

**LAW OF MONGOLIA
ON ENVIRONMENTAL PROTECTION**

March 30, 1995
Ulaanbaatar city

(Turiin Medeelel # 5-6, 1995)

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Purpose of this law

The purpose of this law is to regulate relations between the State, citizens, business entities and organizations in order to guarantee the human right to live in a healthy and safe environment, an ecologically balanced social and economic development, the protection of the environment for present and future generations, the proper use of natural resources and the restoration of available resources.

Article 2. Legislation on environmental protection

1. The legislation on environmental protection is comprised of the Constitution of Mongolia, this law, and other relevant legislative acts issued in conformity with them.

2. If an international treaty to which Mongolia is a party is inconsistent with this law then the provisions of the international treaty shall prevail.

Article 3. Resources protected by law and relevant definitions

1. This law shall protect the following conservation resources from any adverse effects in order to prevent ecological imbalance:

- (1) land and its soil;
- (2) underground resources and mineral wealth;
- (3) water;
- (4) plants;
- (5) animals;
- (6) air.

2. For the purposes of this law the following terms shall have the following meaning:

1) the term "environment" shall include the geosphere, water, biosphere, and atmosphere within the territory of Mongolia directly or indirectly affecting the lives and activities of human beings, and the relationships between them;

2) the term "water" shall include surface and ground water resources including rivers, springs, ponds, mineral waters, and glaciers, as well as natural and manmade water courses within the territory of Mongolia;

3) the term "plants" shall include natural and planted forests, trees, and all types of higher and lower plants that grow within the territory of Mongolia;

4) the term “animals” shall include any mammal, bird, amphibian, fish, reptile, crustacean, insect, mollusc, protozoon or other invertebrate that temporarily or permanently inhabits the territory of Mongolia;

5) the term “air” shall mean the air strata above the territory of Mongolia;

6) the term “adverse environmental impact” shall mean the result of any action (or non-action) which has a polluting, detrimental, adverse, hazardous or destructive effect on nature and environment and its resources.

7) the term “environmental protection” shall cover activities such as prevention from environmental pollution, proper use and rehabilitation of natural resources keeping its own ability to recover and adjusting to its capacity, and control over natural resources.

8) the term “citizens partnership for environmental protection” /hereinafter referred to as “Partnership”/ shall mean a voluntary organization of citizens who are assembled together in compliance with the Article 481.1 of the Civil Code of Mongolia and carry out activities on contractual basis to protect, use and possess properly certain types of natural resources on the territory subject to their administration.

3. All relations in respect of the ownership, possession, and use of items referred to in the provision 1 of this article are subject to regulation by the relevant laws of Mongolia.

Article 4. The rights and duties of citizens in protecting the environment

1. Citizens shall have the following rights in protecting the environment:

1) to bring claims for compensation for damage to their property or health resulting from adverse environmental impact against the person responsible for causing the damage;

2) to commence legal action against persons whose conduct causes adverse environmental impact and jeopardise the enforcement of legislation on environmental protection;

3) to establish non-Governmental organizations and capital funds for protection of the environment; native citizens can assemble together on voluntary basis in order to conserve and rehabilitate natural resources and deserve benefit from them;

4) to obtain accurate information about the environment from relevant organizations;

5) to require relevant authorities to make decisions on restriction or prohibition of actions which may cause adverse environmental impacts and to prohibit the establishment of new business entities or organizations whose activities may cause adverse environmental impacts;

6) to establish a Partnership as provided in the subprovision 8, provision 2, Article 3 of this Law on voluntary organizational basis through which protect, use and possess on contractual basis in compliance with relevant legislation certain types of natural resources on the territory of their residence.

2. Citizens shall have the following duties to protect the environment:

1) to comply with legislation on environmental protection;

2) to acquire and use traditional knowledge and skills to protect the environment and to educate their children on ecology;

3) to prevent adverse environmental impacts and to restore or compensate for any damage or loss in the form of adverse environmental impacts arising from their conduct;

4) citizens who found out the evidences of practice of illegal use, damage and destroy of natural resources shall immediately report to local Governor, state inspector and rangers involved in natural protection.

Article 5. State environmental functions and principles

1. In order to ensure the human right to live in a healthy and safe environment, the State shall prevent adverse environmental impacts and maintain ecological balance.

2. In following its functions on environmental protection, the State shall act in accordance with the following principles:

1) the creation of favourable environmental conditions for people to live, work, and rest;

2) the development of an ecologically sustainable economy and maintenance of ecological balance;

3) the provision of conditions for the proper and scientifically-sound use of natural resources;

4) public access to activities and decisions in respect of environmental protection and the use of natural resources.

Article 6. Ownership of natural resources

1. The land, its underground resources, forests, water, animals, plants and other natural resources shall be protected by the State and the authority of the people and the land, its underground resources, their wealth, forests, water and animals, unless owned by citizens of Mongolia, shall be the property of the State.

2. Unless otherwise provided by law, citizens, business entities, organizations, foreign citizens and legal persons may use natural resources upon the payment and collection of relevant fees in accordance with any contract, special permit, or licence.

3. As provided by the law and treaty, citizens may own plants and forest planted and grown by themselves, bred animals, water basins, lakes and ponds formed by accumulation of rain water on the land of their ownership and possession as well as business entities or organizations on the land of their possession.

