

Supporting improvements in NGO framework laws in Mongolia

As part of the [INSPIRES project](#), Flexible Response Funds (FRFs) are designed to provide USAID missions and partners with easily accessible and flexible support in the form of technical assistance and subgrants to local organizations that can help address urgent and emerging threats to civic space.

In **Mongolia**, ICNL collaborated with partners including the Independent Research Institute of Mongolia, Open Society Forum Mongolia, and the International Republican Institute to support the NGO community to advocate for less restrictive laws on registration and enabling policies on government-civil society cooperation. This was done through two key activities:

- Legal analysis of draft laws from the government as well as model legislation from civil society; and,
- Training and technical support for civil society and government actors on laws affecting the NGO community.

Support was provided over the course of 24 months from September 2020 until August 2022.

In this summary brief, we share learnings and lessons from key informant interviews and document reviews for these activities.

Outputs and Outcomes

The FRF activities in Mongolia were designed to produce several key outputs, including comments on proposed draft laws; input to civil society on revisions to propose to these laws; and resources to support CSO advocacy on laws of association and registration.

Based on interviews with key informants who were involved in the program, the Mongolia team and

partners achieved several key outputs, as highlighted in Figure 1.

Figure 1. FRF Outputs



Evidence from key informant interviews as well as documentation from partners suggest that the FRF activities contributed to several key outcomes:

Tabling of restrictive non-profit organization (NPO) registration law. All informants cited that the biggest impact to which the FRF contributed was the fact that the Mongolian government has stopped actively pursuing the restrictive update to the draft NPO law. While informants noted that this change does not necessarily mean that the government will not re-introduce the draft law, delaying its passage by many years has provided space to the civil society community to mobilize and develop strategies to respond to future attacks. The legal analysis provided by ICNL also led to positive changes in the draft law, resulting in a new version

that, if passed, is far less restrictive than earlier draft versions.



"I think it has contributed to a more enabling environment for civil society and prevented some of the backsliding and slowed the momentum of authoritarianism in Mongolia. That is also something that is difficult to spin – slowing the erosion of democracy – but it is important. It gives civil society more time to organize, for people to mobilize; when sudden changes happen, it is difficult to adapt to. Partners see what is happening and have more time to process it and come up with alternatives like Dream or Ideal NGO law language to present the government with, as opposed to if it is fast-tracked and civil society has to be reactive. That is a harder advocacy position."

- Key informant interview, October 2022



Improved awareness and capacity of civil society to undertake advocacy on legal issues.

While stopping (at least temporarily) the passage of a restrictive NGO law is an important outcome, the FRF activities have also supported an increase in knowledge and resources available to civil society to strengthen their advocacy related to new draft laws that may emerge. In particular, informants noted that ICNL's technical support to help CSOs to better engage on the topic of the FATF grey list. This has helped to "level the playing field" for CSOs as they push back on governments using FATF requirements as an excuse to push forward restrictive NGO laws: *"Another major factor is directly attributable to ICNL. With the grey list being the main justification [for restrictive laws] and FATF being an intergovernmental entity, CSOs can struggle to engage on the grey list; around the world, it has become this blanket excuse. And what ICNL helped with was arming local civil society with credible legal analysis that went into details about how draft bills did not help with complying with FATF requirements. So they created a level playing field with the government."*

Improved solidarity among the civil society sector.

Finally, informants noted that the international support that Mongolian civil society received from ICNL and other partners has helped to strengthen the morale and collective voice across the sector. While there is a recognition that CSOs in

the country are still diverse and have different missions and strategies, engagement on this issue and the resources provided to support CSO advocacy on the draft laws has brought civil society together more so than they have been in the past.

Helping and Challenging Factors. Key informants were asked about factors perceived to help or hinder this work. Understanding these factors can help support the implementation of future activities.

Helping factors include:

- **International pressure:** All informants noted the critical role of support from international actors and pressure placed on the government by the international community, including the ability for civil society to use commitments like those in Mongolia's Open Government Partnership National Action Plan to hold the government to account.
- **Local partner advocacy and continued pressure:** In addition, local civil society came together and placed continual pressure from the ground.
- **Some degree of government willingness to engage:** While informants provide mixed views on the issue of political will to engage, several actors did note that there were some state actors who supported a more progressive approach to NGO laws.

Hindering factors include:

- **Changing legislative timelines:** The FRF had to contend with frequently and quickly changing timelines in the legislative process, requiring rapid adaptation of activity plans.
- **Gaps in knowledge of political processes:** Several informants noted that the political process in Mongolia can be a black box, and it was challenging to understand who and how decisions were being made.
- **Some degree of government resistance:** While partners did identify some government champions, they also felt that some strategies to secure government support were ineffective, and some former champions lost interest in supporting civil society during the process.

For more information about this FRF, please contact: info@inspiresconsortium.org.