

Mongolian Law on Special Protected Areas and Law on Buffer Zones

Review, comments and recommendations



Table of Contents

I.	INTRODUCTION.....	1
II.	CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.....	1
2.1	LEGALLY BINDING MULTILATERAL ENVIRONMENTAL AGREEMENTS.....	1
2.2	NON-BINDING INTERNATIONAL ARRANGEMENTS	2
2.3	THE CBD PROGRAMME OF WORK ON PROTECTED AREAS AND MONGOLIAN LAW.....	2
III	SPECIFIC COMMENTS ON THE LAW ON SPECIAL PROTECTED AREAS AND THE LAW ON BUFFER ZONES.....	3
3.1	SEPARATE LAWS ON SPECIAL PROTECTED AREAS AND BUFFER ZONES	3
3.2	PROTECTED AREA CATEGORIZATION AND ZONING	3
3.3	ESTABLISHMENT AND SECURITY	6
3.4	PLANNING.....	7
4.	FINANCING	8
5.	SPECIAL PROTECTED AREA ADMINISTRATION	9
6.	CAREER DEVELOPMENT.....	9
7.	ENFORCEMENT	9
	TABLE 1. MEA OBLIGATIONS IN THE LAW ON SPECIAL PROTECTED AREAS AND LAW ON BUFFER ZONES.....	11
	TABLE 2. THE CBD PROGRAMME OF WORK ON PROTECTED AREAS AND MONGOLIAN LAW	13
	TABLE 3. THE LAW ON SPECIAL PROTECTED AREAS – AMENDMENTS, COMMENTS AND RECOMMENDATIONS.....	22
	TABLE 4. LAW ON BUFFER ZONES – PROPOSED AMENDMENTS, COMMENTS AND RECOMMENDATIONS.....	68

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I. Introduction

The existing Law on Special Protected Areas and the Law on Buffer Zones incorporate, to a greater or lesser degree, most of the principal elements that are generally acknowledged as requirements for contemporary protected area management. The degree to which the laws address these elements is discussed in the sections that follow. Table 1 illustrates how provisions of the laws correlate with obligations under multilateral environmental agreements (MEAs). Table 2 shows how the laws correspond to the Convention on Biological Diversity's Programme of Work on Protected Areas and makes specific recommendations for aligning the laws with it. Table 3 makes article-by-article comments on the provisions of each law and its proposed amendments.

The most significant way in which the current Law on Special Protected Areas differs from international best practice is in the degree to which the law promotes: (1) the participation of local people and communities in protected area establishment, planning and management; and (2) the sharing of benefits from protected areas with local people. Current provisions of the law provide for limited community participation in planning and management. Benefits are shared principally by facilitating land use by local people in and around protected areas. The Law on Buffer Zones, adopted only three years after the Law on Special Protected Areas, provides local communities much greater opportunities for actual participation in planning and management.

Proposed amendments to both laws will enhance opportunities for community participation in protected area establishment, planning and management. The amendments should provide explicit minimum mechanisms for benefit-sharing and enable the State Administrative Central Organization in charge of Special Protected Areas and the Special Protected Area Administration of individual protected areas to negotiate equitable benefit-sharing mechanisms and incorporate them into management plans.

II. Consistency with international obligations

Mongolian law is generally consistent with international obligations regarding protected areas. See Table 1.

2.1 Legally binding multilateral environmental agreements

The MEAs to which Mongolia is a Party that contain specific obligations related to protected areas are the Convention on Biological Diversity (CBD), Ramsar Convention on Wetlands of International Importance (Ramsar) and World Heritage Convention (WHC). Mongolia has listed 11 Ramsar sites and two World Heritage sites, one of which – the Uvs Nuur Basin – is a transboundary site on the border between Mongolia and the Russian Federation.

Article 10.3 of the Constitution of Mongolia provides that MEA obligations become effective as domestic legislation on the entry into force of the laws on their ratification or accession. The WHC has been in force for Mongolia since 1990; the CBD since 1993; and Ramsar since 1998. This means that the provisions of those MEAs currently operate as national law, equivalent to the Law on Special Protected Areas and the Law on Buffer Zones.

Technically, this means that the laws governing protected areas do not have to specifically incorporate the provisions of Ramsar and World Heritage, because constitutionally they are already considered part of national law. In practice, this means that there is a double obligation to ensure that the provisions of the Law on Special Protected Areas and the Law on Buffer Zones are harmonized with the provisions of the MEAs that are in force for Mongolia as international commitments and as national law. It also means that in amending the Law on Special Protected Areas and the Law on Buffer Zones it is necessary to verify that all proposed amendments, as well as the original text, are consistent with the MEA obligations.

2.2 *Non-binding international arrangements*

Biosphere Reserves are part of a voluntary global network coordinated by the Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO); they are established independently of any MEA obligations. Mongolia has five Biosphere Reserves: Great Gobi, recognized in 1990; Boghd Khan Uul, recognized in 1996; Uvs Nuur Basin recognized in 1997; Hustai Nuruuv, recognized in 2002; and Dornod Mongol, recognized in 2005.

Biosphere Reserves require a core area that will usually be a legally-protected area, a buffer zone, and a transition zone. Any of the Special Protected Areas established under Mongolia's Law on Special Protected Areas can be designated as the core zone of a Biosphere Reserve. The Law on Special Protected Areas (Article 4) also provides for "peripheral zones" of special protected areas that could be interpreted to enable the buffer zones required for Biosphere Reserves. The Law on Buffer Zones provides in detail for designated areas surrounding core protected areas that are dedicated to sustainable development with the participation of local people and other stakeholders. Mongolian law does not provide for transition zones, but legal recognition of transition zones is not required for Biosphere Reserves.

Some countries choose to include Biosphere Reserves as a category of protected area, others do not. The World Conservation Union (IUCN), whose World Commission on Protected Areas developed a system of protected area categories that is based on management objectives, no longer includes Biosphere Reserves as a separate category because the management objectives of Biosphere Reserves are included in the IUCN categories.

2.3 *The CBD Programme of Work on Protected Areas and Mongolian law*

Taken together, the Law on Special Protected Areas and the Law on Buffer Zones to some extent address most of the goals of the CBD Programme of Work on Protected Areas. The only goals of the Programme of Work for which existing Mongolian protected area law has no provisions are Goals 4.1-4.3, which deal with minimum standards for protected area systems, evaluation of the effectiveness of protected area management, and assessment of protected area status and trends, respectively. Fully aligning Mongolian law with the goals of the CBD Programme of Work will require amendments to the existing laws in addition to those that have already been proposed. See Table 2.

III Specific Comments on the Law on Special Protected Areas and the Law on Buffer Zones

This section discusses key element of the laws with recommendations for amending current provisions and adding new ones. See Table 3 for detailed comments and recommendations on individual articles and paragraphs.

3.1 Separate laws on Special Protected Areas and Buffer Zones

The primary disadvantage of having separate laws on special protected areas and buffer zones is that the separation could discourage coordination in implementing the laws. Since Article 4 of the Law on Special Protected Areas enables buffer zones – although it calls them “peripheral zones” rather than “buffer zones” – it is not clear why a separate law on buffer zones was adopted three years later, rather than simply issuing regulations or rules on buffer zones to implement Article 4. The Mongolian legal system appears to allow for secondary legal instruments. This may be confirmed by Article 26.5 of the Law on Special Protected Areas which appears to indicate that the Cabinet Ministry has the power to issue rules governing strictly protected areas and national conservation parks. Whether there should be separate laws on special protected areas and buffer zones or whether they should be consolidated into one law depends primarily on whether in Mongolia it is more efficient and effective in terms of costs and in terms of coordination to implement two laws or one. It would seem that there would be greater clarity in terms of roles and responsibilities for implementation if there were one Law on Special Protected Areas that provides for buffer zones and rules or regulations to govern them.

The principal disadvantage of combining these laws is that they have already been administered separately for 10 years and there will likely be some level of costs involved in adjusting administrative structures to accommodate the change. It is also likely that the costs of making that adjustment will be offset by savings from consolidating the administration of protected areas and buffer zones.

The rationale for consolidating the two laws includes:

- a. the Law on Buffer Zones uses criteria that are more appropriate for determining the establishment of special protected areas than of buffer zones;
- b. while it is understood that buffer zones are intended to encourage citizen involvement in their management, many of the provisions and proposed amendments of the Law on Buffer Zones offer opportunities for public participation that should be considered for the Law on Special Protected Areas as well;
- c. the relationships among the various levels of government authorities and local bodies will be easier to clarify;
- d. since management plans are currently required for buffer zones but not for special protected areas, it will provide an opportunity to harmonize the management plans for special protected areas and their buffer zones;
- e. it will facilitate the creation of ecological corridors.

3.2 Protected area categorization and zoning

The option of combining a range of categories with a range of possible zones for a variety of purposes gives protected area managers more flexibility in developing

individual protected area site management plans that are appropriate for the particular situation of each protected area and the requirements of the communities adjacent to it.

The IUCN categories, which were last revised in 1994 and in are undergoing review in 2007, are:

- Category Ia Strict Nature Reserve
protected area managed mainly for science;
- Category Ib Wilderness Area
protected area managed mainly for wilderness protection;
- Category II National Park
protected area managed mainly for ecosystem protection and recreation;
- Category III Natural Monument
protected area managed mainly for conservation of specific natural features;
- Category IV Habitat/Species Management Area
protected area managed mainly for conservation through management intervention;
- Category V Protected Landscape/Seascape
protected area managed mainly for landscape/seascape conservation and recreation;
- Category VI Managed Resource Protected Area
protected area managed mainly for the sustainable use of natural ecosystems.

The IUCN categories are now generally accepted as the international standard. The IUCN categories provide a framework for classifying protected areas according to the purpose for creating and managing them. This framework can be adapted to the specific requirements of individual countries. Many countries, particularly those that have updated their protected areas legislation since 1994, either explicitly or implicitly adapt the IUCN categories to their national contexts; a few countries explicitly adopt the IUCN categories at national level.

One significant advantage to aligning national categories with the IUCN categories is that it facilitates national reporting on implementing MEA obligations related to protected areas, and on progress in implementing the CBD Programme of Work on Protected Areas and in achieving global targets including Countdown 2010 to saving biodiversity.

There is no single “best” way to categorize protected areas, and countries around the world categorize protected areas in many different ways. The number of national categories ranges from one (New Zealand) to as many as 13 (Australia, which has one group of six categories for sites designated under international agreements, and another group for the IUCN categories). Most European countries have two types of categories – national categories and European Union categories. Some countries simply categorize protected areas as terrestrial and marine (Canada). Other countries group national protected area categories into two classes – one dedicated to sustainable use and another to varying degrees of protection (Brazil, Indonesia, Peru). South Africa uses national categories and sub-categories. Several countries, including Indonesia and Mexico, include Biosphere Reserves as a national category of protected areas.

Countries around the world use as few as one zone (Canada) and as many as six zones (Peru). Many countries specify the buffer zone as a statutory zone, others do not. As with categories, there is no fixed rule on what constitutes best practice with respect to zoning. Experience however indicates that protected area management is most

effective when managers have the option to use a range of categories and zones to provide for greatest flexibility in adapting protected area management to local requirements.

3.2.1 Categories

The categories of special protected areas established in the Law on Special Protected Areas are generally consistent with IUCN categories and international practice. The Law is not clear on whether all categories of special protected areas may be established at local as well as national level. On paper, the sub-categories of Nature Reserves appear to require clarification to differentiate them from the principal categories.

Mongolia's Law on Special Protected Areas provides for four categories of protected areas: Strictly Protected Areas; National Conservation Parks; Nature Reserves; and Monuments. It is not clear from the description of Strictly Protected Areas in Article 7 whether they are managed primarily for science, which would correspond with IUCN Category Ia, or whether they are managed primarily for wilderness protection, which would correspond with IUCN Category Ib.

Nature Reserves are classified into four sub-categories: Ecological Reserves; Biological Reserves; Paleontological Reserves; and Geological Reserves. From the descriptions of these sub-categories in Article 20:

- It is not clear what the difference is between ecological reserves and strictly protected areas, or at least the pristine zone of strictly protected areas. Since Nature Reserves allow human activities inside them, it is difficult to understand how virgin ecosystems could be preserved;
- It is not clear what the difference is between biological reserves and the conservation zone of strictly protected areas or the special zone of national conservation parks;
- It is not clear what the difference is between geological reserves and natural monuments.

Sacred sites are included in the Monuments category of special protected areas. If there is a need for additional regulation of sacred sites, that can be done through rules and/or regulations issued under the Law on Special Protected Areas, or through a new article on sacred sites in Chapter Five of the law.

Neither the Law on Special Protected Areas nor the proposed amendments to it appear to provide for a category that corresponds to IUCN Category VI, which are areas managed for sustainable use of natural ecosystems. Community conservation areas that have been established in other countries have proven to be successful both in terms of conservation and in terms of sustaining local people's livelihoods. It would be advisable to consider enabling Category VI areas to provide the community conservation area option for the future.

If such a review has not already been done, it would be worthwhile to review the experience with each category and sub-category with a view to aligning the Mongolian national system with the IUCN categories in order to: clarify the management objectives of each category and sub-category; and facilitate monitoring and reporting on international obligations.

3.2.2 Zoning

The Law on Special Protected Areas and the Law on Buffer Zones are inconsistent with respect to zoning.

The Law specifically provides for zones in only two categories – Strictly Protected Areas and National Conservation Parks. Zones are not provided for Nature Reserves at all. Article 24.4 of the Law on Special Protected Areas and its proposed amendment create a 3-kilometer area around Monuments where specified activities are prohibited, but does not refer to this area as any kind of zone. However, Articles 33 and 36 of the Law on Special Protected Areas, which deal with land use in special protected areas, refer to limited use zones in all four categories of special protected areas. This inconsistency should be remedied when the law is amended.

