

# MONGOLIA



## Mongolia's Wildlife Trade

An Analysis of International and National Legal Best Practices



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Building on the detailed reviews of Mongolia's wildlife trade conducted in 2005 and 2015, this report takes on the related task of examining the developments and status of the country's legal framework for combatting illegal wildlife trade.

The primary basis for this research is a set of international standards and practices for legislative content developed by applicable conventions (e.g., CITES), international organizations (e.g., ICCWC, WOAH), and Legal Atlas, an entity entirely dedicated to the assessment of legal frameworks across countries and topics.

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# MONGOLIA'S WILDLIFE TRADE

## An Analysis of International and National Legal Best Practices



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# SUMMARY

Mongolia's legal foundations for combatting wildlife trade have not substantially changed since the amendments to the Criminal Code in 2017 and the Law on Fauna in 2018, except for some additional regulation of medicinal trade. Compared to the framework in 2015, there are more laws identified but the majority of these are used to extend Mongolia's protected areas system, and therefore the legal protections against trade applied by the Criminal Code. They do not add other forms of protection or limitations. The number of trade acts identified in the legal framework is largely the same.

There are several areas that would benefit from reform, especially with reference to CITES-listed species, those subject to temporary bans, and illegal domestic trade in foreign species.

There are also key trade acts that still need to be regulated and attention given to policy coherence between the various laws, and what should constitute criminal forms for wildlife trade.

## WILDLIFE TRADE

Across all assessed best practices (33), Mongolia shows an almost even mix of good and best practices (n. 17, or 52%) versus partial gaps (n. 15, or 45%), with only one (n. 1) best practice considered a complete gap (see Table 3).

Table 1. Best Practices Analysis by Component

Mongolia – Best Practices Results by Rating Based on 33 Best Practices (100%)		
Good and Best Practices	Partial Gaps	Complete Gaps
17	15	1
52%	45%	3%

Looking at the individual best practices, the following major gaps and concerns emerge.

**Organized Crime.** Already highlighted in the preceding paragraphs, a major issue is that organized crime is not an expressly identified aggravating circumstance under Mongolia's wildlife trade crimes. The Criminal Code does include this reference for 42 other crime types.

**Criminal Penalties.** Criminal penalties apply to Very Rare and Rare species and hunting any species inside a protected area, but not to two other critical groups – CITES-listed species (regardless of their status under Mongolian law) and species whose hunting and trade have been temporarily banned by Mongolia. Species that have been subject to such bans in the past include grey wolf (*Canis lupus*) and marmot (*Marmota sibirica*).

**Domestic Wildlife Trade.** Mongolia's current legislation does not cover the domestic trade of foreign species, creating a loophole that exempts anything entering or passing through the country from liability. This legal gap positions Mongolia as an attractive transit country, and even a potential destination, particularly with the support of major infrastructure developments such as the Belt and Road Initiative.

**International Wildlife Trade.** The existing laws on species protection seem to prioritize the regulation of exports, and limit criminal penalties to those who violate the rules governing Very Rare and Rare species. While the import of these species is technically also considered a criminal offense, the occurrence of such violations is virtually non-existent. There is no enforcement record or anecdotal evidence that Mongolia imports any of the species it lists as Very Rare or Rare. While this may change, Mongolia is for now the primary country in the region with significant populations of these species, and for this reason, acts as a source country.

Excluded from Mongolia's criminal penalties for illegal international trade:

- the export of CITES-listed species that do not appear on Mongolia's Very Rare or Rare species lists;
- the import of any CITES-listed species;
- the import of non-listed species that have been illegally obtained.

**Online Trade.** Specific to wildlife, Mongolia bans advertising of Very Rare and Rare species, as well as those subject to a temporary ban. More generally, it prohibits advertising when a required license for a good or service has not been obtained,<sup>1</sup> when the import of an item is prohibited<sup>2</sup> and generally for any goods that are prohibited.<sup>3</sup> It does not mention, but also does not exclude, the application of these prohibitions to online trade.

The lack of specificity raises two concerns –

- 1) the application of these prohibitions to a broader set of species, including CITES-listed species and non-listed species in Mongolia that have been illegally obtained;

<sup>1</sup> Mongolian Law on Advertisement, Art. 14, 2002.

<sup>2</sup> Ibid., Art. 6.5.2.

<sup>3</sup> Ibid., Art. 6.5.8.

2) the explicit application of the law to online trade, including a regulatory approach that supports enforcement actions that require access to digital platforms and records.<sup>4</sup>

**Corruption.** Corrupt acts by public officials, without limitation to a particular issue, constitute a serious offense under the Criminal Code. In the context of wildlife trade, however, there is only one corrupt act expressly identified, and for this, only administrative penalties apply.

**Protected Species Listing.** Mongolia's primary trade legislation establishes the list of protected species based on limited elements: specifically, population studies and international listings. This approach raises two concerns. First, not considering other key elements that are commonly used to establish and amend lists of protected species (listing and delisting procedures, especially species in trade) may result in the exclusion of species that would otherwise qualify for protection. Second, Mongolia's legislation requires the placement of internationally listed species on its Red List, which recognizes their endangered status but does not confer legal protection.

**Regulating the Wildlife Trade Chain.** Discussed in detail following the Table of Best Practices, the major concern here is the need for policy coherence between the seven (7) laws that regulate some part of the trade chain and the connection between illicit acts and adequate penalty provisions.

## WILDLIFE DISEASE

Of the 23 countries assessed, Mongolia's legal framework ranks among those with the highest number of gaps (82% across all BPs). This is principally a function of the restriction of wildlife (BP 1, 2, 3 and 4), of the lack of regulation of WOA non-listed wildlife diseases (BP5), no investigative authority for veterinary services (BP13), and failure to penalize violations of standards (BP 15 and 17).

<sup>4</sup> For a broader discussion of this issue see: Wingard J. and M. Pascual. (2018) Catch Me If You Can: Legal Challenges to Illicit Wildlife Trafficking over the Internet. Global Initiative Against Transnational Organized Crime.

Table 10. Best Practices Results by Assessment Rating

Mongolia – Best Practices Results by Rating		
Based on 17 Recommendations (100%)		
Full Compliance	Partial Compliance	No Compliance
3	10	4
18%	59%	23%

Mongolia has a unique approach to BP2 (Definition of Wildlife) in its Animal Health Law that is an example of policy incoherence that contributes its low rating for this topic.

The primary law mentions the term 'wildlife' but refers to an outside law for interpretation (i.e., the Law on Environmental Protection). This is not unusual and is in fact an example of a policy coherence technique. However, the Animal Health Law says that wildlife means animals 'other than those listed in the environmental protection law.' The problem with this reference is that the environmental law lists every animal and thereby would appear to make the reference to wildlife in the Animal Health Law function as a complete exclusion of the same.

Mongolia, like many of the countries reviewed, struggles in the foundational BPs (1-3) and therefore tends to be scored lower in areas that require a reference to wildlife (BPs 4, 5 8, 12 for example)

Overall, there also seems to be a disconnect between the requirement to do an action and the designation of authority to veterinary services to act (BPs 9, 11, 12, 13). However, it does include express power for veterinary services under BP10 (conducting testing at border points).

## KEY REFORMS

In addition to addressing the foregoing major gaps, the following key reforms should be considered:

### Understanding trade crimes and responses

- Studying wildlife has always been a function of the Mongolian government. This should be coupled with a legal mandate to develop wildlife management plans that:
  - o cover wildlife throughout the country (not just protected areas),
  - o specifically address wildlife trade, contain legally enforceable mandates, and
  - o understand the threats to wildlife in the context of larger threats posed by mining, overgrazing and climate change.

- Mongolia is not just a source country, and its legal environment needs to respond better to transit, illegal imports and re-exports.
- Training of enforcement personnel has been intensive but can improve through dedicated training in wildlife law, as well as regular professional exchange with prosecutors and judges.
- Environmental crime data is critical to understand and improve enforcement through better use of limited resources, improving crime detection, investigations, prosecutions, and legal foundations. To maximize its value, such data needs to be comprehensive, integrated across agencies and regions, and up to date.

## International standards

- Mongolia is still a CITES Category 2 country meaning it does not yet fully comply with the treaty's primary requirements. It should move immediately to correct this shortcoming.
- However, there are also numerous partial and complete gaps in its implementation of CITES recommended best practices that should be addressed. Among the more notable are the lack of:
  - o fully developed permitting system
  - o captive breeding requirements, as well as
  - o criminal penalties for illegal CITES trade.
- It applies UNTOC's standard for a 'serious' crime only to nationally listed species, which does not cover another 69 CITES-listed species that occur in Mongolia.
- Mongolia should consider the development of additional international legal instruments with neighboring countries and trade partners that more specifically address the unique enforcement needs of combatting transnational wildlife trade crimes.

## Wildlife Trade

- Recognize organized crime as an aggravating circumstance in Mongolia's wildlife crime provisions.
- Apply criminal penalties for illegal trade in CITES-listed species.
- Apply criminal penalties for trade in species that have been temporarily banned.
- Include illegal domestic trade in foreign species among the crime types defined in the Criminal Code.
- Amend the Criminal Code to allow the application of criminal penalties to legal entities.

- Develop a broader definition of corruption as it applies to wildlife trade and apply criminal penalties.
- Develop a coherent policy for addressing illegal trade across all agencies and include all activities associated with trade.
- Add a comprehensive definition of the term 'wildlife trade'
- Of particular concern are:
  - o Expressly regulating online trade, including enforcement powers to monitor, access, and manage digital evidence
  - o Include closely related actions such as offers for sale (beyond advertising), solicitation, display, and exhibits.
  - o Fully define transportation standards for the transport of wildlife in all forms.
  - o Fully define captive breeding requirements and harmonize administrative and criminal penalties.
  - o Fully regulate re-export of wildlife transiting through Mongolia
  - o Expand the application of storage to trade in any wildlife.
  - o Add possession of illicit wildlife to the list of trade related acts for which penalties may apply
  - o Define and regulate the processing of wildlife for all purposes
  - o Establish comprehensive guidelines for the transport of wildlife
  - o Consider regulating informal forms of trade; exchange, barter

## Wildlife Disease

The connection between wildlife disease and trade cannot be overstated. The COVID-19 pandemic is likely a direct result of such trade causing substantial health and economic impacts across the globe. Mongolia's legal framework has yet to respond to this crisis, but could be substantially improved by:

- including all wildlife in its animal health and welfare legislation
- recognizing and regulating wildlife disease, including the regulation of WOAHA non-listed wildlife diseases
- delegating investigative authority to its government veterinary services to act whenever wildlife disease is detected
- penalize the failure to meet health and welfare standards

# INTRODUCTION

This report is the third of what might be considered a series, although not conceived as such.

The first of the three is a report published in 2006, titled **Silent Steppe, the Illegal Wildlife Trade Crisis in Mongolia**.<sup>5</sup> The first comprehensive report of its kind for Mongolia, Silent Steppe documented significant domestic and international trade involving many species, including endangered species for whom trade was already a known threat (e.g., snow leopard, *Uncia uncia*) but also for many common species for whom large-scale hunting and trade for markets at home and abroad was new (e.g., marmot, *Marmota sibirica*). While the report discusses a few key aspects of the legal framework governing wildlife trade (principally those regulating hunting), its primary goal was to shed some light on the problem of trade itself.

The second report, titled **Silent Steppe II, Mongolia's Wildlife Trade Crisis, Ten Years Later**, reexamines the status of wildlife trade in Mongolia, applying new methods to the research and bringing with it new insights into the drivers of trade, associated trade routes and methods, and enforcement efforts. While still largely focused on understanding the dimensions of wildlife trade, Silent Steppe II also takes a longer look at the legal framework, including a review of Mongolia's CITES compliance and brief gap analysis of its related national laws. The report noted several improvements when compared to the laws in effect for the first Silent Steppe report, including:

- A revised Criminal Code and Law on Infringements that provide a far more comprehensive set of penalties in ranges that appeared stringent enough to act as a deterrent.
- The application of higher fines and prison sentences for all illegal take and trade involving 'Very Rare' species (fines of USD 8,700-34,700, prison term of 2-8 years) and 'Rare' species (USD 4,700-23,500, and 1-5 years).
- The explicit coverage of a greater range of illegal acts that form the value chain associated with wildlife trade, including penalties for the sale, purchase, preparation, use, collection, transportation, storage, import, and export.

It also noted several continuing gaps, among them:

- A continued bias toward regulating wildlife harvests and not wildlife trade. Medicinal trade, for example, had no regulatory response despite being a major reason for domestic trade, and a known or suspected reason for some forms of international trade.
- Possession of protected wildlife was still not a recognized as an act associated with trade for which criminal or administrative liability might be imposed.

- Transportation, storage, and processing were criminalized, but not otherwise regulated, providing an unclear picture of what in fact was required for a violation to be established.

This report, **Mongolia's Wildlife Trade: An Analysis of International and National Legal Best Practices**, is the third in the series to focus on Mongolia's wildlife trade. It uses the prior reports' discussions of wildlife trade to inform its review and provide some context but does not include further original research on the forms, routes, and volumes of trade. The entire focus of this report, instead, is to examine key areas of the law and how well they respond to a growing understanding of the legal requirements to combat illegal wildlife trade. Of particular interest in this report is the question of policy coherence both as a general legal matter (i.e., laws or provisions that act as overarching mandates) and as it relates to the regulation and criminalization of the wildlife trade chain. This report does not reprise a review of those areas covered extensively in the Silent Steppe II report, namely the legal foundations for the regulation of hunting and trapping. These have largely remained the same and no further analysis was deemed necessary at this time.

The report also does not examine in depth some laws that play a key role in managing wildlife trade – namely the protected areas and tourism laws. Both have been the subject of revisions and review by Parliament. Proposed changes have reportedly not been accepted at this time with the general critique that significant issues (e.g., trophy hunting) are still inadequately addressed.

## METHODS

This section provides only brief descriptions of the methods used to compile and analyze Mongolia's legal framework for wildlife trade. For each of the methods described here, Legal Atlas has prepared detailed documentation and reports that will be published separately after further expert review.

## Legal Atlas® Platform

For all work done in this assessment, the [Legal Atlas®](#) platform plays a fundamental role, as both a repository of the laws reviewed, and as a digital tool supporting assessments and comparisons.

The platform is an open resource intended to facilitate rapid access to and understanding of organized sets of legislation as they relate to a particular topic, in this case, wildlife trade.

Several digital tools are used to compare and assess laws, offering the ability to benchmark legal content (i.e., identify legal content that merits consideration as a strong approach) and identify opportunities for harmonization at international and regional levels.

<sup>5</sup> Wingard J.R. and P. Zahler. 2006. Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia. Mongolia Discussion Papers, East Asia and Pacific Environment and Social Development Department. Washington D.C.: World Bank.

Independent of any assessments, it can also be used to support inquiries related to mutual legal assistance when combatting international crimes where knowledge of the laws of more than one jurisdiction are required.

## Legal Frameworks

The methods used to identify and compile related legislation (referred to as **Legal Frameworks**) for wildlife trade are based on those developed by Legal Atlas® for use in its legal intelligence platform and for this topic specifically. To date, this includes the compilation and review of wildlife trade-related legal frameworks in more than 80 countries.<sup>6</sup>

A legal framework is the complete collection of laws that relate to a particular topic. Establishing a framework helps outline the potential pieces of legislation with relevant content. The list of possible types of laws is a conceptual framework to help researchers look for legislation that may be applicable, but which might be hard to find and, at first glance, may not seem relevant. To build a comprehensive database of wildlife trade legislation, it is necessary to understand that each country approaches the question through different types of laws and content.

The ultimate focus is not the law, but the specific provisions within them. Wildlife trade is not embodied in one specific piece of legislation. The topic is spread across many types of law. This means that you may have important pieces in the Constitution, in Environmental Protection Laws, Criminal Codes, or in CITES implementing legislation, but also in Hunting legislation, Transportation Laws, and even in Manufacturing Laws.

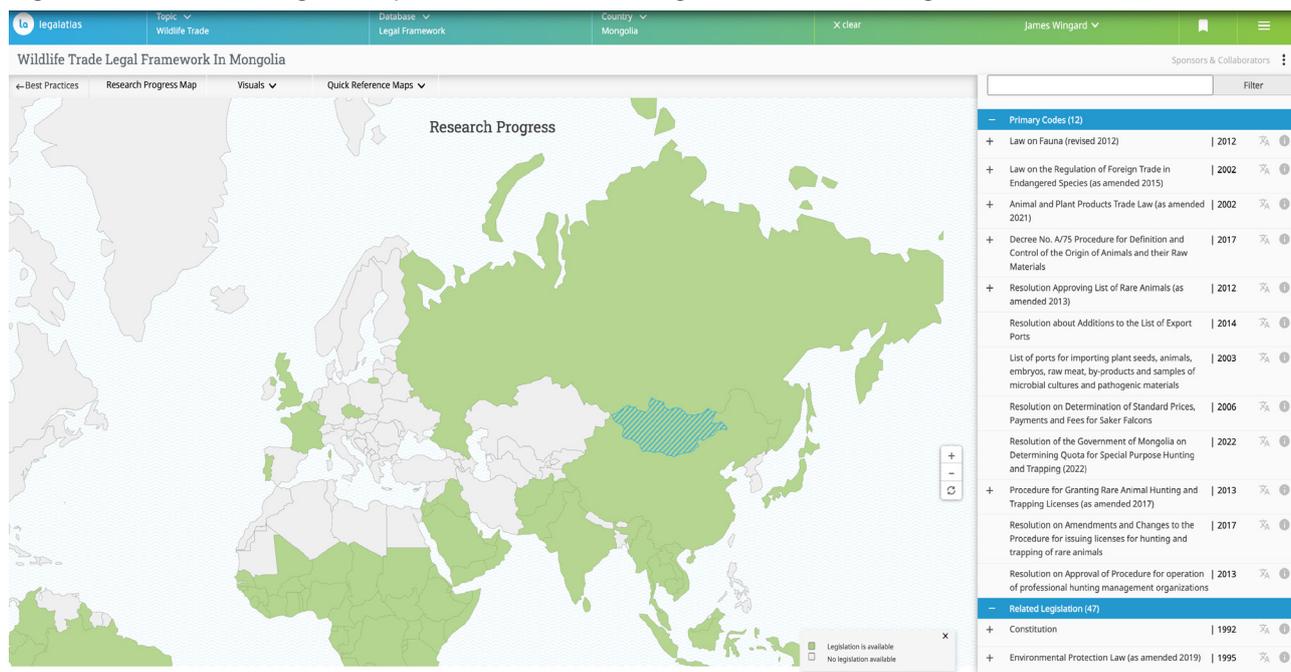
Relevant provisions might be hard to find and, at first glance, may not seem relevant, which means that that this is not always an easy task.

There are also many differences between jurisdictions. Concepts contained in one law in one country will be contained in an entirely different law in another; just as concepts appropriate to one jurisdiction may not be in another. Moreover, although some of the connections to the topic are easy and explicit (e.g., a clear prohibition against advertising the sale of wildlife parts online), in other instances, the references will be implicit (e.g., a money laundering law that may be used to prosecute a wildlife crime as it applies to all crimes, but which contains no explicit reference to wildlife crimes or trade). In still others, the relevance of a given provision will only be known because of practical experience with implementation, enforcement, or prosecution of wildlife crimes in a particular jurisdiction, e.g., an evidentiary rule as applied to a wildlife crime case.

In the last two instances, there is no way to guarantee that all possible laws and regulations have been accurately identified. Therefore, the compilation created in this exercise is, and will be for the foreseeable future, a work in progress.

The results of the compilation for this report involved independent review by international and legal experts, as well as review and identification of relevant legal material by local sources. Results can be accessed in Annex I of this report (p. 61), as well as in the Legal Atlas® platform by selecting the Wildlife Trade topic, and Mongolia from the map or country dropdown menu.

Figure 1. Screenshot of Legal Atlas platform, Wildlife Trade Legal Framework for Mongolia.



<sup>6</sup> See Legal Atlas® platform, Wildlife Trade topic.

## Best Practices

The methods for the drafting and application of **legal best practices** are also based on Legal Atlas methods, and all assessment results are available in the platform. Methods draw significantly from a variety of sources, including but not limited to:

- Previous analyses by Legal Atlas covering Mongolia's wildlife legislation.<sup>7</sup>
- Previous gap analyses and ongoing best practice assessments by Legal Atlas covering wildlife trade legislation in multiple jurisdictions.
- ICCWC Wildlife and Forest Crime Analytic Toolkit (Revised Edition).<sup>8</sup>
- Concerns raised by reports and key informants with knowledge of wildlife trade in Mongolia.
- Legal Atlas methods for legislative benchmarking, drafting best practices and conducting legal assessments.

In the actual writing of legal best practices, there are several considerations that factor into defining the format, scope, and degree of specificity. Not all of these are equally applicable to each practice but play a role in the overall method.

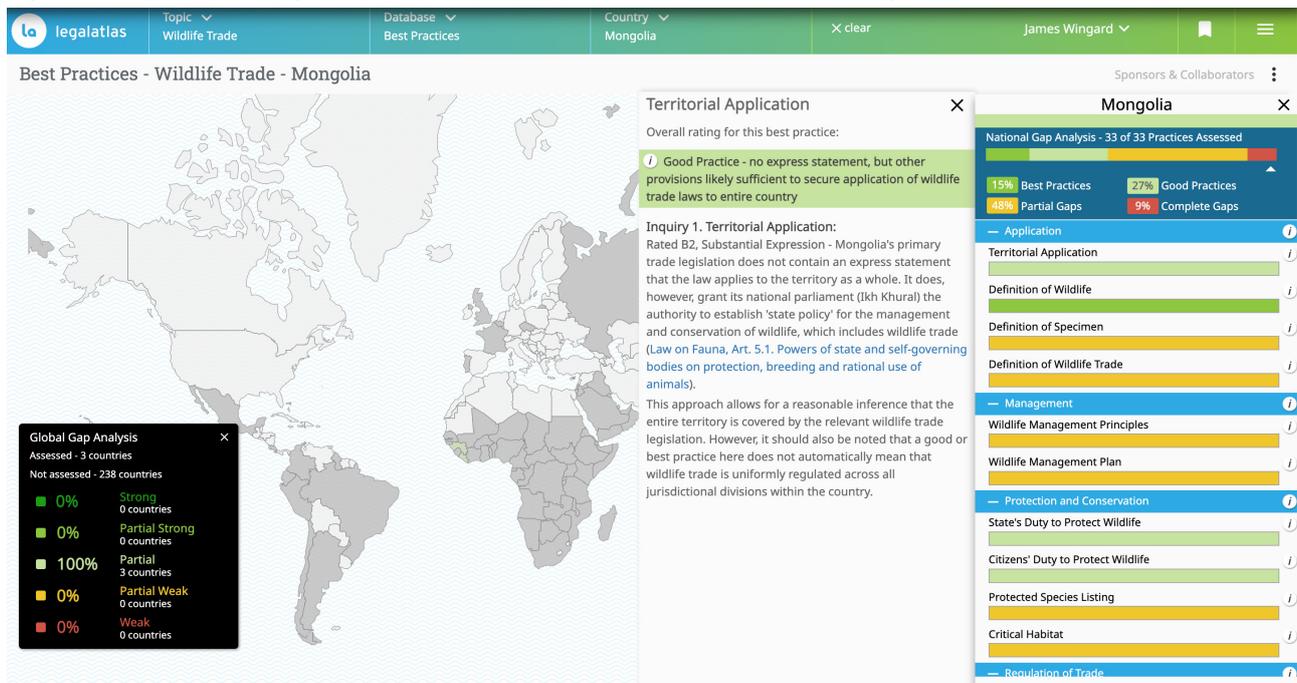
- **Starting simple** – most of the areas for which we are designing legal best practices are complex and, as a result, highly varied in their treatment across jurisdictions. When in doubt, the default is to draft statements that are simpler, i.e., identify a minimum requirement.

As the system develops and lessons learned through their application, both more advanced statements and programming will be added that simultaneously allow deeper, targeted inquiries and flexibility in their application (e.g., some best practices will apply to some jurisdictions but not others).

- **Cross-jurisdictional applicability** – the goal is to avoid statements that contain elements known to be restricted to certain legal systems, e.g., common law versus civil law. This is less of an issue than in the past as most jurisdictions today have substantial sets of codified laws that serve as their primary source of law; but differences still exist.
- **Identifying common areas of legal practice** – related to the preceding, one major consideration is whether a particular legal tool is well represented across jurisdictions and therefore susceptible of harmonization.
- **Key regulatory functions for the topic** – perhaps most important is an understanding of the key regulatory functions. In the context of wildlife trade, this helps focus the effort on key definitions (e.g., wildlife, wildlife trade), the regulation of the trade chain (e.g., sale, offers for sale, advertising, purchase, solicitation), as well as associated forms of liability for violations.

In addition to this report, all best practices can be found in the Legal Atlas® platform by selecting the Wildlife Trade or Wildlife Disease topics and then the Best Practices database.<sup>9</sup>

Figure 2. Screenshot of Legal Atlas platform, Wildlife Trade Best Practices for Mongolia.



7 Wingard J.R. and P. Zahler. 2006. Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia; and Wingard, J., et al, 2018. Silent Steppe: Mongolia's Wildlife Trade Crisis, Ten Years Later.

8 International Consortium on Combating Wildlife Trade. (2012). Wildlife and Forest Crime Analytic Toolkit (Revised Edition).

9 For those with an account go directly to these results - go to [https://legal-atlas.net/Wildlife\\_Trade/Standards/Mongolia#](https://legal-atlas.net/Wildlife_Trade/Standards/Mongolia#)

# WILDLIFE TRADE CONTEXT



Wildlife trade in Mongolia remains a critical issue but is now combined with significant threats posed by **mining** and **overgrazing**.

Protected areas contribute to conservation but the **range and distribution for most wildlife lie outside these areas**, making enforcement a nationwide concern.

Mongolia is not just a source country, and its legal environment needs to **respond better to transit, illegal imports and re-exports**.

Training of enforcement personnel has been intensive but can improve through dedicated **training in wildlife law**, as well as regular **professional exchange with prosecutors and judges**.

Environmental crime data is critical to understand and improve enforcement through better use of limited resources, improving crime detection, investigations, prosecutions and legal foundations. To maximize its value, such data **needs to be comprehensive, integrated across agencies and regions, and up to date**.

# WILDLIFE TRADE CONTEXT

In the past, Mongolia has been touted as one of the last places in Asia with large undisturbed ecosystems, hosting wildlife populations not witnessed anywhere else in the region. An ecological crossroads, where the Siberian taiga forest, Central Asian steppe, Altai Mountains, and Gobi Desert meet, Mongolia has held the honor of maintaining representative populations of wildlife that were all but gone from neighboring countries. It was (and still is) a point of pride.

Slowly but surely, however, it is losing this heritage. Silent Steppe I (2006) provided substantial evidence of a serious wildlife trade crisis that began as soon as Mongolia embarked on its path away from Soviet control toward independence. With the economy at a standstill, wildlife became a commodity for markets and volumes it had never experienced and was ill-prepared to manage. Silent Steppe II (2019) indicated that these threats had not abated in the intervening years. They may have shifted focus, become more sophisticated, and volumes may have changed responding to changes in wildlife populations and market demands. However, trade continued and was still a major concern for many species, including a significant increase in the harvest of freshwater fish.

The context of this report is more complex. Added to the threats to wildlife posed by excessive exploitation are now the devastating impacts posed by mining and overgrazing. According to reports, uncontrolled or inadequately managed mining, including artisanal forms, has resulted in the loss of more than 1,000 small lakes and streams that are critical to human and wildlife populations alike.<sup>10</sup> Its famous grasslands, also a critical resource for humans and wildlife, are being consumed by dramatic and unsustainable increases in livestock. A recent study points to the potential collapse of Mongolia's grasslands in the next decade if trends are not reversed.<sup>11</sup>

This report does not pretend to disentangle these connected threats or quantify the percentage of threat they pose. The focus is solely on the legal foundations for the management of wildlife trade. However, to understand the potential impact of wildlife trade requires an understanding of the additional threats wildlife now face, and the increased importance of stopping illegal wildlife trade. For those interested, we encourage reading the reports cited.

10 S. Tao et al. 2015. Rapid Loss of Lakes on the Mongolian Plateau. *Proceedings of the National Academy of Sciences of the United States of America*. 112 (7). pp. 2281–2286.

11 Thorsten Harder, Senior Advisor, Ulaanbaatar, 2022.

## Wildlife Trade Environment

For those that have not read the Silent Steppe reports and numerous other publications documenting and commenting on Mongolia's wildlife trade, this section repeats some of the salient points for reference. All information provided here is discussed in detail in these other reports and has not been further researched.

### Mongolia as a Source Country

There are no current estimates that reliably quantify the value of Mongolia's wildlife trade at domestic and international scales. In the early 2000s, the estimates put Mongolia's trade at millions of animals every year worth more than \$100 million. This has almost certainly changed as wildlife populations fluctuate, as do the value of wildlife goods, sometimes increasing with scarcity. Prior estimates relied primarily on fur trade values, and to a lesser degree on medicinal and game meat trades. Mongolia's wildlife trade is mostly fur, but a continuing international and domestic market for wild game and medicinal parts plays a part.

For the reader's reference, the following are some of the salient facts and figures associated with Mongolia's wildlife trade as reported by other sources. Note that some of this information is already dated. Wildlife trade is not a constant, sometimes dropping precipitously. The global population of the Saiga antelope populations, for example, have reportedly declined by over 95% since the early 1990s. In 2017 in Mongolia, the peste of petit ruminants killed 25% of the country's remaining saiga antelope population.<sup>12</sup> While there is no data confirming market and prices changes resulting from the 2017 event, it is known that Saiga antelope horn prices have increased since the 1990s although they are also still highly variable with recorded prices ranging anywhere from USD 40<sup>13</sup> per kilogram to as much as USD 3,000 in 2017.<sup>14</sup>

12 WCS Newsroom, A Deadly Virus is Killing Saiga Antelope in Mongolia, February 17, 2017, <https://newsroom.wcs.org/News-Releases/articleType/ArticleView/articleId/9836/A-Deadly-Virus-is-Killing-Saiga-Antelope-in-Mongolia.aspx>

13 Roberts, D., Mun, K., & Milner-Gulland, E. (2022). A systematic survey of online trade: Trade in Saiga antelope horn on Russian-language websites. *Oryx*, 56(3), 352-359. doi:10.1017/S0030605320001313

14 Devitt, E. 'The spirit of the steppes: Saving Central Asia's saiga.' Mongabay, 27 February 2017.

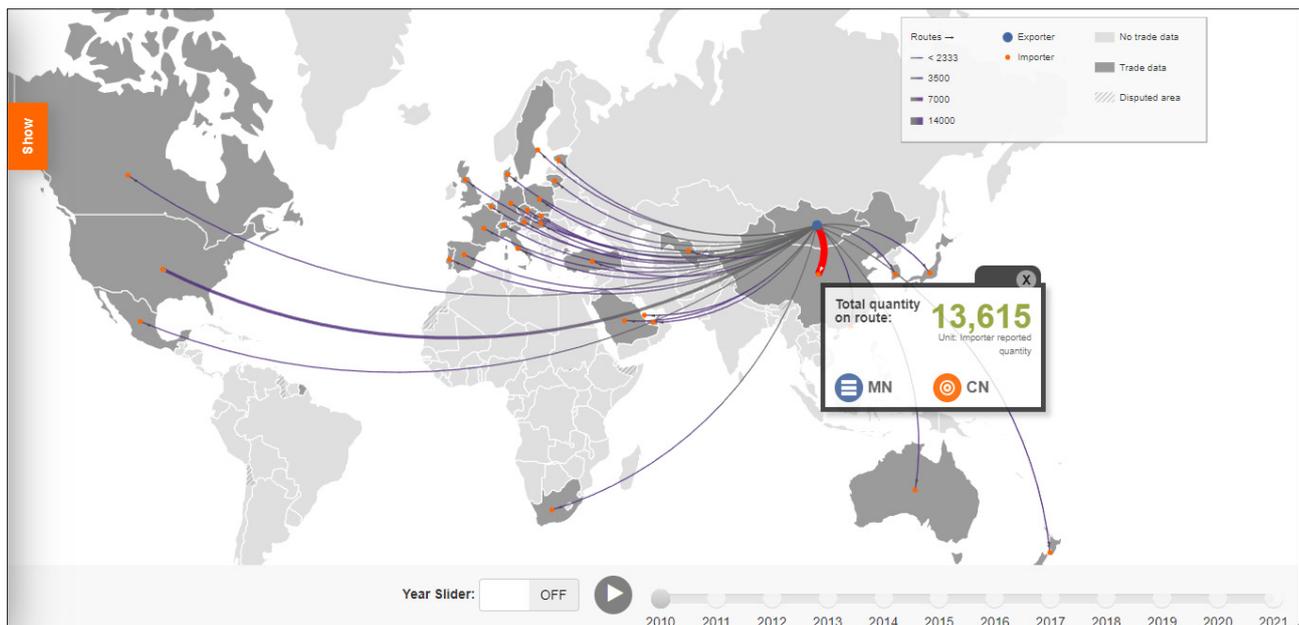
## Fur trade

Most of Mongolia's wildlife trade, both in terms of volume and value, consists of furs sold on the international market, mainly to China, with some going to Russia, and a limited amount sold on the domestic market. Snow leopards and other rare and highly threatened species are also traded, although in much smaller volumes.

## Trophy and Sport Hunting

Mongolia has become increasingly popular for trophy hunting and sport hunting, which can contribute with funding to wildlife management. Hunting companies all over the world advertise large mammals, raptors, and one fish found in Mongolia. However, government finance regulations and a lack of community benefits from trophy hunting prevent this market from supporting hunting management and local economies. Because of that, trophy hunting is another way to compete for diminishing resources.<sup>4</sup>

Figure 3. Map of trade routes used for the export of wild specimens from Mongolia to any importer (all purposes combined) between 2010 and 2021.



## Medicinal trade

Both domestic and international trade in medicinal products has increased. The main trading partner is China, with large volumes being sold to Koreans as well. International buyers seek primarily brown bear gall bladder, saiga antelope horns, wolf parts of all types (including tongue, spleen, ankle bones, and teeth), musk deer (*Moschus moschiferus*) glands, red deer shed and blood antlers, genitals, tails, and fetuses, and snow leopard bones.

## Game Meat Trade

Trade in game meat, other than fish, appears to be limited to the domestic market. Mongolia supplied large quantities of fish to markets in Russia in the early 1990s. However, a change in supply routes and higher prices paid in China have led to a shift in trade to China, although trade continues to some degree with Russia. The domestic market continues to thrive, even though international game meat trade has slowed or even stopped.

## International Demand

In 1992, the Mongolian Chinese border reopened to informal trade after decades of closure, increasing the overall trade volumes five-fold from 1990 to 2000.<sup>15</sup> New border crossings have made previously remote Mongolian wildlife habitats more accessible to Chinese consumers. Foreign trade increased ten-fold from 1996-2015, a strain on the under-resourced customs and inspections procedures. Inspectors often find illegal wildlife specimens in 100-200-ton trucks carrying coal and minerals across the border to China without proper inspections, sealed on site by mining companies.<sup>16</sup>

<sup>15</sup> Scharf and Enkhbold, 2002

<sup>16</sup> Wingard, J. et. al., (2019) Silent Steppe II: Mongolia's Wildlife Trade Crisis, 10 Years Later.

## Mongolia as Source Country

With annual trade for some species counting in the thousands or millions of specimens, wildlife trade is not just a part of the cultural fabric; it is also big business. Chinese income growth has created a demand far beyond what species are able to sustain for fur and traditional medicine products, so the trade value runs into the tens of millions.<sup>5</sup>

## Mongolia as Transit Country

It is becoming clear that Mongolia is a transit country, and it is a big part of the wildlife trade problem. At this point, Mongolia isn't a major transit route, but it does have transportation infrastructure (particularly the railroad and highway running north-south from Russia) that is already used for drug and human trafficking. Until September 2016, the Criminal Code did not criminalize illegal trade or possession of wildlife species not sourced in Mongolia. This loophole caused 'transit' cases to go undocumented and unprosecuted, and even be dropped by courts due to a lack of jurisdiction.<sup>5</sup>

## Mongolia as a Consumer Country

Mongolia is slowly becoming a consumer country of foreign wildlife, based on CITES trade levels. The number of sources has increased three-fold since 2006. In parallel with the increase in demand for foreign wildlife, the number of source countries has increased from 24 to 43. Top trade partners include the United States, Colombia, Thailand, India, China, and Vietnam.<sup>5</sup>

## Taking and Moving Wildlife and Wildlife Products

Mongolia's wildlife trade chains mainly involve hunters, both professionals and amateurs, who harvest wildlife in remote areas and bring it to collecting points in urban centers and settlements spread across the country. At least one person in every soum center acts as a collection point, making this a national issue. Products not sold locally are typically shipped to a larger market such as Ulaanbaatar, sold to an international buyer, packaged, and shipped across the border, usually concealed under other goods such as scrap metal. The products disperse quickly across borders to processors and finally to end users, at which point they become untraceable.<sup>4</sup>

## The Role of Mongolia's Protected Areas

Protected areas play a critical role in Mongolia's efforts to combat wildlife trade, as they serve as important habitats for threatened and endangered species and provide refuge and protection from human activities such as hunting, poaching, and habitat destruction.

