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DeFacto ARTICLE

Jargalsaikhan Dambadarjaa, Mongolian political and economic observer, columnist

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MENTAL MODEL

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A WEEKLY INDEPENDENT, NONPARTISAN, ANALYTICAL NEWSPAPER COVERING THE POLITICS AND ECONOMICS OF MONGOLIA-IN ENGLISH, JAPANESE, RUSSIAN AND MONGOLIAN

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CLEANING UP OUR

MENTAL MODEL

bublic discourse these days is still dominated by how MPs, cabinet ministers, and senior officials have been stealing from the Small and Medium Enterprises (SME) Development Fund. A campaign named 'We won't forgive' is flowing through social media. A small group of people even organized a demonstration in the central square, demanding that the parliament be dismissed.

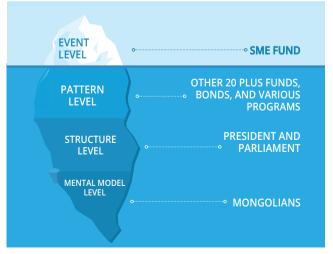
President Battulga has sent a letter to the Speaker of Parliament, proposing that the parliament should voluntarily dismiss itself. In addition to the stories revolving around the SME Fund, people have started demanding that the government disclose financial reports of the other 27 similar funds run by the state. The same question is being asked for details on where the trillions of tugrugs raised through Chinggis and other bonds went (under the name of price stabilization), who received the funds, and how the repayments will be made.

The fact is that Mongolians have always known that the authorities have been stealing from public funds. There have always been media stories to varying degrees on the subject. On several occasions, I wrote about how they were stealing from the publicly owned land in the capital city and even coined the term 'zaisaining'. It was supported by some people in the online environment, however the public has almost always stayed silent. Today voices are louder because the money that was supposed to go to SMEs has been stolen by MPs, which has more direct implications for the people. Even so, the majority of people, especially those who have stronger professional education, are still observing silently.

Mongolia is facing a political crisis triggered not by the economy, but by corruption. The underlying source of corruption is political party financing, and the public needs to demand that it be made transparent. This is the message I have kept repeating for nearly 10 years, speaking out and writing in both online and traditional newspapers and on TV and social media. However, even if people were aware, they acted as if they did not know what was going on. Political party members have not been able to develop a strong enough will to speak out to their party leaders.

It never fails to amaze me why people are not doing anything while they watch how their money, land, and natural resources are being stolen from them. It is not an issue of awareness, but the consequence of a selfish mentality. As long as people are doing okay and are able to manage their everyday life, everything else is irrelevant. This mentality is still with us, and Mongolians have become selfish, incapable sycophants.

Here is an attempt to explain how we came to this, and what needs to be changed and where, using the four levels of the Iceberg Model in systemic thinking.



► EVENT LEVEL

The Event Level is the tip of the iceberg. In other words, it is 10 per cent of the whole problem, which is embodied by what is happening today, including how decision makers divided the SME Fund between each other as repayment for donations to their political party and the '60 billion MNT' case. The parliament is trying to dismiss the cabinet ministers who obtained loans from the SME

Fund for companies owned by their spouse, but leave MPs untouched. This shows how MPs are afraid of losing their authority. Even if these MPs repay the loans and voluntarily resign, it would not resolve the crisis in our public governance. The next MPs and government officials will continue stealing from public funds in their own ways and methods

PATTERN LEVEL

The same thing that is happening above the water at the tip of the iceberg is taking place under water as well, but everything will eventually become clear. It may look different on the outside, but the pattern is the same. In our case, this pattern is how the government is still serving political and business groups behind the curtains, putting their interest above the interests of the people who elected them

Even if those who stole from the SME Fund are caught and made to repay all damages, the other 20 plus funds,

bonds, and various programs will eventually float to the surface of the water. Even if every one of those cases is fought and won or if a brand new political force comes to power, there is no guarantee that similar patterns of stealing from public funds will not continue. Also, it looks like there will not be a single case solved with the culprits held accountable, as long as the Mongolian People's Party (MPP) and/or the Democratic Party (DP) are in power. This is because the structure that enables this pattern is deep in the water. Therefore, no long-term solution can be found at the Pattern Level

