

MONGOLIA'S
ENVIRONMENTAL CRISES -
CAN ENVIRONMENTAL LAW
BE A PART OF THE
SOLUTION?

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/lawyer and legal researcher/



The legal framework
and environment

20%



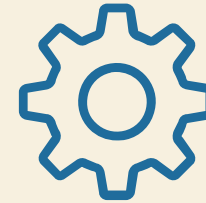
The current public
interest litigation
projects

40%



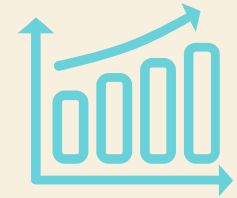
Challenges and
difficulties

60%



Solutions and
examples of other
countries

80%



Environment
and
Sustainable
development
goals

100%

PUBLIC INTEREST AND ENVIRONMENT

Constitution of Mongolia

Article §§6.2, 16.1,
16.2, 16.3, 16.12,
16.14, 16.17, 16.18

Code of Administrative procedure

Article §§1.1, 18.3,
52.5.5

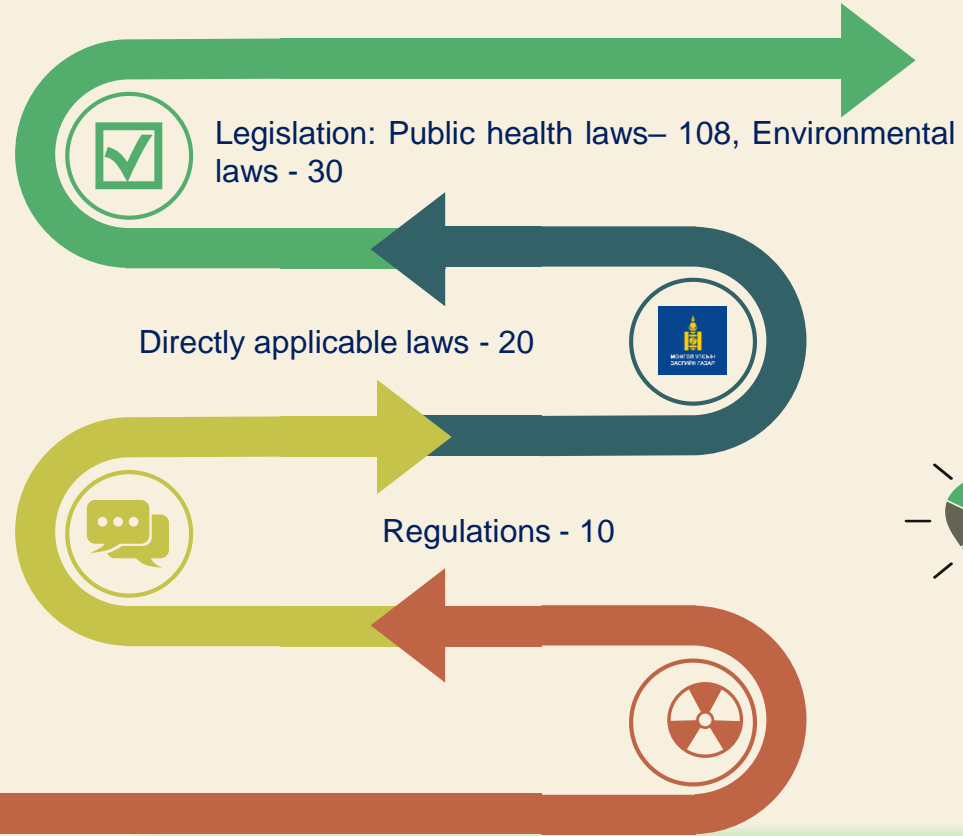
Other environmental related laws

-Environmental protection law of
Mongolia- §32.1.1
-Law of Mongolia on water
§17.1.9



In Mongolia, 829 laws and 664 International agreements & conventions currently applying.

