

**LAW OF MONGOLIA
ON SPECIAL PROTECTED AREA**

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(Turiin Medeelel # 2, 1995)

**CHAPTER ONE
GENERAL PROVISIONS**

Article 1. Purpose of the law

The purpose of this law is to regulate relations concerning utilization of and taking areas under special protection, preservation and protection of natural landscape in order to keep particular features of natural zones and belts, their peculiar formation, forms of rare and rarest fauna and flora, historical and cultural sites and natural sightseeing as well as studying and identifying their evolution.

Article 2. Legislation on special protected area

1. The legislation on special protected area shall consist of the Constitution of Mongolia, the Law on Land, this Law and other legislative acts issued in conformity with these laws.

2. If the international treaty to which Mongolia is a party provide otherwise than the present Law, then the provisions of the international treaty shall prevail.

Article 3. Classification of special protected area

1. State special protected area shall be classified as follows:

- 1) national conservation park;
- 2) natural complex area;
- 3) natural reserve;
- 4) national monument area.

2. Aimag, capital city, soum and district may take specific area of its territory under special local protection.

Article 4. Peripheral zone of special protected area

1. A state special protected area may have a buffer zone. The legal status of the buffer zone shall be regulated by a special law.

2. A state central administrative body (hereinafter referred to as " state central administrative body") in charge of special protected area shall set boundary of peripheral zone of special protected area taking into account opinion of the Citizens' Representatives Khural and its Presidium of appropriate level.

Article 5. Taking area of state border and adjacent under state special protection

1. Area adjacent to the state borders may be classified into special protected area on the grounds of agreement with bordered country.

2. Decision on taking adjacent area to the state borders under special protection of the State shall be previously agreed with the State organization of borders defense.

3. The State organization of borders defense shall determine procedure on implementing of its activities in special protected area of state borders and adjacent to it upon agreement of defense administration or Governor of relevant level, according to state borders and near borders regime under relevant legislation.

4. The power of state inspector of environment may be exercised to border agent, deputy and assistant in order to protect special protected area upon decision of the state central administrative body. Such an agent, deputy or assistant shall exercise power of state inspector of environment only within border zone.

Article 6. Financing protection of special protected area

1. Budget for special protected area shall consist of expenditures for undertaking measures for protecting environment , its repairing and improvement, researches and studies through monitoring and advertising and salaries of employees.

2. Assets for financing the protection of special protected area shall consist of the following resources:

- 1) investment of state and local budget;
- 2) income from tourism and other activities and services;
- 3) donations and aid from citizens, business entities and organizations;
- 4) income from reimbursement of damages caused by person violated the legislation on special protected area.

CHAPTER TWO

NATIONAL CONSERVATION PARK AND ITS PROTECTION

REGIME Article 7. National Conservation Park

National Conservation Park means an area taken under special protection of the State in order to ensure the ecological balance for peculiar features of natural zone and belt, its state of originality and outstanding scientific significance.

Article 8. Zone of National Conservation Park

National Conservation Park shall be divided in respect to its natural forms, state, features of soil, water, fauna, flora and its vulnerability to human activities into the following zones:

- 1) virginal zone;
- 2) protected zone;
- 3) limited zone.

Article 9. Regime of Virginal Zone

1. Only protection measures shall be taken in virginal zone to meet requirement of its keeping of the original state and forms of the nature.

2. In virginal zone may be conducted only researches work and studies by observation form without affecting to its natural state, and other activities are prohibited for.

Article 10. Regime of Protected Zone

In protected zone shall be taken measures stipulated in Article 9 of this Law and biotechnical measures related to the supplying conditions for fauna and flora, recovery of damages caused by natural disaster and be implemented by unarmful method to the nature and environment.

