods. The withdrawal of the State from agriculture and a lack of investment in rural areas led to the absence of previously provided public goods - such as winter shelters, emergency fodder stocks, maintenance of water and wells and essential veterinary services - contributing heavily to increasing the vulnerability of individual herders to climatic disasters. The retreat to the land occurred at the same time as the breakdown in rural infrastructure. When the State-run livestock cooperatives (*negdels*) were dismantled, no alternative forms of collective management were established, and responsibility for maintenance of wells, shelters and emergency fodder stocks was left to individual herding families. Today, at least 60 per cent of the 35,000 engineered and deep-water wells created during the socialist period are inoperative.<sup>7</sup> It has proved difficult for individual nomads to manage such services alone. Reduced social services in rural areas has also meant that herders preferred to stay closer to population centres, where water, schools, health centres, markets and veterinary services are more easily accessible, but this has resulted in increased land degradation and overgrazing in areas close to population centres. Traditional patterns of mobility across the land that would prevent overgrazing have not been generally re-established. The costs of privatized veterinary services have also reduced accessibility leaving animals more vulnerable. All these changes have increased the vulnerability of herding families to Mongolia’s severe winters and summer droughts.

## **B. Overview of hunger and food insecurity in Mongolia**

10. According to FAO, Mongolia is now the most food insecure country in Asia apart from Cambodia. More than a third of the population are undernourished, with 38 per cent of Mongolians unable to guarantee enough food for themselves and their families each day.<sup>8</sup> UNDP human development statistics show that undernourishment increased from 34 per cent to 38 per cent of the population between 1990 and 2000. Mongolia now has levels of undernourishment similar to those of countries in sub-Saharan Africa, such as Kenya or Madagascar. The daily calorie intake per person in poor households is only 1,784 kcals - well

below the international standard of 2,100 kcals and the Mongolian standard of 2,731 kcals per day.<sup>9</sup> The national report on the Millennium Development Goals estimates that the poorest 20 per cent of the population would not have enough income to buy adequate food, even if all their income were spent on food. It reports that many people only get two thirds of the food they need - and far less in winter when food consumption falls by 30 per cent because Mongolians have to spend their money on heating fuel to survive the freezing temperatures.<sup>10</sup> One in every five Mongolian children is stunted and 6.4 per cent are underweight.<sup>11</sup> The number of infants with low birth weight increased from 6 per cent to 10 per cent between 1992 and 1999 and infant mortality remains high.<sup>12</sup> Over 13 per cent of children die before their fifth birthday due to malnutrition and related diseases.

11. Micronutrient deficiencies are also widespread, with iron deficiency affecting one in four children, and iodine deficiency one in seven. Anaemia has increased and rickets remains a problem.<sup>13</sup> Access to fresh drinking water is extremely unequal and about 40 per cent of the population do not have access to an improved drinking water source. Residents of the urban *ger* districts (urban shantytown districts surrounding Ulaanbaatar made up of the traditional Mongolian white felt tents, or *gers*) face severe problems of access to safe water and pay far more for water from kiosks than apartment residents for running water.<sup>14</sup> Poor families now spend over 70 per cent of their income on food,<sup>15</sup> and therefore have to make difficult choices between food, water, health, education or winter heating. The impacts of the economic transition has also been disproportionately borne by women, since in the privatization process, many assets, including livestock and property, were usually registered in the name of the male heads of households, leaving women without control over their assets.<sup>16</sup> It is estimated that 90 per cent of privatized property was registered under the name of the husband. Women have also been more heavily affected by the closure of health and education centres in rural areas, and are subject to increased domestic violence that has been generated by widespread unemployment, poverty and hunger.<sup>17</sup>

12. Although Mongolia's dry, short summers and harsh winters are not very conducive to crop agriculture, under the Soviet system of intensive, irrigated State farms, Mongolia was more than self-sufficient in grain production, and even exported wheat. However, during the brutal economic transition in the early 1990s, both the availability and accessibility of food declined rapidly. With the dismantling of State farms, food production fell by 75 per cent between 1990 and 2003 and Mongolia rapidly shifted from being a food-exporting to a food-importing country. At the same time, the dismantling of State-owned industry and the mass unemployment that ensued lead to a rapid rise in extreme poverty. According to the National Statistics Office, in 1991, the average calorie intake fell precipitously below the international minimum basic requirement of 2,100 kcals/day. Today, the average calorie intake is back above the basic international standard (although it remains below the Mongolian national standard of 2,731 kcals/day), but this average conceals patterns of undernourishment and overnourishment.<sup>18</sup> According to Government statistics, the extent of undernourishment is more severe in urban than in rural areas. The 1999 National Nutrition Survey showed that in rural areas poor families consume 58 per cent less than the national minimum requirement. In urban areas, poor families consume 68 per cent below the minimum requirement. On the other hand, economically better-off families consume well over the recommended nutrient intake.



13. The traditional Mongolian diet is based on the semi-nomadic lifestyle of livestock herding and largely consists of meat and dairy products. This diet is high in fat, but low in carbohydrates and vegetables. With an increasingly sedentary lifestyle, this type of nutrition is contributing to the increasing prevalence of cardiovascular diseases amongst higher-income groups. However, amongst the poor, poverty is also producing a shift in diet, as many of the poorest, who are unable to afford meat now eat bread or flour products instead.<sup>19</sup> A UNICEF study on children living in Ulaanbaatar's peri-urban districts found that many families cope with food shortages by eating only one meal a day, sometimes going without meals for two or three days a month, and many children now show serious signs of insufficient food intake.<sup>20</sup> It also suggests that official poverty statistics underestimate the extent of poverty in the *ger* districts, since many new migrants are not officially registered.<sup>21</sup> According to the World Bank, some people have been reduced to desperate strategies to cope - scavenging food from rubbish dumps, or even being forced into thieving in order to be able to feed their families, contributing to the rise in urban crime in Ulaanbaatar.<sup>22</sup>

