

## Part IV – Conclusion

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This study on the enabling environment for social accountability in Mongolia has illustrated diverse approaches to promoting accountability of government institutions through civic engagement. These include legislative advocacy, participatory public expenditure monitoring, information campaigns, and community score cards. These mechanisms have had mixed results because of certain factors external to civil society (the political, economic, legal, and socio-cultural context) and internal factors (CSO capital, governance, and accountability) that affect the ability of civil society actors to exercise their Voice, gain access to Information, and Negotiate with public officials to promote social accountability (part II). In particular, the study concurs with the findings of the 2005 World Bank study, “Civil Society in Mongolia’s Development and Governance: An Overview of Trends, Constraints, and Opportunities” (Finch 2005), which established that CSO financial constraints lead to a high level of dependency on foreign resources and limits their ability to fulfill their missions, including civic engagement.

There are several key issues identified by this study. First, the findings and recommendations (summarized in the chart in section 4.2) indicate the need for legal and regulatory reforms, including the adoption of an Access to Information Law as well as the reform of the defamation regime and the Law on State Secrets. In addition there is a need for institutional reform and capacity building among the stakeholders to reinforce a political culture of accountability among not only public officials but also all stakeholders that share the common goal of good governance and economic development in Mongolia. This point is closely tied to the final key issue raised in this study: For Mongolia to reap the potential benefits of civic engagement and social accountability, it must be given time, resources, and a commitment by all stakeholders.

It is recommended that formal dissemination of this report, which took place in March 2005, should be complemented by broader dissemination to more stakeholders across the country. In addition to informing the GoM’s reform agenda, the report should continue to be a part of the in-country dialogue on governance and accountability in Mongolia, as much as it is an important resource to the Bank’s own Governance Assistance Project, and the strategies and programs of other donor agencies and CSOs. Moreover, the highly participatory, multi-stakeholder approach employed in the study can help to strengthen constituencies for reforms in Mongolia, and promote new frameworks of collaboration.

## 4.2. SUMMARY OF FINDINGS AND RECOMMENDATIONS

FINDINGS	RECOMMENDATIONS			
	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
		CSOs	Public Officials	Other: Media, Donors
PART II. External and Internal Factors				
2.1.1. Proposed nonprofit law could restrict CSO involvement in civic engagement and social accountability.	* The MoJHA and MPs should revise the wording of the bill before its passage with a more specific definition of the explicitly political organizations (for example, wings of political parties or lobbying firms) that would otherwise be excluded.	* CSOs should offer a revised version of the nonprofit bill that addresses this issue and then pursue legal remedies if the revised provision is not adopted or is improperly implemented.		
2.2. Proposed anti-corruption law stipulates disclosure of only the total sum of assets and income for senior officials, thereby undermining capacity to track corruption.	* The MoJHA and MPs should revise the wording of the bill before its passage to provide for the publication of asset and income declarations by individual officials to strengthen the mechanisms for tracking corruption.	Media-related CSOs could provide technical support in media training to insure implementation of the law		* As proposed in the GoM document, Ten Steps to Intensity: The Implementation of the National Program to Combat Corruption (2005), implementation of the law should include media training on the publication of these declarations for which donors provide both technical and financial support.