Article 11. Regime of limited zone

In limited zone the following activities may be conducted by unarmful form to the nature and with relevant permission:

- 1) activities stipulated in the Articles 9 and 10 of the present law;
- 2) restoration of soil and plant cover;
- 3) forest maitance and cleaning.
- 4) activities regulating the census of animals, their number, age, gender and herd composition according to approved schedule and methodology;
- 5) utilization of hot and cold mineral water as well as other medical minerals;
- 6) organization of natural tour and tourism under specific itinerary and directions set according to the established procedures;
- 7) exploitation of any established accommodation dwellings designed to tourists or other permitted persons for temporary stay, observation or studies;
- 8) taking photos and audio or video records and their use for writing and producing;
- 9) worship of mountains and hills, holding other traditional and customary ceremonies;
- 10) picking up and using by local residents natural secondary resources, medicinal or food plants under relevant procedures for domestic need.

Article 12. Activities Prohibited in National Conservation Park

In National Conservation Park the following activities shall be prohibited to conduct with other purposes than stipulated in the Articles 10 and 11 of the present Law:

- 1) to change the state of the nature by land ploughing, digging or exploding, minerals exploring, mining, sand or pit gravel procuring, wood, reed cutting, and road making in area other limited zone;
- 2) to collect and prepare natural secondary resources, medicinal ,food or technical plants for the production purposes;
- 3) to hunt, catch, scare or drive out animals, damage or demolish their nets, dens or holes with the purpose other than those stipulated in the Paragraph 4 of the Article 11 of the present Law;

4) to use any method, technique or substance harmful to the nature and environment in the fight against harmful insects, rodents, fire and in the prevention thereof;

5) to construct buildings or facilities other than those stipulated in the Paragraph 7 of the Article 11 of the present Law;

6) to conduct any activities polluting water, soil or air;

7) to have a gun or a dog without permission from the administration of area protection;

8) to land an aircraft or fly over or extremely low altitude without previous permission from the administration of area protection unless there were no other way;

9) to construct facilities for winter, spring, autumn and summer camping sites, to pasture cattle permanently;

10) to exploit open water sources such as rivers, lakes and springs for production purposes;

11) to conduct other activities harmful to the nature and environment prohibited by legislation and protection regime.

CHAPTER THREE

NATURAL COMPLEX AREA AND ITS PROTECTION

REGIME Article 13. Natural Complex Area

Natural complex area means an area taken under special protection of the State which has relatively conserved its natural original state and importance for historical, cultural and scientific knowledge, ecological education.

Article 14. Zone of Natural Complex Area

Natural complex area shall be divided in respect to its natural state, location of animals and plants, requirement of conservation of historical and cultural monuments, condition for developing tours and tourisms into following zones:

- 1) special zone;
- 2) tourist zone;
- 3) restricted zone.

Article 15. Regime of Special Zone

Apart from protection measures, measures to carry out surveys and research with methods which do not have impacts on environment, to create conditions where flora and fauna will grow and reproduce, to reclaim soil and to mitigate the damages caused by natural disaster shall be taken in a special zone.

Article 16. Regime of Tourism Zone

The following activities may be conducted with a relevant permission in a tourism zone in a manner that is not harmful to environment:

- 1) to conduct the activities provided in Articles 11 and 15 of this law;

2) to fish in a permitted place.

Article 17. Regime of Restricted Zone

The following activities may be conducted in a restricted zone:

- 1) activities provided in Articles 11, 15 and 16 of this Law;
- 2) to run animal husbandry in a traditional way;
- 3) to build facilities to be used by travellers and other authorized people according to approved projects, drawings and permissions;
- 4) to build roads and car parks according to approved projects, drawings and relevant procedures;
- 5) to build facilities to be used by travellers and other authorized people according to approved projects, drawings and permissions;
- 6) to improve recreation and social event fields;
- 7) to develop villages located in the territory of the zone according to the general plan approved by ecological assessment.

Article 18. Prohibited Activities in National Parks

The following activities shall be prohibited in a national park for any purpose except those provided in Articles 15, 16 and 17 of this Law:

- 1) to conduct activities provided in paragraphs 1-8 and 11 of Article 12 of this Law;
- 2) to conduct in a special zone activities provided in paragraphs 9 and 10 of Article 12 of this Law;
- 3) to expand the territory of a village and build facilities breaching the approved general plan, project and drawings.

CHAPTER FOUR

NATURE RESERVE AND ITS PROTECTION

REGIME Article 19. Nature Reserve

Nature Reserve means an area taken under the state special protection to protect certain type of nature, to protect and conserve any resource, and to facilitate reclamation.