14. Despite evidence of undernourishment and hunger, and the fact that Mongolia is recorded as having the most serious problem of undernourishment in Asia, the Special Rapporteur could find no comprehensive study on the state of food insecurity in Mongolia. Although a number of studies on nutrition have already been carried out, these are not always comprehensive in measuring severe malnutrition<sup>23</sup> and have not gathered adequate information on undernourishment. The Special Rapporteur was concerned to find that there seemed to be no general agreement in Mongolia about the level of food insecurity and undernourishment in the country. A number of those he spoke with, particularly in the multilateral development banks, did not believe that Mongolia had a problem of undernourishment and suggested that the statistics were exaggerated. However, bringing together various available statistics and information on undernourishment, nutritional deficiencies and poverty statistics it seems that a problem of food insecurity and chronic undernourishment does certainly exist in Mongolia and needs to be urgently addressed. In their report on the Millennium Development Goals, the Government recognizes that there is a problem, and poverty statistics would also appear to support the estimate on undernourishment. According to Government statistics, 35.6 per cent of Mongolians now live under the poverty line, which effectively means that they experience a systematic shortage of food because they cannot afford to buy sufficient food.<sup>24</sup> Six months after the conclusion of his visit, the Special Rapporteur received a communication from the Government of Mongolia stating that according to the III National Nutrition Survey, 2004, severe malnutrition among children under 5 has been reduced from 2.86 per cent in 1999 to 0.7 per cent in 2004. The Special Rapporteur had no possibility to check these figures against other findings of the FAO or UNICEF.

15. According to the 1998 Living Standard Measurement Survey, poverty levels are higher in urban areas (39 per cent) than in rural areas (32 per cent). Approximately 57 per cent of Mongolia's population live in urban areas, and poverty is concentrated in the *ger* districts on the outskirts of Ulaanbaatar, but also in *aimag* and *soum* centres, as a result of chronic unemployment and low wages. Food insecurity is heightened by job insecurity. Official unemployment stands at only 4.6 per cent of the workforce; however, alternative estimates suggest that at least 15 per cent and as many as 48 per cent are unemployed.<sup>25</sup> Many of the

poorest eke out a living in small trade or services in the informal sector in urban areas. Some have left to follow the gold rush, working in difficult conditions mainly in the gold mines in Central Aimag. Many of the poorest are heavily dependent on the increasingly meagre benefits and pensions received by older members of the household<sup>26</sup> and may therefore be seriously affected by the reform of the social security and pension system that is currently being proposed. A recent survey in Ulaanbaatar found that poverty was actually lowest amongst those over 60,<sup>27</sup> probably because they received pensions. Poverty is often highest amongst new migrants to the city who may be denied access to social services if they are not registered. One survey recorded that one out of three adults from newly migrated families were unemployed, and nearly 35 per cent of recent migrants did not have enough food, stating that “one out of three families does not have enough food at home”.<sup>28</sup>

16. Amongst the 43 per cent of the population that live in rural areas, some families also survive on pensions but most income is derived from the products of their herds. While rural families can live off their animals for food as well as produce income, this is becoming increasingly difficult as it is estimated that 55 per cent of herders now have less than 100 animals, considered the minimum for a sustainable livelihood. Very remote areas in Mongolia, particularly the western *aimags*, receive fewer resources and investment. Some groups, such as the Tsaatan minority of reindeer breeders, do not have adequate access to social services and live in conditions of extreme poverty and malnutrition. Food insecurity is heightened by climatic uncertainties, including drought and severe winters, but vulnerability increases with greater poverty. With massive losses of livestock and lack of investment in rural development, many rural families have been forced to survive by working for better-off families or migrating to the city to try to find work.

17. During his mission, the Special Rapporteur carried out visits to both urban and rural areas. In Ulaanbaatar, he met with large numbers of poorer Mongolians dependent on food canteens and soup kitchens. He also met with abandoned children brought into orphanages after being found living in underground heating pipe tunnels, drains and sewers. The number of street children has rapidly increased since the economic transition, as unemployment and economic insecurity have contributed to widespread social malaise and family breakdown. A 6-year-old child the Special Rapporteur met in a State-run orphanage could neither walk nor speak as a result of severe malnutrition, others were also physically or mentally stunted. He bore witness to high levels of food insecurity and chronic malnourishment in the poor urban districts of Ulaanbaatar, but also saw the prevalence of poverty in rural areas, particularly amongst pastoralist families who have lost most of their herds. In discussions he had in Selenge *aimag*, the Special Rapporteur learned that new social classes have emerged, of landowners and landless labourers and tenant farmers. In Dungobi *aimag*, in the more arid south, life seemed even more difficult given the lack of investment in harnessing water resources to improve pastureland for fodder.

18. Access to water is increasingly difficult and highly unequal, and the quality and safety of drinking water is generally reported to have deteriorated since the economic transition. In Ulaanbaatar, 55 per cent of the population (mainly residents of the *ger* districts) have no access to the centralized water system and have to make use of distant water kiosks or water tanked in irregularly by trucks, which is much more expensive. Water consumption per person in the

apartment blocks is of 240-450 litres a day, as opposed to 8-10 litres in the *ger* districts.<sup>29</sup> In Sukhbaatar district, Khoroo No. 11, for example, there are three water kiosks to meet the needs of more than 10,000 residents. Water supply does not cover needs, and sometimes children line up for two to three hours, only to find that the water has run out by the time they reach the beginning of the queue. In the summer, *ger* residents often use river water and natural springs, but in winter the water freezes and they therefore have no choice but to use kiosks, despite the high prices of water. There are also inequities in the use of water between private persons and corporations, in particular the mining industry. In discussions with UNDP it was said that reportedly, *ger* residents pay 84 times more for water than the mining corporations. Serious concerns are also being raised about the contamination of water resources, including deep wells and springs, by mercury from mining activities - given a weak regulatory environment and the focus on driving economic growth without environmental or social impact assessments. Access to clean water is therefore increasingly difficult, yet water is essential for life and an essential part of nutrition and therefore of the right to food.

## **II. LEGAL FRAMEWORK FOR THE RIGHT TO FOOD IN MONGOLIA**

### **A. International obligations**

19. Mongolia has ratified the International Covenant on Economic, Social and Cultural Rights, which protects the right to food in article 11. It has also ratified a number of other international instruments relevant to the right to adequate food and adequate nutrition, including the International Covenant on Civil and Political Rights (art. 6), the Convention on the Rights of the Child (arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women (arts. 12 and 14). With the exception of one report to the Committee on Discrimination against Women, all the periodic reports that Mongolia is required to submit on these Conventions are overdue.