#### 4.2 SUMMARY OF FINDINGS AND RECOMMENDATIONS (CONTINUED)

FINDINGS	RECOMMENDATIONS			
	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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<p>2.3 Although access to resources is critical for the success of social accountability initiatives, CSO financial resources remain limited and precarious due to the following:</p> <ul style="list-style-type: none"> <li>- GoM offers few tenders</li> <li>- Public officials create CSOs to capture donor funding</li> <li>- Donor funding is short term and limited to project costs</li> <li>- Limited philanthropic donations</li> <li>- CSOs' lack of fiscal autonomy leads to distortion of mission</li> </ul>	<p>* With technical support from the international community, public officials and CSOs should consult to reform the tax code affecting CSOs, particularly the absence of tax breaks for philanthropic donations.</p>	<p>* Despite their limited resources, CSOs should avoid “mission creep,” which detracts from their initial mission and can potentially undermine their reputation and that of civil society in general. Instead, their energies would be better spent on lobbying for greater access to GoM tenders and more competitive donor funding , and develop greater independent resources.</p>	<p>* The GoM should expand the number and amount of tenders available to CSOs and other private enterprises, based on a competitive system that would increase the capacity and efficiency of its service delivery.</p>	<p>* Donors should consider financial commitments that are long term; include institutional and administrative costs; and consider the origins, purpose, and sustainability of the CSOs that they fund.</p>
<p>2.4 The Structural limits to CSO capacity for social accountability as a result of:</p> <ul style="list-style-type: none"> <li>- Concentration of CSOs in UB</li> <li>- Lack of CSO umbrellas</li> <li>- De facto non-governmental individuals</li> </ul>		<p>Creation and development of CBOs and CSO branches outside of UB and promote those CSO umbrella organizations that could be more effective at social accountability.</p>		<p>Donors should provide technical and financial support to expand current CSO efforts at institutionalization, while targeting programs that assist in the development of CBOs, CSOs outside UB and umbrella organizations</p>

#### 4.2 SUMMARY OF FINDINGS AND RECOMMENDATIONS (CONTINUED)

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<p>2.5 Lack of involvement in and knowledge of accountability initiatives:</p> <ul style="list-style-type: none"> <li>- Few CSOs are involved in civic engagement and social accountability</li> <li>- Few Mongolians are aware of their role or its importance</li> </ul>		<p>* CSOs should double efforts to develop strong relations with various media outlets and individual journalists. Good relations ensure publicity of their activities and enhance their outreach and accountability to their constituents.</p>	<p>* Public officials should actively promote direct citizen engagement, focusing on key sectors such as education.</p>	<p>* The donor community should provide greater incentives, including capacity-building support to increase CSO and GoM expertise in civic engagement and social accountability.</p>
		<p>* Stakeholders should collaborate to develop civic education programs to inform citizens of their right to civic engagement and the key role of CSOs in social accountability initiatives. Activities may include public service announcements and community theater projects directed at the adult population, as well as innovative education curricula for Mongolian youth.</p>		

## 4.2 SUMMARY OF FINDINGS AND RECOMMENDATIONS (CONTINUED)

FINDINGS	RECOMMENDATIONS			
	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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Part 3.1 Voice				
3.2.1. Lack of awareness of civil rights including freedom of expression		* Stakeholders should collaborate to develop civic education programs to inform citizens of their rights. These may include public service announcements, distribution of culturally specific literature that illustrates these rights, and community theater projects that involve citizens in exploring their rights and responsibilities, as well as innovative education curricula for Mongolian youth.		
3.2.2. Defamation laws unduly restrict freedom of expression and exert a chilling effect on the media. The most egregious issues: - Civil code stipulates stringent punishment for damages but offers insufficient defenses against these charges - Criminal code stipulates imprisonment for up to five years	* In collaboration with other stakeholders, public officials should comprehensively review and reform the criminal and civil defamation regimes, at a minimum, to remove the possibility of imprisonment for defamation.	* Given the norms that have developed under the current defamation regime, stakeholders need to undertake explicit actions to ensure the implementation of legal reforms. With the donor community and media-related CSOs providing financial and technical support, GoM should revise the legal text and provide training on its implications for both journalists and the judiciary.		
3.2.3. Media registration system is susceptible to political distortions.	* In consultation with the media and media-related CSOs, public officials should revise the media registration system and consider the proposed transfer of media registration to a nongovernmental agency.			

