



**Supporting Community Based Natural Resource Management in Mongolia
for Sustainable Management of Biodiversity Conservation, Pastoral
Resources and Herders' Livelihood Improvement**

WORKSHOP PROCEEDINGS

Evaluating Recent Experiences in Strengthening Pastoral Community Institutions

June 13-14, 2013

ULAANBAATAR 2013

Wildlife Conservation Society (WCS)

with the Ministry for Nature, Environment and Green Development (MNEGD) and the
Ministry for Industry and Agriculture (MoIA)

*Facilitation by NZNI-IPECON (New Zealand Nature Institute – Initiative for People
Centered Conservation) and PCC (People Centered Conservation Mongolia)*



This report was made possible by the generous support of the American people through the United States Agency for International Development (USAID), under the terms of USAID/Sustainable Conservation Approaches in Priority Ecosystems Cooperative Agreement No. EEM-A-00-09-00007-00. The contents are the responsibility of the Wildlife Conservation Society and do not necessarily reflect the views of USAID or the United States Government.





Workshop Participants

EXECUTIVE SUMMARY:

The workshop benefited from the active participation of policy makers, local government representatives, herders, researchers and development and conservation practitioners in the discussions on success factors and barriers to implementing community based natural resource management through pastoral community organizations in Mongolia. International experiences and key lessons provided additional guidance for the evaluation of experiences and the formulation of solutions for Mongolia.

The facilitation of the workshop process and discussions encouraged participatory analysis, experiential learning and the development of a consensus on key recommendations for policy and practice; discussions were structured to address the following main topics:

1. CBNRM, and Customary Institutions for Pasture Management
2. Process of Recognizing/Establishing Community Institutions
3. Legal Recognition of Rights and Responsibilities of Community Institutions, Cooperatives,
4. Institutions for Pasture Management
5. Local Governments' Role in Supporting Community Institutions
6. Community Institutions and Protected Areas.

The key barriers for sustainable pastoral community organizations and successful CBNRM practice were found to be 1) the lack of true incentives for biodiversity conservation and sustainable pasture land management, and 2) the lack of information and awareness on legal rights and responsibilities of both community organizations and local governments.

The current legal and regulatory framework entails several disincentives for pastoral households and their organizations to invest in conservation and sustainable land management.

- High value activities such as trophy hunting do not generate local benefits; when a Soum generates income from trophy hunting in their territory, it is effectively penalized by the current practice of budget allocation from the central budget – the amount generated through hunting is deducted from the financing that the Soum receives from central budget. Likewise, wildlife protection on Nukhurlul level is not rewarded effectively. Nukhurluls do not own the right to hunting licenses; income to local households is limited to a fee or wage from guiding or other services.
- For subsistence hunting, successful species protection by Nukhurluls is not rewarded either; there is no provision to enable sustainable harvesting locally where species have recovered following community conservation efforts.
- Herders live in uncertainty over long-term access to land, water and other key resources for grazing due to the lack of an effective mechanism for free, prior and informed consent to changes in land use in grazing lands, namely mining exploration and exploitation.

- The lack of a pasture land law or regulation to date adds to tenure insecurity for many herders as herds may migrate through or into areas managed by local herders or their groups, while enforcement and regulation of large herds by local governments to promote sustainable grazing is often weak.
- The regulation for Nukhurlul (A 250) is vague in the definition of natural resources that Nukhurlul can manage and possess, and does not explicitly include pasture; this results in unclear boundaries of Nukhurlul areas and related conflicts with non-members or other groups over access to land and resources.

Lack of information on legal rights and responsibilities and of capacity to implement laws and regulations negatively impact financing of local conservation and natural resource management activities, and prevent herders from taking full advantage of rights and of incentives provided by government to improve their livelihoods.

