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WEEKLY

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BATTERIES AND TOXIC HAZARDS





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BATTERIES AND TOXIC HAZARDS

As our battery usage grows not only in homes but also in other spaces, we're also having to dispose of an increased volume of batteries. However, the dangers associated with used batteries are not well known to everybody. When disposed of improperly, all types of batteries pollute the environment, contaminate water with harmful substances, and have serious adverse impacts on people's health. But our government is still unable to monitor and control the situation. In the meantime, people continue throwing away used batteries into the exact same bin as other household waste.

Waste separation is something that is not well embedded in people's behaviors yet, and Mongolia doesn't have a single waste recycling facility. Although the government issues dozens of programs and plans, almost none of them resulted in any material work. How long are we going to ignore the fact that batteries present toxic hazards and keep disposing them in open space, degrading the environment for future generations?

USE OF BATTERIES

With a population of 3.2 million, Mongolia imports 6 million portable batteries a year.

As of 2018, light vehicles (cars) comprised 72 per cent of all 585,000 vehicles inspected under the national mandatory inspection. Eighty-three per cent of those cars were Japanese cars that have the driving wheel on the wrong side, for right-hand driving, and majority of them were secondhand Toyota

Priuses with a hybrid engine that uses both gas and electricity. In Japan, people get paid 2,500 USD upon delivering their 13-year-old car for disposal. That's where Mongolians come in and buy that car for 5,000 USD. The batteries of these Priuses then driven in Mongolia are often replaced, whereby the old batteries end up in the same landfill together with everything else.

HAZARDS

Batteries contain heavy metals that are carcinogenic can cause mental defects, the deterioration of internal organs, and harm the reproductive system. The vast panoply of potential and real risks to human health can simply not be understated. For this reason, the government categorized batteries containing lead, nickel, cadmium, and mercury as hazardous waste. Battery acid and electrolyte also fall under this category. However, the existence of categorization does not mean that associated hazards have been controlled. This is especially dangerous since Mongolians have a habit of biting AAA batteries to lengthen its life, while kids sometimes play with batteries and accidentally swallow them.

As a reaction to complaints from people, the relevant government agencies recently completed a set of inspections and investigations. They visited three different companies that disassemble car batteries at a location southwest of Khonkhor

Urtuu of the Nalaikh District, melt the extracted lead, and export it to China. Korea, China, and Mongolia respectively invested in these companies. Every day 1-2 tonnes of car batteries are bought from people at a price of 1,600 MNT per car battery, chopped up with an axe, and molten into lead bars. According to the company, the sulfuric acid from this process is locked up in concrete units placed in the ground. However, it was revealed that the sulfuric acid leached into our soil and has been contaminating the Tuul River basin for years. We're only scratching the surface here, and there are dozens of unknown companies contaminating the environment in the same way.

Expired automotive batteries produce a variety of toxic substances, while one AAA battery contaminates four square meters of soil and 8,000 liters of water. Used AAA batteries in a waste pit completely disappear only after 100 years.

SOLUTION

The use of batteries, regardless of type, is ubiquitous and ever increasing. When it comes to disposal, batteries are either buried or burnt in Mongolia. One company collected several tonnes of batteries attempting to send them to Japan. However, the transit transport of toxic substances is not allowed in our neighbouring countries. We have no choice left but to collect used batteries, sort them, and start recycling.

Mongolia has a law on waste, but we are still unable to find capital to fund a recycling facility or select a location to build the facility. There are some odd locations where used AAA batteries are collected, but they don't know what to do with them next.

Therefore, the most effective approach would be to start imposing a tax on importing and selling batteries and use the revenue to build a facility that collects and recycles used batteries. This can be managed by a company that meets a specific set of criteria.

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MONGOLIANS ABROAD AND ELECTIONS AT HOME

Domestic Mongolian politics is increasingly conducted through social media, which allows Mongolian expatriates to help shape domestic public opinion from afar. As a result, Government and political parties are seeking out more connections to these communities¹. However, the inclusion of Mongolian citizens abroad in political decision making, such as through remote or absentee voting in parliamentary elections, presents challenges. Is the proposed “One State, One Constituency” electoral system the answer?

PREVIOUS PARLIAMENTARY ELECTIONS

Advocates within the Mongolian diaspora started lobbying for the inclusion of expatriates in Mongolia’s elections back in the early 2000s. The violent “June 1st” riots that followed the announcement of the 2008 legislative election results moved Mongolia’s political and economic powerholders toward more inclusiveness².

The Mongolian diaspora was allowed to vote in parliamentary elections for the first time in 2012. Expatriates cast their ballots in a “mixed parallel” electoral system, meaning their votes applied to only 28 of the 76 seats in Parliament and were

distributed to political parties in proportional representation. Expatriates were excluded from voting for the remaining 48 seats, which were designated solely to the 26 constituencies inside the country, and candidates were elected in each constituency by a first-past-the-post system.

