

# The Defacto Gazette

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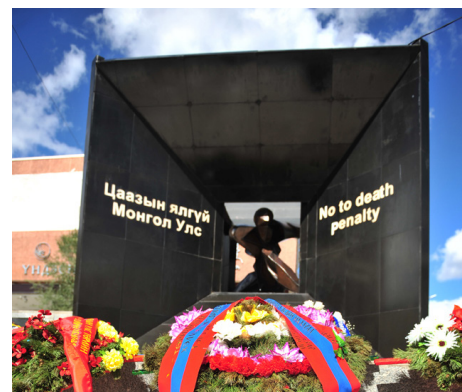


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No401

D. Jargalsaikhan

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## Honing our policy on developing the countryside

Our countryside is getting emptier as people continuously flood to the city. Half of our population are living in Ulaanbaatar today, and half of the rest have made aimag and soum centers home. Barely ten percent of Mongolians are actually practicing animal husbandry, which is the root of our culture and traditions. Our total livestock headcount is closing in on 70 million, 86 per cent of which are comprised of sheep and goats equally. Our pasture carrying capacity keeps being exceeded while desertification expands. Our cities cannot fit the people in, and our pasture cannot hold in the livestock. Schools in Ulaanbaatar have exceeded their capacity in terms of the number of students while soum schools are struggling to fill their classrooms.

Although everyone talks about developing the countryside and MPs keep making promises, what is really happening is that Mongolia's rural areas currently have the highest poverty and unemployment rates. We need to determine and study the key reason why government policies are not helping remove the gap between rural and urban development, and discuss what our next actions should be.

### New Soum project

Mongolia has 331 soums, and 170 of them have less than 3,000 people, 100 have 3,000–5,000, and 28 have more than 5,000. In 2013, the government started a project to develop Buutsagaan and Bayanlig soums in Bayankhongor aimag and Dornogovi's Zamiin-Uud soum as model soums. The implementation of this 'New Soum' project saw a two-story hospital with 20 beds, a high school with a capacity of 640 students, a kindergarten for 150 children, and a dormitory for 180 students built in Buutsagaan and Bayanlig soums. These projects along with construction of the engineering network, pedestrian paths, roads, steam boilers, and electric substations cost 22 billion MNT in total. Also, the project commenced construction of a school with a capacity of 960 students and



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a hospital with 100 beds in Zamiin-Uud soum of Dornogovi aimag.

In 2014, the government made a decision to implement the project in 16 other soums and had allocated each an investment of 5 billion MNT to be spent on public facilities and engineering networks. However, it did not take long for these projects to be stopped, because the government was replaced.

The assumption was that if high schools, inter-soum hospitals, and public facilities were built in soums and connected to engineering infrastructure, people who are living in rural soums would have a better livelihood and higher chance of staying there, hence bringing down the overflowing of population and rate of migration.

### New Countryside project

With the objectives of developing agricultural production and growing the middle class population, MP J. Bat-Erdene has been implementing the 'New Countryside' project since 2016. The project slogan is 'If the household is wealthy, the country will be.' He is aiming to work together with specialized







Photo credit news.mn

organisations of SME owners and farmers in specific soums of some aimags, and leverage government involvement in resolving the issues they face.

Even though MP J.Bat-Erdene was liaising with relevant ministries to have some funding reflected in the 2018 public budget to support the countryside SMEs and farmers, J.Erdenebat's cabinet resigned. Today MP J.Bat-Erdene has been nominated for the Minister of Road and Transport Development. It has now become uncertain if the funding needed for the New Countryside project would be supported by the parliament for inclusion in the 2018 public budget.

### New Community Movement

The New Community Movement, which has been the core of



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South Korea's rapid development, is successfully being implemented in over 40 less developed countries in the world. The general assembly of this movement is currently taking place in Busan. It has been nearly 10 years since a few people started Mongolia's New Community Movement. With nearly 10,000 members, Mongolia's New Community Movement currently has a branch in every aimag, and implemented many projects with a tangible outcome – such as building roads, greenhouses, and libraries – in many soums and districts with support from our Korean friends.