Article 4 of the Law on Special Protected Areas and the Law on Buffer Zones provide that buffer zones may be created for Strictly Protected Areas and National Conservation Parks. The Law on Buffer Zones also provides that Soum and Khoroo Citizen Khurals may establish buffer zones around Nature Reserves and Natural Monuments. This appears to create a situation in which buffer zones may not be created around State or national Nature Reserves and Monuments, but may be created around the same categories of special protected areas at local level. This inconsistency should be remedied when the laws are amended.

3.2.3 Ecological corridors, ecological networks or biodiversity corridors

Several terms are used by different countries to refer to these areas that link other protected areas and whose function is to combat ecosystem and habitat fragmentation and to provide suitable habitat that allows or stimulates species migration. They are neither a new category or protected area nor a new type of zone, because they may be made up of different categories of protected areas and may link with zones of Biosphere Reserves that may not be legally classified as protected areas. Several countries that have created corridors have done so without a specific legal basis for them. Other countries have adopted specific laws or regulations to enable them. The amendment of the Law on Special Protected Areas provides an opportunity to legally enable corridors and expand the options available for protected area management. It is recommended that at least an enabling provision be included when the law is amendment.

3.3 Establishment and security

The Law on Special Protected Areas provides for specific categories and zones of protected areas, but neither the law nor the proposed amendments specifically creates a national system to unify special protected areas in Mongolia. Complying with this CBD obligation will require amendments in addition to the ones already proposed. It is recommended that the additional amendments include:

- a. an article that establishes the national system of special protected areas. This article should specify what is included in the national system in addition to State/national special protected areas and ecological corridors. The law and the proposed amendments indicate that the State will not provide a budget for local special protected areas, which may mean that they would not be included in the national system. Biosphere Reserves may or may not be

included in the national system. If they are not, it is advisable to include a provision that specifies the relationship of Biosphere Reserves to the national system;

- b. an article that specifies the objectives of the national system;
- c. a chapter on criteria and procedures for establishing special protected areas.
 - 1) The criteria for establishing buffer zones that are given in article 4 of the Law on Buffer Zones are the type of criteria that would be used to decide on establishing a special protected area. The criteria for establishing each category of special protected area should be consistent with the management objective for the category.
 - 2) An article in this chapter should specify the minimum requirements for procedures for establishing special protected areas, which should include consultation with communities adjacent to the proposed special protected area to determine the boundaries for the area. Minimum requirements should also include socio-economic and environmental impact assessments as well as a physical survey of the site.
 - 3) An article should specify what authority has the power to establish special protected areas. It is possible that paragraphs 2 and 4 of Article 26, read together, give the Cabinet Ministry the power to do that, but that must be clarified. Articles 28 and 29 of the law should be included in a new chapter on establishing special protected areas.
 - 4) An article should specify what authority has the power to declassify special protected areas, if declassification is allowed at all. Best practice indicates that declassifying a special protected area should be allowed only by the same authority that has the power to create the area, or by a higher authority.
 - 5) An article should provide that the boundaries of all special protected areas and all zones must be clearly marked on the ground and that local communities should participate in this process.

3.4 Planning

The Law on Special Protected Areas does not specifically require management planning for special protected areas. A chapter on planning should:

- a. require that the plan for the national system of special protected areas is integrated with the land use plans that are required under the Land Law; and
- b. require that management plans be developed for the national system as well as for individual special protected areas.

The chapter on planning should stipulate that all planning must be consultative and should enable a range of options for the national system and special protected area managers to involve local communities and other stakeholders in planning and managing the national system and individual special protected areas.

3.4.1 System planning

An article in the chapter on planning should provide minimum requirements for the plan for the national system, including:

- a. Objectives of the system plan;
- b. Contribution of each existing protected area to achieving the objectives;
- c. Identification of gaps in coverage of representative ecosystems and habitats in the system;

- d. An time-bound action plan consistent with the CBD Programme of Work on Protected Areas for implementing and further developing the system and in particular for including representative ecosystems and habitats that are not yet included in the system;
- e. Assignment of a category for each existing and proposed protected area consistent with the categories of protected areas identified in the law, which in turn are aligned with the IUCN categories;
- f. Identification and designation of sites to be listed under the Ramsar Convention and the WHC and provisions for taking best advantage of those international designations;
- g. Specific link between the system plan and the tourism development plan mandated to be prepared under Article 16.1.3 of the Tourism Law 2000;
- h. Establish a range of fees and other financing mechanisms; and
- i. A national protected area system monitoring framework and plan that would ideally be linked with national socio-economic development plans.

3.4.2 Site planning

An article in the chapter on planning should provide minimum requirements for management plans for individual special protected areas, including:

- a. Management objectives for the protected area;
- b. Management authority, including coordination mechanisms for collaborative management with other government authorities and local communities;
- c. Activities permitted within the protected area;
- d. Activities prohibited within the protected area;
- e. Proposals for the development of services and infrastructure to support use and /or management;
- f. Activities appropriate for buffer zones and surrounding areas;
- g. Provisions for fees;
- h. Provisions for controlling tourism and related services;
- i. Provisions for maintaining traditional resource access rights;
- j. Provisions for sharing benefits from management of the area with communities living in and around it;
- k. Provisions for raising awareness of the values and importance of the protected area; and
- l. Provisions for allowing scientific or social research in the protected area.

The chapter should specify a deadline for developing management plans for special protected areas and provide that in the absence of a management plan, the area is managed on the basis of the management objective for its category. The rights and obligations of local communities with respect to the protected area should be agreed with the communities and included in the management plan. Any contracts, permits and licenses that may be granted for activities in a special protected area should only be for activities that are specifically permitted in the management plan.

4. Financing

Article 6 of the Law on Special Protected Areas lists income from tourism and other activities and services as general sources of income for special protected areas. It is possible that this includes entrance fees to the protected area as well as fees charged

for permits and licenses for activities in special protected areas, but that is not explicit in the law. Proposed amendments to Article 6 on financial special protected areas provide for a specified percentage of income from particular sources to be allocated to special protected areas. The Law on Buffer Zones enables a Buffer Zone Fund to finance activities in buffer zones and a proposed amendment would make such a fund mandatory.

It is recommended that the law be amended to include a chapter on financing, rather than one article. The chapter should, at a minimum:

- f. include the current provisions and proposed amendments to Article 6;
- g. enable special protected area administrations to charge and retain entrance fees and other specified fees;
- h. enable the use of financial incentives;
- i. require financial/business planning for the national system as well as individual special protected areas;
- j. enable both the State Administrative Central Organization in charge of special protected areas and the individual Special Protected Area Administrations to explore funding options in addition to those currently listed in Article 6;
- k. require monitoring of all funding mechanisms to ensure that they support the objectives of the national system and of the individual special protected areas and do not become an end in themselves.

Financing mechanisms should be tied to the management plans for the national system and for individual special protected areas and should clearly provide for staffing at levels adequate to implement the management plans.

5. *Special Protected Area Administration*

The Law on Special Protected Areas does not specify the management structure for the Special Protected Area Administration. It is advisable to specify at least the chief officer for a special protected area and that person's position in the Special Protected Area Administration, particularly with respect to the rangers. Because the rangers have broad police powers, the law should also specify the relationship of the rangers to the police.

6. *Career development*

Neither the Law on Special Protected Areas nor the amendments to it have any provisions for developing the skills and careers of special protected area staff. It is recommended that such measures be included in the amendments to the law and that the amendment include provisions to establish minimum competencies for special protected area staff.

7. *Enforcement*

The enforcement provisions of the Law on Special Protected Areas complement those of the Environmental Protection Law. The proposed amendments to the provisions of the Law on Special Protected Areas related to fines are progressive in that they are pegged to the level of the minimum wage so that they can fluctuate in proportion to the economy rather than becoming outdated because they are fixed in monetary terms.

The recommendations in Tables 2, 3 and 4 below elaborate on the broad issues discussed in Section III and offer additional, article-specific comments and recommendations on both laws.

Table 1. MEA Obligations in the Law on Special Protected Areas and Law on Buffer Zones

	Convention on Biological Diversity (CBD)*	Ramsar*	World Heritage Convention (WHC)*	Law on Special Protected Areas	Law on Buffer Zones
Definitions	Article 2	Article 1	Article 1		
Establish a system of protected areas	Article 8(a)				
Establish nature reserves/heritage sites		Article 4.1	Article 3	Article 3	
Develop guidelines for the selection, establishment and management of protected areas	Article 8(b)	Article 2	Article 5(a)	Articles 25 and 26 generally	Articles 4, 5, 6, 8-10
Regulate or manage biological resources within or outside protected areas/wise use/protect and conserve	Article 8(c)	Article 6	Articles 4 and 5	Entire law	Entire law
Promote the protection of ecosystems and natural habitats	Article 8(d)	Article 6	Articles 4 and 5	Entire law	
Promote sustainable development in areas adjacent to protected areas	Article 8(e)			Article 4	Entire law
Rehabilitate and restore degraded ecosystems	Article 8(f)			Articles 10, 15	
Prevent introduction of, control or eradicate alien	Article 8(h)				

	Convention on Biological Diversity (CBD)*	Ramsar*	World Heritage Convention (WHC)*	Law on Special Protected Areas	Law on Buffer Zones
species that threaten ecosystems					
Regulate or manage processes and activities which significantly adversely impact biological diversity	Article 8(l)			Articles 9-12, 15-18, 21, 24	Articles 8-10
List sites		Article 2	Article 3		
Research and training	Article 12	Article 4.3, 4.5	Article 5	Articles 9, 10, 15	
Public education and awareness	Article 13		Article 27	Articles 6, 30.9, amendment to Article 27.8	Articles 6.4.5, 7.4.4
Access to and transfer of technology	Article 16				
Exchange of information	Article 17	Article 4.3			
Technical and scientific cooperation	Article 18	Article 5	Articles 6 and 7		

*All provisions of these multilateral environmental agreements are incorporated by the Constitution into Mongolia's domestic law.

Table 2. The CBD Programme of Work on Protected Areas and Mongolian Law

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
<p>Goal 1.1 – To establish and strengthen national and regional systems of protected areas integrated into a global network as a contribution to globally agreed goals</p>	<p>From the English translation, it is not clear that the LSPA specifically establishes a national system of special protected areas. Paragraphs 2 and 4 of Article 26 provide that the Cabinet Ministry is responsible for creating an economic and organizational system for protecting special protected areas and for developing a national programme to develop special protected areas and their peripheral zones. It is possible that the combination of these two provisions is intended to be the basis for a national system of special protected areas.</p> <p>Article 27 appears to assign responsibility for managing national special protected areas to the State Administrative Central Organization (SACO) in charge of Special Protected Areas. Paragraph 12 of the proposed amendment to Article 27 assigns to the State Administrative Central Organization in charge of Special Protected Areas the responsibility for approving a management plan, but it is not clear from the English translation whether this is supposed to be a system plan or refers only to management plans for individual special protected areas.</p>	<p>The amendment to the LSPA should explicitly establish a national system of special protected areas and assign responsibility for its planning and management.</p>
<p>Goal 1.2 – To integrate protected areas into broader land- and seascapes and sectors so as to maintain ecological structure and function</p>	<p>Chapter Seven of the LSPA provides for land use by individuals and organizations within the limited use zones of all categories of special protected areas but the LSPA does not establish how special protected areas are to be</p>	<p>The amendment to the LSPA should specifically link establishment and management of special protected areas to the land use planning process established in Chapter Three of the Land Law. It should also</p>

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	<p>related to land uses and land use planning outside of special protected areas.</p> <p>Proposed amendment 3 to LSPA Article 30 indicates that the “protection council” to be established is responsible for incorporating implementation of special protected area management plans with Soum and District development policy, planning and activities, but it not clear from the English translation whether the council is advisory or has executive powers, and if it has executive powers, how those are supposed to be coordinated with the Special Protected Area Administration.</p> <p>Article 2.1 of the LSPA indicates that the Land Law is part of the regime governing special protected areas, so there should be no legal difficulty specifically linking the land use planning provisions of the Land Law with the national system plan for special protected areas and with management plans for individual special protected areas.</p>	<p>clearly allocate responsibility for doing this. The amendment should also require consultation with other sectors whose development initiatives have potential impacts on special protected areas.</p>
<p>Goal 1.3 – To establish and strengthen regional networks, transboundary protected areas (TBPAs) and collaboration between neighboring protected areas across national boundaries</p>	<p>LSPA Article 5.1 can be interpreted as enabling transboundary protected areas.</p>	<p>The amendment to the LSPA would delete this provision. This deletion should be re-considered.</p>
<p>Goal 1.4 – To substantially improve site-based protected area planning and management</p>	<p>Paragraph 12 of the proposed amendment to Article 27 assigns to the State Administrative Central Organization in charge of Special Protected Areas the responsibility for approving a management plan, but it is not clear from the English translation whether this</p>	<p>The amendment to the LSPA should specifically allocate responsibility for preparing management plans for individual special protected areas, implementing those management plans, monitoring their implementation, and for their periodic review</p>

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	<p>is supposed to be a system plan or refers to management plans for individual special protected areas. Preparation of the management plan for individual special protected areas should be the responsibility of the Special Protected Area Administration (SPAA), but neither Article 30 of the current LSPA nor the proposed amendments to it specifically allocate responsibility for preparing a management plan to the SPAA.</p> <p>Article 8 of the LBZ provides for the minimum content of buffer zone management plans. There is no corresponding provision for a national system plan or for management plans for individual special protected areas.</p>	<p>and revision. The amendment to the LSPA should indicate the minimum required elements for all management plans and enable the SACO and SPAAs to include additional elements as required.</p>
<p>Goal 1.5 – To prevent and mitigate the negative impacts of key threats to protected areas</p>	<p>Articles 12, 18, and 21.2 of the LSPA prohibit specified activities in strictly protected areas, national conservation parks, and nature reserves. There are no prohibitions or other preventive measures specified for monuments. Article 26.3 of the LSPA provides that the Cabinet Ministry is responsible for coordinating response to natural disasters and eliminating damages caused by them. Article 27.5 of the LSPA provides for preventing and combating harmful insects, rodents and fire and for mitigating damages from natural disasters and other emergencies.</p> <p>There is no specific reference to preventing the introduction of alien species into special protected areas. “Other emergencies” in</p>	<p>The amendment to the LSPA should establish minimum requirements for prevention and mitigation of threats to special protected areas.</p> <p>Because the impacts of alien species are among the greatest causes of habitat degradation, the amendment should include a specific article that provides for preventing the introduction of alien species into special protected areas and for controlling and eradicating alien species if they are introduced.</p> <p>It should explicitly provide that the management plans for individual special protected areas must include prevention and mitigation measures that target the particular threats faced by each area.</p>