According to Protected Planet, Mongolia's protected areas cover 19.8% (310,016km<sup>2</sup>) of the total land area (1,565,864km<sup>2</sup>), with 90% under government management, while the remaining 10% is listed as unreported.<sup>17</sup> Other sources list as many as 120 protected areas but do not provide coverage statistics. Using Protected Planet's data, Mongolia's protected areas have the following *national designations*:

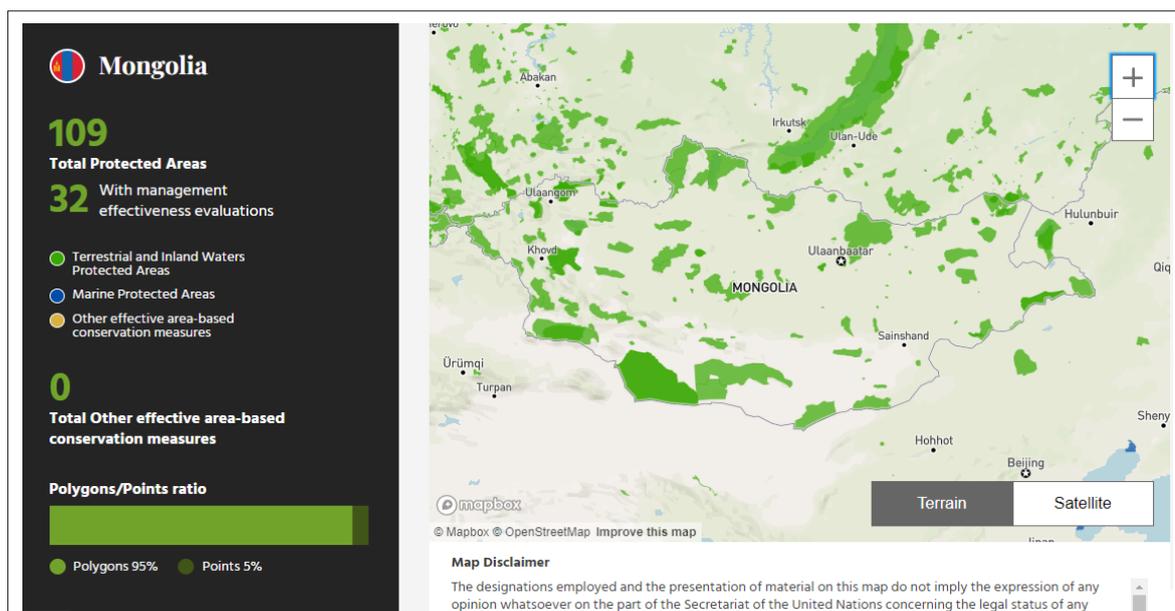
• Strictly Protected Areas	14
• National Parks	31
• Nature Reserves	32
• Nature Monuments	13

Under *international designations*, Mongolia's protected areas include:

• Ramsar Sites	11
• UNESCO-MAB Reserves	6
• World Heritage Sites	2

<sup>17</sup> UNEP-WCMC (2023). Protected Area Profile for Mongolia from the World Database on Protected Areas, March 2023. Available at: <https://www.protectedplanet.net/country/MNG>

Figure 4. Map of Mongolia's Protected Areas, from Protected Planet



Although Mongolia has substantial protected area coverage, this still only represents a small percentage of the total range and distribution of many endangered species. For example, only 14-19% of the snow leopard's range is inside protected areas in Mongolia.<sup>18</sup> While there are no precise estimates, the same is likely true for several other species known to be targeted for hunting and trade, e.g., goitered gazelle (*Gazella subgutturosa*), saiga antelope (*Saiga tatarica*), brown bear (*Ursus arctos*), musk deer (*Moschus moschiferus*), and red deer (*Cervus elaphus*).

As a function of legal mandates, Mongolia places strict restrictions and prohibitions on hunting and trade of all species inside its protected area system. These regulations are enforced primarily by park rangers, who patrol protected areas to detect and deter wildlife crimes.

To say this is a challenging environment would be an understatement. In Mongolia, park rangers are responsible for controlling 265,000 km<sup>2</sup> – or roughly 17% - of the country's territory. Divided into 75 individual protected areas, these spaces are also located in some of the most remote regions, covering largely uninhabited mountains and deserts. Iconic national parks such as Toson Khulstai or Khuvsgul have had just 6 and 15 rangers in service, with each person responsible for an average of 783 km<sup>2</sup> and 559 km<sup>2</sup>.

At the Aimag level, it is even more difficult. In Selenge aimag, 28 rangers are expected to cover its 41,000 km<sup>2</sup>, while in Bayan-Olgii, 30 rangers have responsibility for 45,700 km<sup>2</sup>. The average for these two comes to a surveillance requirement of around 1,500 km<sup>2</sup> per ranger; clearly insufficient staffing levels and a daunting task by any definition.<sup>19</sup>

<sup>18</sup> Urgan Johansson, Geir Rune Rauset, Gustaf Samelius, Tom McCarthy, Henrik Andriin, Lkhagvasumberel Tumursukh, Charudutt Mishra, Land sharing is essential for snow leopard conservation, *Biological Conservation*, Volume 203, 2016, Pages 1-7, <https://doi.org/10.1016/j.biocon.2016.08.034>.

<sup>19</sup> Wingard, J. et. al., (2019) Silent Steppe II: Mongolia's Wildlife Trade Crisis, 10 Years Later.

Added to this is the need to monitor increasing activities along the country's 10,409 km of major rivers and 13,418 km<sup>2</sup> of lakes, as pressure on aquatic resources has risen sharply in recent years. In sum, few places on earth have so much territory to cover with as few people and resources as does Mongolia.

## Enforcement Environment

### Geographic Factors

Several geographic factors contribute to wildlife trade in Mongolia.

Mongolia is a vast country with a relatively small population, and its remote landscapes make it difficult for authorities to monitor and enforce wildlife trade regulations. Although there is a nominal concentration of enforcement personnel assigned to monitor the country's protected areas, their patrolling areas are still daunting.

The country's borders with China and Russia are also factors, as these countries have high demand for wildlife products and serve as transit points for illegal wildlife trade. China is a major market for traditional Chinese medicine, which uses many wildlife products.

The proximity of the dynamic Chinese market and the vast borders that separate both countries make Mongolia an easy target for illicit wildlife exports. Data from Mongolia's Customs supports this assertion, as most of the seized illegal wildlife products are in fact destined for China. According to Mongolia's Customs Authority, the top species and products illegally traded to China in recent years have been wolves, bear gallbladders and bile, red deer blood antlers, and musk deer glands.

In addition to these four endangered species, there are numerous others being illegally exported to China. Among them are deer testicles and tails and saiga horn, all documented by Customs seizures. In addition, furs from polecats, marmot, and other Mongolian species are sold to China to supply the apparel manufacturing industry. These are shipped throughout China and to the international apparel and fur markets. It is also noteworthy that the fur processing industry and market has increased in China in recent years. A 2014 report by the China Leather Industry documented significant increases in the production of 'mink, fox, and raccoon pelts... with 60 million mink pelts, 13 million fox pelts and 14 million raccoon pelts produced, up 50 percent, 30 percent and 16.7 percent year-on-year respectively.'<sup>20</sup>

## Agencies

Mongolia has at least eight (8) enforcement bodies responsible for regulating and enforcing laws related to wildlife trade. These agencies include:

- **Ministry of Environment and Tourism (MET):** The MET is responsible for the conservation of natural resources, including wildlife. It sets policies, regulations, and guidelines related to wildlife conservation and management, and monitors and enforces these regulations.
- **General Agency for Specialized Inspection (GASI):** GASI was previously responsible for ensuring compliance with laws and regulations related to environmental protection, including those related to wildlife trade. It carried out inspections and investigations related to the transportation, trade, and export of wildlife. The government decided to dismantle the General Agency for Specialized Inspection (GASI) by January 1, 2023.
- **Environmental Inspectors:** With the dissolution of GASI, the structure for environmental inspectors has also changed. All specialists have moved or are moving to one department of the MET. However, local Inspectors are entirely within the Aimag administration as part of the Environmental Protection and Tourism Staff.

In general, environmental inspectors are responsible for monitoring and enforcing environmental standards and regulations, as well as conducting inspections of facilities, operations, and activities that have the potential to impact the environment. Related to wildlife trade, environmental inspectors are responsible for monitoring and enforcing regulations related to the trade and transportation of wildlife. Specifically, the role of environmental inspectors includes conducting inspections of markets, border checkpoints, and other locations where wildlife trade is known to occur, investigating and enforcing laws related to the illegal hunting, trading, and transport of wildlife, collecting data on wildlife populations and trends, as well as

monitoring the impacts of trade on wildlife, collaborating with other government agencies and international organizations to combat wildlife trafficking and illegal trade, promoting public awareness and education about the impacts of wildlife trade on biodiversity and the environment.

- **Rangers:** Rangers in Mongolia safeguard the country's natural resources, including its wildlife, ecosystems, and cultural heritage. The Rangers are responsible for patrolling protected areas, monitoring wildlife populations, and enforcing laws and regulations related to conservation and natural resource management. Specifically, the role of rangers in Mongolia includes protecting and managing Mongolia's protected areas, such as national parks, wildlife reserves, and conservation areas, conducting patrols to monitor and prevent illegal activities, such as poaching, illegal mining, and logging, collecting data on wildlife populations, habitat quality, and other ecological indicators to inform conservation planning and management, collaborating with local communities and stakeholders to promote sustainable use of natural resources and support conservation efforts, providing education and outreach to visitors and the public on conservation and natural resource management.
- **Customs General Administration:** The Customs General Administration is responsible for regulating the import and export of goods, including wildlife. It monitors and enforces regulations related to the trade in wildlife and works closely with the MET and GASI to prevent illegal wildlife trafficking.
- **National Police Agency:** The National Police Agency is responsible for enforcing laws related to wildlife crime, including those related to poaching, illegal hunting, and trafficking in wildlife. It conducts investigations and works to prosecute those involved in such crimes.
- **Ecological Police** was established in 2010 as a new division responsible for the investigation of crimes involving natural resources, including wildlife. Today it has the status of an agency pursuant to a Resolution of the Government of Mongolia.
- **Border Protection Agency:** The Border Protection Agency is responsible for monitoring and regulating the movement of people and goods across Mongolia's borders. It works closely with the Customs General Administration and other agencies to prevent illegal wildlife trafficking and smuggling.

<sup>20</sup> China Daily, Official Statistics Key to China's Fur Farming Industry, (Aug. 20, 2016), [http://www.chinadaily.com.cn/business/2015\\_08/20/content\\_21659731.htm](http://www.chinadaily.com.cn/business/2015_08/20/content_21659731.htm).

There are a few legal mandates that require and provide support for coordinated efforts between Mongolia's various enforcement agencies. Enforcement data, however, suggests that wildlife trade may not be a focus or may have declined to the point no major cases are being reported.

## Training

Training related to wildlife trade has been a regular activity for several years. Notable training efforts include the following:

- **Fondation Segrñ Detection Dog Training:** is supporting the efforts of the Zoological Society of London and its partners to improve the operational capacity and effectiveness of Mongolian law enforcement working with detector dogs. Key agencies in the fight against IWT, the Customs General Administration (CGA) and Police General Administration (PGA), will recruit new detector dogs, to be used for operational deployment and for breeding. The project will also refurbish and modernize detector dogs' training and accommodation facilities to train and house them.
- **Wildlife Conservation Society's (WCS) SMART Training:** WCS provides training on the Spatial Monitoring and Reporting Tool (SMART) wildlife law enforcement agencies to monitor and manage protected areas and wildlife populations. WCS's training focuses on the use of SMART for anti-poaching and anti-trafficking efforts.  
  
WCS Mongolia received INTERPOL accreditation for Data-Driven training which is focuses the on Problem Orientation Police Model (POP) training.
- **INTERPOL Environmental Compliance and Enforcement Training:** INTERPOL has provided training on environmental compliance and enforcement to Mongolian law enforcement officials. This training includes modules on wildlife trafficking, environmental crime investigation techniques, and international environmental law.
- **Regional Law Enforcement Academy for Development and Innovation (LEADI):** LEADI provides training on wildlife law enforcement to Mongolian officials, as well as officials from other countries in the region. The training covers topics such as wildlife trafficking, CITES regulations, and international cooperation on wildlife law enforcement.
- **United Nations Development Programme (UNDP) Biodiversity and Ecosystem Services Network (BES-Net):** BES-Net provides training and capacity building on biodiversity and ecosystem services to Mongolian law enforcement officials. The training includes modules on sustainable wildlife management, biodiversity conservation, and ecosystem services valuation.

To date, none of the training has been directed at improving law enforcement personnel's understanding and use of the law itself. While not unusual, there is growing recognition that an advanced understanding of the law, including knowledge of all possible causes of action for a given type of crime (e.g., wildlife crime), the elements of proof required for such crimes, and the associated forms of evidence required, has a direct impact on the quality of investigations and thus success of prosecutions.<sup>21</sup>The converse is also true, that lawyers and judges need training not just in wildlife crime legislation, but in the work done by enforcement personnel; how evidence is gathered at a crime scene, how perishable forms of evidence are or can be stored. In short, enforcement training should be understood as a team effort, where each part can benefit substantially from understanding what others in the enforcement chain know and contribute.

There have been several training programs in Mongolia aimed at improving law enforcement personnel's understanding and use of the law related to wildlife trade. Some examples include:

**CITES training for customs officials:** In 2019, the Mongolian Customs General Administration organized a training program for customs officials on CITES regulations, specifically focusing on the identification of CITES-listed species, documentation requirements, and inspection procedures.

**Wildlife trafficking investigation training:** In 2018, the US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), in cooperation with the Mongolian Police, organized a training program on wildlife trafficking investigation. The program aimed to enhance the capacity of Mongolian law enforcement agencies to combat wildlife trafficking and included training on CITES regulations, wildlife identification, and investigation techniques.

**Wildlife crime prosecution training:** In 2019, the Wildlife Conservation Society (WCS) and the Mongolian Ministry of Environment and Tourism organized a training program on wildlife crime prosecution for law enforcement personnel. The training included sessions on Mongolian wildlife law, CITES regulations, and trial procedures, as well as practical exercises on investigating and prosecuting wildlife crimes.

**Interagency training on wildlife crime investigation:** In 2017, the Mongolian Ministry of Environment and Tourism organized an interagency training program on wildlife crime investigation, in cooperation with the Mongolian Police, Customs General Administration, and the National Agency for Meteorology and Environmental Monitoring. The training included sessions on Mongolian wildlife law, CITES regulations, species identification, and investigation techniques.

<sup>21</sup> UNODC. (2016). Wildlife and forest crime analytical toolkit, Second Edition, 2022.: Law enforcement, p. 101-104, [https://www.unodc.org/documents/Wildlife/Toolkit\\_e.pdf](https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf)

## Cross-Border Collaboration

Mongolia has engaged in several cross-border collaborations to combat wildlife trade, recognizing that wildlife trafficking is a transnational issue that requires international cooperation and coordination.

### China

One such collaboration is the Memorandum of Understanding (MoU) signed between Mongolia and China in 2013 to enhance cooperation in wildlife protection and law enforcement. Under the MOU, the two countries agreed to share information and intelligence on wildlife crime, coordinate patrols along the border, and carry out joint law enforcement actions. In addition, the MoU also includes provisions for public awareness and education campaigns to promote wildlife conservation.

### Russia

Mongolia and Russia have also engaged in several collaborations to combat wildlife trade. One example of such collaboration is the "Safe Passages for Mongolian Saiga" project, which was launched in 2015 with support from the United Nations Development Programme (UNDP). The project aimed to enhance transboundary cooperation between Mongolia and Russia to protect the endangered saiga antelope, whose population has declined dramatically due to poaching and habitat loss. The project involved joint patrols, information-sharing, and capacity-building activities for law enforcement agencies and local communities.

Moreover, Mongolia and Russia are members of the Central Asian Regional Information and Coordination Centre (CARICC), which facilitates regional cooperation on drug and crime control, including wildlife trafficking. CARICC provides a platform for countries in the region to exchange information and intelligence on wildlife crime and coordinate joint law enforcement actions.

Overall, Mongolia and Russia have recognized the importance of cross-border cooperation to combat wildlife trade and have engaged in several initiatives to enhance collaboration, including joint patrols, information-sharing, and capacity-building activities. By working together, the two countries can better protect their shared biodiversity and combat illegal wildlife trade.

### Kazakhstan

Although they do not share a border, Mongolia and Kazakhstan have engaged in several collaborations to combat wildlife trade.

One example is the 'Sustainable Tourism in the Altai-Sayan Ecoregion' project launched in 2014 with support from the United Nations Development Programme (UNDP). The project aimed to enhance transboundary cooperation between Mongolia and Kazakhstan to promote sustainable tourism and protect the region's biodiversity, including rare and endangered species. The project involved joint assessments of the ecoregion's biodiversity and ecosystems, capacity-building activities for local communities, and the development of a transboundary protected area network.

## Enforcement Data

Enforcement data is most often understood as the data collected and maintained by the departments and personnel responsible for interdictions, i.e., the detection of crimes and the detention or arrest of those involved. The data collected is considered a fundamental tool with several recognized benefits for enforcement operations. Among these are:

- ability to identify crime patterns and hotspots
- reduce response times
- optimize resource allocation
- supports evidence-based decision-making

However, enforcement data more broadly defined also includes the data maintained by the bodies that conduct investigations and those that prosecute. It has some of the same operational benefits (e.g., optimizing resource allocation) but it also acts as a substantial feedback loop for the use and improvement of the law itself. Tracking interdictions tells us where crimes occur, who is involved, what methods are used and what are the targets. Tracking the investigations and prosecutions can tell us even more; in particular:

- **is the law being used to the fullest extent** – i.e., what types of crimes are being investigated versus what crimes might be considered based on the available evidence?
- **does the legal basis impact prosecutorial success** – i.e., how many, and what types of crimes move beyond investigations to prosecutions? If only a percentage are prosecuted, are there stated or discernible reasons for the attrition?
- **is there a need for better legal coordination** – i.e., do the charges for prosecution match those listed at the time of interdiction and investigation? Is evidence collected with an understanding of all possible direct and ancillary crimes, e.g., money laundering, organized crime.
- **is there a need to improve the law** – are there facts presented for which the law is not entirely suited, e.g., is there a knowledge requirement that acts as a complete barrier to prosecution because evidence cannot be obtained?

This report was able to collect some enforcement data corresponding to this last set – investigations and prosecutions – covering roughly 2015 to 2021. Specifically, the analysis is based on two (2) reports. The first is the **Environmental Crime Survey (2015-2019)**, provided by Mongolia Police EcoCrime Division. The second is from the **Ulaanbaatar Prosecutor’s Office**.<sup>22</sup> It was not provided with an official title but consists of records on environmental crime prosecutions from 2018 to 2021 solely for Ulaanbaatar. As this type of information is usually treated as confidential, especially for ongoing investigations, no further records were made available.

Overall, the data obtained is minimal. It does not contain information that might be used to answer most of the questions just outlined. It is, however, useful in understanding major trends that are instructive on their own.

## Wildlife Crime Investigations

The Environmental Crime Survey lists all crimes reported from the entire country that fall under any of the crime types defined in the Criminal Code’s Chapter 24, specifically Articles 24.1 to 24.9. Article 24.5 covers illegal hunting. For each crime, the report states which regional authority was responsible for the inquiry and investigation and total number of registered environmental crimes.

Between 2015 and 2019 there were a total of 1,578 environmental crimes registered, of which 202 (13%) were wildlife crimes. This is a slight increase in relative terms over the volume of investigated wildlife cases reported for the previous decade where wildlife crimes were only 11% of the environmental cases.<sup>23</sup> However, the current trend points to a substantial increase in absolute terms. The second reporting period only covers 5 years (50% of the previous reporting period) but already records almost 77% of the crimes recorded in the 2007-2016 data (*n.* 263).<sup>24</sup> The question is whether this is a function of increased criminal activity or an increase in the effectiveness of enforcement.

Of the 202 reported wildlife crimes, the Investigative Police Department received 27 (13%) and the Railway Police Department, 8 (4%). The remaining 167 (83%) have no associated enforcement agency reported, although they are listed by region. Table 1 distributes the values for the reported environmental and wildlife crimes per year for the 5-year time frame of the report.

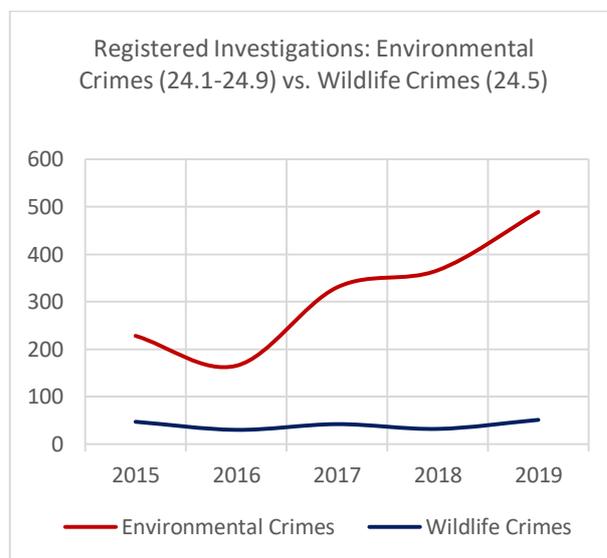
Table 1. Total registered investigations on environmental and wildlife crimes between 2015 and 2019

Registered Investigations	2015	2016	2017	2018	2019
Environmental Crimes (24.1-24.9)	228	165	330	366	489
Wildlife Crimes (24.5)	47	30	42	32	51

The percentage of wildlife crime out of the total registered investigations on environmental crime varies from year to year, ranging from 10 and 20%. The highest percentage (20%) occurred in 2015, and a notable outlier occurred in 2018, when the percentage of was just 9%. The Environmental Crime Survey data indicates whether investigations were undertaken pursuant to the prior Criminal Code or pursuant to the amendments in 2017. This may explain the significant drop in investigations in 2018 but there is no information confirming this.

Figure 5 shows a substantial and steady increase in environmental crime investigations overall, while wildlife crime investigations remain relatively constant and a decreasing percentage of the overall environmental crime investigation effort. The data suggests this is a function of increased enforcement of illegal mining pursuant to Art 24.2 of the Criminal Code.

Figure 5. Registered investigations on environmental crimes and wildlife crimes between 2015 and 2019



<sup>22</sup> For convenience, this report refers to it as Chapter 24 Prosecutions (UB) 2018-2021.

<sup>23</sup> Wingard J.R. and P. Zahler. 2006. Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia. Mongolia Discussion Papers, East Asia and Pacific Environment and Social Development Department. Washington D.C.: World Bank.

<sup>24</sup> Id.

## Wildlife Crime Prosecutions

The analysis of environmental crime prosecutions is based solely on data made available for Ulaanbaatar in the Chapter 24 Prosecutions (UB) report spanning 2018 to 2021. The report provides data on which article of the Criminal Code has been charged, the status of the inquiry, the type and date of the decision, and a short summary of the case. For wildlife crimes, this includes the basis of the charge, the species involved, the date and location, and sometimes the name of the defendant and details (color, license plate) of the vehicle used by the defendant.

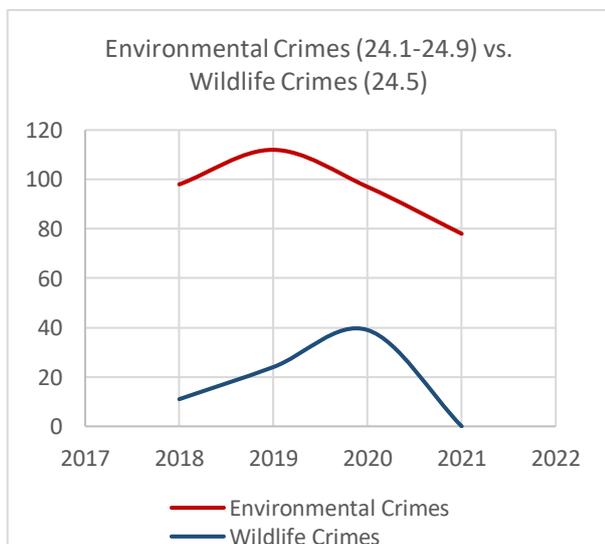
According to the report, between 2018 and 2021 there were 385 environmental crimes prosecuted in Ulaanbaatar pursuant to the Criminal Code's Chapter 24 (Investigations against the environment), of which 73 (19%) were wildlife crimes, Article 24.5 (Illegal hunting) (Table 2).

Table 2. Number of prosecuted environmental crimes and wildlife crimes between 2018 and 2021

Prosecutions	Environmental Crimes	Wildlife Crimes
2018	98	11
2019	112	24
2020	97	39
2021	78	0

The percentage of prosecuted wildlife crimes from all environmental crimes varies significantly, from a low of 11% in 2018 to high of 39% in 2020 (Figure 6).

Figure 6. Prosecuted environmental crimes vs. wildlife crimes between 2018 and 2021



Note that for 2021, the data does not represent a full year, including prosecutions only through February. As there is no monthly breakdown in the data from prior years, no projection can be fairly made for comparison. It is nonetheless noteworthy that the end of the first quarter already had 70% of prosecutions compared to the entire year for 2019, the year with the highest rate of prosecutions to date. At the same time, recorded wildlife crimes are at 0. No information in the data provides or suggests a reason.

The wildlife crimes prosecuted between 2018 and 2021 have the status (per year) as shown in Table 3. According to the results, 31 cases were closed, 34 cases were filed, one (1) case was dismissed, four (4) cases were ongoing, and two (2) cases were consolidated with another crime case.

The results show that the duration between the opening of a case and the date of the decision relatively consistent, with averages as follows:

- **2018:** between one (1) month and seven (7) months, with an average of 4.6 months, with no notable outlier cases.
- **2019:** between one (1) month and one (1) year, with an average of 5 months, and three (3) outlier cases of about 1.5 years.
- **2020:** between one (1) month and one (1) year, with an average of 4.3 months, with no notable outlier cases.

Looking at the data per species for the entire time frame, case durations are:

- wild boar (listed as 'Rare') - 2-9 months
- brown bear (listed as 'Rare') - 4-7 months
- altai snowcock (unlisted) - 4 months
- snow leopard (listed as 'Very Rare') - 3-10 months
- marmot (unlisted) – 3-6 months
- red deer (listed as 'Rare') – 1-8 months
- siberian ibex (listed as 'Rare') – 1-6 months
- peacock (unlisted) – 1-12 months
- great white pelican (unlisted) – 3 months
- musk deer (unlisted) – 10 months
- penguin (unlisted) – 1 month
- sable (listed as 'Rare') – 3-9 months
- 'birds' (unspecified) – 2-8 months

Two of the outlier cases in 2019 (1.5 years) involved the illegal trade of snow leopard skins.

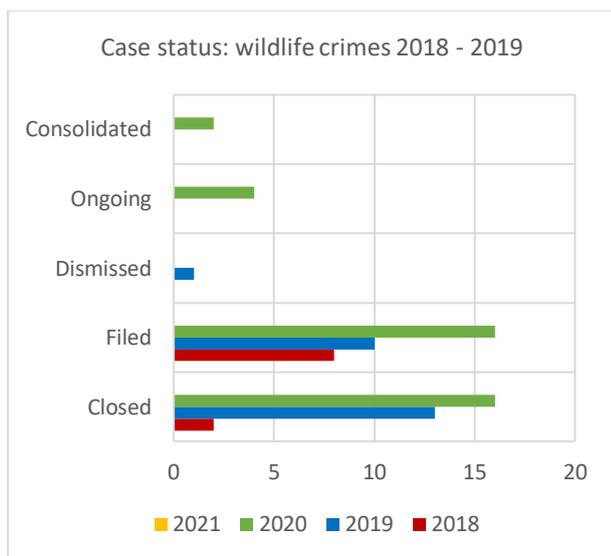
The data in Table 3 shows that 95% of the wildlife cases receive a decision within a maximum one (1) year, only 5% of the cases are still ongoing (for an average of 7 months at the time of the report, well within the limits of decision duration).

For comparison, between 2014 and 2018 the United States courts took an average of roughly 11 months to process wildlife cases involving individuals, and about eight (8) months to process cases that involved organizations.<sup>25</sup>

Table 3. The case status of wildlife crimes prosecuted between 2018 and 2021

Case Status	2018	2019	2020	2021
Closed	2	13	16	0
Filed	8	10	16	0
Dismissed	0	1	0	0
Ongoing	0	0	4	0
Consolidated	0	0	2	0

Figure 7. Case status of wildlife crimes between 2018 and 2021



## Wildlife Crime Damages

Wildlife crime damages between 2015 and 2018 are estimated at 2 billion Mongolian tugrik (MNT or ₮), equivalent to roughly 600,000 US dollars. As much as 65% of these damages, totaling ₮1.3 billion, have been successfully reimbursed. The remainder has been covered by sealed assets amounting to ₮730 million.

Table 4. Wildlife crime damage estimates 2015-2018

Damages (Million MNT)	2015	2016	2017	2018
Caused damages	952.2	297.6	592.5	177.4
Reimbursed damages	712.4	220.8	272.2	124.9
Sealed Assets	275.7	158.1	218.8	83.7

## Data Consistency

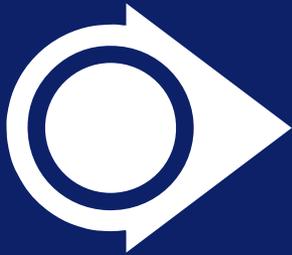
There is some overlap in the data between the two reports covering years, 2018 and 2019 and includes the wildlife crimes investigated and then prosecuted in Ulaanbaatar. There is some inconsistency in the data worth noting.

For 2018, although only eight (8) wildlife crimes were investigated in the region, eleven (11) appear as prosecuted. Likewise, for 2019, while only fifteen (15) cases were under investigation, twenty-four (24) appear as prosecuted. The fact that from eight (8) enforcement agencies listed in the **Environmental Crime Survey (2015-2019)**, there were only two (2) registered wildlife crime investigations may be an indicator that there are wildlife crimes which are not being reported by enforcement agencies. This is a relevant gap, as the Environmental Protection Law imposes a duty on environmental state inspectors to gather information on wildlife trade offenses.<sup>26</sup>

25 Sosnowski MC, Kim Y, Petrossian GA and Asner M (2022) Profiling Wildlife Crimes Prosecuted Federally by the United States. *Front. Conserv. Sci.* 2:811516. doi: 10.3389/fcosc.2021.811516  
<https://www.frontiersin.org/articles/10.3389/fcosc.2021.811516/full>

26 Mongolia, Law on Environmental Protection, Art. 27.

# TREATY COMPLIANCE



Mongolia is a member of and in technical compliance with almost all treaties identified as either directly or indirectly related to wildlife trade.

However:

It is still a CITES Category 2 country meaning it does not yet fully comply with the treaty's primary requirements.

There are several gaps in its implementation of CITES recommended best practices, among the more notable are the lack of

- fully developed permitting system
- captive breeding requirements, as well as
- criminal penalties for illegal CITES trade.

It applies UNTOC's standard for a 'serious' crime only to nationally listed species and hunting in protected areas, which does not cover another 69 CITES-listed species that occur in Mongolia.

Mongolia should consider the development of additional international legal instruments with neighboring countries and trade partners that more specifically address the unique needs of transnational wildlife trade crimes.

# INTERNATIONAL GAP ANALYSIS

This section reviews the international agreements and other instruments that apply to wildlife trade either directly or indirectly and to which Mongolia is either a member, a signatory, or eligible to sign.

## INTERNATIONAL AGREEMENTS

Research identified 21 international and regional agreements relevant to wildlife trade management and enforcement for Mongolia. These are organized in the following table according to their primary focus. As with the national legal frameworks, the method for identifying and compiling relevant international agreements is based on those developed by [Legal Atlas®](#) for use in its legal intelligence platform.<sup>27</sup> The method also includes input by Ministry of Environment legal staff and other members of WCS project team.

Table 1 lists the international and regional agreements deemed relevant to wildlife trade occurring within, passing through, or coming from Mongolia. Treaties have been organized by their overarching purpose, starting with those most directly relevant. This organization is not intended to indicate that some are less important than others, as any given instance of trade may make any of them more important than the others for that question.

Table 5. List of Relevant International Agreements for Wildlife Trade in Mongolia

#	Convention Name	Mongolia Status
<b>Wildlife Trade Related Agreements</b>		
1	CITES	Party, Jan 5, 1996
2	UNGA Resolution on Tackling Illicit Trafficking in Wildlife A/RES/73/343	Party, Jan 5, 1996
3	UN Convention Against Transnational Organized Crime (UNTOC), including Resolution E/2013/30 to treat Wildlife Crime as a Serious Crime	June 27, 2008
4	Central Asian Regional Information and Coordination Centre (CARICC)	December 1, 2009
<b>Biodiversity Related Agreements</b>		

<sup>27</sup> Results of the WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended can be viewed online at [www.legal-atlas.net](http://www.legal-atlas.net).

5	WHO Convention of the Protection of the World Cultural and Natural Heritage	Feb 2, 1990
6	Convention on the Conservation of Migratory Species of Wild Animals	Nov 1, 1999
7	Convention of Biological Diversity	Dec 29, 1993
8	Ramsar Convention on Wetlands of International Importance	April 8, 1998
9	UN Convention to Combat Desertification (UNCCD)	Mar 9, 1996
10	Man and the Biosphere Agreement (MAB)	March 15, 1991
<b>Governance Related Agreements</b>		
11	UN Convention against Corruption (UNCAC)	Jan 11, 2006
12	UNWTO Framework Convention on Tourism Ethics	Not Signed
<b>Trade Related Agreements</b>		
13	WCO-Convention on simplification and harmonization of Customs procedures (Kyoto Convention) as amended	July 1, 2006
14	WCO-Convention on mutual administrative assistance for the prevention, investigation, and repression of Customs offences	Not Signed
15	WCO-International Convention on the harmonized Commodity Description and Coding System	January 1, 1998
16	WCO-Convention A.T.A Carnet for the Temporary Admission of Goods	November 2, 2005
17	WCO-Convention on Temporary Admission (Istanbul Convention)	June 5, 2003
18	WTO-Agreement on Rules of Origin	Jan 29, 1997
19	WTO-Agreement on Sanitary and Phytosanitary Measures	January 29, 1997
<b>Enforcement Related Agreements</b>		
20	INTERPOL Constitution, including: INTERPOL Rules on the Processing of Data	June 7, 1991
21	Agreement between the Government of Mongolia and the Government of the Republic of Korea on Mutual Legal Assistance in Criminal Matters	March 31, 2014
22	Treaty between Mongolia and the United States of America on Mutual Legal Assistance in Criminal Matters	May 29, 1997
23	Agreement between the Government of Mongolia and the Government of the People's Republic of China on Mutual Legal Assistance in Criminal Matters, signed on	August 12, 1997
24	Treaty between Mongolia and the Russian Federation on Mutual Legal Assistance in Criminal Matters	December 17, 1993
25	Agreement between the Government of Mongolia and the Government of Japan on Mutual Legal Assistance in Criminal Matters	November 1, 2011

## Signature Status

In general, the results indicate that Mongolia has a good basis in international agreements. It is already a member of 23 of the 25 agreements identified, including all key agreements related to wildlife.

Three of the most important to wildlife trade are:

- **Convention on International Trade in Endangered Species of Flora and Fauna (CITES)** - is an international treaty aimed at ensuring that international trade in wild animals and plants does not threaten their survival. The Convention regulates the trade in certain species of wild animals and plants by listing them in three different appendices, depending on the level of protection they require.