However, it is still not a widespread activity and a substantial impact on countryside development is missing because of the current circumstances of our society, dominated by an enti-

tlement mentality that seeks to receive things for free, without being involved. Also, the movement is not always being fully supported by local and central government.

Due to unsatisfactory outcomes and the ineffectiveness of government activities intended to bring about rural development, people are increasingly moving away from soum centers to go live in aimag centers or the capital city. What conclusions can be drawn on the reoccurring hurdles blocking Mongolia's countryside development and the continuous freezing of projects and initiatives?

### Solution is New Bagh

Scholars attest that the secret to South Korea's rapid development is that everyone believed in a common cause and took part. The country was going through a tough time of hunger 40 years ago, and today they are one of the largest economies in the world and the sixth biggest exporting nation. Their GDP per capita has increased a hundredfold from 300 USD to 30,000 USD. This rapid economic growth is referred to as the Miracle on the Han River – a testament that countries can overcome poverty and achieve prosperity only if everyone takes part and works together with each other.

The underlying reason why Mongolia's projects and initiatives such as New Soum and New Countryside keep hitting roadblocks is that our government makes decisions without involving the relevant soum people and just provides some company to build a school or a kindergarten. Poverty cannot be overcome when people are given things and not involved. Substantial changes occur only when the people decide for themselves, work together, and receive necessary support from the government.

The beginning of development in society is closely tied with the capability of people to work together. Collaboration and effective management of economic incentives, combined with required financial and material support, yield good outcomes and significant changes. When this happens, people grow in confidence and passion, and improve their quality of life by continuing to work together.

The core of Mongolia's rural development is bagh. A New Bagh Movement can be developed by bagh households working with each other on land ownership, pasture and water use, paying taxes if livestock headcount exceeds a specific number (half of the collected taxes then can go back to the bagh), and collaborating on business ideas.

The core of Mongolia's urban development is the khoroo. All these attempted projects in the capital city prove that it is impossible to turn the ger district into apartment blocks and build required infrastructure without people's ownership and involvement. People need to work together to swap their land for apartments, receive lifelong learning, and keep improving their neighborhood khoroo.

It is time for Mongolia to hone our policy on developing the countryside, learn from the world, and completely change the way we do things.



## DEFACTO INTERVIEW

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Laura Goodman  
Physician and public health researcher

**Defacto:** *You and a team of medical researchers have recently taken a trip around Mongolia. Please tell us about it.*

**Laura Goodman:** It was a wonderful trip. I'm really lucky to be here, and to be able to make this journey. I came to Mongolia to conduct research, with the goal of improving access to pediatric surgery. I was traveling with a group from the Medical University of Mongolia. It was a joint research project, with a teaching aim. Dr. Erdenetsetseg from the medical university took the lead and assembled the team, which included Dr. Burmaa, an anesthesiologist, and Dr. Sanjin, a laparoscopic and general surgeon, as well as their residents.

This trip was part of a series of trips to visit each aimag and each aimag center hospital, and conduct assessments of what the hospitals have, in terms of personnel, such as doctors and nurses, and equipment, such as the equipment needed to perform surgery. For instance, children might need surgery because they fall off a horse or there is a car accident or even a simple appendicitis. Or they might be born with something like a cleft palate, a cleft lip, or other conditions that require surgery.

We also looked at the infrastructure, the operating rooms, and the supplies that they have on hand. We tried to identify the capabilities of each hospital, as well as the areas that could improve, because only with that knowledge can you make the necessary changes to ensure all kids can get what they need.

**Defacto:** *So, with the team having visited all of the hospitals. What can you tell us about the state of medical facilities in the aimags?*

**Laura Goodman:** All are considered "secondary" hospitals, meaning

that they have surgery capabilities and general surgeons. A few of them have pediatric surgery specialists, and a few have additional surgical specialties, such as maxillofacial surgery or ophthalmology.

