

STUDENT CONTRIBUTION

The Rights of Mongolia's Internal Migrants under International Law: Climatic, Domestic and Commercial Responsibilities

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Over the last decade, 350,000 people have moved from Mongolia's countryside to the suburbs of its capital, Ulaanbaatar, where they live in abject poverty despite the rapid economic development of the country. This article proposes three complementary international legal analyses of this internal migration. First, because this migration is partly and indirectly induced by the adverse impacts of climate change, States have a common but differentiated responsibility to assist the Mongolian government to address climate migration. Second, Mongolia should bear its own responsibilities to take steps to realize the social and economic rights of its population without discrimination. Third, Mongolia's commercial partners should be warned against any control or influence that would cause harm to Mongolia, in application to public international law on State responsibility and to States' extraterritorial human rights obligations. While each narrative reveals an important dimension of a complex phenomenon, this article argues that all policy levers must urgently be pulled to guarantee the rights of Mongolia's internal migrants.

Keywords

Mongolia, Migration, Narratives, Climate Change, Development, Geopolitics, Environment, Human Rights.

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I. Introduction

As a large country with a small population, Mongolia¹ is facing many social issues. While the mining boom has caused the economy to flourish, not enough has been done to guarantee a fair and equitable redistribution; inequalities are rapidly rising. Each year, tens of thousands of people move from Mongolia's countryside to Ulaanbaatar, its capital. There, they settle in the 'ger' districts,² insalubrious suburbs already inhabited by 300,000 migrants from the last decade. Isolated from the economic growth of the city center, the dwellers of the *ger* districts often have no running water, sewage or electricity, and strive to access public services such as education or health care. Their reliance on inefficient stoves (as opposed to the communal heating system available in the central districts) is the main cause of extremely high levels of air pollution in the valley of Ulaanbaatar during the long winters.³ To understand this migration, one needs to first explore the historical context in which it takes place, before looking at the relevance of specific norms of international law.

This research will analyse three different political narratives on Mongolia's internal migration from the viewpoint of international law. This paper is composed of six parts including Introduction and Conclusion. Part two (climate narrative) will highlight the (indirect and partial) causal relation between climate change and migration. Part three (political narrative) will attribute the on-going migration to Mongolia's policies during the last two decades. Part four (geopolitical narrative) will focus on the influence of Mongolia's international trade and development partners. These narratives are not only explanatory, but also normative. By attributing migration to a 'cause,' each of them ascribes responsibility to specific actors and suggests specific policy levers to address migration. Thus, the climate narrative calls for all States to recognize their responsibility *vis-à-vis* Mongolian 'climate migrants' in accordance with the principle of "common but differentiated responsibilities" in international environmental law. The political narrative underscores Mongolia's own responsibilities under international human rights law, in particular with regard to social and economic rights and the prohibition of discriminations. The geopolitical

¹ By 'Mongolia,' the author refers to the sovereign State of Mongolia (Outer Mongolia).

² The 'ger' (yurt) is the traditional tent in which the Mongolian nomads live. Many destitute internal migrants settle around Ulaanbaatar in their 'ger,' hence the name 'ger districts.'

³ Other internal migrants become artisanal miners, often living in drastic conditions. Interview of Coralie Grielle, volunteer in international cooperation, in Ulaanbaatar (Apr. 1, 2013).