As a party to CITES, Mongolia has committed to implementing the provisions of the Convention, including regulating the trade in CITES-listed species, enforcing CITES regulations, and cooperating with other parties to ensure the conservation and sustainable use of wild animals and plants. Mongolia has also designated a CITES Management Authority and a Scientific Authority, which are responsible for implementing the Convention's provisions within Mongolia. These authorities are responsible for issuing permits and certificates for the export, import, and re-export of CITES-listed species, as well as for providing scientific advice on the status of CITES-listed species and the impact of trade on their conservation.

- **UN Convention Against Transnational Organized Crime (UNTOC)** - The UNTOC is a global instrument to combat transnational organized crime. The Convention provides a framework for international cooperation and coordination in the fight against organized crime, including the smuggling of migrants, trafficking in persons, and the illicit trafficking of firearms, cultural property, and other goods.

As a party to the UNTOC, Mongolia has committed to taking a range of measures to prevent and combat organized crime, including the adoption of national legislation to criminalize organized crime, the provision of mutual legal assistance to other countries, and the establishment of effective measures to freeze, seize, and confiscate the proceeds of organized crime.

- **Central Asian Regional Information and Coordination Centre (CARICC)** - Mongolia is a member of CARICC, a regional organization established in 2009 to facilitate cooperation among its member states in the areas of drug control and transnational organized crime, including wildlife trafficking.

As a member of CARICC, Mongolia works closely with other member states, including Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, to exchange information and intelligence on wildlife crime and coordinate joint law enforcement actions. CARICC serves as a platform for its member states to share expertise, best practices, and resources, and to develop joint initiatives and projects to combat illegal wildlife trade.

## Technical Compliance

Technical compliance refers to the incorporation of specific legal provisions in national law intended to implement treaty obligations. While this is a critical step in converting international obligations into action at the national level, it is still only one part of the effort required. Technical compliance does not guarantee that international legal frameworks will be effective in achieving their intended objectives.

The implementation of these treaties is examined in separate sections of this report. CITES compliance is reviewed in this section given its more specific requirements for national implementing legislation. The requirements of UNTOC are mentioned briefly here but also in those national legal best practices that are relevant to the analysis.

With respect to UNTOC, the main issue noted is the need to expand which wildlife crimes are treated as '**serious crimes**,' referring to those that carry at least a 4-year minimum prison sentence.<sup>28</sup> Penalties that meet this threshold under Mongolia's Criminal Code apply only to trade in species listed as Very Rare and Rare, but not to CITES-listed species per se. While most (not all) species listed as 'Very Rare' and 'Rare' by Mongolia are also on CITES, there are at least 69 species that occur in Mongolia that do not appear in either its list of Very Rare or Rare species. For these species, trade maybe prohibited and administrative penalties applied, but not criminal penalties. Further, the criminal penalties only apply to exports not to imports, further restricting the application of these penalties, as they leave a significant percentage of trade activities and more than 99% of all CITES-listed species outside the scope of the Criminal Code.

## Need for New International Instruments

The larger issue may be that there are simply fewer international tools directed at wildlife trade and enforcement in this region when compared to others. The examples that follow cover a range of approaches from more general conservation-oriented instruments to those specifically directed at wildlife trade and enforcement. Some of the functions described in these examples are at least partially covered in the Central Asian Regional Information Coordination Center, but not all. Examples include:

- **African Union Convention on Conservation of Nature and Natural Resources** - The African Union Convention on Conservation of Nature and Natural Resources is a legal framework aimed at protecting the continent's wildlife and ecosystems. It was adopted by the African Union in 2017 and entered into force in

<sup>28</sup> The definition of serious crime in the United Nations Convention against Transnational Organized Crime, COP6/2012/CRP.4; [www.org/documents/treaties/organized\\_crime/COP6/CTOC\\_COP\\_2012\\_CRP/CTOC\\_COP\\_2012\\_CRP4.pdf](http://www.org/documents/treaties/organized_crime/COP6/CTOC_COP_2012_CRP/CTOC_COP_2012_CRP4.pdf)

2021. The convention outlines measures to combat illegal wildlife trade, promote sustainable development, and safeguard biodiversity. It also recognizes the role of indigenous communities in conservation efforts and encourages international cooperation to address transboundary conservation challenges.

- **African Union African Common Strategy on Combating Illegal Exploitation and Trade in Wild Fauna and Flora in Africa** - The African Union African Common Strategy on Combating Illegal Exploitation and Trade in Wild Fauna and Flora in Africa is a comprehensive plan aimed at addressing the illegal trade of wildlife in Africa. The strategy was adopted in 2015 and aims to strengthen law enforcement, enhance cooperation among African countries, and promote sustainable development. It also emphasizes the need to address the root causes of illegal wildlife trade, such as poverty and weak governance. The strategy recognizes the importance of preserving Africa's rich biodiversity and the critical role that local communities play in conservation efforts.
- **Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora** - The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora is an international treaty aimed at combating the illegal trade of wildlife in Africa. It was signed by seven African countries in 1994 and has since been ratified by several other African countries. The agreement provides a legal framework for cross-border cooperation and information sharing among member countries to combat wildlife trafficking. It also calls for the establishment of specialized law enforcement units and the use of modern technologies to detect, investigate and prosecute those involved in illegal wildlife trade. The Lusaka Agreement highlights the need for joint efforts to preserve Africa's unique biodiversity and protect endangered species from exploitation.
- **Wildlife Enforcement Networks** - Wildlife Enforcement Networks (WENs) are regional or sub-regional initiatives that bring together law enforcement agencies, non-governmental organizations, and other stakeholders to combat wildlife crime. These networks aim to enhance cooperation, coordination, and information sharing among member countries to address the illegal trade of wildlife.

There are currently eight (8) WENs operating in different parts of the world. These include:

- ASEAN Wildlife Enforcement Network (ASEAN-WEN) in Southeast Asia,
- South Asia Wildlife Enforcement Network (SAWEN) in South Asia,
- East African Community Wildlife Enforcement Network (EAC-WEN) in East Africa
- Central African Forests Commission (COMIFAC) in Central Africa

- West African WEN (WAWEN) in West Africa,
- Horn of Africa WEN (HAWEN) in the Horn of Africa region
- Southern African Development Community (SADC) WEN in Southern Africa
- European Union's Wildlife Trafficking WEN (EU-WATCH) covering Europe, the Middle East, and North Africa.
- **African Union Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)** - The African Union Statute of the African Union Mechanism for Police Cooperation (AFRIPOL) is a legal framework that established AFRIPOL as a platform for enhancing police cooperation and coordination among African Union Member States. It was adopted by the African Union in 2013 and aims to facilitate the exchange of information and best practices in addressing transnational crime, including wildlife trafficking.
- **Mutual Legal Assistance Agreements** - designed to support and strengthen efforts and capacity to combat transnational crimes and other transnational challenges by enhancing cooperation in law enforcement and mutual legal assistance in criminal matters. Mongolia has signed several Mutual Legal Assistance Agreements (MLAs) with other countries, including two (2) with neighboring countries (China and Russia) and three (3) with significant trade partners (Korea, Japan, and United States). However, Mongolia has documented wildlife trade with many other countries, including most European countries, and a least a few others in Africa and the Middle East.

In sum, while Mongolia might improve its adherence to relevant international agreements, (e.g., by signing the WCO-Convention on mutual administrative assistance for the prevention, investigation, and repression of Customs offences), there is an equally important need to consider the development of new, regional tools that more specifically target wildlife trade and enforcement.

## CITES COMPLIANCE

Of the treaties reviewed in this assessment, there is only one, CITES that requires compliance in the form of national legislation with specified content and a set of best practices that can be reviewed in a standardized format across jurisdictions.

This section is therefore dedicated to reviewing the degree of implementation of CITES in Mongolia's national legal framework.

## Background

The Mongolian Parliament approved the adoption of CITES May 1995. Subsequently, the CITES Committee officially recognized Mongolia as its 131st member state in April 1996.

Mongolia is home to 15 species of mammals, 64 species of birds, eight (8) species of plants, two (2) species of fish, and one (1) species of insect and one (1) reptile, all of which are listed in the Convention Appendices 1 and 2.

Broken down by Appendix:

- **Appendix I** – six (6) species of mammals and 13 species of birds,
- **Appendix II** - nine (9) species of mammals, 58 species of birds, one (1) species of reptile, two (2) species of fish, one species of (1) insect, and eight (8) species of plants.<sup>29</sup>

As mentioned in a previous section, Mongolia is steadily becoming a consumer country of foreign wildlife. In the initial ten (10) years after joining CITES, import permits were barely significant. Since 2006, however, numbers have steadily risen and are now three times their former numbers. Among the top trade partners are United States, Colombia, Thailand, India, China, and Vietnam.

CITES import records also indicate that live specimen trade is the single most important category for Mongolia. From almost exclusive cacti trade in the past, Mongolia's trade in live specimens has both diversified and almost doubled.

Among the top three exported species are the wolf (*Canis lupus*), the Saker falcon (*Falco cherrug*), and argali (*Ovis ammon*).

## Minimum Requirements

Mongolia is listed as a Category 2 country by the CITES Secretariat, meaning that the national legislation is believed generally not to meet all of the requirements for the implementation of CITES. These requirements were agreed in Resolution Conf. 8.4 (Rev. CoP15) and dictate that every state member, within its national legislation, must:

- designate at least one Management Authority and one Scientific Authority.
- prohibit trade in specimens in violation of the Convention.

<sup>29</sup> Gombobaatar, S. and Myagmarsuren, Sh. 2019. Mongolia and Convention on International Trade in Endangered Species of Wild Fauna and Flora. Ministry of Environment and Tourism, Mongolian Ornithological Society and NUM-Steppe Forward Programme. Ulaanbaatar, Mongolia.

- penalize such trade: and
- confiscate specimens illegally traded or possessed.

At SC67, the Standing Committee agreed to issue a warning to those Parties that had not responded to a public notice on a compliance matter advising that they are in non-compliance and reminding them of the need to accelerate their efforts to enact adequate legislation as soon as possible. Among Parties affected by this compliance measure was Mongolia, as a Category 2 country and party to the Convention for more than 5 years as of March 2013. Mongolia received a formal warning sent after SC69.

In August 2019, Comments provided by the Secretariat provided comments on the draft revision of legislation. Revised draft legislation was submitted to the Secretariat in May 2022. As next steps, the Secretariat will provide comments, then Mongolia will finalize and submit the draft for enactment and adoption to the Secretariat.

## CITES National Legislation Checklist

The foregoing requirements are, however, considered only a minimum. To fully secure the implementation of CITES, the Secretariat has developed an assessment guideline ('Legislation Checklist') that identifies legal content (herein referred to as best practices, or BPs) to enable the consistent and detailed review of CITES implementing legislation. The checklist contains 70 concepts for consideration and is organized in 13 major conceptual categories.<sup>30</sup>

Annex II of this report recreates a portion of that compliance checklist. For several reasons, not all 70 have been used in this assessment:

- Some have been eliminated as they do not apply to the inquiry of this report (e.g., BP#14. definition of introduction from the sea, which is relevant to marine species but not Mongolia's wildlife trade).
- Others are not considered essential as indicated by the text making the recommendation (e.g., BP#70. Some countries *may wish to...*).
- Some are repetitive or at least overlapping and can either be merged or modified such that a single concept is reviewed.
- Others are potentially contrary to existing national legislation (e.g., earmarking of funds) and should be reviewed in a larger legal context.
- And finally, some are suggestive of general rather than specific content (e.g., the call to include 'more detail' concerning CITES permitting procedures), and therefore not ripe for assessment.

<sup>30</sup> CITES National Legislation Checklist

All 70 recommendations were reviewed for their applicability to this assessment, and a final selection of 43 was made. Mongolia's legislation was then assessed to determine the degree of compliance with those 43 CITES recommendations. Detailed results are available in Annex II and the following is a summary of them.

## Summary Results

The results indicate substantial room for improvement. Of the 43 best practices (herein BP) included in this review, only 15 of them are deemed fully incorporated in Mongolia's legislation and do not present any gap. Of the 28 remaining, 17 of them require improvements (marked - partial compliance) and 11 are completely missing (marked - no compliance).

Table 6. Breakdown of CITES Compliance Analysis by Compliance Level

Mongolia – CITES Compliance Analysis Based on 43 Recommendations (100%)		
Best and Good Practices	Partial Gaps	Full Gaps
15	18	10
35%	42%	23%

### Full Compliance

Mongolia's implementation of CITES through its national legislation demonstrates competence in the areas of law application, trade permit requirements, border control, and penalties for violations of CITES-related regulations.

The national legislation that implements CITES applies trade restrictions to all listed species, including their parts and derivatives. The legislation also unambiguously prohibits the trade of any specimen that has been obtained in contravention of the law. Import, export, and re-export permits have a specific period of validity and consider appropriate conditions for preparing and transporting CITES-listed species. Exceptions to the permit requirement are only allowed as prescribed by the Convention.

Mongolian law on border control for CITES-listed species is another area where it complies well with CITES regulations. The law specifies the necessary documents for export or import that conform to the CITES requirements, and the competent authority to verify these documents is clearly designated. Legislation mandates seizure of specimens involved in violations of CITES.

The national legislation designates departments and agents responsible for enforcing CITES regulations, while corporations that violate trade in CITES specimens are subject to penalties under the law.

### Partial Gaps

The same areas previously characterized by several strong points also exhibit certain shortcomings in the form and content of CITES permits and certificates, specific elements of border control, and policy incoherence between enforcement and penalties.

The national legislation lacks corresponding schedules with the CITES Appendices and does not provide a straightforward mechanism for implementing amendments to the Appendices. The recommended CITES nomenclature of species is only partially met, and CITES regulations are not clearly applicable to trade in CITES specimens with any country, regardless of their Party status. The law includes a photocopy of a CITES permit without specifying the requirements in detail, as CITES recommends. The legislation implies the need for a separate permit for each consignment to fulfill customs regulations for quarantine inspection and control. Additionally, the legislation authorizes ports of entry but not ports of exit for CITES-listed species.

Although the powers of enforcement officers are extensive, they are not specifically aimed at CITES-listed species. The law permits confiscation of all illegally traded specimens, but not their return to the State of export. The administrative penalties are not harmonized with the Criminal Code's provisions penalizing the export of rare and very rare animals obtained in contravention of the law.

### Complete Gaps

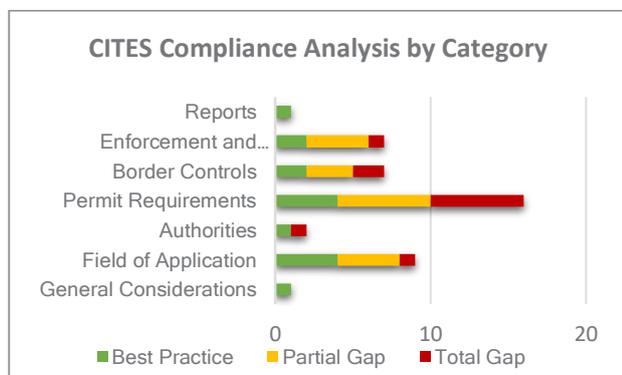
These gaps are distributed along the six main categories of recommendations established by CITES, but the area most in need is the one concerning the permitting requirements (see Figure 3).

CITES relies heavily on the integrity of the permitting process but Mongolia's legislation is silent on six (6) of the sixteen (16) selected best practices related to permitting: *n.* 6 are full gaps (37.5%) and *n.* 6 are partial gaps (37.5%). In fact, the highest concentration of full gaps (five (5)) is found in the special conditions applied to permitting, e.g., captive breeding, artificial propagation. Among the other full gaps are the Management Authority's power to mark any CITES specimen, including offenses for removing, altering (BP #47), licensing procedures and conditions for commercial operations (BP #43), as well as guidelines for captive breeding (BP #41). All these permitting tools have relevance to Mongolia's wildlife trade. Although there is no evidence of substantial captive breeding and commercial trade, this is a practice that has found favor on more than one occasion in Mongolia's wildlife trade history, e.g., captive breeding of elk to extract blood antlers, and musk deer to extract the musk gland.

Other individual areas of concern are scattered across the categories and include the independence of the Scientific Authority (BP #21), the power to conduct investigations and detain specimens (BP #51), the requirement that traders exporting or re-exporting CITES specimens keep a register of all transactions (BP #56), the allocation of

the costs of returning confiscated live specimens to the country of origin or re-export to be charged to the guilty importer and/or carrier (BP #65).

Figure 8. Compliance Analysis by Category



## Results by Best Practice

Summary listing of the best practices either not addressed (Gap), or partially addressed (Partial Gap) in the legislation:

General provisions, scope of application and authorities	
1. Full Compliance	Government power to control international and domestic trade in all CITES-listed species (BP #1)
2. Full Compliance	Legislation applied to all to all animal and plant species (their parts and derivative), as listed in all three CITES appendices (BP #7)
3. Partial Gap	Inclusion of CITES Appendices I, II, and III, and requirement to amend as soon as CITES amendments come into force (BP #8)
4. Partial Gap	Use of CITES nomenclature for listing of species (BP #9)
5. Full Compliance	Definition of 'specimen' used in the legislation, parts and derivatives included (BP #12)
6. Full Compliance	Trade controls applied to any specimens, parts or derivatives of CITES species (BP #13)
7. Partial Gap	Introduction of specimens considered as an import (BP #15)
8. Gap	Definition of transit or transshipment (BP #16)

9. Full Compliance	The Convention applied to the whole of the territory over which the Party has sovereignty (BP #18)
10. Partial Gap	Statement that the legislation is applicable to trade in CITES specimens with any country, whether a Party or not. (BP #19)
11. Full Compliance	The Management Authority as the body designated to grant the permits and certificates required under the Convention (BP #20)
12. Partial Gap	Independent status of the 'scientific authority' (BP #21)

### Permit requirements, form, validity, conditions and procedures

13. Full Compliance	Any specimen to be exported or re-exported, or to be traded, must not have been obtained in contravention of the law (BP #24)
14. Full Compliance	The Management Authority, satisfied that any living specimen prepared and shipped to minimize the risk of injury, damage (BP #26)
15. Partial Gap	CITES quotas (BP #29)
16. Partial Gap	Prescribed form, template, or other content requirements for permits (BP #30)
17. Full Compliance	Period of validity of permits (BP #31)
18. Partial Gap	Separate permit or certificate is required for each consignment of specimens (BP #32)
19. Partial Gap	Permit procedures and conditions as per BP #33.
20. Partial Gap	Power to amend, suspend or revoke permits or certificates, including procedures. (BP #35)
21. Gap	Authority to disqualify a person, temporarily or permanently, from obtaining a permit or certificate (BP #36)
22. Full Compliance	No permit exceptions other than allowed by Convention (BP #38)
23. Gap	Guidelines for captive breeding (BP #41)
24. Gap	Export permit requirements for captive-bred Appendix I specimens for commercial purposes; certificates of captive-breeding for all others (BP #42)

25. Gap	Licensing procedures and conditions for commercial operations (BP #43)
26. Gap	Definition of artificially propagated (BP #44)
27. Partial Gap	Exchange of scientific material and registration of institutions (BP #45)
28. Gap	Management Authority's power to mark any CITES specimen, including offenses for removing, altering, etc. (BP #47)

### Border Control, consignments, traders, possession, and domestic trade

29. Full Compliance	Requirement that CITES documents to be presented at the time of export/import, transit, transshipment, conform with the prescriptions of CITES. The authority clearly designated in the legislation. (BP #48)
30. Partial Gap	Power to refuse to accept permits from exporting countries based on 'reasonable grounds' (BP #49)
31. Partial Gap	Prohibition of the possession, transport, sale, offering for sale, and purchasing of any specimen of CITES-listed species that has been imported. (BP #50)
32. Gap	Power to conduct investigations and detain specimens (BP #51)
33. Partial Gap	Specification of ports of entry and exit (BP #52)
34. Full Compliance	Seizure mandatory with reasonable grounds of violation of CITES (BP # 53)
35. Gap	Requirement that traders exporting or re-exporting CITES specimens keep a register of all transactions (BP #56)

### Enforcement and Penalties

36. Full Compliance	The departments, agents for enforcement of CITES clearly designated in legislation (BP #58)
37. Partial Gap	Powers of enforcement officers (BP #59)
38. Full Compliance	Offences committed by corporations relating to trade in CITES specimens punishable by national legislation (BP #61)
39. Partial Gap	Attempts, aiding and abetting are also offences. (BP #62)
40. Partial Gap	confiscation or return to the State of export of all illegally traded specimens (BP #63)
41. Partial Gap	Penalties sufficient to constitute deterrent (BP #64)

### Disposal of Confiscated Specimens

42. Gap	Allow for the costs of returning confiscated live specimens to the country of origin or re-export to be charged to the guilty importer and/or carrier (BP #65)
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### Reports

43. Full Compliance	Management Authority has duty to prepare and submit annual reports and biennial reports on legislative measures (BP #69)
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**For more detailed responses, refer to the table in Annex II of this report.**

# NATIONAL GAP ANALYSES

This section is divided into two (2) parts; the first covers laws related to wildlife trade and the second examines those related to the management of wildlife disease, more specifically the authority of veterinary services in relation to wildlife disease. While there is some overlap between them (e.g., a review of the definition of wildlife), the reviews largely consider different areas of law for differing purposes.

The section on **Wildlife Trade** is concerned solely with those provisions in national law that directly or indirectly regulate trade. As the primary focus of this review, it contains 33 best practices and detailed assessments, including citations to legislation and commentary on policy coherence, gaps, and conflicts.

The section on **Wildlife Disease** examines the legal foundation for Veterinary Services to act when wildlife disease is detected. This section has been added because of the major concern surrounding the topic, but commentary remains brief, highlighting major results but without the same level analysis as the section on wildlife trade.<sup>31</sup>

Not all laws included in the frameworks have provided inputs for the gap analyses. While all of them are relevant to wildlife conservation and trade, only a selection has a significant bearing on the core concerns for wildlife trade and wildlife disease, as identified in the selected legal best practices contained in each section.

These gap analyses also omit questions concerning the overall functioning of some of the laws, as well as the prosecutorial system. In other words, this assessment does not pretend to cover all the gaps that might be associated with, for example, Mongolia's protected areas system or its wildlife disease laws. Nor does it examine closely how prosecutions are conducted, the use of investigators, forensics, and the like. However, all these also have an impact on how well the country manages wildlife trade.

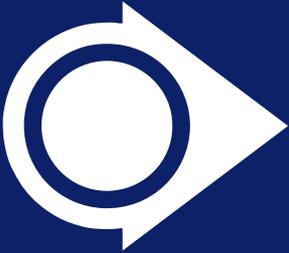


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<sup>31</sup> Wildlife disease and the authority of veterinary services has been reported on by Legal Atlas in a separate project sponsored by the World Organization on Animal Health.

# NATIONAL LAW

## WILDLIFE TRADE



Organized crime is not recognized as an aggravating circumstance in Mongolia's wildlife crime provisions.

There are no criminal penalties for illegal trade in CITES-listed species.

There are no criminal penalties for trade in species that have been temporarily banned.

Domestic wildlife trade crimes do not include illegal domestic trade in foreign species.

For corruption specific to wildlife trade, only one type of act is expressly identified, and only administrative penalties apply.

A major concern is the lack of policy coherence in the regulation of the various acts that make up the wildlife trade chain.

There are complete gaps for the regulation of online trade, offers for sale, solicitation, display, and exhibits.

Transportation is a recognized trade infraction but there are few regulatory elements that would clearly establish health and welfare standards to operationalize this requirement.

# WILDLIFE TRADE

The formulation of the best practices for this section has been informed by multiple sources and efforts by international and national experts, including the following:

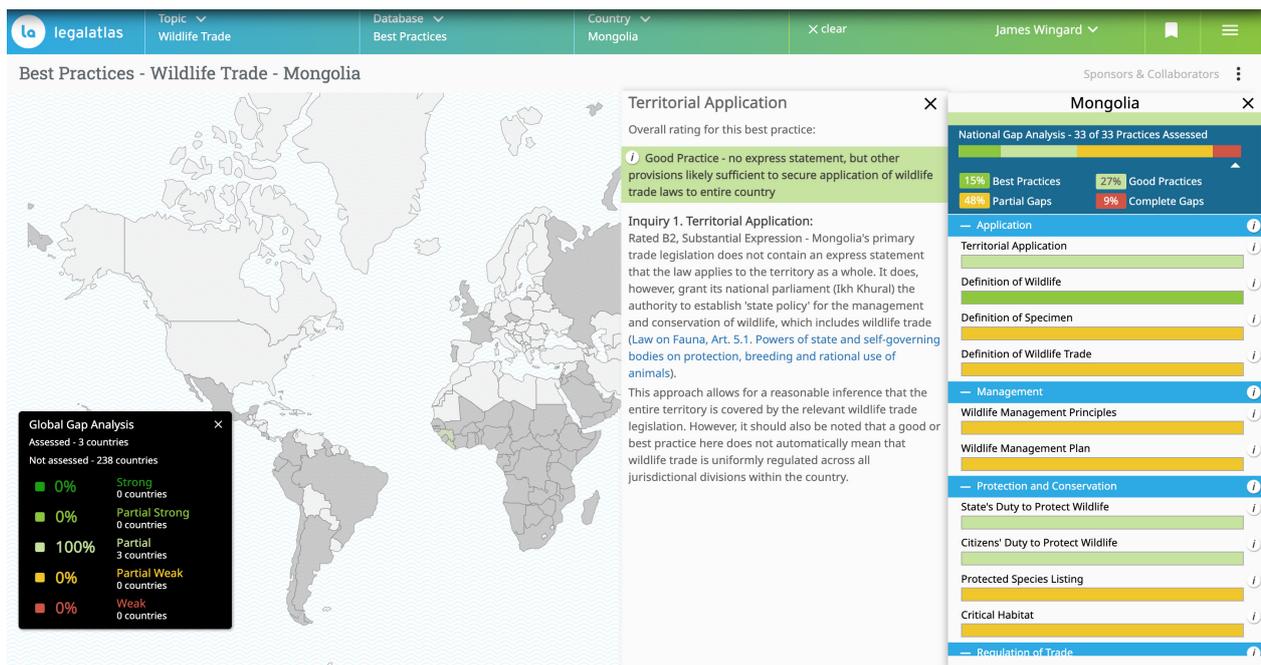
- Compilation and review of wildlife trade-related legal frameworks in more than 80 countries.<sup>32</sup>
- Previous gap analyses by Legal Atlas covering Mongolia's wildlife legislation.<sup>33</sup>
- Previous gap analyses and ongoing best practice assessments by Legal Atlas covering wildlife trade legislation in multiple jurisdictions.
- ICCWC Wildlife and Forest Crime Analytic Toolkit (Revised Edition).<sup>34</sup>
- Concerns raised by reports and key informants with knowledge of wildlife trade in Mongolia.
- Legal Atlas methods for legislative benchmarking, drafting best practices and conducting assessment.

In addition to this report, all best practices can be found in the [Legal Atlas® platform](#) by selecting the Wildlife Trade or Wildlife Disease topics and then the Best Practices database.<sup>35</sup>

This section includes four (4) parts:

- The first describes the **Legal Framework** reviewed.
- The second provides a **brief analysis of the framework**, as a whole, looking at major gaps, conflicts, and issues related to policy coherence.
- The third, and longest section, includes the **individual assessments for each best practice**. The introduction to that section provides a summary of the results.
- The fourth and final section outlines a few **additional regulatory concerns** noted during the review but not captured by the current set of legal best practices.

Figure 9. Screenshot of Legal Atlas platform, Wildlife Trade Best Practices for Mongolia.



32 See [Legal Atlas® platform](#), Wildlife Trade topic.

33 Wingard J.R. and P. Zahler. 2006. Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia. Mongolia Discussion Papers, East Asia and Pacific Environment and Social Development Department. Washington D.C.: World Bank.; and Wingard, J., Pascual, M., Rude, A., Houle, A., Gombobaatar, S., Bhattacharya, G., Munkhjargal, M., Conaboy, N., Myagmarsuren, Sh., Khaliun, T., Batsugar, T., and Bold, T. 2018. Silent Steppe: Mongolia's Wildlife Trade Crisis, Ten Years Later. Zoological Society of London, London UK, Legal Atlas and IRIM.

34 International Consortium on Combating Wildlife Trade. (2012). Wildlife and Forest Crime Analytic Toolkit (Revised Edition).

35 For those with an account go directly to these results - go to [https://legal-atlas.net/Wildlife\\_Trade/Standards/Mongolia#](https://legal-atlas.net/Wildlife_Trade/Standards/Mongolia#)

## Legal Framework Reviewed

A total of **55** national laws and regulations were reviewed. The list has been divided into two (2) sections – **Primary Legislation** and **Related Legislation**.

**Primary legislation** includes those laws that directly regulate wildlife trade or provide a major piece in the

regulatory scheme, e.g., the Resolution approving the list of protected species, whose trade is restricted or prohibited by other laws.

**Related legislation** includes all other laws and regulations that have at least some relationship to wildlife, but which do not regulate trade per se. Mongolia's Constitution, for example, establishes the overarching rights and duties to protect natural resources, which provides a basis for regulating wildlife trade but does not directly regulate such trade.

Each of these main categories has been further subdivided into categories based on their regulatory object with respect to the topic of wildlife trade.

A description of the laws and their relationship to the topic can be found in the Annex to this report and online in the [Legal Atlas® platform](#).

## PRIMARY LEGISLATION - 13

### Directly Regulating Wildlife Trade – 5

*The following laws are either entirely dedicated to regulating wildlife trade, or act as a primary law for the regulation such trade.*

1. Law on Fauna (revised 2012)
2. Law on the Regulation of Foreign Trade in Endangered Species (as amended in 2015)
3. Animal and Plant Products Trade Law (as amended in 2021)
4. Decree No. A/75 on Procedure and Design Approval for Definition and Control of the Origin of Animals and their Raw Materials
5. Resolution on Determination of Standard Prices, Payments, and Fees for Saker Falcons

### Protected Status of Species - 1

*The regulation of protected species is a key component of wildlife trade legislation, as listing serves as a trigger for take and trade prohibitions and restrictions, as well as increased penalties. In addition to the Law on Fauna, Mongolia has the following:*

6. Resolution Approving List of Rare Animals (as amended in 2013)

### Hunting - 7

*Hunting is another major area of concern, especially in a country like Mongolia that acts as a source country for wildlife trade to other countries. In addition to the Law on Fauna, Mongolia has the following:*

7. Law on Hunting Resource Use Payments and on Hunting and Trapping Authorization Fees

8. Procedure for Granting Rare Animal Hunting and Trapping Licenses (as amended 2017)
9. Resolution on amendments and changes to the procedure of issuing of licenses for hunting and trapping rare animals
10. Resolution on approval of procedure for operation of professional hunting management organizations
11. Resolution of the Government of Mongolia on Determining Quota for Special Purpose Hunting and Trapping (2022)
12. Resolution of the Government of Mongolia on Determining Quota on Special Purpose Hunting and Trapping (2020)
13. Wolf and Wild Dog Control in Protected Areas

## RELATED LEGISLATION - 42

### Governance - 3

*These laws are indirectly related to wildlife trade, establishing rights and responsibilities for the government, as well as a specialized institute for the management of wildlife.*

14. Constitution
15. Resolution to Establish the National Institute of Fauna and Flora
16. Anti-Corruption Law

### Environmental - 2

*Like the previous category, these laws are more general in content, and although more directly relevant to wildlife management, still only deal with wildlife trade indirectly.*

17. Environmental Protection Law (as amended 2019)
18. Environmental Measures Decree

### Regulating Trade Generally - 4

*These laws regulate trade generally, including trade involving certain forms of animal products. Their relation to wildlife trade comes from their regulation of trade overall.*

19. Resolution about Additions to the List of Export Ports
20. List of ports for importing plant seeds, animals, embryos, raw meat, by-products and samples of microbial cultures and pathogenic materials
21. Resolution on Making Additions and Changes to the List of Coded Goods to be Licensed and the Border of Mongolia
22. Law on Free Zones (as amended in 2021)

#### Animal Health and Welfare - 2

*The following two laws establish the principles for safeguarding the health and welfare of animals in a variety of contexts, and to this extent are also relevant to wildlife trade.*

- 23. Animal Health Law
- 24. Decree on Approval of Procedure – Infectious Disease in Protected Areas

#### Protected Areas - 15

*This set of laws is directly relevant to the geographical extension of the wildlife protection mandates created by the Special Protected Areas Law, including prohibitions against hunting and trade. They do not otherwise further regulate wildlife trade.*

- 25. Special Protected Areas Law (as amended 2021)
- 26. Buffer Zones Law
- 27. Resolution on Taking Some Areas under State Special Protection (1997)
- 28. Resolution on Taking Some Areas under State Special Protection (1993, as amended 2004)
- 29. Resolution on Taking Some Areas under State Special Protection (1996)
- 30. Resolution on Taking Some Areas under State Special Protection (1997)
- 31. Resolution on Taking Some Areas under State Special Protection (1998)
- 32. Resolution on Taking Some Areas under State Special Protection (2003)
- 33. Resolution on Taking Some Areas under State Special Protection (2011)
- 34. Resolution on Taking Some Areas under State Special Protection (2012)
- 35. Resolution on Taking Some Areas under State Special Protection (2016)
- 36. Regulations on Temporary Land Management in Protected Areas
- 37. Regulations on Land Plots of Protected Areas of Local Significance
- 38. Regulations of Scientific Research in Protected Areas
- 39. Regulations of Tourism in Protected Areas and Payment of One-Time Environmental Fees

#### Natural Resources - 5

*Mongolia uses separate pieces of legislation to regulate the administrative fees and values associated with various natural resources, among them, wildlife.*

- 40. Resolution Approving the Ecological and Economic Assessment of Wildlife
- 41. Resolution on Determining Size of Stamp Duties
- 42. Law on Reinvestment of Natural Resource Use Fees
- 43. Decree on Giving Instructions to the Government on Reindeer Herders
- 44. Forest Law (as amended in 2021)

#### Finance Laws - 2

*The following laws govern trade more generally but are relevant to wildlife trade as a recognized good that generates income and is subject to trade controls.*

- 45. Customs, Tariffs and Tax Law
- 46. General Law on Taxation

#### Telecommunications and Media - 2

*These laws are directly relevant to wildlife trade, specifically regulating advertisements of Very Rare and Rare species.*

- 47. Law on Advertisement
- 48. Telecommunications Law (as amended in 2021)

#### Defense and Security - 3

*A critical piece in wildlife trade enforcement are the powers given to security forces (e.g., police, military) and restrictions placed on the ownership and possession of weapons that might be used for hunting.*

- 49. Police Law
- 50. Ecological Police Unit Decree (MISSING)
- 51. Firearms Law

#### Criminal and Administrative Liability - 4

*These laws directly and indirectly regulate wildlife trade by imposing penalties for certain forms of trade and establishing the procedures for the prosecution of the same.*

- 52. Law on Infringements
- 53. Criminal Code (as amended in 2020)
- 54. Criminal Procedure Code (as amended in 2021)
- 55. Anti-Money Laundering and Anti-Terrorism Financing Law (as amended in 2018).

# Framework Level Analysis

Before discussing the details, this section takes a brief look at the overarching framework to highlight major concerns.

## Legal Strategy

Whether or not intended, the types of laws used represent the ad hoc regulatory ‘strategy’ followed by a particular jurisdiction in addressing a given topic.

The visual that accompanies this initial inquiry, and that appears in Figure 10, is referred to as the ‘Legal Strategy.’ This is automatically generated by the [Legal Atlas® platform](#) and can be viewed there in interactive form using the links provided below.<sup>36</sup> The commentary included here is in addition to what is contained in the platform.

The Legal Strategy visual recognizes three things:

- **any given topic will be regulated by more than one law.**

This is illustrated by the list of 55 laws in Mongolia that in some way apply to wildlife trade.

- **these laws come from different parts of a country’s legal system** (e.g., administrative, constitutional, criminal, environmental law, etc.).

The Resolution to Establish the National Institute of Fauna and Flora, for example, would most likely be classified as an ‘Administrative’ law as it establishes and regulates an administrative authority; whereas the Police Law would fall under the category of ‘Defense and Security.’