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	<p>Article 27.5 could be interpreted as including the impact of alien species, but it would be preferable to have a specific provision.</p> <p>Article 7.4.1 and 7.4.4 of the LBZ provides that the Buffer Zone Fund may be used to restore environmental damage, minimize degradation, and repair damage caused by natural disaster.</p>	<p>It should require plans for responding to emergencies including for allocating the funding for responses.</p>
<p>Goal 2.1 – To promote equity and benefit-sharing</p>	<p>Chapter Seven of the LSPA provides in some detail for land use rights in limited use zones.</p> <p>Proposed new paragraphs 12.1 and 12.2 of Article 30 of the LSPA provide generally for use of land and natural resources by local people.</p> <p>The proposed new paragraph 1 of Article 41 of the LSPA allows native people who grazed their animals in an area before it became a special protected area to continue to graze on the condition that they enter into a contract with the State Administration Central Organization.</p> <p>Article 4.1.2 of the LBZ provides socio-economic criteria for establishment of a buffer zone that include an assessment of the local populations that depend on natural resources in the special protected area.</p> <p>Article 7.4.2 of the LBZ provides that the Buffer Zone Fund may be used to support local people's livelihoods.</p> <p>Article 8.2.3 of the LBZ provides that a buffer zone management plan must include</p>	<p>The amendment to the LSPA should explicitly link poverty reduction with biodiversity conservation and special protected areas in ways that are appropriate to Mongolia. There should consideration with respect to the needs of nomadic and indigenous peoples in Mongolia.</p> <p>There should be minimum requirements for measures in management plans for special protected areas that provide for sharing the benefits of special protected areas with local people. There should also be flexibility so that management plans can include specific measures for each protected area that are agreed on in consultation with local people.</p>

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	measures for the employment of citizens, social issues and decisions related to them.	
Goal 2.2 – To enhance and secure involvement of indigenous and local communities and relevant stakeholders	<p>The proposed amendment to the current subparagraph 2 of Article 30 of the LSPA would allow contracts with local people to participate in monitoring in special protected areas. The proposed new paragraphs 12.3 and 12.5 of Article 30 allow for citizens groups and the private sector to provide specified services in special protected areas.</p> <p>The proposed new paragraph 2 of Article 41 of the LSPA provides that local people must take an active role in protection, either as active or volunteer rangers.</p> <p>Proposed amendment 5.2 to the LBZ would require the Soum and District People’s Representative Meeting to discuss and approve proposed buffer zone boundaries. Proposed amendment 6.1.2 to the LBZ would assign to the Soum and District People’s Representative meeting the responsibility for ensuring the working relationships among the Buffer Zone Council, government, NGOs and citizens.</p> <p>Proposed amendment 6.2.5 to the LBZ would give the Soum and District governors the responsibility for ensuring integration among the council, government, NGOs, and private citizens.</p>	The amendment to the LSPA would include an overall commitment on the part of the government to ensure the involvement of local people and other stakeholders in all aspects of establishing, planning for and managing special protected areas. It should specify governance mechanisms to an appropriate level of detail to accomplish this. There should also be consideration with respect to the needs of nomadic and indigenous peoples in Mongolia.
Goal 3.1 – To provide an enabling policy, institutional and socio-economic environment for protected areas	Article 25.1 of the LSPA provides that the State Ikh Khural determines state policy on special protected areas.	

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	Articles 26.1, 27.1 and 29.1 give the responsibility for implementing state policy to the Cabinet Ministry, the SACO, and Aimag, Capital City, Soum and Duureg Governors, respectively.	
Goal 3.2 – To build capacity for the planning, establishment and management of protected areas	<p>The LSPA has no provisions for capacity building. The proposed amendment to Article 27.8 of the LSPA would provide for ecological training but not for training in other skills related to planning and managing special protected areas.</p> <p>Proposed amendment 6.3.2 to the LBZ would give the SPAA the responsibility for improving the capacity of council members in the field of natural resource management.</p> <p>Article 7.4.4 of the LBZ provides that the Buffer Zone Fund may be used to conduct training.</p>	The amendment to the LSPA should include an article on building both institutional and individual capacity to establish, plan and manage special protected areas.
Goal 3.3 To develop, apply and transfer appropriate technologies for protected areas	<p>The LSPA requires the use of environmentally safe technology in Articles 10, 11, 15, 16, and 27.4, but does not provide for development or transfer of appropriate technologies.</p> <p>Article 7.4.3 of the LBZ provides that the Buffer Zone Fund may be used to restore production technology and machinery that is causing adverse environmental impacts, but the proposed amendments would delete this provision.</p>	The amendment to the LSPA should include an article on appropriate technologies for special protected areas that includes provisions on development and transfer as well as application.
Goal 3.4 – To ensure financial sustainability of protected areas and national and regional systems of protected areas	Article 6 of the LSPA explicitly provides for financing special protected areas. It is not clear from the English translation whether this Article refers to individual special protected	Ideally, the amendment of the LSPA would consolidate elements of the financing mechanisms in both the LSPA and the LBZ, retaining the requirement for recurrent funding

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	<p>areas, to a national system of protected areas, or both. The LSPA specifies four sources of funding for special protected areas, but does not provide flexibility for exploring new options. Proposed amendments to Article 6 specify that the state must provide the budget for state special protected areas and specify percentages of particular sources of revenue.</p> <p>Article 7 of the LBZ enables the creation of a Buffer Zone Fund and the proposed amendment would make such a fund mandatory. Buffer zone funds may receive donations, unspecified revenue from projects, and a percentage of fines for violations of environmental laws. Article 8.2.5 of the LBZ requires that a buffer zone management plan include sources of financing. Paragraph 6.1.4 of the proposed amendment to the LBZ would provide resources from a “capital fund”. It is not clear from the English translation whether this means central and/or local government budgets or whether it is a reference to the Buffer Zone Fund.</p>	<p>from central and local budgets.</p> <p>It should require financial/investment planning for both the national system and for individual special protected areas.</p> <p>It should be explicit that entrance fees to individual special protected areas as well as fees charged for permits and licenses for activities in them may be retained by the special protected area to enhance its management. It should also be explicit that retention of fees is not a substitute for recurrent funding.</p> <p>It should enable both the State Administrative Central Organization in charge of special protected areas and the individual Special Protected Area Administrations to explore funding options in addition to those listed in the LSPA.</p> <p>It should require monitoring of all funding mechanisms to ensure that they support the objectives of the national system and of the individual special protected areas and do not become an end in themselves.</p>
Goal 3.5 – To strengthen communication, education and public awareness	<p>Article 6 of the LSPA provides that one of the uses for the budget for special protected areas is to inform the public.</p> <p>Article 30.9 of the LSPA provides that it is the responsibility of the Special Protected Area Administration to advertise and introduce the</p>	The amendment to the LSPA should include a chapter or at least an article providing appropriate measures to strengthen communication, education and public awareness related to the national special protected areas system as whole as well as to individual special protected areas. It should

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	<p>importance of special protected areas.</p> <p>The proposed amendment to Article 27.8 of the LSPA would provide for public advertisement in specified zones of strictly protected areas and nature reserves.</p> <p>There are no other provisions in the LSPA or the proposed amendments that require strengthening communication, education or public awareness.</p> <p>Article 6.4.5 of the LBZ provides that it is the responsibility of the Buffer Zone Council to provide information to the local community. Article 7.4.4 provides that the Buffer Zone Fund may be used to conduct public awareness activities.</p>	<p>also assign the responsibility for developing and implementing these measures and monitoring their effectiveness.</p>
<p>Goal 4.1 – To develop and adopt minimum standards and best practices for national and regional protected area systems</p>	<p>There are no explicit provisions for minimum standards for establishing and managing special protected areas in either the LSPA or the LBZ.</p>	<p>The amendment to the LSPA should require the development of national standards for establishing, planning and managing individual special protected areas and the national system.</p>
<p>Goal 4.2 – To evaluate and improve the effectiveness of protected areas management</p>	<p>There are no explicit provisions for evaluating the effectiveness of the management of special protected areas in either the LSPA or the LBZ.</p>	<p>The amendment to the LSPA should provide for periodically evaluating the management of the national system and of individual special protected areas and for using the results of the evaluations to adapt management approaches and management plans and methods.</p>
<p>Goal 4.3 – To assess and monitor protected area status and trends</p>	<p>There are no explicit provisions for assessing and monitoring protected area status and trends in either the LSPA or the LBZ. It may be inferred that the data to be collected and stored in a databank as provided in Articles</p>	<p>The amendment to the LSPA should specify the purposes for which the information on special protected areas in the databank should be used, including to monitor and assess status and trends, to evaluate management</p>

Goals of CBD Programme of Work	Corresponding Provisions of the Law on Special Protected Areas (LSPA) and the Law on Buffer Zones (LBZ) and Comments	Recommendations
	27.2 and 30.9 of the LSPA would be used for this purpose, but there is no requirement for use of the data collected – only for collecting it.	effectiveness, and to develop standards.
Goal 4.4 – To ensure that scientific knowledge contributes to the establishment and effectiveness of protected areas and protected area systems	The proposed new paragraph 11 of Article 30 of the LSPA provides that management plans are to be based on results of scientific research and the recommendations of professional individuals and organizations.	

Table 3. The Law on Special Protected Areas – Amendments, Comments and Recommendations

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>CHAPTER ONE General Provisions</p>		
<p>1 Article 1 Purpose of this Law The purpose of this law is to regulate the use and procurement of land for ate special protection and the preservation and conservation of its original conditions in order to preserve the specific traits of natural zones, unique formations, rare and endangered plants and animals, and historic and cultural monuments and natural beauty, as well as research and investigate evolution.</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 1/ First Paragraph of Article 1 The purpose of this law is to coordinate relationship related to taking territories under state and local special protection and protection and proper utilization of special protected areas.</p>	<p>The proposed amendment is more succinct than the current provision.</p> <p>It could be strengthened by including explicit references to the role of the law in contributing to national conservation and sustainable development goals as expressed in national policies and strategies such as the National Biodiversity Strategy and Action Plan and any other national policy or strategy related to protected areas specifically or conservation generally. References could also be made to specific ways in which the law contributes to the achievement of Mongolia’s Millennium Development Goals and the implementation of the measures in the Poverty Reduction Strategy Paper.</p>

Law on Special Protected Areas		Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
2	<p>Article 2. Legislation on Special Protected Areas</p> <p>1. The Legislation on Special Protected Areas of Mongolia shall consist of the Constitution of Mongolia, the Law on Land, the present Law and other legislative acts issued in conformity with them.</p>	No proposed amendment	<p>Point 3 of the proposed amendments to the Law on Buffer Zones includes this: “1/ Add “the law on environmental protection” after “Constitution” in paragraph 1 of Article 2”.</p> <p>The Law on Environmental Protection should be added to this paragraph of the Law on Special Protected Areas.</p> <p>Article 2.1 of the Tourism Law 2000 specifies that the “Law on the State Strictly Protected Areas” is part of the legislation governing tourism. To be consistent, this paragraph 2.1 of the Law on Special Protected Areas should specify that the Tourism Law is part of the law governing special protected areas.</p>
	<p>2. If any international treaties to which Mongolia is signatory provide otherwise, then the provisions of the international treaties shall be applied.</p>	No proposed amendment	<p>Article 10.3 of the Constitution provides that international treaties become effective as domestic law when the laws that ratify or accede to them come into effect. Because the international treaties that have obligations related to protected areas – the CBD, Ramsar and World Heritage – are already in effect as national law in Mongolia, it would be more appropriate to revise this provision to reflect that fact and revise other provisions of the law to harmonize them with the international agreements.</p>
3		<p>Point 1 The following articles shall be added to the Mongolian Law on Special Protected</p>	<p>It is a good idea to include an article that provides definitions that apply to the</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>Areas.</p> <p>1/ Article 3 Legal terms</p>	<p>entire law.</p> <p>In this new article, it would be helpful to include definitions of the following terms. Some of these terms are already used in the 1994 law. This list also includes definitions for concepts that are recommended to be included in the amended law. Sample definitions are provided for consideration.</p> <p><i>Special protected area</i> means an area especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. [This is the current IUCN definition of a protected area, which is currently being reviewed.]</p> <p><i>Alien species</i> means a species, subspecies, or lower taxon occurring outside of the range it occupies naturally or could not occupy without direct or indirect introduction or care by humans, and includes any part of that species that might survive and subsequently reproduce.</p> <p><i>Biological diversity, or biodiversity,</i> means the variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
		<p>species, between species and of ecosystems. [This is the definition from the CBD.]</p> <p>Buffer zone means an area lying outside the boundary of a protected area that is managed to enhance the conservation of the protected area by the adoption of special development activities that contribute to improving the socio-economic well being of buffer zone inhabitants.</p> <p>Ecological corridor means a designated area that links other protected areas and whose function is to combat ecosystem and habitat fragmentation and to provide suitable habitat that allows or stimulates species migration.</p> <p>Ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit. [This is the definition from the CBD.]</p>
	<p>1. "Strictly Protected Areas" are territories taken for protection upon consideration of their importance for the preservation of natural feature and state of Mongolia, maintain ecological balance, and protect rare and endangered fauna and flora as well as natural, historical and cultural heritages, and</p>	<p>This proposed definition is very similar to the text of Article 7 of the law. No amendments are proposed for Article 7.</p> <p>Strictly protected areas are one class or category of protected areas. The amendment does not propose to define</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations	
	which are coordinated under specific protection regime and rules.	<p>the other categories.</p> <p>It is recommended to define ‘special protected area’ in the article on definitions.</p> <p>Descriptions of the characteristics of individual categories of special protected areas should be given in the chapter for that category.</p> <p>This proposed amendment would more appropriately be made to Article 7, rather than being included in the new Article 3.</p>	
	2. Management plan for special protected areas /hereinafter referred to as management plan/ is document reflecting long and short term policy and planning for comprehensive activities designed to coordinate, manage and implement conservation and proper utilization of special protected areas in scientifically sound ways.		
	3. Internal zoning (system/regime) is protection zone designated to coordinate protection regime of special protected areas and national conservation park in scientifically sound ways.		
4	<p>Article 3. Classification of Special Protected Areas</p> <p>1. State Special Protected Areas shall be classified as follows:</p> <p>1/ Strictly Protected Areas;</p> <p>2/ National Conservation Parks;</p> <p>3/ Nature Reserves;</p> <p>4/ Monuments.</p>	<p>Point 2. The following articles and paragraphs shall be added</p> <p>1/ Paragraphs 1, 4 and 5 of Article 3</p> <p>1. Special protected areas shall consist of state and local special protected areas.</p> <p>4. Protection management of state special protected areas shall be administered by the Special Protected Area Administration established by State Central Administrative</p>	<p>Experience with the existing categories of special protected areas and the sub-categories of nature reserves needs to be reviewed and the categories and sub-categories revised, if necessary, on the basis of the findings of that review.</p> <p>It is not clear from Chapter Two which of the current IUCN protected area</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>Organization in charge of special protected areas.</p> <p>6. Certain part of management of special protected areas may be transferred to NGOs, economic entities and local citizens' fellowship under contract with specific conditions and requirements</p>	<p>categories Mongolia's strictly protected areas correspond to. IUCN category 1a, "strict nature reserve" is managed mainly for science. IUCN category 1b, "wilderness area", is managed mainly for wilderness protection.</p> <p>The proposed amendment omits paragraph 3.</p>
	<p>2. Aimag, Capital City, Soum or Duureg may take certain areas within their territory under local special protection.</p>	<p>Do local special protected areas use all of the same categories as state special protected areas?</p> <p>If not, this paragraph should specify which categories are allowed for local special protected areas.</p>
<p>5</p>	<p>Article 4. Peripheral zones of Special Protected Areas</p> <p>1. Peripheral zones are those areas located in the vicinity of Strict Protected Areas and National Conservation Parks and shall be established for conducting activities to involve citizens in conserving the areas and improve their living condition.</p>	<p>Although Article 4 uses the term "peripheral" rather than "buffer", this Article appears to enable what are now called buffer zones.</p>
	<p>2. Upon consideration of proposals by the relevant Citizen Representatives Khurals and its Board Members, the State Administrative Central Organization in charge of special protected areas (hereinafter shall refer to "State Central Administrative Organization") shall establish the boundaries of Peripheral Zones for Special Protected Areas.</p>	<p>Article 5 of the Law on Buffer Zones implements this provision.</p>

