

NGO Submission for UNCHR

**Update In Regard to the Nomadic Dukha Reindeer Herders and
Indigenous Rights Issues facing Mongolia's
Smallest National Minority**

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Submitted By:

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2019 Findings and Recommendations for this Update Submission:

In general, this update conveys many of the findings from the September 2014 UPR Report as they 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.

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).

Our findings and recommendations include the following:

1. Access and Right to Sustainable 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: In addition to 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.

2. Right to Equitable Elementary and Higher Education with Native Language Protection: Dukha elementary students remain being taught principally only in Mongolian language and their native language (Old Tuvan) 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 majority Mongolians. Some Dukha (Tsaatan) students of college and university age may now receive their tuition and lodging costs covered by the Government of Mongolia. This could be a major step forward for Dukha students who historically could not afford higher education at the college and university level, but data on the number of students that benefit needs to be known from this given that a large number of students never complete High School.

Recommendation: Strategic steps need to be taken to return Dukha Old Tuvan 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 advance skills and knowledge level capability to increase student completion of High School and reach college and university level requirements.

3. Right to Employment and Gainful Income: Dukha families are apparently gaining monthly social security income in response to the creation of the Tengis-Shishig Gol Protected Territory or National Park. Additional valuable income supports Dukha families through the sustainable use of hard, reindeer antler for craft making and sales – a major, long-term benefitted carried out and supported by the donation of carving tools by the Totem Project over many years. Guiding tourism and horseback, reindeer tourism can also provide critical income for some families.

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.

4. 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. 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.

The Dukha, with veterinary support from the Totem Project over many years and government programs have now grown their reindeer herd numbers to 2,000 head

of quite healthy deer. This is a positive development, however, the Government of Mongolia needs to recognize the true hunter-gatherer culture of the Dukha in that they typically do wish to slaughter their reindeer for meat – as they use them for transportation, beasts of burden and milk provision. They prefer to hunt, fish and consume wild game as part of their ancient nomadic condition and they practice self-control through native mores for hunting to protect the resource.

Recommendation: The Government of Mongolia should permit subsistence levels of traditional Dukha hunting and fishing and 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.

5. 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.

6. 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. Though mining exploitation has apparently largely been eliminated from the Dukha's territory, their land rights inclusive of mineral rights should be fully established and protected.

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.

DRP/dp