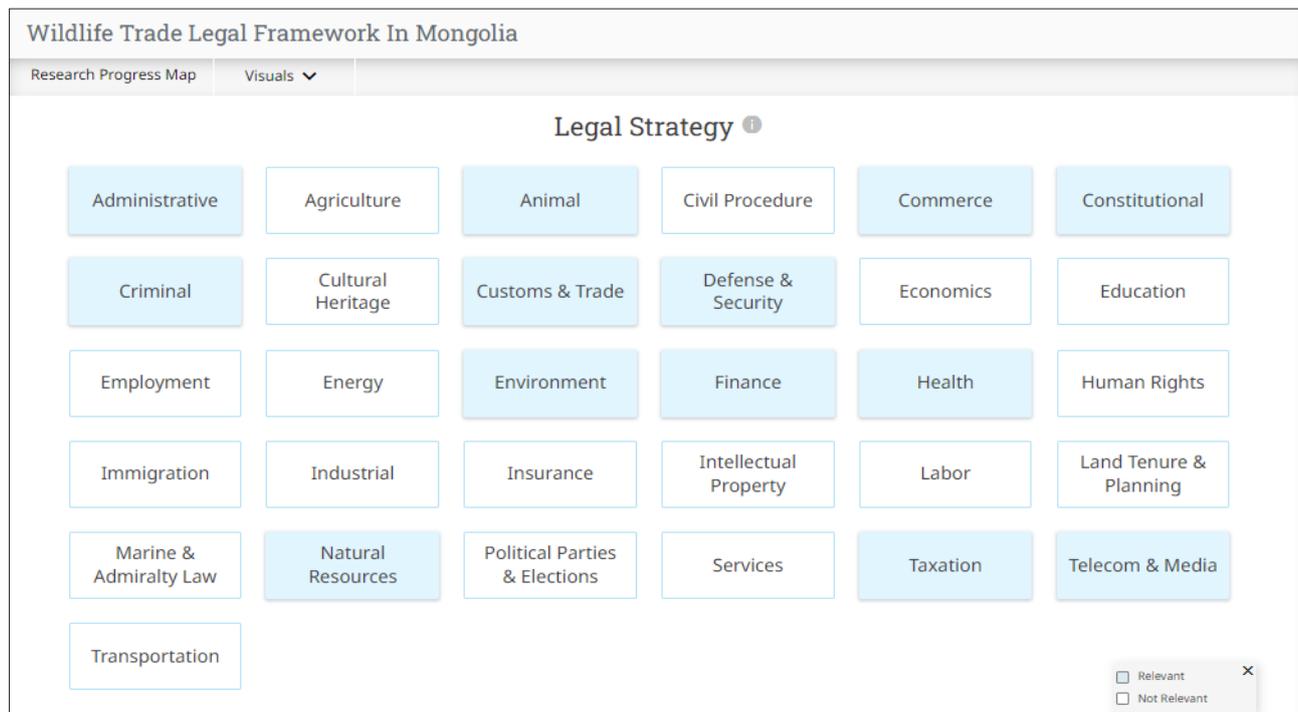
This categorization is important because it means these laws are often developed, at least initially, by different committees or groups within a given legislative body in response to different concerns, expertise, and interests.

- **the type of law means they naturally have different objectives, mandates, jurisdictional reach, and implementing agencies.**

The kind of law, and therefore its regulatory objectives, mandates, and conditions, has an impact on what is being regulated and how. This in turn impacts the law’s ability to address issues specific to a particular topic, in this case wildlife trade.

The COVID-19 crisis has provided an unfortunate example of this, revealing that health and safety laws applicable to those markets where wildlife is sold are primarily concerned with domesticated species and the meat processing industry, with little attention paid to the risk of zoonotic diseases coming from or affecting wildlife.<sup>37</sup> As a result, the markets that sell wildlife where zoonotic disease is a concern fall into an unintended and mostly invisible gap.

Figure 10. Mongolia’s Legal Strategy for Wildlife Trade



<sup>36</sup> Account holders can follow this link directly to access the information - [https://www.legal-atlas.net/Wildlife\\_Trade/Legal\\_Framework/Ethiopia/legal\\_strategy](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Ethiopia/legal_strategy).

<sup>37</sup> Wingard, J. et. al. (2020) Regulatory Frameworks Governing Wet Markets, Wildlife, and Zoonotic Disease: Rapid Survey of 37 Jurisdictions – Preliminary Results. Legal Atlas.

## Gaps in the Strategy

Before considering the question of how well something is regulated (the subject of the Best Practice Analysis), one initial inquiry is therefore whether certain types of law are being used at all as part of the country's overall strategy to combat illegal wildlife trade.

In Mongolia's case, there is only one type of law sometimes found in the wildlife trade frameworks of other countries, but which is not being used.<sup>38</sup> This includes:

- **Transportation** – used to regulate obligations of the transport sector with respect to the handling and care of wildlife, especially live wildlife.

This is not to suggest that this type of law *must* be used to regulate the issue listed, or that this is the only way to regulate it. Nor does it mean that the use of a particular law automatically satisfies all regulatory needs. The absence of a particular type of law is, however, indicative of major areas of regulation that are currently not part of the available strategy, or only partially covered, and that bear consideration going forward.

In Mongolia's case, transportation is a regulatory subject in five (5) laws:

- **Law on Fauna**, requires the use of specialized personnel requiring that they use 'technology, tools, facilities, appropriate time and specially equipped vehicles that meet the requirements of hygiene and safety.'<sup>39</sup> It does not however, provide further regulatory detail.
- **Animal and Plant Trade Law**, has more detail, requiring observance of specific conditions for animal transport, including adequate equipment for safety, sterilization and disinfection of vehicles, quarantine and document inspection.<sup>40</sup> It further grants state customs inspector the power to not allow animals and their products to cross the border if the conditions of transportation do not meet the requirements and conditions set in this law and by the international treaties to which Mongolia is a party.<sup>41</sup> These requirements and powers are, however, limited to transport across state borders and does not otherwise cover transport within the territory of Mongolia. Further regulations are to be developed by Customs.
- **Law on the Regulation of Foreign Trade in Endangered Species** requires appropriate conditions of animal care for the import of endangered species.<sup>42</sup> This law is also directed only at international trade and associated transport and does not provide further regulatory detail.

- **Customs Law** permits expedited clearance of certain goods, including animals, and grants customs inspectors to inspect 'goods' that pose a threat to animals.<sup>43</sup> Again, there is no further regulatory detail on what conditions must be met.
- **Law on Infringements** makes it an offense to transport wildlife 'in a place other than the hunting area, or when hunting is prohibited, or during a prohibited period, or by prohibited means.'<sup>44</sup>

Beyond the laws and provisions identified, there is no further regulatory detail governing the transport of live wildlife or wildlife parts. The lack of regulation impacts the implementation of health and welfare standards related to wildlife trade, but also makes it more difficult to establish when a violation has occurred.

By way of comparison, the Regulation (EC) No 1/2005 on the protection of animals during transport and related operations outlines 23 tools and standards as follows:

- No person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them.
- Transport arrangements must be made in advance to minimise the length of the journey and meet the animals' needs.
- The animals must be fit for transport.
- The means of transport and loading and unloading facilities must be designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the animals' safety.
- Personnel handling animals must have received adequate training and be competent.
- Transportation to the destination must take place without delay and involve regular checks on the animals' welfare.
- Sufficient height and floor space must be available for the animals.
- Water, feed and rest must be provided when needed.
- Transporters must:
  - Have authorisation from the relevant national authority for all journeys over 65 km;
  - provide documentation containing details such as the animals' origin and owner, their destination and expected journey time;
  - ensure that an attendant accompanies the animals, unless they are transported in adequate containers with sufficient feed and water.

<sup>38</sup> Based on results from Legal Atlas® database covering 83 jurisdictions, primarily in Africa, Asia, and the Americas.

<sup>39</sup> Mongolia, Law on Fauna, Art. 34.2.

<sup>40</sup> Mongolia, Animal and Plant Trade Law, Art. 19.

<sup>41</sup> Id. at Art. 8.1.6.

<sup>42</sup> Mongolia, Law on the Regulation of Foreign Trade in Endangered Species, Art. 6.1(2)).

<sup>43</sup> Mongolia, Customs, Art. 248.5(1)

<sup>44</sup> Mongolia, Law on Infringements, Art. 7.6(4).

- Competent authorities must inspect and approve means of transport for animals by road and sea for long journeys before these may be used.
- Keepers of animals and operators of assembly centres (holdings, collection centres and markets) must ensure that the rules and welfare standards are followed at the various points of departure, transfer and destination.
- Competent authorities must certify that transporters:
  - are based in a Member State;
  - have sufficient and appropriate staff, equipment and operational procedures in place;
  - have no record of serious breaches of EU or national animal protection rules during the previous 3 years.
- For long journeys between Member States and to destinations outside the EU:
  - transporters must have the necessary authorization, documentation, satellite navigation system and contingency plans for emergencies;
  - competent authorities must carry out checks on a random basis during the journey and checks at the point of departure.
- In the event of an emergency or failure to apply the welfare rules, national authorities can insist that the transporter take the necessary actions to safeguard the welfare of the animals being transported, such as:
  - changing the driver or attendant;
  - making a temporary repair to the means of transport;
  - transferring the consignment to another vehicle;
  - returning the animals to their point of departure;
  - unloading the animals and holding them in suitable temporary accommodation.

## Policy Coherence

Related to the foregoing is the question of policy coherence. Policy coherence refers to the alignment and consistency of policies across different sectors and levels of government. In the context of law, policy coherence means that legal frameworks and regulations are consistent and complementary across different policy areas, **and that they work together to achieve common goals.**

Policy coherence in wildlife trade law, for example, would mean that laws related to wildlife conservation, hunting, customs, administrative and criminal law are aligned and reinforce each other to achieve the common objective of preventing illegal wildlife trade and imposing appropriate penalties for violations.

The number of laws that directly or indirectly regulate wildlife trade in Mongolia naturally raises concerns about policy coherence. Far from exceptional, however, the multiplicity of laws observed here is common to all countries and, at least in part, is a function of siloed legislative development with various agencies establishing rules to manage wildlife within the limits of their jurisdiction. Note the multiple laws that regulate transportation of wildlife mentioned in the preceding section. Based on prior research, a typical framework will have anywhere from 20 to as many as 100 pieces of legislation directly or indirectly regulating the wildlife trade.<sup>45</sup>

The question at the framework level is whether there are any laws directed at harmonizing this legal framework. Mongolia has some evidence of this, in the form of an overarching Law on Environmental Protection and as articulated in the introductory provisions of the Law on Fauna.

The Environmental Protection Law is intended to lay the foundation of protection and conservation addressing several components (e.g., chemicals, toxic waste, water), including wildlife conservation. Wildlife trade, however, is not specifically addressed, and there are only general references to the authority to coordinate activities, e.g., Aimag and Capital City governors have the authority 'to co-ordinate the environmental protection activities of organizations responsible for State control of environmental protection.'<sup>46</sup> **There are no provisions intended to integrate the operations of separate agencies, e.g., customs, transport, police, and environmental inspectors.**

The Law on Fauna regulates wildlife and wildlife trade in greater detail and includes a broad reference to other laws that form part of the framework.<sup>47</sup> However, this is only a statement about what other laws may apply, and in this regard, it only mentions 'other legislative acts issued in conformity with them.' At best, this statement only refers to implementing regulations, but potentially leaves the issue up to interpretation.

There is also no further content directed at policy coherence other than to say that international agreements Mongolia has signed supersede contrary national legislation. Mongolia's Constitution explicitly recognizes the application of international instruments it has signed and ratified, stating in relevant part:

- Mongolia fulfills in good faith its obligations under international treaties to which it is a Party.
- The international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.
- Mongolia may not abide by any international treaty or other instruments incompatible with its Constitution.<sup>48</sup>

<sup>45</sup> Based on Legal Atlas database of wildlife trade related legislation covering 83 jurisdictions.

<sup>46</sup> Mongolia, Law on Environmental Protection, Art. 16(2)(5).

<sup>47</sup> Mongolia, Law on Fauna, Art. 2.

<sup>48</sup> Mongolia, Constitution, Art. 10.

Mongolia has signed and ratified several international agreements relevant to wildlife trade, and, to the extent they are compatible with the Constitution, they establish standards that also have the power to achieve some degree of policy coherence.

It is one thing, though, to say that international law is directly applicable or even superior to national legislation and another to fully conform national law to the terms of the agreement. A separate report on this issue in Mongolia considered the application of the Convention on Migratory Species. The analysis found direct conflicts between the treaty's requirement to protect migratory species and Mongolia's railway laws which require fencing for safety reasons; but which also create effective barriers to migration and thus the survival of migratory species.<sup>49</sup> Despite the superiority of the CMS as a signed and ratified an international agreement, these conflicts in Mongolia's national legislation remain.

An example of a specific policy coherence tool, the United States legally uses a provision in one law to require a consistent approach to seizures and confiscations applicable to all property seized or forfeited under nine (9) different laws.<sup>50</sup>

Examples of laws with more general policy coherence tools include:

- **United States - Endangered Species Act (ESA):** The ESA is a federal law that provides a comprehensive framework for the conservation and protection of endangered and threatened species in the United States. It also aims to promote policy coherence by requiring federal agencies to ensure that their actions are consistent with the purposes of the Act and to consult with other agencies when their actions may affect endangered or threatened species.
- **European Union - Wildlife Trade Regulations:** The Wildlife Trade Regulations are a set of laws adopted by the European Union to regulate the import, export, and trade of wildlife products. They aim to promote policy coherence by ensuring that wildlife trade is consistent with EU conservation policies and international obligations.
- **China - Wildlife Protection Law:** The Wildlife Protection Law is a national law in China that regulates the conservation and management of wildlife resources. It aims to promote policy coherence by integrating wildlife conservation into various sectors, such as agriculture, forestry, and tourism, and requiring local governments to coordinate their conservation efforts.

<sup>49</sup> Wingard, J., A. Collins, A. Pasqualato, R. Payton, & M. Pascual. (2022). Crossing the Tracks: The Legal Implications of Establishing a Wildlife Friendly Corridor Along the Trans-Mongolia Railway. (K. Olson and S. Bolortsetseg, Eds.). Legal Atlas, LLC., commissioned by the Wildlife Conservation Society, August 2022.

<sup>50</sup> **Scope of regulations.** Except as hereinafter provided, the regulations of this part apply to all property seized or subject to forfeiture under any of the following laws: (a) The Eagle Protection Act, 16 U.S.C. 668 et seq.; (b) The National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd et seq.; (c) The Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.; (d) The Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 et seq.; (e) The Airborne Hunting Act, 16 U.S.C. 742j-1; (f) The Black Bass Act, 16 U.S.C. 851 et seq.;

## Best Practice Analysis

Best practices for Wildlife Trade so far include 33 key concepts organized under seven (7) components, as follows:

- **Component A. Application** - In this component, application is used in a limited context; specifically, to focus on those legal tools that define the subject-matter and jurisdictional limits of the wildlife trade legal framework as it applies to terrestrial wild fauna.

The best practices in this component therefore examine the statements of purpose, objectives, and principles applied by the law, as well as statements concerning the geographical coverage, compliance with international agreements, and key definitions.

- **Component B. Management** – Management generally refers to those legal tools used to ensure that wildlife management overall is scientifically and technically sound. For this topic, each Best Practice (BP) in this section identifies a specific legal tool that creates a management requirement relevant to combating wildlife trade. These can include practices that may be only indirectly relevant, but which provide a foundation for managing trade.

- **Component C. Protection and Conservation** - This set comprises all legal tools used to protect species from unwanted exploitation caused by wildlife trade. Each Best Practice (BP) in this section identifies a specific legal tool that provides protection of wildlife species related to the topic. These can include practices that are directly or indirectly relevant to the topic, but which provide a foundation for species protection in the context of unwanted exploitation. (e.g., species listing requirements, species status).

- **Component D. Regulation of Trade** - This set of best practices is really the core of this topic, examining more specifically key legal tools used to determine the legality of trade, ensure the humane treatment of animals in trade, and address all parts of the trade chain.

- **Component E. CITES Compliance** – Already covered in substantial detail in this report, this section takes a closer look at a few of the legislative tools recognized by CITES as key legal elements (not necessarily compliance requirements) for its implementation.

- **Component F. Enforcement** – The Enforcement set of best practices focuses on the enforcement agencies, in particular their power to investigate, collaborate, collect, and share enforcement data at the national and transnational level.

- **Component G. Violations** - This set of best practices focuses on the standards and procedures that hold any party to a wildlife trade crime responsible for their actions, including those standards and procedures found in related civil, administrative, and criminal legislation.

It is not expected that these components or the best practices under them identify all possible issues. This is neither possible nor advisable in the time given and considering the complexity of law and practice. It is expected, however, that they provide a rapid overview of key tools and thus an understanding of how well positioned the legal framework is to manage wildlife trade.

## Overall Performance

Across all assessed best practices (33), Mongolia shows an almost even mix of good and best practices (*n.* 17, or 52%) versus partial gaps (*n.* 15, or 45%), with only one (*n.* 1) best practice considered a complete gap (see Table 3).

Table 7. Best Practices Analysis by Component

Mongolia – Best Practices Results by Rating Based on 33 Best Practices (100%)		
Good and Best Practices	Partial Gaps	Complete Gaps
17	15	1
52%	45%	3%

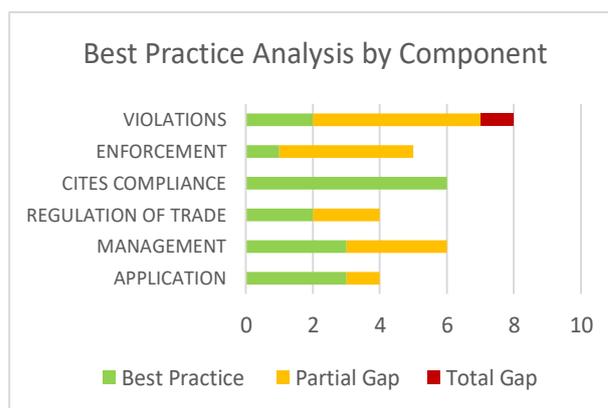
The best practices where Mongolia’s legislation performs well are distributed among all assessed components, with the strongest compliance observed in CITES Regulations (100% for all six (6) CITES-related best practices assessed) (see Figure 6). Note, however, that this is only a partial assessment examining some of the major compliance requirements. A fuller assessment, covering 43 recommended best practices, has been included in the previous section on CITES COMPLIANCE, p. 20. The results of that assessment show several gaps related to permitting and other regulatory tools that of course impact Mongolia’s ability to effectively implement CITES.

There are also partial gaps across all components, indicating that most areas have best practices that coexist with partial gaps in legislation. This is of special concern in the regulation of trade, which rates as a partial gap in all best practices that examine the issue – the definition (BP 4), the overall regulatory approach (BP 13), and associated violations (BPs 26-29).

As mentioned, there is only one area where Mongolia has a complete gap – the application of organized crime to wildlife trade offenses. In Mongolia’s Criminal Code, organized crime is a recognized crime by itself,<sup>51</sup> independent of the actual criminal activity targeted by the group or whether such crime was completed.<sup>52</sup> In relation to other crimes, organized crime constitutes an aggravating circumstance, with higher penalties applied when organized crime is part of the criminal act. Organized crime is expressly recognized in 42 defined crimes, some of which may be related to wildlife trade (e.g., Art. 18.5. Illegal import of goods across state borders, Art. 18.6. Money laundering and Art. 17.3. Fraud, and Art. 22.4. Bribery), but it is not included as an aggravating circumstance for the Code’s wildlife trade crimes (listed under Art. 24.5).

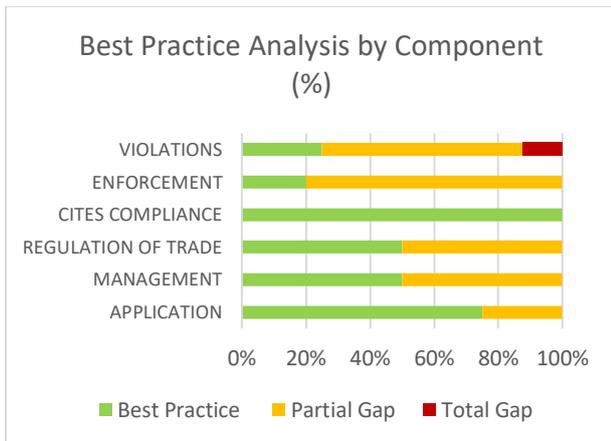
In this analysis, the assumption is that where a legislature includes specific language in one section but omits it in another section of the same act, it has acted intentionally. Omitting any reference to organized crime in the provision defining wildlife trade crimes would therefore mean that it has been intentionally excluded. Given the involvement of organized crime in Mongolia’s wildlife trade as noted in prior reports, this gap is a significant missed opportunity.

Figure 11. Best Practice Analysis by Component



51 Mongolia, Criminal Code, Art. 3.8.  
52 Mongolia, Criminal Code, Art. 20.3.

Figure 12. Best Practice Analysis by Component (%)



## Major Gaps

Looking at the individual best practices, the following major gaps and concerns emerge.

**Organized Crime.** Already highlighted in the preceding paragraphs, a major issue is that organized crime is not an expressly identified aggravating circumstance under Mongolia's wildlife trade crimes. The Criminal Code does include this reference for 42 other crime types.

**Criminal Penalties.** Criminal penalties apply to Very Rare and Rare species and hunting any species inside a protected area, but not to two other critical groups – CITES-listed species (regardless of their status under Mongolian law) and species whose hunting and trade have been temporarily banned by Mongolia. Species that have been subject to such bans in the past include grey wolf (*Canis lupus*) and marmot (*Marmota sibirica*).

**Domestic Wildlife Trade.** Mongolia's current legislation does not cover the domestic trade of foreign species, creating a loophole that exempts anything entering or passing through the country from liability. This legal gap positions Mongolia as an attractive transit country, and even a potential destination, particularly with the support of major infrastructure developments such as the Belt and Road Initiative.

**International Wildlife Trade.** The existing laws on species protection seem to prioritize the regulation of exports, and limit criminal penalties to those who violate the rules governing Very Rare and Rare species. While the import of these species is technically also considered a criminal offense, the occurrence of such violations is virtually non-existent. There is no enforcement record or anecdotal evidence that Mongolia imports any of the species it lists as Very Rare or Rare. While this may change, Mongolia is for now the primary country in the region with significant populations of these species, and for this reason, acts as a source country.

Excluded from Mongolia's criminal penalties for illegal international trade:

- the export of CITES-listed species that do not appear on Mongolia's Very Rare or Rare species lists;
- the import of any CITES-listed species;
- the import of non-listed species that have been illegally obtained.

**Online Trade.** Specific to wildlife, Mongolia bans advertising of Very Rare and Rare species, as well as those subject to a temporary ban. More generally, it prohibits advertising when a required license for a good or service has not been obtained,<sup>53</sup> when the import of an item is prohibited<sup>54</sup> and generally for any goods that are prohibited.<sup>55</sup> It does not mention, but also does not exclude, the application of these prohibitions to online trade.

The lack of specificity raises two concerns –

- 1) the application of these prohibitions to a broader set of species, including CITES-listed species and non-listed species in Mongolia that have been illegally obtained;
- 2) the explicit application of the law to online trade, including a regulatory approach that supports enforcement actions that require access to digital platforms and records.<sup>56</sup>

**Corruption.** Corrupt acts by public officials, without limitation to a particular issue, constitute a serious offense under the Criminal Code. In the context of wildlife trade, however, there is only one corrupt act expressly identified, and for this, only administrative penalties apply.

**Protected Species Listing.** Mongolia's primary trade legislation establishes the list of protected species based on limited elements: specifically, population studies and international listings. This approach raises two concerns. First, not considering other key elements that are commonly used to establish and amend lists of protected species (listing and delisting procedures, especially species in trade) may result in the exclusion of species that would otherwise qualify for protection. Second, Mongolia's legislation requires the placement of internationally listed species on its Red List, which recognizes their endangered status but does not confer legal protection.

**Regulating the Wildlife Trade Chain.** Discussed in detail following the Table of Best Practices, the major concern here is the need for policy coherence between the seven (7) laws that regulate some part of the trade chain and the connection between illicit acts and adequate penalty provisions.

<sup>53</sup> Mongolian Law on Advertisement, Art. 14, 2002.

<sup>54</sup> Ibid., Art. 6.5.2.

<sup>55</sup> Ibid., Art. 6.5.8.

<sup>56</sup> For a broader discussion of this issue see: Wingard J. and M. Pascual. (2018) Catch Me If You Can: Legal Challenges to Illicit Wildlife Trafficking over the Internet. Global Initiative Against Transnational Organized Crime.

# Table of Best Practices

Table 8. Summary Table of Best Practice Assessment Results

Component A: Application	
1. Territorial Application	no express statement, but other provisions likely sufficient to secure application of wildlife trade laws to entire country
2. Definition of Wildlife	wildlife is defined and includes all 6 classes of animals
3. Definition of Specimen	no definition of the term but use of terms 'derivatives,' 'products,' and 'materials' is likely sufficient
4. Definition of Wildlife Trade	no explicit definition: some parts of the trade chain are not mentioned (e.g., offers for sale and solicitation); different laws mention different parts of the trade chain raising concerns for policy coherence

Component B: Management	
5. Wildlife Management Principles	law includes management principles, but only mentions some components
6. Wildlife Management Plan	no requirement to draft a generally applicable wildlife management plan; hunting management plans required but limited components included and not legally enforceable

Component C: Protection and Conservation	
7. Protected Species Listing	limited bases for listing; and no listing or delisting procedures
8. Critical Habitat	no definition or mapping of 'critical habitat; habitat conservation more generally a recognized conservation goal, wildlife distribution maps are required, major development that would cause extinction is prohibited, and the construction of roads and railroads is subject to an environmental impact assessment
9. State's Duty to Protect Wildlife	constitution guarantees right to a healthy environment, and national legislation enumerates wildlife protection requirements

10. Citizens' Duty to Protect Wildlife	law establishes duty to protect the environment
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Component D: Regulation of Trade	
11. Legal Origin of Specimen	legal origin required for international trade in CITES-listed species, and domestic trade in Very Rare and Rare species; wildlife obtained by illegal means may be seized
12. Regulations of Animal Welfare	welfare requirements limited to certain species and applied to imports only
13. Regulations of Trade Chain	key activities associated with the wildlife trade chain remain unregulated, e.g., online trade, offers and solicitation, possession, and non-monetary exchanges
14. Regulation of International Trade	import and export generally well covered by the law

Component E: CITES Compliance	
15. CITES legislation binding	import and export generally well covered by the law
16. Appointment of Management Authority	law establishes a Management Authority for the implementation of Mongolia's CITES requirements
17. Appointment of Scientific Authority	law establishes a Scientific Authority for the implementation of Mongolia's CITES requirements
18. Prohibit trade in specimens in violation of CITES	express prohibition on trade in CITES-listed species in violation of CITES requirements
19. Penalties for trade violating CITES	import and export generally well covered by the law
20. Confiscation of CITES-listed species	authority to confiscate for criminal violations involving Very Rare and Rare species (does not include all CITES-listed species) and for CITES-listed species that have been 'illegally obtained' (potentially excluding other forms of illegal activity).

Component F: Enforcement	
21. Enforcement Bodies	enforcement entities assigned in different laws based on acts covered by that law, but no provision for coordination
22. Investigation Powers	typical investigation techniques (forensic and financial investigations) regulated for offenses potentially related to wildlife, no special investigation techniques.
23. Enforcement Powers	Mongolia enumerates powers for officials tasked with enforcing wildlife trade laws
23. Enforcement Data	General authority but no regulatory detail, resulting in inconsistent approaches and incomplete information
24. Transnational Cooperation	Powers to cooperate exist for certain agencies (police) and topics, but not fully developed or coupled with Mutual Legal Assistance law or agreement

Component G: Violations	
25. Illegal Domestic Trade	illegal domestic wildlife trade is an offense, but does not include domestic trade in foreign species
26. Illegal International Trade	illegal export of Mongolia's protected species is a serious offense, but illegal foreign trade (import and export) in CITES-listed species is subject only to administrative penalties.
27. Wildlife Trade Chain Offenses	Offenses principally target sale and purchase, omit several acts also associated with trade (e.g., offers for sale, solicitation, online trade), and apply unevenly to species.
28. Online Wildlife Trade	advertising of protected wildlife is prohibited, but only monetary fines apply
29. Organized Crime Related to Wildlife Trade	organized crime is not a recognized aggravating circumstance for Mongolia's specific wildlife trade offenses
Corruption Offenses for Wildlife Trade	corrupt acts by public officials, without limitation to a particular issue, is a serious offense; for corruption specific to wildlife trade, only administrative penalties apply
Confiscation of Wildlife	Confiscation of wildlife specimens established for specific wildlife trade offenses.
Confiscation of Assets	Confiscation of assets established for specific wildlife trade offenses.

## The Wildlife Trade Chain

To regulate the wildlife trade chain means to establish legal frameworks and procedures that control the entire process of the trade in wildlife, from the capture or harvest of wild animals and plants through to their sale, transportation, and consumption.

### Trade Chain Terms

Based on a review of how trade chains are regulated in criminal law, including the use and regulation of trade acts in wildlife legislation in more than 80 countries, Legal Atlas has compiled a list of 20 terms commonly used, including a general description of what each term refers to and its use in criminal law or in wildlife trade legislation. The list is not intended to suggest that all countries must use all terms. There can be multiple approaches based on definitions and the provisions that use these terms. Some countries, for example, use overarching terms, e.g., trade, and include a non-exclusive list of examples, while others provide a definition of the term, and still others identify a mix of specific acts, with no overarching concept. As discussed in the analysis, Mongolia fits this last pattern, referencing specific acts with not overarching definition of trade itself.

The 20 terms are as follows:

- **Trade** – generally defined as the action of buying and selling goods but may be defined in a particular law as including any or all of the separately listed acts that follow in this list. The term is common but not universally present in wildlife trade legislation.
- **Sale** – refers to the exchange of a commodity for money; the action of selling something. When used in a legal context, it may be applied generally or only to the individual offering the item for sale and not the purchaser, resulting in obligations or liability for the seller but not the buyer.
- **Offer for Sale** – refers to any act, whether written or oral, that communicates an opportunity for the commercial exchange of a good. It is sometimes regulated in the context of criminal activities where there are either no or highly limited forms of formal advertising, e.g., for prostitution or drugs.
- **Advertising** – the activity or profession of producing advertisements for commercial products or services. This is a type of offer for sale but is a formal commercial activity that is often subject to specialized regulations. An offer for sale (e.g., through a phone call or a meeting) would likely not fall within the definition of advertising.
- **Purchase** – refers to the act of acquiring (something) by paying for it. Its separate identification in the trade chain has been recognized as necessary to impose specialized obligations on buyers, including liability for the purchase of illegal goods.

- **Solicitation** – refers to the inchoate offense of offering money to someone with the specific intent of inducing that person to commit a crime. An inchoate offense is a type of crime completed by taking a punishable step towards the commission of another crime. The basic inchoate offenses include attempt, solicitation, and conspiracy.
- **Possession** - means to have physical possession or otherwise to exercise dominion or control over tangible property. Commonly used in reference to drugs, possession is a separately identified part of the trade chain that permits the application of criminal penalties when there is no evidence of other related acts (e.g., sale, purchase, import).
- **Exchange (including barter)** – means to trade or barter property, goods, or services for other property, goods, or services. Unlike a sale, evidence of this act does not require the payment of monies. The use of this term is associated with informal trading systems or to impose liability where illegal goods have been exchanged for which there is no evidence of monies paid.
- **Processing** – has multiple legal definitions depending on the context. For wildlife trade, it refers to any act on a wildlife specimen to change or preserve it, e.g., taxidermy, carving, tanning, creating a derivative for medicine.
- **Transport** – (or transportation) refers to the movement of goods, including handling, loading, unloading, and storage incidental to such movement. This term is used to implicate those involved solely in the movement of illegal goods who would otherwise be shielded from potential liability because their participation does not involve sale, purchase, or other overt trade act.
- **Online Trade** – refers to the act of purchasing and selling products on the Internet. While such activity would also fall under other terms (e.g., sale, purchase, advertising), it is separately identified in law, including at least some wildlife laws, to apply specialized requirements and provide a basis for enforcement actions that might otherwise be beyond normal authority (e.g., access to and monitoring of digital platforms).
- **Display/Exhibit** – refers to the public display of an animal with or without charge. This is usually associated with zoos or sanctuaries involved in illegal trade, but can include other forms, e.g., the keeping of a wild animal on display in a restaurant or hotel.
- **Storage** – refers to goods and materials that are not in transit but in long term containment, holding or placement. As with other terms in this list, storage is a separately identified act to implicate those involved in trade but who might otherwise escape liability because they are not directly involved in the purchase and sale of wildlife, or where there is no evidence of such acts.
- **Capture** - Wildlife capture is when a wild animal is caught by a human. Reasons are varied, including scientific and management activities, such as marking, collaring with a tracking device, disease surveillance, translocations related to conservation. With respect to wildlife trade, it typically refers to the live capture and is sometimes distinguished from 'trapping' which refers to capture without preserving the life of the animal.
- **Trapping** - means refers to taking, killing, or capturing wildlife through the use of traps. This term is sometimes defined to include all lesser acts such as placing, setting, or staking such traps, whether such acts result in taking or not, as well as any attempt or assistance with the same.
- **Hunting** – often overlapping or fully inclusive of the terms 'capture' and 'trapping,' hunting refers to the pursuit, trapping, shooting, capture, collection, or killing of wildlife, as well as any attempt or assistance with the same.
- **Captive Breeding** - is the process of breeding animals outside of their natural environment in restricted conditions in farms, zoos, or other closed facilities. Considered part of the trade chain as captive breeding is often tightly connected to commercial trade.
- **Import** – in the context of wildlife trade, import refers to any nonnative, non-domestic animal that will be physically entering a country for any purpose.
- **Export** - Export is defined as an actual shipment or transmission of items out of the territory of the country where shipment begins (to be distinguished from re-export). This includes standard physical movement of items across the border by truck, car, plane, rail, or hand-carry.
- **Re-Export** - also called 'entrepot trade,' re-export is a form of international trade in which a country exports goods that it previously imported without altering them.

## Mongolia's Approach

This review maps the regulation of specific trade-related acts across Mongolia's wildlife trade legal framework, considering all laws that regulate at least some part of the trade chain to determine which trade acts are expressly mentioned, in what context, and in relation to which species or classes of species.

As noted in the assessment to BP 3, Mongolia has no definition of wildlife trade. Instead, it uses an inconsistent mix of 16 of the 20 listed terms and applies them to different trade contexts and classes of species, resulting in a high degree of complexity, as well as unintended gaps.

The chart in Figure 8 (p. Figure 14) shows the results for all terms, with the trade chain elements on the vertical axis and the laws across the horizontal axis. Complete gaps are indicated as grey across the applicable row or column.

The pages that follow the graph document the use of each term and provide a summary for each.

Here are the major highlights.

- The **major focus is on Very Rare and Rare species**, although there are a few other classes of species identified in the Law on Fauna that should also be considered; in particular – species subject to a temporary ban, CITES-listed species, and illegal trade in foreign species.
- Although the term is used in two laws, there is **no overarching definition of the term trade**.
- Not used, and likely not fully covered using another term, are – **offer for sale, solicitation, online trade, and display/exhibit**.
- **Sale** is frequently mentioned but illegal 'sales' result in criminal penalties only for Very Rare and Rare species. Otherwise, only administrative penalties apply.
- **Purchase is still unevenly regulated**. Most notably, the purchase of CITES-listed species remains unregulated, and the Law on Advertisement regulates advertising purchase but not sale.
- **Processing** is a crime only for 'Very Rare' species, but not 'Rare' species.
- **Possession** is a recognized act, but its use is limited to certain instances and carries only administrative liability.
- Largely unregulated is the practice of **exchange**, a form of trade common in local areas. Currently, it is used only as an exception to CITES requirements to facilitate scientific exchange.
- **Advertisement** of wildlife is not included in any of the other trade-related laws, making it an unrecognized and unregulated trade chain act for wildlife not subject to a hunting ban or that are not listed as Rare or Very Rare.

