

NGO Submission for UPR

**UPR (Universal Periodic Review) Submission
Mongolia – In Regard to Indigenous Rights Issues facing Mongolia's
National Minorities**

Submitted By:

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NGO Backgrounds:

The Totem Project has been established in 1989 with the mission of supporting the indigenous and traditional nomadic rights of native reindeer herders in Southeastern Siberia, Russia and northern Mongolia. Its director, Dan Plumley, a cultural ecologist with expertise in Forestry, Wildlife, Park Management and Traditional Indigenous Cultures, began working with the Dukha (Tsaatan) of Mongolia in 1997. The Totem Project worked on three spheres of action: (1) advancing native rights recognition for the Dukha (Tsaatan) indigenous minority with the Government of Mongolia; (2) offering veterinary and other supports to benefit the health, welfare and numbers of domestic reindeer of the Dukha livestock herders; and (3) incorporating material and program support to advance compatible economic change for nomads of the high taiga ecosystem.

Nomadicare supports the sustainability and cultural survival of nomadic peoples in Mongolia by harmonizing traditional and modern medicine and documenting nomadic ways for future generations. Sas Carey, the Director and Founder of Nomadicare has worked extensively across Mongolia to advance healthcare, education and documentation of the nomadic ways of traditional Mongolian life – and the threats against its survival.

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

Focus of this Report:

Both NGO's listed have extensive working experience direct with the Dukha (Tsaatan) reindeer herding peoples of northern Mongolia's Khuvsgol Aimag or region who are the focus for this report. The Dukha represent Mongolia's smallest indigenous ethnic minority at approximately 600 persons with 230 still living nomadically in Mongolia's northern boreal taiga region west of Lake Hosvsgol bordering Russia's Buryat and Tyvan districts to the north and west. That said, minority Kazaks in Western Mongolia and Tuvan herders alike have similar needs and challenges in the case of fulfilling human and indigenous rights long term.

Moreover, with the increasing impacts confronting traditional nomads all over Mongolia from mining and industrial impacts to water sources, grazing lands, forested areas, haying lands, wildlife and fishery resources, etc., etc., the traditional way of life for nomadic livestock herding is seriously under threat. Thus majority ethnic group Kalkh Mongols as well, in terms of traditional nomadic lifestyles may soon be becoming a threatened minority in and of themselves – and there is real overlap between the challenges facing the herding Dukha, Kazak and Tuvan ethnic minorities with herding nomads nationwide.

2010 UPR Summary:

With respect to indigenous minorities in Mongolia, the findings of the 2010 UPR Report recognized the following challenges as submitted by NGO stakeholders at that time:

- Ethnic minorities in Mongolia are culturally, linguistically, economically and politically marginalized
- Public policy generally fails to understand and respond to the interests of ethnic minorities
- Rights of ethnic minorities to carry out traditional livelihoods and enjoy home territory natural resources critical to nomadic lifestyle is being lost to the owners of mining licenses and concessions
- A lack of special protection for the Dukha minority whose reliance on wild game for their traditional diet has been threatened by aggressive application of national hunting and wildlife protection laws that make no exceptions for subsistence cultures
- Recommending that Mongolia, inter alia award qualifying groups rights and concessions in support of a privileged right to sustainable subsistence use of natural resources and wildlife essential to their culture
- There is a need for pro-ethnic minority land tenure policies in consultation with minority ethnic groups (National Minorities) to ensure their sustained access to and proper use of natural resources and traditional lands, resources and waters

2014 Findings and Recommendations for this UPR Submission:

In general, we can say that many of the findings from the 2010 UPR Report still ring true and ethnic minorities across Mongolia continue to face many challenges linguistically, economically and politically. Moreover, the environmental impact pressures on their traditional lands and activities have only increased with greater inroads of the international mining industry across Mongolia, tourism impacts, as well as a growing awareness of climate changes, as well. Where past challenges have been address or subsided, new ones emerge and old issues not formerly recognized as harmful to ethnic minorities like the Dukha are becoming recognized as having serious ramifications for the cultural and lifestyle integrity and future going forward.

Nevertheless, there have been positive steps taken to support policy, law and court decisions to help protect from harm or to advance the rights and livelihood of traditional livestock nomads including those of minority ethnic groups like the Dukha (Tsaatan), Kazak, Tuva and others.

Our findings and recommendations include the following:

1. With regard to the Dukha (and other ethnic minorities) President Tsakhiagiin Elbegdorj has demonstrated a willingness to visit and learn the plight of ethnic minorities resulting in several positive actions. For example, during early 2013, the Mongolian President traveled to meet with the Dukha on their native lands and he followed his travels with a Presidential Proclamation in support of the Dukha (Tsaatan).

2. Right to Health Care: Follow on actions consistent with the President's Proclamation on the Dukha (Tsaatan) include better access to free health care. Herder and their families can now obtain check-ups and health care advice twice annually at the region soum center hospital in Tsagan Nuur (White Lake). Transportation in and out of their remote alpine territories, however, remains challenging for many due to its remoteness.

Recommendation: Beyond government health care support at the Soum Center, and aid provided periodically by NGO's, the Government of Mongolia should ascertain what sustainable support in health care training, preventative care and practice can be brought direct to the taiga where the ill, elderly and economically depressed may be unable to leave.

