

Mongolian Law on Buffer Zones

23 October 1997

Ulaanbaatar

Chapter one

General provisions

Article 1. Purpose of this Law

1.1 The purpose of this Law is to regulate the determination of Special Protected Area Buffer Zones and the activities therein.

Article 2. Legislation on Buffer Zones

2.1 The legislation on Buffer Zones shall consist of the Constitution of Mongolia, the Mongolian Law on Special Protected Areas, the present Law and other legislative acts issued in conformity with them.

Article 3. Buffer Zones of Protected Areas

3.1 Buffer Zones shall consist of those areas established to minimize, eliminate and prevent actual and potential adverse impacts to Strictly Protected Areas and National Parks, to increase public participation, to secure their livelihood and to establish requirements for the proper use of natural resources.

3.2 Soum and Khoroo Citizen Representative Khurals may establish where necessary Buffer Zones around Nature Reserves and Natural Monuments.

3.3 Buffer Zones shall be established outside Strictly Protected Areas and may be either outside or overlapping with the Limited Use Zone of National Parks.

Article 4. Criteria for Buffer Zone Establishment

4.1 The following criteria shall be used for the establishment of Buffer Zones:

4.1.1 Ecological criteria:

4.1.1.a. areas which require protection for the preservation of biological diversity and which are ecologically and economically important;

4.1.1.b. areas which contain Very Rare and Rare species, their range or migration route;

4.1.1.c. areas which contain the potential distribution of Very Rare and Rare species even if they are not currently present;

4.1.1.d. areas which contain rivers, river courses and watersheds which significantly influence the environment of the Special Protected Area.

4.1.2 Socio-Economic criteria:

4.1.2.a. areas with local human populations who obtain an income from the use of the natural resources in the protected area;

4.1.2.b. areas with contain environmental pollution and negatively affected territories;

4.1.2.c. areas where high human and livestock population density have a negative impact on the carrying capacity of pasture and water supply;

4.1.2.d. areas with settlements which are extremely dependent, socially and economically, on the Special Protected Area and its natural resources.

4.1.3 Other criteria:

4.1.3.a. areas with unique natural formations and characteristics;

4.1.3.b. areas with historical and cultural monuments;

Article 5. Establishment of Buffer Zone Boundaries

5.1 Prior to the establishment of Buffer Zone boundaries, the Protected Area Administration in cooperation with the Soum and Duureg Governor shall introduce to the community the proposal, its purpose, the legislation governing Buffer Zones and the participation of citizens.

5.2 The Protected Area Administration, together with the Soum and Duureg Governors shall investigate the area to be covered by the Buffer Zone according to the criteria identified in §4.

5.3 All data collected through the investigation shall be reflected on a map at a scale not less than 1 : 500 000, including plants, wildlife, water, and forest resources.

5.4 The Protected Area Administration, together with the Council referred to in §6, shall develop a proposal for the establishment of a Buffer Zone and submit it to the Soum and Duureg Governor.

5.5 The Soum and Duureg Governors shall review the proposal and have it discussed by the local Khural and approved by the State Administrative Central Organization in charge of nature and environment (hereinafter referred to as State Administrative Central Organization).

5.6 The Buffer Zone boundary referred to in §3.1 of this Law shall be established by the State Administrative Central Organization within one year of the decision by the Soum and Duureg Citizen Representative Khural.

Article 6. Buffer Zone Council

6.1 There shall be a volunteer Buffer Zone Council (hereinafter referred to as Council) for the purpose of advising on the development of buffer zones, the restoration, protection and proper use of natural resources, and the participation of local people.

6.2 The Council shall have an odd number of members and shall include the following people:

6.2.1. No fewer than two (2) representatives from the Soum and Duureg Citizen Representative Khural;

6.2.2. No fewer than three (3) representatives from local citizens;

6.2.3. Two (2) representatives from the Protected Area Administration.

6.3. The Council may include representatives from non-governmental organizations working in the environmental field.

6.4. The Council shall have the following rights and responsibilities:

6.4.1. to conduct public monitoring of the enforcement of Special Protected Area and Buffer Zone legislation;

6.4.2. to develop proposals and recommendations regarding land and natural resource use in the Buffer Zone and to develop a Buffer Zone Management Plan;

6.4.3. to assist, advise and develop recommendations for the local Governor to implement the Buffer Zone Management Plan and enforce environmental legislation;

6.4.4. to organize the establishment of a local Buffer Zone Fund and control its distribution and expenditure;

6.4.5. to provide information to the local community on the Special Protected Area and Buffer Zone laws and regulations.

Article 7. Buffer Zone Fund

7.1 The Council may establish a Buffer Zone Fund for the purposes of developing the Buffer Zone and providing support for local people's livelihood.

7.2 The Fund shall be financed from the following sources:

7.2.1. donations from foreign and domestic organizations, economic entities and organizations;

7.2.2. a certain amount of revenue from projects, activities and services conducted within the Buffer Zone;

7.2.3. a certain amount of the fines paid for violation of environmental legislation;

7.2.4. other income.

7.3 The amount of income referred to in §7.2.2 and §7.2.3 shall be determined by the local Khural.

7.4 Buffer Zone Funds may be used for the following purposes:

7.4.1. to restore environmental damage and minimize degradation;

7.4.2. to provide support for local people's livelihood, small scale production, services and project implementation;

7.4.3. to restore production technology and machinery which is causing adverse environmental impacts;

7.4.4. to conduct training and public awareness activities regarding nature conservation and conduct research in the Buffer Zone;

7.4.5. to repair damage caused by natural disaster.

Article 8. Buffer Zone Management Plan

8.1 Local Governors, in cooperation with Protected Area Administration and the Council, shall develop a Buffer Zone Management Plan and implement it.

8.2 The Buffer Zone Management Plan shall include the following:

8.2.1. guidelines and measures and for the protection and use of Very Rare and Rare animals, plants, as well as land and natural resources;

8.2.2. measures for the proper use of natural resources in the Buffer Zone and for minimization of adverse impacts to the Special Protected Areas and Buffer Zone;

8.2.3. measures for the employment of citizens, social issues and decisions related to them;

8.2.4. measures for reducing the influence of the Buffer Zone on animal migration routes;

8.2.5. sources for finances necessary for the implementation of the Buffer Zone Management Plan.

Article 9. Environmental Impact Assessments

9.1 Organizations and economic entities who conduct commercial logging, hunting, establishment of hunters' camps, exploration and mining of minerals, establishment of water reservoirs, construct floodwalls or dams shall, pursuant to law, be subject to a Detailed Environmental Impact Assessment.

9.2 The conclusion of the Detailed Evaluation shall include comments and conclusions from the Protected Area Administration.

Article 10. Monitoring Enforcement of Buffer Zone Legislation

10.1 Activities conducted within the Buffer Zone and the enforcement of Buffer Zone legislation shall be controlled by the relevant local and State authorities.

10.2 The Buffer Zone Council shall assist the above mentioned local and State authorities with implementation of inspections in the Buffer Zones.

10.3 Citizens, economic entities and organizations shall make complaints regarding Buffer Zone protection activities and the implementation of environmental laws and regulations to a court, a State Inspector or the appropriate level Governor.

10.4 In the event of a disagreement with a State Inspector's or a Governor's decision, the matter will be sent to the court.

Article 11. Penalty for Violation

11.1 Judges and State Inspectors shall, within their authority, impose penalties for violation of the Law on Buffer Zones as set out in the Law on Administrative Penalties, Criminal Law and other laws.

Chairman of the Mongolian Ikh Khural

signature

Gonchigdorj