

LAW OF MONGOLIA

May 17, 2012 Ulaanbaatar city

ON SOIL PROTECTION AND PREVENTION OF DESERTIFICATION

Article 1. Purpose of the law

1.1. The purpose of the law is to regulate relations concerning protection of soil from degradation, restoration, and desertification prevention.

Article 2. Legislation on soil protection and desertification prevention

2.1. The legislation on soil protection and desertification prevention consists of the Constitution of Mongolia, the Environmental protection law, the Land law, the Forest law, the Crop production law, this law and other legislative acts adopted in accordance with them.

2.2. Should an international treaty to which Mongolia is a party provides for other than this law, the provisions of the international treaty shall prevail.

Article 3. Scope of the law

3.1. This law shall apply to activities of the state, citizens, business entities, and organizations to protection soil and prevent desertification.

3.2. This law shall be of effect in all areas of primary classification except the water reservoir area of the unified land resource of Mongolia.

Article 4. Definitions of legal terms

4.1. The following terms used in this law shall be understood as follows.

4.1.1. soil means the friable part of the topmost land surface which contains fertile layer.

4.1.2. soil degradation means deterioration of soil fertility, weathering, erosion, contamination, and loss of original properties due to pasture land overgrazing

4.1.3. desertification means soil deterioration process due to other factors including climate change, human activities

4.1.4. soil protection means protection of soil from human and environmental factors and restoration

4.1.5. soil restoration means process of bringing deteriorated soil back to its original state and improvement its of fertility

4.1.6. desertification prevention measures mean activities to detect and report desertification conditions and to avoid desertification aimed at improvement of soil

4.1.7. desertification mitigation measures mean measures to decelerate and contain spread, intensity and process of desertification by conducting technical and biological activities against it

4.1.8. anti-desertification measures mean activities aimed to reduce and stop soil degradation, spread and intensity of desertification and eliminate its negative effects

4.1.9. aridity index means ratio between annual precipitation of particular area and sum of evaporation of plants and soil

Article 5. Degree of soil degradation and desertification state

5.1. The state central administrative body in charge of environmental issues shall approve criteria of degree of soil degradation and desertification state, and method of its attribution.

5.2. The degrees of soil degradation and desertification state shall be classified as follows.

5.2.1. weak;

5.2.2. medium;

5.2.3. strong;

5.3. The degree of weak soil degradation shall apply to land where less than five percent of particular area is contaminated or where there is minor erosion of topsoil and decrease in humus reserve is less than 25 percent.

5.4. The degree of medium soil degradation shall apply to land where less than 5-20 percent of particular area is contaminated or where there is erosion of topsoil and decrease in humus reserve reaches 25-50 percent.

5.5. The degree of medium soil degradation shall apply to land where less than 20-50 percent of particular area is contaminated or where there is major erosion of topsoil, loss of fertility and decrease in humus reserve is more than 50 percent.

5.6. The state central administrative body in charge of environmental issues shall approve the types of soil contaminants and the list of permissible content.

5.7. The degree of desertification shall be classified as follows.

5.7.1. degree of weak desertification shall apply to land where aridity index of the area that falls under the weak degree of soil degradation decreased by 0.1 unit during the last 30 years.

5.7.2. degree of medium desertification shall apply to land where aridity index of the area that falls under the medium degree of soil degradation decreased by 0.2 unit during the last 30 years.

5.7.3. degree of strong desertification shall apply to land where aridity index of the area that falls under the strong degree of soil degradation decreased by 0.3 unit during the last 30 years.

Article 6. Common soil protection and anti-desertification measures

6.1. The following common measures of soil protection shall be implemented.

6.1.1. prevention for soil where weak degree of degradation is detected

6.1.2. mitigation for soil where medium degree of degradation is detected

6.1.3. combat for soil where strong degree of degradation is detected

6.1.4. soil restoration

6.1.5. capacity building on soil protection

6.1.6. refrain from generating many branched roads

6.2. The following common measures to combat desertification shall be implemented.

6.2.1.provide sustainable land management in line with regional features

6.2.2.support crop production with strips of trees

6.2.3.use water resources properly, protect and increase ,

6.2.4.protect forest and plants, forest

6.2.5.protect soil in crop land

Article 7.Soil protection and desertification prevention measures

7.1.The following measures will be implemented to protect agricultural land soil and prevent desertification.

