



## MONGOLIAN PARLIAMENTARY RESOLUTION

16 July, 2009

№ 55

Ulaanbaatar

### CONCERNING SOME MEASURES TO BE TAKEN RELATING TO THE PASSED LAW

#### TO LIMIT AND PROHIBIT MINERAL EXPLORATION AND MINING OPERATIONS AT HEADWATERS OF RIVERS, PROTECTED ZONES OF WATER RESERVOIRS AND FORESTED AREAS

Based on article 43, section 43.1 of the law regarding the Mongolian State Great Khural, and on article 24, section 24.6 of the law regarding the rules of the State Great Khural parliamentary sessions, the Mongolian State Great Khural establishes that:

✎ The following measures concerning the implementation of the law “To Limit Prohibit Mineral Exploration And Mining Operations At River Headwaters, Protected Zones Of Water Reservoirs And Forested Areas” shall be taken by the Government (Mr. S. Bayar) within three months following the passing of the law:

1/. Set the boundaries of the law and notify the public on the basis of a renewed cadastre of mining operations and geological realities;

2/. Submit its results to the State Great Khural, enforce the implementation of the laws concerning minerals and environmental protection and monitor the activities of license holders who are working inside the boundary of the law.

✎ The State Great Khural Environmental, Food and Agricultural Standing Committee (B. Batbayar), as well as the Economical Standing Committee (Ts. Bayarsaikhan) accept the responsibility of implementing and monitoring this resolution.

SPEAKER OF PARLIAMENT

D.DEMBEREL



MONGOLIAN LAW

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TO LIMIT AND PROHIBIT MINERAL EXPLORATION AND MINING OPERATIONS AT HEADWATERS OF RIVERS, PROTECTED ZONES OF WATER RESERVOIRS AND FORESTED AREAS

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

The purpose of this law is to prohibit mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas, and to regulate rehabilitation activities carried out in the above-mentioned areas.

Article 2. Rules and regulations related to the prohibition of mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas.

2.1. The legal corpus related to the limitation and prohibition of mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas, consists of the Constitution of Mongolia<sup>1</sup>, the National Security Law<sup>2</sup>, the Law on the Protection of the Environment<sup>3</sup>, the Law on Water<sup>4</sup>, the Law on Forests<sup>5</sup>, the Minerals Law<sup>6</sup>, this law, and other relevant legislative acts.

Article 3. Definition of the terms of the Law

3.1. The terms used in the writing of this law shall have the following meanings:

3.1.1. "Headwaters of rivers" shall mean high mountainous zones that consist mainly of surface waters and where the flow of rivers and river basins are brought into existence.

Footnote text in Mongolian script, likely providing legal references for the superscripts in Article 2.1.



- 3.1.2. “Forested areas” shall have the same meaning as the one specified in article 3.1.2 of the Law on Forests.
- 3.1.3. “Protected zones of Water Reservoirs” shall have the same meaning as the one specified in Article 31.3 of the Law on Water.

#### **Article 4. Prohibition of mineral exploration and mining operations**

- 4.1. Mineral exploration and mining operations are prohibited at headwaters of rivers, protected zones of water reservoirs and forested areas within the territory of Mongolia.
- 4.2. Article 4.1 of this law shall not comprise deposits of strategic importance.
- ~~4.3. The Government shall set the boundaries of the areas referred to in Article 4.1 of this law.~~  
Elimination of this provision basically makes it impossible to enforce the law without any agency setting boundaries of land to be protected under this law
- 4.4. This law does not apply in the case where a license holder operates outside the boundaries defined in article 4.3., engages in equitable rehabilitation, plants trees or builds an artificial lake or water reservoir.
- 4.5. Exploration and exploitation licenses shall not be issued for the lands specified in Article 4.1 of this law.
- 4.6. According to article 56.1.3 of the Minerals Law, the Government shall pay compensations to the license holders whose licenses were cancelled, and shall set the relevant procedures.

## **CHAPTER TWO**

### **ENVIRONMENTAL REHABILITATION ACTIVITIES**

#### **Article 5. Environmental rehabilitation**

- 5.1. According to article 4.6 of this law, holders of cancelled exploration and exploitation licenses are not discharged of their duty to rehabilitate the environment.
- 5.2. Environmental rehabilitation activities must be completed within two years under the monitoring of local governors and local citizens.



- 5.3. The public monitoring specified in Article 5.2 of this law shall be given to environmental and non-governmental organizations by decision of a Citizens' representatives Khural.

## CHAPTER THREE

### OTHERS

#### Article 6. Liability in case of a breach of legislation

- 6.1. People violating the law “to limit and prohibit mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas” are liable for criminal and other relevant legislations, depending on the nature of the violation and on the gravity of the damages.

SPEAKER OF PARLIAMENT

D.DEMBEREL



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**COMPLIANCE TO THE LAW**

**TO PROHIBIT MINERAL EXPLORATION AND MINING OPERATIONS AT  
HEADWATERS OF RIVERS, PROTECTED ZONES OF WATER RESERVOIRS  
AND FORESTED AREAS**

**Article 1.** The boundaries of the places specified in article 4.3. of this law must be set before any compliance to the prohibition of mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas is possible. Issued mining licenses that fall into the boundary of article 4.3 of this law shall be revoked within five months after the law was passed.

**Article 2.** This law shall enter into force on the day of its enactment.

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**ANNEX TO BE INCLUDED INTO THE MINERALS LAW**

**Article 1.** Is added to the Minerals Law, in article 17, provisions 17.2.2 and 17.3.3, and in article 24, provision 24.4.3, “prohibited mineral exploration and mining operations” after “area”; in article 24, provision 24.4.2, and in article 26, provision 26.2.2, “prohibited mineral exploration and mining operations” after “taken”; in article 42, provision 42.3, “shall do environmental rehabilitation” after “holders”; in article 56, provision 56.1.3, “, or in given places mineral exploration and mining operations are forbidden by law” after “take”.

**Article 2.** This law shall enter into force on the day of its enactment.

SPEAKER OF PARLIAMENT

D.DEMBEREL