Article 20. Types of Nature Reserve

Nature Reserve shall be classified as follows:

- 1) Natural complex reserve aimed at preserving natural conditions and features;
- 2) Biological reserve aimed at protecting rare flora and fauna and creating an environment suitable for their reproduction;
- 3) Fossil reserve aimed at preserving rare fossils in their natural conditions;
- 4) Geological reserve aimed at preserving natural conditions of special geological formations and exposures and their structures;
- 5) Water reserve aimed at preserving the source of rivers and water

Article 21. Regime of Nature Reserve

1. Traditional economic activities may be conducted in the nature reserve without negative impacts on the type of nature, view of certain resources, location, growth and reproduction of flora and fauna.

2. Any activities, that are potentially harmful to the environment, such as construction of buildings and facilities, industrial digging, blasting, exploration, mining, hunting and catching of animals, cutting of trees, reeds and rushes, that may alter the original state of the environment and pollute the river, shall be prohibited in the nature reserve

CHAPTER FIVE

MONUMENT AND ITS PROTECTION

REGIME Article 22. Monument

Monument means an area which is taken under the special protection of the state to preserve the unique natural formations, historical and cultural traces in their original conditions.

Article 23. Types of Monuments

1. Monuments shall be classified as follows:

- 1) natural monument;
- 2) historical and cultural monument.

2. Natural monuments may include areas with unique formations and outcrops, waterfalls, cliffs, canyons, caves, rocks, groves, mineral springs, oasis, dunes, meteors, meteor craters and volcano craters.

3. Historical and cultural monuments may include dwellings of ancient people, caves, cave paintings, rock inscripts, monuments, tombs, ruins, walls, castles, canals, dams, ancient mines, mountains related to traditional rituals, and worshipped or historical places.

Article 24. Regime of Monuments

1. Fences shall be built, warning signs shall be installed in monuments, and their protection functions shall be delegated to local residents as measures of protection.

2. It shall be prohibited to build facilities which may adversely affect the view of the monuments 0.1-3.0 km away from the natural, historical and cultural monuments, to plough, dig, blast, conduct mining and exploration, damage, break and dismantle the natural, historical and cultural monuments and to conduct any other activities that may harm them.

CHAPTER SIX

POWER OF STATE BODIES REGARDING SPECIAL PROTECTED

AREA Article 25. Power of the State Ikh Khural

The State Ikh Khural shall exercise the following power with regards to special protected areas:

- 1) to define the state policy on taking areas under the special state protection;
- 2) to make a decision to take an area under the special protection as per submitted by the Government, to include these areas into certain categories of special state protected areas, to approve and change the boundaries of conservation areas and national parks.

Article 26. Power of Government

The Government shall exercise the following power with regards to special protected area:

- 1) to organize and ensure the implementation of state policy and legislation on special protected areas;
- 2) to form economic and organisational system to protect special protected areas and to coordinate the activities of government and non-government organizations on this matter;
- 3) to prevent natural disasters and other unpredicted hazards in special protected areas, to unite and organize the efforts of citizens, business entities and organizations in alleviating their consequences and to take necessary measures;
- 4) to develop and implement the national program to develop the special protected areas and their buffer zones and to maintain the ecological safety and environmental equilibrium;
- 5) to adopt the regimes of conservation areas and national parks within the protection regimes provided in this law;
- 6) to define the boundaries of nature reserves and monuments.

Article 27. Power of State Central Administrative Body in Charge of Special Protected Area

The state central administrative body in charge of special protected area shall exercise the following power:

- 1) to organize the implementation of state policy and legislation on special protected areas;
- 2) to approve the procedures and programs of research and studies to be conducted in special protected areas, to give permissions to them, to get the reports and information of such research and studies and to put them into a unified database;
- 3) to approve methodologies and programs for studying and counting biological species and keeping records and to establish procedures to take monitoring samples from permitted areas, to conduct measurements and to hunt and catch animals in order to regulate the herd structures;