20. Under its international commitment to the right to food, Mongolia has the obligation to respect, protect and fulfil the right to food of its people, without discrimination. The obligation to respect means that the State should not take actions that arbitrarily deprive people of their right to food. The obligation to protect means that the State should enforce appropriate laws to prevent third parties, including powerful people, from violating the right to food of others. Finally, the obligation to fulfil (facilitate and provide) means that the State should take positive actions to identify vulnerable groups and elaborate and implement appropriate policies and programmes to ensure their access to adequate food and water by facilitating their ability to feed themselves. As a last resort, the Government is also required to provide adequate food and water to those who cannot feed themselves, for reasons beyond their own control. To fulfil the right to food, the State must use the maximum of its available resources, including resources available from international cooperation and assistance, and in every circumstance it has the obligation to ensure, at the very least, the satisfaction of the minimum essential level required to be free from hunger. The right to food includes access to land and access to drinking water and irrigation water necessary for subsistence agriculture. Participation, accountability and access to effective remedies should be ensured at all times and at all levels of the implementation of the right to food.

## **B. Domestic constitutional and legislative framework**

21. The Mongolian Constitution of 1992 guarantees democracy and fundamental rights and freedoms for the Mongolian people, including a range of economic and social rights. While the right to food is not explicitly recognized in the Constitution, there are a number of provisions that are closely related and which protect access to food for the most vulnerable.

22. Article 16, paragraph 5, recognizes the “right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law”, which will provide some protection of those groups and requires the Government to provide assistance to them, including food assistance. The right to food is also closely related to the right to work, to adequate livelihoods and to equal treatment. Article 14 of the Constitution enshrines the right to be treated equally before the law and the courts. Article 16, paragraph 14, recognizes the right of Mongolian citizens to have recourse to courts of law for the protection of rights or freedoms “spelt out by the Mongolian law or an international treaty” and “to be compensated for the damage illegally caused by other”. The Special Rapporteur was informed that recourse to courts was available for all rights in the Constitution, including economic, social and cultural rights. The Constitution declares that international treaties become effective as domestic legislation upon the entry into force of the laws on their ratification or accession, although it also states that “Mongolia shall not abide by any international treaty or other instruments incompatible with its Constitution” (art. 10, para. 4), putting domestic law above international law. The Special Rapporteur shares the observation of the Human Rights Committee that it should be clarified in the law that human rights contained in the Covenant should prevail over domestic law in case of any conflict (CCPR/C/79/Add.120, para. 7).

23. Mongolia’s legislative framework also includes a number of other laws and regulations with direct relevance to the realization of the right to adequate food. Among the most important is the Law of Food adopted in 1995 and amended in 1999. The purpose of the Law of Food is “to ensure food necessities of the population, food safety and to regulate relations that arise between the Government, individuals and legal entities in connection with the food production and services”. However, the actual scope of the law is narrower than its declared objective. The law focuses mainly on food safety standards and partially on the food supply. It mentions the requirement to ensure nutritional quality of available food, but is silent on the critical issue of access to food and, does not recognize that all people living in Mongolia’s territory are entitled to the right to adequate food. Nor does it establish mechanisms of accountability.

24. The 1998 Social Welfare law defines entitlements for “extremely poor” citizens. A person is defined as “extremely poor” if his/her earnings are 40 per cent below the poverty line and result in “limited consumption”. Presumably “limited consumption” refers to limited food consumption; but the National Human Rights Commission of Mongolia noted that the term “limited consumption” has not been defined, resulting in ambiguity.<sup>30</sup> The Social Welfare Law is nevertheless an important complement to the Social Insurance Law in that it nominally covers people who are not entitled to pension under that law and provides them with some income. The Special Rapporteur is concerned that these laws appear to have a limited coverage and are not always known to the potential beneficiaries. According to information provided to the

Special Rapporteur by the Ministry of Labour, benefits provided for under the law amount to Tog 14,400, which is inadequate, the minimum living standard being of Tog 27,000 in Ulaanbaatar.

25. Legislation on land ownership and land use is particularly important for the right to food in Mongolia, given that almost half of the population depends on agriculture and related activities, especially herding. Current characteristics of land legislation in Mongolia were substantially crafted between 2000 and 2002 as part of the drive to economic reform and liberalization and came in response to pressures to provide better conditions for foreign investment in the food, agricultural and mining sectors. Two important laws were passed in 2002, the Law on Land and the Law on Allocation of Land to Mongolian Citizens for Ownership. These laws reserve land ownership for Mongolian citizens and provide rules on the allocation of land in the privatization process.

26. Grazing land remains excluded from private ownership, but land can be privatized for other uses both in urban and rural areas. So far, 0.9 per cent of the total land has been privatized. Land in urban centres was to be given to citizens without payment. Families in the capital city were entitled to 0.07 ha, in *aimag* centres 0.35 ha and in *soum* centres 0.5 ha. In rural areas, up to 100 ha of agricultural land may be given to a citizen and family who have worked in the agricultural sector, and up to 5 ha for vegetable growing (art. 29.3). *Aimags* can decide on the size of land to be given to corporations - up to 3,000 ha for cereal and fodder crop production, up to 50 ha for vegetable production, and up to 1,500 ha for commercial haymaking purposes.<sup>31</sup> The Special Rapporteur was informed that a good number of Mongolian corporations and legal entities had possession or use of large areas of agricultural land. This would raise the concern that there are inequalities in the land allocated between individuals and corporations. The Special Rapporteur would additionally express his concern that the process of granting licenses for possession and use of land by companies and individuals may not have adequate transparency and accountability mechanisms that prevent favouritism and even corruption in the system.

27. Under the law, pastureland can still only be possessed collectively. Article 54 of the land law defines responsibilities of local authorities in the preservation and use of pastureland. It requires that *soum* and *aimag* governors, in cooperation with relevant professional organizations and taking into consideration land use traditions, rational land use and conservation requirements, should carry out land management activities to ensure the preservation and rational use of national pastureland. The Special Rapporteur appreciates the efforts made by Mongolia to strike a right balance between the competing policy needs of developing land and agricultural markets and the need to preserve public access to land, in particular pastureland, which is essential for the survival of herding communities and families. He is aware of mounting foreign pressure for further liberalization and privatization of land in Mongolia and reminds the Government of its obligations under international human rights law to ensure access to food or to the means for its procurement. For farming and herding communities, which represent a large segment of Mongolian population, access to pastures and other land is crucial to their livelihoods.

