



**Institute of Human Rights  
and Peace Studies**



**Master of Arts In International Development Studies (MAIDS),  
Chulalongkorn University  
Institute of Human Rights and Peace Studies (IHRP),  
Mahidol University  
Bachelor and Master In Politics and International Relations (BMIR),  
Thammasat University**

**Proceedings of**

**International Seminar on  
Development, Democracy,  
Human Rights and Peace in Asia**



**1 July 2016  
Faculty of Political Science  
Chulalongkorn University, Bangkok, Thailand**

## **Aspirations into Actions: Critical Analysis of Human Rights in Foreign Policy of Mongolia**

*Otgonbaatar Tsedendemberel*

Institute of Human Rights and Peace Studies, Mahidol University

### **Abstract**

The collapse of the Soviet Union brought many positive changes to contemporary Mongolia, one of which was the Concept of Foreign Policy of 1994. The Concept not only included new formulations and aspirations of foreign policy concepts such as “third neighbor policy”, but also universal human rights norms and standards. However, grave human rights violations against the Mongolian citizens abroad triggered an amendment to the Concept in 2011, inviting potential critique that the foreign policy concept became more of a plan of action rather than being a visionary document which is supposed to inform the country’s foreign policy to be implemented abroad. As a small state with big aspirations, Mongolia strives to play an influential role in the human rights arena at the regional level, while its national documents and legislations are in the process of vernacularizing the universal human rights norms and standards into domestic context effectively yet systematically. This paper will critically analyze the notion of human rights in Mongolian foreign policy in this critical moment for the country – the newly elected UN Human Rights Council Member. The analysis will be done by reviewing the foreign policy concept, academic conference on the analysis of the concept held in 2014 and current work of its embassies, consulates and permanent missions. Even though the state foreign policy may seem ambitious and aspirational especially in the new territory of human rights in foreign policy, my argument is that domestic and global civil society lead the way for Mongolia in its vernacularization process of human rights ideas. Human rights in foreign policy is a relatively foreign concept in today’s Mongolia; thus the relevance and timeliness of this discussion will be crucial for the country’s academic, policy-making and human rights circles.

**Keywords:** *Concept of Foreign Policy, Human Rights, Human Rights in Foreign Policy, Mongolia, Vernacularization.*

*“Human rights is the soul of our foreign policy, because human rights is the very soul of our sense of nationhood.” – Jimmy Carter, 39<sup>th</sup> U.S. President*

*“Correct yourself and then correct your household; after correcting your household, correct your State.” – A Mongolian Saying*

## **Introduction**

Mongolia is a relatively newcomer in the contemporary world politics, but it is *a small state with big aspirations*.<sup>1</sup> As a newly elected UN Human Rights Council (HRC) Member,<sup>2</sup> it is set to commit itself to protecting and promoting human rights for all. In this regard, an effective formulation of human rights in its foreign policy will play a major role in how Mongolia can fulfill its roles and responsibilities as an active member of the international community. A remarkable example of Mongolian commitment has been evidenced by voting in favor of establishing an independent expert on sexual orientation and gender identity (SOGI) at the UN.<sup>3</sup> Even though human rights ideas and discourses are reflected in the foreign policy, its implementation has been weak due to lack of unclear indicators for an effective human rights policy. An increasing number of human rights violations against Mongolian citizens abroad, the emergence of non-state actors such as multi-national corporations (MNCs) in the mining sector and related human rights issues necessitate urgent actions to be taken on this least debated human rights policy. Therefore, Mongolia needs to be more vocal and pro-active on many pressing human rights issues.

Towards this end, this paper will critically analyze the foreign policy from human rights perspectives, by 1) reviewing the Concept of Mongolia’s Foreign Policy (FPC), 2) discussing the criteria and tools of an effective human rights policy, and 3) exploring the issues of migrant labor rights and multi-national corporations (MNC) in the mining sector to illustrate why human rights are needed in the foreign policy. In doing so, I will strongly contend that external commitments by the Mongolian government on human rights issues have been ambitious and aspirational, while its domestic, on-the-ground actions need equal zeal and vigor. In fact, human rights are discursively formulated into the FPC, but it is merely

---

<sup>1</sup> Dr. J. Enkhsaikhan, former permanent representative of Mongolia to the United Nations defined Mongolia as a small state with big aspirations in terms of its potentially influential role of mediator in Northeast Asia in his 2014 article. Please see his article, *Mongolian foreign policy: a small state with big aspirations*.