The hospitals have dedicated and technically skilled surgeons, but there are gaps almost everywhere. As we would expect, there are more resources available in Ulaanbaatar than in the countryside. But no particular region was better equipped than the others, although the northern regions—Selenge, Darkhan, Orkhon—seem to be trending toward higher resources. After all, they are closer to UB, and thus have historically been more developed. But really the differences between this region and the other regions are not statistically significant.

**Defacto:** *Are there any particularly urgent matters that we have to pay more attention to?*

**Laura Goodman:** The team with whom I've been working have done an additional assessment that, I think, addresses that really well. They did a SWOT analysis, which is a process taken from the business sector, that looked at the positives, negatives, and opportunities for improvement at each site, from the perspective of the people who worked there. The team have already taken their findings to the local administrators, and we plan to present the findings to the Ministry of Health within the next month.

The data that we have gathered from each hospital will be assessed by what is called a "PediPIPES" assessment, which stands for Pediatric Surgery Personnel, Infrastructure, Procedure, Equipment, and Supplies. We will publish the results in the medical literature, and issue a press release for the public, as

well. The doctors here will also create shorter reports on each region for the Mongolian medical literature to be read by doctors and nurses here.

**Defacto:** *Let's now turn to your time here in Mongolia as a Peace Corps Volunteer and English teacher.*

**Laura Goodman:** I had applied for the Peace Corps and wanted to go to Asia. The Peace Corps called me one day and said, "We've got a job for you and your husband [we were coming together] in Mongolia. Do you want to go?" My first reaction was, "Yes. I don't know anything about Mongolia, so I'll go". So my husband and I signed up, did a little bit of research about Mongolia, and arrived here in 2004.

We lived with a Mongolian family in Selenge Aimag, Baruunkharaa Soum. I had two Mongolian "sisters" whom I am lucky to still be in contact with today. Everyone was very generous and patient—teaching us, like children, how to say the most basic things. And over that first summer we learned about Mongolian life and culture. We also had a "crash course" in becoming English teachers.

At the end of the summer, we moved to Ulaangom, where I was a teacher at School #4. It was a good experience for me...but maybe not as good for my students, because I wasn't a trained teacher. I had a background in cultural anthropology as well as the summer teaching "crash course", but my Mongolian counterparts had actual teaching degrees. I had around forty students in each of my classes, grades 5–10. Out of that experience of developing the connections with the teachers and being a "foreigner" whom the students could get to know was perhaps beneficial for everyone's English improvement.

Ulaangom has changed a lot since I



was last there; it's so different. These days it's very developed. It's clear that a lot of money has come in, compared to before. There are new hotels, new apartments. The Peace Corps Volunteers whom I've talked to there have had a very different experience than I did. A dozen years ago, life was not so easy. As you know, it's one of the coldest aimags. Our apartment was cold, and there was no hot water. Many of the "conveniences" that they have now were not available then.

**Defacto:** *How did you go from teaching English in Uvs Aimag to becoming a doctor. Was it your intention to be a doctor?*

**Laura Goodman:** When I first came to Mongolia, I didn't know that I would go into medicine. I had studied anthropology, so I hadn't done the preparation in college that is required for medical school. For example, it's required that you take one year each of physics, chemistry, organic chemistry, and biology before you even enter medical school. Medical school itself takes about four years, and then you do a one-year residency. After residency you take the medical license exam to become a licensed general physician. With that you can prescribe medicine or you could work in an "urgent care" facility, but it's not a full license. For example, to become a surgeon requires five years of residency.

I have talked with Mongolian colleagues at the children's hospital here, and they do two years after medical school for residency, plus six months for pediatric surgery. After that, they work together with their more-senior colleagues for seven or eight years. Then they take an exam, after which they can work independently.

In medical school, I thought I would be a family doctor and work with people in rural areas who don't have access to a doctor. I wanted to provide medical services to people who need it most, who can't travel, etc. Here in Mongolia, I am seeing similar issues. There are many people in rural areas, especially herders and farmers, who live too far from the main hospitals to get proper care, especially surgical care. It's almost an invisible problem in a lot of places, and it's

a common problem around the world.