Legal framework



- Reveal the negative impacts on human health
- Reveal the negative impacts on the environment

A legal mechanism has been formed to protect human health and environmental pollution caused by business activities in Mongolia.

THE AMENDMENT ON CONSTITUTION /2019.11.25/

- The parliament added article 6.2 by the amendment to the Constitution of Mongolia adopted on 14 November 2019 creating a solution to the problems related to environmental related information throughout Mongolia.



DIFFICULTIES OF CITIZEN'S RIGHT TO INFORMATION REGARDING THE USE OF NATURAL RESOURCES BEFORE THE CONSTITUTIONAL AMENDMENT:



1

- the clandestinity of information regarding the use of natural resources;

2

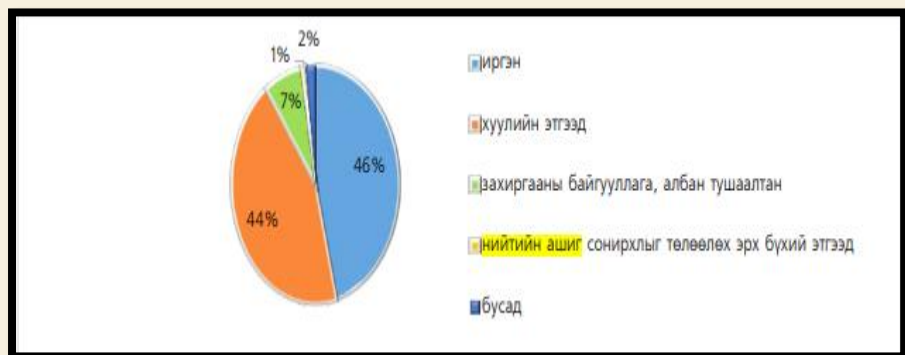
- the absence of any restrictions on the confidentiality of information

3

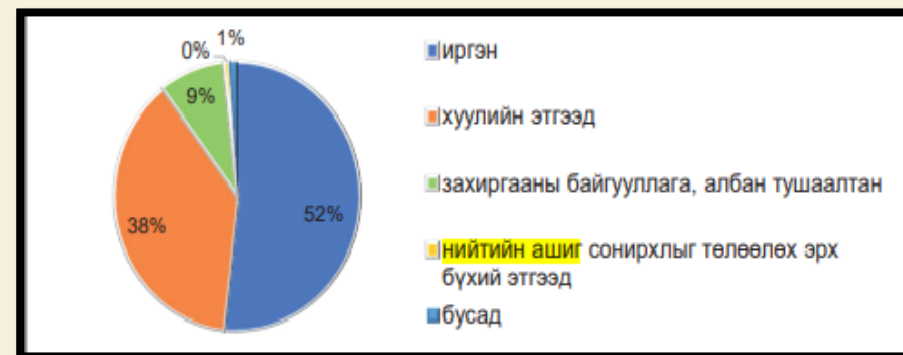
- overly general legal regulations related to the right to know

ADMINISTRATIVE COURT REPORTS

- In 2020, 13 public interest litigations have been decided or judged by the courts which were the 0.8% of total cases.



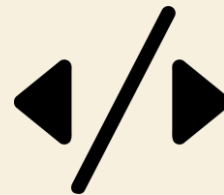
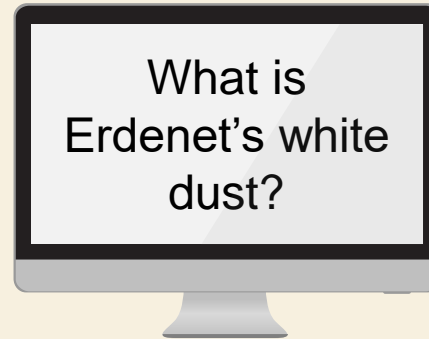
- In 2021, 12 public interest litigations have been decided or judged by the courts which were the 0.6% of total cases.