To illustrate the impact of Mongolia's approach, Figure 13 (on p. 42) maps the liability associated with seven typical trade acts for three separate classes of species – CITES-listed, those listed as either Very Rare or Rare, and Wild Animals generally. For each trade act, the graphic states whether there is:

- No liability – red boxes
- Administrative liability – orange
- Criminal liability – green
- Partial liability – yellow
- Uncertain liability – clear

**For Very Rare and Rare species**, criminal liability may be imposed for four (4) of the acts identified in the chart, e.g., for hunting, storage, transport, and export. There is, however, only administrative liability for advertising and partial liability for processing. As mentioned, processing applies only to Very Rare species, but not Rare species. Online trade is not separately identified raising questions about whether and how enforcement can address this growing form of illegal trade.

**For CITES-listed species**, there is potential criminal liability *only* if the case is treated as smuggling under the Criminal Code. However, none of the environmental crime cases reported in the Environmental Crimes Survey or the prosecutor's data from Ulaanbaatar record this as a reported violation. It may be that such instances are recorded elsewhere and were not available for review. Otherwise, only administrative liability applies and only to four (4) of the seven (7) acts – hunting, advertising, transport, and export. There is no liability for storage or processing, and only potential liability for online trade to the extent internet trade is covered by the Law on Advertising. If this law does apply, it should also be noted that it applies to the advertisement and not the transaction itself. In other words, it may be technically illegal to advertise online but not to conclude a sale in an online environment. Traders seem to have recognized this gap. After enforcement efforts effectively shut down advertising in traditional media outlets (e.g., flyers, newspapers), the same advertisements quickly moved to the online environment, e.g., Facebook.

**For Wild Animals generally**, the potential for liability is similar to CITES-listed species. No liability is imposed for storage and processing, while only administrative liability is available for hunting, advertising (without a license), and transport. The potential for criminal liability is mentioned in the Law on Fauna for recidivism (repeated violations) but there is no corresponding recognition of this in the Criminal Code. Criminal liability may also attach if the case is treated as smuggling, although no cases reported as environmental crimes indicate this as a basis.

There are of course many other paths wildlife may take in the course of trade, all of which would show similar results to the one illustrated. The fragmented identification of trade acts results in gaps for key points in the trade (storage, processing, online trade) and reduces almost all other acts to mere administrative violations. In sum, the low risk-high reward environment that illegal wildlife traders take advantage of in many jurisdictions in the world is also largely true under Mongolia's current legal framework.

Figure 13. Trade Chain and Potential Liability Flow Chart

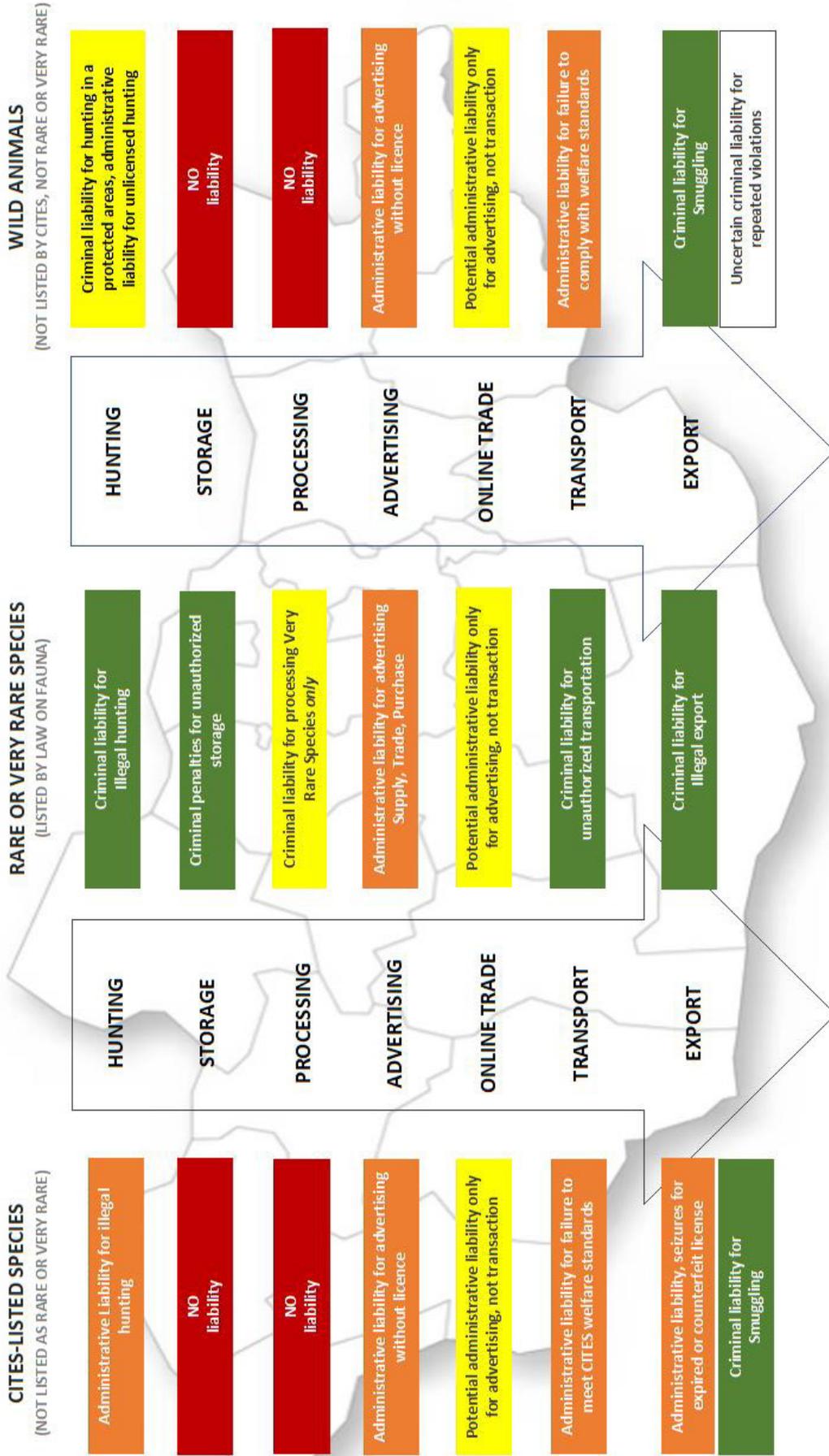


Figure 14. Regulatory Matrix for Wildlife Trade Chain Elements

	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F					
Trade																														
Sale						W	R	VR																						
Offer for sale																														
Purchase						W	R	VR																						
Solicitation for purchase																														
Possession						W	R	VR																						
Exchange																														
Processing																														
Transport/Transit						W																								
Online trade																														
Advertising						W	R	VR																						
Display/Exhibit																														
Storage																														
Capture						W	R	VR																						
Trapping						W	R	VR																						
Hunting						W	R	VR																						
Captive Breeding						W	R																							
Import						W																								
Export						W	R	VR																						
Re-export						W	R	VR	C	F																				
	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F	W	R	VR	C	F
	Environmental Protection Law	Law on Fauna	Law on Advertisement	Animal and Plant Trade Law	Regulation on Foreign Trade in Endangered Species	Law on Infringements	Criminal Code																							
	Trade	Sale	Offer for sale	Purchase	Solicitation for purchase	Possession	Exchange	Processing	Transport/Transit	Online trade	Advertising	Display/Exhibit	Storage	Capture	Trapping	Hunting	Captive Breeding	Import	Export	Re-export										

## Trade

Mongolian legislation only references the term 'trade' in two instances: the prohibition of advertising Rare and Very Rare species and the requirement for export certificates in accordance with trade agreements. However, the term 'trade' itself is not defined in any of the country's laws, including those specifically related to domestic and international trade in wildlife. Instead, Mongolia's laws use an inconsistent mix of terms applied to different trade contexts and classes of species, resulting in unintended gaps.

This regulatory gap is a lost opportunity to create an overarching definition capable of creating coherence between the many laws that regulate some aspect of trade.

**Regulatory Matrix:** Used in only two (2) laws. The Law on Advertisement prohibits advertising 'trade' in Rare and Very Rare species but there is no equivalent use of the term in the Criminal Code and no administrative penalties applied for violation. Animal and Plant Trade Law authorizes customs agents to verify that export certificates for wild animals are in accordance with trade agreements. There are no administrative or criminal penalties for 'trade,' as a defined and overarching concept, in contravention of the law.

## Sale

The term 'sale' features in five (5) of the seven (7) laws regulating wildlife trade, making it one of the most referenced trade acts, second only to 'import' and 'export'. However, none of the laws reviewed define what constitutes a 'sale' in this context.

The sale of Rare and Very Rare animals is strictly prohibited, with criminal penalties applied for violations.

Notably, the laws focus is mainly on the requirement for a valid certificate of origin for the sale of wildlife, with administrative penalties for those who violate this requirement. For purposes of controlling trade, this reliance on certificates limits enforcement to a paper-based inquiry, rather than a fact-based inquiry. Under the former, the only question presented to the enforcement personnel is the apparent correctness of the certificate, rather than consideration of any fact that would determine the legality of the wildlife.

**Regulatory Matrix:** Used in five (5) of the seven (7) laws. However, the term 'sale' is not defined in any of them. The Law on Foreign Trade in Endangered Species qualifies the term as 'sale for profit' to implement its obligations under CITES concerning prohibitions and restrictions on commercial trade. The Law on Fauna prohibits the sale of wild animals<sup>57</sup> without a certificate

<sup>57</sup> This provision does not reference a specific class species (e.g., Very Rare, Rare, temporarily banned), implying that this applies to all species equally.

of origin prohibited, applying administrative penalties for violations. It also suggests that criminal penalties may be applied for repeat offenses. This is not, however, coupled with a statement in the Criminal Code recognizing the same. The Law on Infringements mirrors the Law on Fauna by also applying administrative penalties for the same act but makes no mention of repeat offenses or criminal liability. The Criminal Code imposes heavier fines than the Law on Fauna and the Law on Infringements, as well as prison terms for the illegal sale of Rare and Very Rare animals. The Law on Advertisements prohibits advertising of the sale of wild animals subject to a hunting ban. The Law on Foreign Trade in Endangered Species prohibits the commercial sale of CITES Appendix I species and restricts such sales for Appendix II species and applies administrative penalties for violations. There is no mention or regulation of wildlife sales in the Law on Environmental Protection or the Animal and Plant Trade Law.

## Offer for Sale

Mongolia's legislation on wildlife trade does not regulate offers for sale, other than the specific forms of advertising as commented on separately. The important distinction, and reason to identify it as a part of the trade chain, is that it can cover informal acts that communicate trade opportunities between individuals or within a network but that do not use formal advertising channels. In other words, a telephone call where an individual offers wildlife for sale would likely not be subject to advertising law, and as such would carry no liability.

**Regulatory Matrix:** Offer for sale is not explicitly referenced in any of the laws reviewed. Advertising, a closely related act, is commented on separately.

## Purchase

In Mongolia's legal framework, the term "purchase" often accompanies the term 'sale,' typically found in the same provision. However, there's one notable exception: while advertising the purchase of Rare and Very Rare animals is prohibited, the sale itself is not. The law requires a certificate of origin for the purchase of wild animals in general, as it does for sale, with administrative penalties for non-compliance. For the illegal purchase of Rare and Very Rare animals, criminal penalties apply. The purchase of CITES-listed species remains unregulated.

**Regulatory Matrix:** Used in four (4) of the seven (7) laws. The term is not defined in any of them. 'Purchase' accompanies 'sale,' typically part of the same legal provision, with one notable exception: in the Law on Advertising only the advertising of purchase, not the sale, of Rare and Very Rare animals is prohibited. The Law on Fauna prohibits the purchase of wild animals in general without certificate of origin, with administrative penalties. Criminal Code imposes heavier fines and

prison term for purchase of Rare and Very Rare animals. Purchase of CITES-listed species is unregulated in Law on Foreign Trade of Endangered Species. There is no mention or regulation of wildlife purchase in the Law on Environmental Protection or the Animal and Plant Trade Law.

Protection, Law on Advertisement, Animal and Plant Trade Law, Regulation of Foreign Trade of Endangered Species. There are no penalties for possession of wildlife in contravention to the law in the Law on Infringements or the Criminal Code.

## Solicitation for purchase

Similar to the offer for sale, Mongolia's legal framework does not address solicitation for purchase. This is another missed opportunity to extend liability to those actively involved in criminal wildlife trade and whose activity begins with soliciting product.

Solicitation is a common criminal offense used to combat other trade crimes, e.g., drugs and prostitution. It is distinct from the crime of illegal purchase because, as an action, it is illegal unto itself and can be charged whether the solicited crime has occurred. Simply asking a person to commit a crime is sufficient. This legal tool is particularly useful and regularly used in sting operations and can be used to deter criminal behavior.

**Regulatory Matrix:** Solicitation for purchase is not explicitly referenced in any of the seven (7) laws reviewed.

## Possession

According to the law, individuals who own animals are required to treat them with respect and kindness. The term "possession" is not defined separately but is included in the broader definition of "animal breeding." Individuals who possess wildlife without proper permission may face administrative penalties. However, possession of Rare animals is only allowed under specific circumstances, such as for their protection and breeding.

There are currently no criminal penalties for individuals who possess Rare, Very Rare, or CITES-listed species without proper authorization.

The regulation of wildlife possession should be a priority, as it is an activity that is more likely to be detected by enforcement personnel than the sale or purchase of wildlife.

**Regulatory Matrix:** Used in one (1) of the seven (7) laws. The term 'possession' is not defined separately. Only the concept of 'taking possession' is included in the definition of 'animal breeding' in the Law of Fauna. The law mandates that the 'possession' of animals reflects 'respect and compassion'. The Law on Fauna further regulates possession of Rare species under contract, specific conditions for protection and breeding, and imposes administrative penalties for possession of wildlife without permission. There is no mention or regulation of wildlife possession in Law on Environmental

## Exchange

Mongolia currently only regulates the exchange of wild animals in the form of exceptions for CITES-listed species exchanged between scientific institutions. However, no regulations extend to other forms of exchange (e.g., informal trade, barter) that involve domestic or foreign wildlife species that are not listed on the appendices of CITES, or to Rare and Very Rare animals.

**Regulatory Matrix:** Used in one (1) of seven (7) laws. The term 'exchange' is not defined, appearing only in the Law on Foreign Trade of Endangered Species, as an exemption for CITES certificates and licenses, in the context of exchange of CITES-listed animals and their derivatives between scientific institutions.

## Processing

Processing is also one of the wildlife trade acts that remains undefined and largely unregulated by the Mongolian legislation. Under Mongolia's Criminal Code, only the processing of Very Rare animals is regulated and subject to criminal penalties. The lack of regulation for processing of wild animals in general, including Rare animals and CITES-listed animals means that individuals or entities who process most of the wildlife in Mongolia, including pelts, meat, horns and taxidermy forms, may be held administratively liable for possession but not for processing.

Regulating the processing of wildlife across wildlife trade-implementing legislation is important for several reasons. First, the processing of wildlife can have significant environmental and ethical consequences. Second, the processing of wildlife can also involve the creation of products from endangered or threatened species, as well as hiding their true provenience, unless detected by sophisticated analytical means. Third, unregulated processing can lead to the spread of disease, particularly in the case of raw animal trade.

**Regulatory Matrix:** Used in one (1) of seven (7) laws. The term 'processing' is not defined. The Criminal Code imposes criminal penalties only for processing of Very Rare animals.

## Transport

The regulations surrounding the transport of wildlife in Mongolia are limited to specialized personnel, and special-purpose vehicles that are required to meet specific safety and hygiene conditions for transported animals. While the law acknowledges the need to comply with proper procedures for the transport of CITES-listed species, it does not provide specific details on these requirements.

Currently, administrative penalties are only applied in cases where wildlife is transported to an area outside of a designated hunting zone. Furthermore, criminal penalties are only enforced for unauthorized transport of Rare and Very Rare animals. Notably, there are no penalties in place for illegal transport of domestic wild animals, CITES-listed species, foreign animals, or any wild animals that are not classified as Rare or Very Rare.

**Regulatory Matrix:** Used in five (5) of the seven (7) laws. Law on Fauna requires specialized personnel for animal transport, whereas Animal and Plant Trade Law requires special purpose vehicles, equipped to meet safety standards, disinfected before transportation. The Law on Foreign Trade of Endangered Species recognizes, but does not specify, the appropriate procedures for transportation of CITES-listed species. The Law in Infringements imposes administrative penalties only for transport of wildlife outside of the hunting area. The Criminal Code imposes heavier fines and prison term for unauthorized transportation of Rare and Very Rare animals.

## Online Trade

Online trade is neither defined, nor regulated in laws reviewed. As the internet provides an easy platform for the illegal trade of wildlife, this gap can make it more difficult for law enforcement to prosecute those engaged in illegal wildlife trade online. For example, wildlife and wildlife products can be sold anonymously, making it harder to trace the source of the products and identify the individuals involved in the trade. CITES has recommended that its member countries adopt laws and regulations that cover online wildlife trade, with provisions for monitoring and regulating online marketplaces, ensuring that online sales are legal and sustainable, and imposing penalties for illegal online wildlife trade. These specific provisions have not yet been implemented in Mongolian legislation.

**Regulatory Matrix:** Online trade is not explicitly referenced in any of the seven (7) laws reviewed.

## Advertising

The regulations on advertisement concentrate on the sale and purchase of wild animals subject to a hunting or processing ban, and on the supply, trade, and purchase

of Very Rare and Rare species, including derivatives. Advertisement of wildlife is not included in any of the other trade-related laws, making it an unrecognized and unregulated trade chain act for wildlife not subject to a hunting ban or that are not listed as Rare or Very Rare.

Advertisements for wildlife products are designed to appeal to consumers' desire for status or traditional medicine, leading to an increase in demand for products. Extending regulations on advertising to wildlife beyond the list of Rare and Very Rare species would ensure immediate protection for species with the potential of becoming vulnerable or endangered.

**Regulatory Matrix:** Used in one (1) of seven (7) laws. Law on Advertising prohibits advertisement of sale or purchase of wild animals and their products on hunting ban, as well as of supply, trade, purchase of Rare and Very Rare animals. There is no mention or regulation of advertisement for wildlife in Law on Environmental Protection, Law on Advertisement, Animal and Plant Trade Law, Regulation of Foreign Trade of Endangered Species. There are no penalties for advertisement of wildlife in contravention to the law in the Law on Infringements or the Criminal Code.

## Display/Exhibit

The display or exhibit of wildlife represents another complete gap in Mongolian legislation. In Mongolia, there are traditional practices of displaying wildlife as a form of entertainment or for religious purposes. These practices are deeply ingrained in the culture and can be difficult to regulate without causing offense. There is also a financial incentive to display wildlife, as it can attract tourists and generate revenue. However, this can lead to exploitation and mistreatment of the animals, as well as the risk of spreading disease.

**Regulatory Matrix:** Term 'Display/Exhibit' is not defined, or explicitly referenced in any of the seven (7) laws reviewed.

## Storage

The legislation regulates storage of wildlife in the specific case of CITES-listed species stored in a museum (as exempt from licenses or certificates) and imposes criminal penalties for the storage of Rare and Very Rare animals. The illegal storage of all other wildlife (domestic wildlife, foreign wildlife, CITES-listed species which are not exempt from licenses and certificated) would remain outside of any penalties, administrative or criminal.

The lack of storage regulations in the law has important implications for the illegal wildlife trade. Illegal traders can exploit this legal gap by using storage facilities to accumulate and transport larger quantities of wildlife products without

proper monitoring or documentation, making it easier for them to avoid detection and prosecution. Storage could also be linked to possession, providing authorities with a stronger means to catch and prosecute illegal traders. The absence of regulations can also result in poor storage conditions that can negatively impact the quality and value of legal wildlife products. Improper storage can cause degradation, spoilage, or contamination.

**Regulatory Matrix:** Used in two (2) of seven (7) laws. The term 'storage' is not defined. The Law on Foreign Trade in Endangered Species includes the storage of CITES-listed species in a museum as qualified for an exemption from a license or a certificate. The Criminal Code imposes heavier fines and prison time for unauthorized storage of Rare and Very Rare animals. There are no administrative penalties for storage in contravention of law for wild animals not on the list of Rare or Very Rare animals. There is no mention or regulation of wildlife storage in Law on Environmental Protection, Law on Fauna, Law on Advertisement, Animal and Plant Trade Law, or Law on Infringements.

## Capture

Mongolian law regulates the capture of wild animals in specific instances when animals may be vulnerable, such as during migration or when in proximity to human populations. The law places an emphasis on regulating the number of specimens that can be captured and imposes administrative penalties for those who capture wildlife without a permit. However, there is a lack of consistency in the criminalization of this practice. The Law on Fauna states that repeated violations involving the capture of either Rare or Very Rare animals constitutes grounds for criminal liability, while the Criminal Code only imposes criminal penalties for the capture of Very Rare animals. Furthermore, administrative penalties for the capture of wild animals without a permit are not supported in the legislation on infringements.

**Regulatory Matrix:** Used in two (2) of seven (7) laws. The term is not defined and is only included as a qualifier in the definition of 'hunting reserve' as the number and size of game animals that can be hunted and captured without disturbing their normal growth and reproduction. The Law on Fauna prohibits capture of wild animals in specific circumstances (while migrating, or in the green zones of human establishments), and imposes seizure of wildlife and assets for illegal capture. Law on Fauna also permits the capture of Rare animals for special purposes (research, analysis, art, medical) with a license, while making repeat violations of the capture of Rare and Very Rare animals grounds for criminal penalties. These grounds for criminal penalties are, however, not reflected in the Criminal Code, as criminal penalties. Administrative penalties are imposed in the Law on Fauna for capture of wild animals without a permit, which is not mirrored in the Law on Infringements.

## Trapping

Although Mongolian laws are more detailed in regulating trapping, they are still disjointed. While the Law on Fauna covers trapping periods, methods, weapons, fees, licenses, and various trapping purposes, including industrial and domestic use, it fails to align with the administrative penalties outlined in the Law on Infringements. The latter penalizes only excessive or industrial trapping without a permit. Moreover, while it is forbidden to trap Very Rare animals, only the trapping of Rare animals carries criminal charges. An unusual case pertains to the penalties imposed on an official for illegally issuing a trapping permit. Despite the law's focus on wild animal capture for specific purposes, and the capture of Rare and Very rare animals, it does not address the capture of species listed under CITES.

**Regulatory Matrix:** Used in four (4) of seven (7) laws. The term 'trapping' is not defined on its own, only included as a qualifier in the definitions for 'sport hunting' (trapping without purpose of need), 'trophy hunting' (trapping for a special fee), 'animals temporarily prohibited from hunting and trapping' (prohibited for a certain period from trapping), 'hunting' (activity of hunting and trapping according to the law). The Law on Environmental Protection prohibits only the trapping of Very Rare animals. The Law on Fauna prohibits trapping of wild animals for certain periods, specific methods and weapons for trapping wild animals, as well as certain activities related to trapping wild animals (in ambush, affected by natural disasters, at springs, on a hunting ban). The law requires trapping licenses and fees, and also differentiates between purposes of trapping (domestic, industrial, special), imposing administrative penalties for trapping without permits and licenses, as well as confiscation of wildlife and assets. The law imposes administrative penalties for officials who issue illegal trapping permits. The Law on Infringements imposes administrative penalties for trapping in excess of the approved numbers and trapping for industrial purposes without permit. The Criminal Code imposes heavier fines and prison time for trapping of Rare animals only. There are no mentions or regulations of trapping in the Law on Advertisement, the Animal and Plant Trade Law, Regulations on Foreign Trade on Endangered Species.

## Hunting

Although the hunting of wild animals is regulated by several laws, the overall legal framework is fragmented. The hunting regulations and corresponding penalties for non-compliance are more coherent for wild animals in general. The Law on Fauna and the Law on Infringements are aligned in terms of administrative penalties for illegal hunting.

**Regulatory Matrix:** Used in five (5) of seven (7) laws. The term 'hunting' is defined in Law on Fauna, on its own, and with various qualifiers ('hunting animal', 'hunting reserve', 'hunting zone', 'hunting management plan', 'hunting rifle', 'sport hunting', 'trophy hunting', 'hunting raw materials', 'organizing hunting', and 'hunting organization'). Law on Environmental Protection prohibits all hunting of Very Rare animals. Law on Fauna prohibits hunting for specific periods (exceptions for hunting of animals for research, analysis, treatment), certain hunting methods and weapons, certain activities related to hunting, while regulating hunting and license fees for various purposes (domestic, industrial, special). The Law on Fauna imposes administrative penalties for hunting of wild animals for any purpose without proper permits and licenses, outside of hunting season, for transferring a hunting rifle, for an official who issues an illegal hunting permit, as well as requires compensation for hunting in excess, for unlicensed hunting, permits the confiscation of wildlife and assets, revocation of the right to drive a vehicle. Repeated violations of illegal hunting are grounds for criminal liability. For Rare animals, the Law on Fauna prohibits the hunting for special purposes and imposes hunting periods. Very Rare animals may be hunted and trapped only for the purpose of conducting research work. The Law on Advertisement prohibits advertisement on selling and purchasing of wild animals on a hunting ban. Law on Infringements imposes administrative penalties (fees, confiscation of wildlife and assets, compensation) for transfer of hunting license, hunting in excess, for industrial purposes without appropriate agreements, for transport of hunted animal outside of hunting area, out of season, with prohibited means. The Criminal Code imposes criminal penalties for unauthorized hunting of Very Rare and Rare animals.

## Captive Breeding

Restoring natural resources through the breeding of Very Rare animals is a stated goal, with research and funding allocated for this purpose. The law also allows for the breeding of Rare animals for medical purposes to increase their productivity. While the legal framework generally permits citizens and legal entities to breed animals under specific conditions, breeding foreign animals without permission is prohibited.

Criminal liability only applies to the breeding of Rare animals in violation of the law. For reasons not entirely clear, the Criminal Code does not use the same terms when identifying trade acts for Very Rare species, stating instead 'deliberately domesticating,' which is arguably distinct from captive breeding. CITES-listed species are not included. Additionally, the lack of regulations on advertising leaves room for illegally bred wildlife to be advertised and sold with little to no risk of enforcement. Without unified regulations on captive breeding across the legal framework, captive breeding facilities may not be required to meet certain standards for animal care and management, leading to animal cruelty and neglect.

**Regulatory Matrix:** Used in five (5) of seven (7) laws. The term is defined as 'animal breeding'. Law on Environmental Protection allocates research and funding for breeding of Very Rare animals and permits the increase of the stock of Very Rare animals through breeding for the purpose of restoration of natural resources. The Law on Fauna allows citizens and legal entities to possess wild animals under certain conditions for the purpose of breeding, breeding of Rare animals for medical purposes (productivity increase) with permission, and prohibits the breeding of foreign animals without permission. Animal and Plant Trade Law makes breeding products (e.g., eggs) subject to quarantine control at the border. Law on Infringements: Administrative penalties, confiscation, damages, compensation for unauthorized breeding of aliens, in violation of Law on Fauna. Criminal Code: criminal penalties for unauthorized breeding of Rare animals. There is no mentions or regulations on captive breeding in Law on Advertisement, or Regulations on Foreign Trade in Endangered Species.

## Import

Mongolian legislation concerning imports is predominantly concerned with implementing quarantine control and inspection measures, rather than addressing issues related to illegal wildlife trade. Specifically, the legislation emphasizes the regulation of trade in CITES-listed species. The law provides for administrative penalties in cases of permit violations, but not for non-compliance with other import regulations, or for breaching quarantine control. The only administrative penalties for trade are imposed for the illegal trade of CITES-listed species. The law does not include criminal penalties related to import of wild animals. Notably, there are no penalties for advertising foreign or imported species. Thus, the primary focus of Mongolian legislation is on CITES-listed species and border quarantine control, rather than addressing illegal trade, with no restrictions on the advertisement of imported or foreign species.

**Regulatory Matrix:** Used in six (6) of seven (7) laws. The term 'import' is only defined as 'import certificate'. Law on Environmental Protection gives the government the right to administer customs quarantine control for import of wild animals. The Law on Fauna imposes administrative penalties for animal imported from abroad without permission. Animal and Plant Trade Law includes general requirements for imports, details the prohibitions of entry, the regulations for import declaration and certificates. Regulations on Foreign Trade and Endangered Species outlines regulations and exemptions for import certificates for CITES-listed species. Law on Infringements imposes administrative penalties for import of animals without import certificate, false or inconsistent certificate, for violations of quarantine control and regulations for animals import, and illegal trade in CITES-listed species across the border. There are no mentions or regulations on import in the Law on Advertising.

## Export

Mongolia's legislation has extensive regulations in place to govern exports, making it one of the most regulated trade chain acts in the legal framework. These regulations primarily focus on quarantine inspection at the border pursuant to Mongolia's international agreements.

In particular, emphasis is placed on the legality of the export certificate for all types of exported species. This includes not only Rare and Very Rare species but also those listed under CITES and wild animals not included in the previous categories.

The penalties for violating these regulations vary depending on the type of violation committed. Administrative penalties are imposed for violating export regulations for CITES species and for wild animals that are not listed as Rare or Very Rare. The Law on Fauna states that criminal penalties may apply for repeated violations but there is no corresponding recognition of this liability in the Criminal Code itself.

**Regulatory Matrix:** Used in six (6) of seven (7) laws. Term is defined only as 'export certificate', and as a qualifier for definition of terms 'veterinary certificate' (from 'exporting country', certifying 'exported animal'). Law on Environmental Protection gives the government the right to administer customs quarantine control for export of wild animals. Law on Fauna imposes compensation for export without certificate of origin (as the wild animals is treated as 'hunted' or 'caught') and imposes administrative penalties for an official who issues an illegal export certificate. Permission to export is granted by the government in accordance with international agreements, and export procedures for exporting approved by central authority. Repeated violations of export of Very Rare and Rare animals are grounds for Criminal Penalties. Law on Foreign Trade of Endangered Species includes export authorities, regulations, and exemptions for CITES-listed species. Law on Infringements imposes administrative penalties for violations of quarantine control and regulations for export of animals, and for smuggling of CITES-listed species across the border. Animal and Plant Trade Law defines the term 'export certificate', and includes the qualifier 'export' in the definition of 'veterinary certificate'. This law focuses on quarantine inspection regulations at the border, including the procedures for export certificates, the rights and responsibilities of the customs, the powers of the state customs inspector. The Criminal Code imposes heavier fines and prison time for unauthorized export of Rare and Very Rare animals. There is no mention or regulations of export in the Law on Advertising.

## Re-Export

Re-export of wild animals remains largely unregulated in Mongolian legislation. A re-export license is conditioned solely on submission of a previous valid import certificate.

This approach is consistent with CITES requirements but does not anticipate the complexity of trade arrangements. Other jurisdictions regulating this issue include, inter alia:

- Special provisions for freight forwarding companies, e.g., power of attorney to present necessary documents.
- validated foreign CITES export or re-export document, not solely an import permit.
- where the re-exporter did not affect the original import, requirement to provide a copy of the importer's documents and an invoice or other document that shows the wildlife was legally acquired from the original importer or history of transactions that demonstrate an unbroken chain of ownership.
- For the non-commercial export of CITES Appendix-I species, a copy of the CITES import permit or evidence one will be issued by the Management Authority of the country to which the specimen(s) will be re-exported.

**Regulatory Matrix:** Used in one (1) of seven (7) laws. The term 're-export' is not defined. The Law on Foreign Trade in Endangered Species conditions the certificate of re-export with a previous import certificate in compliance with the law.

## Other Areas of Concern

This report did not focus on legal issues not otherwise targeted by the legal best practices. A rapid review however was conducted to determine whether any issues identified in 2015 had changed in intervening years. The following paragraphs restate findings from the Silent Steppe II report and note any changes.

### Money Laundering

As reported in Silent Steppe II, money laundering offenses and penalties have long been part of Mongolia's Criminal Code<sup>58</sup> and have been more fully regulated by its Anti-Money Laundering and Terrorism Finance Law (AML Law) since 2013 (most recently amended in 2018). The AML defines money laundering as 'the acquisition, possession or use of income, money and assets **knowing** that they are **proceeds of crime** or transfer or conversion of such proceeds to conceal their illicit origins and to assist entities involved in committing crimes to avoid legal liabilities, or disguise their true natures, origins, locations, administration, ownership, and property rights.'(emphasis added)<sup>59</sup> To define 'proceeds of crime', the AML Law references the Criminal Code,<sup>60</sup> which effectively establishes a threshold approach limiting its application to

<sup>58</sup> Mongolia, Criminal Code, Art. 18.6.

<sup>59</sup> Mongolia, Anti-Money Laundering and Terrorism Finance Law, Art. 3.1.1.

<sup>60</sup> Id. at Art. 3.1.10.

crimes defined in the Criminal Code that carry a prison term of more than one year.<sup>61</sup> Mongolia's wildlife trade crimes meet this threshold.<sup>62</sup> Administrative infractions, however, which constitute the majority of crime types defined under the several laws regulating wildlife trade, cannot form the basis of a money laundering charge.

From the enforcement records provided by the Police, Customs, and Courts, it appears that in no instance was money laundering used as the basis of a wildlife trade related investigations (2015 - 2019) and prosecutions (2018 - 2021).

## Legal Entity Liability

With respect to criminal liability applied to legal entities, the prior versions of the Criminal Code restricted its application to individuals only. In 2015, however, Mongolia's Parliament introduced sweeping changes that now hold a legal entity (e.g., a business) liable for certain criminal acts committed on behalf of the entity (e.g., an employee or agent) or in its interest, relieving the individual who committed the crime from liability. Under the new Criminal Code and depending on the crime involved, legal entities may be subject to substantial fines, the deprivation of operating rights, and ultimately dissolution.

Similar to organized crime, liability for legal entities operates as an aggravating circumstance. In other words, legal entities are not subject to criminal liability in all instances where a crime is committed on their behalf or interest; only where the law provides for such liability and their involvement results in higher penalties for the base crime. The updated version of the Criminal Code, initially passed in 2015, held legal entities criminally liable for trade in Rare and Very Rare species.<sup>63</sup> In 2017, however, this provision was deleted from the law.<sup>64</sup> Given the reported synergies between trading companies and wildlife trade, the lack of criminal liability in these cases needs to be amended.

With respect to administrative liability applied to legal entities, the Law on Infringements lays out penalties for violations in three laws related to wildlife trade.

For violations of the Law on Infringements, a legal entity is subject to a fine in the amount of 10,000 units for smuggling CITES-listed species across the state border.

For violations of the Law on Fauna, a legal entity is subject to specific penalties, depending on the violation.

- For **illegal hunting**, a legal entity receives a fine in the amount of one thousand five hundred units (1,500), along with the seizure of items used to commit the violation, confiscation of illegally earned property and income, and compensation for damages to pay.

<sup>61</sup> Mongolia, Criminal Code, Art. 7.5(2).

<sup>62</sup> Id. at Art. 24.5.

<sup>63</sup> Criminal Code, Art. 24.5.3, 2015 (annulled).

<sup>64</sup> Criminal Code, Art. 24.5, as amended May, 2017

- For **the transfer of a hunting permit**, a legal entity receives a fine in the amount of one thousand five hundred (1,500) units, along with the seizure of the items used in committing the violation, confiscation of illegally obtained property and income, and compensation for damages to pay.
- For **hunting when prohibited, or during a prohibited period, by prohibited means, animal transported in a place other than the hunting area**, a legal entity receives a fine in the amount of three thousand (3,000) units, along with confiscation of illegally obtained property, and compensation for damages to pay.
- For **sale or purchase of wild animals and their raw materials are sold or purchased without a license, certificate of origin or accompanying certificate**, a legal entity receives a fine in the amount of three thousand (3,000) units, along with confiscation of the items used in the offense, illegally obtained property and income, and compensation for damages to pay.
- For **Introduction of an animal without a permit**, a legal entity receives a fine of five thousand (5,000) units, along with the confiscation of the items used in committing the offense, seizure of illegally obtained property and income, and compensation for damages to pay.
- For **unauthorized introduction and breeding of aliens**, a legal entity receives a fine in the amount of ten thousand (10,000) units, along with confiscation of items used in the violation, illegally obtained property and income, and compensation for damages to pay.

For violations of Animal and Plant Trade Law, a legal entity is also subject to penalties depending on the specific violation.

- For failure to submit to quarantine inspection at the state border, when importing animals and their raw materials may result in a fine of one thousand (2,000) units.
- For failure to fulfill the obligations under the law on transportation for import, export, or transit of animals may result in a fine of one thousand (1,000) units.

For breach of Law of Environmental Protection, business entities and organizations which fail to fulfill obligations under Article 31.5 (which includes the breeding of animals according to contracts) are liable to a fine of 50,000 to 100,000 units.