**Defacto:** *Now you are in Mongolia on a Fulbright Scholarship, tell us about that.*

**Laura Goodman:** I was really lucky to get introduced to Dr. Ray Price, who has worked here for almost a dozen years. From that connection I was able to meet Dr. Erdenetssetseg, the pediatric surgeon whom I have been working with on this aimag trip. It's really through their support that I was able to develop this idea of working on pediatric surgical capacity. And then I applied for the Fulbright through Harvard University, because I am still a student there in their Master's of Public Health program. With the help of advisers there, I was able to apply, and it's given me an opportunity to be here and meet people whom I wouldn't normally meet.

**Defacto:** *So how have things gone so far, as compared with your original plans?*

**Laura Goodman:** It's been very different, but great. I could not have anticipated having a team like we do, with the surgeons teaching and conducting their own research. It far exceeds my expectations, in that sense. I think that this is improving the capacity for Mongolian researchers to do Mongolia-based research. The problem that I often see is researchers who visit for only a short time and then leave. I want to increase the capacity for Mongolia to do its own research.

**Defacto:** *Why is public health so important?*

**Laura Goodman:** As a physician, you're focused on the individual patient. It's not that common to go back and focus on the population level. But studying public health and epidemiology (which is what I'm focused on) enables people to get the perspective of the whole society and population—to understand what barriers there might be to reducing childhood mortality, to improving life expectancy, to improving quality of life. For me, studying public health was almost like going back to anthropology, in the sense of having a broader perspective. I don't have

"solutions" for Mongolia, but I hope that this research can bring some of the problems into the open so that solutions can come about.

Mongolia has been an example, actually, from the surgical public health perspective, of improving access to emergency surgical care. It's an example that the World Health Organization brings up again and again. But there is always room for improvement everywhere.

**Defacto:** *Regarding child mortality, Mongolia had at one time a very high rate. Has it improved?*

**Laura Goodman:** Around 1991–92, during the transition to democracy and the market economy, the rate was very high. But it has improved drastically since then.

**Defacto:** *There is also a big issue with sanitation, which adversely affects people's health. With a little investment, we could improve sanitation, particularly in the dormitories.*

**Laura Goodman:** Yes, that was a challenge in Ulaangom when I taught there. Our school had no place for us to wash our hands, and the toilets were outside. I haven't been back to the same school this time, but I know that in the ger areas it's often the same situation.

And another aspect of the ger areas that relates to health, and particularly child surgery, is the air pollution. It's everywhere, including in the aimags. Even indoor air pollution, from cooking with coal inside a ger, impacts child health. But what concerns me the most right now is the outdoor air pollution in UB. The pollution can lead to lower-respiratory tract infections, which sometimes requires surgery for children, because they go so long without being treated. The pollution in other countries has been associated with congenital anomalies, or birth defects. I have not been able to show that here yet, but it's one of the things that I'm looking at.

2017.10.14

**This interview has been edited for space and clarity**

Full interview available here:  
<http://jargaldefacto.com/article/laura-guudmen-laura-goodman>



Dr Uyanga Delger,  
attorney-at-law

## Who will revive constitutionalism and humanity?

On 12 October 2017, Mr. Battulga, the President of Mongolia, withdrew his nomination for a vacancy for one of the 9 members of the "Tssets of the Constitution" ("the Tssets") following a public outcry. The huge public interest in the candidacy can be understood as a reflection of the open struggle for power between the Tssets and the Parliament in recent years. This column covers a brief introduction to the institutional challenges revolving around the Tssets.

### The Tssets as the 'Constitutional Court'

The Tssets is the body responsible for constitutional control in Mongolia. The nature of this institution has been much disputed over the past 25 years.