**THE EXAMPLES OF PUBLIC
INTEREST LITIGATIONS, WHICH
ARE CURRENTLY IN
PROCEDURE**

Case the Erdenet's white dust



“A movement to save the future from the harm of white dust” NGO



Strengthening Knowledge and Actions for public awareness

Organized a discussion event with support of the Amnesty International Mongolia. “Discussion on Exchange of public interest litigation Experiences” was attended by the representatives of citizens of Orkhon province, victims of urban re-planning in the capital of Ulaanbaatar, and representatives of lawyers. (2020.09.25)



Organized the “Erdenet’s White Dust Stakeholders Meeting” in cooperation with the Asian Development Bank and Environment and Tourism Department of Orkhon province. (2021.11.25)



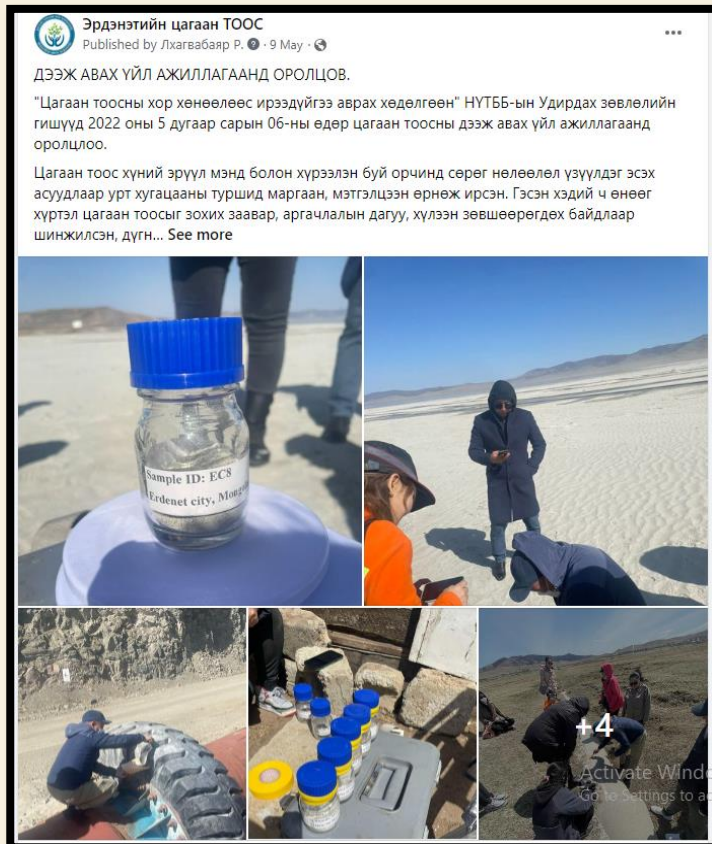
Organized a discussion participated by the experts on “Public Interest Advocacy: Environment and Health” with the support of Administrative law committee of Mongolian Bar Association, Amnesty International Mongolia and Open Society Forum. (2022.05.04)



