

LAW ON FAUNA

5 May 2000

Ulaanbaatar

SECTION ONE. General provisions

Article 1. Purpose of this Law

1. The Purpose of this Law is to regulate the protection and breeding of fauna permanently or temporarily residing in the soil, water or on land within the territory of Mongolia (hereinafter "fauna").

Article 2. Legislation on Fauna

1. The legislation on fauna consists of the *Constitution of Mongolia*, the *Law on the Protection of the Environment*, the *Law on Special Protected Areas*, this Law and other legislative acts issued in compliance with them.
2. The hunting and trapping of fauna is regulated by the *Law on Hunting*.
3. The protection of livestock and domestic animals is regulated by the *Law on the Genefund of Livestock and Domestic Animals and Protection of their Health*.
4. If an international treaty to which Mongolia is a party is inconsistent with this Law, the provisions of the international treaty shall prevail.

Article 3. Definitions

1. The following terms are used in this Law as defined below:
 - 1) "**Distribution area**" ("*tarxac nutag*") means the territory fauna reside in or migrate through or the territory suitable for residing and migration of fauna.
 - 2) "**Extremely rare animals**" ("*nen xovor am'tan*") means wildlife species that have a restricted capacity to recover, a limited distribution, no usable reserves and are in danger of extinction.
 - 3) "**Rare animals**" ("*xovor am'tan*") means fauna which have a limited capacity to recover, limited distribution, have a small population and are potentially in danger of extinction.
 - 4) "**Biotechnical measures**" ("*biotexnikiin arga xemzhee*") means activities aimed at improving the habitat and forage conditions of fauna.

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5) "**Reintroduction of fauna**" ("*sergeen nutagshuulax*") means deliberately transferring fauna to their previous habitat in order to protect and breed rare fauna and fauna in danger of extinction.

6) "**Game animals**" ("*agnuuryn am'tan*") means fauna traditionally hunted or trapped for the use of their hides, fur, meat or other animal parts and fauna which have the potential to be used.

7) "**Game resources**" ("*agnuuryn nööc*") means the potential size or quota of animals that may be hunted or trapped from their biological reserves without affecting the normal growth and reproduction of the animal (usable potential of animals).

Article 4. Plenary Rights of Aimag and Capital City Citizens' Representative Assemblies and Governors

1. Aimag and capital city Citizens' Representative Assemblies have the following plenary rights concerning the protection of fauna:

- 1) Approving measures and budgets for protection of extremely rare and rare fauna within their territory and exercising control over their implementation;
- 2) Establishing limits within their territory according to provision 6.1.1 of this Law;
- 3) Discussing the governor's reports and information from the databank on fauna;
- 4) Other plenary rights as provided by law.

2. Aimag and capital city governors have the following plenary rights concerning the protection of fauna:

- 1) Coordinating and ensuring the implementation of legislation and resolutions related to the protection of fauna;
- 2) Implementing within their respective jurisdictions the provisions of articles 6.1.3, 6.1.7, 6.1.8, 6.1.9 and 6.1.11 of this Law;
- 3) Compiling data for the databank on fauna from sums and düüregs and submitting this to the central government organization;
- 4) Incorporating measures for the protection of fauna within their jurisdictions in their environmental programs and implementing such measures;
- 5) Other plenary rights as provided by law.

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Article 5. Plenary Rights of Sum and Diiüreg Citizens' Representative Assemblies and Governors

1. Sum and diiüreg Citizens' Representative Assemblies have the following plenary rights:
 - 1) Approving measures and budgets for the protection of extremely rare and rare fauna within their jurisdictions and exercising control over their implementation;
 - 2) Discussing the governor's activity reports on the protection of fauna;
 - 3) Other plenary rights as provided by law.
2. Sum and diiüreg governors have the following plenary rights:
 - 1) Implementing measures for the protection of the fauna within their jurisdictions according to the environmental programs in which the measures have been incorporated;
 - 2) Issuing permits for the use and possession of fauna to citizens and economic entities according to the procedures established by this Law;
 - 3) Other plenary rights as provided by law.