There are different types of proceedings before the Tssets. Except for a very few cases, the proceedings before the Tssets have been initiated exclusively by citizen's petition. The Supreme Court of Mongolia has referred matters to the Tssets with questions on constitutional conformity only six times since 1992, according to a 2016 study.<sup>1</sup>

Neither the citizen's petition nor the Supreme Court referrals are comparable with the constitutional court proceedings in countries such as Germany, Austria or France, although Mongolian scholars sometimes write that the Constitution of 1992 was influenced by these countries. In practice, the Tssets does not resolve disputes between the Parliament and the Government or the central and provincial governments on competence issues. Moreover, the Tssets does not reverse an unconstitutional court decision and remit it to a competent court if it has the opinion that fundamental rights of the complainant are violated. In other words, the German or Austrian type of individual complaint procedure does not exist in Mongolia.

### Petition about constitutional uniformity

The Tssets petition proceeding is unique. From a European perspective it is difficult to envisage. One should, however, try to forget about the notions of pop-

ular or parliamentary sovereignty or even judicial protection and imagine instead a parliamentary petition committee that is, however, not a part of the Parliament itself.

In practice, the Tssets proceedings are launched by citizens' petition (a complaint or report). An ordinary citizen may refer to the Tssets either with a complaint about breach of his own fundamental rights (citizen's complaint) or he may submit a report to the Tssets for the defence of the 'public' interest but not of his own fundamental rights (citizen's report). Over the past 25 years, the citizen's petition has been submitted to the Tssets primarily on grounds of violation of the Constitution by a legal provision of a law passed by the Parliament, according to the 2016 study.

The Tssets does not review the constitutional conformity of laws before their promulgation. Generally, the Tssets only decides on constitutional conformity when the relevant law is already in force. In practice, the Tssets first issues an opinion on the constitutional conformity of a legal provision, when a proceeding was launched based on a citizen's petition. The opinion of the Tssets confirming constitutional non-conformity has the effect of suspension of the provision and the Tssets remits the opinion to the Parliament. The Parliament has principally a legal obligation to decide on the opinion of the Tssets within 15 days. If the Parliament disagrees with the opinion, the Tssets makes a final decision and it may repeal the legal provision.

### Struggle between the Tssets and the Parliament

Under the given institutional provisions, it is predictable that the relationship between the Tssets and the Parliament has been a challenge to the Mongolian state. It is common that the Parliament does not respect the deadline of 15 days. In its 25 years of history, the Tssets has succeeded to issue final decisions in only 59 disputes, according to the 2016 study. Moreover, the study shows that the Parliament does not even respect in the legislative procedure the existence of previous final decisions by the Tssets. The power of the

Tssets as a body of constitutional control is hence very limited.

### Outlook

The current situation is distressing when one considers the public finance issues and widespread extreme poverty in Mongolia. Why should poor Mongolians finance members, staff and accommodation of the Tssets if it has produced only 59 final decisions in 25 years? Why should the state pay for an institution which is not capable of fulfilling its mission? Moreover, there is a state institution called the "National Human Rights Commission". Why the state is paying to two separate institutions dealing with human rights complaints?

One should further ask why the Tssets should have the power to repeal a legal provision? Did the Mongolian people elect their representatives in the Parliament through a direct election? Is it justified that nine members of the Tssets decide on the validity of a law which was passed by the 76 members Parliament? How can one know that the so-called 'citizens', who submit a 'report' to the Tssets, are really intending to defend the interests of the 'public'? If so, are they capable of understanding complex issues, although the legal provision that is attacked by them does not affect their rights directly? Last but not least, are the current proceedings before the Tssets further contributing to legal uncertainty?

In the short term, the selection of a recognisable candidate for a member of the Tssets seems to be important at least to Mr. Battulga, the President of Mongolia, who is surely interested in maintaining public support at the beginning of his mandate. In the long run, the country may not carry on with institutions such as the Tssets. Overall, one should ask if the country needs institutions that are capable of responding to changes by creating and redefining the fundamental values of the society and that protects individuals and businesses from arbitrary state actions. If yes, what kind of institution or state re-organisation would be possible?