4. Matters related to the ownership shall be resolved in accordance with the law on the basis of definitions of the state central administrative body in charge of environmental issues and local administrative body, definitions and conclusion of the professional research institution on whether those natural resources came into existence in compliance with the provision 3 of the Article 6 of this Law.

CHAPTER TWO

ENVIRONMENTAL ASSESSMENTS, DATABASE, AND RESEARCH

Article 7. Environnemental assessments

1. Natural resource assessments and environmental impact assessments shall be conducted in order to preserve the natural State of the environment, to develop and carry out activities aimed at sustaining environmental balance, and to regulate the use of natural resources.

2. Citizens, business entities, and organizations which intend to use natural resources for commercial purposes shall conduct the assessments referred to in paragraph 1 of this article at their own expense, or, if such assessment has previously been conducted, then they shall meet the costs incurred.

3. Environmental assessments shall be conducted by business entities or organizations authorised pursuant to provision 4 of this article and approved by the state central administrative body in charge of the relevant natural resource.

4. Business entities and organizations shall obtain an authorization to conduct natural resource assessments from the state central administrative body in charge of the protection and proper use of the relevant natural resource and authorisation to conduct environmental precise impact assessments shall be given by the state central administrative body in charge of nature and environment (hereinafter referred to as "state central administrative body").

5. Business entities and organizations meeting the following requirements shall be authorised to conduct such environmental assessments:

- 1) not less than 1/3 of the assessment team shall be adequately qualified staff.
- 2) possession of necessary measuring and research tools, instruments, and equipment;
- 3) methods of environmental assessment approved by professional certified institution.
- 4) possession of databanks for conducting assessments.
- 5) Deleted.

Article 8. Natural resource assessments

1. "Natural resource assessment" shall mean quantitative and qualitative assessments and financial valuations of the natural resource in question.

2. Assessments shall determine the quantity of natural resources, protection and proper use of those resources, identify measures of natural resources original restoration capacity and record them in the State Environmental Information Database.

3. The state central administrative body shall establish an economic value for natural resources in co-operation with relevant organizations taking into account the ecological and commercial value of the natural resources.

4. The economic value shall form the basis for determining the level of payments and fees for resource use and the amount of compensation payable in the case of adverse environmental impacts and direct damage.

Article 9. Environmental impact assessments

1. Deleted.
2. Relations related to the environmental impact assessments shall be regulated by laws.
3. The body requesting the assessment shall meet the costs of it.
4. Citizens, business entities and organizations implementing proposals, shall comply with the requirements determined by the impact assessment.

Article 10. Environmental monitoring

1. "Environmental monitoring" shall include written evaluations based on continual observation, measurement and research on the State of and changes to the environment, and the development of measures for the termination and rectification of any adverse changes discovered.

2. In order to provide the function referred to in provision 1 of this article, the state central administrative body shall establish and maintain an environmental monitoring network (hereinafter referred to as "monitoring network").

3. The monitoring network shall conduct the following activities:

1) to regularly conduct surveys on the level of physical, chemical, and biological changes to the environment and of pollution, and to establish and assess the extent of environmental changes;

2) to provide the public and interested business entities and organizations with information on the environment and natural resources;

3) to develop proposals for the prevention of adverse effects on human health and the environment as a result of natural disasters and for the rectification of any damage.

Article 11. Environmental research and funding

1. Research to establish the potential for State and regional development, the restoration, breeding and raising of endangered animals and plants, protection of soil, water, and air, and for humans to live in a healthy and safe environment shall be funded by State and local budgets.

2. State administrative central authorities and appropriate instance governors except subsidizing the research and related professional institutions in environmental researches and surveys and subscription of project drafts shall provide with the financial assistance interested individuals and businesses in their researches and surveys.

Article 12. Environmental information database

1. The State environmental information database (hereinafter referred to as the "database") shall consist of:

- 1) Soum database;
- 2) Aimag and capital city databases;
- 3) the state central database.

2. The state central database shall include observations, measurements, research reports, data, and impact assessments on land, underground resources,

their wealth, forests, water, animals, plants, and air conducted by the state central administrative body and research organizations, as well as information and data from the Aimag and capital city databases.

3. Soum, Aimag, and capital city databases shall consist of reports, information, and data on the activities referred to in provision 2 of this article conducted within their territory.

4. The relevant Governors shall be responsible for Soum, Aimag, and capital city databases and the state central administrative body shall be responsible for the State central database.

5. The Government shall establish procedures for creating the State central database.

6. Citizens, business entities and organizations shall submit reports, information and data on research funded from the central State or local budgets to the relevant database free of charge.

7. The state central administrative body and relevant Governors may purchase research reports, maps, and other information collated by citizens, non-State owned enterprises and organizations at their expense.

8. Soum Governors shall complete a database report by November 15 each year and submit it to their Aimag or capital city Governor by December 1 of the same year. Aimag and capital city Governors shall submit a database report to the state central administrative body by December 31 each year, and the state central administrative body shall submit a consolidated State report to the Government by January 31 of the following year.

9. The Government shall submit the report on environmental condition to the Spring Session of the State Ikh Khural once in two years and encompass the following matters:

- 1) State and non-budget expenditure allocated for the conservation and restoration of natural resources;
- 2) changes and trends in the State and quality of the environment and natural resources;
- 3) use of natural resources and their restoration;
- 4) sources and levels of environmental pollution, mitigation measures, and results.