3. Right to Equitable Elementary and Higher Education with Native Language Protection: Dukha elementary students remain being taught only in Mongolian language and their native language is severely threatened in the younger generation. Dukha students continue to face challenges as ethnic minorities at area schools and often have less material or housing support or conditions than manority Mongolians. Dukha (Tsaatan) students of college and university age may receive

their tuition and lodging costs covered by the Government of Mongolia – a major step forward for Dukha students who historically could not afford higher education at the college and university level.

Recommendation: Strategic steps need to be taken to return Dukha language to classroom education weekly in the Soum Center schools and Dukha children should be provided equitable school resources as any other students.

It is also important to insure equity for adjacent Darkhad Mongol students and to determine education gaps and remedies to bring ethnic minority to skill and knowledge level capability to reach college and university level requirements.

4. Right to Employment and Gainful Income: the Dukha have gained a very important commitment to have their herder salaries reinstated that provide 130,000 tugriks per adult and 65,000 tugriks for children monthly. These are very significant enhancements in their financial support and well-being. The new stipend is viewed as very favorable, but has led to reductions in the development of their individual antler craft making that was important for income previously. Conflicts exist between the minority Dukha and adjacent Darkhad Mongols over benefits.

Recommendation: herder income equity needs to address both Dukha and Darkhad Mongols in fair fashion to lessen ethnic tensions– both relatively speaking northern minorities with many carrying out traditional livestock herding lifestyles.

5. Right to Subsistence Use of Natural Resources and Wild Game: Conflicts regarding the use of natural resources including native game wildlife continue and need to be addressed comprehensively with an eye towards safeguarding and advancing the ethnic culture and lifestyle of the Dukha (Tsaatan) and other hunter-gatherer nomads. At present, the Dukha are being barred from fishing during spring spawning seasons even though their actual fishing take is relatively minor and only for subsistence purposes as they eat fish only rarely. National Hunting and Wildlife Law can favor international and majority population sportsmen and women over the Dukha's own subsistence living needs for wild game meat.

Recommendation: The Government of Mongolia should research and assess the needed changes in law and environmental policy that could equitably identify proper minimum take numbers for wildlife and game species of cultural and nutritional importance to the Dukha reindeer herders. Dukha traditional nomadic territories should include certain restrictions on both non-Dukha and international hunters and sportsman to insure sufficient quantities for wild game subsistence provision for the Dukha's true needs.

6. Right to Associate with their Traditional Culture Relations in Russia – Border Issues On-Going: The Dukha (Tsaatan) are directly related to the Todja-Tyvans of the Republic of Tyva, Russia across the border. Dukha have periodically been arrested and jailed for crossing the remote high mountain border (which

remains non-distinct or marked in many areas) in order to visit their relatives. Herders have been arrested and jailed in the past for over a month or more and had their hunting rifles confiscated for crossing within 1 kilometer of the border in order to collect deer antlers for needed late winter income. Dukha face grave challenges in finding men and women to meet and marry of their same ethnic identity and enhancing, not degrading, their travel to their historical relations and regions is needed.

Recommendation: Their right to cross-border travel should be researched for proper legal assessment and implementation of policies and practices that can both insure border security while allowing the Dukha to meet their transborder relations without harm, injustice and penalty.

7. Right to Free, Prior and Informed Consent: Many of the mining licenses that underlay the entire traditional territory of the Dukha in northern Mongolia were sold or established to private ethnic Mongolian business men by the Mongolian Government shortly following Mongolia's independence and to this day. The vast majority of these licenses were obtained without any free, prior or informed consent of the Dukha. Other ethnic minorities and nomadic herders have faced the same problem from the corporate mining interests with both legal and illegal licensing of underground mineral rights.

Recommendation: Though many of these licenses and leases have yet to be acted upon, they remain legally viable and a potential serious threat to the future lands and lifestyle of nomadic, ethnic minorities. The Government of Mongolia should research this serious problem and change the dynamic of law and policy to require and empower the Dukha to have primary control over actions on their traditional territory and to assess where, specifically, traditional nomadic and hunting lands will always revert to Dukha control and sovereignty, and where, sustainably as possible, mining may take place and how the Dukha will benefit as equal or primary partners and benefactors.

8. The Right to Traditional Lifestyles without Serious Impact from Tourism. The Dukha live in two groupings of the West and East Taiga Groups. The East Group of Dukha is closer to the Soum Center and gains far more tourism interest and visitations than those in the remote west. Consequently, the increasing number of tourists are leading to circumstances whereby the East Group tends more to stay in one place to facilitate the tourists. This has the negative impact of harming the range for the reindeer and weakening the reindeer. There are environmental impacts as well from the longer than normal stays in one location as the taiga is very sensitive to damage and the normal nomadic movement schedule benefits the land and resources as well as their reindeer and traditional lifestyle.

Recommendation: The Government of Mongolia should assist the West and East Dukha Groupings to develop policies and protocols that limit the negative impacts of regional tourism that, otherwise, may change or inhibit the nomadic nature of the culture

to ill effect on people, land and reindeer. Modifications can be made to still permit interaction with tourists and still enable the traditional nomadic movement of the Dukha (Tsaatan).

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