<sup>1</sup>Enhbaatar and others, *Assessment of the performance of the 1992 constitution of Mongolia, 2016*, p. 179, available at [www.mn.undp.org](http://www.mn.undp.org)





## DEFACTO REVIEW

Every Sunday live at 8PM on VTV: 22 October, 2017

For weekly reviews, visit [jargaldefacto.com/category/12](http://jargaldefacto.com/category/12)

### POVERTY LEVEL RISES AND PROTESTS CONTINUE



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**Presenter:** Nearly one in three people—or almost a million Mongolians (out of a population of 3 million)—was living in poverty in 2016, according to a report released on Thursday. The report, titled “Poverty Situation 2016” and released by Mongolia’s National Statistical Office and the World Bank, found that the poverty rate increased by eight percent points from that of 2014, to hit 29.6 percent, Xinhua reported.

The data comes as teachers from all 21 of Mongolia’s provinces announced a hunger strike in response to government’s lack of action on its demands for higher wages. The group, which includes five teachers from each province, says it wants government to discuss the possibility of higher pay for at least 15 days, according to GoGo News.

**Defacto:** You quoted some statistics on the poverty level, so let me offer some further illumination. According to the World Bank and National Statistics Office, if someone has less than 146,000 MNT income/consumption per month, that person and their family are considered below the poverty line. And as you said, over 300,000 people dropped below that line between 2014 and 2016. Because the Mongolian economy has depended so much on mining, and because the country’s economic growth has been so slow, more people have been affected. The government is taking action, but mostly through money disbursements, which

do not completely solve the problem. The poverty is a result of unemployment. Many Mongolians want to leave the country to find work. The number of Mongolians working in South Korea has increased, for example.

The private sector should be providing the employment, not the government. But it has been difficult for the private sector to hire Mongolians, because, for example, employers are expected to pay social insurance of 20–30% for each worker. The worker does not pay this directly to the government, which is a problem.

As for the protests, not only teachers but now doctors, nurses, and other public service workers are participating. We’re talking about workers from the social services, such as education, healthcare, etc. On these we spend a lot of money. For example, we spend about 5–6% of GDP on education. But this money is not enough to bring teachers’ salaries up to a satisfactory level. This being Mongolia, a cold country, a lot of that education money goes towards heating the schools.

### THE PRIME MINISTER’S CABINET

**Presenter:** Prime Minister Ukhnaa Khurelsukh has finished building his cabinet. Parliament voted to confirm all 15 cabinet appointments, including Ch. Khurelbaatar as finance minister.

In a way, the Mongolian government has not finished the transition that was started 27 years ago toward a full democracy and market economy. The state is not doing the three things it’s supposed to do, which are protecting our security, our freedom, and our property.

The new government’s structure closely resembles the old one, with no new cabinet positions added or removed.



Photo credit zasag.mn

However, President Battulga rejected the prime minister’s finance minister pick because of Ch. Khurelbaatar’s alleged personal interests in mining, saying, “The money which comes from mining leads to injustice in every sector, and breaks the morals, codes, and standards of the state.”

**Defacto:** Well, it’s not the mining money itself that makes one bad. Instead, it is the non-transparent way in which the government runs it. Regarding the new cabinet, somehow Mongolians believed that with the recent change in cabinet everything would change, which is not what happened. This time, all fifteen cabinet members are also members of parliament, which was not the case before. The prime minister is the only one who is not a member of parliament.

Each minister is nominated or approved by parliament, not by the prime minister. This suggests that the prime minister position has less power, as it cannot exercise hiring and firing over ministers. And this cabinet has essentially the same structure as the previous cabinet, so I don’t think there will be substantial changes. What’s more, the prime minister may be even weaker in the sense that each cabinet minister is, both de jure and de facto, “higher” than the prime minister, because each of them is a parliament member and thus holds legislative power. This may create an unusual situation in the country if any big disputes arise in the future.