CHAPTER THREE

POWERS OF STATE ORGANIZATIONS ON ENVIRONMENTAL PROTECTION

Article 13. Powers of the State Ikh Khural

1. The State Ikh Khural shall exercise the following powers in respect of environmental protection:

- 1) to formulate a state policy for protection of the environment and the proper use and restoration of its natural resources;
- 2) to approve a national programme for environmental protection and ecological safety submitted by the Government;
- 3) to pass legislation on environmental protection and to supervise its implementation;

- 4) to establish maximum and minimum levels for payments and fees for the use of natural resources and for pollution of the environment;
- 5) to approve and amend a list of endangered animal and plant species and to give particular natural resources State protection;
- 6) to exercise other powers provided by law.

Article 14. Powers of the Government

1. The Government shall exercise the following powers in respect of environmental protection:

- 1) to organise the development and implementation of a national programme for environmental protection and ecological safety;
- 2) to limit as provided in the law or refrain for certain period of time the use of and the amount of import and export of natural resources.
- 3) in accordance with any recommendations of the state central administrative body and Aimag and capital city Governors, to prohibit citizens, business entities and organizations from conducting production and other activities which would have an adverse effect on human health and the environment regardless of the form of ownership;
- 4) to administer customs and quarantine control over the export and import of animals, plants and other natural products;
- 5) Deleted;
- 6) to organise education and training programmes on ecology for citizens;
- 7) to exercise other powers provided by law.

Article 15. Powers of the state central administrative body

1. The state central administrative body in charge of nature and the environment shall exercise the following powers in respect of environmental protection:

- 1) to organise implementation of state policy and legislation on environmental protection and the proper use and restoration of natural resources, and to ensure environmental balance;
- 2) to make decisions and to approve rules and procedures to be followed by other state central administrative bodies and Aimag and capital city administrations in respect of specific issues of environmental protection and to ensure their implementation;
- 3) to co-ordinate interdisciplinary and interregional activities to protect and restore the environment and properly use its resources, to develop and adopt standards for environmental carrying capacity and to administer their implementation by means of authorised organizations or in co-operation with other state central administrative bodies;
- 4) to determine the amount of forest resources, plants or animals available to use annually in accordance with legislation and to restrict or prohibit for certain period of time the use of certain kinds of natural resources, taking into account ecological requirements and reserves;
- 5) to make a State request for environmental protection research and to conduct mapping, as well as to administer the research and mapping activities of certified organizations and their subsidiaries;

6) to provide citizens, business entities and organizations with environmental information, to promote equal and upright use of benefits to appear from application of traditional knowledge, new ideas and life experience for sustainable use of biological and genetic resources;

7) to provide methodological assistance to the state central administrative body and local self-governing organizations on issues related to environmental protection and the proper use and restoration of natural resources;

8) to co-operate with foreign and international organizations on environmental protection;

9) Deleted

10) Deleted

11) providing financial assistance in environmental protection, restoration of natural resources and providing ecological education;

12) to exercise other powers provided by law.

2. Other state central administrative bodies shall exercise the following powers in respect of environmental protection:

1) to incorporate measures to protect the environment and on the proper use and restoration of natural resources in their sectoral policies and to administer implementation of those measures;

2) to administer the implementation of environmental legislation at the sectoral level and to report annually to the Government on the results of implementation.

Article 16. Powers of Aimag and Capital City Citizens' Representatives Khurals and Governors

1. Aimag and Capital City Citizens' Representatives Khurals shall exercise the following powers in respect of environmental protection:

1) to approve measures and budgets for environmental protection and proper use of natural resources in their territory and to administer their implementation;

2) in accordance with the provisions of this law and procedures, to establish maximum limits on the use of natural resources in their territory for the given year;

3) to make decisions on putting items not under special State environmental protection under local protection and to establish boundaries and protection regimes and to supervise their implementation;

4) to establish the boundaries of special zones to meet sanitary requirements and protect the environment of cities, villages and other settled areas, resorts and treatment centres, the sources of lakes, rivers, mineral water, springs, ponds, and other water sources;

5) to consider their Governor's information and report on the State of the environment and the environmental information database.

2. Aimag and Capital City Governors shall exercise the following powers in respect of environmental protection:

1) to administer the implementation of environmental protection legislation and Government decisions;

2) to develop measures for environmental protection and the proper use and restoration of natural resources in their territory, to submit them to the

Citizens' Representatives Khurals and to administer the implementation of any decisions made;

3) to submit information and data to the state central administrative body and the environmental information database in a timely manner;

4) to supervise the activities of local business entities and organizations in respect of environmental protection and the restoration and use of natural resources in their territory regardless of their jurisdiction, and to take measures to eliminate breaches and if necessary, to suspend the activities of business entities and organizations which have adverse environmental impacts or to inform organizations authorised to make decisions;

5) to provide State chief inspectors and State inspectors in accordance with this law with the required distinctive badges, defensive weapons, equipment, and means of transport.

Article 17. Powers of Soum and District Citizens' Representatives Khurals and Governors

1. Soum and District Citizens' Representatives Khurals shall exercise the following powers in respect of environmental protection:

1) to approve measures and budgets for environmental protection in their territory and to supervise their implementation;

2) in accordance with the provisions of this law and procedures, to establish limits on the use of natural resources in their territory for the give year;

3) to consider their Governor's report on environmental protection.