<sup>2</sup> On 28 October 2015, the General Assembly elected 18 States to serve on the Human Rights Council: Belgium, Burundi, Côte d’Ivoire, Ecuador, Ethiopia, Georgia, Germany, Kenya, Kyrgyzstan, Mongolia, Panama, Philippines, Republic of Korea, Slovenia, Switzerland, Togo, United Arab Emirates and Venezuela. All would serve three-year terms beginning on 1 January 2016.

<sup>3</sup> Please see OutRight Action International Press Release: <https://www.outrightinternational.org/content/un-human-rights-council-establishes-independent-lgbt-expert>.

symbolic and rhetorical at the moment and there is an immediate need that the authorities should act upon this paper commitment. In other words, although Mongolia professes to be a champion of human rights at the international level, its citizens suffer major human rights violations both at home and abroad. Discussion on human rights in Mongolian foreign policy is a relatively new territory for the international relations scholars and diplomats alike and there has not been any expressed or debated public opinion on the matter yet. Because of these reasons, this paper may serve as a stimulus to start a constructive dialogue for all stakeholders to help put the above-mentioned big aspirations into meaningful actions.

### **Human Rights in Mongolian Foreign Policy**

Since Mongolian foreign policy is based on pragmatism, it relies on ongoing international political reality as well as the trends of international economic development (Soni, 2012). The main purpose of foreign policy is to conduct foreign relations to the best possible advantage to serve its national interests. As the national interests of a nation keep changing, their foreign policies also undergo change. Therefore, the government amended the 1994 FPC in 2011 and the reason behind it was to attract foreign partners not only in the politico-strategic field but also in the economic and trade sphere. Mongolian President Elbegdorj Tsakhia spoke about the necessity of revising the FPC and made it clear that protecting the rights and interests of thousands of Mongolian citizens abroad is one of the priorities.<sup>4</sup>

Foreign policy professionals are uncomfortable about dealing with individual cases of human rights violations, even when they favor human rights in principle (Vincent, 1988). As Henry Kissinger argued, human rights considerations damage bilateral relations with other states and allies which are why some states are reluctant to bring up human rights issues or shy away from discussing them when it comes to international relations. Given that the FPC is based on pragmatism, prioritizing human rights issues over political, economic and other aspects could be potentially detrimental to this landlocked nation between two super powers. Nevertheless, formulation of human rights in foreign policy in today's Mongolia is an ongoing process. The introduction section of the 2011 FPC states that "As Mongolia develops as a state with respect for democracy, human rights and freedoms, its foreign relations and

---

<sup>4</sup> President of Mongolia (2012), The Office of the President of Mongolia, Public Relations & Communications Division, "Remarks by H.E. Mr. Elbegdorj Tsakhia, President of Mongolia, at a Reception with Diplomatic Corps in Ulaanbaatar on the Occasion of the 2012 New Year", 9 January, [Online: web] Accessed 15 May 2016, URL: <http://www.president.mn/eng/newsCenter/viewNews.php?newsId=653>.

cooperation have further expanded and the number of its citizens working and studying abroad has increased significantly.” The following table shows how human rights are reflected in the 1994 and 2011 FPCs.

No	Pillars	1994 Foreign Policy Concept	2011 Foreign Policy Concept
I	General Provisions	Mongolia will uphold [human] rights (HR) and freedoms.	Same reference to HR as in the political FP of the 1994 FPC.
II	Political Foreign Policy (FP)	Principles and norms of intl. law (UN Charter) including respect for HR and freedoms.	Promote and participate in activities to strengthen democracy and to ensure human rights and freedoms.
III	Economic FP	No explicit reference to human rights	
IV	Sci. & Tech. FP		
V	Cultural and Humanitarian FP	Respect for HR, freedoms, equality and mutual benefit.	No explicit reference to human rights
VI	Rights/Interests of its Citizens Abroad	Non-existent in the 1994 Concept of Mongolia’s FP	Protection of legal rights and interests of its citizens and legal entities abroad.
VII	External Promotion & Public Relations	Non-existent in the 1994 Concept of Mongolia’s FP	No explicit reference to human rights

As can be seen from the table, there is no explicit reference to human rights in economic, scientific and technological, as well as external promotion and public relations policies. Perhaps it is deemed that the umbrella provisions of human rights and freedoms in the introduction section would suffice throughout. However, human rights goals could be effectively pursued along with other foreign policy objectives. The United States, for instance, press for human rights objectives together with political, economic and military goals in its bilateral relations.<sup>5</sup> Despite its shortcomings on human rights records, US foreign policy is an excellent example of how human rights could be effectively incorporated into its policy. There is no single nation in the world with excellent human rights records today. On the other hand, application of the human rights policy requires certain tools: private and public diplomacy, symbolic gestures, positive measures and sanctions. Although Mongolia is

