

Mongolian Law to prohibit mineral exploration and mining operations at headwaters of rivers, protected zones of water reservoirs and forested areas

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CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

1.1. 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 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^[1], the National Security Law^[2], the Law on the Protection of the Environment^[3], the Law on Water^[4], the Law on Forests^[5], the Minerals Law^[6], 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.

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.

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

MISCELLANEOUS

Article 6. Liability in case of a breach of legislation

6.1. People violating the law "to 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.

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[1] Constitution of Mongolia, "State News" Bulletin, #1, 1992

[2] National Security Law, "State News" Bulletin, #3, 2002

[3] Law on the Protection of the Environment, "State News" Bulletin, #5-6, 1995

[4] Law on Water, "State News" Bulletin, #18, 2004

[5] Law on Forests, "State News" Bulletin, #27, 2007

[6] Law on Minerals, "State News" Bulletin, #30, 2006