4) Partnerships specified in the subprovision 2, provision 8, Article 3 of this law are responsible for protection, use and possession of certain kinds of natural resources on the relevant territory, and matters concerning thereof shall be resolved on the basis of recommendations of bag and khoroo Citizens' General Meeting

2. Soum and District Governors shall exercise the following powers in respect of environmental protection:

1) to administer the implementation of environmental protection legislation and the decisions of Citizens' Representatives Khurals and higher level organizations in their territory;

2) to issue licences to citizens, business entities and organizations for the use of natural resources in accordance with legislation;

3) to monitor the use of natural resources by citizens, business entities and organizations and to approve the cultivated forests and plants, and animals bred and raised as well as land and bodies of water improved and maintained by them;

4) to supervise the activities of business entities and organizations in respect of environmental protection and the restoration and use of natural resources in their territory regardless of their jurisdiction, and to take measures to eliminate breaches and if necessary to suspend the activities of business entities and organizations which have adverse environmental impacts and to inform authorised organizations to make decisions;

5) to direct the work of rangers and to provide them with required distinctive badges, defensive weapons, equipment and means of transport, to include these costs in local budgets and to provide other assistance as required

6) to designate garbage and waste disposal locations for business entities and organizations and to take measures to mitigate pollution;

7) to make with the citizens partnerships a contract to protect, use and possess certain kinds of natural resources for terms and period of time in accordance with law and regulations based on the decision specified in the subprovision 5, the provision 1, the Article 17 of this law and supervise the implementation of the contract

Article 18. Powers of Bag and Khoroo Citizens' Representatives Khurals and Governors

1. Bag and khoroo Citizens' Representatives Khurals shall exercise the following powers in respect of environmental protection:

1) to develop and administer schedules for the protection and use of hayfields, pasture and water sources not designated for possession or use by others;

2) to supervise the protection and use of natural resources in public use;

3) to consider their Governor's report on environmental protection.

2. Bag and khoroo Governors shall exercise the following powers in respect of environmental protection:

1) to administer implementation of environmental protection legislation and decisions made by their Citizens' General Meetings and higher organizations;

2) to direct local environmental protection efforts and to involve citizens in the annual cleaning of environmental pollution and wastes;

3) to issue licences for the use of natural resources as provided by law;

4) to ensure the implementation of hygienic and sanitary requirements in their territory and to designate public waste disposal areas.

CHAPTER FOUR

GENERAL MEASURES ON ENVIRONMENTAL PROTECTION, USE AND RESTORATION OF NATURAL RESOURCES

Article 19. General methods and forms of environmental protection

1. Mongolia shall have a financially secure national programme for environmental protection and ecological safety.

2. The State, its organizations and their officials shall protect the environment by means of the following general methods and forms:

1) the prohibition of hunting and trapping very rare animals and the collection and preparation of very rare plants;

2) the registration and protection of very rare and rare animals and plants by entry in the Redbook of Mongolia;

3) the establishment of and adherence to norms and standards against impacts adverse to environment and assurance of their implementation

4) the conduct of ecological education programmes and education on national traditions and customs for public;

5) the rewarding of the introduction and use of environmentally sound, clean, and non-waste technologies;

6) the establishment of hygienically sound areas to ensure a healthy and safe environment for cities, villages, and settled areas and protection of the sources of rivers, lakes, mineral water, springs, ponds, and other bodies of water.

7) having the partnerships be charged of protection, use and possession of certain kinds of natural resources

Article 20. Environmental carrying capacity

1. In order to ensure the human right to live in a healthy and safe environment and to protect the environment, the contents of hazardous substances to be discharged into the environment and the extent of adverse environmental impacts (hereinafter referred to as “environmental carrying capacity”) shall be determined by the following

1) the expected amounts of toxic biological and chemical substances in the air, water and soil

2) the permissible maximum levels of toxic substances in waste effluent;

3) the permissible maximum levels for noise, sound, vibrations, electric and magnetic pulses and other adverse environmental impacts;

4) the permissible limits for radiation;

5) the permissible maximum limits for agricultural chemicals used for the protection of agricultural and pastoral land;

6) the permissible maximum levels of chemicals in food products;

7) the permissible maximum levels for environmental carrying capacity and reserve exploitation.

2. The limits referred to in subprovisions 1, 2, 3, 4, and 6 of provision 1 of this article shall be set by the standardisation organization.

3. Citizens, business entities and organizations who exceeded levels for environmental carrying capacity and adversely affected the environment shall rectify damage caused to the environment at their own expense or eliminate the damage through a certified organization and meet all expenses incurred.

Article 21. Protection from environmental pollution

1. “Environmental pollution” shall mean the disposal of commercial or household wastes in an amount exceeding established limits for environmental carrying capacity.

2. The state central administrative body shall maintain a unified State register of pollution sources.

3. Citizens, business entities and organizations shall have the following obligations in respect of the prevention of environmental pollution by commercial or household wastes:

1) to dispose of and discharge toxic, flammable and other wastes only in specially designated sites and use only permitted methods of concealing or liquidation

2) before disposal, to classify garbage and to put it in special containers and to deliver it to specially designated sites by specially equipped transport;

3) to keep residential areas clean and, if necessary, to clean and sterilise sites before moving to other places;

4) to remove garbage around houses and residential areas regularly.