4) to approve procedures and programs for forest care, forestation, and reclamation of soil and plants, to establish the area of the land to be reclaimed and to choose methodologies and technologies of reclamation;

5) to establish procedures and methodologies to prevent and fight pests and fire, to take measures to alleviate damages caused by natural disasters and other unpredicted hazards to the special protected areas;

6) to establish procedures for use of mineral springs, other minerals and natural resources for medical treatment and care, a list of medicinal, food and technical herbs, and procedures for collection of such herbs in cooperation with the professional organizations;

7) to establish the travel routes and procedures;

8) to review and approve the general plan of settlements in permitted zones of the special protected areas and the locations and projects of tourist camps and resorts to be built in the areas in cooperation with the relevant state central administrative bodies;

9) to establish the pieces of land that can be used for certain purposes, their area, procedures for use of such land, and the type and number of animals that can be herded in such land;

10) to establish the administration of the conservation area or national park in consultation with the Governor of the relevant administrative unit and to appoint the chief of the administration accordingly;

11) to submit the proposals to take large rivers and basins of nationwide significance that are at risk of pollution and have shrinking water resources to the relevant bodies

Article 28. Power of Citizens' Representatives Khurals of Aimag, Capital City, Soum and District

Citizens' Representatives Khurals of Aimag, Capital City, Soum and District shall exercise the following power with regards to the special protected area

1) to hear Governor's reports on the implementation of the legislation relevant to the special protected areas located in his/her territory, to make appropriate decisions and to ensure implementation of such decisions;

2) to submit the proposals to take a certain part of its territory under the state special protection to the higher level of Citizens' Representatives Khural or the Government;

3) to make a decision on taking a certain part of its territory under local protection and to establish its boundary and protection regime.

Article 29. Power of Aimag, Capital City, Soum and District Governors

Aimag, Capital City, Soum and District Governors shall exercise the following power with regards to the special protected area:

1) to organize the implementation of the state policy and legislation on the special protected areas;

2) to develop and submit a proposal to take a certain part of his/her territory under the state special protection to the relevant body;

3) to manage the protection of nature reserves and monuments.

Article 30. Activities of the Administration of Conservation Area or National Park

The Administration of Conservation Area or National Park (hereinafter to be referred to as "Administration") shall conduct the following activities:

1) to ensure the implementation of the legislation on the special protected areas and the protection regime of the area;

2) to sign agreements with the organizations which were granted permissions to carry out research and studies, to issue permissions to activities allowed within the protection regime of the area, and to monitor such activities;

3) to take samples for research and studies, to regulate the herd structures, to reclaim natural resources, and to maintain forest;

4) to provide water to animals, to make hays, to put fodders and salt-lick for animals, to build shelters and to take other biotechnical measures according to the relevant procedures;

5) to let use mineral springs, minerals and natural resources for medical treatment and care according to the relevant procedures;

6) to put signs on permitted travel routes, to build required facilities, to establish car parks, to establish the areas and procedures for recreation and other social events, to ensure that such places meet the health requirements, and to improve such places in cooperation with citizens, business entities and organizations;

7) to monitor how the improvement of settlements and construction of buildings and facilities in permitted zones are completed in accordance with the approved plans;

8) to coordinate the activities to worship mountains and hills and to perform other traditional rituals;

9) to inform the significance of the special protected area, its protection regime and the relevant legislation to the public, to keep logs and to create a database;

10) to establish the types and quantity of animals that can be herded in permitted zones and the land to be used by citizens, business entities and organizations according to the relevant procedures.

Article 31. Power of Wildlife Rangers

1. Administration staff responsible for environmental protection and wildlife rangers shall have the rights and duties of the state environmental inspectors.

2. Wildlife rangers working in the special protected areas shall exercise the following power:

1) to monitor the implementation of this law and other environmental protection legislation, to intervene the violations detected, and to impose the proper liabilities on guilty persons;

2) to enter and audit business entities and organizations in order to monitor the implementation of the legislation;

3) to check and collect documents of citizens suspected of violating the legislation, and if necessary, to search their vehicles and to confiscate their weapons, instruments and things that they hunted, picked or prepared;

4) to stop the activities of citizens, business entities and organizations conducting activities, that have negative impacts on environment and violate the

legislation and protection regime, temporarily, to give them timed orders and instructions and to make demands;

5) to wear their uniforms and signs and to carry their weapons and instruments while performing their duties.