### **C. Institutional framework**

28. The Government has made important progress in establishing a National Human Rights Commission in 2000 and in drawing up the first national action plan on human rights, although the Special Rapporteur was concerned that progress on the plan of action was suspended during the recent election and a Committee of oversight has not yet been established. However, he was very encouraged by the work of the National Human Rights Commission of Mongolia (NHRCM), which has been granted full political, economic and legal independence in line with the Paris Principles.

29. The mandate of the National Human Rights Commission is to promote and protect human rights and it must present annual reports on the human rights situation to the Parliament. It is responsible for monitoring compliance of domestic legislation with international standards. The NHRCM can receive individual complaints about constitutional rights or rights recognized in treaties ratified by Mongolia. Economic, social and cultural rights, including the right to adequate food, fall clearly within its mandate. The focus of the Commission has so far been on civil liberties and the administration of justice, but it has begun on poverty and economic, social and cultural rights. Its 2002 report addresses issues related to the right to health protection, education and social security, and labour rights, while the 2003 report addresses those rights in relation to the particular situation of groups such as children, disabled people and the extremely poor. The Commission has not yet worked on specific cases in relation to the right to food, although it did bring a case to court to challenge registration fees charged to new migrants in Ulaanbaatar on the basis of discrimination. This case was won, and there are no more official fees charged for registration, which significantly helps the poorest in gaining access to social services, although the process of registration still remains difficult.

30. In general, access to justice for the poor remains difficult, as although the judiciary is expected to be independent, judges are often inadequately trained on human rights issues, particularly for economic, social and cultural rights. The judicial system also suffers from large case backlogs and instances of corruption, and access to courts is hindered by long distances and high litigation costs.<sup>32</sup>

## **III. POLICY FRAMEWORK FOR THE RIGHT TO FOOD**

### **A. Government policies and institutions**

31. Mongolia has a number of policies and institutions in place to address issues related to food supply, food safety and nutrition, although there appears to be no comprehensive strategy fully addressing issues of food security in terms of access to food. Few policies take an explicitly rights-based approach, but the Government expressed a positive interest in building awareness of the issue of the right to food.

32. The National Plan of Action for Food Security, Safety and Nutrition adopted in October 2001 is the key government strategy relevant to the right to food and falls under the responsibility of the Ministry of Food and Agriculture. This plan addresses key questions of food supply, food safety and nutrition. It sets out important strategies for improving availability

of food and promoting greater agricultural production, including of vegetables and milk, through programmes such as the Green Revolution and White Revolution programmes. The Special Rapporteur witnessed these important efforts to revive production of grain, processed meat and milk products, during his visits to a number of farms and factories. The Ministry plans to increase local food production, concerned that Mongolia now imports over 70 per cent of its food.<sup>33</sup> In line with the 1995 Law on Food, the Action Plan also sets out important strategies to improve food safety, addressing public concerns that followed the liberalization of trade, when lower quality food imports flooded into the country. Finally, the Action Plan also sets out important strategies to improve nutrition, including encouraging greater consumption of vegetables through education and through promoting increased vegetable production and micronutrient fortification of certain basic staple foods. Although the plan addresses issues of poor nutrition, it however fails to look at the link between the impacts of chronic under-consumption and extreme poverty. It defines food security largely as an issue of food availability (food supply through agricultural production), and does not address issues related to access to food. Nor does it contain statistics on or an analysis of the causes of undernourishment and food insecurity in Mongolia. Food accessibility is a key component of the right to food and it is essential to have a comprehensive strategy to address all aspects of food security, with responsibilities allocated between different ministries.

33. The Ministry of Health is currently responsible for a number of strategies in place to address nutritional deficiencies, with a priority focus on women and children. Programmes include a project for flour fortification to reduce iron-deficiency anaemia. A strategy on “Prevention of micronutrient deficiency of children under 5” is being drafted by the Ministry which will focus on the distribution of vitamins A and D and iron to children. The Government has also developed the project “Goals for Children in Mongolia”, which sets out goals to reduce rates of under-5 mortality and undernutrition, expand the coverage of vitamin D supplementation, increase rates of breastfeeding and ensure universal iodization of salt. The Ministry of Health is also promoting awareness of nutrition in order to promote healthy eating habits and, in collaboration with other Ministries, to promote food safety. All these are important policies to address nutritional deficiencies in the country. However, they remain focused on efforts to promote fortification or supplementation with micronutrients, without looking at the issue of under-consumption and resulting malnutrition in children and mothers. In his meeting with the Ministry of Health, the Special Rapporteur found that the senior officials did recognize the problem of undernourishment, but felt that this issue fell outside its competence.

34. The Ministry of Social Welfare and Labour has the overall responsibility for monitoring human development in Mongolia and implementing the Government’s overall poverty reduction strategy. The Ministry is responsible for social safety nets, including the payment of pensions and unemployment benefits to those in the formal sector and direct assistance, including food support to the extremely poor through orphanages and feeding centres. It also sets the national minimum wage and is responsible for its enforcement. The Special Rapporteur was concerned that the legal minimum wage was under US\$ 30 (Tog 30,000) a month, considered insufficient by the National Commission on Human Rights to provide a decent standard of living for a worker and family.

35. The Government's overall poverty reduction strategy is outlined in the Economic Growth Support and Poverty Reduction Strategy Paper. The strategy paper briefly examines the question of undernourishment, recording that between 1990-2002, the national average caloric intake has fallen well below the national recommended levels.<sup>34</sup> It recognizes that a large number of families are suffering from a lack of food and that many of the poor cannot cover their food needs. However, the Special Rapporteur was concerned that the strategy paper does not analyse the causes of food insecurity and that it suggests that, compared to other countries with similar income levels, malnutrition is not a serious problem for Mongolia, except in rural areas and among poor people.<sup>35</sup> The Special Rapporteur was also concerned that there were few concrete actions proposed to reduce food insecurity and undernourishment. The strategy rests on the belief that economic restructuring and rationalization of social safety nets will automatically generate economic growth, which will in turn automatically reduce poverty.<sup>36</sup> However, much of the restructuring already undertaken, including privatization and trade liberalization, has failed to automatically generate growth, and poverty alleviation will not occur in the context of rising inequality as the benefits will not trickle down to the poor. Privatization has often had the effect of increasing inequality, since the benefits of privatization have accrued to those elites closest to government officials. It is equally unlikely that a further rationalization of social safety nets will automatically generate economic growth; on the contrary, it may create even greater poverty, as so many people are dependent on pension incomes. The Special Rapporteur was encouraged that senior officials from the Ministry recognized these issues and informed him that there is now a shift towards "livelihood support" that will prevent and slow down the rate of impoverishment of Mongolian families.