4. Procedures for the production, storage, transportation, use and disposal of radioactive and toxic chemicals shall be established by law and procedures for the collection, transportation, decontamination, disinfection, treatment, dumping and discharge of commercial and household wastes shall be established by the Government.

Article 22. Natural disaster and emergency areas

1. "Natural disaster and emergency area" shall mean an area where adverse impacts and changes have occurred which pose a potential threat to the environment, human health, livestock, animals, plants, and their gene pools as a result of human activity or natural occurrence.

2. The Government shall establish natural disaster and emergency area zones based on recommendations of the state central administrative body.

3. The state central administrative body, the Civil Defence Department, Governors of all levels and other relevant organizations shall jointly take measures to prevent and mitigate the effects of natural disasters and emergencies, rectify any damage, enhance the environment, and restore natural resources.

4. All costs in respect of the rectification of damage caused by natural disasters and emergencies shall be paid from the State budget. After investigations of causes, the guilty person shall be assessed for full compensation of damage.

Article 23. Protection of the environment during states of emergency

In accordance with the Constitution of Mongolia, measures for the mitigation of natural disasters and emergencies, the rectification of damage caused by them, and the protection of the environment and its natural resources in the area where there is a State of emergency shall be established pursuant to the provisions and procedures provided by the Law on States of Emergency.

Article 24. Maximum level of natural resource use

1. "Maximum level of natural resource use" shall mean the potential amount of natural resources that may be used for a certain period of time, depending on their carrying and restoration capacity.

2. The maximum level for the use of natural resources shall be determined in accordance with the relevant provisions in any laws addressing the protection and proper use of those natural resources.

Article 25. Restoration of natural resources

1. In order to ensure environmental balance, citizens, business entities and organizations using natural resources for commercial purposes shall implement the following measures:

- 1) to limit the use of endangered animals and plants species and to increase their stock through breeding, reintroduction, and extensive fodder supply;
- 2) to maintain and enhance the land and environment if natural resources are used.

2. Efforts to breed or reintroduce animals, cultivate plants, and culture protozoa non-native to Mongolia shall be conducted only with the approval of and under the permission and supervision of the state central administrative body and other authorised organizations.

CHAPTER FIVE ENVIRONMENTAL MONITORING

Article 26. Environmental monitoring

1. The certified supervision organization shall organise supervision of environmental protection and the proper use and restoration of natural resources.

2. Inspectors exercising the control of State borders, customs, veterinary, hygienic and disease services and mining or other officials required by law to exercise that control may be authorised to fulfil the duties of State environmental inspectors.

3. The general State environmental inspector, State chief inspectors and State inspectors shall work in the certified supervision organization; State chief inspectors and State inspectors shall work in Aimags and the capital city, and State inspectors (hereinafter referred to as "State inspectors") and rangers shall work in Soums and Districts.

4. In relation to the appointment and dismissal of State inspectors:

1) the right of the State Chief inspector and state inspectors shall be issued in accordance with the provisions 3 and 4 of the Article 21 of this law

2) Deleted

3) Deleted

4) Soum and District Governors shall have the power to appoint and dismiss rangers on the recommendation of Soum and District State inspectors in accordance with norms set forth in the provision 7 of the Article 26 of this Law.

5. Citizens with specification in the field of ecology, environmental protection and control and assessment of environment or those with university degree trained in this field shall be appointed to the position of a state environmental inspector.

6. Citizens who have been enrolled in professional training and graduated from schools with special permission to carry out training programmes in the field of environment issued from the state central administrative body in charge of educational issue.

7. The territory for which the ranger shall be responsible covers up to 100.000 h in high mountain area, 120.000 h in forestry-steppe area, 500.000 h in

steppe, 600.000 h in desert-steppe area, 800.000 in desert area, a single ranger shall supervise over every 30 km of the forest that was specially planted by the contribution from the state budget, and this norm shall be diminished by 70 percent for the greenhouse around the city. The Government shall determine the list of soums included into the appropriate area, the size of the territory in the reservations and natural complexes under the supervision of the single ranger with regard to the class of the land, protection regime, the land specifics and capacity of the land

8. An assistant ranger may be appointed to assist in the implementation of the control on natural protection, proper use of natural resources in the area and their restoration.

Article 27. Rights and duties of State inspectors

1. State inspectors shall have the following rights:

1) to supervise an implementation of the environmental legislation by citizens, business entities and organizations regardless of their jurisdiction;

2) to obtain information and data required for supervision from the appropriate citizens, business entities, and organizations;

3) to require citizens, business entities and organizations to eliminate adverse impacts or to suspend their activities for the certain period of time if they adversely affect the environment in breach of legislation on environmental protection, standards and permissible maximum levels;

4) to have free access to business entities and organizations to carry out supervision, take samples and have samples analyzed under their control;

5) in the event of natural disasters and States of emergency, to have priority in the use of public transport or rental of other means of transport;

6) to inspect the identification cards of that citizen and vehicles and in case of violation, to confiscate identification cards, and illegally hunted, collected, manufactured and explored natural resources, equipments, facilities and tools used during the inspection on the implementation of the environmental protection legislation;

7) to impose administrative penalties on those in breach of legislation on environmental protection as provided by law;

8) to supervise and instruct environmental rangers;

9) To confiscate vehicles used at the moment of serious violation.