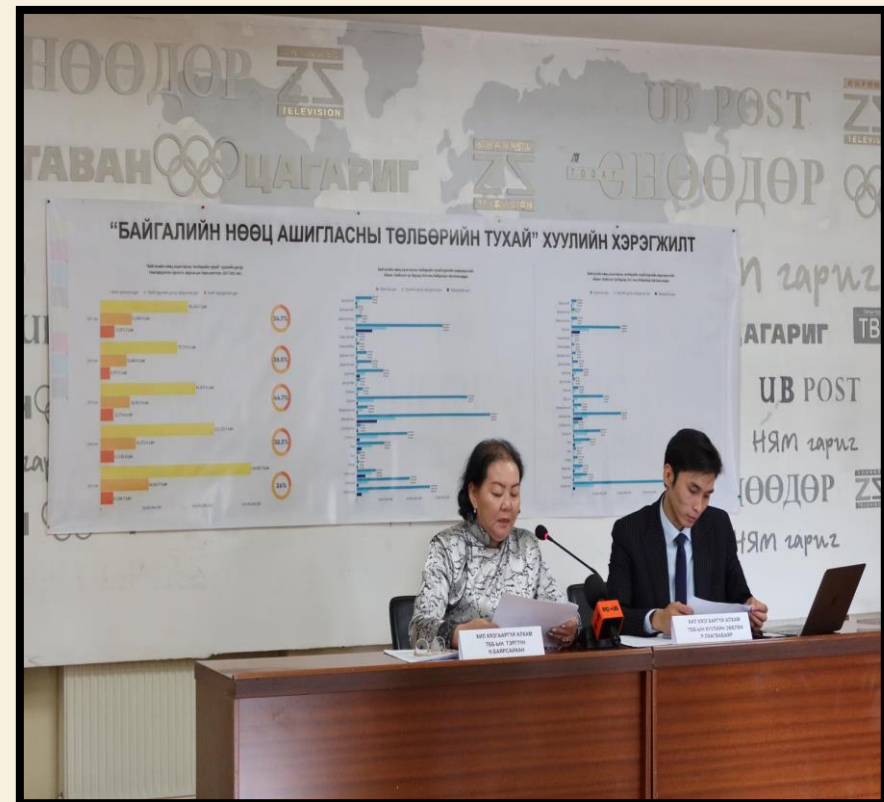
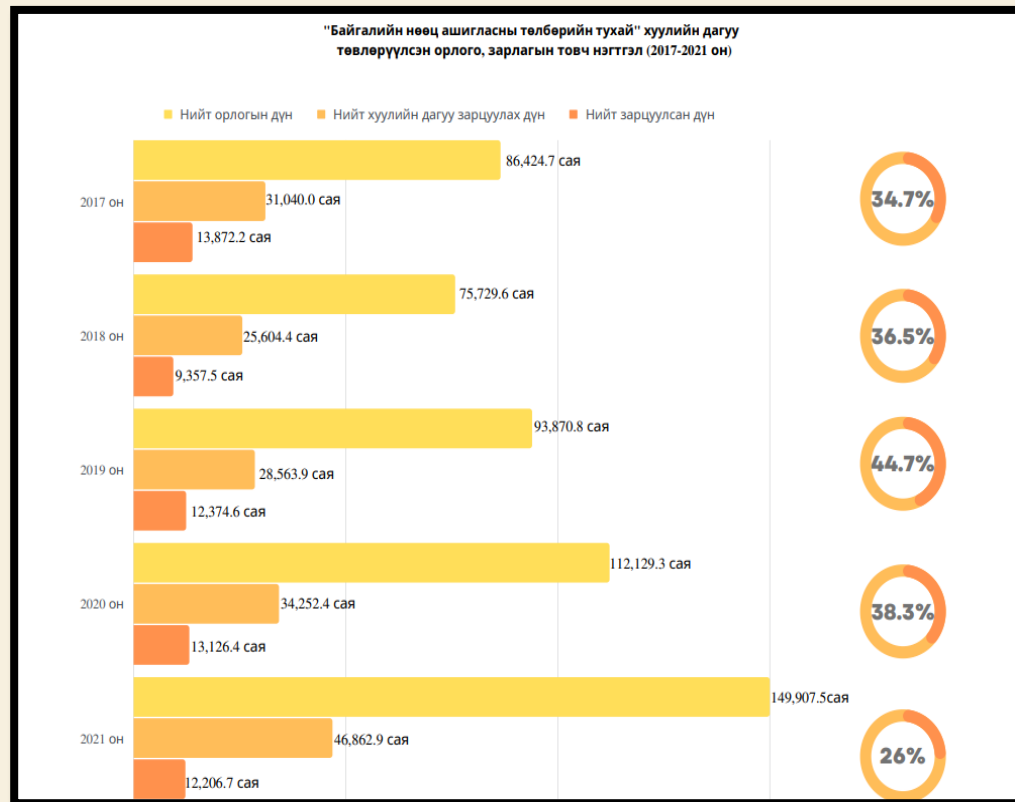
ADB supported our project through the “Air quality improvement”-project for laboratory assessment of Erdenet’s white dust (30,000\$)

On 2022.05.06, the working group took laboratory samples from 15 different locations.