7.2.increase crop land soil fertility and introduce soil protection equipment and technology

7.1.2.sow in stripswhen grains are cultivated in more than 100 ha area in all cases except when using streamlined or zero-tillage technology

7.1.3.The length of thestripstated in 7.1.2 of this law shall be 100 m and its width shall be no less than 10 m.

7.1.4.use pasture land on seasonal schedule in accordance with heads of livestock of the particular area

7.2.The following measures will be implemented to protect urban land soil and prevent desertification.

7.2.1.citizens, business entities and organizations are to refrain from contamination of soil with waste in all areas except established sites

7.2.2.citizens, business entities and organizations are to have sewage facility that meets sanitation requirements

7.2.3.citizens, business entities and organizations constructing buildings are to restore soil in eroded area during and after construction

7.2.4.citizens, business entities and organizations are to plant trees and grass in no less than 10 percent of the area of the land they own or possess according to appropriate procedure

7.2.5.prohibit vehicle parking and driving in areas except established parking lots and carriageway of roads

7.3.The following measures will be implemented to protect soil in special needs land and prevent desertification.

7.3.1.legal entities engaged in minerals exploration and extraction in areas issued for artisanal mining and contracted petroleum sites are to restore soil degraded during operation in line with standard requirements of biological reclamation.

7.3.2.use pasture land for inter-aimag seasonal move and hay-making area of the state fodder fund in scheduled rotation

7.4.The following measures will be implemented to protect soil in forest resource areas and prevent desertification.

7.4.1.Forest the logged area before it become treeless

7.4.2.Log trees according to technology

7.4.3. Construct closures in areas prone to gullies with the purpose of determining soil compost and fertility and protect from degradation

Article 8. Power of the governmental organizations regarding soil protection and desertification prevention

8.1. The Government shall exercise the following power regarding soil protection and desertification prevention.

8.1.1. approve and implement national programs on soil protection, combating desertification, ensuring ecological security

8.1.2. ~~establish or dissolve supernumerary national committee and its secretariat with responsibilities to~~ organize nationwide soil protection and anti-desertification measures and manage in general.

/This sub-paragraph was amended by the law of 13 November, 2015/

8.1.3. implement measures stated in 6.1.3, 6.1.6, 6.2.1, 6.2.2, 6.2.4, 7.3.2 of this law

8.2. The state central administrative body in charge of environmental issues shall exercise the following power regarding soil protection and desertification prevention.

8.2.1. ensure to implement the state policy and national programs on soil protection and desertification prevention

8.2.2. approve rules and regulations concerning soil protection and desertification prevention, restoration technology and procedure and guidelines to set compensation, and ensure its implementation

8.2.3. implement measures stated in 6.1.2, 6.1.4, 6.1.5, 6.2.3, 6.2.5, 7.4 of Article 7 of this law

8.2.4. involve officers of alternative military service or army units in soil protection and anti-desertification measures in consultation with the state central administrative body in charge of defence issues if required

8.2.5. other power stated in laws

8.3. Aimag and capital city or soum and district citizen's representatives' khural shall exercise the following power concerning soil protection and desertification prevention in their relevant territories.

8.3.1. enforce soil protection and desertification prevention laws in their territories and monitor enforcement

8.3.2. approve budget for expenses of implementation of the measures stated in 6.1, 6.2 and 7.1.4 of this law aimed at soil protection and desertification prevention to be implemented in their territories

8.3.3. make decisions based on findings of professional bodies and proposition of Governor of the particular level regarding soil protection and evacuation of humans and animals due to desertification

8.3.4. approve plans on measures of soil protection and desertification prevention

8.3.5. take areas with strongly degraded soil under local special protection based on Governor's proposition substantiated with findings of professional authorities

8.4. Aimag and capital city or soum and district Governors shall exercise the following power regarding soil protection and desertification prevention.