10) To send proposals on invalidating the licenses, permissions and rights, or restriction to carry out business for short time or termination of the organizations and business entities dealing with environmental business that caused harm to the environment due to violation of legislation and technological procedure to the authorized institutions for review.

11) To require invalidating a decision of the organizations and officials that violated legislation on environmental protection, or to submit a petition to the senior level institutions and to get it solved.

2. State inspectors shall have the following duties:

1) to comply strictly with environmental protection legislation and regulations and procedures established in conformity with them;

2) to keep records of environmental breaches (name of person in breach, address, action, damage caused, mitigating and aggravating

circumstances signed by the person in breach, and, in the event of refusal, to make a written record of reasons for the refusal;

3) on imposing administrative penalties and suspending illegal activities by citizens, business entities, and organizations in breach of environmental protection legislation, to outline the means of calculating the penalty in accordance with legislative provisions and to fill out the standard official form and penalty sheet;

4) on taking measures to suspend or rectify breaches, to respect the rights and legal interests of citizens, business entities and organizations and to maintain trade secrets;

5) to make inventories and to ensure the safety of confiscated items, weapons, tools and temporarily confiscated documents in accordance with legislative provisions, to provide the owners with copies and to transfer these items to authorized organizations within specified periods;

6) to promote the participation of local citizens and community in the protection, proper use, restoration of and control on natural resources, to extend their initiativeness, assist, organize and co-operate with them.

Article 28. Rights and duties of rangers

1. Environmental rangers shall have the following rights:

1) to exercise the rights of State inspectors within their territory in accordance with sub-provisions 1, 4, and 5 of provision 1 of article 27 of this law;

2) The rights of State inspectors under sub-provisions 6 and 7 of provision 1 of article 27 of this law shall be exercised only if permitted by law.

2. Rangers shall have the following duties in addition to those specified under provision 2 of article 27 of this law:

1) to take measures to prevent possible adverse environmental impacts and to protect natural resources in the area for which they are responsible;

2) to issue licences for the use of natural resources if provided by law;

3) in accordance with contracts, special permissions and licenses to point out areas for natural resource use to citizens, business entities and organizations

4) to conduct observations of changes to natural resources in their territory and to enter these records into databases;

5) to inform the relevant Governor promptly of the occurrence of natural disasters or emergencies and to take measures to rectify any damage;

6) to organise the restoration of natural resources in their territory.

Article 29. Weapons and defensive weapons for use by State inspectors and rangers

1. State inspectors and rangers may carry offensive and defensive weapons when supervising implementation of environmental protection legislation in the field.

2. State inspectors and rangers may use weapons in the following situations if there is no way to prevent an external attack:

1) if a person in breach of environmental protection legislation clearly refuses to comply with lawful requirements and uses weapons or threatens the life of an inspector or ranger in any other way;

2) in the event of a life-threatening attack by a wild animal.

3. If a person in breach of environmental protection legislation refuses to comply with lawful requirements and uses force, State inspectors or rangers may use special tools including rubber clubs, electric prods, tear gas, mace, and guns with rubber or plastic bullets.

4. Instructions on the use of guns and other special tools shall be approved by the state central police administrative body upon consultation with the General Prosecutor and on consideration of recommendations made by the state central administrative body.

Article 29'. Social guaranty of the state inspectors and rangers and guarantees to enforce their rights

1. The state inspectors and rangers shall be provided with the following social guaranty and guarantees to enforce their rights:

1) state inspectors and rangers of environmental inspection institutions who have been employed as public officials for 25 years, from which the last 10 years have worked in the environmental protection field, shall be issued once from the institutions where they had been employed to the allowances equal to 12 months' salary on the retirement;

2) for the purposes of their duties with transport, uniform, weapon, special equipment for self-defense;

2. The state inspectors and rangers who have become incapable to perform their duties for certain period of time due to outside affects or qualified disabled, or died while performing their duties, they or their families shall be issued to the following irrevocable compensations and salary difference as:

1) compensation for the hospitalization period, compensation for the principal term of the position and the position's major salary difference in case of contemporary loosing of work capability;

2) disability benefits and the position's major salary difference in case of disqualification upon disability;

3) the family remained after the death of a worker shall be issued to the one time irrevocable compensation equal to three years major salary of the loser;

4) the major salary difference and irrevocable compensation specified in the provision 2 of this article shall be issued from the budget, and the guilty person shall be obliged to recover assets equal to them;

5) other guarantees provided by in the law.