For violations of the Law on Regulations of Foreign Trade in Endangered Species, the economic entities guilty of international trade of animals or plants listed in the appendix of the Convention or their derivatives **without an appropriate license** receive a maximum fine of 250,000 MNT. For the **use of an expired or counterfeit license or certificate**, the economic entities guilty of such infraction are liable to a maximum fine of 250,000 MNT, plus seizure

as state property of animals or their derivatives obtained by illegal means.

Under the Criminal Code, criminal liability may be imposed on legal entities for money laundering. The anti-money laundering provisions directed at legal entities establish both increased fines for the entities and detention, presumably referring to the individuals involved in the money laundering activity.<sup>65</sup> Fines are set at a minimum of 120,000 and a maximum of 400,000 units;<sup>66</sup> equal today to MNT 120 million (USD 34.3 thousand) to 400 million (USD 114.3 thousand).

Although administrative liability for legal entities covers eight (8) of the twenty (20) trade acts analyzed in this report, the penalties are inconsistent between the laws. Table 9 compares identical violations between the Law on Fauna and the Law on Infringements (for violations of the Law on Fauna).

## Medicinal Trade

Medicinal trade is now recognized in the Law on Fauna. Documented in both Silent Steppe reports, wild animal parts and derivatives are an important part of both domestic and international trade in Mongolia.

The Law on Medicines and Medical Devices is still only indirectly relevant to the extent it covers traditional medicine. However, it only states that such medicine may be dispensed outside a pharmacy. In other words, it exercises no direct control over the sale of traditional medicine products, and thus the sale of traditional wildlife medicine products. This does not mean that wildlife use in traditional medicines is completely unregulated.

Medicinal trade is at least partly regulated by the Law on Fauna, which states that 'the breeding of rare animals as pets and their use for the purpose of preparing drugs and other raw materials shall be carried out with the permission of the State Central Administrative Body.' There is, however, no further regulatory detail.<sup>67</sup>

Table 9. Comparative penalties for identical violations in the Law of Fauna and Law on Infringements

VIOLATION	LEGAL ENTITIES	
	Penalties for violations in Law on Infringements	Penalties in Law on Fauna
<b>Sale, purchase</b> of wild animals without certificate of origin, or accompanying certificate	3,000 units*	–
<b>Introducing</b> an animal without permission or imported from abroad	5,000 units	5 x minimum wage**
Unauthorised <b>introduction</b> and breeding of aliens	10,000 units	
<b>Possession</b> without a contract		3 x minimum wage
<b>Hunting</b> with an expired permit, without a valid	1,500 units	3 x minimum wage
Transfer of <b>hunting</b> licences, or hunting rifle	3,000 units	3 x minimum wage
<b>Hunting</b> with prohibited means	3,000 units	5 x minimum wage
<b>Hunting</b> with prohibited weapons	3,000 units	5 x minimum wage
Prohibited <b>hunting</b> season	3,000 units	5 x minimum wage
<b>Hunting</b> in excess	3,000 units	5 x minimum wage
<b>Hunting and trapping</b> of wild animals for special purposes without proper permits and licenses	–	5 x minimum wage
<b>Sale or purchase</b> of wild animals for special purposes without accompanying specifications	3,000 units	5 x minimum wage
<b>Hunting, capture</b> of wild animals for industrial purposes without contract	3,000 units	45 x minimum wage

\*one unit equals MNT 1,000

\*\* MNT500,000.00 per month (as revised from January 1, 2023)

65 The law provides for the restriction of movement rights but does not clarify how this would apply to companies.

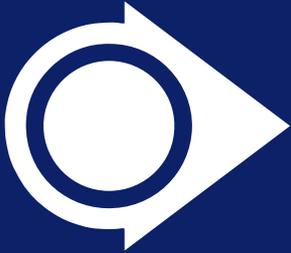
66 One Unit equals MNT 1,000.

For Very Rare and Rare species, criminal liability attaches to the illicit 'preparation' and 'collection' of species parts without permission. While not defined or explicitly tied to medicinal trade, these terms are generally understood to apply to any preparation or collection, regardless of the purpose.

67 Mongolia, Law on Fauna, Article 18.2.

# NATIONAL LAW

## WILDLIFE DISEASE



Mongolia's legal framework ranks among those with the **highest number of gaps** (82% across all BPs).

This is principally a function of:

- the **exclusion of wildlife** from animal health and welfare legislation
- the lack of regulation of **WOAH non-listed wildlife diseases**
- **no investigative authority** for veterinary services
- **failure to penalize violations** of standards
- **significant disconnect between general mandates and the delegation of a corresponding authority** to the veterinary services.

# WILDLIFE DISEASE

The information in this section comes from a report, [commissioned by the World Organization for Animal Health \(WOAH\)](#), and is based on an assessment of Legal Best Practices developed by Legal Atlas in collaboration with WOAH specifically for the question presented by this topic – what authority do veterinary services have to address diseases affecting wildlife?

What legal best practices are and the methods applicable to their development have been discussed in separate reports prior to this gap analysis and are not repeated here. For reference, however, legal best practices are conceptual inquiries directed at the content of laws, intended to determine whether there is an adequate legal foundation for the governance of a topic.

The question of how laws are implemented is not addressed in this inquiry. Obviously tied to determining the quality of a law, implementation is nonetheless the subject of separate areas and forms of inquiry, e.g., the adequacy of budgets, staff, resources, training, etc.

In addition to this report, all best practice assessments may be found online in the Legal Atlas platform at the link provided below.<sup>68</sup>

## Legal Framework Reviewed

A total of **6** national laws and regulations were reviewed. The list has been divided into two (2) sections – **Primary Legislation** and **Related Legislation**.

**Primary legislation** includes those laws that directly regulate wildlife disease or veterinary services, or provide a major piece in the regulatory scheme.

**Related legislation** includes all other laws and regulations that have at least some relationships to wildlife disease, but which do not regulate animal health and welfare per se.

A description of the laws and their relationship to the topic can be found in the Annex to this report and online in the [Legal Atlas® platform](#).

### PRIMARY LEGISLATION - 3

#### Directly Regulating Wildlife Trade – 5

*The following laws are either entirely dedicated to regulating wildlife trade, or act as a primary law for the regulation such trade.*

1. Animal Health Law (2017)
2. Decree on Approval of Procedure - Infectious Disease in Protected Areas (1996)
3. Animal and Plant Products Trade Law (as amended in 2021)

Figure 15. Screenshot of Wildlife Disease Best Practices interface in the Legal Atlas platform



68 [https://www.legal-atlas.net/Wildlife\\_Disease/Standards/Mongolia](https://www.legal-atlas.net/Wildlife_Disease/Standards/Mongolia)

## RELATED LEGISLATION - 3

### Governance - 3

These laws are indirectly related to wildlife disease.

4. Constitution
5. Law on Fauna (revised 2012)
6. Law on Regulation of Foreign Trade in Endangered Species (as amended 2015)

## Best Practice Analysis

Best practices for Wildlife Disease so far include 17 key concepts organized under seven (4) components, as follows:

- **Component A. General Authority** – This component organizes those best practices that define the overarching authority of veterinary services to act whenever zoonotic disease affects wildlife.
- **Component B. Surveillance and Control** – This component comprises those best practices that define whether and how veterinary services may engage in surveillance for zoonotic disease, and in particular whether such authority extends to wildlife.
- **Component C. Inspections** - This component is used to aggregate all legal practices that authorize, require, and otherwise define the power to engage in inspections for purposes of controlling wildlife disease emergence.
- **Component D. Enforcement** - The 'Enforcement' set of best practices focuses on enforcement agencies with either general or specific authority over wildlife (animal) disease and zoonoses, including their power to investigate, collaborate, collect, share information, as well as any crimes defined and penalties that apply for violations.

## Overall Performance

Of the 23 countries assessed, Mongolia's legal framework ranks among those with the highest number of gaps (82% across all BPs). This is principally a function of the restriction of wildlife (BP 1, 2, 3 and 4), of the lack of regulation of WOAH non-listed wildlife diseases (BP5), no investigative authority for veterinary services (BP13), and failure to penalize violations of standards (BP 15 and 17).

Table 10. Best Practices Results by Assessment Rating

Mongolia – Best Practices Results by Rating Based on 17 Recommendations (100%)		
Full Compliance	Partial Compliance	No Compliance
3	10	4
18%	59%	23%

Figure 16. Best Practice by Component

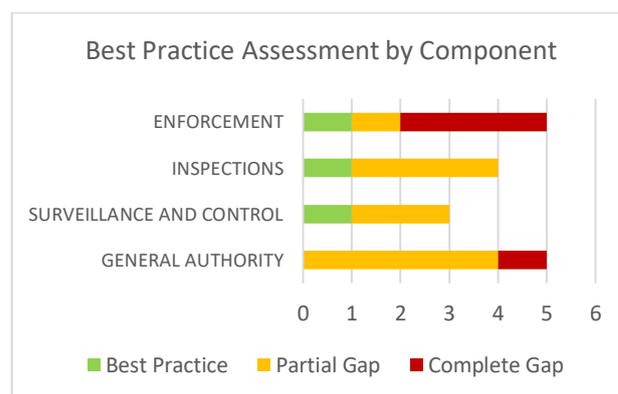
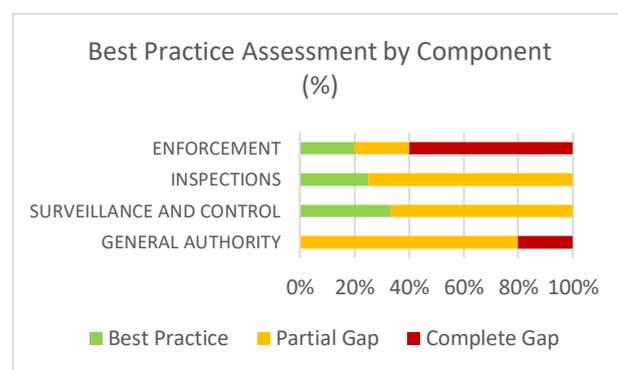


Figure 17. Best Practice by Component (%)



## Summary Results

Mongolia has a unique approach to BP2 (Definition of Wildlife) in its Animal Health Law that is an example of policy incoherence that contributes its low rating for this topic.

The primary law mentions the term 'wildlife' but refers to an outside law for interpretation (i.e., the Law on Environmental Protection). This is not unusual and is in fact an example of a policy coherence technique. However, the Animal Health Law says that wildlife means animals 'other than those listed in the environmental protection law.' The problem with this reference is that the environmental law lists every animal and thereby would appear to make the reference to wildlife in the Animal Health Law function as a complete exclusion of the same.

Mongolia, like many of the countries reviewed, struggles in the foundational BPs (1-3) and therefore tends to be scored lower in areas that require a reference to wildlife (BPs 4, 5 8, 12 for example)

Overall, there also seems to be a disconnect between the requirement to do an action and the designation of authority to veterinary services to act (BPs 9, 11, 12, 13). However, it does include express power for veterinary services under BP10 (conducting testing at border points).

### Component A: General Authority

1. Inclusion of Wildlife in Animal Health Legislation	wildlife is expressly referenced but limited in scope to imports.
2. Definition of Wildlife	term 'animal' is defined with limitations to wildlife, relies on supporting legislation for clarification.
3. Wildlife Disease Policy Statement	Disease prevention covered, limited inclusion of wild animals.
4. Express Delegation of Authority over Wildlife Disease	express mandate to veterinary services included, no reference to wildlife.
5. Comprehensive List of Diseases	only general names for types of diseases, with equivalent language for 'unusual' or 'exceptional' events, for which reporting is required.

### Component B: Surveillance and Control

6. Surveillance and Control	surveillance and control scope and plan included, but not a comprehensive list of activities.
7. Surveillance Coordination	surveillance coordination included, and express right to share epidemiological information.
8. Wildlife Surveillance	veterinary services given authority to engage in surveillance for animal disease, may not include wildlife.

### Component C: Inspections

9. Registration and Inspection of Wildlife Markets	Inspection, but not registration, of wildlife markets regulated, with inspection authority given to veterinary services.
10. Capacity or Mandate to Conduct Testing at Border Points	animal disease testing at border required, testing authority given to department(s) other than veterinary services.
11. Notification of Wildlife Disease Events	reporting requirement included for an agency other than veterinary services, limited to specific instances of animal diseases.
12. Regular and Periodic Inspections	veterinary services required to inspect, 'periodic' or 'regular' inspections not specified.

### Component D: Enforcement

13. Investigative Authorities for Veterinary Services	animal disease investigative authority or powers for veterinary services not provided
14. Violation of Disease Emergence Reporting	authority for disease emergence reporting conferred, but not required, with specific limitations. Penalties for disease emergence reporting violations in supporting laws.
15. Violation of Welfare Standards for Transportation	restrictions or standards of animal welfare in transportation associated penalties not included.
16. Non-compliance with Market Restrictions and Closures	regulations of animal markets, not all wildlife, including restrictions and/or closures. General penalties apply.
17. Failure to Adhere to Disease Containment Protocol	disease containment protocols not included, or penalties attributed to violation of disease containment protocols.

# CONCLUSIONS

Mongolia's legal foundations for combatting wildlife trade have not substantially changed since the amendments to the Criminal Code in 2017 and the Law on Fauna in 2018, except for some additional regulation of medicinal trade. Compared to the framework in 2015, there are more laws identified but the majority of these extend Mongolia's protected areas system, and therefore the legal protections against trade applied by the Criminal Code. But the number of trade acts identified is largely the same.

There are still several areas that would benefit from reform, especially with reference to CITES-listed species, those subject to temporary bans, and illegal domestic trade in foreign species.

There are also key trade acts that still need to be regulated and attention given to policy coherence between the various laws, and what should constitute criminal forms for wildlife trade.

Not necessarily in order of importance, the key issues raised in the gap analysis are:

## Understanding trade crimes and responses

- Studying wildlife has always been a function of the Mongolian government. This should be coupled with a legal mandate to develop wildlife management plans that:
  - cover wildlife throughout the country (not just protected areas),
  - specifically address wildlife trade, contain legally enforceable mandates, and
  - understand the threats to wildlife in the context of larger threats posed by mining, overgrazing and climate change.
- Mongolia is not just a source country, and its legal environment needs to respond better to transit, illegal imports and re-exports.
- Training of enforcement personnel has been intensive but can improve through dedicated training in wildlife law, as well as regular professional exchange with prosecutors and judges.
- Environmental crime data is critical to understand and improve enforcement through better use of limited resources, improving crime detection, investigations, prosecutions, and legal foundations. To maximize

its value, such data needs to be comprehensive, integrated across agencies and regions, and up to date.

## Maximizing international standards

- Mongolia is still a CITES Category 2 country meaning it does not yet fully comply with the treaty's primary requirements. It should move immediately to correct this shortcoming.
- However, there are also numerous partial and complete gaps in its implementation of CITES recommended best practices that should be addressed. Among the more notable are the lack of:
  - fully developed permitting system
  - captive breeding requirements, as well as
  - criminal penalties for illegal CITES trade.
- It applies UNTOC's standard for a 'serious' crime only to nationally listed species, which does not cover another 69 CITES-listed species that occur in Mongolia.
- Mongolia should consider the development of additional international legal instruments with neighboring countries and trade partners that more specifically address the unique enforcement needs of combatting transnational wildlife trade crimes.

## Improving legal foundations

### Wildlife Trade

- Recognize organized crime as an aggravating circumstance in Mongolia's wildlife crime provisions.
- Apply criminal penalties for illegal trade in CITES-listed species.
- Apply criminal penalties for trade in species that have been temporarily banned.
- Include illegal domestic trade in foreign species among the crime types defined in the Criminal Code.
- Amend the Criminal Code to allow the application of criminal penalties to legal entities.

- Develop a broader definition of corruption as it applies to wildlife trade and apply criminal penalties.
- Develop a coherent policy for addressing illegal trade across all agencies and include all activities associated with trade.
- Add a comprehensive definition of the term 'wildlife trade'
- Of particular concern are:
  - Expressly regulating online trade, including enforcement powers to monitor, access, and manage digital evidence
  - Include closely related actions such as offers for sale (beyond advertising), solicitation, display, and exhibits.
  - Fully define transportation standards for the transport of wildlife in all forms.
  - Fully define captive breeding requirements and harmonize administrative and criminal penalties.
  - Fully regulate re-export of wildlife transiting through Mongolia
  - Expand the application of storage to trade in any wildlife.
  - Add possession of illicit wildlife to the list of trade related acts for which penalties may apply
  - Define and regulate the processing of wildlife for all purposes
  - Establish comprehensive guidelines for the transport of wildlife
  - Consider regulating informal forms of trade; exchange, barter

## Wildlife Disease

The connection between wildlife disease and trade cannot be overstated. The COVID-19 pandemic is likely a direct result of such trade causing substantial health and economic impacts across the globe. Mongolia's legal framework has yet to respond to this crisis, but could be substantially improved by:

- including all wildlife in its animal health and welfare legislation
- recognizing and regulating wildlife disease, including the regulation of WOA non-listed wildlife diseases
- delegating investigative authority to its government veterinary services to act whenever wildlife disease is detected
- penalize the failure to meet health and welfare standards

# ANNEX I. LEGAL FRAMEWORK – Wildlife Trade

NO.	YEAR	LAW NAME	OVERVIEW
1	2012	Law on Fauna (revised 2012)	Mongolia's Law on Fauna is one of the primary laws addressing wildlife trade in Mongolia. Its particular focus is the beginning of the trade chain, governing access to wildlife resources for hunting and trapping. While the entire law has relevance to wildlife trade, the following provisions are more specifically applicable: Article 7 establishes the list of 'Very Rare' species and references the creation of a list of 'Rare' species. Take and trade in Very Rare species is prohibited and, for Rare species, limited. Article 9 delineates hunting and trapping bans for certain wild animals. Article 12 prohibits selling raw animal materials when the animal's origin is not specified. Articles 15, 16, & 17 dictate the purpose for which animals may be used. Article 21 includes requirements for private individuals to use wild animal resource. Articles 22 through 30 regulate hunting and fishing activities. Article 36 addresses exportation of live endangered species. And finally, Articles 37 through 39 provide sanctions for illegal use of wild animal resources.
2	2002	Law on the Regulation of Foreign Trade in Endangered Species (as amended in 2015)	Mongolia's Law on the Regulation of Foreign Trade in Endangered Animal and Plant Species and Derivatives Thereof acts as Mongolia's CITES implementation legislation dedicated to managing its efforts at controlling international wildlife trade. As such, it is applicable to wildlife trade in its entirety. The law has three sections. The first contains general provisions, dealing with the scope of the law; the second dictates how wildlife trade will be regulated in Mongolia and the parties responsible; and the third addresses what limitations in trade apply to which species.
3	2002	Animal and Plant Product Trade Law (as amended 2021)	Mongolia's Animal and Plant Trade Products Trade Law is directly relevant to wildlife trade. In general, it regulates animals, plants, their raw materials, and products, as well as related veterinary and phytosanitary inspections. Specific to wildlife trade, it subjects '[a]ll types of mammals, domestic and wild animals, reptiles, birds, bees, their seeds, embryos and breeding eggs' to veterinary and plant quarantine control and inspection. (Art. 4.1.1). It also applies to all products of animal origin including '[m]eat, milk, by-products, fat, edible eggs, skin, hides, bones, wool, cashmere, hair, intestines, horns, Mongolia's Animal and Plant Trade Products Trade Law is directly relevant to wildlife trade. In general, it regulates animals, plants, their raw materials, and products, as well as related veterinary and phytosanitary inspections. Specific to wildlife trade, it subjects '[a]ll types of mammals, domestic and wild animals, reptiles, birds, bees, their seeds, embryos and breeding eggs' to veterinary and plant quarantine control and inspection. (Art. 4.1.1). It also applies to all products of animal origin including '[m]eat, milk, by-products, fat, edible eggs, skin, hides, bones, wool, cashmere, hair, intestines, horns, hooves, bird feathers, milk, paws, chin, gills, gall bladder, glands raw materials and products of animal origin.' (Art. 4.1.2) Among its many relevant provisions, it includes requirements for risk assessment (Art. 7.1.3), repatriation (7.1.5), international cooperation (7.1.7). Government officials that violate the law are subject to Art. 18 of the Civil Service Law, while individuals face liability under the Criminal Code and Law on Infringements.

NO.	YEAR	LAW NAME	OVERVIEW
5	2017	Decree No. A/75 Procedure for Definition and Control for the Origin of Animals and their Raw Materials	Mongolia's Decree of the Minister of Environment and Tourism No. A/75 on Procedure and Design Approval is a key implementing piece in Mongolia's wildlife trade legal framework. Issued pursuant to the mandates in the Law on the Government of Mongolian (Article 24.2), the Law on Fauna (Arts. 25.2, 25.3, 25.4), and the Law on Regulation of Foreign Trade of Endangered (Art. 8.3), the Decree includes the following five annexes: Annex 1. Procedure for the Definition and Control of the Origin of Animals and their Raw Materials Annex 2. Template for Determination of the Origin of Raw Materials from Animals and their Origins Annex 3. Model Contract for Hunting for Industrial Purposes Annex 4. Household Hunting and Fishing License Form Annex 5. Model of permits for export, import and re-export of animals, plants and their derivatives included in the annex to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
6	2012	Resolution approving List of Rare Animals (as amended 2013)	Mongolia's Resolution Approving the List of Rare Animals is a short document that formally approves the actual list of 'Rare' species, for which the Law on Fauna limits hunting and trapping. The list itself is contained in a separate document (see List of Rare of Animals). This Resolution was amended in 2013 removing the authority of the Aimag and Soum governor authority with respect to issuing permits for hunting and trapping Rare animals.
7	2014	Resolution about Additions to the List of Export Ports	Mongolia's Resolution on Additions to the List of Exports amends Annex 1 of the Government Resolution No. 173 of 2003 on 'On approval of lists and procedures' is directly relevant to wildlife trade adding two ports to those permitted to process animals (and other products) in international trade. In particular, the Resolution adds Bichigt in Sukhbaatar Aimag and Bayankhoshuu in Dornod Aimag. (Arts. 1 and 2) It further calls upon the 'Minister of Mongolia and the Head of the Cabinet Secretariat [to] resolve the issue of importing plant seeds, seedlings, livestock, animals, raw meat and byproducts and creating conditions for their sterilization, disinfection, control and inspection.' (Art. 3)
8	2003	List of ports for importing plant seeds, animals, embryos, raw meat, by-products and samples of microbial cultures and pathogenic materials	Mongolia's List of ports for importing regulates a key piece in the wildlife trade chain, establishing which ports are authorized to process legal trade. Ports for importing livestock and breeding animals are listed in Art. 2 and Art. 6; the export of breeding animals in Art. 3; exporting raw meat and by-products in Art. 4; importing raw meat and by-products in Art. 4.
9	2006	Resolution on Determination of Standard Prices, Payments, and Fees for Saker Falcons	Mongolia's Resolution on Determination of Standard Prices, Payments, and Fees for Saker Falcon is directly relevant to wildlife trade. Issued in 2006, the Resolution is no longer in effect but has been included in this framework as an example of an export quota for a listed bird species. In relevant part, it states that '[b]ased on the results of research on the number and distribution of Saker Falcons, the maximum number of Saker Falcons to be exported annually in 2006-2007 is up to 300, with a reference price of \$10,000, a fee of \$9,000 and a fee of 800 USD.' (Art. 1) The Minister of Environment is allowed to reduce the quota by 20% depending on the population status, export requests, and recommendations from scientific organizations. (Art. 2)
10	2022	Resolution on the Government of Mongolia on Determining Quota for Special Purpose Hunting and Trapping	Mongolia's Resolution Determining Quota for Special Purpose Hunting and Trapping provides the 2022 quota for five mammals, including argali ( <i>Ovis ammon</i> ) - 98, Siberian ibex ( <i>Capra sibirica</i> ) - 130, red deer ( <i>Cervus elaphus</i> ) - 60, roe deer ( <i>Capreolus capreolus</i> ) - 30, white-tailed gazelle ( <i>Procapra gutturosa</i> ) -300, and wolf ( <i>Canis lupus</i> ) - 20. In addition, it establishes the annual limit for Taimen ( <i>Hucho taimen</i> ) - 550, and the broad categories of game birds - 200, and fish - 5,500. Although valid for the entire year, the quota was only approved in April of 2022. For reference, the quotas for 2021 and 2020 have been included in the Related Laws.

NO.	YEAR	LAW NAME	OVERVIEW
11	2013	Procedure for Granting Rare Animals Hunting Trapping Licenses (as amended 2017)	Mongolia's Procedure for Granting Rare Animal Hunting and Trapping Licenses (as amended 2017) is directly relevant to wildlife trade, regulating legal access to hunting 'Rare' animals as defined by the List of Rare Animals (2012), and quotas for which are set annually (see Resolution of the Government of Mongolia on Determining Quota for Special Purpose Hunting and Trapping (2022)). Pursuant to this Procedure, professional hunting organizations and scientific organizations submit their request for a license to the authorized national agency. (Art. 3.1) Allowed hunting purposes include 'research, cultural, artistic, and therapeutic purposes.' (Art. 3.2). Trapping Rare animals in Protected Areas is subject to an agreement with the respective protected area administration. (Art. 3.3). Consistent with the Law on Payments of Natural Resources (Art. 18.1), at least 50% of the income from paid wildlife hunting and catching shall be spent on the implementation of the hunting region's hunting management plan.
12	2017	Resolution on Amendment and Changes to the Procedure for issuing licenses for hunting and trapping of rare animals	Mongolia's Resolution on Amendments and Changes to the Procedure for issuing licenses for hunting and trapping of rare animals is directly relevant to wildlife trade, adding aspects of fair competition and accountability for professional hunting organizations. Under Art. 8.1. organizations that fail to sell or hunt at least 75% of their allotted quota will have the residual deducted from the following year's allotment. Under Arts. 8.2 and 8.3, such organizations may have their rights revoked for violations of this Resolution and if a foreign hunter they are guiding violates hunting laws.
13	2013	Resolution on Approval on Procedure for operation of professional hunting management organizations	Mongolia's Resolution on Approval of Procedure for operation of professional hunting management organizations is directly relevant to the wildlife trade. Its primary function is to describe the procedures for legal hunting including, <i>inter alia</i> , the size and boundaries of hunting areas at the aimag and soum levels, monitoring the implementation of the approved hunting management plans, and submitting proposals for hunting seasons.
14	1992	Constitution	Mongolia's Constitution has one provision relevant to wildlife trade. Chapter 1, Article 6 provides that fauna and flora are subject to state sovereignty and state protection.
15	1995	Environmental Protection Law (as amended 2019)	Mongolia's Environmental Protection Law has several articles relevant to wildlife trade. Article 4 provides that citizens have the right to inform authorities about unlawful use of natural resources, damages, or loss. Article 11 provides that the state is responsible for research related to environmental issues, including breeding, and raising of endangered animals and plants. Article 12 requires that the state maintain an environmental information databank, including data related to statistics. Article 15 gives the state the power to establish limits on wildlife resource use. Articles 17 and 18 provide that local governments will have the power to issue licenses for natural resource use. Article 19 requires that the state "shall protect the environment" by providing hunting and trapping of very rare animals and collection and preparation of very rare plants, as well as registering very rare plants and animals in the Redbook of Mongolia. Article 27 requires that state inspectors keep records of environmental infractions and gives citizens responsibility for local natural resource use monitoring. Article 48 makes it a criminal offense.
16	1995	Special Protection Areas Law (as amended 2021)	Mongolia's Law on Special Protected Areas includes six provisions that deal with wildlife trade: Article 1 provides that the purpose of the law is to regulate natural resource use in designated areas in order to protect, in part, "forms of rare and rarest fauna and flora." Article 12 prohibits hunting in National Conservation Parks. Article 16 permits fishing in designated places within Tourism Zones. Article 21 prohibits hunting and catching animals within Nature Reserves. Article 31 gives wildlife rangers power to check documents of citizens suspected of violating the legislation, search their vehicles, and confiscate weapons and things that were hunted, picked, or prepared. Article 43 imposes penalties for noncompliance with the law.

NO.	YEAR	LAW NAME	OVERVIEW
17	2017	Animal Health Law	The Animal Health Law of Mongolia serves to promote the health and welfare of animals in the country, while also protecting public health and safety by regulating the trade of animal products. The Law covers various aspects of animal health, including disease prevention and control, animal welfare, and the regulation of animal products and their trade. Under the Animal Health Law, the Mongolian government has established the National Veterinary and Animal Breeding Agency to oversee the implementation and enforcement of the Law's provisions. This agency is responsible for the inspection and certification of animals, animal products, and animal-related facilities to ensure compliance with health and safety standards. Additionally, the Law outlines specific regulations for the import and export of animals and animal products, including quarantine requirements and health certifications.
18	2005	Environmental Measures Decree	Mongolia's Environmental Measures Decree has one provision related to wildlife trade: Section 1 of the document provides that the government will undertake the passage of legislation to combat illegal distribution of resources related to wild species, including Gobi bear, camel, snow leopard, deer, musk deer, Mongolian saiga, and gazelles, as well as endangered plant species.
19	2012	Resolution to establish the National Institute of Fauna and Flora	Mongolia's Resolution to Establish the National Institute of Fauna and Flora is only indirectly related to wildlife trade. Its sole function is to '[s]upport the proposal of the Ministry of Nature, Environment and Tourism to implement a project to establish a "National Institute of Fauna and Flora" in Erdene soum of Tuv aimag.' (Art. 1) To this end, it instructs 'the Minister of Nature, Environment and Tourism L. Gansukh to enter into an agreement with the project implementing organization to provide professional and methodological advice and monitor its activities.' (Art. 3)
20	2006	Anti-Corruption Law	Mongolia's Law on Anti-Corruption, while lacking specific provisions that deal specifically with wildlife trade, creates an anti-corruption agency that monitors and investigates official corruption. Official corruption contributes to illegal wildlife trade, so its control directly impacts effective wildlife trade regulation.
21	2020	Resolution of the Government of Mongolia to Determining Quota for Special Purpose Hunting and Trapping	Mongolia's 2020 Resolution of the Government for Determining the Quota for Special Purpose Hunting and Trapping is related to wildlife trade, to the extent the species regulated are the object of trophy hunting and other forms of wildlife trade. Quotas provide the total number of specimens by species that may be legally hunted or fished for the year indicated.
22	1995	Law on Hunting Resource Use Payments and on Hunting and Trapping Authorization Fees	Mongolia's Law on Hunting Resource Use Payments and on Hunting and Trapping Authorization fees is related to wildlife trade in its entirety. It governs the fee amounts to be paid for trophy, sport, and traditional hunting.
23	2000	Law on Reinvestment of Natural Resource Use Fees	Mongolia's Law on the Reinvestment of Natural Resource Use Fees has two provisions that explicitly relate to wildlife trade: Article 3(2) provides that a portion of "game resource use payments" and "hunting and trapping license fee revenues" are to be used to protect the natural environment and restore natural resources. Article 4(1) specifies that 50% of game resource use payments and 30% of natural plant use fee revenues are to be used for protecting natural resources.

NO.	YEAR	LAW NAME	OVERVIEW
24	2011	Resolution approving the Ecological and Economic Assessment of Wildlife	
25	2018	Resolution on Determining Size of Stamp Duties	The resolution on determining the size of stamp duties in Mongolia aims to ensure a fair and efficient system for collecting stamp duties, while also contributing to the country's socio-economic development. Stamp duties can indirectly impact wildlife trade through their impact on economic activity and commercial transactions.
26	2013	Decree on Giving Instructions to the Government on Reindeer Herders	The Decree on Giving Instructions to the Government on Reindeer Herders is a significant step towards supporting Mongolia's reindeer herders and promoting sustainable development in the industry. The decree outlines a number of specific measures to support reindeer herders, such as providing financial support to reindeer herders to help them maintain their herds and improve their living conditions, developing and implementing policies to protect the environment and preserve natural resources, including the land used by reindeer herders, promoting sustainable development in the reindeer herding industry through the use of modern technologies and best practices, encouraging the development of alternative livelihoods for reindeer herders, such as ecotourism and the production of traditional crafts and products. The decree also calls for the establishment of a national council to oversee the implementation of these measures and to ensure that the needs of reindeer herders are being met.
27	1993	Resolution on Taking some Areas under State Special Protection (as amended 2004)	Mongolia's 1993 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 1993 Resolution creates the Uvs Lake Basin Strictly Protected Area, Gorkhi-Terelj National Park, Gobi Gurvan Saikhan National Park, Ugtam Nature Reserve, and Sharga and Mankhan Nature Reserve.
28	1996	Resolution on Taking some Areas under State Special Protection	Mongolia's 1996 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 1996 Resolution creates the Small Gobi Strictly Protected Area, Altai Tavan Bogd National Park, Khangai Nuruu National Park, Saxa Water Reserve, Alag Khairkhan Mountain Nature Reserve, Burkhan Buudai Nature Reserve, Ergel Zoo Nature Reserve, and Ikh Nart Nature Reserve.
29	1997	Resolution on Taking some Areas under State Special Protection	Mongolia's 1997 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 1997 Resolution creates the Khordol-Sarida Strictly Protected Area and Khar-Uu Nuur National Park.
30	1998	Resolution on Taking some Areas under State Special Protection	Mongolia's 1998 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 1998 Resolution creates the Noyonkhongai National Park.
31	2003	Resolution on Taking some Areas under State Special Protection	Mongolia's 2003 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 2003 Resolution creates the Khugnu-Tarn National Park. Boundaries were amended in 2011 and 2012.

NO.	YEAR	LAW NAME	OVERVIEW
32	2011	Resolution on Taking some Areas under State Special Protection	Mongolia's Special Protected Areas Decree has no specific provisions that mention wildlife or wildlife trade. It is, however, related to wildlife trade to the extent it either establishes or expands the borders of protected areas where hunting is either prohibited or permitted pursuant to the Law on Special Protected Areas.
33	2012	Resolution on Taking some Areas under State Special Protection	Mongolia's 2012 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 2012 Resolution amends the boundaries of the Khan Khentii Strictly Protected Area and creates the Ikh Gazryn Chuluun National Park, Zag Baidra River Upper Basin National Park, Chigertei River Basin National Park, and Undurkhaan Uul National Park.
34	2016	Resolution on Taking some Areas under State Special Protection	Mongolia's 2016 Resolution on Permission to Take Some Areas under State Special Protection governs wildlife trade to the extent establishes protected areas within which hunting is either prohibited or limited (see Special Protected Areas Law). The 2016 Resolution creates the Tost and Tosonbum Uul Nature Reserve.
35	2001	Regulations on Temporary Land Management in Protected Areas	Mongolia's Regulation on temporary land management in protected areas does not regulate wildlife specifically, but it might be indirectly relevant as it establishes the procedure for issuance of permits for land use in selected zones and natural zones of protected areas and the regulation on land use.
36	2000	Regulations on Land Plots on Protected Areas	Mongolia's Regulation on land plots of protected areas of local significance is directly relevant to wildlife trade. In general, it regulates the issues of land plots of protected areas of local significance. Specific to wildlife trade, art. 3.3 includes "authorized hunting and trapping" as one of the objectives that shall be pursued by local protected areas.
37	1996	Regulation on Scientific Research in Protected Areas	Mongolia's Regulation on scientific research in protected areas does not regulate wildlife trade, but it might be indirectly relevant as the exception of scientific research can be used to conceal the illegal taking of wild species.
38	2002	Regulation on Tourism in Protected Areas and Payment of One-Time Environmental Fees	Mongolia's Regulation on Tourism in Protected Areas and Payment of One-Time Environmental Fees sets out the requirements and procedures for tourism activities in Mongolia's protected areas, as well as the payment of environmental fees by tourists. The regulation is part of Mongolia's efforts to promote sustainable tourism and protect its natural heritage. By regulating tourism activities and collecting environmental fees, the government aims to support the conservation and management of the protected areas, while also ensuring that tourism activities are carried out in a responsible and sustainable manner. By regulating tourism activities in protected areas, the regulation aims to minimize the negative impacts of tourism on the environment and wildlife. Unregulated tourism activities can lead to habitat destruction, overuse of natural resources, and disturbance of wildlife, which can in turn contribute to the illegal trade in wildlife and wildlife products.
39	1997	Buffer Zone Law	Mongolia's Buffer Zone Law has no specific provisions that explicitly mention wildlife trade. Art. 8, however, regulates the protection and use of certain wildlife species in buffer zones; it establishes that Local Governors, in cooperation with Protected Area Administration and the Council, shall include guidelines and measures on the protection and use of "Very Rare" and "Rare" animals in the Buffer Zone Management Plan.