Article 32. Use of Weapons by Wildlife Rangers

1. The types of weapons and instruments to be used by wildlife rangers working in the special protected areas and the procedures for use of them shall be established by the state central administrative body in consultation with the General Police Office.

2. Wildlife rangers may use weapons in the following events while performing their duties:

1) when life and health of wildlife rangers are potentially endangered due to a real circumstance;

2) when life and health of wildlife rangers are potentially endangered by wild animals.

CHAPTER SEVEN

LAND UTILIZATION, RESEARCH AND STUDIES IN SPECIAL PROTECTED AREAS

Article 33. Land Utilization in Special Protected Areas

1. Land can be used by citizens, business entities and organizations of Mongolia in limited zones of conservation areas and national parks, nature reserves and monuments for certain purposes for certain periods under certain conditions on the basis of agreement in manners that are not harmful to environment.

2. Legal persons of foreign countries, international organizations, foreign citizens, stateless persons and business entities with foreign investment shall be prohibited from using land in the special protected areas.

3. Paragraph 2 of this Article shall not apply to project activities that are conducted by foreign and international organizations in the relevant zones of the special protected areas under this law.

Article 34. Term of Land Utilization and Area of Land

1. The term of the agreement on land utilization provided in paragraph 1 of Article 33 of this law shall not exceed 5 years and the agreement may be extended once for a period of upto 5 years.

2. The area of the land to be used by the citizen, business entity or organization shall be established by the Administration or the Soum or District Governor within the limit set by the state central administrative body.

Article 35. Lodging an Application for Land Utilization

1. Citizens, business entities and organizations shall lodge their applications for land utilization with the Administration or, if an Administration has not been established in the special protected area, with the Governor of the Soum or District under the procedures provided in paragraph 8 of Article 44 of the Land Law.

2. The Administration or Governor shall send the application of the citizen, business entity or organization for land utilization and its recommendations on the request to the state central administrative body.

Article 36. Making a Decision on Land Utilization

1. The state central administrative body shall make decisions on allowing citizens, business entities or organizations to use land in the limited zones of the conservation areas and national parks, nature reserves and monuments on the basis of the recommendations of the Administrations and Soum and District Governors.

2. If two or more persons make applications to use one piece of land, the state central administrative body shall choose one of them considering the purpose of land utilization, environmental impact, and the costs of environmental protection measures.

3. The state central administrative body shall choose among citizens, business entities and organizations who lodge applications for using lands for tourism considering how their facilities meet the international standards.

4. The decision provided in paragraph 1 of this Article shall specify the intended use, zone, location, boundary and area of the land to be used and whether the land will be used by single person or jointly by more than one persons.

5. If the state central administrative body refuses to use the land, it shall provide the reasons and grounds for refusal in its decision.

Article 37. Agreement on Land Utilization

1. Soum or District Governor shall sign an agreement on land utilization with citizens, business entities and organizations himself/herself or jointly with the Administration on the basis of the decision provided in paragraph 1 of Article 36 of this law.

2. The Agreement on Land Utilization shall specify the following things except those provided in paragraph 8 of Article 44 of the Land Law:

- 1) measures to preserve, protect and reclaim the original condition of the land and costs of such measures;
- 2) amount of land fee and payment term;
- 3) rights, obligations and liabilities of parties regarding land utilization and protection;
- 4) the conditions and procedures to returning the land upon termination of the agreement and the procedures for reclamation, repair, improvement and acceptance of the land.

Article 38. Rights and Obligations of Land User

1. The citizen, business entity and/or organization who are using land in the special protected area shall enjoy the rights provided in Article 45 of the Land Law.