STRUCTURE LEVEL

The pattern of what is happening is created by its underlying structure. In other words, the overall structure of the Mongolian state and government – our current government institutions, their interconnections, our laws, law enforcement organizations, business regulations, infrastructure, tax system and so on – will continue manufacturing the same patterns, which would result in the same cases where public funds are stolen.

President Battulga came up with an initiative to change this structure. However, regardless of what shape it takes, any new structure cannot guarantee that it will not produce similar crimes. Even if the culprits are punished and the structure is reformed, the authorities in the new structure will find a more complex way to steal.

► MENTAL MODEL LEVEL

The best way to make a structure as advanced as possible lies at the Mental Model level. If problems are fixed at this level, its impact runs up to the tip of the iceberg, making the whole system cleaner. Highly developed countries were able to make the change at this level, which is why they enjoy more prosperity, a strong livelihood, and higher life expectancy. For this reason, Mongolians are trying to go to those countries at the slightest opportunity.

The Mental Model level includes the mentality, attitude, values, expectations, and morals of a nationality. Mongolians will not be able to fix many of the issues facing our development today, unless we make changes at our Mental Model level. Everything depends on how we can change our own attitude and how we bring up the younger generation. Here are a few examples:

- We are bringing up our kids, demanding them to be street-wise and not end up worse off than others.
 But we are not asking them to uphold fairness and protect justice, and we do not exemplify these values. Therefore, kids grow up willing to do anything to be better and win more than others.
 For this reason, we are seeing the spread of desire to become wealthy easily and quickly by carrying the bags of people with power.
- Teachers in Mongolian high schools are encouraging better performing students to let the weaker performers copy their work. This is fueling

- the theft of intellectual property and plagiarism because students are just copying others' work for their degree papers.
- There was a case of a little kid in the third grade who gave 1,000 MNT to all of his classmates to become the chair of the class. It does not help when parents bring up their children to agree with the majority, be close to the powerful, and not say anything if others have been quiet. This behavior is making our younger generation more cowardly and less confident.

Our society direly misses a mentality that values protecting justice, loving others, refraining from lying and stealing, and respecting others and their personal property. Mongolia is not developing a culture of whistleblowing and fighting against injustice.

We, Mongolians, must make a change in our mentality, grow more humane and develop cooperative habits of living and behaving. Only then, will our structure become healthy. We need to advance our government and our laws, and ensure that the laws are strictly followed and that those who break it are held accountable. Only then, will our livelihood prosper.

2018.11.14



DeFacto INTERVIEW

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ARNAUD SOIRAT

Member of the Board of Directors of Oyu Tolgoi LLC

RIO TINTO SUPPLIES BETWEEN 6 - 8% OF THE MARKET BUT WE HAVE GOT OUTSTANDING ASSETS THAT MAKE US A VERY COMPETITIVE SUPPLIER OF COPPER

Arnaud Soirat was appointed as a member of the Board of Directors of Oyu Tolgoi LLC in September 2018. Arnaud joined Rio Tinto in 2010 as chief operating officer, Primary Metal, Europe, Middle-East & Africa, has been appointed as chief executive, Copper & Diamonds in July 2016. Before joining Rio Tinto, Arnaud spent 18 years in various technical and operational positions with Alcoa and Pechiney in both Australia and Europe. He has 25 years' experience in the metals and mining industry and a wealth of operational and commercial experience gained in various roles, working across five continents. Arnaud was previously Aluminium Primary Metal president and chief executive officer, responsible for managing and improving operations and businesses globally, with a particular focus on lean manufacturing and operational excellence.

Jargal Defacto: Between you (Rio Tinto) and BHP how much copper do you produce and what are your projections for next year?