Law on Special Protected Areas		Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
6	<p>Article 5. Taking State Border Territories and Near-Border Territories under State Special Protection</p> <p>1. Pursuant to agreement with bordering countries, Near-Border Territories may be classified as a State Special Protected Areas.</p>	<p>Point 6</p> <p>1/ Subparagraph 1 of Article 5 shall be cut off</p>	<p>Paragraph 5.1 could be the basis for agreements for trans-boundary protected areas, which the CBD Programme of Work on Protected Areas promotes (Goal 1.3). It is the only paragraph of Article 5 that mentions agreements with bordering countries. It would be helpful to re-consider deleting this provision.</p>
	<p>2. An agreement with the State Border Guards shall be reached prior to making a decision on taking Near-Border Territory under state special protection.</p>		
	<p>3. Upon agreement with the Protected Area Administration or local Governor, the State Border Guards shall, in accordance with the appropriate legislation and relation to the border territory and near-border territory regime, establish procedures for the implementation of activities in the border territory or in territory which is under state special protection.</p>		
	<p>4. Upon the decision of the State Central Administrative Organization, the plenary rights of state environmental control inspector may be transferred to a border representative, substitute or assistant in order to protect Special Protected Areas. The border representative, substitute and assistant shall implement the plenary rights of the state inspector of environmental control only in border zones.</p>		
7	<p>Article 6. Financing Protection of Special Protected Areas</p> <p>1. The budget for Special Protected Areas</p>		<p>Ideally, the amendment of the LSPA would consolidate elements of the financing mechanisms in both the LSPA and the LBZ, retaining the requirement</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>protection shall consist of expenses to implement measures to conserve the environment, restore its wealth, maintain the land, conduct research and investigations through monitoring methods, inform the public, and pay for employees' salary.</p>		<p>for recurrent funding from central and local budgets.</p> <p>It should require financial/investment planning for both the national system and for individual special protected areas.</p> <p>It should enable both the State Administrative Central Organization in charge of special protected areas and the individual Special Protected Area Administrations to explore funding options in addition to those listed in the LSPA.</p> <p>It should require monitoring of all funding mechanisms to ensure that they support the objectives of the national system and of the individual special protected areas and no not become an end in themselves.</p>
<p>2. The financing protection of Special Protected Areas shall consist of the following sources: 1/ state central and local budget investment; 2/ income from traveling and tourism and other activities and services; 3/ donation and aid by citizens, economic entities and organizations; 4/ income from compensation for damage caused by persons who violate the Mongolian Law on Special Protected Areas and its regulations.</p>	<p>Point 2. The following articles and paragraphs shall be added 2/ Article 6, paragraph 2, subparagraphs 5, 6, and 7 and paragraphs 3 and 4. 6.2.5. Properties delivered by projects and programs funded by foreign and domestic sources 6.2.6. At least 60% of income generated from selling properties and items confiscated pursuant to the administration regulation due to violation occurred in the special protected area 6.2.7. 30% of the land payment from citizens, economic entities and organizations</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	using land in the special protected areas	
	6.3. To add new subparagraph “state special protected areas shall be financed by state central budget” to paragraph 1, article 3 of this law	
	6.4. To add new subparagraph “expenses for protection of local special protected areas shall be paid by the revenue made up from natural resource utilization fee in the area	Is the natural resource utilization fee the one established by Article 35 of the Environmental Protection Law? If so, it would be helpful to indicate that. If not, the fee must be enabled by this law or some other law.
	CHAPTER TWO Strictly Protected Areas and their Protection Regime	
8	Article 7. Strictly Protected Areas Strictly Protected Areas shall consists of those territories taken under state special protection, upon consideration of the preservation status of the original conditions and features of natural zones, in order to represent specific traits of the zones and scientific importance, and to ensure environmental balance.	No proposed amendment
9	Article 8. Strictly Protected Areas Zones 1. Upon consideration of the natural features, characteristics, unique soil, water, flora and fauna, and the human activities involved, Strictly Protected Areas shall be divided into the following zones: 1/ Pristine Zones;	No proposed amendment Conservation Zones in Strictly Protected Areas appear to have almost the same functions as Special Zones in National Conservation Parks. If the functions are similar or the same, it clearer to use one term for this type of zone, rather than two.

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
2/ Conservation Zones, and; 3/ Limited Use Zones;		
10 Article 9. Pristine Zone Regime 1. Only protection activities shall be implemented within Pristine Zones in order to preserve the original natural conditions features.	No proposed amendment	
2. Research and investigation activities may be conducted within the Pristine Zones only through observation without causing harm to the natural characteristics. All other activities are prohibited within this zone.	Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 2/ Subparagraph 2 of Article 9 Measures to put out fires, restore forest and plants, coordinate animal numbers in the Pristine Zone without bringing any change in the natural state shall be implemented by authorized professional organizations with recommendations provided by scientific organizations.	It is not clear whether the amendment is intended to replace the entire subparagraph 2, or only the second sentence.
11 Article 10. Conservation Zone Regime In addition to the activities described in Article 9 of this Law, biotechnological measures shall be implemented in Conservation Zones through the environmentally safe technology to enhance flora and fauna reproduction and eliminate damage caused by natural disaster.	Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 3/ Subparagraph 1 of Article 10 In addition to activities stated in Subparagraph 2 of Article 9 of this law, measures using environmentally safe technologies for forest maintenance, organizing of ecotourism according to established routines and direction, use of spa, mountain worship, and utilization of natural by products by local citizens may also be taken in the Pristine Zone.	It appears from the context that the words highlighted in yellow should be “conservation zone” rather than “pristine zone”,

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations	
12	<p>Article 11. Limited Use Zone Regime Pursuant to the appropriate permit, the following activities may be conducted in Limited Use Zones using environmentally safe technology: 1/ activities described in Articles 9 and 10 of this Law;</p>	<p>Point 5 Change the word "...appropriate" by "...of protection administration" in first Paragraph of article 11</p>	<p>It would be advisable to specify that the activities listed are permitted subject to the management plan for the special protected area. A permit would be issued only if the management plan permits that particular activity.</p> <p>The limited use zone is most likely the zone where the administration buildings for the special protected area would be located. It would be useful to include a paragraph that specifically enables locating the administrative center in this zone.</p>
	2/ soil and plant cover restoration;		
	3/ forest maintenance and cleaning;	<p>Point 3. The following words and meaning shall be added Add the word "restoration work" after the word "cleaning" in Subparagraph 3 of Article 11</p>	
	4/ pursuant to an approved program and method, conduct animal surveys and regulate the number, age, sex and structure of animal populations;	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 4/ Subparagraphs 4, 6, and 7 of Article 11 4. Define natural resource reserve and carry out ecological and economic evaluation</p>	
	5/ use mineral water and other treatment and sanitation resources;		Does this mean subsistence use of water sources inside the special protected area?
	6/pursuant to the appropriate procedure, organize eco-travel and tourism according to designated routes and directions	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 4/ Subparagraphs 4, 6, and 7 of Article 11 6. Carry out ecotourism</p>	
	7/ use accommodations constructed pursuant to	Point 4. The following amendments shall be	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
appropriate procedures and designated for temporary residence, camping, observation, research and investigation by travelers and other people with permission;	made in certain paragraphs and subparagraphs 4/ Subparagraphs 4, 6, and 7 of Article 11 7. Use accommodation and fields constructed and designated for temporary residence, camping, observation, research and investigation by travelers in the special protected areas.	
8/ take photographs, make audio and video recordings and use them for commercial purposes;		
9/ conduct mountain and ovoo workshop and other traditional ceremonies;		
10/ pursuant to the appropriate procedures, local residents may collect and use side-line natural resources and medicinal and food plants for their household needs.		
	Point 2. The following articles and paragraphs shall be added 3/ Subparagraph 11 of Article 11 11. To allow grazing of livestock in accordance with the duration, livestock types and number as set by the Special Protected Area Administration	Grazing is an activity that would be more appropriate in the buffer zone of a strictly protected area. Does this amendment propose to allow grazing in a strictly protected area because of the constitutional status of livestock (Article 5.6 of the Constitution)?
13 Article 12. Activities Prohibited in Strictly Protected Areas 1. If its prohibited to conduct the following activities in Strictly Protected Areas for purposes other than those described in Articles 10 and 11 of this Law:	Point 6 2/ the parts "...put roads in places other than limited use zone" in subparagraph 1 of article 12 shall be cut	The proposed amendment to subparagraph 1.1 would allow construction of roads in the pristine zone and conservation zone of a strictly protected area. This is not advisable, unless it is restricted to access roads for protected area administration.

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
1/ to change natural characteristics by plowing, digging, use of explosives, exploration of natural resources, mining, extracting sand or stone, harvesting wood and reeds, or constructing roads in areas other than in Limited Use Zones;		Introduction of alien species into special protected areas should be prohibited.
2/ to collect and prepare secondary natural resources or medicinal, food, and technical plants for commercial purposes;		
3/ to hunt, trap, or startle animals or destroy their nests, hibernation or burrows for purposes other than those described in the paragraph 4 of Article 11 of this Law;		
4/ to use methods, techniques or substances with have negative environmental impacts in order to combat or prevent hazardous insects, rodents, or fire;		
5/ to construct buildings other than those described in paragraph 7 of Article 11 of this law;		
6/ to conduct any activities which pollute the soil, water and air;		
7/ to enter a Special Protected Area with a dog and gun without permission from local protected area administration;		
8/ to land aircraft or fly at low altitude without prior permission from the local protected area administration;		
9/ to building winter, spring, autumn, and summer settlements or graze cattle without the appropriate permit;	Point 7. Subparagraph 9 of Article 12 shall be canceled	
10/ to using open water sources such as lakes, rivers, streams, springs or ponds for commercial		Is subsistence use of water allowed? If so, in which zones is it allowed?