36. Mongolia's newly established Disaster Management Agency has the responsibility for operating an early warning system for natural disasters - including *dzuds* - and coordinating responses to them. It also manages emergency fodder programmes, and food aid programmes. The Special Rapporteur was concerned however that no overall responsibility for food aid appeared to have been allocated in Mongolia. Mongolia now receives relatively high levels of food aid every year, including from the United States and France; most of this aid is currently not distributed as emergency food aid, but is locally monetized, with the funds then used to finance project budgets. The Special Rapporteur was concerned that there seemed to be no responsibility for monitoring the impact of food aid on the Mongolian economy or for maintaining accountability on monetized aid. It would seem that there is therefore a need to allocate responsibility for the management of food aid to one particular institution.

37. In terms of responsibility for water management, Mongolia has no Ministry with overall responsibility for water. A National Water Committee has been established, which is responsible for the implementation of the National Water Action Plan and the coordination of responsibility among the different ministries; for example, the Ministry of Agriculture and Food is responsible for rural water supply, but the Ministry of Nature and the Environment is responsible for water conservation. The Special Rapporteur was concerned that both policies and the institutional framework for water management remain weak, which affects the regulatory capacity to prevent water pollution from mining, and other activities. He was encouraged that WHO is collaborating with the Government to improve the protection of natural water springs in urban areas, on which much of the urban population depends. However, he remains concerned that there appears to be no overall responsibility for ensuring adequate access to water for the poorest.



## **B. International agencies and donors**

38. There are a large number of international agencies in Mongolia, including multilateral development banks (with a far greater involvement of the Asian Development Bank than the World Bank) and a number of the United Nations and specialized agencies, including FAO through its office in Beijing and its correspondents in Mongolia. The United Nations agencies in Mongolia have largely adopted a rights-based approach to development, although they have not focused attention on the right to food.

39. Mongolia receives one of the highest levels of international aid per capita. It is the fifth most aid-dependent country in the world,<sup>37</sup> with aid making up 20 per cent of the gross national product. During the period between 1991 and 2002, Mongolia received US\$ 2.4 billion in bilateral and multilateral Official Development Assistance (ODA), about half of which in the form of grants and about half in concessional loans that will have to be repaid.<sup>38</sup> It receives an amount of aid that is almost the amount of subsidies that it used to receive from the Soviet Union, yet the impact on poverty alleviation has been markedly different. Most of the aid has not been spent directly on poverty reduction. During the 1990s, most aid was allocated to physical infrastructure (37 per cent) and to “economic management” (24 per cent), but only 1.2 per cent of total aid was spent on the National Poverty Alleviation Programme and only 5 per cent on agricultural development in the rural sector, even though employment in this sector was growing.<sup>39</sup> This would suggest that the elimination of poverty and food insecurity has not been a priority for the major international donors, especially the Asian Development Bank and the World Bank. This appears to be changing now, however, as the multilateral development banks begin to recognize the need to address poverty, rather than relying on benefits from economic growth eventually trickling down to the poor. Many of the United Nations agencies, such as UNDP and WHO, have worked hard to re-orient aid spending towards poverty reduction, although there is still little focus on issues of food insecurity and chronic undernourishment.

## **C. Non-governmental organizations**

40. Important progress has been recently made in Mongolia with civil society organizations emerging since the transition. However, many of these organizations remain underdeveloped and weak in advocacy capacity, particularly in their advocacy for the poor. There are also a large number of international NGOs now working in Mongolia, many of which have focused on implementing a rights-based approach to their work, although few focus on the right to food. The Special Rapporteur met with local organizations, including the Centre for Human Rights and Development and the Mongolian Food Producers Association, as well as international NGOs, such as Action Contre la Faim and World Vision. All these organizations agreed that there was a problem of undernourishment in Mongolia, and were concerned that this was not a central issue for the main development donors. The representative of World Vision reported for example that a large number of people walk for up to an hour, even in the winter, to come to the two soup kitchens World Vision runs in Ulaanbaatar because this will be their only meal of the day.

#### **IV. MAIN FINDINGS AND CONCERNS**

##### **A. Progressive realization of the right to food**

41. Under its commitment to the right to food, the Government of Mongolia is required to ensure the progressive realization of the right to food, using the maximum of available resources. This means that constant progress must be made in reducing levels of chronic food insecurity, hunger and poverty, by improving the food availability, accessibility and adequacy, and by focusing on the most vulnerable.

42. The Special Rapporteur is concerned that chronic undernourishment appears to have increased, rather than decreased in Mongolia over the last decade, from 34 per cent to 38 per cent between 1990 and 2000, which amounts to a regression in the realization of the right to food. The Special Rapporteur is particularly concerned given that before 1990 malnutrition was rare, and, according to the UNDP, there was no recorded poverty or unemployment.<sup>40</sup> Today, 14 years after the economic transition, more than 35 per cent of Mongolians still live under the poverty line and therefore with a systematic shortage of adequate food. Although the number of people living under the poverty line now appears to have stabilized, inequality and the depth of poverty are reported to be increasing. This suggests that the poor are becoming poorer and will be increasingly unlikely to be able to meet their expenses for food in the future. While the Government has taken important steps to improve food availability and food safety, the Special Rapporteur was particularly concerned that the National Plan on Food Security does not address the question of undernourishment or access to food.

43. The Special Rapporteur is also concerned that Mongolia does not appear to be using the maximum available resources to address the situation of chronic undernourishment. Mongolia receives one of the highest levels of aid per capita in the world, yet it seems that most of these funds are not being used in ways that are alleviating food insecurity or poverty. Few concrete actions or institutions are in place to address the problem of access to food for the poorest. This may in part be the result of the lack of attention on food security by the donor community, particularly the multilateral development banks. It also appears to be partly due to reliance on “trickle-down” economics, but this is not sufficient if it is failing to reach Mongolia’s poor and hungry. The Special Rapporteur is also concerned by growing inequalities between rich and poor, between regions and between men and women.

