

ENFORCEMENT OF ENVIRONMENTAL LAWS

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SUMMARY

In Mongolia, there have been adopted more than 20 different laws on environmental protection, living in secure, healthy environment, guaranteeing life of future generations as follow-up to the (UNCE) United Nations Conference on Environment and Development of Rio's Conference.

Mongolia has signed and ratified globally important documents in the field of the environment including the "Convention on Biological Diversity" (1993), the "Convention to Combat Desertification" (1996), the "Vienna Convention for the Protection of the Ozone Layer" (1996), the "Montreal Protocol on the Substances that deplete the Ozone Layer" (1996), the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal" (1997), and the "Convention on Wetlands of International Importance especially as Waterfowl Habitat" (1998), and is preparing to ratify the "Convention on Migratory Species of Wild Animals".

At the same time, the Mongolian government has been intensively developing bilateral cooperation on environmental protection with the governments of the People's Republic of Kirgystan since 1993, with the Russian Federation since 1994, as well as, with many other countries. Currently, measures are being taken to improve the ideas of Mongolian Legislation and the conditions of international bilateral agreements.

1 STATE OF ENVIRONMENT IN MONGOLIA

Mongolia has a territory of 1. 564 118 square kilometers, a current estimated population of 2.49 million people and it is located in Central Asia. Mongolia is a landlocked country, which borders with Russia and China, and occupies an ecological transition zone where the Siberian taiga forest, Central Asian steppe, Altai Mountains and Gobi desert meet.

The Mongolian Environment has a large variety of features. The northern part of the country is covered by forest mountain ranges dominated by Siberian Larch *Larix sibirica*, Siberian Pine *Pinus sibirica* and Scotch Pine *Pinus sylvestris*. The southern part encompasses desert, desert-steppe and steppe areas with low mountains, rolling hills, hillocks with a sparse vegetation cover. The eastern part consists of an area of vast plains and wild heaths. About 81 per cent of Mongolian territory are situated higher than 1000 meters above sea level and the average elevation of the country is 1580 meters above sea level (the

lowest and highest points being at 532 meters and 4374 meters respectively). One third of Mongolian territory consists of desert and desert steppe zones. These examples show that the Mongolian landscape is one of great variety and contrast.

Mongolia can be divided into 6 natural belts and zones: Alpine, Mountain taiga, and Mountain Forest Steppe belts; the Arid Steppe, Desert-Steppe and Desert zones. These belts and zones differ from each other on the basis of their soil quality and plant and animal species, which in turn are adapted to different habitats and climatic conditions characteristic to each of these belts or zones.

Mongolia has a unique biodiversity of flora and fauna. Today many of these areas provide habitat for representative and often-rare examples of the wild plants and animals of central and northern Asia. Wildlife species that have largely disappeared from the rest of continent remain here, sometimes relatively abundant. 10% of the whole territory is forest.

According to studies Mongolia has 665 species of fauna and 5775 species of flora. Mongolian game hunting resources consist of 56 species of mammals, 132 species of birds and 35 species of fish.

Mongolia has many useful plants such as 845 species of medical use, 173 species for human nutrition, 64 species of industrial use, 849 species of ornamental plants, as well.

2 NATIONAL LEGISLATION ON BIODIVERSITY CONSERVATION

The 1991 Constitution establishes the right of Mongolian citizens to live in a safe and healthy environment and states that all land and natural resources of Mongolia are subject to state protection. The adoption of environmental laws in conformity with the constitution created a legal basis for the protection of species.

The basic guidelines for the protection of the environment and its natural resources are clearly formulated in such directives as the "Mongolian National Security Policy Orientation" of 1995, the "National Development Strategy" of 1996 and the "Ecological Policy Orientation of Mongolian State" of 1997. The ideas of these documents are expressed in detail in the corpus of environmental laws, the national program on the preservation of biodiversity, the program to combat desertification and the program on protected areas and forest conservation, restoration and proper use. The implementation of such programs is in progress. At the same time, environmental protection has become an important item in the "Action Plan of the Mongolian Government", and in the annual guidelines of country's socio-economic development. Accordingly, all the administrative units plan their work at the ground level, focusing on wider involvement from the population.

The regular Spring Session of the State Great Hural (Parliament) hears and discusses the Report on the Current Status of the Environment, which plays an important role in the protection of biodiversity in Mongolia. In our work, we are also paying attention to all possible alternatives to develop multilateral and bilateral relations in the field of biological resource conservation, exchange of experiences and acquisition of new knowledge and technical know-how. All these activities are intrinsically linked with activities carried out to implement the provisions of the Convention on Biodiversity, Ramsar Convention, World Heritage Convention and CITES and Mongolia's commitments to the world community.