SECTION TWO. Protection of Fauna

Article 6. Methods for the Protection of Fauna

1. The following methods shall be used in the protection of fauna:
 - 1) Setting limits for fauna use;
 - 2) Listing extremely rare and rare fauna in international and Mongolian "Red Books" as well as other relevant treaties and conventions;
 - 3) Maintaining the normal growth of fauna, protecting the territory of its distribution and ensure that their migration routes are clear;
 - 4) Protecting the genefund of fauna and their offspring;
 - 5) Establishing game reserves and regulating their use;
 - 6) Reintroducing fauna to its indigenous habitat;
 - 7) Protecting fauna from threats by industrial and economic activities;
 - 8) Taking biotechnical measures;

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9) Assisting fauna that is threatened by disease, natural disaster or other danger;

10) Conducting scientific research aimed at establishing measures for the protection of fauna;

11) Educating the public in the humane treatment of fauna and disseminating information through the public media regarding the protection of fauna.

6.2 The central government organization responsible for environmental issues (hereinafter the "central government organization") shall implement the measures indicated in paragraphs 6.1.1-6.1.6, 6.1.10-6.1.11, professional environmental organizations (hereinafter "professional organizations") shall implement the measures indicated in paragraphs 6.1.4, 6.1.6-6.1.9, and citizens and economic entities shall implement the measures indicated in paragraphs 6.1.7-6.1.9.

Article 7. Protection of Extremely Rare and Rare Fauna

1. Extremely rare fauna includes the following species: Asiatic Wild Dog (*Cuon alpinus*), Snow Leopard (*Uncia uncia*), Eurasian Otter (*Lutra lutra*), Gobi Bear (*Ursos arctos gobiensis*), Przewalskii horse (*Equus przewalskii*), Wild Bactrian Camel (*Camelus bactrianus ferus*), Musk deer (*Moschus moschiferus*), Reindeer (*Rangifer tarandus valentinae*), Moose (*Alces alces pfizenmayeri*), Saiga Antelope (*Saiga tatarica tatarica*), Mongolian Saiga (*Saiga tatarica mongolica*), Central Asian Beaver (*Castor fiber birulai*), Whooper Swan (*Cygnus cygnus*), Ring-necked Pheasant (*Phasianus colchicus*), Hooded Crane (*Grus monacha*), White-naped Crane (*Grus vipio*), Siberian Crane (*Grus leucogeranus*), Houbara Bustard (*Chlamydotis undulata*), Dalmatian Pelican (*Pelecanus crispus*), Relict Gull (*Larus relictus*), Baikal Sturgeon (*Acipenser baeri baicalensis*), Amur Sturgeon (*Acipenser schrenki*), Tench (*Tinca tinca*), Amur Sculpin (*Mescottus haitej*), Emperor Moth (*Eudia pavonia*).

2. Extremely rare fauna may be hunted or trapped with special permits by the central government organization only for scientific purposes.

3. Hunting or trapping, preparing and trading hides, fur and other parts of extremely rare fauna for purposes other than specified in 7.2 are prohibited.

4. Any construction of industrial plants, power stations, chemical plants, railways or roads and mining activity within the territory of extremely rare fauna must be approved by the government based on the conclusions of an environmental impact assessment.

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5. Rare fauna may be hunted or trapped for the following purposes according to a permit issued by the central government organization:

- 1) Scientific, research, cultural, artistic and medicinal purposes;
- 2) According to the payment of special fees by foreigners and Mongolian citizens;
- 4) For regulating the number of fauna or removing the sources of infectious disease in certain areas.

6. The Government of Mongolia shall approve the list of rare fauna.

Article 8. Establishing Limits for the Use of Fauna

1. For the protection and reproduction of fauna, the central government organization may establish limits for the use of fauna during certain periods.

Article 9. Reintroduction of Fauna

1. The reintroduction of fauna shall be conducted by professional organizations according to permits issued by the central government organization and based upon the conclusions of scientific organizations.

2. The reintroduction of fauna shall be conducted according to the guidelines approved by the central government organization.