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	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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3.2.4. Broadcast licensing system is susceptible to political distortions, fails to promote public broadcasting, and constrains the capacity of broadcasters by saturating the market.	* In consultation with broadcasters and media-related CSOs, the GoM should revise the laws governing broadcast licensing, including elimination of a required letter of support from governors, and provision for the licensing of nonprofit or community broadcasters.		* The GoM should strengthen the autonomy and capacity of the CRC to promote public interest broadcasting. In licensing broadcasters, CRC should consider the diversity of content and ownership as well as market-carrying capacity.	
3.2.5. Poor quality of media threatens freedom of expression and right to reliable information			* Senior officials should take measures to address widespread self-censorship among journalists: prosecute threats and acts of violence against journalists; eliminate pressure to subscribe to particular news outlets; and instruct members of the intelligence services to restrict media monitoring to a limited set of legally defined issues related to state security.	* International community should provide initial funding for additional training for media workers, including editors and owners, to focus on enhanced professionalism and the financial viability of the media.
		* Media-related CSOs, public officials, and media representatives should have a broad consultation to analyze the factors that influence the poor quality of media reporting in Mongolia, with special consideration given to the establishment of a media council.		

#### 4.2 SUMMARY OF FINDINGS AND RECOMMENDATIONS (CONTINUED)

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	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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3.2.6. Capacity of PRTV to produce public interest broadcasting is threatened by reductions in funding and politicization of its governing board.		<p>* With initial technical and financial support from the international community, media-related CSOs should monitor the implementation of the Public Broadcasting Law and initiate inquiries with the agencies or the judiciary if shortcomings or failures are identified.</p>	<p>* The GoM should work with media-related CSOs and PRTV to promote the capacity of the PRTV for efficient management and resource mobilization.</p> <p>* The international community should provide technical assistance for capacity building of PRTV National Council members, to enable this body to operate effectively and in accordance with best national practices around the world.</p>	<p>* The PRTV should monitor the elimination of its access to advertising resources. If there are undue adverse effects, public officials may consider amending this restriction and adopting a five-year budget to promote the autonomy of the PRTV.</p> <p>* Foreign donors should provide technical and financial support to promote the capacity of the PRTV</p>

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Part 3.3 Information				
<p>3.3.1. The Mongolian Law on State Secrets and the culture of secrecy undermines any provisions for access to information, such as:</p> <ul style="list-style-type: none"> <li>- excessive claims to legal confidentiality</li> <li>- required permission to attend court session.</li> </ul>	<p>* In consultation with CSOs working in related areas, the GoM should review the legal regime of secrecy to provide an appropriate balance between state interests and the need for openness to guarantee access to information.</p>	<p>* With initial technical and financial support from the donor community, CSOs should monitor the implementation of legal reforms and GoM efforts to counter the culture of secrecy, including notification of the proper authority of infractions by civil servants and other public officials.</p>	<p>* With initial technical and financial support from the donor community, the GoM should counter the current culture of secrecy by providing training programs for civil servants and other public officials on the negative effects of excessive secrecy.</p> <p>* Senior officials and political leaders should send clear signals that excessive secrecy will no longer be tolerated, such as disciplining those who unlawfully withhold information.</p>	

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	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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3.3.2. Mongolians have insufficient access to information of proceedings and decisions by parliament and the GoM.	* Parliamentarians should require that pending legislation must be disseminated through public hearings or media publication within a reasonable period (for example, 30 days) prior to their deliberation.	* CSOs should be the primary means for disseminating information about pending bills and recent legislation to an informed public and assist in disseminating this information to the broader public.	* With initial support from the donor community, the GoM should explore ways to make proceedings and key decisions by public bodies more accessible to citizens. Such information may include pending and adopted legislation, significant judicial rulings, and executive orders.	* The media, in particular public broadcasters, should produce public interest programs about pending issues, proceedings, and key decisions by public bodies.

