



## LAW OF MONGOLIA

October 23, 1997

### ABOUT SPECIALLY PROTECTED AREAS

#### Article 1 The purpose of the law

1.1. The purpose of this law is to regulate the relations related to the establishment of buffer zones and activities in buffer zones in special protected areas.

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#### Article 2. Legislation on Buffer Zones of Special Protected Areas

Legislation on Buffer Zones of Special Protected Areas shall consist of the Constitution of Mongolia, the Law on Special Protected Areas, this Law and other legislative acts enacted in conformity with them.

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#### Article 3. Buffer zone of a special protected area

3.1. A buffer zone is an area defined taking into account the requirements of reducing, eliminating and preventing negative impacts on protected areas and national parks, expanding citizens' participation in protecting the area, ensuring their livelihood, and rational use of natural resources.

3.2. Soum and district Citizens 'Representatives' Khurals may, if necessary, establish buffer zones and their boundaries in nature reserves and monuments.

The buffer zone shall be outside the boundaries of the Strictly Protected Area, and in the case of a national park, it may be outside its boundaries or overlapping with the restricted zone.

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#### Article 4. Criteria for determining the buffer zone

The buffer zone shall be determined taking into account the following criteria:

Ecological criteria:

4.1.1.a. Areas in need of protection of biological species of ecological, social and economic importance;

4.1.1.b. location, habitat, distribution of very rare and endangered animals and their migratory routes;

4.1.1.c. Areas where very rare and endangered animals have not inhabited but may be inhabited in the future;

4.1.1. Rivers, river headwaters and basins that have a special impact on the environment of a special protected area.

Socio-economic criteria:

4.1.2.a. The area inhabited by local people who earn income from the use of natural resources from the protected area;

4.1.2.b. location of sources of environmental pollution and scope of impact;

4.1.2.b. Areas where the population, households and livestock density have a negative impact on the carrying capacity of pastures and water supply;

4.1.2. D. A settlement whose social and economic development is highly dependent on the protected area, its environment and natural resources.

4.1.3 Other criteria:

4.1.3.a. an area with unique natural formation and features;

4.1.3.b. areas with historical and cultural monuments.

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#### Article 5. Determining the boundaries of the buffer zone

5.1. Before establishing a buffer zone, the Special Protected Area Administration (hereinafter referred to as the "Protected Area Administration") in cooperation with soum and district governors shall inform local citizens on the issue, the purpose of establishing buffer zones, proposals on this, legislation on buffer zones and citizens' participation should be explained.

5.2. The protection administration together with the soum and district governors shall study the area to be included in the buffer zone in accordance with the criteria specified in Article 4 of this law.

5.3 All survey data shall be mapped at a scale of at least 1: 500000 and shall include land, water, wildlife, forest and plant resources.

5.4. The Protected Area Administration in cooperation with the Council specified in Article 6 of this Law shall develop a proposal to establish the boundaries of the buffer zone and submit it to the soum or district governor.

5.5. Soum and district governors shall review the proposal, discuss it at the Citizens' Representatives Khural and have it approved by the state central administrative body in charge of nature and environment (hereinafter referred to as "state central administrative body").

5.6. The boundaries of the buffer zone specified in Article 3.1 of this Law shall be determined by the State Central Administrative Body within one year after taking the land under special protection based on the decision of the soum or district Citizens' Representatives Khural.

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#### **Article 6. Buffer Zone Council**

A non-staff environmental zone council (hereinafter referred to as the "Council") shall function to regulate the development of the buffer zone and to expand the participation of local citizens in the rational use, protection and rehabilitation of natural resources.

The Board shall have an odd number of members and shall have the following members:

6.2.1. At least two representatives from the Presidium of the Soum and District Citizens' Representatives Khurals;

6.2.2. At least three representatives from local citizens;

6.2.3. Two representatives from the protection administration.

Representatives of non-governmental organizations working in the field of environment may serve on the Council.

The Council has the following rights and responsibilities:

6.4.1. Public monitor the implementation of legislation in special protected areas and their buffer zones;

6.4.2. Develop proposals, recommendations, projects and buffer zone management plans on issues related to the use of land and other natural resources in the buffer zone;

6.4.3 Assist, advise and propose to the Governor in the implementation of environmental legislation and environmental zone management plans in the buffer zone;

6.4.4. To organize, distribute and monitor the accumulation of funds in the buffer zone fund;

6.4.5. To advertise the legislation on special protected areas and their buffer zones and disseminate relevant information to the public.

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#### **Article 7. Environmental zone fund**

7.1. The Council may establish a buffer zone fund (hereinafter referred to as "fund") for the purpose of developing the buffer zone of a special protected area and supporting the livelihood of local people.

The fund shall consist of the following sources:

7.2.1. Donations from foreign and domestic organizations, business entities and individuals;

7.2.2. A certain part of the income from projects, works and services implemented at the local level;

7.2.3. A certain part of the income from compensation for damage caused by a person who violated the environmental legislation;

7.2.4. Other income.

7.3. The share of citizens to be contributed to the fund from the income specified in 7.2.2 and 7.2.3 of this Law shall be determined by the respective level Citizens' Representatives Khural.

7.4 The Buffer Zone Fund shall be used for the following activities:

7.4.1. To rehabilitate the environment and reduce environmental degradation;

7.4.2. To support the livelihood of local people, provide assistance and support to small businesses and services, and implement projects;

7.4.3. To renew production techniques and technologies that have a negative impact on the environment;

7.4.4. To conduct environmental protection training and advocacy, and to conduct research in the buffer zone;

7.4.5. To eliminate damage caused by natural hazards and disasters.

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#### **Article 8. Buffer zone management plan**

The Governor shall develop and implement a buffer zone management plan in accordance with this law in cooperation with the protection administration and council.

The following shall be included in the Buffer Zone Management Plan:

8.2.1. Directions for protection, use and implementation of extremely rare and endangered animals and plants, as well as land and natural resources;

8.2.2. Directions and forms of rational use of natural resources in the buffer zone and measures to reduce the impact of such activities on special protected areas and buffer zones;

8.2.3 employment of citizens, social issues and measures to solve them;

8.2.4. Ways of migration of animals passing through the buffer zone and measures to protect them;

8.2.5 Expenditures and sources of financing required for the implementation of the buffer zone management plan.

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#### **Article 9. Environmental impact assessment**

9.1. Business entities and organizations engaged in logging, hunting, hunting camps, prospecting, mining, mining, construction of reservoirs, dams and dams in the buffer zone shall be carried out in accordance with relevant legislation. A detailed environmental impact assessment will be conducted.

9.2. The conclusion of the detailed assessment shall include the opinion and conclusion of the protection administration.

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#### **Article 10. Monitoring the implementation of the legislation on buffer zones**

10.1. Local self-governing and relevant state organizations shall monitor the activities carried out in the buffer zone and the implementation of the legislation on the buffer zone.

10.2. The Council shall provide assistance to the local self-governing and state administrative bodies in exercising control over the buffer zone.

Citizens, business entities and organizations shall submit their complaints on the protection of the buffer zone and the implementation of the legislation on the environment to the court, state inspector or Governor of the appropriate level in accordance with the procedures set forth in the relevant law.

10.4. If the state inspector or the Governor does not agree with the decision, he / she shall file a complaint to the court.

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#### **Article 11. Liability for violators**

A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

*/ This article was amended according to the law dated December 04, 2015 /*

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**CHAIRMAN OF THE PARLIAMENT OF MONGOLIA R. GONCHIGDORJ**