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
purposes;		
11/ to conduct other activities prohibited by law, or protection regime which have negative environmental impacts		
	<p>Point 2. The following articles and paragraphs shall be added</p> <p>4/ Subparagraph 12 of Article 12</p> <p>12. To touch or use historical findings of natural, historical and cultural importance for purposes other than protection, rehabilitation, public advertisement or research</p>	
<p>14</p> <p>Article 13. National Conservation Parks</p> <p>National Conservation Parks shall consist of those areas taken under state special protection whose natural original condition is relatively preserved and which have has historical, cultural, scientific, educational and ecological importance.</p>		
<p>15</p> <p>Article 14. National Conservation Park Zones</p> <p>National Conservation Parks shall be divided into the following zones upon consideration of the natural features, the location of flora and fauna, the preservation requirements of its historical and cultural Monuments, and the conditions for developing travel and tourism:</p> <p>1/ Special Zones</p> <p>2/ Travel And Tourism Zones;</p>		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	3/ Limited Use Zones.	
<p>16</p> <p>Article 15. Travel and Tourism Zone Regime</p> <p>In addition to implementing protection measures for the preservation of the natural features, measures using environmentally safe technology to conduct research and investigation, to enhance flora and fauna reproduction, to restore soil and eliminate damages caused by natural disaster may also be under taken in Special Zones.</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>5/ Subparagraph 1 of Article 15</p> <p>Change as “In addition to implementing protection measures for preservation of natural features in accordance to the requirement measures using environmentally safe technology to put out fire, combat forest pests, worship mountain, conduct research and investigation, hunt wolves for coordinating the number, provide forage and salt marsh for animals, enhance fauna reproduction, restore water, plant trees may also be taken under Special Zones”</p>	<p>From the context, the title of this Article should be “Special Zone Regime”. Special Zones in National Conservation Parks appear to have almost the same functions as Conservation Zones in Strictly Protected Areas. If the functions are similar or the same, it clearer to use one term for this type of zone, rather than two.</p>
	<p>Point 2. The following articles and paragraphs shall be added</p> <p>5/ Subparagraph 2 of Article 15</p> <p>Add new subparagraph “Special Protected Area Administration may issue permission to forest cleaning and utilization of forest by-products by local citizens and fellowships based on environmental impact assessment.</p>	<p>Is it necessary to incur the expense of an environmental impact assessment for determining whether to allow collection of non-timber forest products? It would be more cost-effective and it would promote the participation of local people in the management of the special protected area, to include in the management plan measures that would allow collection of forest products and would also require the people collecting them to participate in monitoring the effects of these activities on the special protected area.</p>
<p>17</p> <p>Article 16. Travel and Tourism Zone Regime</p>	<p>Point 6</p> <p>2/ “...with relevant permission...” in paragraph 1 of article 16 shall be cut</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>The following activities may be conducted in Travel and Tourism Zones pursuant to the appropriate permit and through the use of environmentally safe technology:</p> <p>1/ activities described in Articles 11 and 15 of this Law; and</p>		
<p>2/ fishing in permitted areas.</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 6/ Subparagraph 2 of Article 16 2. Fishing for special and household purpose in areas defined by Protected Area Administration</p>	
<p>18</p> <p>Article 17. Limited Use Zones Regime The following activities may be conducted in Limitation Zones: 1/ activities described in Articles 11,15, and 16 of this Law; 2/ traditional livestock husbandry; 3/ construction of buildings for travelers and others with permission pursuant approved proposals, drawings, and permission; 4/ construct roads and road stations following the appropriate procedures and pursuant to approved drawings and proposals; 5/ support and maintaining fields required for sport facilities and public measures; 6/ conduct ecological assessment for and develop the settled areas in the territory pursuant to approved overall planning.</p>		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>Point 2. The following articles and paragraphs shall be added 6/ Paragraph 8 of Article 17. Activities to utilize natural plants for domestic and commercial purposes, hunt wolves for the purpose to reduce the number, clean up trees that are unable to live may be carried out by local citizens and fellowships with permission and inspection by SPA Administration</p>	<p>As there are only 6 items in Article 17, the paragraph proposed to be added should be paragraph 7 rather than paragraph 8.</p>
<p>19</p> <p>Article 18. Prohibited Activities within National Conservation Parks It is prohibited to conduct the following activities in National Conservation Parks for purposes other than those described in Articles 15, 16, and 17 of this Law: 1/ to conduct activities described in paragraph 1-8 and 11 of Article 12 of this Law; 2/ to conduct activities in Special Zones as described in paragraphs 9 and 10 of Article 12 of this Law; 3/ to extend settled territory or construct buildings in violation of the approved overall planning and drawings.</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 7/ Paragraph 1 of Article 18 Carry out activities stated in 1- 12 of Article 12 of this law</p>	
	<p>Chapter Four Nature Reserves and their Protection Regime</p>	<p>Article 36.1 refers to Limited Use Zones in Nature Reserves, but Chapter Four does not provide for zoning of any kind in Nature Reserves.</p>
<p>20</p> <p>Article 19. Nature Reserves Nature Reserves shall consist of areas taken</p>		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
under state special protection in order to create condition for the conservation, preservation, and restoration of certain natural features, natural resource and wealth.		
21 Article 20. Nature Reserve Classifications Nature Reserves shall be divided into the following classifications: 1/ Ecological Reserves for the purpose of preserving unique virgin ecosystems;		It is not clear what the difference is between ecological reserves and strictly protected areas, or at least the pristine zone of strictly protected areas. Since Nature Reserves allow human activities inside them, it is difficult to understand how virgin ecosystems could be preserved.
2/ Biological Reserves for the purpose of conserving rare and endangered plants and animals as well as enhancing the conditions for their reproduction;		It is not clear what the difference is between biological reserves and the conservation zone of strictly protected areas or the special zone of national conservation parks.
3/ Paleontological Reserves for the purpose of reserving natural state the remains of ancient animals and plants;		
4/ Geological Reserves for the purpose of preserving in natural state the land's unique formations, signs, and structures;		It is not clear what the difference is between geological reserves and natural monuments.
	Point 2. The following articles and paragraphs shall be added 7/ Subparagraph 5 of Article 20 5. Water reserve areas designated to protect rivers and other water sources	
22 Article 21. Nature Reserve Regime 1. Traditional household activities may be carried out in Natural Reserves provided they do not have		The management plan for each Nature Reserve should specify what activities are allowed and what are prohibited.

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
a negative impact on the natural features, the condition of certain wealth, or location, population increase, and reproduction of flora and fauna for which the Reserve is under protection.		
2. It is prohibited in Natural Reserves to engage in any activities for commercial purposes that change the natural original condition and which are likely to have a negative environmental impacts such as the construction of buildings, the digging of land, the use of explosives, the exploration and mining of natural resources, the hunting and trapping of animals, or the harvest of wood and reeds.	Point 3. The following words and meaning shall be added add “conduct any activity that will pollute river and water” after the word “...hunt and catch” in Paragraph 2 of Article 21	
Chapter Five Monuments and Their Protection Regime		
23 Article 22. Monuments Monuments shall consists of land taken under state special protection for the purpose of preserving the heritage of natural unique formation as well as historical and cultural traces in their natural state.		
24 Article 23. Monument Classifications 1. Monuments shall be divided into the following classifications: 1/ Natural Monuments; 2/ Historical and Cultural Monuments;		
2. Natural Monuments shall consists of waterfall, cliffs, caves, different kinds of rock formations,		Article 2 of the World Heritage Convention, which applies as national

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>small groups of trees, oases, mineral waters and springs, sand dunes, meteoric craters, lava beds, and calderas.</p>		<p>law in Mongolia, defines “natural heritage” as: natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.</p>
<p>3. Historical and Cultural Monuments shall consist of land containing ancient human dwellings and shelters, caves, pictographs, petroglyphs, deer and human stones, ancient burial sites, remains and ruins of ancient cities and settlements, rock walls, towers, canals, dams, ancient armories, mountains and oboo related to traditional customs, traditionally worshipped land, and sites where important historical events took place.</p>		<p>Article 1 of the World Heritage Convention, which applies as national law in Mongolia, defines monuments as: “architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;”</p>
<p>25</p> <p>Article 24. Monument Regime</p> <p>1. Protection measures such as construction blocks, fences, posting warning signs and assigning local people to be responsible for protection of the land shall be undertaken within</p>		<p>Boundary markers and other signs should be required for all categories of special protected areas and not only for monuments. Article 30.6 mentions signs but does not provide for boundary markers.</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
the territory of Monuments.		
2. Within 0,1-3.0 km of the territory of Natural or Cultural and Historical Monuments, it is prohibited to construct buildings which soil the view and scenery, to plow or dig land, to use explosives, to explore or mine natural resources, to touch, erode or remove Natural or Cultural and Historical Monuments, or conduct any other activities which causes damage to them.	Point 5 change the word “in the vicinity of 0.1- 3.0 kilometers” by “within 3.0 kilometers” in second Paragraph of article 24	Article 36.1 refers to Limited Use Zones around Monuments, but Chapter Five does not provide for zoning around Monuments, except for this provision that establishes a 3km area around monuments but does not refer to zoning. Is this 3km area supposed to be a buffer zone?
Chapter six Plenary Rights of State Organization for Special Protected Area		
26 Article 25. Plenary Rights of the State Ikh Khural The State Ikh Khural shall exercise the following plenary rights with respect to Special Protected Areas: 1/ determine the state policy for taking territory under state special protection;		
2/ at the request of the Cabinet Ministry, make a decision on taking territory under state special protection and include the territory in one of State Special Protected Area classifications; and approve or change Strictly Protected Area and National Conservation Park boundaries.	Point 3. The following words and meaning shall be added add the word “whether” after the word “take” in Paragraph 2 of Article 25	The first part of Article 25.2 indicates that the State Ikh Khural approves all categories of special protected areas, on recommendation of the Cabinet Ministry. The second part indicates that it approves only the boundaries of Strictly Protected Areas and National Conservation Parks. Article 26.6 indicates that the Cabinet Ministry establishes the boundaries of Nature Reserves and Monuments. Why is definition of boundaries split