CHAPTER SIX

DUTIES OF BUSINESS ENTITIES AND ORGANIZATIONS IN PROTECTING THE ENVIRONMENT AND NATURAL RESOURCES

Article 30. Certified organizations

1. "Certified organization" shall mean a business entity or organization regulating the protection, proper use and restoration of natural resources such as forests, animals, water and mineral resources pursuant to authorization from the state central administrative body or by law

2. The Government shall adopt rules to entitle the certified organizations to carry out and regulate the activities stipulated in the paragraph 1 of this article

3. Certified organizations shall carry out the following activities within the territory for which they are responsible:

1) to make contracts with citizens, business entities and organizations for the use of natural resources and to designate land accordingly on the authority of decisions made by the state central administrative body and the Governor;

2) to develop proposals and plans for the protection, proper use, and restoration of natural resources, to organise their implementation, and to conduct impact assessments if authorised to do so;

3) to make requests to conduct natural resource reserve research;

4) to protect natural resources from natural disasters and emergencies such as disease, rodents, harmful insects and fire and to implement measures to combat such disasters and emergencies;

5) to conduct the technical supervision of the protection, proper use and restoration of natural resources by citizens, business entities and organizations and to provide professional and methodological assistance;

6) to conduct observations of changes to natural resources in their territory and to enter the data into databases;

7) to submit proposals for research on the protection, proper use and restoration of natural resources for consideration to Citizens' Representatives Khurals and Governors, and, if necessary, to submit them to the state central administrative body;

8) to engage in production and services using natural resources and to protect, restore, properly use and maintain natural resources in accordance with procedures established by law.

Article 31. Duties of business entities and organizations

1. Business entities and organizations shall have the following duties in respect of environmental protection:

1) to comply with environmental protection legislation, decisions by the Government, local self-governing organizations and Governors, and the requirements of State inspectors and rangers;

2) to comply with environmental standards, limits, legislation and procedures approved by authorised organizations and to supervise their implementation within their internal organization;

3) to keep records on toxic substances, adverse impacts and wastes discharged into the environment while engaged in production or services and to

write reports and collect data on the measures taken to reduce or eliminate toxic chemicals, adverse impacts and wastes, as well as on any monitoring equipment and its operation and to submit these to the relevant organization on time;

4) business entities and organizations engaged in environmentally adverse production and services are to include and implement in their annual budget the amounts necessary for measures to diminish adverse affect or stop thereof, protect and restore natural resources.

5) in accordance with contracts and punctually, to reforest, cultivate plants, breed animals, improve water sources, maintain land, and obtain approval of Soum and District Governors;

6) to keep the ecological passport of the area in accordance with procedures approved by the state central administrative body.

Article 31¹. Partnership

1. The local citizens may be organized in the form of a partnership that is specified in the sub-provision⁸, provision 2 of the article 3 and shall legally enjoy the privileges of the appropriate use and possession of particular types of natural resources on the entrusted to them by the contract territory.

2. The citizen of Mongolia permanently residing in the pertaining district or soum, and those reached 18 and residing in that district or soum, shall be members of the partnership.

3. The state central administrative body in charge of environmental issues shall approve the partnership articles on mutual protection, use and possession of natural resources of particular types.

4. On the grounds of the regulations approved by the state central administrative body in charge of environmental issues, specified in the provision 3 of this article the Program of the activities in the field of environmental protection shall be discussed and approved on the members' meeting.

5. On entrusting the particular types of natural resources on the contractual terms to the partnership, the number of the partnership members and the extent and specifications of the resources on that territory shall be taken into consideration.

6. Natural resources entrusted to the partnership shall not include resources under the soil, lands of pastures and water basins and lands for special purposes.

7. The Governors of soums and districts shall be charged to decide the questions related to the requests of partnerships on environmental protection activities on the basis of the following documents:

1) the recommendation of the Citizens' General Meeting of the bag and khoroo and decision of the Citizens' Representatives Khural of soum and district;

2) the request of the partnership to carry out activities in the environmental protection field;

3) the program of activities in the environmental protection field discussed and adopted on the members' general meeting of the partnership;

4) the copy of the contract of members of the partnership on cooperation;

5) copies of the identification cards of the members of the partnership;

8. If the delivered documents meet the requirements specified in the provision 2 of this article, completion specified in the provision 7 of this article and

conditions of the articles approved in compliance with the provision 3 of this article, as well as the documents are complete, then the soum or district Governor shall accept the partnership's request, make contract on carrying out activities on environmental protection and issue the certificate.

9. The member of the government in charge of environmental issues shall design forms of the contract and certificate of the partnership on carrying out environmental protection activities.

10. The soum or district Governor shall cease the environmental protection activities of the partnership and terminate the contract in the following cases:

1) the recommendation of the bag and khoroo Citizens' General Meeting and decision of the soum and district Citizens' Representatives Khural on ceasing of the environmental protection activities was adopted;

2) the contractual obligations and those stipulated in the provision 11 of this article were not continuously performed, and the environmental protection activities were not carried for 6 months since the improvement of the contract;

3) the decision to cease the environmental protection activities was approved on the partnership members meeting;

4) the requirements stipulated in the provision 2 of this article were breached.

11. The partnership shall perform duties specified in the Article 31 of this law and related laws on protection, use and possession of particular types of natural resources as well as carry out its activities in compliance with laws as stipulated in the contract with the Governor of the appropriate level.

12. The Partnership shall introduce and report every year before the Soum and District Citizens' Representatives Khural about realization of its program on the protection of the environment

Article 32. Participation of non-Governmental organizations in environmental protection

1. Non-Governmental organizations whose purpose is the protection of the environment and its natural resources may conduct the following environmental protection activities:

1) to conduct public supervision and inspection of implementation of environmental protection legislation, to demand the rectification of breaches and to submit matters to authorised organizations for decision;

2) to submit proposals on environmental protection to the state central administrative body and relevant Khurals and Governors;

3) to organise ecological training and education independently or in co-operation with other concerned organizations;

4) to develop proposals, recommendations, and methodologies for environmental protection and restoration and submit them to the relevant organization for decision.