On 2022.08.17, We sent our laboratory samples to a particular laboratory in London.



THE IMPLEMENTATION OF THE NATURAL RESOURCE ROYALTIES ACT AND THE PUBLIC INTEREST



The main challenges of Public interest litigation projects and other similar activities



1. Court

The administrative courts paying attention to the form when accepting claims.



2. Use the law differently

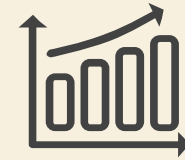
The courts use the Law on Administrative procedure differently in the same situation.



3. Participation

Stakeholders of public interest litigation procedure:

- Lawyers and advocates
- Scholars and experts
- Citizens
- NGOs



4. Funding

Funding is the most complicated stuff of public interest litigation in Mongolia. Because environmental public interest litigation operations require long-term activities with sustainable finance to complete their goal.

Timeframe

The NGOs must be operated for at least three years before the complaint against administrative body.

Burden of proof

NGOs must prove how the public interest is violated or may be violated soon due to related issues.

Experts

Here is a lack of specialized lawyers, advocates, and scholars, scientists who can interpret the situation scientifically and have knowledge about the related topic.

Difficulties at the court procedure

Supports

Even though NGOs are entitled to protect the public interest, there is still no support or encouragement policies or regulations for them.

Tendency

The administrative bodies and courts tend to think negatively about public interest operations.

FINANCING DIFFICULTIES

The costs of proceedings
/including an attorney,
expert, professional
consultant, and others/

1

Costs of public interest
litigation activities
/at least three years/

2

Costs of regularly
organizing meetings
and discussions
involving lawyers and
other experts in this
field.

3



4

Lack of financial
support from the
government

5

Cooperation
and support
with
international
projects

Finance from the government

New Zealand

Environment legal assistance fund which is the part Ministry for the environment.



The fund has a total annual budget of \$600,000



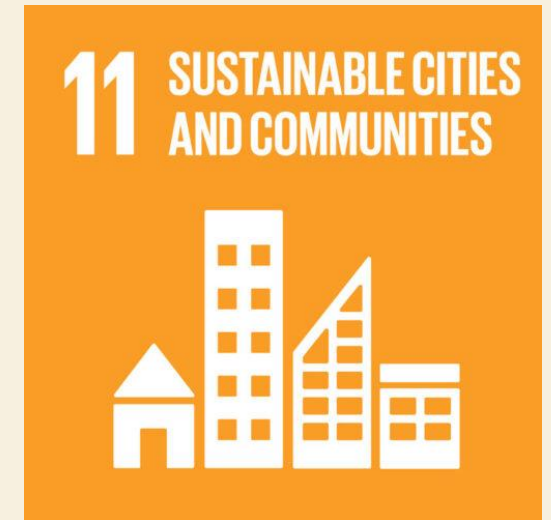
- There is no minimum grant and the maximum grant is \$50,000 (excluding GST) per group per application for any one case
- Total awarded for 2020/21: \$300,623.20 /11 projects/
- Total left in ELA Fund for 2020/21: \$299,376.8

THE CONNECTION BETWEEN THE ENVIRONMENT AND SDG_s

SUSTAINABLE DEVELOPMENT GOALS



SUSTAINABLE DEVELOPMENT GOALS THAT DIRECTLY CONNECT WITH THE ENVIRONMENT



SUSTAINABLE DEVELOPMENT GOALS THAT DIRECTLY CONNECT WITH THE ENVIRONMENT





Thank you for paying attention