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
		<p>between two authorities? A chapter on establishment of special protected areas needs to be added that specifies criteria for selecting special protected areas and procedures for establishing them. Boundaries of all types of special protected areas should be established when the special protected area is created.</p>
<p>27</p> <p>Article 26. Plenary Rights of the Cabinet Ministry The Cabinet Ministry shall exercise the following plenary rights with respect to Special Protected Areas: 1/ organize and ensure the implementation of the State's policies and legislation regarding Special Protected Areas;</p>		<p>Article 27.1 appears to give the same plenary rights to the State Administrative Central Organization. To harmonize these two provisions, Article 26.1 could provide that the Cabinet Ministry "ensures" implementation and Article 27.1 could remain unchanged, providing that the State Administrative Central Organization "organizes" implementation.</p>
<p>2/ create an economic and organizational system for protecting Special Protected Areas and regulate the activities of governmental and non-governmental organizations on this issue;</p>		<p>This paragraph, read together with paragraph 4 of this same Article, could be interpreted as giving the Cabinet ministry the power to establish a national system of special protected areas and for preparing a plan to administer it. It would be best to state this explicitly.</p>
<p>3/ take required measures on and coordinate citizens, economic entities and organizations for the protection of Special Protected Areas from natural disaster and other emergencies and eliminate damages caused by them;</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 8/ Paragraphs 3, 6, 7, and 8 of Article 26 3. Take required measures on and coordinate citizens, <u>fellowship</u>, economic entities and organizations for the protection of Special Protected Areas from natural disaster and</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	other emergencies and eliminate damages caused by them;	
	4/ develop and implement a National Program to develop Special Protected Areas and their Peripheral Zones and provide ecological safety and environmental balance;	This paragraph, read together with paragraph 2 of this same Article, could be interpreted as giving the Cabinet ministry the power to establish a national system of special protected areas and for preparing a plan to administer it. It would be best to state this explicitly.
	5/ approve rule on protecting Strict Protected Areas and National Conservation Parks within the framework of protection regime described in this Law;	
	6/ establish boundaries for Nature Reserves and Monuments.	See the comment on Article 25.2.
	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 8/ Paragraphs 3, 6, 7, and 8 of Article 26 6. Establish boundaries for Nature Reserves and Monuments and approve protection regime.</p> <p>Point 2. The following articles and paragraphs shall be added 8/ Subparagraph 7 of Article 26 Decide upon the issue of transferring management of special protected areas to local citizens' fellowship, economic entities and organizations</p>	<p>Subparagraph 14 of the proposed amendment to Article 27 appears to give the same power to the State Administrative Central Organization in charge of Special Protected Areas.</p> <p>It is excellent that the proposed amendments imply that private management of special protected areas is allowed.</p> <p>There needs to be an article or paragraph that explicitly enables private</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
		<p>management and establishes criteria for transferring management responsibility.</p> <p>Similarly, it would be advisable to include an article that enables community conservation areas.</p>
<p>28</p> <p>Article 27. Plenary Rights of the State Administrative Central Organization in charge of Special Protected Areas.</p> <p>The State Administrative Central Organization in charge of Special Protected Areas shall exercise the following plenary rights:</p> <p>1/ organize the implementation of the State's policies and legislations regarding Special Protected Areas;</p>		<p>Article 26.1 appears to give the same plenary rights to the Cabinet Ministry. To harmonize these two provisions, Article 26.1 could provide that the Cabinet Ministry “ensures” implementation and Article 27.1 could remain unchanged, specifying that the State Administrative Central Organization “organizes” implementation.</p>
<p>2/ approve procedures and programs, grant permission for research and investigation programs to be conducted in the Special Protected Areas, and receive and incorporate the relevant reports and information into the unified databank;</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>9/ Subparagraph [2] of Article 27</p> <p>2. Approve procedures and programs, grant permission for research and investigation programs to be conducted in the Special Protected Areas, and set up natural reserve information databank</p>	<p>Article 12 of the Environmental Protection Law creates a national environmental information databank. Is this the databank that is referred to in the paragraph? If so, it would be helpful to make a specific reference to it.</p> <p>If the intention is to create a new databank for special protected areas, there should be an article or at least a paragraph that explicitly establishes it and assigns responsibility for managing it.</p> <p>Article 30.9 of this Law provides that the Special Protected Area Administration is supposed to create an information</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
		databank. Individual databanks for each special protected area should be linked to either the national environmental information databank or to a new databank for special protected areas, or both and there should be an article or paragraph that does this.
	<p>Point 6 2/ "... grant permission" in paragraph 2 of article 27 shall be cut</p>	It appears that the proposed amendment in Point 6 is changing the amendment in Point 4 and it is not clear from the English translation what is meant.
	3/ establish procedure and programs for conducting research surveys and keep records on biodiversity, establish procedures for taking sample and probes, as well as conducting measures for observation purposes and hunting and trapping animals for the purpose of regulating herd structures in the protected zones;	
	4/ approve procedures and programs for maintaining and replanting forests, restoration of soil and plants, establish the size of land to be rehabilitated and methods and technology of the work to be done;	
	5/ establish the methods and procedures for preventing and combating harmful insects, rodents and fire and implement measures to reduce damages in the Special Protected Areas caused by natural disaster or other emergencies;	
	6/ in cooperation with the relevant Certified Organization, establish procedures on using mineral water, other minerals and secondary natural designed for treatment and sanitation, as	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
well as develop a list of and procedures for collecting and preparing plants with medicinal, food and technical designation;		
7/ set out travel and tourism routes, directions and procedures;	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>7. Set out ecotourism programs and procedure in the special protected area</p>	
	<p>Point 6</p> <p>2/ "...road and direction" in paragraph 7 of the same article shall be cut</p>	This amendment is not needed; the amendment in Point 4 does the same thing.
8/ in cooperation with the relevant State Administrative Central Organizations, review and approve overall planning for settled area in the authorized zones of the Special Protected Areas and the location and proposals for creating a new tourist, holiday and treatment camps;	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>8. In cooperation with State Central Administration organization approve ecological training, public advertisement center in the limited use zone in strictly protected area, and tourism and limited use zone of Nature reserves</p>	
	<p>Point 5</p> <p>change the word "permitted" by "limited use zone of strictly protected areas, tourism and limited use zone of national park" in subparagraphs 8 and 9 of Article 27</p>	This proposed amendment does not correspond with the English translation.
9/ set out size and procedures for land to be used for certain purposes in the authorized zones of Special Protected Areas as well as type and number of livestock allowed;	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>9. Set out the size, utilization condition and requirement, as well as type and number of animal allowed of the land to be used for conducting activities for protection and natural reserve use within the regimes set out in</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	special, conservation and limited use zones of protected areas classification	
	<p>Point 5 change the word “ permitted” by “limited use zone of strictly protected areas, tourism and limited use zone of national park” in subparagraphs 8 and 9 of Article 27</p>	This proposed amendment does not correspond with the English translation.
10/ in agreement with Cabinet Ministry of the appropriate level, make decision on establishing Protection Area Administration in Strictly Protected Areas and National Conservation Parks and appoint their chairmen.	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>10. In agreement with Aimag and Capital city Governor, make decision on establishment of Protected Area Administration and make decision on selecting the chairman among the state officials with professional background and at least 3 year working experience in the environmental field in accordance with Article 17.1 of the law on State Administration</p>	<p>The amendment to subparagraph 10 appears to clarify that the State Administrative Central Organization coordinates with Aimag and Capital City governors to establish the Protected Area Administration for all categories of special protected areas in their jurisdictions.</p> <p>There are conflicting proposed amendments to Article 29.3 that would either do the same thing or eliminate that provision altogether.</p> <p>There does not appear to be a provision for establishing the Protected Area Administration for state special protected areas.</p>
	<p>Point 2. The following articles and paragraphs shall be added</p> <p>9/ Subparagraphs 12- 17 of Article 27</p> <p>12. Approve the state special protected area management plan prepared by Special Protected Area Administration and manage implementation and ensure monitoring and inspection.</p>	<p>This amendment provides for approval of a management plan.</p> <p>There needs to be an article on planning that establishes the requirement for a system plan for the national special protected area system.</p>
	13. Approve the procedure to set internal	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations	
	zoning (regime/system) in the state special protected area as well as the zone boundaries		
	14. Approve the procedure to transfer management of special protected areas to NGOs, economic entities and local citizens' fellowship under contract	<p>Subparagraph 8 of the proposed amendment to Article 26 appears to give the same power to the Cabinet Ministry.</p> <p>It is excellent that the proposed amendments imply that private management of special protected areas is allowed.</p> <p>There needs to be an article or paragraph that explicitly enables private management and establishes criteria for transferring management responsibility.</p>	
	15. Provide environmental inspectors and rangers of the special protected areas with uniform, self defense tools, transportation means and other necessary equipment and make sure that the required resources are allocated in the state annual budget		
	16. To improve capacity and qualification of Protected Area Administration staff, rangers and environmental inspectors		
	17. Approve the procedure to take land under local special protection and protection regime and register locally protected areas in the state special protected areas network and issue certificate and provide with professional and technical management for protection		
29	<p>Article 28. Plenary Rights of Citizens' Representatives' Khural for Aimag, Capital City, Soum and Duureg.</p>	<p>Point 6 2/ "...protection regime" in paragraph 3 of article 28 shall be cut</p>	<p>Proposed amendments to Article 6.1 of the Buffer Zone Law give Citizens' Representatives Khurals broader plenary rights for buffer zones. If the two laws are consolidated, these plenary rights will</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>Citizens' Representatives' Khural of Aimag, Capital City, Soum and Duureg shall exercise the following plenary rights regarding Special Protected Areas:</p> <p>1/ discuss the Governor's report on the implementation of relevant legislation in the Special Protected Areas in their territory, and make the appropriate decision, and ensure its implementation;</p> <p>2/ submit proposals to Citizens' Representatives' Khural of the next higher level or Cabinet Ministry for taking certain part of their territory under state special protection;</p> <p>3/ make decision on taking certain part of their territory under local protection and set out its boundary and protection rules.</p>		<p>need to be harmonized.</p>
	<p>Point 2. The following articles and paragraphs shall be added 10/ Subparagraphs 4 and 5 of Article 28 4. At least 20% of revenue generated from natural resource use fee shall be spent for protection of local special protected areas, natural reserves and historical monuments</p>	<p>This new paragraph 4 would be more appropriate in the Article on financing.</p>
	<p>5. Support cooperation between Protected Areas Administration and Governor and put proper control and monitoring</p>	
<p>30</p>	<p>Point 1 The following articles shall be added to the Mongolian Law on Special Protected Areas.</p> <p>2/ Article 29 Participation by citizens, economic entities and NGOs</p> <p>1. Operation of protected area administration</p>	<p>The reference to Article 29 of the Environmental Protection Law should probably a reference to Chapter Six of that law. In the English translation of the Environmental Protection Law as amended up to 1998, Article 29 deals with weapons used by state inspectors.</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>may be implemented by citizens, economic entities and NGOs as well as citizens' fellowship stated in article 29 of the law on Environmental Protection wholly or partially under contract based on funds transferred.</p> <p>2. management of local protected areas may be delegated to/transferred to and implemented by local citizens' fellowship.</p>	
31	<p>Article 29. Plenary Rights of Aimag, Capital City, Soum and Duureg Governors</p> <p>Aimag, Capital City, Soum and Duureg Govrnors shall exercise the following plenary rights regarding Special Protected Areas:</p> <p>1/ organize the implementation of state policies and legislation on Special Protected Areas;</p> <p>2/ prepare proposals for taking certain parts of their own territory under state or local protection and submit it to the appropriate organization;</p>	<p>In the introductory paragraph, the words "in their respective jurisdictions" should be added after "shall exercise the following plenary rights regarding Special Protected Areas", to make it clear that the governors are not responsible for national special protected areas.</p>
	<p>3/ manage the protection of Natural Reserves and Monuments.</p>	<p>Point 5 change the word "natural reserves and historical monument" by "local special protected area in" in subparagraph 3 of article 29</p> <p>Point 6 3/ Paragraph 3 of article 29 shall be cut</p>
32	<p>Article 30. Activities of the Protected Area Administration in Strictly Protected Areas and</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>There is no article that establishes the management structure of a Protected Area Administration. Who is the chief</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	National Conservation Parks	<p>10/ Title of Article 30 Protected Area Administration and Protection Council of the special protected area</p> <p>officer of a special protected area, who that that officer report to, and what other staff report to the chief officer?</p> <p>The proposed amendments in Points 4 and 5 are conflicting.</p>
		<p>Point 5 change the title “strictly protected area and national parks” by “state special protected areas” in the title of Article 30</p> <p>The proposed amendments in Points 4 and 5 are conflicting.</p>
	<p>The Protected Area Administration in Strictly Protected Areas and National Conservation Parks (hereinafter referred to as “Protected Area Administration”) shall carry out the following activities:</p>	<p>Point 2. The following articles and paragraphs shall be added 11/ Subparagraphs 1, 2 and 3 of Article 30 1.Protected Areas Administration is a professional organization in charge of organizing conservation, restoration and proper utilization of nature and natural resources and biodiversity in the areas and shall carry out the following activities.</p> <p>The primary activity of the Protected Areas Administration should be to develop the management plan in consultation with local people and other stakeholders.</p> <p>All of the activities listed in this article are potential elements of a special protected area management plan.</p> <p>Some of the activities listed in this Article are things that the Protected Area Administration should do in any special protected area, including paragraphs 1, 2, 6, 7, 9 and 10.</p> <p>Other activities may or may not be included in the management plan, depending on the characteristics of each special protected area, including paragraphs 3, 4, 5 and 8.</p>
		<p>2.Protection council which consists of the chairman of the Protected Area Administration, Governor of the Soum or</p> <p>New paragraphs 2 and 3 appear to establish a council for each special protected area. For clarity, it would be</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>District, chairman of the Citizens' Representative Meeting, head of the departments in charge of environment and land at Aimag Governor's office shall operate at the Protected Areas Administration. Chairman of the Protected Areas Administration shall chair the Protection Council.</p>	<p>advisable to do this in a separate article, rather than in paragraphs of the article on the Protected Area Administration.</p> <p>The council appears to be composed entirely of government representatives with the exception of the chairman of the Citizens' Representative Meeting. A council is a good way to provide for the participation of communities in the establishment, planning and management of a special protected area and will be more effective if the membership is more balanced between government and civil society representatives. Article 6 of the Buffer Zone Law which creates the buffer zone council is a good example of balanced representation on such a council.</p>
	<p>3.The council shall have the following duties: 1. Incorporate implementation of Special Protected Area protection and management plan with the Soum and District development policy, planning and activities 2. Give input and provide feedback to the management plan development and put monitoring over implementation</p>	<p>It is not clear from the English translation whether the council is advisory or has executive powers. 3.1 indicates executive powers and 3.2 indicates an advisory role. If the council has executive powers, how are those supposed to be coordinated with the Special Protected Area Administration?</p>
1/ ensure the implementation of legislation regarding Special Protected Areas and protection rules of the area;		
2/ enter into contracts with organizations	Point 4. The following amendments shall be made in certain paragraphs and subparagraphs	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>authorized to conduct research and investigations, and grant permission to and conduct control over the activities to be conducted within the framework of the protection regime of the area;</p>	<p>11/ Subparagraph 2, 6 and 10 of Article 30 2. Approve the contract established with citizens and economic entities to carry out research and investigation and put monitoring over the activities</p>	
<p>3/ in accordance with appropriate procedures, take samples and probes for research and investigation purposes, regulate animal herd structure, restore natural wealth, and clean and maintain forests;</p>		
<p>4/ open water sources for animals, prepare hay, lay forage, salt and salt licks, build shelters and take other biotechnical measures according to the appropriate procedures;</p>		
<p>5/ ensure the use of mineral waters and other treatment minerals as well as natural resources according to the appropriate procedures;</p>		
<p>6/ establish land and procedures for posting signs for authorized travel and tourism routs and directions, build required accommodations, vehicle stations and conduct sporting other public activities, ensure sanitary conditions and maintain the facilities in cooperation with citizens, economic entities and organizations</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 11/ Subparagraph 2, 6 and 10 of Article 30 6. Establish land and procedures for posting signs for authorized travel and tourism routes and directions, build required accommodations, vehicle stations and conduct sporting other public activities, ensure sanitary conditions and maintain the facilities in cooperation with citizens, <u>fellowship</u>, economic entities and organizations;</p>	<p>Each special protected area should have markers for the boundary of the entire area and for the zones within each area.</p>
<p>7/ control the maintenance of settled areas and</p>		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>construction within the authorized zone and ensure that they are being conducted in accordance with approved plans;</p>		
<p>8/ regulate mountain and ovoo worship and conduct other traditional ceremonies;</p>		
<p>9/ advertise and introduce the importance of Special Protected Areas, protection regimes and relevant legislation regarding Special Protected Areas, and keep a record of data and create an information databank;</p>		<p>See the comment on Article 27.2 regarding the databank.</p>
<p>10/ identify the land to be used by citizens, economic entities and organizations according to the appropriate procedures, as well as the type and number of livestock remitted in the authorized zones.</p>	<p>Point 4. The following amendments shall be made in certain paragraphs and subparagraphs</p> <p>11/ Subparagraph 2, 6 and 10 of Article 30</p> <p>10. Grant permission to graze land within the type and number of livestock permitted in the limited use zone of strictly protected areas and tourism and limited use zone of National Conservation Parks and identify land to be used by citizens, economic entities and organizations according to the procedures stated in the Paragraph 9 of Article 27 of this law</p>	
	<p>Point 2. The following articles and paragraphs shall be added</p> <p>12/ Paragraphs 11 and 12 of Article 30</p> <p>11. Develop Protected Area management plan based on research results provided by relevant scientific organizations and scientists</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	and recommendation by professional and local organizations and have it approved by authorized organization and organize implementation	
	<p>12. In order to implement SPA management plan, the PAA shall carry out the following measures while transferring this duty to local citizens and fellowships”</p> <ol style="list-style-type: none"> 1. Grant certain lands for utilization and possession by local citizens and fellowships 2. Citizens and fellowships shall protect the environment and shall be privileged to use the natural resources 3. Fellowships may engage in sports hunting by establishing camping for hunting, engage in commercial operation and services using forest and forest-by products, carry out forest maintenance and cleaning, raise and breed animals, plant forests and plants, establish water funds and ponds and engage in ecotourism operation 4. Prevent from and put out forest and steppe fire, combat forest insects and pests, put environmental monitoring in the possession areas and carry out ecological training and public advertisement. 5. Delegate measures stated in Paragraph 12 of Article 30 of the law to economic entities and professional organizations and NGOs. 	
33	<p>Article 31. Plenary Rights of Rangers</p> <p>1. The official in charge of protection within the Protected Area Administration, as well as Rangers</p>	Rangers have many police powers. The law should specify the relationship between rangers and the police.