<sup>5</sup> “Integrating Human Rights in US Foreign Policy: The History, the Challenges, and the Criteria for an effective policy” statement by Roberta Cohen, nonresident senior fellow at the Brookings Institution, Foreign Service Institute, 2008.

economically, politically and militarily relatively small in comparison with other states, it could start from private and public diplomacy in order to apply its human rights policy. In doing so, its government officials and high-level political figures need to raise human rights concerns when it comes to dialogues with their counterparts in bilateral relations.

Justification of these tools naturally leads to the concept of criteria for an effective human rights policy.

Among other things, the policy needs to have credibility. If you want to demand better human rights records from other states, you will need to make sure that human rights situation at home is in a good shape. In this sense, Mongolia needs to improve its human rights records at the national level, whereas scholars might argue that even the US promotes human rights in other countries while thousands of Americans suffer human rights violations. This means that this criterion is a challenging one to fully ensure so that the human rights policy is justified to the fullest. Another criterion is that promotion of human rights must be defined as a national interest. In the example of Mongolia, even though the FPC is complementary with its National Security Concept, the national interest does not explicitly include human rights and freedoms.<sup>6</sup> Further, the entire government must be united behind the policy and the policy must be realistic. One of the criticisms over the FPC is that there is no unified, comprehensive planning and coordination to implement the foreign policy. Other criteria for an effective human rights policy are that the policy must seek to reconcile human rights and democracy goals, as well as humanitarian goals; it should address human rights emergencies. The human rights policy should also be broadly defined to encompass women's rights, worker's rights and children's rights; it needs to deal more effectively with non-state actors as well as governments so that they can be accountable.<sup>7</sup> The following section will address migrant labor rights and non-state actors in the mining sector as illustrating examples on the subject matter.

### **Human Rights Records of Mongolia**

The nationwide survey "National Security and Foreign Policy" was conducted in March 2014 by the Center for Strategic Intelligence Research of National Intelligence

---

<sup>6</sup> It includes the existence of the Mongolian people and their civilization, the country's independence, sovereignty, territorial impunity, inviolability of state frontiers, relative economic independence, sustainable ecological development and national unity. Concept of National Security of Mongolia, 1996: p. 713.

<sup>7</sup> These tools and criteria have been suggested in "Integrating Human Rights in US Foreign Policy: The History, the Challenges, and the Criteria for an effective policy" statement by Roberta Cohen, nonresident senior fellow at the Brookings Institution, Foreign Service Institute, 2008.

Academy of Mongolia, involving more than 1150 citizens residing in Mongolia in the capital city Ulaanbaatar, border city Zamiin-Uud and 21 provinces.<sup>8</sup> When asked about the level of ensuring the rights, freedoms and security of Mongolian citizens at home, 55% answered “not good” and 30% said “bad”. As for the guarantee for safety and security of Mongolian citizens abroad, 57% of the participants answered that “there is no guarantee.” To further confirm these survey results, recent statistics by the Consular Department of Ministry of Foreign Affairs inform that 246 Mongolian citizens abroad got involved in crimes and 45 died in the first nine months of 2016. At the same time, there are 99 Mongolians imprisoned in 13 different countries.<sup>9</sup> For a nation with small population of about 3 million, these figures are significant. Causes of fatalities are mostly due to accidents, ‘mishaps’, suicide and crimes. The majority of these cases occurred in South Korea and the People’s Republic of China.

According to some unofficial estimates, there are about 130,000 Mongolians working and studying abroad. The vast majority of Mongolian labor migrants work irregularly in the Republic of Korea, USA, Japan, Taiwan (China), and in many countries of European Unions.<sup>10</sup> In case of South Korea, there have been many cases where Mongolian citizens suffered industrial accidents, or have been victims or accomplices to crimes. Mongolian Embassy in Seoul is taking measures, such as covering illegal workers with work insurance, getting allowance for people in desperate need, and assisting them with sending their children to school. In addition, an advocate’s bureau was established in Korea to defend citizens’ interests. The cause of deaths for workers lied in poor implementation of work safety regulations and lack of monitoring implementation for compliance with the terms and conditions of bilateral agreements.<sup>11</sup> Even though there is the 2001 Law on Sending Labor Force Abroad and Receiving Labor Force and Spouses from Abroad, it is clear that both national and host state laws do not protect the rights of the citizens. These migrant workers seek better job opportunities and livelihood for economic and financial reasons. As remittances from migrant workers contribute significantly to the economic situations and improvement of their families, the guarantee of their human rights and security should be addressed in the economic foreign policy.