In past years state and governmental organizations have concentrated their efforts on the establishment of a legal foundation consistent with the environment protection objectives of the country. For example, in 1995 and 1996, the "Law on Natural Plants", "Law on Plant Protection", "Law on Hunting", "Law on Fees for the Harvest of Forest Timber and Fuelwood", "Law on Natural Plant Use Fees", and "Law on Hunting Reserve Use Payments,

and on Hunting and Trapping Authorization Fees” have been passed and came into effect under the State Great Hural. In addition, over 30 Regulations and Resolutions have been endorsed to support those laws such as the “Rules for Forest Management”, “Rules for Estimation of Damage caused by Forest and Steppe Fire”, “Procedures for collection, stocking and selling Forest Seeds”, “Rules of Forest Seed Laboratory”, “Procedures for Afforestation, Planning and Funding of Forestry”, “Instructions on Timber Felling”, “Methodology to Define the Extent of Fire Damage”, “Procedures to Transfer Planted Trees to the State Forest Fund and to Mobilize Manpower” and “Transportation to Combat Fire”. Also, some 20 rules and instructions were formulated on the conservation of wild animals and plants.

The protection of natural resources and their proper use fall under the “Law on Environmental Protection”, “Law on Water”, “Law on Land”, “Law on Protected Areas”, “Law on Protection from Toxic Chemicals”, “Law on Air”, “Law on Ground Mineral Resources”, which shall be perfected and improved in the years to come. New amendments have been made to the “Law on Protected Areas” and draft revisions have been prepared with regard to some other Laws. New Laws on fauna and pastures are currently under formulation. The new “Law on Assessment of Impacts on the Environment” enforced in 1998 and is making important contributions to the improvement of environmental conditions in this country.

According to Mongolian Laws, all biological resources must be re-examined and determined periodically. For instance, forest resources shall be surveyed every ten years; animal and plant resources shall be surveyed annually. As of today, resources of about 100 plant species that exist in this country have been identified and preparations to define the animal resources are now under way. Ecological and economic assessments of forests and some animals have been conducted. Based on Mongolian law, animal and plant species are classified as threatened, endangered and abundant. As a result, 18 animal species and 133 plant species are under protection and they can be used only for the purpose of scientific research. There are some 18 animal species and 234 plant species considered to be limited resources and measures shall be taken to restore their populations.

Before the harvesting or culling of any species, all individuals, economic entities or organizations should have carried out an environmental impact assessment and have plans to restore these species at their own expense; those restored species can be registered as the private property of the individuals, economic entities or organizations which have restored them. Also, they shall enjoy the right to domesticate wild species if they have the intention of breeding or growing them, and their activities will not have a negative impact on the environment. Any individuals, economic entities or organizations who trap animal species for the purpose of re-introduction, eliminating populations from disease core areas or for research, shall be exempted from fees. The government uses these fees for breeding of animals and growing plant species. According to law, 70 per cent of fees accumulated from the use of forests should be used for afforestation.

Those who violate Laws and Regulations can be heavily fined in accordance with the relevant provisions of the legislation. So, there is consistent effort in developing the economic mechanisms in Mongolian environmental protection.

In Mongolia there is an urgent need to make large scale investments with regard to the protection of biological resources from which we all gain the benefit of transferring the living legacy of nature to our children. Several institutions have been established, but more needs to be done to:

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- Organize activities on the enforcement of environmental legislation, stop violations of the legislation and compensate for damage resulting from violations.
 - Coordinate work related to environmental impact assessments for new industrial and service projects.
 - Monitor air, water and soil pollution and carry out activities to decrease pollution.
 - Provide work instructions to and assess work of state senior environmental inspectors, state inspectors and rangers.
 - Create positive working conditions for those who work in environment inspection.
 - Assess environmental degradation and control activities on environmental restoration.
 - Control implementation of environmental laws at the local level; stop violations of laws and provide local communities with information.

3 STRUCTURE OF ENVIRONMENTAL CONTROL

To achieve this, the institution of a State General Environmental Inspector has been established with the following structure:

- State General Environmental Inspector.
- State Senior Environmental Inspectors of Environmental Protection Agency – 8 persons.
- State Senior Environmental Inspectors of The Professional Inspection Agencies under aimag (administrative unit-province, there are 22 aimags in Mongolia) and city Governors – 22 persons.
- State Environmental Inspectors of The Professional Inspection Agencies under aimag. And city Governors – 48 persons.
- State Environmental Inspectors of Soums (administrative unit smaller, there are 400 soums in Mongolia) and Strictly Protected Areas – 374 persons
- Rangers –508 persons.
- Environment volunteer – 122 persons.