NO.	YEAR	LAW NAME	OVERVIEW
40	2012	Forest Law (as amended 2021)	Mongolia's Law on Forest regulates hunting and harvesting of forest resources in forests and has four provisions related to wildlife trade. Article 4 provides that forest resources are state property. It further provides that citizens are permitted to hunt and use forest resources with government permission. Article 12 provides that the government has the power to restrict forest resource uses, including plant and animal uses. Article 18 delegates power to issue hunting and resource use permits to local governments. And finally, Article 29 prohibits hunting in forests without explicit government permission.
41	1995	Wolf and Wild Dog Control in Protected Areas	Mongolia's Wolf and Wild Dog Control in Protected Areas is related to wildlife trade to the extent it regulates wolf hunting in Protected Areas.
42	2008	Customs, Tariffs and Tax Law	Mongolia's Customs, Tariffs, and Tax Law has three provisions that address wildlife trade: Article 3.1.1 includes animals and plants in the definition of "goods." Article 28.2 provides that products from hunting or fishing within a country are included as goods that are "wholly produced" in that country. Article 212 lists "endangered species of animals and plants and products thereof" as goods prohibited to be destroyed.
43	2014	Resolution on Making Addition and Changes to the List of Coded Goods to be Licensed at the Border of Mongolia	Resolution on Making Addition and Changes to the List of Coded Goods to be Licensed at the Border of Mongolia reflects the government's commitment to regulating trade and ensuring the security and safety of the country. The law regulates trade and prevents illegal wildlife trade by requiring licenses for the import or export of some categories of goods that are known to be involved in wildlife trade. These goods include live animals (such as reptiles, birds, and mammals), animal skins, furs, and leather, animal bones and horns, animal parts and products (such as ivory, rhino horn, and tiger bones). The law monitors and regulate wildlife trade and act against illegal trade and trafficking. The licensing system can also help to prevent the import or export of wildlife and wildlife products that have been obtained through illegal hunting, poaching, or other illegal activities.
44	2008	General Law on Taxation	Mongolia's General Law on Taxation has several provisions related to wildlife trade, located in two articles: Article 5.7 provides that taxes include payment, defined as capital taken from forest and plant resources as well as animal hunting. Article 7.4 designates the following as local taxes: charges on the use of natural plants (7.4.8); charges on use of hunting reserves and hunting permit fees (7.4.10); and gun duty (7.4.13).
45	2002	Law on Advertisement	Mongolia's Law on Advertisement has one provision related to wildlife trade. Article 14, section 1 prohibits advertising "supply, trade, and purchase of rare and endangered species of fauna and flora," as well as specific derivatives enumerated in the law. Section 2 of the same Article further prohibits advertisement of the sale and purchase of wildlife or parts of which hunting or harvesting is prohibited.
46	2010	Law on Medicines and Medical Devices	Mongolia's Law on Medicines and Medical Devices has two provisions related to wildlife trade. Article 3 defines "traditional medicine" as a natural product used to treat or prevent disease that contains ingredients derived from plants, animals, or minerals. Article 16 requires that non-traditional medicines must be dispensed in a pharmacy but provides no similar requirement for traditional medicine.

NO.	YEAR	LAW NAME	OVERVIEW
47	2015	Law on Free Zones (as amended 2021)	Overall, Mongolia's Law on Free Zones aims to attract foreign investment and promote economic development by providing a favorable regulatory and tax environment for businesses operating within designated free zones. While the law does not specifically address wildlife trade, the businesses operating in free zones could engage in illegal wildlife trade or contribute to other forms of environmental harm. For this reason, the law includes provisions aimed at protecting the environment, including requirements for businesses to comply with environmental regulations and obtain environmental permits. While Mongolia's Law on Free Zones does not specifically address wildlife trade, it includes provisions aimed at protecting the environment, and the Mongolian government has taken steps to combat illegal wildlife trade through other legal instruments and initiatives.
48	2001	Telecommunications Law (as amended 2021)	Mongolia's Telecommunications Law promotes competition, protects consumer rights, and encourages investment in the telecommunications sector. The amendments made in 2021 aim to keep pace with technological developments and ensure that the regulatory framework is up to date with current industry practices. While the law does not specifically address wildlife trade, it is possible that telecommunications infrastructure and equipment could be used to facilitate illegal wildlife trade or contribute to other forms of environmental harm. For example, poachers may use mobile phones to communicate with each other or with buyers, and illegal wildlife traders may use online platforms to advertise their products.
49	1996	Decree on Approval on Procedure – Infectious Disease in Protected Areas	Mongolia's Decree on Approval of Procedure for Infectious Disease in Protected Areas is principally directed at managing wildlife disease. It outlines the procedures for preventing and controlling the spread of infectious diseases in Mongolia's protected areas, such as national parks, nature reserves, and wildlife sanctuaries. Its relevance to wildlife trade is only indirect as it has the potential to impact forms of legal and illegal wildlife trade.
50	2015	Firearms Law	Mongolia's Firearms Law is an important legal framework that promotes public safety and regulates the possession, use, and trade of firearms in the country. The law contributes to the prevention of illegal wildlife trade by regulating the possession, use, and trade of firearms and establishing penalties for illegal activities. The law outlines Mongolia's commitment to protecting its unique wildlife and biodiversity while ensuring public safety and the responsible and legal use of firearms.
51	2017	Law on Infringements	Mongolia's Law on Infringements has three articles that directly address wildlife trade. Article 7 criminalizes unauthorized hunting, fishing, harvesting, buying, and selling of wild animals. Article 11 criminalizes the transport of unauthorized wildlife and wildlife parts across borders. Article 16 provides sanctions for illegal cross-border transport of wildlife.
52	2015	Criminal Code (as amended 2020)	Mongolia's Criminal Code, as amended 2020, contains several provisions directly applicable to illicit wildlife trade. These include Article 24.5, applying criminal sanctions to hunting in protected areas, as well as hunting and trade of rare and very rare species without the appropriate permissions. Article 18.5 applies criminal penalties to smuggling of 'prohibited' and 'restricted' goods, which includes certain forms of wildlife. Article 18.6 establishes criminal penalties for money laundering. This last article does not specifically mention wildlife, and therefore may be a related offense to any illicit activity that involves money laundering.
53		Criminal Procedure Code (as amended 2021)	Mongolia's Criminal Procedure Code provides a comprehensive legal framework for investigating and prosecuting criminal offenses in the country. The amendments made in 2021 reflect ongoing efforts to improve the efficiency and fairness of the criminal justice system and ensure the protection of the rights of the accused, victims, and witnesses. Mongolia's Criminal Procedure Code is relevant to wildlife trade, even though it does not regulate it specifically, as it establishes the standards and procedures applicable to the investigation and prosecution of all crimes.

NO.	YEAR	LAW NAME	OVERVIEW
54	2013	Anti-Money Laundering and Terrorism Financing Law (as amended in 2018)	Mongolia's Anti-Money Laundering and Terrorism Financing Law has no provisions directly related to wildlife trade, as the law takes an all-offense approach. To the extent that money laundering and terrorist financing co-exist with wildlife crime, the law is applicable in its entirety, as it includes provisions aimed at combating illegal wildlife trade by addressing the financial aspects of this criminal activity. By addressing the financial networks that support this criminal activity, the law can reduce the profitability of illegal wildlife trade.
55	2014	Police Law	Mongolia's Police Law establishes the structure and the activities of the National Police Agency, the legal status of police officers, and the legal ground for the civilian oversight on the policing organizations. The National Police Agency plays an important role in enforcing laws related to wildlife protection and combatting environmental crimes.

## ANNEX II. CITES COMPLIANCE

This table organizes the selected recommendations (or best practices) according to the categories used in the CITES Legislation Checklist and documents Mongolia's compliance. The first column provides the numbering for the best practice as listed in the CITES Checklist; followed in the next column by the best practice concept. The middle column provides a simple rating for how well the identified best practice has been included in Mongolia's legislation. Rating is as follows:

- o green = full compliance
- o yellow = partial compliance
- o red = non-compliance

For all best practices, the final column includes commentary derived from the review.

Table 13. CITES Compliance Assessment of Mongolia's National Legislation

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
<b>GENERAL CONSIDERATIONS</b>			
1	It is essential that any national law contain a general clause empowering the government to control international trade (and also domestic trade, possession, and transport) in any species of animal or plant for conservation purposes.	■	<p>Mongolia's legislation likely achieves the intent of this provision, although it does not use language as explicit as that recommended.</p> <p>Mongolia's Law on Foreign Trade in Endangered Species (as amended 2015) is expressly applied to trade in all CITES-listed species (Article 15). The Administrative and Scientific Authorities of CITES are under the authority of the central government organization responsible for environmental issues. The central government organization responsible for nature and environment, the customs agency and relevant local bodies have the authority to monitor the implementation of international trade in CITES-listed species within the scope of their respective authority (Article 13.1).</p> <p>The procedures for the international trade in animals and plants listed in the appendices of the Convention must be ratified jointly by the members of government responsible for nature and environment and for customs issues (Article 7.4, Article 7.5).</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
<b>FIELD OF APPLICATION</b>			
7	Legislation applies to all animal and plant species, including their parts and derivatives, as listed in all three CITES appendices.	■	<p>Mongolia's <i>Law on Foreign Trade in Endangered Species</i> (as amended 2015) applies to international trade of all animals and plant species and their derivatives in all three appendices of CITES (Article 3).</p> <p><b>ChatGPT:</b></p> <p>According to Mongolia's <i>Law on Foreign Trade in Endangered Species</i>, as amended in 2015, the international trade of all animals and plant species, as well as their derivatives, listed in Appendices I, II, and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are subject to regulation and control (Article 3).</p>
8	Legislation includes three schedules containing the species listed in Appendices I, II, and III and that these schedules be amended as soon as amendments to the appendices have come into force (there should be a mechanism in the legislation or regulations to allow this). Other schedules may be used for non-CITES species the country may wish to include specifically within its trade controls.	■	<p>The <i>Law on Foreign Trade in Endangered Species</i> grants the Administrative Council the right and responsibility to present amendments to the appendices to the Convention to relevant authorities to obtain decisions on whether to accept, reject or make additional comments on such amendments (Article 5.1(2)). Mongolia's legislation only allows proposals to the government from the Administrative Council on any amendments to the Convention or its appendices (Article 12), with the government submitting its conclusions to the Secretariat of the Convention. The implementation of CITES amendments depend on the governmental decision. The applicable legislation does not present a more straight-forward mechanism to implement amendments to the appendices as soon as they come into force.</p> <p><b>ChatGPT:</b></p> <p>Under the <i>Law on Foreign Trade in Endangered Species</i>, the Administrative Council is bestowed with the authority and duty to present proposals for amendments to the appendices of the Convention to pertinent authorities, who will decide whether to approve, decline, or issue additional observations on such amendments, according to Article 5.1(2). Mongolia's legislation solely permits proposals to be submitted to the government by the Administrative Council concerning any changes to the Convention or its appendices, as stated in Article 12. The government submits its findings to the Secretariat of the Convention, and the implementation of CITES amendments is dependent on the government's decision. The applicable legislation does not establish a more direct approach to implementing appendices changes as soon as they come into force.</p>
9	Legislation uses CITES nomenclature for listing of species.	■	<p>The Mongolian legislation includes the scientific Latin name, along with their English (partial list) and Mongolian common name in listing the animal species (<i>Resolution Approving List of Rare Animals (as amended 2013)</i>). The law does not include the family name, nor does it discriminate between the wild form and the domesticated form of a species, as recommended by CITES (Resolution Conf. 12.11 (Rev. CoP16)). The Mongolian legislation's list does not refer to the CITES-listed species.</p>
12	The Convention definition of 'specimen' should be used in the legislation, and parts and derivatives must be included.	■	<p>Although the term "specimen" is explicitly used in the relevant law, various provisions, such as Article 2(1), Article 3, and Article 7, refer to "derivatives" by specifying that such derivatives include the "materials" and "products" produced from them (as explained in Article 3). Although the law does not employ the term "parts," a reasonable interpretation of the aforementioned provisions would likely suffice, resulting in a determination of "substantial expression."</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
13	Trade controls should apply to any specimens that are parts or derivatives of CITES species.	■	
15	Import may be interpreted several ways and requires clarification, but the introduction of specimens under any Customs procedure other than transit and transshipment should be considered as an import in the sense of the Convention.	■	<p>While <i>Law on Foreign Trade in Endangered Species</i> does not make it clear that an introduction of an animal is considered 'import' without a doubt, introduction, particularly 'from the sea', is always presented together with export or re-export of animals in the appendices of the Convention (Article 5.1(5), Article 6.1(1), Article 8.1).</p> <p>The <i>Law on Infringements</i> includes 'introduction of an animal without a permit' (Article 7.6.6) or 'unauthorized introduction' (Article 7.6.7) among its violations of <i>Law on Fauna</i>, which prohibits the 'introduction of foreign animals' (Article 36) and imposes administrative penalties for introduction of animals without a permit (Article 39). The law does not define the term 'permit' as being an 'import permit', therefore Mongolia's practice for the introduction of an animal as 'import' is satisfactory, but not comprehensive.</p> <p><b>ChatGPT:</b></p> <p>While the <i>Law on Foreign Trade in Endangered Species</i> may not provide a clear-cut answer, it is evident that the introduction of animals, particularly those sourced from the sea, is closely linked with the export and re-export of wildlife in the appendices of the Convention.</p> <p>However, the <i>Law on Infringements</i> takes a more definitive stance on the matter. Article 7.6.6 specifically prohibits the introduction of an animal without a permit, while Article 7.6.7 states that unauthorized introduction of animals is also a violation of the <i>Law on Fauna</i>. Additionally, Article 36 of the <i>Law on Fauna</i> prohibits the introduction of foreign animals, and Article 39 imposes administrative penalties for the introduction of animals without a permit.</p> <p>It is important to note that while the law does not specify the type of permit required for the introduction of animals, Mongolia's practice of considering such introductions as imports is deemed acceptable, albeit not entirely comprehensive.</p>
16	Definitions of transit and transshipment should be provided in the legislation, and these should follow Resolution Conf. 9.7 (Rev. CoP15).	■	The <i>Law on Foreign Trade in Endangered Species</i> discusses the issuance of certificates and permits tied to the appropriate conditions for transport of animals (Article 9.1(5)) and transit of animals (Article 3.4), without including definitions for these terms.
18	The Convention should be applied to the whole of the territory over which the Party has sovereignty.	■	The applicability of legislation for implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to the entire territory of Mongolia is not explicitly stated. However, there is also no indication that it does not apply to the whole country. The Law on Foreign Trade in Endangered Species makes a reference to the territory of Mongolia with respect to the determination of ports of entry for animals or plants listed in the appendices of the Convention (Article 11).

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
19	It is necessary, to avoid all possible doubts, to state that the legislation is applicable to trade in CITES specimens with any country, whether a Party or not.	■	<i>The Law on Foreign Trade in Endangered Species</i> in Mongolia does not explicitly provide that the law applies to trade in CITES specimens with countries that are not Parties to the Convention. Nonetheless, the law establishes prerequisites for the issuance of an exporting license, which include an existing importing license from the importing country, as stated in Article 9.1(6). Additionally, Article 10.2 outlines the possibility that an importing country may not require a license for the exceptions to import CITES specimens.
<b>MANAGEMENT AND SCIENTIFIC AUTHORITIES</b>			
20	The Management Authority should be the body designated to grant the permits and certificates required under the Convention.	■	Pursuant to <i>The Law on Foreign Trade in Endangered Species</i> in Mongolia, the Administrative Council serves as one of the two entities tasked with executing the Convention within the country, as provided in Article 5. Specifically, the Administrative Council functions as the authorized body for the issuance and revocation of import and export licenses for CITES-traded species, as detailed in Article 5.1(4), as well as for the provision of certificates of export and re-export of CITES-traded species, in accordance with Article 5.1(5).
21	The Scientific Authority <b>should be an independent scientific body</b> designated to advise the Management Authority and the tasks of the Scientific Authority stated as outlined in Resolution Conf. 10.3.	■	The Scientific Council is tasked by <i>The Law on Foreign Trade in Endangered Species</i> to submit recommendations to the Administrative Council (Mongolia's Management Authority) (Article 6.2). Its independent status may be challenged by the fact that the procedures for appointment and dismissal of its members must be ratified by the member of same government agency that constitutes the Management Authority (Article 4.2). The sole facet of the Scientific Council that might be deemed autonomous is that in instances where the Administrative Council declines to adopt the recommendations provided by the Scientific Council, the matter must be referred to the member of the Ministry of Environment for a final decision, according to Article 6.3.
<b>PERMIT REQUIREMENTS</b>			
24	Legislation should state that any specimen to be exported or re-exported, or to be traded, must not have been obtained in contravention of the law.	■	In accordance with <i>The Law on Foreign Trade in Endangered Species</i> , the sale of animals or plants listed in the appendices of the Convention or their derivatives, in contravention of the law is strictly prohibited (Article 7.6). The issuance of licenses and certificates by the Administrative Body is subject to two conditions: <ul style="list-style-type: none"> <li>• Notice from the relevant local administrative body and officer indicating that the animal(s) or derivative(s) have been obtained in compliance with the legislation (Article 9.1.3).</li> <li>• Verification that the animal(s) and derivative(s) for which permission to re-export is being sought were originally imported in compliance with this Law and appropriate licenses (Article 9.1(4)).</li> </ul>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
26	The Management Authority, for export or re-export, must be satisfied that any living specimen will be prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment.	■	When making decisions regarding the approval or rejection of licenses and certificates pursuant to The Law on Foreign Trade in Endangered Species, the Administrative Council, functioning as the Management Authority, evaluates whether the requisite conditions have been satisfied for the transportation of animals, as prescribed in Article 9.1(5). If the adequate circumstances for the preparation and conveyance of CITES-traded species have not been met, the Management Authority shall refuse to issue licenses, according to Article 9.2(1).
29	Quotas may be set in legislation, or by the Management Authority or the Scientific Authority if the legislation empowers it to do so. The legislation should provide that no export permits shall be granted after the quota has been reached.	■	Pursuant to The Law on Foreign Trade in Endangered Species, the Scientific Council is solely authorized to provide recommendations to the Administrative Council regarding the necessity of limiting the exportation of animals and plants catalogued in Appendix II of the Convention, considering their numbers, as specified in Article 6.2(1). The law does not establish a specific quota, nor does it prohibit the issuance of export permits once the quota has been attained.
<b>FORM AND VALIDITY OF PERMITS AND CERTIFICATES</b>			
30	It is recommended that legislation require permits to be in any form prescribed by regulations, or by the Management Authority. A model of the required permit form should be appended to the regulations. The regulations should specify in detail all the information which should be included in the permits and certificates (see Resolution Conf. 12.3 (Rev. CoP16)). The permit form should follow that recommended in Resolution Conf. 12.3 (Rev. CoP16).	■	<p>Decree No. A/75, which outlines the Procedure for Definition and Control of the Origin of Animals and their Raw Materials, has raised concerns regarding the lack of specificity in its provisions pertaining to permits and certificates for the export, import, and re-export of animals, plants, and their derivatives under the purview of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora and Animal Fauna and Flora.</p> <p>Annex 5 of the decree includes a model photo for such permits; however, the regulations fail to provide comprehensive guidance on the requisite information to be included in the certificates and permits, as recommended by CITES. This oversight may lead to varying interpretations and compliance challenges in implementing the decree.</p> <p>Such regulatory ambiguity poses a significant obstacle for compliance monitoring and enforcement efforts, rendering them ineffective in ensuring the conservation and protection of endangered species. It is therefore essential that lawmakers provide clear and comprehensive guidelines to ensure adherence to CITES recommendations and promote the sustainable management of wild flora and fauna.</p> <p>To this end, regulatory amendments to Decree No. A/75 could be considered to ensure compliance with international standards, promote transparency in the regulatory framework, and strengthen the legal framework for the conservation and protection of endangered species.</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
31	The period of validity of permits should be specified in the legislation (export and re-export permits are valid for import purposes only if presented within six months of issue at the most; the validity of import permits should not exceed twelve months). Note: there may be exceptions made for permits for timber species, provided that Article VI, paragraph 2 is respected.	■	<p>The Law on Foreign Trade of Endangered Species provides clear and unambiguous provisions concerning the duration of licenses and certificates issued for the export or import of plants or animals listed in the appendices of the Conventions or derivatives thereof, and for certificates to re-export. Specifically, Article 8.1 and Article 8.4 of the law stipulate that such licenses and certificates shall remain valid for a period of six months from the date of issuance.</p> <p>The law's unambiguous expression on this matter helps promote consistency and predictability in the application of regulations related to international trade in endangered species. It also provides certainty to stakeholders in terms of the time frame within which such trade activities must take place.</p> <p>It is worth noting that non-compliance with the prescribed validity period of licenses and certificates may result in legal consequences, including fines, penalties, and the revocation of such permits. Thus, adherence to the law's provisions on the duration of licenses and certificates is critical to ensuring the sustainable management and conservation of endangered species.</p>
32	The legislation should specify that a separate permit or certificate is required for each consignment of specimens (this is an obligation under Article VI.5).	■	<p>The <i>Law on Foreign Trade of Endangered Species</i> does not specify that a separate permit or certificate is required for each consignment of specimens, as mandated in the Article VI.5 of the Convention. <i>The Animals and Plants Trade Law</i>, however, imposes that an export certificate must be issued in a specific timeframe prior to the shipment on an animal or its derivatives (Article 25.4). Although the law is not clear enough, it implies the requirement of a separate permit for each consignment to fulfill the customs regulations also related to quarantine inspection and control.</p>
33	<p>The following are useful requirements that may be added to the legislation:</p> <ol style="list-style-type: none"> <li>include procedures for permit applications and application forms.</li> <li>empower the Management Authority to require applicants to provide necessary information.</li> <li>institute fees for processing applications and issuing permits and certificates.</li> <li>describe procedural requirements, like surrendering permits to Customs or returning unused permits to the issuing authority etc.</li> <li>describe the non-transferability of permits</li> </ol>	■	<p>The Law on foreign Trade of Endangered Species stipulates that compliance with the appropriate procedures is a requirement for the issuance of licenses and certificates (Article 9.1(5)). However, the law provides limited enumeration of these procedural requirements. In accordance with this provision, the Administrative Authority is empowered to demand that applicants provide the necessary information for the licenses and certificates, including proof that the animals were obtained in compliance with the law (Article 9.1(3)), and that the appropriate conditions have been met for their transport and care (Article 9.1(5)).</p> <p>Moreover, the payment of applicable fees is a condition imposed by the Administrative Authority for the issuance of the licenses and permits (Article 9.1(7)). The Law on Foreign Trade of Endangered Species also contains detailed provisions concerning the non-transferability of permits. Article 8.5 explicitly prohibits the transmission of licenses or certificates to third parties, and Article 9.3(3) establishes that permits that have been transferred to a third party or that have expired are no longer valid.</p> <p>The Law further specifies that fraudulent permit applications will be penalized. Article 15.2 provides for administrative penalties for international trade without an appropriate license, while Article 9.2(2) imposes seizure and administrative penalties for the use of an expired or counterfeit license or certificate.</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
	<p>f. make retrospective permits unlawful except in specified circumstances (see Resolution Conf. 12.3 (Rev. CoP16).</p> <p>g. penalize fraudulent permit applications.</p>		<p>Additionally, if it is determined that false documents have been used, a license will be denied (Article 9.2(2)).</p>
<b>REVOCATION, MODIFICATION AND SUSPENSION OF PERMITS</b>			
35	<p>The Management Authority must be empowered to amend, suspend or revoke permits or certificates as might be required, and the procedure for revocation, modification or suspension of permits should be laid down in regulations as a guarantee against arbitrary decisions.</p>	■	<p>According to The Law on Foreign Trade in Endangered Species, the Administrative Council, as the CITES Management Authority, has the power to issue and cancel licenses for import and export, provide certificates for re-export, with no specific power to amend licenses and certificates.</p> <p>Several conditions that have to be met in order for the Administrative Council to issue the licenses and certificates outlined in the law are:</p> <ul style="list-style-type: none"> <li>• animals for trade have been obtained according to the law (Article 9.1(3)).</li> <li>• appropriate procedures have been followed, and appropriate conditions have been met for transport and care of animals (Article 9.1(5)).</li> <li>• importer has already obtained an import license (Article 9.1(6)).</li> <li>• applicable fees have been paid (Article 9.1(7)).</li> </ul>
36	<p>The Management Authority or other competent authority, including the courts, should be empowered to disqualify a person, temporarily or permanently, from obtaining a permit or certificate.</p>	■	<p>According to the <i>Law on Foreign Trade of Endangered Species</i>, the Administrative Council as the Management Authority of CITES does not have the specific power to disqualify a person, temporarily or permanently, from obtaining a permit or certificate.</p>
<b>EXCEPTIONS TO PERMIT REQUIREMENTS</b>			
38	<p>No derogation other than those allowed for under Article VII of the Convention is allowed. If any of the possible derogations or special provisions in that Article are allowed for in the legislation, their definitions should be included in the legislation, such as for 'pre-Convention' and 'bred in captivity' (the latter should follow that given in Resolution Conf. 10.16 (Rev.))</p>	■	<p>The <i>Law on Foreign Trade of Endangered Species</i> includes only exceptions outlined in the Article VII* of the Convention:</p> <ol style="list-style-type: none"> <li>1. Animals and derivatives in Appendix I which have been domesticated are considered as belonging to Appendix II (Article 10.1): Article VII.4*</li> <li>2. Import of personal-use items of animals and derivatives (Article 10.2): Article VII.3*</li> <li>3. Carrying in transit of animals and derivatives (Article 10.4): Article VII.1*</li> <li>4. animals and derivatives by registered scientists or scientific organizations for non-profit temporary use, presentation as a gift or donation, exchange, or conservation in a museum (Article 10.5): Article VII.6*</li> </ol>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
41	Captive breeding for commercial purpose should follow the guidelines laid out in Resolution Conf. 12.10 (Rev. CoP15).	■	<p>The <i>Law on Foreign Trade of Endangered Species</i> does not incorporate the captive breeding for commercial purposes of animals in the appendices of the Convention.</p> <p>The guidelines laid out in the Resolution Conf. 12.10 (Rev. CoP15) address the registration of operations that breed Appendix I animal species in captivity for commercial purposes, the information to be provided for such operations, along with procedures before registering new operations.</p> <p>Mongolian legislation include the captive breeding of Rare and Very Rare animals (not including all animals in the appendices of the Convention) in terms of protection (<i>Law on Fauna</i>, Article 5.4.4), registration of animals themselves, but not of the captive breeding operations (<i>Law on Fauna</i>, Article 6.1.2), possession of 'other rare animals' in certain conditions for breeding (Article 14.1).</p>
42	Legislation should require export permits for captive-bred Appendix-I specimens of live animals for commercial purposes, and certificates of captive-breeding for all others.	■	Mongolia's CITES-implementing legislation does not require export permits specifically for captive-bred Appendix-I specimens for commercial purposes, or certificates of captive breeding for all others.
43	Legislation should provide a licensing procedure for commercial operations, requirements that captive-breeding operations keep records, and provide for the Management Authority or other competent authority to inspect premises and records, ask for information, mark specimens as necessary, and revoke licenses or cancel registrations when offences have been committed or when conditions of the license or registration have not been fulfilled.	■	Mongolia's CITES-implementing legislation does not provide a licensing procedure for commercial operations.
44	The definition of 'artificially propagated' in Resolution Conf. 11.11 (Rev. CoP15) should be incorporated into legislation.	■	The legislation of Mongolia does not incorporate the definition of 'artificially propagated' as it appears in the Resolution Conf. 11.11 (Rev. CoP15).
45	Exchange of scientific material should follow Article VII.6 of the Convention and Resolution Conf. 11.15, and legislation should provide for the registration of institutions. The Scientific Authority should be empowered to advise on registration standards.	■	The Law of Foreign Trade of Endangered Animals follow the Convention's Article VII.6 in granting the scientific institutions the exemption to import animals in the appendices of the Convention without a license for exchange of material (Article 10.5). The law mention that the scientists and scientific organizations must be registered with the Convention, without outlining registration standards.

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
47	Legislation should empower the Management Authority to mark any CITES specimen if required. The legislation should state that any person who alters, defaces, erases or removes a mark shall be guilty of an offence.	■	Mongolia's CITES-implementing legislation does not give the Management Authority the power to mark any CITES specimen, nor making it an offense to alter, deface, erase, or remove a mark.
<b>BORDER CONTROLS</b>			
48	The requirement that relevant CITES documents to be presented at the time of export/import must be in the legislation. Documents should have to conform with the prescriptions of CITES before being accepted. The authority competent to check the documents and consignments should be clearly designated in the legislation. In the case of transit or transshipment, the authority should also require the presentation of the relevant permits or certificates.	■	<p>The <i>Law on Foreign Trade of Endangered Species</i> holds the state administrative organization in charge of customs, among others, as responsible for the implementation of CITES (Article 4, Article 13.1). The special procedures for international trade must also be ratified also by the state administrative organizations responsible for customs (Article 7.5). The format of licenses and certificates must be ratified by the member of government responsible for nature and environment (Article 8.3).</p> <p>According to the <i>Animal and Plant Trade Law</i>, citizens and legal entities must comply with the standards, guidelines and recommendations in the treaties and conventions to which Mongolia is a party (Article 9.1.1) for the entry of animals and their derivatives across the state border.</p> <p>The state customs inspectors have the authority to inspect export, import and commodity certificates, trade agreements and accompanying documents of vehicles (Article 29.1.3). The state customs inspectors have the power not to allow animals or their derivatives to cross the border if the export certificate contradicts other accompanying documents and the conditions of transportation do not meet the requirements and conditions set forth in this law and international treaties to which Mongolia is a party (Article 8.1.6).</p> <p>The Customs requires of citizens and legal entities to submit information on transit and transport of animals and their derivatives (Article 29.1.1), notify the Customs in advance of a request for transit of animals (Article 12.1.1).</p>
49	Legislation should provide for the Management Authority to refuse to accept permits from exporting countries when they have reasonable grounds to do so, for example if it appears that substantial irregularities have taken place. Legislation could require import permits for Appendix-II and -III species (as a stricter domestic measure), to enable the Management Authority to determine the validity of documents before the specimens enter the country.	■	In accordance with Article 6.2(2) of the law, import licenses for animals listed in Appendix II require recommendations from the Scientific Council regarding evaluations of activities related to the issuance of these licenses. Additionally, Article 9.1(4) grants the Administrative Council the authority to consider whether the animals were initially imported in compliance with the law and appropriate licenses. This implies that the exporting procedures of the prior export country may indirectly affect the decision-making process when issuing import licenses and certificates.

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
<b>CONTROL OF CONSIGNMENTS AND PERMITS</b>			
50	The legislation should prohibit the possession, transport, sale, offering for sale, and purchasing of any specimen of CITES-listed species that has been imported, introduced from the sea or taken from the wild without the required permits. The onus of proof of legality should fall on the owner or trader.	■	<p>The Law on Foreign Trade of Endangered Species serves the purpose of regulating the international sale of species listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Specifically, the law stipulates that licenses must be obtained for the international sale of CITES-listed species, and it strictly prohibits the import, export, and re-export of these animals without the necessary licenses and certificates.</p> <p>Additionally, the law prohibits the sale for profit of animals listed in Appendix I of CITES and the international sale of animals listed in any CITES appendix in contravention of the law. This implies that the sale of these animals must comply with the regulations requiring a license. However, the law does permit the sale for profit of animals and plants listed in Appendix II without any mention of the required trade licenses.</p> <p>The possession, transport, offer for sale, and purchasing of any specimen of CITES-listed species imported or taken from the wild is not expressly prohibited by the law.</p>
51	Legislation should empower the Management Authority or any other authorized body to proceed with any required investigation and to detain specimens where there are reasonable doubts on their identification, pending the results of other investigations.	■	<p><i>The Law on Foreign Trade in Endangered Animals</i> only empowers the Administrative Council, as the Management Authority, to dispose of CITES-listed species obtained in contravention with the relevant legislation (Article 5.8), without a mandate to proceed with any required investigation in case of reasonable doubts on the specimens' identification.</p>
52	Legislation should specify the ports of exit and ports of entry at which specimens must be presented for clearance.	■	<p>According to the <i>Law on Foreign Trade in Endangered Animals</i>, the ports of entry (but not the ports of exit) into the territory of Mongolia for animals or derivatives are determined by the central government organization responsible for customs issues, based on the recommendation of the Administrative Council as the Management Authority (Article 11.1). The ports of entry themselves are not specified in the CITES-implementing legislation, or in the Customs legislation.</p>
53	Legislation should make seizure mandatory whenever there are reasonable grounds to believe a transaction is in violation of CITES.	■	<p>The <i>Law on Foreign Trade in Endangered Animals</i> imposes seizure as state property and administrative penalties for of animals and their derivatives obtained by illegal means (Article 15.2).</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
<b>CONTROL OF TRADERS, POSSESSION, AND DOMESTIC TRADE</b>			
56	Legislation may include a requirement that traders exporting, or re-exporting CITES specimens keep a register of all transactions, and that the Management Authority may inspect the register and the premises of the trader at any time.	■	Mongolia's legislation does not include a specific requirement for the traders exporting, or re-exporting CITES specimens keep a register of all transactions, and that the Management Authority may inspect the register and the premises of the trader at any time.
<b>ENFORCEMENT AND PENALTIES</b>			
58	The departments and agents responsible for enforcement of CITES and any implementation legislation must be clearly designated in legislation.	■	According to <i>Law on the Regulation of Foreign Trade in Endangered Species</i> (as amended 2015), an Administrative Council and Scientific Council have the responsibility to implement the Convention, operating under the authority of the central government organization responsible for environmental issues (Article 4.1). CITES Management Authority has the power to cancel licenses for the export and import of CITES- listed species (Art. 5(1)(4)), the obligation to deny applications whenever the requirements for securing a license have not been met, or false documents have been used. (Art 9(2)). And finally, judges, customs inspectors and state environmental inspectors are authorized to determine penalties for violations of this law, to the extent criminal penalties do not apply. (Art. 15(1))
59	The powers of enforcement officers need to be clearly established by the legislation. These powers may include powers to search persons, baggage or other property and vehicles; powers to search premises (may require powers to request a warrant); powers to request information, to inspect documents, and to take samples for identification purposes; powers to seize specimens where illegalities are suspected; and powers of arrest.	■	The law does not establish powers of enforcement officers specifically related to CITES-listed species. The Animals and Plants Trade Law does, however, give the state customs inspectors the powers to inspect all animals crossing the border, their packages, property and vehicles, search premises, inspect documents in the context of quarantine control and inspection (Article 8). The state customs inspectors do have the power to take samples for medical examination, and not for identification purposes. Also, the state customs inspectors have the power to seize specimens in case of signs of infectious diseases.  In conclusion, the powers of the enforcement officers are not specifically aimed at CITES-listed species, and they partially meet the requirements for a best practice.
61	If possible, offences committed by corporations relating to trade in CITES specimens should be made punishable by national legislation.	■	The <i>Law of Foreign Trade in Endangered Species</i> imposes administrative penalties for legal entities guilty of international trade of CITES-listed species without an appropriate license (Article 15.1(1)).
62	Attempts to commit an offence as well as aiding and abetting the committing of an offence under the legislation should also be punishable offences.	■	Commission is a punishable offense. Aiding and abetting are not mentioned. This may be a function of the <i>Criminal Code</i> and therefore applicable as part of the overarching framework of criminal law (Article 2.8, Article 4.6).