---

<sup>8</sup> This nationwide survey was conducted by the Center for Strategic Intelligence Research of National Intelligence of Academy of Mongolia, involving more than 1150 citizens residing in Mongolia. The conclusion of the study can be found in Annex 1 (pp. 109-120) of the *20 Years of Foreign Policy Concept of Mongolia*.

<sup>9</sup> GoGo.mn, 14 September 2016. “246 Mongolian citizens got involved in crimes abroad”. Please see: <http://news.gogo.mn/r/192537> (Accessed 16 September 2016).

<sup>10</sup> 2010 UPR stakeholder’s report on Refugees and Migrants Rights

<sup>11</sup> Survey on “Implementation of Rights of workers living in South Korea”, NHRCM, MLSW, SSIA, Union of SME workers, Philanthropy Centre for Development, 2007, South Korea

Governments generally prefer communication, friendly relations, security concerns and trade over human rights in foreign policy. In particular, because of the current environment of the mining boom, foreign direct investment (FDI) and the proliferation of MNCs operating in Mongolia, nobody is strong enough to dare and debate human rights in foreign policy. Mongolia attracted foreign countries and major MNCs to explore deposits of natural resources like gold, copper, coal, uranium and other strategic mineral resources in Gobi region.<sup>12</sup> In 2012, the National Human Rights Commission of Mongolia (NHRCM) conducted a study of the situation of human rights and freedoms relating to mining in 15 soums<sup>13</sup> of eight provinces jointly with CSOs and a research organization and discovered various levels of violations in terms of rights to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance, rights to health of people living in the areas of mining operation and cultural rights of herders living in mining regions.

According to the Minerals Law of Mongolia, companies are responsible for rehabilitating the destroyed land and environment after mining exploration and excavation. However, in reality the implementation of the law is insufficient. The results of the Commission study shows that there are 46.7 hectares of land in Dornogobi province, 562.6 hectares of land in Uvurkhangaï province, and 500 hectares of land in Bayankhongor province left without any rehabilitation. Moreover, companies and individuals running mining business do not follow the procedures of using, storing and disposing of poisonous and dangerous chemical substances, without causing danger on human health and environment. Overall, these human rights violations are caused by the lack of human rights policies and practice and poor enforcement of law and the lack of effective coordination among government agencies.<sup>14</sup> This indeed shows the necessity of both MNCs and the government to follow the UN Guiding Principles on Business and Human Rights, but people, especially herders around the mining sites suffer human rights violations such as loss of pasture land, forced eviction and environmental pollution. In the end, MNCs do not have any binding obligations and the government is there to be blamed. An effective human rights policy which effectively deals with non-state actors such as MNCs would help hold them accountable.

---

<sup>12</sup> Bajpai, A.S. 2015. "Impact of Democratization on Mongolia's Domestic Politics". Journal of Indian Research (ISSN: 2321-4155) Vol.3, No.2, April-June 2015, 06-20

<sup>13</sup> Administrative sub-unit under aimag or province.

<sup>14</sup> The 12<sup>th</sup> annual report on Human Rights and Freedoms by the National Human Rights Commission of Mongolia



## **Conclusion**

In sum, Mongolia's commitments to uphold human rights, freedoms and equality in the past quarter of a century since transitioning to a democratic society have not been fully realized and it shows how a structural, systemic or institutional mechanism to ensure human rights in foreign policy fails to function. The FPCs have been developed and revised with a good intention, but with a weak implementation. Even though human rights ideas and discourses are reflected in the foreign policy, its implementation effectiveness has not been realized due to lack of putting aspirational commitments into real actions, as well as lack of unclear criteria and tools for an effective human rights policy. The notion of human rights in foreign policy needs to be brought up and discussed rigorously at the policy- and decision-making level with multi-sectoral, interdisciplinary approach and through private and public diplomacy as useful tools to apply the human rights policy. Furthermore, in order for these good-on-paper human rights aspirations in the FPC to be put into reality, its indicators such as clear criteria and tools need to come into existence so that their successful, effective and realistic performances could be measured. In this ever-changing globalized world, Mongolia cannot only focus on its economic and political foreign policy maintaining its 'hard' power goals; instead it should revisit its human rights commitments and ensure that human rights goals are in line with other foreign policy objectives.