For the 2016 elections, the electoral system was changed instead to a majoritarian one, in which the legislators were elected from 76 single-mandate constituencies³. Consequently, Mongolians abroad were no longer able to take part in parliamentary elections⁴. ▶▶

¹ According to International Organisation for Migration, an estimated 130,000 Mongolians lived abroad in 2016. A considerable number for a country with a population of only three million.

² Paul Guerin, *Lessons learned from electoral support in Mongolia 2008-2012*, p. 4

³ OSCE/ODIHR Election Observation Mission Final Report, p. 6

⁴ It should be noted that this discussion involves participation in parliamentary elections. For presidential elections, Mongolians expatriates have been able to participate in both the 2013 and 2017 contests.

⁵ 2012 Parliamentary elections: 2,279; 2013 Presidential election: 4,242; 2017 Presidential election: 4,767

► THE 2020 PARLIAMENTARY ELECTIONS

In June this year, the Mongolian People's Party (MPP) proposed an amendment for nationwide one-constituency elections. They claimed that this so-called "One State, One Constituency" proposal might allow for the participation of expatriates in the 2020 legislative elections. This prompted discussion amongst the Mongolian diaspora in what is today institutionalised under the framework of the Committee of Mongolians Abroad (CoMA).

In order to gain more information, CoMA issued a survey to Mongolian academics abroad, asking

them to fill out a questionnaire regarding the basic requirements and procedures of external voting in their host countries. The survey results suggested that a national, single-constituency system is not necessary for the inclusion of expatriates in elections. According to the data collected from Belgium, Finland, Germany, India, Japan, Korea, Sweden, Switzerland, Turkey and the United States, expatriate voters were able to be included in their countries' parliamentary elections regardless of the number and size of the constituencies.

OPINION

It is fair to say that the inclusion of expatriates in parliamentary elections would be rather simpler in a system of nationwide, one-constituency voting. The assignment of voters to a constituency in a multiple-constituencies system and the distribution and return of ballots to the assigned constituencies would require comparatively more complex administration and logistics.

Questions such as whether a nationwide single-constituency system would promote or suppress democratic representation of the people in Parliament? Or whether it would offer a fairer balance between conflicting regional interests (such as land use for herding or mining) by making MPs more independent? These are questions remain open for debate.

Here we are considering whether the "One Country, One Constituency" proposal is necessary to address the administrative and logistical challenges of including expatriate Mongolians in parliamentary elections. And from this point of view the argument in favor of such a nationwide system is unconvincing.

In reality, past voter turn-out of expatriates was so low that their participation was practically irrelevant to nationwide election results. In those elections, turn-out was less than 5,000 out of 80,000 eligible voters living outside Mongolia⁵. Such low turn-out means that expatriates have little effect on elections—at least in terms of ballot count. Their real power is in shaping public opinion through social media leading up to elections. Therefore, the "One Country, One Constituency" argument seems less about expanding democratic enfranchisement, and more about harnessing the political support of influential Mongolian expatriates on Facebook and Twitter.

July 2019 ■



Host:
Namsrai Tsend

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Jargal Dambadarjaa

DeFacto **REVIEW**

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For weekly reviews, visit <http://jargaldefacto.com/category/12?lang=en>

DISCUSSION ABOUT CONSTITUTION

1. There are currently two sets of amendments to the constitution being discussed in Parliament, one from the President and one from legislators. The very need of a constitutional amendment is derived from the fact that there is no concept of separation of powers in Mongolia, which is especially true for the judiciary. Mongolia tried paying judges the highest salary among civil servants but it didn't work. A clear example is with the Salkhit silver deposit where judges received bribes.

The Presidential amendments would guarantee the independence of the Supreme Court by barring any external political influence on judges. This is further supported by his vision to ensure life tenure to its judges. On the contrary, the proposal from Parliament sets the tenure of Supreme Court judges at 12 years. The President's proposal would also see member of the General Council of Courts nominated by the President rather than Parliament. In addition to this, a disciplinary committee shall be established to deal with issues of judicial indiscretions.

The two sets of amendments are little more than political maneuvering by the President and Parliament to gain more influence. There are positives and negatives in both approaches and it is impossible to know which is better at this point.

2. Another point of contention in the two sets of amendments is that the Presidential amendments regard the mineral resources of Mongolia as public property while the Parliamentary amendments regard them as state property. This is such a key issue that the amendments can even be put on hold until it is resolved. Ownership is a key issue as evidenced by the collapse of Soviet systems partially due to the lack of private property. The current constitution holds that all of Mongolia's natural resources are state property but common sense dictates that it is private property. If the Presidential amendments are passed, there should be another legislation allowing the state to use, manage and administer those public resources.