44. In terms of the legal framework governing the right to food, the Special Rapporteur was encouraged by the establishment of the National Human Rights Commission which has the mandate to cover all human rights, including the right to food, and by the work that the Commission has already done on issues of poverty. He would encourage further work on the right to food as part of its work on poverty, as this would provide an important way of improving domestic monitoring of the right to food in Mongolia, as well as improving advocacy and accountability for the right to food.

##### **B. Violations of the right to food**

45. Under its commitment to the right to food, the Government undertakes obligations to respect, protect and fulfil the right to food, without discrimination. The Special Rapporteur was very encouraged to find comparatively few documented cases of violations of the right to food.

He found little evidence of pervasive discrimination against ethnic or other groups that would amount to a violation of the right to food. The Special Rapporteur visited one prison to examine food conditions of detainees, but found that kitchen conditions were adequate and that the prison appeared to be providing food adequate in quantity and quality to its inmates.

46. However, he did find some documented cases of violations, including reports of cases of people starving to death, suffering from severe undernutrition, as well as cases of people excluded from social assistance. In its latest status report on human rights in Mongolia, the National Human Rights Commission reported that:

“During a survey in Ulaanbaatar, cases were reported on people who starved for days without any food, suffered from malnutrition and their mental health gradually degrading. In the social welfare centre at Songino-Khairkhan District, a 56-year-old citizen ‘G’ was suffering from a mental disorder caused by severe famine.”<sup>41</sup>

47. Certain groups appear to be sometimes excluded from social assistance and services, such as unregistered migrants, single mothers, women-headed households, street children, the Tsaatan minority and people without identity documents. The National Human Rights Commission found that 41 per cent of poor people had no identity documents<sup>42</sup> and more than 50 per cent were not aware of their entitlements under the law. There are also concerns that some groups, especially women, migrants and rural and *ger* district populations, have been affected by inequities in the privatization process. In Ulaanbaatar for example, tenants were granted automatic free ownership of their apartments, but residents in the surrounding *ger* districts were not granted equivalent benefits or land titles.

48. There are also documented cases of violations in relation to protests against the land privatization law. Amnesty International alleges that in April 2003, police allegedly beat four people at a sit-in protest by farmers in the capital Ulaanbaatar, but no investigation was known to have been carried out by the Government, encouraging a climate of impunity and a lack of accountability.<sup>43</sup> Concerns also persist with regard to the lack of investigation into the treatment of demonstrators protesting against the land privatization law in November 2002.

### **C. Obstacles to the realization of the right to food**

49. The Special Rapporteur believes that there are a number of key obstacles that affect the capacity of the Government to guarantee the progressive realization of the right to food.

50. The first obstacle to the full realization of the right to food in Mongolia has been the lack of attention paid to the problem of food insecurity and chronic undernourishment. The Government, apparently on the advice of the International Monetary Fund and the multilateral development banks such as the Asian Development Bank and the World Bank, has tended to focus on the re-orientation of the economy through “shock therapy”, rapid privatization and trade liberalization, without monitoring the impacts on the people’s capacity to feed themselves. The focus of development efforts have been on privatization and economic growth, regardless of the cost in terms of social equality or environmental sustainability. Rapid de-industrialization has left Mongolia dependent on exports of primary products and it has shifted from being a net

food-exporter to importing more than 70 per cent of its foodstuffs. Privatization and trade liberalization have not automatically generated broad, pro-poor economic growth, and much of new dynamism beginning to show in the economy appears to be coming from the profits of gold mining, but the benefits are unevenly spread and unsustainable.

51. Low incomes and wages and pervasive unemployment, exacerbated by the broader process of de-industrialization, continue to be the key obstacles to the realization of the right to food. The reliance on a trickle-down model of economic growth to fight poverty and hunger has not yet been successful. As Griffin noted, “those who advocate a minimalist State, non-intervention and reliance on the market mechanism to reduce poverty have led the country to the brink of disaster”.<sup>44</sup> Recent government documents have noted that in the first years of transition, “denial of State participation and coordination in the market economy and application of ‘shock therapy’ in transition, created collapse and chaos in all sectors of the economy”.<sup>45</sup> The speed of liberalization did not allow Mongolia to build the efficiency of its existing industry that might have survived in an open world market. Privatization has also not automatically generated growth, as many privatized assets are in the same hands as they were before - previous managers or former government officials - yet there have been few efforts to build capacity or the skills of entrepreneurship or ensure adequate finance for development. Although some forms of allocation of land to herder families may enable them to invest in that land for the benefit of their families, the form of privatization implemented in the country has exacerbated inequalities and opened up new opportunities for corruption, particularly given the lack of transparency and accountability and the speed of the process. The economy remains unable to provide the employment necessary to lift more than one third of the population out of food insecurity and poverty.

52. The lack of public investment in herding livelihoods has also proved an obstacle to the realization of the right to food, particularly given that the “pastoral safety net” provided necessary employment. Dismantling of the *negdels* left pastoralists without the public goods necessary for their survival, particularly in the harsh winters - water, shelter, and emergency fodder reserves. With no new collective institutions to provide these goods, herding has become increasingly unviable for small-scale herders. Yet pastoral livelihoods remain essential as part of the safety net for poor Mongolians, still providing employment to 45 per cent of the population and providing the best use of its key resource: land. The solidarity and rural-urban links between extended families also continue to provide urban families with essential meat and milk. It is essential to support pastoral livelihoods to stem the flow of urban migration, especially in a context where urban unemployment remains high and urban poverty is greater than rural poverty. It makes sense to invest in and support pastoral livelihoods, at least until sufficient employment is generated in the cities. Even subsistence level livelihoods are better than no livelihoods at all.

