

The relevance of the FAO ‘*Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*’ to the SDC Project ‘*Pasture Ecosystem Management*’ in Mongolia

Background of Land Governance in Mongolia

Mongolia depends on extensive livestock production. It forms the backbone of the rural economy. Following opening of the country’s economy in 1990, livestock numbers increased in an unplanned manner. They have now reached an all-time high of 56 million heads of cattle – twice the number in 1990.

This situation may be seen as a direct result of economic liberalisation that caused many people to lose their jobs and take up herding. In the shift to market-based production, the overall quality of livestock keeping and livestock products has decreased, with herders focussing more on quantity than quality. At the same time, poverty rates in the country have increased.

The post-transition opening of the economy combined with a lack of land governance and insufficient community-control of pastureland have contributed to overstocking and pasture degradation: 70–80% of Mongolia’s pastures have been degraded.

The government has realised this critical situation and initiated legislative action to address the governance gap that emerged during the political/economic transition. One such mechanism is the Mongolia Pastureland Law, which is an important element in the Mongolian National Development Strategy (2007–2021). That strategy lists the ‘adequate management of pastureland’ in the country as an important strategic element.¹

Challenges to the land governance system in Mongolia

The challenges to the land governance system in the country are fourfold:

1. The de facto situation of open-access to pastureland – rooted in Mongolia’s history – must be counteracted not only in concrete terms, but also in the minds and perceptions of the Mongolian people. It is necessary to raise a new awareness of people’s rights and responsibilities on behalf of effective and sustainable governance of pastureland
2. Human and institutional capacity to negotiate and apply sound land governance must be created and/or improved
3. It is necessary to improve coordination between livestock keepers, their representative bodies, and government bodies at all levels, so that any legal amendments to land governance take into account the ground-level context, potential impacts of climate change, and the challenges perceived by herders
4. The professional capacity of actors in the area of pastoral ecosystems needs to be improved. Improved knowledge in this area is a critical input for effectively planning land governance

¹ Ykhanbai, H. 2011. Community-based co-management of pastureland and other natural resources in Mongolia. http://warnercnr.colostate.edu/docs/hdnr/mor2/Ykhanbai_summary.pdf

The SDC project on ‘Pasture Ecosystem Management’ in Mongolia

The project’s goal is ‘*to enable communities of herders to preserve, protect and nurture enduring pasture ecosystems to underpin sustainable livelihoods*’.

The projects outcomes are expected to be:

1. Capacity creation among actors and institutions towards developing and applying sound knowledge on the use and management of pastureland resources in economic, social and ecological terms
2. Effective coordination and cooperation among herding communities, government, and civil society towards good governance of pastureland resources
3. Effective collaboration among herders contributes to the elimination of problems related to open-access pastureland and increases development opportunities in selected community organisations (soums and aimags)
4. Increased skills of herders increase the product quality and ensure a continuing market for livestock products

FAO Voluntary Guidelines

A number of aspects of the Voluntary Guidelines are relevant for the project in Mongolia. These aspects are contained in various parts of the Voluntary Guidelines, in particular the following parts:

2. General matters
4. Transfer and other changes to tenure rights
5. Administration of tenure
6. Responses to climate change and emergencies

The following table summarises the aspects of the FAO Voluntary Guidelines which are thematically related to the SDC project in Mongolia. The table describes and comments on that relationship.

Comparison of provisions in the FAO Voluntary Guidelines with project elements of the SDC project 'Pasture Ecosystem Management – Green Gold'

Part of the Voluntary Guidelines	Sub-chapter	Aspect described in the Voluntary Guidelines	Relation to the SDC project	Remark
Part 2. General matters	3. Guiding principle of responsible tenure governance	<p>a. Demands that states recognise and safeguard tenure rights and take measures to identify, record and respect right holders</p> <p>b. Demands use of natural resources in a manner that does not impinge on their ecosystem functionality</p>	<ul style="list-style-type: none"> (a) supports the projects in their activities towards improving the general capacity of partners in land governance, socioeconomic assessment and an institutionalised data- and information network (b) supports the project in their activities to devise an ecologically sustainable pasture governance system 	
	4. Rights and responsibilities related to tenure	<p>a. Suggest that states should ensure responsible governance of natural resources to ensure livelihood security</p> <p>b. Suggest that there be no absolutism in land tenure and that tenure rights observe social and environmental obligations</p>	<ul style="list-style-type: none"> (a) is an important suggestion in a context where the livestock system forms the backbone of the economy and is the major livelihood source for people (b) supports the project in arguing that the current free-for-all system of pasture usage is an absolutist system that should not be allowed to continue 	
	5. Policy, legal and organisational frameworks related to tenure	<p>a. Suggests developing governance systems in a participatory manner and that reforms to any such system be based on national consensus</p>	<ul style="list-style-type: none"> This supports the project's approach of working with a broad range of actors in a participatory manner 	
Part 3. Legal recognition and allocation of tenure rights and duties	8. Public land, fisheries and forests	<ul style="list-style-type: none"> Demands that states should determine the use and control of natural resources in cases where states own the land 	<ul style="list-style-type: none"> This is important for the project. The state owns the land and should therefore work with the project and/or support the project towards designing a sustainable pastureland governance system in light of its broader social, environmental and economic objectives 	
	15. Redistributive reforms	<ul style="list-style-type: none"> Suggests redistributive reforms of land ownership <u>in cases</u> where a high degree of ownership concentration exists 	<ul style="list-style-type: none"> While this suggestion pertains to land ownership, livestock ownership is nevertheless closely linked to the demand for land in a livestock context such as Mongolia's. In Mongolia 70% of the national herd is owned by 30% of the richest herders 	The meaning of this situation in relation to the Voluntary Guidelines is not immediately clear. However, this situation may warrant consideration by the project.

Part of the Voluntary Guidelines	Sub-chapter	Aspect described in the Voluntary Guidelines	Relation to the SDC project	Remark
Part 5. Administration of tenure	17. Records of tenure rights	Suggests that: <ul style="list-style-type: none"> a. Tenure rights of all kinds (official, customary, informal) be recorded in a public system b. Tenure information be made available to the public subject to private restrictions. However, such restrictions should not prevent scrutiny of potential corruption. 	<ul style="list-style-type: none"> • Suggestions support activities of the project under outcome 1 (mentioned above) with a focus on monitoring and information management 	
	20. Regulated spatial planning	<ul style="list-style-type: none"> • Highlights the important role of the state in promoting spatial planning of access rights as a basis for proper pastureland governance 	<ul style="list-style-type: none"> • The project can contribute through its activities towards establishing a database network 	
Part 6. Responses to climate change and emergencies	24. Climate change and disasters	Suggests that: <ul style="list-style-type: none"> • States need to consider climate change impact projections in resource planning. States need to ensure that such projections flow into any new governance structure • Similarly states need to consider land areas that can be used for emergency settlement and pasture in case of natural disasters 	<ul style="list-style-type: none"> • The project considers climate change impacts as an additional challenge on top of the challenge to restore the degraded pastures in selected areas. The suggestion to consider impacts from climate change in land governance systems therefore supports the project's ecosystem approach. 	