8.4.1. resolve others measures including reduction in soil degradation, mitigation and neutralization of contamination, landfill, and stripping based on findings of professional bodies

8.4.2.submit draft budget of expenses of implementation of measures stated in 6.1 and 6.2 of this law regarding soil protection and desertification prevention to be implemented in their territories to the citizen's representatives' khural, ensure implementation and report on outcome

8.4.3.monitor how citizens, business entities, organizations engaged in business in their territories perform their obligations concerning soil protection and desertification prevention and eliminate discrepancies

8.4.4.determine list of areas that are likely to sustain soil degradation in cooperation with aimag or capital city land affairs office and specialized inspection agency, include it in the current year's land management plan and submit to the state administrative body in charge of land issues annually

8.4.5.if professional bodies find that soil has been degraded seriously and become desert due to wrongful activities of citizens, business entities, organizations, restrict and prohibit certain types of activities for up to five years

Article 9.Rights and obligations of citizens and legal entities regarding soil protection and desertification prevention

9.1.demand competent officers to stop activities of entities that degraded soil and effected desertification, eliminate soil contamination, restore, subject them to liabilities

9.2.obtain and provide competent authority with accurate information regarding soil degradation and desertification

9.3.Compensate for damage and restore soil if soil has been degraded due to one's wrongful activity

9.4.Implement activities stated in 7.1.1 and 7.1.2 of this law

Article 10.Incentives for soil protection and desertification prevention activities

10.1.The incentive stated in 46.1 of Article 46 of the Environmental protection law shall be provided to citizens, business entities and organizations that conducted activities aimed at soil protection and desertification prevention in the following cases.

10.1.1.owner and user of agricultural land improved soil fertility more than its original values

10.1.2.set up strips of trees around agricultural land, planted or reared or fencedfruittrees

10.1.3.conducted soil protection and desertification prevention activities in the community and increased jobs

10.1.4.voluntarily conducted protection and restoration of soil in land for common tenure

10.1.5.introduced advanced equipment and technology on soil protection and desertification prevention to mining industry and conducted using environmentally friendly technology

10.1.6.used pasture land in seasonally scheduled rotation

Article 11.Studies on state of soil degradation and desertification

11.1.Professional bodies shall perform studies and come up with findings on state of soil degradation and desertification.

11.2.Accredited soil laboratories shall determine changes in soil properties.

11.3.The following activities shall be included in the studies on state of soil degradation and desertification.

11.3.1.causes and sources of soil degradation and desertification

11.3.2.determine degree of state of soil degradation and desertification and scope of spread

11.3.3.determine soil properties

11.3.4.determine direct and indirect damages

11.3.5.determine ecological and economic value of degraded soil

11.3.6.plan the following measures regarding soil protection and desertification

a/soil protection and restoration

b/desertification prevention

c/mitigation of desertification

d/combat desertification

11.4.Citizens, foreign citizens, stateless people, business entities, organizations that own or possess or use land shall bear costs of determination of amount of damage caused on soil on their own and costs of determination of damages to soil of land for common tenure shall be funded from the particular aimag or capital city treasury.

Article 12.Compensation for damages to soil

12.1.State environmental inspector, relevant soum or district Governor shall ensure that damages sustained are cleared based on findings of professional body in case soil has sustained degradation, impose a fine equal to from eight-fold to ten-fold increase in the minimum wage per month and monitor its payment.

12.2.Compensation by offenders shall not be a justification to release from liabilities set out in /by Criminal law and Law on Offense.

/This paragraph was amended by the law of 04 December, 2015/

Article 13.Liabilities for violators of laws

13.1.Unless an official who has breached this law subject to criminal liability, he or she shall be held liable as provided by the Law on Public Service.

13.2.An individual, legal person who has breached this law is subject to the liability in accordance with Criminal law or Law on Offence.

/This Article was amended by the law of 04 December, 2015/

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