2. The citizen, business entity and/or organization who are using land in the special protected area shall assume the following obligations except those provided in Article 45 of the Land Law:

1) to take measures to protect, preserve and reclaim the original condition of the land at its own expenses;

2) to enter and exit the land plot they obtained to use through an established route;

3) if they want to change the condition and intended use of the land that they are using in connection with activities provided in the law or agreement, they shall submit the relevant project to the state central administrative body for approval;

4) to reclaim, repair and improve the land upon expiration of the license for land utilization and to hand it over to the Administration or Soum/District Governor.

Article 39. Prohibited Activities of Land User

1. The citizen, business entity and/or organization who are using land in the special protected area shall be prohibited to conduct the following activities:

1) to assign the land fully or partially to others;

2) to conduct activities that are prohibited under this law and the protection regime of the special protected area and/or activities that are not provided in the agreement or are harmful to the environment.

2. In case the land is taken back from the user on the grounds provided in the law, the user shall not be given any land again in the special protected area.

Article 40. Termination of License for Land Utilization and Freeing the Land

1. The license for land utilization in the special protected area shall be terminated in the following events:

1) on the grounds provided in Article 39 of the Land Law;

2) repeated or serious violations of the protection regime of the special protected area.

2. Upon termination of the license for land utilization, the citizen, business entity or organization shall free the land they are using and hand the land over to the Administration of the special protected area or Soum/District Governor within 90 days unless otherwise provided in the agreement specified in Article 37 of this law.

Article 41. The Organization to Carry Out Research and Studies in the Special Protected Area and Its Obligations

1. The organizations, foreign and international research organizations which were granted permissions by the state central administrative body may

conduct research and studies in the special protected area on the basis of agreements.

2. Obligations of the organization to carry out research and studies in the special protected area:

1) to obey the legislation on special protected areas and the protection regimes of special protected areas;

2) to get the appropriate permission to carry out research and studies in the special protected area and to pay its fee;

3) to carry out research and studies using methods that are not harmful to environment;

4) to report on its research and studies to the Administration and the state central administrative body;

5) to take measures to reclaim the environment if it caused damages to environment during its research and studies and to hand over the reclaimed land to the Administration or Soum/District Governor.

CHAPTER EIGHT MISCELLANEOUS

Article 42. State Monitoring

1. The professional inspection institution, Administration and Governors at all levels shall monitor the implementation of the legislation on special protected area within their power.

2. State environmental inspectors shall monitor the implementation of the legislation on special protected areas and impose liabilities on violators within their power.

Article 43. Liabilities to be Imposed on Violators of the Legislation

1. Criminal and administrative liabilities provided in the laws shall be imposed on persons, who violated the legislation on special protected area considering his/her guilty, the character of violation and amount of damages.

2. If the prohibited or permitted activities cause damages to the original condition of the land, soil, water, flora and/or fauna in the special protected area, the guilty person shall pay compensation for damages under the relevant procedures.

3. If the following violations of the legislation on special protected areas are not subject to criminal liabilities, the judge or state environmental inspector shall impose the following penalties on the guilty person:

1) if the violator conducted activities violating the protection regime of the special protected area, income from such illegal activities shall be confiscated and a citizen shall be fined up to 20,000 Togrogs or a business entity or organization shall be fined up to 100,000 Togrogs;

2) if the violator conducted activities prohibited in nature reserves and monuments, income from such illegal activities shall be confiscated and a citizen shall be fined 2,000-20,000 Togrogs or a business entity or organization shall be fined 50,000-100,000 Togrogs;

3) if the violator conducted activities prohibited in national parks, income from such illegal activities shall be confiscated and a citizen shall be fined 10,000-20,000 Togrogs or a business entity or organization shall be fined 50,000-100,000 Togrogs;

4) if the violator caused negative impacts on or damages to the land condition, soil, water, air, flora and fauna during its research and studies, a citizen shall be fined 5,000-25,000 Togrogs or a business entity or organization shall be fined 50,000-100,000 Togrogs;

5) if the violator conducted activities prohibited in conservation areas, income from such illegal activities shall be confiscated and a citizen shall be fined 10,000-50,000 Togrogs or a business entity or organization shall be fined 50,000-250,000 Togrogs.

Article 44. Entry of the law into force

This law shall enter into force from April 1, 1995.

CHAIRMAN OF THE STATE IKH KHURAL N.BAGABANDI

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