- The implementation of management plans by Nukhurlul is by law to be supported from the Soum budget; implementation of this legal provision is very weak due to a lack of cooperation among Nukhurlul and local government, lack of awareness of the rights/responsibilities and weaknesses in management planning.
- The misconception that Nukhurlul membership would exclude the option of Cooperative membership or establishment prevents herders from taking advantage of both organizational forms and the legal benefits that are associated with Nukhurlul (possession and management rights to natural resources, financial support from Soum government) and Cooperatives (higher prices for sold livestock products, lower prices for purchase of consumer goods).
- Improve public awareness and knowledge on legislation; organize legal trainings for communities and local officers on land law, cooperatives and agricultural commodities law, soil conservation law, state budgeting law, environmental law including Protected Areas law and Nukhurlul regulation.
- Improve policy coordination between Ministry for Industry and Agriculture and the Ministry for Nature, Environment and Green Development on pastoral community organizations. Joint trainings by representatives of the ministries and their agencies should be organized for herders and local officers on pasture and livestock management, marketing, biodiversity conservation and on the related organizational forms. To improve policy coordination on issues of pasture land use, management and protection, collaboration among line officers of the agencies on Soum level should be improved. Success on local level will help translate good practice into policy, and scale it up.
- The principle of “free, prior and informed consent” about land use changes, namely mining activities, should be supported by laws and regulations, and put into practice locally. The current 30-day objection period is far too short for effective input from local communities.

- Nukhurlul and Cooperatives are not mutually exclusive and have different functions, in natural resource management/conservation and in livelihood development/marketing respectively. Support policy and capacity development for both organizational forms. Increase education and awareness among herders and general public about both organizations and the opportunities they provide.
- Community managed areas of Nukhurlul should be based on the pasture area customarily used by Nukhurlul members; boundaries should be defined through a transparent and participatory process involving all neighboring households and Soum government. The size of community managed areas cannot be defined generally, but must be adjusted regionally according to ecological conditions and norms of culture and nomadic pastoral practice.
- The resources managed and possessed by Nukhurlul should be clearly defined in the Nukhurlul regulation; they must include pastoral resources (pasture, water, and reserve pasture, salt) and it is recommended they include local sites of cultural, spiritual and historical significance as well as sites of special biodiversity conservation values.
- The Soum Representative Khural (instead of the Khural meeting) should be able to approve Nukhurlul applications to speed up the process.
- For CBNRM to be successful and sustainable, true incentives for communities and local governments need to be provided by the legal framework. For true economic empowerment, communities and/or Soums that are effectively protecting and managing wildlife species should have the rights to manage hunting licenses for their own benefit; income from hunting based on sustainable species management in a local area (on Nukhurlul or Soum level) should benefit the local area, and the amount should not be deducted from the budget allocation received from central government.
- Options should be explored to enable subsistence hunting for Nukhurluls that have successfully protected/restored wildlife populations; technical assistance needs to be provided to Nukhurlul and local governments to support research and monitoring.
- The legal provision (Environmental Law, Article 16.2 section 7) that Soum governments support the implementation of Nukhurlul management plans, the establishment and development of Nukhurlul, and activities in ecological education, monitoring and nature conservation should be implemented effectively through awareness raising and education, and joint planning on Soum level.
- Nukhurlul themselves should make greater efforts to provide information on their objectives, activities and achievements to other households, other Nukhurlul, the local government and the general public. They should prepare sound management plans for their area, and then discuss with the Soum government co-financing opportunities for implementation.

- Management planning by Nukhurlul needs to be improved; Nukhurlul need support in planning as well as in research and science.
- There should be a paid position of “Community Organizer” on Soum level to support the formation, formal recognition, and activities of community groups of all types, to link them to local government and encourage policies in support of community based activities.
- Community Conserved Areas should be added as a new category/type of Protected Area.