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>shall have the same rights and obligations as a State Environmental Control Inspector.</p>		
<p>2. Rangers working in Special Protected Areas shall exercise the following plenary rights:</p> <p>1/ conduct control over the implementation of this Law and other legislation regarding environmental protection, stop any violations and take appropriate action against the guilty person;</p> <p>2/ in order to conduct control over the implementation of the legislation, enter the premises of economic entities and organizations and carry out inspections;</p> <p>3/ inspect and temporarily confiscate documents of the person suspected in violation of legislation, and, if deemed necessary, carry out inspection of his/ her vehicle and confiscate guns and tools as well as items hunted, collected or prepared;</p> <p>4/ bring a temporary injunction against citizens, economic entities or organizations who have violated the laws, regulation or protection regimes by conducting activities which have negative impacts, assign and require them to do some task within a certain period of time;</p> <p>5/ wear a uniform and distinguishing badge, as well as carry instruments and arms during completion of assignments.</p>		
<p>34</p> <p>Article 32. Use of Arms by Rangers</p> <p>1. In agreement with State Police Department, the State Central Administrative Organization shall establish the types and procedures for the instruments and arms to be used by Rangers</p>		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
working in Special Protected Areas.		
2. During completion of their assignments, Rangers may use the arms in the following cases: 1/ in situation where the Rangers well-being or life is threatened by a criminal; 2/ in situation where the aggressive attack or wild animal threatens the Rangers life well-being.		
Chapter seven Land Use, Research, and Investigation Activities in Special Protected Areas		This chapter sets out general guidelines. All land use within a special protected area should be determined by the management plan for that area.
35 Article 33. Land Use in Special Protected Areas 1. Land within Limited Use Zones of Strict Protected Areas, National Conservation Parks Natural Reserves, and Monuments may be used by citizens, economic entities and organizations through the use of environmentally safe methods pursuant to a contract designating the purpose, terms, and conditions.	Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 12. Subparagraphs 1 and 2 of Article 33 1. Land within Limited Use Zones of Strict Protected Areas, National Conservation Parks Natural Reserves, and Monuments may be used by citizens, fellowship, economic entities and organizations through the use of environmentally safe methods pursuant to a contract designating the purpose, terms, and conditions.	The original provision and the proposed amendment refer to limited use zones in Nature Reserves and Monuments, but these zones are not provided for in Chapters Four and Five. The amendment should provide that land may be used according to the management plan and that contracts are issued according to the management plan.
2. Foreign legal entities, international organizations, foreign citizens, stateless persons and economic entities with foreign investment are prohibited from using land in Special Protected.	Point 4. The following amendments shall be made in certain paragraphs and subparagraphs 12. Subparagraphs 1 and 2 of Article 33 2. Foreign legal entities, international organizations, foreign citizens, stateless	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	persons and economic entities with foreign investment are strictly prohibited from possession of land in Special Protected areas.	
3. The provision set out in the paragraph 2 of this Article shall not apply to the activities of foreign and international organizations conducted in accordance with their project in the appropriate zones of Special Protected Areas within the framework allowed by this Law.		
36 Article 34. Size and Term of Land use 1. The term of the Land Use Contract described in paragraph 1 of Article 33 of this Law shall not also exceed 5 years and contract extensions shall not exceed 5 years each time.		This is good, as it allows flexibility for the management plans of different special protected areas to establish different durations for land use contracts in those areas, up to the 5-year limit.
2. The size of the land to be used by citizens, economic entities or organization shall be established by the Protection Are Administration or the Soum or Duureg Governor within the limit set out by State Administrative Central Organization.	Point 6 2/ "or soum and district governor" in the paragraph 2 of article 34 shall be cut	
	Point 2. The following articles and paragraphs shall be added 13/ Add the following to Article 34 3. The distance between lands given to utilization for tourism purpose by citizens, economic entities shall be at least 5 kilometers in the High Mountain and forest-steppe zone and at least 10 kilometers in the Gobi- steppe zone depending on the natural zones and local area feature, needs and requirements.	
	4. Citizens, economic entities and organizations using lands in the special	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	protected areas are prohibited from putting fences, encircle and put marks around areas other than those in the vicinity of wintering and spring areas (for livestock grazing) and facilities such as temporary residence, camping and shelters as stated in the contract	
37 Article 35. Request for Land Use 1. Pursuant to the procedures set out in paragraph 3 of Article 38 of the Mongolian Law on Land, citizens, economic entities or organizations shall submit their request for land use to the Protection Area Administration or, in the event such Protection Area Administration has not been established, to the Soum or Duureg Governor.	Point 5 change the word “to Soum and District Governors in areas where administration or protection administration not established” by “to administration” in Paragraph 1 of article 35	It is advisable to establish the Protected Area Administration at the time the special protected area is established or as soon as possible after that. References in this chapter to Articles of the Land Law need to be verified. Articles 38 and 39 of the English translation of the Land Law do not correspond with the references in Articles 35, 37, and 38.
2. The Protection Area Administration or relevant Governor shall submit the citizens’, economic entities’ or organizations’ request for land use along with their recommendations to the State Administrative Central Organization.	Point 6 2/ “ or governor” in paragraph 2 of article 35 shall be cut	
38 Article 36. Land Use Decision 1. The State Administrative Central Organization shall make a decision on land use by citizens, economic entities and organizations within the Limited Use Zones of Strictly Protected Areas, National Conservation Parks, Nature Reserves and Monuments based on the recommendations from the Protected Area Administration and Soum or Duureg Governors.	Point 5 Change the word “of administration and soum and district Governor” by “administration”, in paragraph 1 of Article 36	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
2. Where two or more persons request to use the same land, the decision shall be based on land use designation, environmental impacts and the expenses for environmental conservation measures.		
3. Where citizens, economic entities or organizations requests to use the same land for travel and tourism business, the decision shall be based on whether the facilities for those activities have attained international standards.		
4. The decision set out in paragraph 1 of this Article shall clearly state the land use designation, the location of the zone, the location of the land, its boundary, size and whether the land shall be used solely or jointly.		
5. In case of objection on land use then the reason and justification of it shall be set out in the decision of state administrative central organization.		
39 Article 37. Contract on Land Use 1.Pursuant to the decision described in paragraph 1 of Article 36 of this Law, Soum or Duureg Governors shall solely, or in cooperation with the Protected Area Administration, conclude a contract on land use with citizens, economic entities or organizations.	Point 6 2/ "himself or" in article 37 shall be cut	
2. In addition to provisions set out in paragraph 3 of Article 38 of the Mongolian Law on Land the following shall be reflected in the land use contract: 1/ the measures on and assets to be spent for preserving, conserving and restoring the natural		

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
<p>original condition of the land; 2/ the land payment amount and payment time; 3/ the rights and obligations and responsibilities of parties regarding land use and conservation; 4/ upon expiration of the land use contract, the conditions and procedures for returning the land and the procedures regarding the restoration, maintenance and issuance of the land;</p>		
<p>40</p> <p>Article 38. Land User’s Rights and Obligations</p> <p>1. Citizens, economic entities or organizations using land in Special Protected Areas shall exercise the rights described in the Article 39 of the Mongolian Law on Land.</p>		
<p>2. In addition to the obligations described in article 39 of the Mongolian Law on Land, citizens, economic entities and organizations using land in special protected areas shall have the following obligations:</p> <p>1/ take measures on preserving, conserving and restoring the original condition of the land at their expense; 2/ enter and leave the land through the establish road; 3/ Where the characteristics and land use designation are to be changed by conducting activities prescribed by law or contract, relevant drawing and proposals must be submitted to the State Administrative Central Organization for approval; 4/ upon expiration of the land use contract, restore</p>	<p>Point 5 change the word “administration or” into “administration” in subparagraph 4 of paragraph 2 of article 38</p>	<p>In subparagraph 3, it should be specified that changes must be consistent with the management plan.</p>

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	and maintain the land, issue it to the Protected Area Administration or the Soum or Duureg Governors.	
41	<p>Point 5 change the word “administration or” into “administration” in paragraph 2 of article 40</p>	
42	<p>Point 1 The following articles shall be added to the Mongolian Law on Special Protected Areas. 4/ Article 41 Rights and duties of native citizens living in the Special Protected Areas 1. Native citizens who had been living in the Special Protected Areas before the area was taken under protection are entitled to the use of wintering or spring areas for livestock grazing that have been used from earlier generations pursuant to the regulation and contract issued by State Administration Central Organization. 2. Local citizens living in the special protected areas shall exercise the rights and duties of volunteer/active environmental rangers and shall take active part in protection of protected areas.</p>	<p>It is not clear why the contract for grazing would be with the State Administration Central Organization rather than with the Special Protected Area Administration.</p>
	<p>Point 5 change the word “administration or” into “administration” in subparagraph 5 of paragraph 2 of article 41</p>	
43	<p>Point 1 The following articles shall be added to the Mongolian Law on Special Protected Areas.</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>3/ Article 43 “incentive to persons who revealed or informed about violation” 1. Protected Areas Administration shall grant incentive to citizens who revealed or assisted to revealing or who gave truthful information about violators of this law in cash equal to 15 percent of the fine or compensation charged to the violator.</p>	
	<p>2. 15 percent of the revenue generated from selling raw materials of natural resources illegally harvested and confiscated shall be given to the environmental inspectors who revealed the violation by State Professional Inspection Organization and to rangers by Protected Area Administration and/or Governor of the Soum or District.</p>	
	<p>Point 2. The following articles and paragraphs shall be added 14/ Subparagraph 5-6 of Paragraph 3 of Article 43 5. Officials who overused his/her authority and power stipulated in the law on Special Protected Areas shall be fined at the amount equal to 10- 15 times as much as the minimum labor wage. In case of violation of the law by giving land in the special protected area for utilization and possession by foreign country’s legal entity, international organizations and foreign citizens, stateless persons, economic entities and organizations with foreign investment, the right/permission shall be confiscated and the loss to the environment shall be compensated.</p>	
	<p>Point 4. The following amendments shall be</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>made in certain paragraphs and subparagraphs</p> <p>13. Subparagraphs 1- 5 of Paragraph 3 of Article 43</p> <p>Change as follows:</p> <p>1. "If activities are carried out in violation of special protected areas protection regime the revenue obtained illegally shall be confiscated and the citizen shall be fined with cash (togrogs) equal to 3- 5 times as much as the minimum labor wage; fellowship, economic entities and organizations shall be fined with cash equal to 10- 13 times as much as the minimum labor wage.</p>	
	<p>2. In case of carrying out activities prohibited in the natural reserves and historical monuments, the revenue illegally obtained shall be confiscated and citizen shall be fined with cash (togrogs) equal to 2- 3 times as much as the minimum labor wage; fellowship, economic entities and organizations shall be fined with cash equal to 10- 12 times as much as the minimum labor wage.</p>	
	<p>3. In case of carrying out activities prohibited in National Conservation Parks, the revenue illegally obtained shall be confiscated and citizen shall be fined with cash (togrogs) equal to 12- 16 times as much as the minimum labor wage; fellowship, economic entities and organizations shall be fined with cash equal to 20- 30 times as much as the minimum labor wage.</p>	
	<p>4. In case of bringing negative impact on or caused loss to the land state, soil, water, air, fauna and flora through carrying out research</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	and investigation in the special protected areas the citizen shall be fined with cash (togrogs) equal to 2- 4 times as much as the minimum labor wage; fellowship, economic entities and organizations shall be fined with cash equal to 5-8 times as much as the minimum labor wage.	
	5. In case of carrying out activities prohibited in Strictly Protected Areas, the revenue illegally obtained shall be confiscated and citizen shall be fined with cash (togrogs) equal to (5- 8 times?) as much as the minimum labor wage; fellowship, economic entities and organizations shall be fined with cash equal to 30- 40 times as much as the minimum labor wage.	
	<p>Point 5</p> <p>change the word “up to 20000” into “with amount equal to twice as much as the minimum labor wage” in subparagraph 1 of paragraph 3 of Article 43, “100 000” into “4-5 times as much as the minimum labor wage”, also 2000- 20 000” in the subparagraph 2 of the same paragraph into “at amount equal to 6- 10 times as much as the minimum labor wage”, in subparagraph 3 of the same paragraph change “10 000- 20 000” into “amount equal to twice as much as the minimum labor wage”, “50 000- 100 000” into “amount equal to 4- 6 times as much as minimum labor wage”, in the subparagraph 4 change “5000- 25 000” into “3-3 times as much as the minimum labor wage”, 50000- 100 000” into 6-10 times as much as the minimum labor wage”, in subparagraph 5 of</p>	

Law on Special Protected Areas	Proposed Amendments to Law on Special Protected Areas	Comments and Recommendations
	<p>the same paragraph change "1000- 50 000" into "2-4 times as much as the minimum labor wage, in subparagraph 5 of the same paragraph change "10 000- 50 000" into "2-4 times as much as the minimum labor wage", 50 000- 250 000" into "6- 15 times as times as much as the minimum labor wage"</p>	

Table 4. Law on Buffer Zones – Proposed Amendments, Comments and Recommendations

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	CHAPTER ONE General Provisions		
1	<p>Article 1. Purpose of this Law</p> <p>1.1 The purpose of this Law is to regulate the determination of Special Protected Area Buffer Zones and the activities therein.</p>	<p>Point 2. The following articles and subparagraphs shall be changes as follows:</p> <p>1/ Article 1</p> <p>The purpose of this law is to coordinate relationship related to establishment of buffer zones in areas of ecological, socio-economic importance with the purpose to reduce negative impact in the special protected areas as well as environmental protection and proper utilization of natural resources in the buffer zones</p>	<p>It is recommended that consolidating the current laws on Special Protected Areas and on Buffer Zones be seriously considered.</p> <p>If that is done, a revised version of the text of the proposed amendment can be used in the consolidated law to describe the purpose of buffer zones.</p>
2	<p>Article 2. Legislation on Buffer Zones</p> <p>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.</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>1/ Add “the law on environmental protection” after “Constitution” in paragraph 1 of Article 2</p>	
3	<p>Article 3. Buffer Zones of Protected Areas</p> <p>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</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>in paragraph 1 of article 3 change “citizens’ participation” into</p>	<p>It is not clear from the English translation what this amendment refers to. Article 29 of the Environmental Protection Law of 1995 as amended in 1998 deals with “weapons and defensive</p>