2. The Government may delegate certain environmental protection functions of the State executive body to non-Governmental organizations that are aiming environmental protection or voluntary organizations of local citizens on contractual basis and shall contribute the implementation of their activities

CHAPTER SEVEN MISCELLANEOUS

Article 33. Funding

1. The costs of environmental protection, restoration of natural resources and implementation of environmental protection legislation conducted by State and local self-governing organizations shall be paid out of the state central and local budgets.

2. Unless otherwise provided by law, all revenue from fees and payments for the use of natural resources shall be allocated to local budgets.

Article 34. Economic incentives to protect the environment

1. The State shall reward citizens, business entities and organizations for the introduction of modern non-polluting and non-waste technology, progressive methods for environmental protection, the use and restoration of natural resources, and the reduction of adverse environmental impacts.

2. Activities on providing ecological education, environmental protection and restoration of natural resources shall be supported from the state budget.

3. As provided by in the part 1 of this article, the government shall set stimulating procedures for citizens , organizations and businesses.

4. The Governor of Soum or District shall grant citizens who have discovered or helped to discover as well as informed the relevant authorities and officials with true information about breaches of the legislation on the environmental protection with an award equal to 15% of total amount of fine or compensation imposed on the violator.

5. Professional Inspection Institute shall issue the state inspector, and aimag, capital city and district Governor shall issue the ranger, who have discovered the fact of illegal preparation and gathering of natural resources, with 15% of total benefit from selling thereof.

6. The members of the Government in charge of financial and environmental issues shall approve regulations related to incentives mentioned in the provisions 4 and 5 of this article

7. The informant mentioned in the paragraph 4 of this article shall be concealed in compliance with the law

Article 35. Fees and payments for use of natural resources

1. Fees and payments for the use of natural resources shall include fees for the issue of licences to use natural resources, payments for the use of natural resource reserves, and payments for discharging permissible levels of wastes and pollutants.

2. Compensation shall be imposed for the use of natural resources which exceeds the limits permitted by contract and licence, illegal hunting, distribution, preparation and exploitation of natural resources and for the discharge of wastes and pollutants in amounts exceeding permitted limits.

3. Ninety percent of the compensation referred to in provision 2 of this article shall be allocated to the environmental protection fund and the remaining ten percent to the local budget.

4. The maximum and minimum limits and payment procedures for the fees and payments referred to in provision 1 of this article shall be established by law.

Article 36. Ecological training and education

1. The Government shall adopt and organise the implementation of a programme of ecological training and education and the development of environmental protection methods and skills within the framework of formal and informal educational systems.

2. Activities on ecological training and education shall be organised in the following ways:

1) the teaching of basic courses and skills on environmental protection at pre-school education institutions and secondary schools;

2) the teaching of scientific and legal courses on environmental protection and proper use of natural resources at colleges, universities, institutes and vocational training schools, taking into account of their professional orientation;

3) the publication in the mass media of ecological education, traditions and customs related to environmental protection and environmental legislation.

Article 37. Compensation for damage caused to the environment

1. Citizens, business entities and organizations shall compensate for direct damage caused to the environment and natural resources as a result of their unlawful conduct.

2. Soum and District Governors shall apply to court for compensations of expenses to restore destroyed ecological balance and natural resources, to move population and transfer livestock from the area incurred due to illegal activities of citizens, business entities and organizations .

3. The fact that compensation has been paid by a person in breach, as provided in provisions 1 and 2 of this article, shall not constitute grounds for release from criminal or administrative liability pursuant to relevant legislation.

Article 38. Liability for breach of environmental protection legislation

1. Persons in breach of environmental protection legislation shall be liable to criminal or administrative penalties in accordance with the nature of the breach and the amount of damage.

2. A judge or State inspector shall impose the following administrative penalties against a person in breach unless the same is punishable under the Criminal Code.

1) business entities and organizations which fail to fulfil obligations under provisions 3, 4, 5, and 6 of article 31, provision 3 of the article 21 of this law shall be liable to a fine of 100,000 to 200,000 togrogs

2) officials using funds budgeted and allocated for environmental protection and restoration of natural resources for purposes other than as

provided in law shall be liable to a fine of 20,000 to 40,000 togrogs and business entities and organizations shall be liable to a fine of 150,000 to 250,000 togrogs

3) citizens, who do not comply with the requirements of provision 4 of article 9 and provision 3 of article 20 of this law shall be liable to a fine of 20,000 to 50,000 togrogs and business entities and organizations to a fine of 200,000 to 250,000 togrogs

4) officials who failed to claim against persons in breach of the provision 2 of the article 37 of this law shall be liable to a fine of 30000-60000 togrogs

3. The persons who had deliberately failed to fulfil lawful requirements of the state environmental protection inspector and ranger, invoked not to fulfil, protested against the requirements, intentionally embarrassed the inspector and ranger to execute their duties and humiliated, threatened and treated force against inspectors and rangers and their family members shall be responsible as provided by the Criminal Law and Law on Administrative Liability

Article 39. Entry of the law into force

This law shall enter into force from June5, 1995.

CHAIRMAN OF THE
STATE IKH KHURAL

BAGABANDI