SECTION THREE. Ownership, Possession and Use of Fauna

Article 10. Ownership of Fauna

1. As per the *Constitution of Mongolia*, game animals are the property of the state.

2. Unless otherwise specified by law, the raw materials of fauna hunted or trapped according to the amounts stated in the permits, contracts and agreements and following payment of the proper fees belong to the hunter or trapper.

Article 11. Possession of Fauna

1. Citizens and economic entities may possess and use fauna other than extremely rare fauna in order to protect, breed and use them under certain conditions according to a valid contract.

2. The regulations for possession and use of fauna by citizens and economic entities shall be established by the Government and regulated by the aimag and sum Citizens' Representative Assemblies.

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Article 12. Types of Use of Fauna

1. The use of fauna means any activities carried out in order to use the specific characteristics of fauna according to the relevant laws and contracts without causing harm.
2. Fauna may be used in the following ways:
 - 1) For scientific, cultural, artistic and aesthetic purposes;
 - 2) For use of important aspects of fauna natural activities such as soil formation, pollinating of plant species and cleaning of nature;
 - 3) Use of animals to obtain the products of their living processes.
3. Other types of fauna use may be established by the central government organization.

Article 13. Use of Fauna for Scientific, Cultural, Artistic and Aesthetic Purposes

1. Use of fauna for scientific, cultural, artistic and aesthetic purposes, including observation, marking, drawing and photography, must be conducted without causing damage to the fauna or destroying its habitat.
2. Unless otherwise specified by law, permissions for use of extremely rare and rare fauna as indicated in 13.1 of this Law may be issued by sum and düüreg governors.

Article 14. Use of Important Aspects of Fauna Natural Activities

1. Use of important aspects of fauna natural activities must be implemented without causing damage to the fauna or health hazards.
2. Sum and düüreg governors shall issue permits for the use of fauna as specified in 14.1 of this Law.

Article 15. Use of Fauna for Extraction of Products of Living Processes

1. Use of fauna for extraction of products of their living processes, such as honey, antlers, velvet antlers or musk glands, must be implemented without causing harm or health hazards or destroying their habitat.
2. Permits for the breeding of fauna and use of animal parts for the purposes of producing medicine or any other by-products shall be issued by the central government organization.
3. Crossbreeding may be done in order to improve animal products.

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Article 16. Justification for Termination of a License to Use Fauna

1. A license to use fauna shall be terminated in the following instances:
 - 1) There is no further need for the use of the fauna or its use has been refused;
 - 2) The term of the contract for the use of fauna has expired;
 - 3) The relevant fees have not paid;
 - 4) The economic entity authorized to use fauna has been dissolved;
 - 5) A violation of laws, regulations or contracts for the protection and sustainable use of fauna has occurred.

Article 17. Animal Collections

1. **Animal collections** ("*am'tny cugluulga*") include live or stuffed animals, skins, fur, bones and other animal products obtained for research or educational purposes.
2. Permits for animal collection by citizens and economic entities are issued by the central government organization.
4. Permits for the export of animal collections must be issued by the central government organization in compliance with any treaties to which Mongolia is signatory.

SECTION FOUR. Fauna Databank, Fees and Financing

Article 18. Fauna Databank

1. The Fauna Databank consists of the following items:
 - 1) Data on fauna distribution, population size and assessments thereof;
 - 2) Research reports and data on fauna;
 - 3) Animal collections and embryos stored in laboratories;
 - 4) Information on the protection, sustainable use and breeding of fauna;
 - 5) Maps showing game animal distributions and population densities for each aimag and capital city.
2. Establishment of the fauna databank is regulated by the *Law on the Protection of the Environment*.

Article 19. Fees for Use of Fauna

1. The use of fauna by citizens and economic entities is subject to fees.
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2. The rates of fees for the use of fauna, procedures for their payment and provisions for discounts and exemption from these fees are defined by separate legislation.