1.BACKGROUND AND RATIONALE OF THE WORKSHOP

The Wildlife Conservation Society (WCS) holds workshops in order to educate local farmers on the importance of land and resource management. The goal of the workshops is to discuss the challenges in organized pastoral communities and help the locals make recommendations to law makers to help preserve biodiversity promote sustainability pastoral management. Mongolia have a tradition of organizing small groups to manage pastures, protect biodiversity, and to improve their livelihoods. This can be most radially seen in the examples of Nukhurlul which is a form of collective pasture management (Pasture user groups) the groups would include members from every household in the area and then select pasture regions that reflected responsible grazing practices for the livestock of the households. Some time the groups will dived even further in to subgroups each assigned a specific tasks such as dairy production and others that lease lands that had already been agreed upon.

While the collective groups originated as a main solution for a set of complex issues there were very few other strategies. The implementation of these systems were rapid and from the top down. Once they were in place the support quickly left and fell to local communities which often didn't have the necessary skill to operate the systems as they were intended.

The Government recognizes the importance of the local organizations and the government has begun to include laws and regulations to help aid the local communities.

Often, groups experience confusion over understanding the legal frame work in the same geographical areas but were established by different projects which can lead to conflict over inequalities. Also to there are disconnects and imbalances because each project has a slightly different focus, but yet are using the same lands and recourses.

2. Objectives for the Workshops

The workshops bring together herders, organizations, national policy makers, researches, NGO's, donors, and representatives of local governments. It is an opportunity for each party present to share successes and challenges on the topics of wildlife conservation and pasture management. The next step allows for identifying the barriers and gaps that exist

in the current system. The final step is to take the identified problems and decide on a future plan of attack.

3. WORKSHOP DOCUMENTATION

3.1. a. Summary of Presentations by Representatives of Community Organizations

3.2 Summary of Findings from Working Groups

3.2.1 Working Group 1: *How much do current legislation and regulations recognize customary institutions as the basis of CBNRM institutions? How much do they consider joint management of pasture as the basis for collective action on biodiversity conservation and other community activities? How much do they allow for regional ecological and cultural differences? Could this be better reflected in legislation and regulations?*

Answer #1:

Legislation and regulations should take into consideration the ecological features of each region. Currently, the regulation (A250) defines the number of member households and the size of the pastureland (500 hectare per member household); this is not applicable in all regions. (A250) does not take into consideration the ecological and cultural differences. Soum officials and headers should divide the pasture lands among the community organizers whereby placing the pasture lands under community control. There also must be more communication between the community organizers, other local Soums, Nukhurluls, and local herders.

Working Group 2: *How well do current legislation and regulations enable a transparent and participatory process to establish groups and delineate their pasture/resource area while promoting equitable access and preventing conflicts? What should be mandatory key steps in the process? Could this be better reflected in legislation and regulations?*

Answer #2:

Nukhurlul management needs to be more personalized for each region there can not be a blanket system applied to all. Surveys of the regions must be performed before a Nukhurlul receives management status to allow for ongoing management, this would also give more credibility and there for e a voice to the communities as mining exploration and exploitation becomes more common. Financial management is also key for the success of the Aimag.

Working Group 3: *How well are rights to benefit from sustainable management of their resources and responsibilities of community institutions balanced by current legislation? Do legislation and regulations provide incentives and rewards for sustainable management of natural resources and for conservation, particularly wildlife conservation, and for establishing and investing in community institutions? Do they provide opportunities*

for herders to effectively participate in decision making on land use changes? (free, prior and informed consent)

Answer #3

Currently, there is still no real incentive for communities to protect wildlife and manage it for their own benefit, such as hunting licenses managed directly by community organizations. If a portion of hunting fees went into the community fund the management would be stronger. Currently, there is no public debate or local participation in local areas about mining activities. According to the mining law if there is no public opposition within 30 days, mining activity is allowed to be conducted automatically. This period is too short and should be altered to require written comments by a community in that area before mining can begin. Using the median of social media communities can help broadcast the current issues using TV and radio.