In other countries there are private, common and public properties. Public properties are governed by the state or an institution designated by the public. Common properties are places of common use such as forests and gardens. Mongolia needs to make issues regarding property and land registry in particular very clear. While the idea of natural resources is admirable, it may initially lead to a certain level of dysfunction given the lack of experience in the state managing public property. Any issue relating to mining would be open to discussion by the public and may negatively affect foreign direct investment coming into the country.

3. The amendments also deal with local administrative issues. Before the democratic revolution, Mongolia had three cities: Ulaanbaatar, Erdenet and Darkhan. While nowadays, only Ulaanbaatar is considered a city but the other two continue to essentially operate as cities and expand. This raises a conflict of different soums failing to grant them permission for the use of land. Therefore, the proposal would see Erdenet and Darkhan regain their city status.

Another issue that the amendments deal with is the enshrinement of the capital city in the constitution. The argument was that in a country that is expected to reach a population of 4 million by 4 million, it is not impossible that the capital would have to be changed at some point. Therefore, declaring Ulaanbaatar in the constitution as the capital of Mongolia may not be prudent.

Moreover, the proposal seeks to elevate the status of Ulaanbaatar's 6 districts to cities given that their population is similar to if not larger than aimags. In addition to these cities will be awarded the status of aimags, soums will be regarded as districts and bag as khoroo. This would clarify the distinctions between local administrative units, especially cities. Given that cities face a wide variety of issues unique to them that needs to be solved, they need to tax or receive a portion of the taxes against which they can issue bonds. This shall generate additional funds to finance public projects.

A SOLVED CORRUPTION CASE

According to the National Statistics Bureau, in 2011, 23 billion MNT in damages was caused by corruption but it had risen to 663 billion MNT by the end of 2018. Disturbingly, the government seized only 17 billion MNT of this 663 billion MNT. This speaks to the profitability of corruption and even in the case of the Former Minister of Energy Mr. Sonompil, he only received a 4-year sentence despite widespread corruption. We should also take into account the tendency of Mongolian courts to reduce the sentences of certain individuals significantly, allowing them to walk free after barely serving any time.

The National Statistics Bureau also found that there were 144 corruption cases in 2011, which had risen to 1138 by 2018. If we look at the number of people involved, the number had risen from 324 to 1224 in the same timespan. However, the number of closed corruption cases only rose from 99 to 393.

The minister that was just sentenced served in the coalition government and was from the minority party. Former Minister of Health, Mr. Shiilegdamba who is also serving a sentence was also from the coalition government and affiliated to the minority party. Although the two large parties act as if there is no corruption, the Small and Medium Enterprise fund scandal and the illegal sale of lands in Ulaanbaatar are just two examples of the contrary. If we only received the funds from the land auctions, it would constitute enough capital to tackle some of the biggest social infrastructure issues in Ulaanbaatar.

One of the key aspects that needs to be fixed in order to effectively fight corruption is a completely independent judiciary, which is unfortunately not the case today.

ESTABLISHMENT OF “IREEDUIN UV SAN CORPORATION” LLC

The Ireeduin Uv San or the Fund for Future Heritage is governed by a special legislation. In short it holds that countries such as Mongolia that are dependent on a few natural resources needs to have a fund in which to place excess income from mining in order to offset drops in price at a later date. A second purpose of the fund is to generate a form of inheritance for future generations given that the natural resources are currently being depleted.

It is a good intention but there are doubts as to how long the program will last as the Mongolian government is by nature a very populist one. Politicians distribute as much money as possible in the year and months preceding the election in order to get elected.

The legislation governing the funds state that whatever is remaining of the stability fund shall be allocated to the future heritage fund. It is also meant to receive dividends from state-owned-enterprises but Mongolian state-owned-enterprises don't usually give dividends.

It is possible that the establishment of a corporation to manage the funds will lead to yet another poorly managed enterprise but those funds need to be separate from the budget and managed by an independent company. The intentions of the government are admirable but

far to often, the government has good intentions but fail to deliver the intended results. Most state-owned-enterprises operate on a loss that is offset from the budget, meaning those funds can't be devote to tackling social issues such as students having to go to school in three shifts.

Once the fund is established, it needs to be independently managed but there needs to be a clear distinction between the management money and fund resources. Norway has a similar pension fund, Chile has a stabilization fund and these are just some examples. However, there are those that claim that Mongolia has a necessity for infrastructure and issues that need to be resolved today so the money from the money needs to be devoted to these ventures.

Democracy does not stop at elections but requires participation throughout terms. Given that the government is an agent of the people, they should demand transparency in the management of their resources.

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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