



Deliberative Polling on Constitutional Amendments in Mongolia

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The story

In December 2015, a stratified random sample of 317 Mongolians gathered in the capital city Ulaanbaatar to participate in a Deliberative Poll on major infrastructure projects proposed in the city master plan. The Ulaanbaatar Deliberative Poll, the first of its kind in Mongolia, initially came about through chance encounters between Gombojav Zandanshatar, a former Mongolian MP, Ulaanbaatar's then-mayor Erdeniin Bat-Üül, and Jim Fishkin, the founder of Deliberative Polling.¹ In 2015, the Deliberative Poll was commissioned and implemented by the Capital City Governor's Office with support from the Stanford Deliberative Democracy Lab and The Asia Foundation.

The positive experience of the first Deliberative Poll generated political interest in mini-public deliberation in Mongolia. Led by Zandanshatar, a measure to institutionalize Deliberative Polling was debated in the Mongolian parliament. The Law on Deliberative Polling was enacted by Parliament on February 9, 2017, requiring Deliberative Polling prior to amendments to certain constitutional provisions.² Since then, two Deliberative Polls have been run on constitutional amendments, in 2017 and 2023.

The model

Institutional Linkage & Internal Governance

Deliberative Polling is institutionalized by a legal provision in Mongolia.³ Rather than a permanent standing body, the law requires the initiation of a Deliberative Poll before a constitutional amendment can be considered by Parliament.⁴ The law further stipulates the creation of a "Deliberative Council" made up of 8 neutral members (with backgrounds in research, private sector, or NGOs) responsible for framing, expert selection, and reporting outputs to Parliament. Further, it lays out procedural standards, including the use of a professional survey research organization for the civic lottery, and a minimum number of participants. Following Article 8.13 of the Law, if the Deliberative Council deems it necessary, a Technical Oversight Committee can be established to propose Deliberative Polling questions and support the organization and delivery of the process.⁵ Along with the enactment of the Deliberative Polling Law, Parliament passed a complementary amendment to the 2010 Law on Constitutional Amendment Procedure.



1. <https://medium.com/@StanfordCDDRL/collaboration-at-stanford-leads-to-mongolian-parliament-passing-law-on-public-opinion-polling-983d12966857>
2. <https://constitutionnet.org/news/mongolias-flawed-experiment-deliberative-polling-constitutional-reform>
3. <https://legalinfo.mn/mn/detail/12492>
4. *Six topics for public deliberation*: https://law.unimelb.edu.au/_data/assets/pdf_file/0006/3224463/MF19-Mongoliaa-paper.pdf
5. <https://www.parliament.mn/en/nn/29505/>



Deliberative Process

The process required by law in Mongolia follows the trademarked Deliberative Polling model, developed by Fishkin.⁶ At the same time, the process was adapted to the Mongolian context. In the first Deliberative Poll on constitutional amendments in 2017, mini-public deliberation was preceded by “thousands of meetings throughout the country to propose possible topics for constitutional amendments.”⁷ Outputs of these mass public deliberations informed the agenda of issues for the Deliberative Poll drafted by the Advisory Committee. This hybrid model was implemented due to the fact that nearly half of the Mongolian population lives nomadically, spread out across the country. Implementing local sessions in different parts of the country enabled organizers to engage people beyond the mini-public.

How has it worked in practice?

The Law was first implemented in 2017 when the Mongolian People’s Party (MPP) invoked a constitutional amendment process. Two proposals supported by members of one of the two major parties displayed significant drops in support post-process; both were dropped in the constitutional amendments submitted by parliamentarians in 2019.⁸ The first constitutional amendment since 1992 was put into place in 2019. Although a second national Deliberative Poll took place in 2023, deliberation on constitutional amendments took a more marginal role in this process.

Insights from this case

Importance of political will

The origin story of the first Deliberative Poll in Mongolia illustrates the importance of networked political will within the government. Zandanshatar met Fishkin whilst at Stanford University as a visiting fellow, and began raising awareness in Mongolia around deliberative democracy. Soon after, Ulaanbaatar’s then-mayor made first contact with Fishkin and sought support in designing a deliberative process.⁹ While the initial advocacy around Deliberative Polling was done by Fishkin’s team at Stanford, it was the political will of “activated MPs” such as Zandanshatar that was most instrumental in reaching other MPs across party lines as well as the institutionalization of the process. Advocacy on the Law in particular was negotiated internally, so much so that to members of the Stanford team, it seemed as though it “magically happened.” This case underscores the pivotal role of political bargaining, which deliberative practitioners may initiate but which may not always remain central throughout the process.

Cross-partisan support and non-partisan implementation

What? Once a Deliberative Poll is initiated, an advisory Deliberative Council composed of eight members from academia, the private sector, or NGOs oversees the implementation of the process.



6. <https://deliberation.stanford.edu/what-deliberative-polling/>

7. <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003102441-12/mongolia-james-fishkin-alice-siu>

8. https://law.unimelb.edu.au/_data/assets/pdf_file/0006/3224463/MF19-Mongoliaa-paper.pdf

9. <https://medium.com/@StanfordCDDL/collaboration-at-stanford-leads-to-mongolian-parliament-passing-law-on-public-opinion-polling-983d12966857>



When and who? In the 2015 Deliberative Poll, a bipartisan advisory committee was requested by James Fishkin to ensure cross-party support. Ultimately, Bat-Uul and Zandanshatar, representing different parties, “cooperated together as co-chairs of the Advisory Committee for Deliberative Polling.”¹⁰ These “early habits” were baked into the 2017 Law.

Adapting to the jurisdiction

What? While adopting the trademarked Deliberative Polling procedure relatively, the Mongolia case also demonstrates the importance of adapting to context. One of the least densely populated countries in the world, roughly half of Mongolia’s population lives outside of the capital city.¹¹ The incorporation of mass public agenda-setting carried out in local-level deliberations enabled organizers to maximize inclusion in this context.

Building momentum with one-off processes

What? In light of Mongolia’s lack of experience with deliberative democracy, the first city-level Deliberative Poll in Ulaanbaatar produced outcomes that were favorable for eventual institutionalization. First, it built greater familiarity with the Deliberative Polling process and normative underpinnings of deliberative democracy more generally. In other words, “pilot cases can be critical in terms of providing a concrete example.”¹² Second, the process cultivated

internal relationships between MPs which proved important for advocacy around and eventual enactment of the Deliberative Polling Law in 2017. Finally, the Ulaanbaatar Deliberative Poll was politically consequential; the infrastructure projects discussed and prioritized by citizens were adopted in a legally binding document by Parliament, and many were implemented promptly.

When? The potential barrier that lack of experience could have posed to institutionalization was addressed long before momentum around the law, in the effort to implement a first, one-off process.

Some topics are more opportune than others

What? Constitutional amendments were an opportune topic for institutionalizing citizen deliberation in Mongolia.¹³ The last time the constitution was amended was in 2000, and successive attempts in 2000, 2011, 2012, and 2015 failed due to political gridlock.¹⁴

When and who? Addressed by MPs (rather than deliberative practitioners) during the design of the Law in 2017.

Acknowledgments

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10. Fishkin & Siu, p. 192.

11. <https://mongolianembassy.us/about-mongolia/demographics/>

12. Alice Siu, Interview.

13. <https://constitutionnet.org/news/mongolias-flawed-experiment-deliberative-polling-constitutional-reform>

14. https://law.unimelb.edu.au/_data/assets/pdf_file/0006/3224463/MF19-Mongolia-paper.pdf



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