Arnaud Soirat: The copper market is a very good market with sound fundamentals. If you look at the demand, we are predicting a growth of 2-3% per year on the back of some major transformations in society. However, we are seeing that our competitors, haven't invested enough in copper in the past. There is a natural decline in the production of copper due to grades declining and the closure of some mines. In the past 5-7 years , there haven't been enough new projects and copper mines to compensate for this decline. When you combine the two together, most, if not all of the players in the market of copper are forecasting a market which is going to become undersupplied by the early 2020s.

JD: Do you expect an increase in price with that?

AS: One should expect an increase of price during that period of time and it will be very good news if it happens because in our underground project we have in Oyu Tolgoi, the first production is going to come in the end of 2021 and then we will be ramping up the underground mine. Therefore, this new production should be coming at a time when there

will be price pressure to bring the price up.

JD: Recently your Q3 report indicated that the project may be delayed. Any truth to this?

AS: We have shared our quarterly update on production with the market and it received our copper figures well as we are showing a significant growth in our production of copper worldwide compared to last year and by 2% compared to the last quarter We also shared an update on the underground project as we do on a regular basis and we have just completed a quite detailed review of it. The project is progressing very well and the review concluded that we are going to complete the project on budget. The first drawbell which is a key milestone for the preparing for the block caving on the ground has been delivered. Because the ground conditions are a lot more difficult than originally predicted we need to do a lot more work to secure the underground excavations. The first sustainable production is therefore going to come a bit later than originally anticipated at the end of 2021. However, if you look at the bigger picture, this will have no impact on the cost and the time when full production is achieved.

JD: How many percent of the world's copper supply

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does Rio Tinto have?

AS: Rio Tinto supplies between 6 – 8% of the market but we have got outstanding assets that make us a very competitive supplier of copper. Those assets include OT, Kennecott, a big open-cut mine in Utah in addition to a big project in Arizona to develop a new mine using the same technology underground as we are using in Oyu Tolgoi. The project in Arizona it is in the early stage and we have not begun block caving but we are using block caving in technology in diamonds in Argyle, Western Australia.

JD: How will the trade tariff between China and US affect OT?

AS: I think it is clearly a risk for the world economy and global trade. Rio Tinto is a company that exports most of its products and therefore it is important for our company to work in an environment where there are predictable trade agreements. Anything that disrupts trade isn't good news for commodities in general and for copper in particular. If there were some factors that slowed the global economy, then you can anticipate the price of commodities going down, impacting the profitability of Oyu Tolgoi.

JD: Having said this, what is the price for this year and what is the outlook for next year?

AS: The price today is around 2.8 USD per pound which is lower than anticipated. The main reason for this is twofold. One is the trade tensions in the world that I have just discussed. The market also anticipated a large disruption in the supply of copper due to numerous upcoming trade negotiations that were expected to be difficult. In an average year, 5% of the worldwide supply is lost because of different problems. People, at the beginning of the year were expecting higher percentage of lost production because of disruptions. However, the negotiations went well and to date the disruption has cost around 2% of the supply. Until the early 2020s, the market is going to be balanced and therefore we think the price will be pretty similar to what it is now with some variability, around 6500 - 7000 USD per tonne.

JD: There was a recent fire. What happened and how did you solve the issue.

AS: It is important to understand that the incident that occurred in OT is not unusual in underground mining. An equipment called a front-end loader started to catch fire. The employees that were driving this equipment applied the right procedure and tried to put the fire out but were unsuccessful. They alerted their supervisors and we started to apply our procedure. In this case we take no risk and focus absolutely on the safety of our people. Every employee went into refuge chambers as they were trained. A team of mine rescuers made of Mongolian employees was then used to evacuate the mine. Overall, we managed this incident extremely well and professionally to the extent that no one got injured.

JD: How many people can you bring up at a time with your lifts?