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	increase public participation, to secure their livelihood and to establish requirements for the proper use of natural resources.	“participation of citizens’ fellowship stated in Article 29 of the law on environmental protection /hereinafter referred to as citizen’s fellowship”	weapons for use by State inspectors and rangers”. The terms “citizens fellowship” is not used in the English translation of the Environmental Protection Law of 1995 as amended in 1998 and it is not clear what the term is meant to refer to. An issue of translation – in sections 3.1 and 3.3 of this Law, the term “National Parks” is used, while the Law on Special Protected Areas uses the term “National Conservation Parks”.
	3.2 Soum and Khoroo Citizen Representative Khurals may establish where necessary Buffer Zones around Nature Reserves and Natural Monuments.	No amendment proposed	This provision provides that buffer zones may be established around natural monuments, but not around cultural monuments. It would be advisable to allow buffer zones around cultural monuments as well.
	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.	No amendment proposed	
4	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	Point 2. The following articles and subparagraphs shall be changes as follows: 2/ Subparagraph 1 of Paragraph 1 of Article 4. “Areas of socio-economic importance designed to reduce	These criteria are appropriate for establishing special protected areas. 4.1.1.a and 4.1.1.b, in particular, are criteria that would be used to justify establishment of a strictly protected area or at least the pristine zone of a strictly

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	<p>biological diversity and which are ecologically and economically important;</p> <p>4.1.1.b areas which contain Very Rare and Rare species, their range or migration route;</p> <p>4.1.1.c. areas which contain the potential distribution of Very Rare and Rare species even if they are not currently present;</p> <p>4.1.1.d. areas which contain rivers, river courses and watersheds which significantly influence the environment of the Special Protected Area.</p>	<p>negative impact on the special protected areas, maintain long term ecological balance”</p> <p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in subparagraph 1 b of paragraph 1 of article 4 add “spread area for very rare and endangered plant” after “migration routine”</p>	<p>protected area.</p> <p>This amendment to subparagraph 1 is identified as a change, rather than an addition, but it is not clear which of the 4 subparagraphs of paragraph 1 of Article 4 it is supposed to change. It appears to be a completely new idea, and therefore an addition rather than a change.</p>
	<p>4.1.2 Socio-Economic criteria:</p> <p>4.1.2.a. areas with local human populations who obtain an income from the use of the natural resources in the protected area;</p> <p>4.1.2.b. areas with contain environmental pollution and negatively affected territories;</p> <p>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;</p> <p>4.1.2.d. areas with settlements which are extremely dependent, socially and economically, on the Special Protected Area and its natural resources.</p>	<p>No amendment proposed</p>	
	<p>4.1.3 Other criteria:</p> <p>4.1.3.a. areas with unique natural formations and characteristics;</p> <p>4.1.3.b. areas with historical and cultural monuments;</p>	<p>No amendment proposed</p>	<p>These criteria would be used to justify the establishment of the monument category of a special protected area.</p>
5		<p>Point 1 The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of</p>	<p>It is not clear why this single provision that is proposed to become a new Article 5 is numbered “4”.</p>

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		<p>special protected areas</p> <p>1/ Article 5 Activities prohibited in the buffer zones</p> <p>5. conduct exploration and extraction of mineral resources within 3 kilometers of the boundary of Strictly protected area and National Parks</p>	
6	<p>Article 5. Establishment of Buffer Zone Boundaries</p> <p>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.</p>		This should be done prior to establishing any category of special protected area and not only its buffer zone.
	<p>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.</p>	<p>Point 2. The following articles and subparagraphs shall be changes as follows:</p> <p>3/ paragraph 2 of article 5</p> <p>5.2. In cooperation with the soum and district Governor, protected area administration shall study areas to be taken under the buffer zone in accordance with Paragraph 4 of this law and submit the proposal to set boundaries to the Soum and District People's Representative Meeting for discussion and approval.</p>	This should be done prior to establishing any category of special protected area and not only its buffer zone.
	<p>5.3 All data collected through the investigation shall be reflected</p>	No amendment proposed	This should be done prior to

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	on a map at a scale not less than 1 : 500 000, including plants, wildlife, water, and forest resources.		establishing any category of special protected area and not only its buffer zone.
	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.	[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in subparagraph 4 of article 5 change “put monitoring on the expenditure” into “spend”	Development of a proposal should be done prior to establishing any category of special protected area, and not only its buffer zone.
		Point 4 The following parts shall be canceled. Paragraphs 4 and 5 of article 5 of the law on buffer zones of the special protected areas	It is not clear why there is a proposal to delete this provision.
	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).	Point 4 The following parts shall be canceled. Paragraphs 4 and 5 of article 5 of the law on buffer zones	This kind of review and consultation should be done prior to establishing a special protected area and not only its buffer zone. It is not clear why there is a proposal to delete this provision.
	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.	No amendment proposed	It is a good idea to establish a time frame for making decisions on establishment of any category of special protected area and not only of the buffer zones.
7		Point 1 The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas 3/ Article 6 Plenary rights of	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		<p>Soum and District People's Representative Meeting and Governor</p> <p>6.1. Soum and District People's Representative Meeting shall exercise the following plenary rights over buffer zones of special protected areas</p> <p>6.1.1. Approve the composition of council</p> <p>6.1.2. ensure working relationship and networking between buffer zone council, local self governing organization, government, NGOs and citizens</p> <p>6.1.3. approve the procedure to accumulate certain parts of revenues in the capital fund and as well as the procedure to spend</p> <p>6.1.4. approve the amount of resources to take out of capital fund to spend for buffer zone development, environmental protection, proper utilization and restoration of natural resources</p> <p>6.1.5. discuss and decide upon the report by Governor and the head of the council about implementation of buffer zone management plan and legislation and ensure enforcement</p> <p>6.1.6. allocate and approve the salary and budget for the buffer zone manager in the annual</p>	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		budget	
		<p>6.2. The soum and District Governor shall exercise the following plenary rights over buffer zone of special protected areas</p> <p>6.2.1. develop and implement buffer zone management plan in cooperation with Protected Area Administration and Council</p> <p>6.2.2. take measures to accumulate certain part of revenue defined by the soum People’s Representative Meeting within the proper time</p> <p>6.2.3. Implement buffer zone management plan as incorporated with soum and district long short and medium term development programs and plans</p> <p>6.2.4. Implement measures aimed to give technical support to the councils and provide with relevant information in urgent manner and empower the council members</p> <p>6.2.5. ensure integration and networking between council, relevant governmental and non-governmental organizations and citizens</p>	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		<p>6.3. Protected Area Administration has the following duties</p> <p>6.3.1 Render technical support to the council operation and provide timely and relevant information and data</p> <p>6.3.2 Improve capacity of council members about natural resource management</p>	
8	<p>Article 6. Buffer Zone Council</p> <p>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.</p>	<p>Point 1 The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas</p> <p>2/ Paragraph 1 of Article 6 “If several aimags and soums are covered, united buffer zone council may be established”</p>	<p>To ensure that the communities in the vicinity of a special protected area participate in its management, it is advisable to create an advisory council for each category of special protected area, and not only for the buffer zone.</p>
		<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>in paragraph 1 of article 6 add “possess” after “use”, change “of citizens” into “to have permanent buffer zone manager and odd number members”</p>	<p>It is not clear from the English translation what this proposed amendment means.</p>
		<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p>	<p>This amendment refers to Article 7, but that appears to be a typographical error. The amendment makes sense in paragraph 1 of Article 6.</p>

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		in paragraph 1 of article 7 add “give support to environmental protection and socio-economic development of the soum taken into buffer zone”	
		Point 4 The following parts shall be canceled. the part “with...temporary” in paragraph 1 of article 6	It is not clear from the English translation what this amendment refers to.
		Point 1. The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas 4/ Paragraphs 2 and 6 of Article 6 6.4. Protected Area Administration shall develop proposal about establishment of council and its composition in cooperation with the soum or District Governor within 6 months after taking the land under special protection and submit to the People’s Representative Meeting for approval	Three provisions are given in the proposed amendments to be added as two paragraphs of Article 6. It appears from the context that the amendment numbered “6.4” is intended to become paragraph 2 of Article 6.
		[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: change paragraphs 2, 3 and 4 of article 6 into “3, 4 and 5	
	6.2 The Council shall have an odd number of members and shall	Point 1 The following	The amendment refers to

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	<p>include the following people:</p> <p>6.2.1. No fewer than two (2) representatives from the Soum and Duureg Citizen Representative Khural;</p> <p>6.2.2. No fewer than three (3) representatives from local citizens;</p> <p>6.2.3. Two (2) representatives from the Protected Area Administration.</p>	<p>subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas</p> <p>5/ Subparagraph 4 of Paragraph 3 of Article 6</p> <p>1.3.4 The council chairman shall be selected by the majority's vote in the first meeting</p>	<p>subparagraph 4 of paragraph 3 of Article 6, which does not exist in the English translation. It is assumed that the amendment is supposed to refer to paragraph 2 of Article 6.</p>
		<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>in subparagraph 3 of paragraph 2 of article 6 add "fine" after "of the person"</p>	<p>It is not clear from the English translation what provision this amendment is supposed to refer to.</p>
	<p>6.3. The Council may include representatives from non-governmental organizations working in the environmental field.</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>change paragraphs 2, 3 and 4 of article 6 into "3, 4 and 5"</p>	
	<p>6.4. The Council shall have the following rights and responsibilities:</p> <p>6.4.1. to conduct public monitoring of the enforcement of Special Protected Area and Buffer Zone legislation;</p> <p>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;</p> <p>6.4.3. to assist, advise and develop recommendations for the local Governor to implement the Buffer Zone Management Plan and enforce environmental legislation;</p> <p>6.4.4. to organize the establishment of a local Buffer Zone Fund</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:</p> <p>change paragraphs 2, 3 and 4 of article 6 into "3, 4 and 5"</p>	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	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.		
		Point 1. The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas 4/ Paragraphs 2 and 6 of Article 6	It appears from the context that these amendments are to be added as paragraphs 5 and 6 of Article 6.
		6.5 If relevant citizens, economic entities and organizations fail to conform to the requirement to eliminate violation of laws and legislation related to environmental protection and natural resource use, and stop using or changing commercial techniques and technologies that has adverse impact on the environment, the measures stated in the article 10 of this law shall be taken.	
		6.6 The council shall have internal regulation for operation, state registration certificate and stamp and an account opened in the soum and district bank branches	
		[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows:	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		change paragraphs 2, 3 and 4 of article 6 into “3, 4 and 5	
9	<p>Article 7. Buffer Zone Fund</p> <p>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.</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in paragraph 1 of article 7 change “may establish foundation” into “shall have foundation”; and</p> <p>in paragraph 1 of article 7 add “give support to environmental protection and socio-economic development of the soum taken into buffer zone”</p>	
	<p>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.</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in subparagraph 3 of paragraph 2 of the same article change “certain part” into at least 20%</p>	
	<p>7.3 The amount of income referred to in §7.2.2 and §7.2.3 shall be determined by the local Khural.</p>	<p>Point 4 The following parts shall be canceled. paragraph 3 of article 7</p>	
		<p>Point 1. The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas 6/ Subparagraph 4 of</p>	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
		Paragraph 2 of Article 7 “At least 5 percent of revenue from the natural resource use fee in the soum and district area”	
	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.	Point 1. The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas 7. Subparagraph 6 of Paragraph 5 of Article 7 “7.5.6. Council operation, award and incentive”	The amendment refers to subparagraph 6 of paragraph 5 of Article 7, which does not exist in the English translation. It is assumed that the amendment is supposed to refer to paragraph 4 of Article 7.
		[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: change the number of paragraph 4 of article 7 into “5”	
		Point 4 The following parts shall be canceled. subparagraph 3 of paragraph 4 of the same article [Article 7]	
10	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.	[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in paragraph 1 of article 8 change “management plan” into “5 year management plan”	It is a good idea to provide that management plans must be reviewed periodically. This provision should apply to management plans for all categories of special protected areas and not only for buffer zones.

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	<p>8.2 The Buffer Zone Management Plan shall include the following:</p> <p>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;</p> <p>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;</p> <p>8.2.3. measures for the employment of citizens, social issues and decisions related to them;</p> <p>8.2.4. measures for reducing the influence of the Buffer Zone on animal migration routes;</p> <p>8.2.5. sources for finances necessary for the implementation of the Buffer Zone Management Plan.</p>	No amendment proposed	
11	<p>Article 9. Environmental Impact Assessments</p> <p>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.</p>	<p>[Point] 3. The following parts of the law on buffer zones of Special protected areas shall be changed as follows: in paragraph 1 of article 9 change "economic entities and organizations" into "economic entities, organizations and citizens' fellowship"</p>	
	<p>9.2 The conclusion of the Detailed Evaluation shall include comments and conclusions from the Protected Area Administration.</p>	<p>Point 4 The following parts shall be canceled. paragraph 2 of article 9 shall be canceled</p>	
12	<p>Article 10. Monitoring Enforcement of Buffer Zone Legislation</p> <p>10.1 Activities conducted within the Buffer Zone and the</p>	No amendment proposed	

	Law on Buffer Zones	Proposed Amendments to Law on Buffer Zones	Comments and Recommendations
	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.	No amendment proposed	
	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.	No amendment proposed	
	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.	No amendment proposed	
13	<p>Article 11. Penalty for Violation</p> <p>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.</p>	<p>Point 1. The following subparagraphs, paragraphs and articles shall be added to the Mongolian law on buffer zones of special protected areas</p> <p>8/ Paragraph 2 of Article 11</p> <p>11.2. Officials who failed to fulfill its duty under the laws and legislation related to environmental protection and proper utilization in the buffer zones shall be subjected to administrative penalties stipulated in the law on State Administration, law on Labor, law on Administrative Liabilities</p>	