Out of the 76 parliament members, 15

► represents a complete loss of balance between legislative power and executive power. The ministers can put forward laws that completely support their causes. Who or what will serve as a check and balance on power?

In a way, the Mongolian government has not finished the transition that was started 27 years ago toward a full democracy and market economy. The state is not doing the three things it's supposed to do, which are protecting our security, our freedom, and our property. Currently, they are not fully protecting our property, as evidenced by the confusion between state and private ownership. The line between state and private is further blurred in the education and health sectors. As we discussed last week, doctors sometimes work for both. For example, we have three major clinical hospitals in UB, and around each are many private clinics in which many public hospital doctors also work.

And regarding transparency, we always have conflicts of interests. By the way, these new cabinet members are not less poor than the previous ones. They are all rather wealthy, and some own a number of companies. We don't have any information about whether they have transferred their company interests to trustees. We see only the percentages of companies that they own.

As I said, the cabinet structure remains the same. Only the ministers' names and faces have changed. The priorities will likely remain the same, including the \$500 million Chinggis Bond debt repayment in January 2018, and the \$160 million Dim Sum Bond repayment due in March 2018. These will both be due in the first quarter of next year. How will they be able to afford this? In order to not default, they will need to sell another bond, which we would expect to be around \$700 million, probably for a term longer than five years and with a higher interest rate. The last time the interest rate was around 8%, but now it could be around 9–10%.

In fact, we are not paying off our debt; we are just extending it with higher interest rates for longer terms. In the

face of such debt, how will we address the issue of poverty? How can we increase the salaries of doctors, nurses, and teachers? The government can't just print more money because inflation would increase. I think this will require new policies, but even those would be very much limited.

Finally, the Asian Development Bank (ADB) will soon be providing \$1.2 billion in financing, \$500 million of which will go toward the diversification of the economy. Will the public be able to see how the diversification money is disbursed? After all, this is not grant money. We will have to repay this money someday through our taxes. So we want to know more about the conditions of the ADB deal, because, in the end, it will be the Mongolian citizens, not the government, who will have to pay it all back.

### **BATTULGA ESTABLISHES WORKING GROUP TO RESTORE DEATH PENALTY**

**Presenter:** President Khaltmaa Battulga has established a working group of lawyers to work for the restoration of the death penalty. "Mongolia is not in the position to be able to abolish the death penalty," the president said. "We should consider abolishment of the death penalty once our society, community, and the people settle down."

Mongolian society has to deeply consider and discuss whether capital punishment should be applied to such high crimes

Former president Tsakhia Elbegdorj first moved to ban the practice in 2012, and the prohibition became law in 2015. Before then, Mongolia allowed the execution of individuals found guilty of committing the crimes of child abuse and aggravated assault.

**Defacto:** Recently, we have witnessed a number of severe criminal cases involving rape and violence against children. These disturbing events have made people angry about the penalties applied to the cases. The president's job is to express the will of the people, so that is what he was doing here.



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But this doesn't mean that crimes have increased since Mongolia banned the death penalty.

I think Mongolian society has to deeply consider and discuss whether capital punishment should be applied to such high crimes. Research suggests the death penalty is not much of a deterrent. In 2010, a professor from Dartmouth College in the US named John Lamperti wrote a paper in which he compared the murder rates of different states. Some states had the death penalty, some didn't. From 1973–1984, Lamperti found that those states with the death penalty had a higher number of murders than states without the death penalty. Lamperti concluded that the death penalty did not deter acts of murder.

As far as parliamentary action is concerned, Mongolia has a kind of "law on laws", which says that any new law must be evidence-based, and that any amendment must improve upon the existing law. So I don't see Parliament taking this up anytime soon. But, like any democratic country, we should have a larger and deeper discussion. I hope to feature this issue on our new debate program, "Defacto Debate", in which we will consider whether to reinstitute the death penalty.

**This review has been edited for space and clarity**

Full review available here: <http://jargaldefacto.com/article/defacto-review-2sh17-1sh-22>