### References

- ▶ Bajpai, A.S., 2015. *Impact of Democratization on Mongolia's Domestic Politics*. Journal of Indian Research (ISSN: 2321-4155), Vol.3, No.2, April-June 2015, 06-20.
- ▶ Bayarkhuu, D., 1998. *International Relations World New Order*. National University of Mongolia, School of Foreign Service. InterPress Co., Ltd.
- ▶ Bayarkhuu, D., 2016. *Talking about Neutrality Again*, online article, 1 April 2016. [online] Available at: <<http://news.gogo.mn/r/182218>> [Accessed 10 May 2016].
- ▶ Buckley Jr, W.F., 1980. *Human Rights and Foreign Policy: A Proposal*. Foreign Affairs.
- ▶ Campi, A., 2015. *Mongolia Reassesses Foreign Policy Strategies After 25 Years of Democracy*. East-West Center (EWC).
- ▶ CCTV News, 2015. *Can Mongolia find balance through 'permanent neutrality'*. [online] Available at: <<https://www.youtube.com/watch?v=IPq-QAuHtK0>> [Accessed 7 February 2016].
- ▶ Cohen, R., 2008. “*Integrating Human Rights in US Foreign Policy: The History, the Challenges, and the Criteria for an effective policy*” Statement by Roberta Cohen, Nonresident Senior Fellow, The Brookings Institution, Foreign Service Institute.
- ▶ Dierkes, J., 2016. *Permanent Neutrality of Mongolian Foreign Policy*. Opinion, IndraStra Global.
- ▶ Jargalsaikhan, E., 2000. *Human Security Factor in Mongolia's National Security Concept*. The Mongolian Journal of International Affairs.
- ▶ Jargalsaikhan, E., 2014. *Mongolian foreign policy: a small state with big aspirations*. East Asia Forum. 2 April 2014. [online] Available at: <<http://www.eastasiaforum.org/2014/04/02/mongolian-foreign-policy-a-small-state-with-big-aspirations/>> [Accessed 7 February 2016].
- ▶ Krishna, V., 2015. *Mongolian Foreign Policy Implications for Russia and China*. [online] Available at: <[www.mongoliajol.info/index.php/MJIA/article/viewFile/406/427](http://www.mongoliajol.info/index.php/MJIA/article/viewFile/406/427)> [Accessed 15 May 2016].

- ▶ Soni, S.K. 2012. “*Looking beyond Geographic Neighbors: Post-Soviet Mongolia’s “Third Neighbor Policy”*”, in Suchandana Chatterjee, Anita Sengupta and Sushmita Bhattacharya (eds.), *Eurasia: Twenty Years After*, Delhi: Shipra Publications, p.488.
- ▶ The Mongolian Journal of International Affairs, 1995. *Concept of Mongolia’s Foreign Policy* (1994). [online] Available at:  
<<http://www.mongoliajol.info/index.php/MJIA/article/download/439/462>>  
[Accessed 1 May 2016].
- ▶ Udval, L. (Ed.), 2014. *20 Years of Foreign Policy Concept of Mongolia*. Academic conference organized by the Ministry of Foreign Affairs’ Diplomatic Academy. [online] Available at: <[http://www.kas.de/wf/doc/kas\\_40579-1522-1-30.pdf?150227124543](http://www.kas.de/wf/doc/kas_40579-1522-1-30.pdf?150227124543)> [Accessed 3 May 2016].
- ▶ United Nations Office of the High Commissioner for Human Rights (OHCHR), 2016. *Universal Periodic Review (UPR) Second Cycle – Mongolia*. [online] Available at: <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/MNSession22.aspx>> [Accessed 6 May 2016].
- ▶ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2013. *Country Reports on Human Rights Practices for 2013*. [online] Available at: <<http://www.state.gov/documents/organization/220425.pdf>> [Accessed 6 May 2016].
- ▶ Vincent, R.J., 1988. Human Rights in Foreign Policy, in *Human Rights and International Relations*. Cambridge University Press. Pp. 129-152.
- ▶ Websites (Ministry of Foreign Affairs: [www.mfa.gov.mn](http://www.mfa.gov.mn), Parliament: [www.parliament.mn](http://www.parliament.mn), Government: [www.government.mn](http://www.government.mn) & Unified System of Legal Information: [www.legalinfo.mn](http://www.legalinfo.mn)).