53. Mongolia’s steppe ecosystem is fragile and vulnerable to overgrazing, degradation and deforestation, but the current land law has exacerbated the situation of overgrazing, heightening vulnerability to natural disasters. The 1994 Land Law codified an “open access” regime to Mongolia’s pastureland, which resulted in overgrazing in the most desirable areas because there are no limits on access to land. Some are now calling for the privatization of the pastureland to address overgrazing. However, privatization is not the best answer for herding livelihoods, which require mobility over large areas to manage climate-related risks. The choice does not

need to be between open access and individual privatized ownership - the third possibility is common property, where a group is granted rights to land and can regulate the activities of its members and exclude non-group members from using that land.<sup>46</sup> A common property rights regime could give rights over seasonal pastures, including all the different types of pastureland needed during each of the four seasons, as well as water sources, providing security of tenure to the group and avoiding overgrazing, based on a leasing system whereby fees would be lower in less hospitable areas far from markets and with poor infrastructure, and higher in good grazing areas with easy market access and good infrastructure.<sup>47</sup> While nomadic pastoralism is well-suited to the open steppes and is probably the best use of Mongolia's vast resource of land, this can remain sustainable only with an adequate pattern of mobility to avoid overgrazing and only with a focus on sustainability and the right to food for all, rather than purely on economic growth.

54. Mongolia also suffers from a large number of inherent obstacles that put it in a position of significant disadvantage in world trade that will make it difficult to generate economic growth in a context of fully liberalized trade. It is a huge, landlocked country that is geographically isolated with few road or rail communications and poor national and international market infrastructures. This "tyranny of distance" and the lack of paved roads make competition for any product difficult because of transport costs. These obstacles make it very difficult for Mongolia to enter the world trading system on a level playing field, and this should be recognized and compensated for in trade liberalization. However, Mongolia has been persuaded to reduce all protection to its own economy and was encouraged to liberalize too rapidly, most of its industries collapsed without the time to build efficiency, leaving Mongolia little to compete with on international markets. It was assumed that liberalization would automatically generate growth, yet little could survive the onslaught of competition from goods from its huge neighbours in China and Russia, especially agriculture. Now having liberalized well beyond the requirements of the World Trade Organization, it will also be difficult for Mongolia to build up new industries. Left dependent primarily on cashmere, copper and gold, Mongolia has become vulnerable to volatile world commodity prices, even though it needs foreign exchange to purchase food imports.

55. After more than a decade of recession, the Mongolian economy is only just beginning to show dynamism, despite receiving one of the highest levels of aid in the world. While Mongolia needs international aid and support at present, there remains a danger that it will become too aid-dependent and that aid is not being spent on the poor. Mongolia's external debt stands at around US\$ 1.3 billion, or 90 per cent of gross national income (GNI).<sup>48</sup> The debt burden will become an obstacle to the realization of the right to food in the future, by further limiting available resources to spend on fighting poverty and improving food security.

## V. CONCLUSIONS AND RECOMMENDATIONS

56. **The Special Rapporteur was encouraged by the interest expressed by the Government in gaining a better understanding of the right to food. He was encouraged by the efforts of the Government to improve the availability and adequacy of food (supply and food quality). However, he believes that the problem of lack of access to food and the resulting chronic undernourishment deserves urgent attention, as do early warning mechanisms and preventative measures against natural disasters, such as the *dzuds*.**

57. **The Special Rapporteur recommends that:**

- (i) **A comprehensive study on the situation of food insecurity and chronic undernourishment be carried out to determine the validity of existing statistics and the urgency of the problem. The linkages between poverty and the lack of access to sufficient food must be explored. Future studies on nutritional deficiencies should examine the extent to which nutritional deficiencies are due to chronic underconsumption;**
- (ii) **The legal framework to protect the right to food under domestic law be strengthened. Steps could be taken such as clarifying the relationship between international and domestic law and amending the 1995 Law on Food to include a recognition that all Mongolians should be entitled to the right to adequate food. Mechanisms of accountability should also be established to ensure that Mongolians could seek access to justice if the right to food is not being met. The Government should also submit its overdue reports on its implementation of the human rights treaties to which it is a party;**
- (iii) **The excellent work of the National Human Rights Commission be supported and strengthened. The Commission has a crucial role to play in the realization of the right to food and should develop institutional capacities for research, monitoring and response to complaints on this issue. This should include monitoring of access to food and water of poor Mongolians and following up cases where people have been denied such access or where people have died of starvation, as well as monitoring the progressive realization of the right to adequate food in the context of the fight against chronic undernourishment;**
- (iv) **Government policies and programmes be developed to address food insecurity and the lack of access to food for Mongolia's population. Responsibilities should be fully established between Ministries. Addressing food insecurity should also be fully integrated into the national poverty reduction strategy. In collaboration with international donors, the Government should ensure that adequate resources are directed towards the most vulnerable and ensure equitable access to food and water as a priority, particularly international aid that should be used to alleviate poverty and food insecurity;**
- (v) **Rural livelihoods be supported and greater investment undertaken to support the creation of pastoralist institutions to improve the provision of public goods and essential services, including well maintenance, emergency fodder stocks, winter shelters and veterinary services;**
- (vi) **Pastoral land not be privatized in the future, as this would not solve issues of overgrazing but rather exacerbate food insecurity and poverty. Institutions of common property and patterns of mobility should be considered to address overgrazing and improve sustainability;**

- (vii) **The institutional framework for the management of water resources be strengthened and responsibility allocated for ensuring access to water for all communities, including wells for rural populations and their animals, as well as water supplies for those living in urban centres which are not served, including the *ger* districts in Ulaanbaatar. There is also an urgent need to improve water quality;**
- (viii) **Overarching responsibility be established for the management of food aid. Mechanisms to monitor the impact of food aid on food security and the broader economy should be established, to ensure that food aid does not act as a disincentive to efforts to increase local production. Standard procedures should also be established for improved transparency and accountability for monetized food aid;**
- (ix) **Actions be taken to ensure that all groups have access to adequate social services and assistance, including not registered migrants and families without documents. The current restructuring of the social security system must include a review of the potential impacts on food security;**
- (x) **Further reforms of the economy protect against the inequities that have characterized the liberalization and privatization process, particularly affecting women, and be monitored to ensure that they do not result in greater levels of undernourishment. Accountability and transparency should be improved to remove the potential for corruption and favouritism;**
- (xi) **Finally, the current model of economic development be revised to address problems of poverty and chronic undernourishment, otherwise it appears that Mongolia's poor and hungry will be increasingly left behind. Mongolia's inherent obstacles as a remote landlocked country must also be recognized at the international level and the rules of trade liberalization should permit development and the realization of the right to adequate food. Addressing food insecurity and poverty must be prioritized for the realization of the right to food.**

#### Notes

<sup>1</sup> See O. Bruun, P. Ronnast and L. Narangoa, *Mongolia, Transition from the Second to the Third World*, Stockholm, Sida, 2000.