***Working Group 4:** How well is the relation between different institutional forms, particular between cooperatives and other groups (herder groups, pasture user groups) defined in legislation and regulations, and in practice? How can these institutions best work together?*

Answer #4:

Nukhurlul and cooperatives have very different titles and therefore are regulated under very different laws. This leads to confusion and regulation challenges as Nukhurlul do not receive the same livelihood benefits a cooperation of a Nukhurlul receives. There are loopholes in the laws though because a Nukhurlul can establish a cooperative and take advantage of the benefits the regulation and the cooperatives law. There is still a need for better coordination among the Ministry of Industry and Agriculture and Ministry of Environment and Green Development, and other agencies (land agency). Jointly they should develop training for community organization of natural resource management and biodiversity conservation and economic and community development through cooperatives.

***Working Group 5:** How well are local governments able to provide support to CBNRM and to community institutions? Could local government responsibilities for support be reflected better in legislation and regulations? Could local government capacity be improved to support community institutions?*

Answer #5

The Government should a) support community organizations in a way that they can possess the pastureland area; b) involve the community organizations in different projects; c) support them to participate in different trade fairs, trainings, experience sharing trips; d) monitor the pastureland management such as fencing and rotational movement etc. Greater legal framework should be assigned to the community organizer's role. The fee for using any local natural resources should be used (100 %) for environmental activities in the local area.

***Working Group 6:** How well are the role, rights, and responsibilities of community institutions defined in the context of Protected Areas? Could they be reflected better in legislation and regulations?*

Answer #6

The Buffer Zone Council should be fully responsible in supporting community organizations. Protected Area law must be updated and to ensure maximum mitigation. Both PA and BZ management plans must be developed by each community organization.

4. DISCUSSION OF FINDINGS IN CONTEXT OF INTERNATIONAL CBNRM EXPERIENCES

In summary, Kotari et al. (2003) refer to the following key lessons and principles:

1. Tenure security
2. Respect for cultural and institutional diversity
3. Integration of traditional and modern knowledge
4. Sensitive recognition that does not undermine local institutions
5. Addressing local inequities
6. Sharing and devolution of decision-making authority
7. Generating appropriate and sustainable livelihoods
8. Maintaining or reviving community values in the face of economic and cultural changes
9. Encouraging facilitating role for external organizations
10. “Process” is better than a “Project” Approach
11. Focus on Community Based Conservation in the larger landscape

Key Lesson #1 -Tenure security

Tenure security in the context of nomadic pastoralism in Mongolia does not mean ownership of pastureland; but rather the herders must maintain mobility for sustainable management. This means that herders are waiting for legislation and regulations on pastures use and rights whereby mitigating the conflicts that arise over lack of management. Due to the recent 1990 democratic revolution the many of the pasture management of the socialist rule has transitioned to an open access system; leading to inequalities and mismanagement.

Key Lesson #2 and 4 -Respect for cultural and institutional diversity, and sensitive recognition that does not undermine local institutions

One of the main shortcomings of A 250 is its generalized approach to allocating pasture land to groups based on 500 ha/member household regardless of ecological zone and pastoral practice. A balance needs to be found in developing effective herder organizations. Customary use patterns and pasture “boundaries” need to be recognized as the basis of the group’s pasture areas, which will also include wildlife and other conservation values.

Key Lesson #3- Integration of traditional and modern knowledge

While the recognition of customary use is key to developing sustainable institutions, there is also a need to formally strengthen these groups as CBNRM institutions. The

integration of traditional and modern knowledge is also very important with regard to wildlife conservation and related studies, and to climate change and variability impacts.

Key Lesson # 6 and 11- Sharing and devolution of decision-making authority, and focus on community based conservation in the larger landscape

Current policies on decentralization are in general conducive to the development of local and community based conservation activities. Local budgets are endowed much better than previously and formally submitted and approved community management plans are to be supported by local budget resources.

