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Legal Instruments to Operationalize the Objective “Land Degradation  
Neutral World“ under UNCCD**

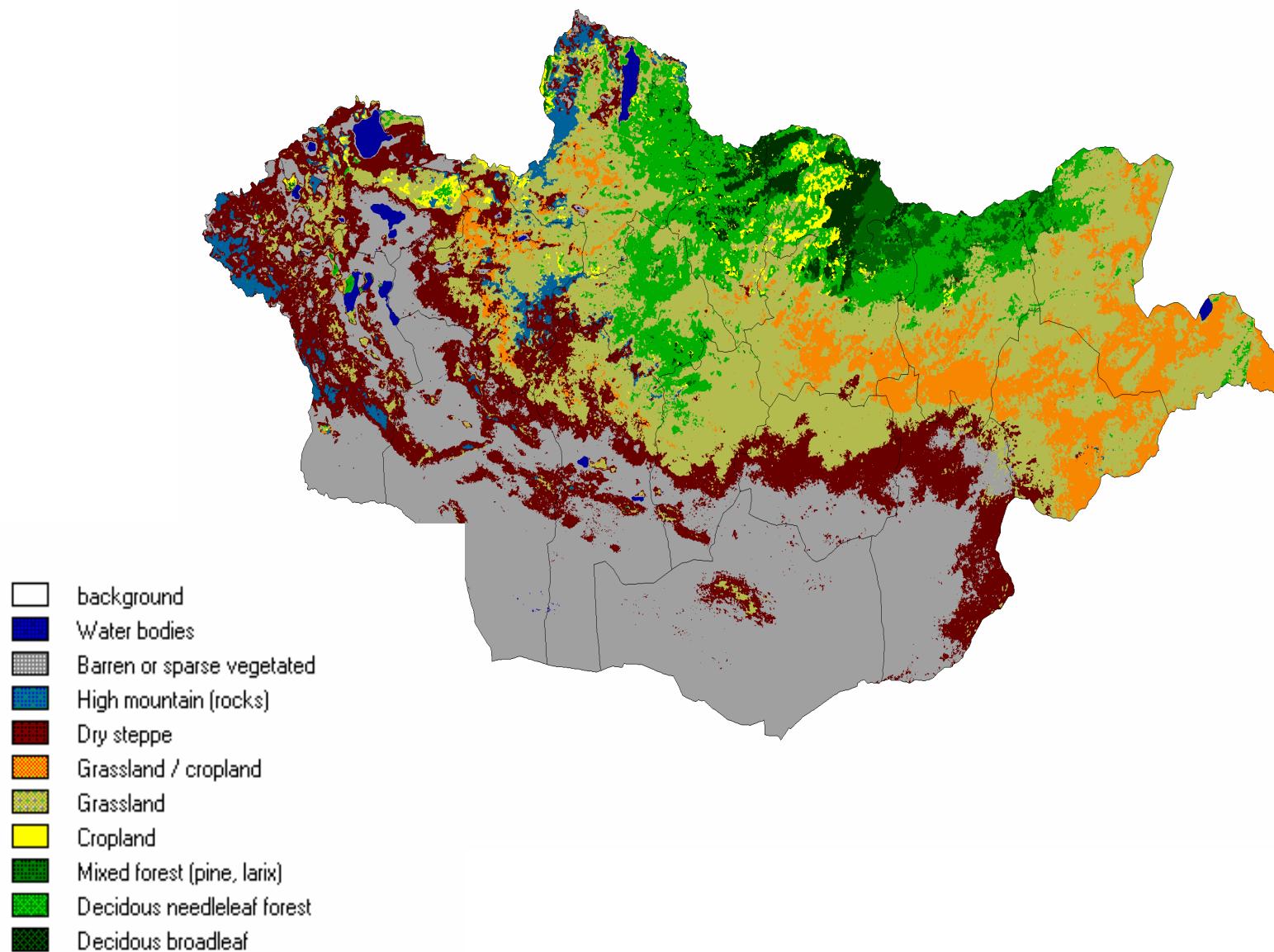
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**COUNTRY STUDY: SOIL LEGISLATION IN  
MONGOLIA**

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# **SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA**

- Analysis of 18 environmental laws in 2011-12.
- These systematically compacted into 8 laws.
- Two new laws, including the Soil Protection and Desertification Prevention Law were added.
- Ratified by Mongolian Parliament in May 2012.
- Soil Protection and Desertification Prevention Law provides a good framework to apply the concept of LDN at the national level.

# SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA

- SPDPL - a LEGAL FRAMEWORK to regulate soil protection; desertification prevention; data collection; identify causes; identify sustainable use of soil and soil rehabilitation activities;
- It includes measures for desertification prevention from the intensification of agriculture, mining, road construction, urban land use - as well as climate change;
- Particular attention is paid to problems arising from overgrazing;
- SPDPL establishes accountability in environmental protection of soil and for criteria and assessment methodology;

# **SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA**

- Defines key terms - soil; soil fertility; soil erosion, degradation and pollution; desertification; soil rehabilitation, protection; desertification prevention measures;
- Classification - assessment and analysis of soil erosion, degradation, soil pollution and desertification; soil protection, desertification prevention measures; and refers to rights and responsibilities of public institutions, individuals, economic entities;
- Resolving disputes - associated with soil protection and desertification prevention measures; annulment of illegal decisions; compensation for damage; and liabilities for violation;

# **SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA**

## **Key articles:**

- 2.1 “Soil protection and desertification prevention legislation” consists of the Constitution of Mongolia, the Environmental Protection Law, the Land Law, the Subsoil Law, the Minerals Law, the Water Law, this law and other relevant legislative acts;
- 2.2. If an international treaty to which Mongolia is a party provides otherwise, the provisions of the international treaty shall prevail.

# SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA

- 5.1. **Competence of the Government** are as follows:
  - 5.1.1. enforce and implement national program on protection of soil, combating desertification and ensuring ecological safety;
  - 5.1.2. establish a national committee in charge of implementation of UNCCD, facilitating desertification prevention and combating measures at national level and providing related oversight;
- 5.2. **Competence of the State Administrative Central Organization** in charge of Environment (Dept. of Environment and Green Development) are as follows:
  - 5.2.1. organize implementation of government policies and national programs directed to soil protection and desertification prevention;
  - 5.2.2. adopt and ensure enforcement of the rules, regulations, methodology and guidelines with regard to soil protection and desertification prevention measures;
  - 5.2.3. limit or ban certain operations in particular areas for a specified period if activities of individuals, economic entities or organizations cause<sup>8</sup> soil erosion, degradation, pollution or desertification;

# **SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA**

- **6. Rights and responsibilities of citizens and legal bodies with regard to soil protection and desertification prevention**
- 6.1. request respective authorities to impose liability on individuals and legal bodies causing soil pollution or desertification, to ban their respective activities and to implement soil protection and desertification prevention measures;
- 6.2. retrieve and provide accurate information on soil erosion, degradation, pollution and desertification to and from the related authorities;
- 6.3. eliminate damage and rehabilitate the soil if their illegal acts caused soil pollution or degradation;

# SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA

- Chapter Seven. Soil protection and desertification prevention measures
- Chapter Eight. Incentives for soil protection and desertification prevention measures
- Chapter Nine. Assessment and analysis of soil erosion, degradation, pollution and desertification
- Chapter Ten. Database of soil protection and desertification prevention measures
- Chapter Eleven. Monitoring and ratification of soil protection and desertification prevention measures
- Chapter Twelve. Compensation for soil pollution
- Chapter Thirteen. Liabilities for breach of law

# SOIL PROTECTION AND DESERTIFICATION PREVENTION LAW OF MONGOLIA

## Conclusions:

- SPDPL is a framework law – its success depends on development of adequate policy, strategic, operational and institutional support systems.
- SPDPL is part of a “nest” of environmental law that provides for Mongolia’s main natural resources problems.
- The concept of LDN (UNCCD Secretariat 2012) could be introduced through a policy and regulation to the principal SPDPL.
- SPDPL contains many legal elements considered essential for effective soil legislation (Hannam and Boer 2004 *Drafting Legislation for Sustainable Soils* IUCN).