<sup>2</sup> "Economic Vulnerabilities and Human Security in Mongolia", report on a mission of the Department of Economic and Social Affairs to Mongolia (June 2004), p. 15.

<sup>3</sup> Government of Mongolia, *Economic Growth Support and Poverty Reduction Strategy*, 2003, p. 2.

- <sup>4</sup> Preliminary report of a survey assessing the nutritional consequences of the *dzud* in Mongolia (2001), conducted by the Nutrition Research Centre of the Ministry of Health, WHO, UNICEF and the United States Centers for Disease Control and Prevention.
- <sup>5</sup> Final report of a survey assessing the nutritional consequences of the *dzud* in Mongolia (2001), op. cit. (see note 4 above).
- <sup>6</sup> K. Griffin, "Urban-rural migration and involution in the livestock sector", in K. Griffin (ed.), *Poverty Reduction in Mongolia* (Australian National University Asia Pacific Press, 2003), p. 57.
- <sup>7</sup> K. Griffin "The Macroeconomics of Poverty", in *ibid.*, p. 15.
- <sup>8</sup> FAO, *The State of Food Insecurity in the World 2003*, Table 1.
- <sup>9</sup> Recommended measure of food intake of population, 1997.
- <sup>10</sup> National Report on the Implementation of the Millennium Development Goals in Mongolia, 2004, pp. 14-15. [http://www.nso.mn/mdg/eng\\_index.htm](http://www.nso.mn/mdg/eng_index.htm)
- <sup>11</sup> Government of Mongolia, III National Nutrition Survey, 2004.
- <sup>12</sup> Government of Mongolia, National Nutrition Survey, 1999.
- <sup>13</sup> See note 11 above.
- <sup>14</sup> United Nations Development Programme, *Human Development Report Mongolia, 2003*, p. 28.
- <sup>15</sup> *Economic Growth Support and Poverty Reduction Strategy* (see note 3 above), p. 14.
- <sup>16</sup> *Ibid.*, p. 16.
- <sup>17</sup> "Family Violence and its Health Consequences", research study conducted by the Ministry of Health, DMS and UNICEF, 2004.
- <sup>18</sup> *Economic Growth Support and Poverty Reduction Strategy* (see note 3 above), p. 10.
- <sup>19</sup> World Bank, *Mongolia: Participatory Living Standards Assessment 2000*.
- <sup>20</sup> "The living conditions of the children in peri-urban areas of Ulaanbaatar", study prepared by UNICEF, Save the Children UK and the National Board for Children, 2003, p. 14.
- <sup>21</sup> *Ibid.*, p. 11.
- <sup>22</sup> World Bank op. cit. (see note 19 above).



<sup>23</sup> This has been pointed out by Sharon Devine of the Department of Anthropology and Health and Behavioural Sciences of the University of Colorado in an assessment entitled “The cost in lives and productivity to Mongolia from malnutrition, especially micronutrient deficiencies, can be measured, but only if agencies collect specific information and share it among researchers.”

<sup>24</sup> Methodologies used for determining the national poverty line in Mongolia are discussed in M.D. Brenner, “Poverty in Mongolia”, Griffin, op. cit. (see note 6 above), pp. 30 et seq., in particular p. 35.

<sup>25</sup> *Human Development Report Mongolia, 2003*, op. cit. (see note 14 above), p. 13, and information provided in discussions with the Ministry for Social Welfare.

<sup>26</sup> World Bank (see note 19 above).

<sup>27</sup> “Urban Poverty and In-Migration”, a survey report prepared by the Ministry of Labour and Social Welfare of Mongolia, UNDP and the Population Teaching and Research Center (Ulaanbaatar, 2004), pp. 66, 71 and 88.

<sup>28</sup> “Survey Report on the internal migration and its public health consequences”, prepared by WHO, Ministry of Health and the Directorate of Medical Services (Ulaanbaatar, 2003), p. 26.

<sup>29</sup> *Human Development Report Mongolia, 2003* (see note 14 above), p. 31.

<sup>30</sup> National Human Rights Commission of Mongolia, *Report on Human Rights and Freedoms in Mongolia* (2003), pp. 30-31.

<sup>31</sup> Some measures for enforcement of laws - Appendix 8, GOM Resolution 28, 2003, in: “Legal and administrative guidelines for investors in food and agriculture sector” prepared by the Ministry of Food and Agriculture, March 2004.

<sup>32</sup> *United Nations Development Assistance Framework for Mongolia, 2002-2006*, Ulaanbaatar, June 2001, p. 12.

<sup>33</sup> “The Status of Food Insecurity in Mongolia”, position paper prepared by World Vision (August 2004), p. 7.

<sup>34</sup> *Economic Growth Support and Poverty Reduction Strategy* (see note 3 above), p. 10.

<sup>35</sup> Ibid., p. 135.

<sup>36</sup> Ibid., p. i.

<sup>37</sup> T. McKinley, “The National Development Strategy and aid coordination”, in Griffin, op. cit. (see note 6 above), p. 136.

<sup>38</sup> “Economic Vulnerabilities and Human Security in Mongolia, op. cit. (see note 2 above), p. 33.

<sup>39</sup> T. McKinley, *op. cit.* (see note 37 above), p. 138.

<sup>40</sup> *Human Development Report Mongolia, 2003*, *op. cit.* (see note 14 above), p. 36.

<sup>41</sup> *Report on Human Rights and Freedoms in Mongolia* (see note 30 above), p. 33.

<sup>42</sup> *Ibid.*, p. 34.

<sup>43</sup> <http://web.amnesty.org/report2004/mng-summary-eng>.

<sup>44</sup> Griffin, *op. cit.* (see note 6 above), p. xvii.

<sup>45</sup> “Economic Vulnerabilities and Human Security in Mongolia”, *op. cit.* (see note 2 above) p. 36, quoting the Mongolia Consultative Group of the Ministry of Finance and Economy.

<sup>46</sup> A. Ickowitz, “Poverty and the Environment”, in Griffin, *op. cit.* (see note 6 above), pp. 97-99.

<sup>47</sup> Griffin, “Urban to Rural Migration”, *op. cit.* (see note 6 above), p. 69.

<sup>48</sup> “Economic Vulnerabilities and Human Security in Mongolia”, *op. cit.* (see note 2 above) pp. 30 and 33.

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