

"Legal regulation of land acquisition based on public necessity" discussion was held.

PRESS RELEASE

The Open Society Forum, in collaboration with the Administrative Law Committee of the Mongolian Bar Association, held a discussion titled "Legal Regulation of land acquisition based on public necessity" on November 15, 2024, at the National Legal Institute of Mongolia.

Key speakers included:

- R. Lkhagyabayar, a lawyer and researcher, who spoke on "Applying legal standards in land acquisition decision-making",
- G. Uyanga, a researcher at *Alison and Kate Partners LLP*, who presented on "Defining 'Necessity' in land acquisition "
- N. Bayarsaikhan, head of the NGO *Steps Without Borders*, and B. Nyamjav, leader of the *Urban Redevelopment-Civic Engagement Alliance*, who explored "Human Rights Issues in Urban Redevelopment and Land Clearance",

Key Issues

In recent years, rapid urban redevelopment, housing initiatives, infrastructure projects, and mining operations have increasingly given rise to human rights concerns. These include land acquisition and relocation practices that lead to undervalued property, delayed compensation, forced evictions, and property destruction—actions that violate citizens' constitutional right to ownership.

In urban areas, redevelopment projects often displace residents, while in rural areas, mining activities cause pollution, dust, and forced relocations. These factors have contributed to the emergence of new vulnerable groups across society.

For example, in Ulaanbaatar, data shows that 633 households were adversely affected by redevelopment in 2016, 491 in 2017, and 182 in 2018. However, these figures only reflect direct victims with land ownership certificates. The number of indirect victims—such as renters or households sharing a single plot—remains unaccounted for.

Official data on families that received compensation, were resettled, or were left without resolution is still lacking. As of 2024, only about 400 households living in temporary housing offer an estimate of those impacted by redevelopment. Meanwhile, in rural areas, there is no official data on individuals displaced or compensated—or left uncompensated—due to mining, transportation, or infrastructure projects. This lack of transparency raises serious questions about the government's commitment to upholding human rights.

Root Causes of Violations

Several factors contribute to these human rights violations:

- A lack of meaningful participation by affected residents in decision-making processes,
- An unequal and coercive process for determining compensation, property valuation, and contract agreements,
- Inadequate mechanisms for resolving disputes and restoring violated rights,
- The absence of legal safeguards to prevent homelessness in all cases.

The 2023 emergency law addressing Ulaanbaatar's traffic congestion and housing development, along with related amendments to the Land Law, has failed to resolve these challenges. Instead, human rights organizations warn it may worsen the situation.

Proposed Solutions

Participants in the discussion emphasized the need for the following measures to ensure the protection of human rights in land clearance and relocation efforts:

- Fully implementing consultation mechanisms as outlined in the General Administrative Law,
- Treating land clearance as a last resort, used only when no viable alternatives exist, and ensuring that each project undergoes a rigorous necessity assessment,
- Developing and approving compensation methodologies with input from the public and all relevant stakeholders,
- Establishing clear legal frameworks to govern decisions impacting human rights, replacing reliance on procedural guidelines.

The discussion brought together legal experts, researchers, civil society representatives, and media professionals to exchange ideas and recommendations. These insights will be compiled and submitted to relevant authorities in partnership with the Mongolian Bar Association.