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	Policy, Legal, & Regulatory Reform	Institutional Reform and Capacity Building		
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<p>3.3.3. Public officials are denying or delaying access to information held by government agencies; this is aggravated by the absence of a law on access to information.</p>	<p>* Public officials should adopt a comprehensive access to information law that permits citizens and their CSOs to exercise their constitutional right to access information. The law should include:</p> <ul style="list-style-type: none"> <li>- a presumption of openness;</li> <li>- clear procedures to gain access;</li> <li>- a clear and narrow regime of exceptions to the right to access;</li> <li>- and the right to appeal any refusals or undue delays in granting access.</li> </ul>	<p>* Although CSOs are currently lobbying for the adoption of an access to information law, they should also continue in their efforts to ensure that it meets constitutional and international standards. After the law is adopted, they should ensure its full implementation and institutionalization by actively using it to gain access to information and challenge any constraints through available mechanisms. This may require initial technical and financial assistance from INGOs and donor agencies.</p>	<p>* After passing an FOI law, the GoM should adopt a program to train civil servants and other public officials on how to efficiently provide information and increase their incentives to do so.</p> <p>* Stakeholders with expertise in the area should train members of the administrative body mandated to hear appeals on denied or delayed requests to fulfill their responsibilities.</p> <p>* The GoM, should ensure that the judiciary has access to the law and is sufficiently trained to give effect to the legislation.</p>	<p>* Foreign donors should provide initial technical and financial support to train civil servants on implementation of an FOI law and insure distribution of legal code to the judiciary.</p>
		<p>* With initial technical and financial support from the international community, the media, related CSOs, and the GoM should undertake a publicity campaign to inform the public about their more comprehensive rights to information.</p>		

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3.3.4. CSOs play a critical role in providing alternative information.		* With initial technical and financial support from the international community, CSOs should expand their provision of alternative sources of information both to fill the gaps in information available from or provided by public officials and to confirm the accuracy of this information.		
		Given research costs, CSOs and the GoM should collaborate in both gathering and analyzing data.		
Part 3.4. Negotiation				
3.4.1 Community scorecards are a critical tool for civic engagement and social accountability that could be used more extensively in Mongolia.		* Best practice from Bank-supported operations using CSCs could be incorporated in the Sustainable Livelihoods Program to increase the scope for citizen monitoring and assessment of the quality of services, and citizens' ability to negotiate changes to improve the program. * The SLP should create partnerships with CSOs and develop capacity to facilitate CSCs.		

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3.4.2. Intergovernmental arrangements limit downward accountability and constrain civic engagement and social accountability at the local level.	* Stakeholders should organize a consultation on the impact of intergovernmental arrangements on downward accountability, giving due consideration to the reform of relevant legal and regulatory codes (for example, PSMFL).		* To change the current political culture, stakeholders should collaborate to develop training programs for public officials that increase awareness of the importance of decentralization and downward accountability to good governance and development, and encourage local officials to facilitate the participation of citizens and CSOs in local governance to this end.	
		* Local officials should create more forums for dialogue and negotiation with citizens and CSO representatives on a regular basis (for example, well-publicized “town hall” meetings with the governor and open council meetings with stated but open agendas).		
		* With technical and financial support from the donor community, the GoM (for example, MoFE) should collaborate with CSOs to explore mechanisms to enhance citizen engagement in the budget process.		
3.4.3. Lack of formal mechanisms for CSOs input into the legislative process and policy formulation.	* The GoM and parliament should create formal mechanisms to encourage civil society and citizen input into the legislative process and policy formulation	* Public officials should encourage dialogue and networking with CSOs through regular meetings (for example, CSO councils to the prime minister and president and parliamentary working groups) that can be individually or jointly sponsored by these stakeholders.		

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3.4.4. Forums created by CSOs play a critical role in civic engagement and social accountability.		* With initial technical and financial support from INGOs and donors, CSOs should develop forums to meet other stakeholders, such as the trilateral conferences organized by the WSP-Uvorkhangai, which could be supplemented by interim communication through various mechanisms (for example, a common list serve or Web site).		