AS: Typically we can bring up 50 individuals at a time so the emergency rescue team went underground and applied the procedures they were trained for. They extracted 504 employees who were working underground in a very orderly fashion. The refuge chambers contain oxygen, protecting people from the smoke. There are many chambers we asked everyone working underground to go to them. We then selected which chamber to evacuate first and that was done in a very orderly fashion. There is a very strong focus that we have been putting on training our local employees. Currently 94% of our 16,000 employees are Mongolian. This focus on training ensured the safe evacuation of our employees.

JD: What is happening with the power station

AS: This is a very important topic. We have been working with for the government for months to decide on the best location for the power station. It is very important for us as we have made a commitment through an investment agreement that we will be sourcing power locally within a certain period. We are currently buying power from Inner Mongolia and spending around 120 million dollars per year. One of the ways we can create more benefit to Mongolia with Oyu Tolgoi is exactly this example. We've got two options for a power station, either we build it at OT or we at TT. We are working with the government through a working group to be able to

have the legal framework, so we can build at either of those locations. Currently, we can not build a power station because we don't have a license to do it at OT and we will not have enough time to build it at TT.

The issue has to be solved in the coming days because I am going to go to the Rio Tinto investment committee and board next month so we need to have an agreement on the legal framework that tells us that we are empowered and that we have the legal support to build a power station. Also, if someone wants to operate as a power station for us, we are open for it. We would need a 300 MW powerplant. If we were to do it ourselves, we require additional investment. If others want to invest in it, then we can contract out and buy the power.

JD: What about building the station at TT?

AS: We have already done a lot of work, and have got quite a big engineering team in the country and overseas working on developing the power station project with most of the work being done on OT so we have a very clear idea of the quality of the ground, the availability of water and so forth in OT. We know that we can build a power station in less than four years at OT. If the government prefers a station at TT, we are open to it but we would need to do a lot more studies on whether there is going to be enough water for a power station to support all the projects that the country wants to do to develop the TT deposits like coal washing, concentration etc. That requires a lot more time to do it we will need a total of six years to be able to do the studies at TT and build the power station there.

JD: There is a currency regulation draft law which advocates for Mongol Bank allowing checking accounts to be opened by OT and other strategic deposit reserve companies. How do you see that?

AS: We think it is potentially quite a serious issue for Mongolia for a number of reasons. First, transforming a central bank into a retail bank is something that is up to Mongolia to decide but no precedent for this. The central bank is usually not a retail bank and is independent. Moreover, we are currently sending the revenues of our sales from OT in foreign bank

and this is something that we are fully allowed to do. We have signed an investment agreement with the government of Mongolia which allows us to do so. On top of this, we have borrowed 4.4 billion dollars to 20 international lenders under a very strict condition that our revenues go to a foreign bank.

JD: How many banks?

AS: 20 in total and the lenders are requiring us to have the revenues paid in a foreign bank and this is non-negotiable. You may remember that a year and a half ago, the government considered putting into law resolution 111 which was essentially trying to do the same thing which the currency settlement bill is trying to do. At the time, that created a very serious issue as it was a breach of our investment agreement and our project financing. If we consider the impact of the legislation on the Mongolian economy, they are negligible. We bring back our revenues to Mongolia to pay salaries and taxes having paid 1.7 billion USD in taxes since the beginning of our project. Moreover, 80% of our purchases are made in Mongolia and we invest a billion dollars per annum in Mongolia. Therefore, we bring back more funds than we take out of Mongolia.

JD: Under your leadership, I hope the whole project take place on time. Because it is a democratic country, we talk about the impact of the currency regulation draft law and hopefully the politicians will listen. I was in Russia a couple of weeks ago in Irkutsk with Russian and Chinese academics and I said Mongolia is a different animal than you because in your countries, one guy makes decisions. In this country, many people make decisions, in particular, the people.