Article 20. Fauna Protection Measures and their Financing

1. Measures to protect fauna may be financed by local government budgets, financial support from citizens and economic entities, and international aid.
2. Measures to protect and define the distribution and population size of extremely rare and rare fauna must be financed from the state budget.
3. Measures to protect fauna other than extremely rare species must be financed as follows:
 - 1) Measures to protect and breed fauna in a territory possessed and used by a citizen or economic entity on a contractual basis must be financed by the citizen and economic entity that has possession and use rights for the land concerned;
 - 2) Measures for the protection and breeding of animals used by citizens and economic entities must be financed using their own private funding.

SECTION FIVE. Miscellaneous

Article 21. Participation of Non-Governmental Organizations in the Implementation of Conservation and Breeding Measures for Fauna

1. Fauna protection and breeding measures may be implemented by non-governmental organizations on a contractual basis to be established with local governors pursuant and according to permits issued by the central government organization.
2. Non-governmental organizations may carry out activities such as making proposals on improving measures to protect and use fauna, protect fauna and ensure the enforcement of relevant laws.

Article 22. Regulation of Population Size

1. Actions may be taken to regulate the number of fauna in order to ensure ecological balance, protect human health and their safety, prevent infectious diseases to be spread to livestock and domestic fauna, remedy the sources of infectious disease, and to prevent damage to citizens and economic entities.

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2. Regulation of population size must be implemented without damaging other species or destroying their habitat and normal growth.
3. Selective culling of rare fauna must be implemented by a professional organization according to a permits issued by the central government organization based on the conclusions of a scientific organization.
4. Culling and measures to combat fauna hazardous to the health of humans, other fauna and to the environment, including animals that cause epidemics or spread rabies and other infectious diseases, and animals with excessive populations must be implemented by the relevant professional organization.

Article 23. Export of Fauna

1. The Government of Mongolia shall issue permits for the export of live extremely rare fauna in accordance with the treaties to which Mongolia is a signatory.
2. The central government organization shall establish procedures for the export of live fauna other than those covered by article 23.1 of this Law and the export of animal parts and research samples.

Article 24. Import of Fauna

1. The import of fauna must be arranged in accordance with procedures approved by the central government organization.

Article 25. Reimbursement for Damage Caused to Fauna

1. Persons liable for losses to fauna as a result of a violation of the legislation on fauna shall reimburse for the losses caused.
2. The amount assessed for reimbursement is double the ecological and economic assessment value determined by the Government.

Article 26. Rewards for Information Provided by Citizens

1. Sum and düüreg governors shall provide a reward to any person who provides information on, identifies or helps to identify violations of the *Law on Fauna*, equivalent to 15 percent of the fines and compensations paid by the violator.

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Article 27. Liability for Violations

1. An environmental inspector may impose the following penalties for any violation of the legislation on fauna that is not subject to the *Criminal Code*, depending on the nature of the violation and the extent of damages caused:

1) A fine of 5 000 to 10 000 MNT for a citizen or 50 000 MNT for an economic entity guilty of the use of an expired permit or of transferring a permit or license to a third party, or of an attempt to use fauna without a valid license or permit.

2) A fine of 20 000 to 50 000 MNT for a citizen or 50 000 to 250 000 MNT for an economic entity guilty of hunting extremely rare and rare fauna without a valid license or special permit.

3) Confiscation of any animal parts and a fine of 35 000 to 50 000 MNT for a citizen or 150 000 to 250 000 MNT for an economic entity guilty of causing a decline in numbers of rare fauna, destruction of their habitat, or trading in their hides, fur and other parts.

4) A fine of 35 000 to 50 000 MNT for a citizen or 75 000 to 200 000 MNT for an economic entity guilty of reintroducing or importing fauna without a license or permit.

5) A fine of 10 000 to 50 000 MNT for a citizen or 50 000 to 250 000 MNT for an economic entity guilty of the use of fauna without a license or special permit, and the used fauna must be returned to their habitat or given to the relevant organizations according to the central government organization's decision.

2. Criminal penalties shall be applied in the case of repeated violations of articles 27.1.2 to 27.1.4 of 27.1 of this Law or the hunting or trapping of extremely rare fauna, destruction of their habitat, or importing or trading in their hides, fur, or other parts.

Chairman of the State Great Hural of Mongolia

R. Gonchigdorj

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