Key Lesson # 7- Generating appropriate and sustainable livelihoods

The laws currently are restrictive and holding the herders back from managing the resources properly because of the lack of incentives. If the laws and regulations can be rewritten to allow for Nukhurluls to manage pasture lands with respectable policies with economic incentives, it will be most efficient.

5. RECOMENDATIONS

5.1.1. Working Group (# 1)

It is crucial that there is more cooperation between government and other agencies as the laws and regulations need to be reworked to allow for the most updated list of terms. In A 250 there is no use of the term pasturelands and the laws must become more explicate to allow for less confusion for all parties involved.

5.1.2. Working Group (# 2)

The process of Nukhurlul is to slow and needs to be approved by the Soum Representative Khural.

5.1.3. Working Group (# 3)

There should be a review process to assess populations and feasibility of local harvesting, and support to establish quota and species management guidelines for Nukhurlul that would enable them to sustainably harvest and thereby reward their conservation efforts. There is no economic gain at the Soum level from trophy hunting because of the mismanagement and thus very little concern for conservation.

5.1.4. Working Group (# 4)

Ministry of Industry and Agriculture and Ministry for Nature, Environment and Green Development should coordinate/harmonize their policies that govern and support community organizations.

5.1.5. Working Group (# 5)

Financial support for the implementation of Nukhurluls' management plans from Soum budget needs to be put into practice. The responsibility of local government to support communities is defined by law (Environmental Law, Article 16.2 Section 7 prescribes to provide the "necessary budget "to implement management plans of communities.) Local government rarely adhered to this legal provision, and in reality little financial support is given to communities for the implementation of their conservation and natural resource management plans.

5.1.6. Working Group (# 6)

Protected areas need to experience a greater level of management as the land is often used as if it were not under protection.

5.2. Recommendations to Decision Makers Policy Coordination

- Improve policy coordination between the Ministry of Industry and Agriculture (MoIA) and the Ministry of Nature, Environment and Green Development (MNEGD)
- Address issues of pasture land use, management and protection, and monitoring and evaluation
- Increase joint trainings by representatives of the ministries and their agencies (including ALACGAC) organized for herders and local officers on issues of pasture, livestock and marketing, and in the context of biodiversity conservation
- Training and public awareness activities on community organization for conservation and pasture management and on cooperatives for (processing and) marketing of livestock-related commodities should be increased.
- Soum budget should have dedicated budget allocation for ecological education, training and monitoring, to support establishment of Nukhurlul and implementation of their management plans.
- A 30 day public comment period is too short to review applications for land use change (for example, issuing mining licenses). The public, including Nukhurlul, should be better supported in their rights to make substantive and informed comments.
- The lack of effective mechanisms to ensure local communities participation in decision making is a major disincentive for local communities to invest in long term activities for sustainable land management and biodiversity conservation
- Coordination of donor supported projects
- Community organizer should connect all communities of a Soum (paid position)
- Provide incentives for CBNRM- currently few incentives for proper wildlife management

5.3 Recommendations by the workshop regarding regulation A 250

- Define and expand the list of “certain types of natural resources” in the Nukhurlul regulation
- Regulation A 250 avoids the use of the term pasture land; it refers to “certain types of natural resources” and remains vague in the reference to “proper use and restoration of natural resources (forest, flora, fauna and so on”.(Provision 1.1.)

5.4 Recommendations by the Workshop to Local Governments

- The current process for recognizing Nukhurlul is too slow
- Some of the Soums budget must be allocated to support community organizations
- Community organizer should connect all communities of a Soum (paid position)
- Legally mandated financial support should be given to Nukhurlul’s management
- Local governments must follow legal regulations, and work more collaboratively with one another
- Offer more training to local officers

5.5 Recommendations by the Workshop to Community Organizations

- Improve information sharing about Nukhurlul/community organizations objectives and activities to other households, including non-members, local government, Soum public, other groups/communities
- Develop management plans for managed areas to receive funding from the Soum Government