This interview originally aired in November 10, 2018. It has been edited here for space and clarity. You can watch the full 30-minute interview at jargaldefacto.com



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FLAWED PUBLIC GOVERNANCE

With an increase in the number of officials connected to the SME case last week, the People's Party's executive board held an ad hoc session. As the ruling party is so deep in the scandal, this meeting was an expected meeting. The executive board discussed a proposal by Prime Minister and head of the Party Khurelsukh calling for the resignations of the Speaker of Parliament and Caucus leader, Mr. Khayankhyarvaa as well as the Mayor of Ulaanbaatar

28 of the 29 members of the executive board were present in the session and they concurred with the Prime Minister on relieving Mr. Khayankhyarvaa and the Mayor of Ulaanbaatar from their duties. The resignation of the Mayor of Ulaanbaatar will be taken up by the city Khural (council) members who are expected to uphold the decision.

The Mayor of Ulaanbaatar, Mr. Su.Batbold was also implicated in the 60 billion tugrik case in the run-up to the 2016 election. The case involved the release of recordings whereby the party leadership conspired to sell most public positions, the proceeds of which were expected to total 60 billion MNT. Moreover, his wife acquired 500 million MNT from the SME fund.

Mr. Su.Batbold also faced allegations from Mrs. Uyanga, the Human Rights Advisor to the President who implied on Facebook that he gravitated towards an untraditional sexual orientation and that she had video evidence threatening to disseminate it. This led to a widespread rumor which Mr. Su.Batbold was quick to denounce. The incident demonstrates the current state of political discourse where blackmail and the release of damaging information takes such a prominent role.

There are different ways that a substantial majority of a single party in parliament can affect the political process. One would expect that this would allow for policies to be made and implemented in an efficient manner. However, there is a huge rift within the People's party as well as the Democratic Party with both suffering from a crisis



of leadership. The result is two divergent factions in the People's Party who each control 32 of the 64 People's Party seats in Parliament (although the party won 65 seats, one member of Parliament was forced to vacate his seat due to rape charges being filed against him).

Given that all 18 ministers are Members of Parliament, the People's party seemingly controls enough seats to create two governments. In fact, a petition to remove the Khurelsukh government has already collected 30 signatures with it being likely that the Democratic Party members have also signed the petition. Therefore, there is a likelihood that the government may be removed. A single party majority in Parliament no longer guarantees a stable government in Mongolia.

The scandal that has come to light is simply the tip of the iceberg and there are numerous more scandals yet to be uncovered. Hence, a resignation of a member of Parliament or even a complete reshuffle of the cabinet is not enough to distract the public from their infractions. The mismanagement of bonds by the Democratic Party while they were in power, the price stabilization program by Mongolbank through which 4.5 trillion MNT was appropriated are both issues where the full extent of mismanagement is not yet evident. The recipients of the appropriation are kept secret but they will no doubt be uncovered soon. The SME case pales in comparison to these ones and I believe that the public public will be privy to the infractions carried out under the auspices of these programs soon.

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Mongolians are becoming more disillusioned with their politicians as they become aware of the extent of mismanagement of those funds and will soon begin to demand that every official responsible for embezzlement of public funds be held accountable for their actions. There is hope that this will gradually lead to better governance.

We have finally begun to disclose the criminal ventures of Mongolian politicians. Those infraction may even extend to the beginning of the millennium and the SME case may provide the momentum necessary for further investigation into them. Member of Parliament Mr. Ayursaikhan headed a parliamentary committee into the operations of Mongolbank between 2012 – 2016. The committee's report is now on parliament.mn and a close inspection of it reveals a large number of infractions.

Ignored by legislators until now, the SME case will compel them to investigate the price stabilization program of the Mongolbank, distribution of the proceeds of bonds and a financial venture called 888 projects. Also, although the ASEM meeting was of significant political importance to Mongolia and was well-organized, we should not turn a blind eye to reports of embezzlement of funds from the planning and organization of the meeting. These cases demonstrate that the mismanagement of funds has become a habit of Mongolian politicians and we are often unaware of whether a Minister is talking about his company or the industry he is responsible for during public appearances.

One can not expect economic growth to take place in such an environment. Public officials are stealing, the budget expenses and deficit is increasing, and we are borrowing more funds from organizations such as IMF. Those organizations should therefore demand better governance.

STATE WILL NOT FUNCTION WITHOUT TAXES



The Chamber of Commerce recently released a statement that if the SME case is not handled in a fair and proper manner, businesses will cease to pay taxes. Every struggle and fight for truth or the betterment of one's life and country is fair if conducted within the boundaries of the law. A refusal to pay taxes is not within the law. I understand that the President of Chamber of Commerce of Mongolia, Mr. Lkhagvajav stated that the Executive Board of the Chamber of Commerce came to the decision to refrain from taxes.

Unfortunately, it is not ideal that the President of the

Chamber of Commerce is calling on businesses to take such extreme as we still need to pay for the salaries of teachers, police officers and other civil servants. Tax evasion is a crime and although I am sympathetic to their plight, I still find it extreme to advocate such measures. We are demanding action to be taken in relation to the SME case because we are making those demands within the legal framework and calling for politicians to operate within it as well.

According to the Chamber of Commerce, a failure of businesses to pay taxes for a month would divert 600 billion MNT away from the treasury while the state budget deficit proposal is 1.2 trillion MNT or two months of taxes from businesses. This will lead to a inability of government agencies to function two months. The payment of taxes is not the most pleasant thing in the world, but it has to be done in accordance with the law. An inability to pay the salaries of civil servants will cause havoc at the border and create larger traffic jams in Ulaanbaatar as major cuts will have to be made across all departments. The economy would come to a complete standstill.

DeFacto REVIEW

THE S. ZORIG CASE REMAINS COLD

The infamous S. Zorig murder case has recently surfaced in the media once again as is the norm whenever the Mongolian political climate becomes tense. It serves the interests of certain politicians to delay closure in the case. The mother of one of the convicted murderers recently came forward to state that his son was not involved with the murder and that this could even be corroborated by Mr. Bat-Uul and Mr. Elbegdori, who allegedly ordered the murder. Although the case is closed, it is brought to the public's attention whenever there is an impending change in government. Three assailants were convicted of murder for hire without clarifying who ordered the murder. With the case being closed in such a manner, those who had ordered the murder have escaped punishment.

Following the case, an amendment was made to our criminal code placing a 20-year statute of limitations in criminal cases. It is interesting to note that Zorig's murder took place in 1998 with the case being closed just over 20 years later. With the statute of limitations expired, further developments in the case can not lead to criminal charges. The developments taking place now are therefore illegal according to that statute. The case also demonstrates the clout of secrecy that permeates Mongolian politics. Justice Minister Mr. Nyamdorj questioned why Mr. Zorig's wife, the only witness to the crime was not present during the court proceedings. The three were convicted despite her testimony of two assailants and the fact that she failed to recognize those convicted of Zorig's murder.

The case is just an example of how criminal cases in Mongolia are used by those privy to the information for their own ends. It can even be said that justice



has become an instrument for political maneuvers. If we strive to one day become a normal democratic country, these practices must come to an end.

According to member of Parliament, Mr. Lu.Bold, the parliament is seeking to establish a temporary standing committee to investigate why the statute of limitations was put into the criminal code. I am not confident that the current crop of politicians will bring closure to the Zorig case. It is probably something that would need to be taking up by our successors.

Overall however, I believe that the events taking place in Mongolia are promising as it has opened a Pandora's box which is notoriously difficult to close. It is simply the beginning of the unraveling of the extents to which the officials we elected have plundered our money. However, our citizens should also take responsibility as they themselves elected those politicians and should always keep in mind that informed participation in politics is the cornerstone of a democratic society.

This review has been edited here for space and clarity. You can watch the full 30-minute review on the Defacto website [HERE].



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CONTACT US:

- editor1@jargaldefacto.com
- **≥** +976 94109342
- www.defacto.mn www.jargaldefacto.com

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