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
63	Legislation must provide for the confiscation or return to the State of export of all illegally traded specimens.	■	<p>Mongolia has provisions in two (2) laws governing illegal wildlife trade that provide for confiscation. Among these are:</p> <p>The general powers and conditions for confiscation established in the <i>Criminal Code</i> (Art. 7.2)</p> <p>In addition, the <i>Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015)</i> provides for the 'seizure as state property of animals, plants or derivatives thereof which were obtained by illegal means.' (Art 15) It also grants the Administrative Council the authority to coordinate 'the sale, destruction or return to nature of animals, plants and derivatives thereof which have been seized in compliance with the relevant legislation.' (Art. 5(8))</p> <p>As a note, The Criminal Code only applies to defined crimes, and this includes illegal trade in Very Rare and Rare animals. (Art. 24.5); while the Law on the Regulation of Foreign Trade in Endangered Species authorizes confiscation only where criminal penalties do not apply and for species that have been illegally obtained (Art. 15(1)). There is a potential gap where a CITES species does not conform to some permitting requirement but for which there is no proof that it has been illegally obtained.</p>
64	Penalties outlined in the legislation must be high enough to constitute an effective deterrent.	■	<p>Mongolia has provisions in two (2) laws governing illegal wildlife trade, for which penalties apply. These include the <i>Criminal Code</i> (Art. 24.5) and the <i>Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015)</i> (Art 15). Mongolia's Criminal Code penalizes illegal international trade in protected (i.e., Very Rare and Rare) wildlife species with prison terms 2 to 8 years, and 1 to 5 years respectively (Article 24.5. Illegal hunting). These penalties exceed the standard established by UNTOC, which calls for at least a 4-year maximum sentence.</p> <p>However, the Law on the Regulation of Foreign Trade in Endangered Species only applies administrative penalties for illegal trade in CITES-listed species (Article 15. Liability for breach of legislation).</p> <p>The <i>Law on Fauna</i> makes only repeat violations of export of Rare and Very Rare animals grounds for criminal liability, not harmonized with the Criminal Code which does penalize export of rare and very rare animals in contravention of the law. The Criminal Code does not impose specific penalties for repeat offenses of illegal international trade of rare and very rare wildlife species.</p>

CITES No.	CITES Best Practice Concept	Compliance	
		Rating	Assessment
<b>DISPOSAL OF CONFISCATED SPECIMENS</b>			
65	Refer to Resolution Conf. 10.7 (Rev. CoP15) for details. It is recommended that legislation allow for the costs of returning confiscated live specimens to the country of origin or re-export to be charged to the guilty importer and/or carrier.	■	This recommendation has not been implemented in Mongolia's legislation.
<b>REPORTS</b>			
69	The preparation and submission of annual reports and biennial reports on legislative measures as required by Article VIII.7 should be listed in the legislation as one of the duties of the Management Authority.	■	Pursuant to the provisions of the Law, the Administrative Council, in its capacity as the Management Authority, is required to furnish the Secretariat of the Convention with an annual report detailing the implementation of the Convention (as stipulated in Article 5.1(7)).

# ANNEX III. Best Practices – Wildlife Trade

## Component A. Application

This component includes the legal tools that define the subject-matter and jurisdictional limits of the wildlife trade legal framework as it applies to wild fauna. This generally includes the statements of purpose, objectives, and principles applied by the law, as well as express statements concerning the geographical coverage and compliance with international agreements.

### BP 1. Territorial Application

This best practice is intended to determine whether the law governing wildlife trade applies to the whole of the territory over which the country has sovereignty. This best practice is recognized by the Convention on Illegal Trade in Endangered Species but applies equally to domestic wildlife trade.

#### *Inquiry 1. Territorial Application:*

Does the law governing the application of wildlife trade regulations clearly apply to the entire territory over which the country exercises sovereign powers?

**Rated B2, Substantial Expression** - Mongolia's primary trade legislation does not contain an express statement that the law applies to the territory as a whole. It does, however, grant its national parliament (Ikh Khural) the authority to establish 'state policy' for the management and conservation of wildlife, which includes wildlife trade (Law on Fauna, Art. 5.1).

This approach allows for a reasonable inference that the entire territory is covered by the relevant wildlife trade legislation. However, it should also be noted that a good or best practice here does not automatically mean that wildlife trade is uniformly regulated across all laws and jurisdictional divisions within the country. As noted in several of the assessments for Mongolia, there are as many nine (9) laws with substantial authority over some part of the part of the wildlife trade chain.

### BP 2. Definition of Wildlife

This best practice examines whether the definition or combination of articles that identify which species of wild fauna are the subject of the law. Many laws provide an explicit definition of wildlife, and, as recommended by CITES, it is considered best practice to reference all six (6) classes of animals.

#### *Inquiry 1. Existence of Definition*

Does the law provide an easily identifiable and defensible definition of the term 'wildlife' or 'wild animal' as it applies to the wildlife trade?

**Rated A2, Full Expression** - Mongolia's primary trade legislation (Law on Fauna, Article 4) uses the term 'animal' and references the definition for the same term in the Environmental Protection Law (Article 3.4). This is an equivalent term for 'wildlife' or 'wild animal' and the express cross-referencing creates an identifiable and applicable definition.

#### *Inquiry 2. Comprehensiveness*

Is the definition of 'wildlife' or 'wild animal' comprehensive, e.g., is it broad enough to encompass or does it explicitly reference all six classes of animals, as follows?

- Mammals
- Birds
- Reptiles
- Amphibians
- Fish (if not covered by other legislation)
- Insects (if not covered by other legislation)

**Rated A1, Full Expression** - Mongolia's definition expressly includes all classes of animals considered a best practice for this definition.

Indeed, this definition goes further than laws in most countries by also including crustaceans, mollusks, protozoa, and other invertebrates that temporarily or permanently inhabit the territory of Mongolia. This broad definition has positive implications for species that occur in Mongolia and might not otherwise be covered. With respect to crustaceans, one report informs that 'the inland-water crustacean fauna of Mongolia is, to date, incompletely known. However, based on the available literature, Mongolian inland waters appear to be characterized by a high biodiversity, including some taxa still waiting to be described.'<sup>69</sup>

### BP3. Definition of Specimen

This best practice considers whether the law defines the term 'specimen' with respect to wildlife trade. For purposes of compliance with CITES best practices, 'specimen' should be defined to mean wild animals, their parts and/or derivatives that fall within the scope of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of March 3, 1973. This definition should similarly apply to domestic trade.

#### *Inquiry 1. Existence of Definition*

Does the relevant wildlife law clearly define the term 'specimen'?

**Rated C1, Partial Expression** - Mongolia's Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) does not contain a definition of the term 'specimen.' It does, however, mention 'derivatives' in numerous provisions (see for example Art. 2(1), Art. 3, Art 7) explaining in one article that these comprise the 'materials' and 'products' made thereof (Art. 3).

The term 'derivative' is tightly associated with but arguably different from a definition of 'specimen.' Where the use of the term 'derivatives' is intended to ensure that wildlife products and materials are covered, a definition of the term 'specimen' is intended to refine the enforcement inquiry by adding the concept of 'any recognizable' part. It is conceivable that, as written, Mongolia's approach leaves a small but important gap (wildlife parts) but has nonetheless been rated as a 'substantial expression.'

#### *Inquiry 2. Comprehensiveness of Definition*

If the law defines the term 'specimen', does the definition clearly cover the following elements?

<sup>69</sup> Marrone, F, et al. (2015). The crustacean fauna of Bayan Onjuul area (Төв Province, Mongolia) (Crustacea: Branchiopoda, Copepoda, Ostracoda. NORTH-WESTERN JOURNAL OF ZOOLOGY 11 (2): 288-295.

Parts

Derivatives

Wild Animals

**Rated B1, Substantial Expression** - Mongolia's *Law on the Regulation of Foreign Trade in Endangered Species* (as amended 2015) mentions the term 'derivatives' in numerous provisions (see for example , , ) explaining in one article that these comprise the 'materials' and 'products' made thereof (). While not following the exact recommended language of CITES (the term 'parts' is not used in the law), under a reasonable interpretation these references are likely sufficient, resulting in a rating as 'substantial expression.'

CITES defines the term "specimen" in Article I as 'any animal or plant, whether alive or dead, and any readily recognizable parts or derivative thereof.' For Appendix III animal species and Appendices II and III plant species, the definition of specimens covers only those parts or derivatives which have been specified in these appendices for the species concerned. As a result, however, of a number of resolutions adopted by the Conference of the Parties (in particular Conf. 1.5 and 4.24) the definition of "specimen" has now in practice been broadened to include also any readily recognizable part or derivative of Appendix III animal species as well as any such part or derivative of Appendix II or III plant species unless, in this latter case, they have been specifically excluded by the Conference.

## BP4. Definition of Wildlife Trade

This best practice examines the definition or combination of articles that identify which acts are considered wildlife trade, and therefore provide a basis for criminal and administrative liability. This best practice is recommended by CITES and should apply to both CITES and domestic trade.

### *Inquiry 1. Existence of Definition*

Does the law provide an easily identifiable and defensible definition of the term 'animal(s) trade' or 'trade' in a relevant wildlife legislation?

**Rated C1, Partial Expression** - Mongolia has at least nine (9) laws that apply to some aspect of the wildlife trade and that mention parts of the wildlife trade chain. However, none of them provide a full definition of the term and there is no coherent policy between them.

These are:

1. Law on Fauna
2. Law on Advertisement
3. Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015)
4. Animal and Plant Products Trade Law
5. Criminal Code
6. Law on Infringements
7. Environmental Protection Law
8. Anti-Money Laundering and Terrorism Financing Law
9. Police Law

In each law, the naming of specific activities associated with wildlife trade (e.g., preparing, sale, purchase, etc.) provides some understanding of what constitutes trade. However, the lists used are not the same across the laws, raising concerns and questions about policy coherence. The various terms and lists are included for reference in the second inquiry for this best practice.

*Inquiry 2. Comprehensiveness*

Is the definition of 'animal(s) trade' or 'trade' in a relevant wildlife legislation comprehensive, e.g., is it broad enough to encompass or does it explicitly reference the following acts?

- |   |  |  |   |
|---|--|--|---|
| <input checked="" type="checkbox"/> Trade | <input checked="" type="checkbox"/> Offer for Sale | <input type="checkbox"/> Online trade          | <input checked="" type="checkbox"/> Storage |
| <input type="checkbox"/> Barter           | <input checked="" type="checkbox"/> Purchase       | <input checked="" type="checkbox"/> Transport  | <input checked="" type="checkbox"/> Import  |
| <input type="checkbox"/> Exchange         | <input type="checkbox"/> Solicit                   | <input type="checkbox"/> Possession            | <input type="checkbox"/> Export             |
| <input checked="" type="checkbox"/> Sale  | <input checked="" type="checkbox"/> Advertising    | <input checked="" type="checkbox"/> Processing | <input type="checkbox"/> Re-export          |

**Rated C1, Partial Expression** - As mentioned in the previous inquiry, Mongolia has at least seven (7) laws that apply to some aspect of wildlife trade and that mention parts of the trade chain. There is no definition, per se. Without examining the context, these references are as follows:

Environmental Protection Law

- wild animals: captive breeding, import, export
- Rare animals: trapping, hunting
- Very Rare animals: captive breeding

Law on Fauna

- wild animals: sale, purchase, possession, transport, hunting, trapping, import, export, captive breeding
- Rare animals and Very Rare animals: sale, purchase, possession, trapping, export, capture
- foreign animals: captive breeding

Law on the Regulation of Foreign Trade in Endangered Species:

- Rare and Very Rare animals: international sale, exchange transport, import, export, re-export

Animal and Plant Products Trade Law:

- wild animals: trade, transport, storage, captive breeding, import export

Law on Advertisement:

- wild animals: sale, purchase, trapping
- Rare and Very Rare animals: supply, trade, purchase

Law on Infringements:

- wild animals: sale, purchase, transport, trapping, hunting, import
- Rare and Very Rare animals: import, export
- Foreign animals: captive breeding

Criminal Code:

- Rare animals: sale, purchase, transport, trapping, hunting, captive breeding, storage, export
- Very Rare animals: sale, purchase, transport, storage, capture, processing (preparation), export

The sum of these provisions is a solid indicator that many of the activities that constitute wildlife trade have been recognized at least in some part of Mongolia's wildlife regulatory framework. However, different trade activities are mentioned in different provisions governing different acts, creating significant gaps in policy coherence. Because of the central importance of regulating trade, this issue has been further assessed in separate best practices (Regulation of Trade and Wildlife Trade Chain Offenses). Of immediate concern to this BP is that none of the laws mention the following acts commonly associated with trade:

- offers for sale
- solicitation for purchase
- online trade
- barter and exchange
- display

## Component B. Management

This set comprises all legal tools used to ensure that the wildlife management overall is scientifically and technically sound. These tools are concerned with what is studied, as well as how they are studied and reviewed. Each Best Practice (BP) in this section identifies a specific legal tool that creates a management requirement relevant to combating wildlife trade. These can include practices that are only indirectly relevant, but which provide a foundation for managing trade.

### BP5. Wildlife Management Principles

Tightly related to the overall purpose and objectives, some jurisdictions also include a separate, more detailed section on the principles that will guide the management of the sector.

#### *Inquiry 1. Wildlife Management Principles*

Does the law include a set of wildlife management principles?

**Rated C1, Partial Expression** - Mongolia's primary trade legislation does not include an express statement of wildlife management principles, as can be found in the legislation of some other countries. However, it does include references to wildlife management concepts (see for example, Law on Fauna, Art. 1, Art. 3, and Art. 6; Environmental Protection Law, Art. 13, Art 14, and Art. 15).

While these references include some management principles (e.g., to maintain the normal growth and reproduction of animals, to protect their distribution areas, and to keep their migration routes free (Law on Fauna Art. 6.1.3), most are framed as the powers and authorities of the responsible government agencies, but which by themselves do not guide how wildlife, including wildlife trade, will be managed. They, therefore, do not necessarily act as principles and objectives.

#### *Inquiry 2. Components*

If so, do these objectives include, at a minimum, the following components?

- |  |  |  |  |
|--|--|--|--|
| <input checked="" type="checkbox"/> Ecological Factors | <input checked="" type="checkbox"/> Wildlife Surveys     | <input type="checkbox"/> Environmental Factors       | <input type="checkbox"/> Climate Change  |
| <input type="checkbox"/> Social Factors                | <input checked="" type="checkbox"/> Public Participation | <input checked="" type="checkbox"/> Economic Factors | <input type="checkbox"/> Benefit Sharing |

**Rated C1, Partial Expression** - Rated C1, Partial Expression - Mongolia's primary wildlife trade legislation references some, but not all suggested components for this best practice.

The Law on Fauna mentions economic and ecological assessments (Art. 5.3.3), as well as surveys of wildlife populations (Art. 5.3.4) and the involvement of citizens in the management of wildlife (Art. 5.3.7).

Missing from the law is any mention of environmental factors, climate change, social factors, and benefit sharing as they relate to wildlife management, and may impact wildlife trade.

## BP6. Wildlife Management Plan

The legal requirement to develop and periodically update wildlife management plans, including those actions relevant to managing legal and illegal wildlife trade.

*Inquiry 1. Requirement to draft plan*

Does the law require the relevant wildlife authority to draft and update a wildlife management plan?

**Rated C1, Partial Expression** - Mongolia's primary trade legislation does not include the legal requirement to draft and update a general management plan for wildlife. However, it does include among the powers of the Central Administrative Body the approval and monitoring of the implementation of a hunting management plan (Law on Fauna, Article 5.3.2) and a management plan for animal protection by citizens or legal entities (Article 5.3.7). This approach is considered 'partial' according to this best practice's requirements, as the limitation of the wildlife management plan to specific contexts (hunting and animal protection activities by private citizens) leaves other areas of wildlife outside the scope and purpose of the law.

*Inquiry 2. Plan components*

If the law requires a wildlife management plan, does the plan clearly include, but not limited to, the following elements?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Purpose and objectives | <input type="checkbox"/> Administration and implementation | <input type="checkbox"/> Permitted activities |
|---|--|---|

**Rated D1, Missing Expression** - The law provides no further instruction on the contents of the management plans mentioned in the Law on Fauna, specifically the hunting management plan (Law on Fauna, Article 5.3.2) and the management plan for animal protection by citizens or legal entities (Article 5.3.7).

*Inquiry 3. Legal mandate to implement plan*

Does the law include a legal obligation to implement the wildlife management plan?

**Rated D1, Missing Expression** - Mongolia's primary trade legislation grants the power to organize and implement a hunting management plan (Law on Fauna, Article 5.8.3), but does not make the management plan itself a legally enforceable document. In other words, it does not appear that either the failure to create such a plan or activities that violate its terms would constitute violations for which some form of liability could be imposed.

## Component C. Protection and Conservation

This set of best practices comprises all legal tools used to protect species from unwanted exploitation caused by wildlife trade. Each Best Practice (BP) in this section identifies a specific legal tool that provides protection of wildlife species related to the topic. These can include practices that are directly or indirectly relevant to the topic, but which provide a foundation for species protection in the context of unwanted exploitation. (e.g., species listing requirements, species status).

### BP7. Protected Species Listing

This best practice examines the use of species listing as a tool for wildlife conservation.

*Inquiry 1. Listing requirement.*

Does the law establish a list of protected species?

**Rated B2, Substantial Expression** - Mongolia's *Law on Fauna* establishes two lists of protected species - Very Rare species, which are included directly in the law (Article 7.1) and Rare species, which the law directs the Cabinet Ministry to approve by separate regulation (Art. 7.6). While there are elements missing that are typically associated with species listing requirements (discussed in the next inquiry), the existence of a species list satisfies this initial inquiry.

*Inquiry 2. Basis and Procedures*

Do the provisions establishing such lists include or recognize any of the following elements?

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Population Studies | <input type="checkbox"/> Listing Procedures   | <input checked="" type="checkbox"/> International Listing |
| <input type="checkbox"/> Species in Trade              | <input type="checkbox"/> Delisting Procedures |   |

**Rated C1, Partial Expression** - Mongolia's primary trade legislation establishes the list of protected species based on limited elements: specifically, population studies (Law on Fauna, Article 6.1.10) and international listings (Law on Fauna, Article 6.1.2). This approach is considered 'partial' according to this best practice's requirements for two reasons. First, not considering other key elements that are commonly used to establish and amend lists of protected species (listing and delisting procedures, especially species in trade) may result in the exclusion of species that would otherwise qualify for protection. Second, Mongolia's legislation requires the placement of internationally listed species on its Red List, which recognizes their endangered status but does not confer legal protection.

### BP8. Critical Habitat

This best practice examines whether the law defines and requires the protection of 'critical habitat,' including additional elements that support its implementation.

*Inquiry 1. Habitat protection as goal*

Does the law require protection of habitat as a conservation goal?

**Rated A1, Full Expression** - Mongolia's primary trade legislation requires the protection of habitat as a conservation goal (Law on Fauna, Article 6.1.3). This approach is considered 'fully expressed' according to this best practice's requirements, leaving no room to interpret exclusions regarding the protection of wildlife habitat.

*Inquiry 2. Existence of definition*

Does the law define the term 'critical habitat?'

Rated D1, Missing Expression - Mongolia's primary trade legislation does not define the term 'critical habitat'. This approach is considered a 'missing expression' according to this best practice's requirements, as it fails to include an identifiable and defensible definition of 'critical habitat'. The absence of such definition creates a significant gap in the scope of the legal authority over critical wildlife habitat.

#### *Inquiry 3. Identification and mapping*

Does the law require the critical habitat's identification and mapping?

**Rated D1, Missing Expression** - Mongolia's trade primary legislation does not define the term 'critical habitat', nor does it require its identification or mapping. This approach is considered a 'missing expression' according to this best practice's requirements.

#### *Inquiry 4. Major developments*

Does the law prohibit major development within a critical habitat?

**Rated C1, Partial Expression** - Mongolia's primary trade legislation does not expressly prohibit major development within a critical habitat; however, it prohibits production and economic activities that would cause extinction of animals (Law on Fauna, Article 6.1.7). This approach has been assessed as partial, as it references only specific development activities and their effect on animals in general, which may exclude development activities with significant impacts to wildlife and its habitat.

## BP9. State's Duty to Protect

This best practice examines whether the State has the affirmative duty to protect wildlife and habitat from impairment and destruction.

#### *Inquiry 1. State's Duty to Protect*

Does the law require the State to protect wildlife and wildlife habitat from impairment and destruction?

**Rated B1, Substantial Expression** - Mongolia's *Constitution* contains a few provisions that respond to this best practice, but which are framed as government powers and citizens' rights, rather than as an affirmative duty on the part of the government. The State, for example, has the power 'to undertake measures on the protection of the environment and on the rational use and restoration of natural resources. (Constitution Art. 38(2)(4)) Further, the State has the constitutional right to hold landowners liable for misuse of land and may either confiscate it if such use is averse to the environment or appropriate such land in the interest of special public needs (e.g., establishing a protected area). (Art. 6(4)). These powers are strengthened by the right to a healthy environment that all citizens are guaranteed. (Art. 16(2)). These rights and powers concerning the environment include fauna and habitat, as they are both subject to national sovereignty and state protection. (Art. 6(1)).

## BP10. Citizens' Duty to Protect

This best practice looks at whether the public has the affirmative duty to protect wildlife and its habitat from impairment and destruction.

#### *Inquiry 1. Citizens' Duty to Protect*

Does the law create an affirmative duty for citizens to protect the wildlife and its habitat from impairment and destruction?

**Rated B1, Substantial Expression** - Mongolia's *Constitution* imposes a general duty on its citizens to protect the environment. Specifically, the Constitution makes it the 'sacred duty' of all citizens to 'protect nature and the Environment.' (Art. 17(2)) With respect to game animals, this duty is advanced by the Law on Fauna, which as an overarching principle, requires their '[o]wnership, possession, use and hunting ... be treated with respect and compassion.' (Art. 34.1) Numerous other provisions allow for private citizens, among other things, to be involved in wildlife management (Art. 5.3.7), establish the limits of use (see for example Art. 6.1), and prohibit a variety of detrimental activities and practices (see for example Arts. 10, 11, and 12).

## BP11 Legal Origin of Specimen

The legal origin of a specimen is a key control mechanism in the wildlife trade chain. It places the burden of proof on the individual trader to demonstrate that they have complied with all relevant legislation when sourcing wildlife. This best practice is concerned with the legal mandates and procedures that establish this primary requirement. There are typically two (2) approaches, one based on obtaining and showing some form of a certificate of origin (a paper-based inquiry) and the other that allows consideration of other facts to determine legality (fact-based approach). The advantage of the latter approach is that it has the potential to look beyond the documents presented to consider questions of potential misuse or corruption that would make the traded item illegal. Assessments will note whether one or the other approach is being used, but do not rate one as the preferred method.

### *Inquiry 1. Legal Origin of Specimen*

Does the law require that any traded specimen must be obtained lawfully?

**Rated B1, Substantial Expression** - Mongolia has an express legal origin requirement in its Law on the Regulation of Foreign Trade in Endangered Species. Specifically, it prohibits and applies penalties to those guilty of international wildlife trade for CITES-listed species that do not have 'an appropriate license' (Art. 15) and further permits the seizure of any items 'obtained by illegal means.' (Id.)

A similar requirement can be found in the Law on Fauna, prohibiting trade in any species for which the 'certificate of origin' required by Art. 25.3 has not been obtained. (Art. 12.1). This approach has not been marked as a full expression, as it relies on a paper-based inquiry into legality rather than a fact-based inquiry. Under the former, legality is satisfied if the document has been obtained. Under the latter, the certificate is not dispositive of the underlying requirement that the wildlife be legally sourced. These are different legal bases that can have an impact on enforcement.

## BP12. Regulation of Animal Welfare

This best practice is concerned with the legal foundation for managing animal welfare in the context of wildlife trade. There are multiple concerns in this regard, but initially the concern is whether there are adequate rules and conditions that address the state of the animal and the treatment it receives. In the near term, a full set of best practices for this topic will be added to this set of best practices.

### *Inquiry 1. Welfare requirements*

Does the law establish specific welfare requirements for the preparation and transport of live specimens to minimize the risk of injury, damage to health, or cruel treatment?

**Rated B2, Substantial Expression** - Mongolia's Law on Fauna specifies that animals have the right to specialized personnel for care and transportation, with vehicles specially equipped to meet the requirements of hygiene and safety (Article 34.2).

The specific welfare requirements for the preparation and transport of living wildlife specimens are included only in the context of animal transportation for import or export.

Law on the Regulation of Foreign Trade in Endangered Species requires appropriate conditions of animal care for the import of endangered species (Article 6.1(2)).

Law on Infringements imposes administrative penalties at border points for:

- failure to clean, sterilize, disinfect a vehicle used for the transport of animals and animal products (Article 11.22(2))
- avoiding the costs of treatment, cleaning, disinfection, and decontamination of animals in transit (Article 11.22(7)).

Animal and Plant Product Trade Law imposes requirements for vehicles transporting animals and their raw materials and products crossing the state border:

- equipped to meet the safety and favorable conditions of animals in transport (Article 19.1.1)

- able to adjust to hot and cold temperatures (Article 19.1.1)
- cleaned and disinfected before transportation (Article 19.1.2)

In addition, the state customs inspector has the power to not allow animals and their products to cross the border if the conditions of transportation do not meet the requirements and conditions set in this law and by the international treaties to which Mongolia is a party (Article 8.1.6). Citizens and legal entities have the obligation to be responsible for the costs required for their detention, treatment, cleaning, disinfection, and disinfection when importing, exporting, transporting animals and their raw materials (Article 29.1.6).

This approach is considered 'substantial' and not "full", according to this best practice's requirements. While the legal approach covers the welfare requirements in the context of imports of endangered species and animal welfare in transportation at border points for import and export, it does not cover domestic trade as a whole.

#### *Inquiry 2. CITES guidelines.*

Does the law incorporate the minimum requirements of the CITES guidelines for transport of live specimens and the IATA air transport guidelines, as follows?

- Government regulations
- Carrier regulations
- Advance arrangement
- Animal behavior
- Documentation
- Container requirement
- Handling
- Life science logistics for lab animals

**Rated C2, Partial Expression** - Mongolia's primary trade legislation does not incorporate the minimum requirements of the CITES transport guidelines. However, it does include general requirements to follow 'appropriate procedures' established for the transport of endangered species (Law on the Regulations of Foreign Trade in Endangered Species, Article 9.1.5). This approach is considered 'partial' according to this best practice's requirements, as it does not specifically identify or otherwise define what those procedures are, creating uncertainty and potentially limiting the application of animal welfare standards in the context of transport.

## BP13 Regulation of Trade Chain

A key lesson learned in numerous reviews of wildlife trade and legal frameworks is the need to identify and regulate all activities that form part of the wildlife trade chain. It is not uncommon for there to be a focus on the beginning (hunting, trapping, and captive breeding) and the end (sale), leaving several acts that are intrinsically part of trade outside the scope of the legislation (e.g., offers for sale, advertising, possession, etc.). This best practice examines whether the law identifies each piece of the trade chain in its regulatory scheme.

#### *Inquiry 1. Parts of trade regulations.*

Does the law regulate all parts of the trade, including the following elements?

- Trade Sale
- Offer for sale
- Purchase

- Solicitation for purchase
- Possession
- Exchange
- Processing
- Transport
- Online trade
- Advertising
- Display
- Storage
- Capture
- Trapping
- Hunting
- Captive Breeding
- Import
- Export
- Re-export

**Rated C1, Partial Expression-** Mongolia has at least nine (9) laws that reference various parts of the wildlife trade chain. These are as follows:

Law on Fauna- prohibits sale and purchase (Art. 12.1)

Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015)- imposes penalties for illegal international trade (Art. 15)

Law on Advertisement:

- prohibits advertising the supply, trade, and purchase of rare and endangered species of fauna and flora (Art. 14)
- advertisement for products prohibited to trade or admit through the state border as provided by legislation of Mongolia (Article 6.5.2)
- Animal and Plant Products Trade Law
- regulates the quarantine control and inspection at import and export
- gives the power to state inspectors to:
- check trade agreements (Article 8.1.1)

- prohibit to cross the border if conditions of animal transportation do not meet the requirements (Article 8.1.6)
- regulates the detention (storage) at the state border (Article 14, Article 29)
- imposes regulations for animal breeding products at the border (Article 4, Article 5.1.5)

Criminal Code- prohibits storage, sale, purchase, transportation, and export (Art. 24.5).

Law on Infringements -imposes administrative penalties for:

- illegal trade of animals on appendixes of CITES not on the list of Rare and Very Rare animals (Article 7.3)
- illegal hunting (Article 7.6.1.2, Article 7.6.2, Article 7.6.3, Article 7.6.4)
- illegal trapping (Article 7.6.3)
- sale, purchase without a license, certificate of origin, accompanying certificate (Article 7.6.5, Article 7.6.8)
- breeding of foreign animals (aliens) (Article 7.6.7)
- violations of quarantine control and inspection regulations for import and export (Article 11.22)

Environmental Protection Law

- prohibition of hunting and trapping of Very Rare animals (Article 19.2(2))
- research and funding for breeding of Very Rare animals (Article 11.1)
- government rights to administer quarantine control and inspection of import, export of wild animals import, export (Article 14.1(4)).

Anti-Money Laundering and Terrorism Financing Law

- establishes reporting authority and mechanisms for suspicious activities related to money laundering (Article 7.2, Article 7.4, Article 11.1, Article 11.3.2)

Police Law establishes comprehensive powers for police officers in general to prevent crime and intervene in case of a crime being committed (Article 10, Article 25, Article 26, Article 27, Article 28, Article 29, Article 30, Article 31, Article 33, Article 35, Article 37, Article 38, Article 39, Article 47, Article 56, Article 61).

Beyond the need to harmonize these approaches, there are several acts not mentioned and that may not be adequately covered by any of these laws, including:

- offers for sale
- solicitation for purchase
- display

## BP 14 Regulation of International Trade

There is increasing recognition of the need to regulate trade in wildlife beyond the restrictions and prohibitions imposed by the Convention on Trade in Endangered Species of Flora and Fauna (CITES). While CITES covers several thousand species, this is still only a portion of all species known to be in trade. And many of these are threatened by such trade long before they are listed by CITES (e.g., it took several years for pangolin, the most trafficked mammal in the world, to be listed. This best practice therefore examines those laws governing trade

more broadly, including trade in wildlife specimens, to determine whether and how they apply. For the moment, it stops short of examining precisely which regulatory tools provide the strongest basis, instead looking first at primary requirements.

*Inquiry 1. Wildlife Trade Regulation.*

Does the Customs or other similar law (e.g., Import/Export Regulation) recognize and regulate wildlife trade?

**Rated B1, Substantial Expression** - Mongolia has five (5) laws that recognize and regulate international wildlife trade, as follows:

Law on the Regulation of Foreign Trade in Endangered Species regulates international trade in CITES-listed species

Animal and Plants Products Trade Law regulates international trade in animals, plants, and their products at state borders, including specific regulations for wild animals (Article 1.1, Article 4.1.1)

Law on Fauna ...

Customs Law regulates the crossing of 'goods' at the national frontier, the definition of 'goods' including the general term 'animals' (Article 3.1.1). The Customs Law imposes the following applicable regulations at customs:

expedited clearing of animals (Article 29.1.3)

endangered species of animals are prohibited to be placed under destruction of goods (Article 212.1.2)

Criminal Code ...

*Inquiry 2. Import/Export Provisions.*

Does the law establish specific provisions for the import, export, and re-export of wildlife specimens?

**Rated B1, Substantial Expression** - Mongolia's primary trade legislation establishes specific provisions for import, export, and re-export of endangered species (Law on the Regulation of Foreign Trade in Endangered Species, Art. 5, Art. 6, Art. 8, Art. 9, and Art. 10) and specific regulations (quarantine, inspection) for import of wild animals (Animal and Plant Products Trade Law, Art. 4.1.1). This has been rated as a 'substantial expression,' as it includes detailed provisions governing international wildlife trade for CITES-listed and non-listed species.

## Component D CITES Compliance

This set focuses on those legislative tools recognized by CITES as key legal elements (not necessarily compliance requirements) for the implementation of CITES. The full set of best practices produced by CITES includes 70 elements, some of which are applicable to national trade and therefore included in other parts of the benchmark table. Others are not strictly regulatory elements or phrased in a way capable of application in a legal assessment and have therefore been excluded. Those listed in this section have been adapted from CITES Checklist for Reviewing CITES Legislation derived from the Resolutions of the Conference of the Parties and the Guidelines for Legislation to Implement CITES. Shine C. and de Klemm, C. (1999). Guidelines for Legislation to Implement CITES. IUCN (Second edition), Gland, Switzerland and Cambridge, UK. Unpublished.

### BP15. CITES legislation binding

This best practice reflects CITES recommendation that it be clear in the applicable law that CITES legislation is binding on all government departments.

*Inquiry 1. Binding on all Government Departments.*

Does the legislation clearly establish that CITES requirements are binding on all government departments?

**Rated B1, Substantial Expression** - Mongolia's CITES implementing legislation contains a general statement concerning the application of the Convention. Although it does not expressly state that its terms are binding on other agencies, it does confirm the supremacy of the Conventions terms (Art. 2) and references the other laws that comprise the applicable framework (Art 2). This at least hints at the intended coherence between policies, even if it does not expressly guarantee it.

## BP16. Appointment of Management Authority

This Best Practice examines whether the law complies with CITES requirements to appoint a Management Authority.

*Inquiry 1. Management Authority.*

Does the law appoint a Management Authority of CITES?

**Rated A1, Full Expression** - Mongolia's Law on the Regulation of Foreign Trade in Endangered Species establishes a Management Authority for CITES, referred to as the Administrative Council, operating under the authority of the central government organization responsible for environmental issues. (Art. 4(1))

## BP17. Appointment of Scientific Authority

This Best Practice examines whether the law complies with CITES requirements to appoint a Scientific Authority.

*Inquiry 1. Scientific Authority.*

Does the law appoint a Scientific Authority of CITES?

**Rated A1, Full Expression** - Mongolia's Law on the Regulation of Foreign Trade in Endangered Species establishes a Scientific Authority for CITES, referred to as the Scientific Council, operating under the authority of the central government organization responsible for environmental issues. (Art. 4.1)

## BP18. Prohibit trade in specimens in violation of CITES

This Best Practice examines whether the law complies with CITES requirements by prohibiting trade in specimens in violation of CITES.

*Inquiry 1. Prohibition of trade in violation of CITES.*

Does the law contain a clear prohibition of trade in specimens when such trade would contravene the requirements of CITES?

**Rated A1, Full Expression** -Mongolia has provisions in at least two (2) laws governing wildlife trade that prohibit trade in violation of CITES.

The Criminal Code makes it a crime to trade in Very Rare and Rare animals. (Criminal Code, Art. 24.5) This includes some CITES-listed species but is intended to protect species that occur in Mongolia and does not otherwise cover CITES-listed species.

The Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) is broader, expressly applying to trade in all CITES-listed species (Art 15).

## BP19. Penalties for trade violating CITES

This Best Practice examines whether the law complies with CITES requirements by applying penalties for trade in specimens that violates CITES.

*Inquiry 1. Penalties for trade violating CITES.*

Does the law apply penalties for trade in specimens that violates CITES?

**Rated A1, Full Expression** - Mongolia has provisions in two (2) laws governing illegal wildlife trade, for which penalties apply. These include the Criminal Code (Art. 24.5) and the Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) (Art 15).

## BP20. Confiscation of CITES-listed species

This best practice examines with the law provides for the confiscation of any specimens that have traded or possessed in contravention of CITES requirements.

*Inquiry 1. Confiscation of CITES-listed Specimens.*

Does the law provide for the confiscation of any specimens that have traded or possessed in contravention of CITES requirements?

**Rated B1, Substantial Expression** - Mongolia has provisions in two (2) laws governing illegal wildlife trade that provide for confiscation. Among these are:

The general powers and conditions for confiscation established in the Criminal Code (Art. 7.2)

In addition, the Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) provides for the 'seizure as state property of animals, plants or derivatives thereof which were obtained by illegal means.' (Art 15) It also grants the Administrative Council the authority to coordinate 'the sale, destruction or return to nature of animals, plants and derivatives thereof which have been seized in compliance with the relevant legislation.' (Art. 5(8))

NOTE: The Criminal Code only applies to defined crimes, and this includes illegal trade in Very Rare and Rare animals. (Art. 24.5); while the Law on the Regulation of Foreign Trade in Endangered Species authorizes confiscation only where criminal penalties do not apply and for species that have been illegally obtained (Art. 15(1)). There is a potential gap where a CITES species does not conform to some permitting requirement but for which there is no proof that it has been illegally obtained.

## Component E. Enforcement

The 'Enforcement' set of best practices focuses on both the enforcement agencies (including their power to investigate, collaborate, collect, and share enforcement data), as well as the crimes defined with either general or specific relation to wildlife crimes.

## BP21. Enforcement Bodies

This Best Practice intends to identify the government agency or agencies responsible for the enforcement of the laws related to wildlife trade, their identification in the national law, along with the national and international coordination mechanisms.

*Inquiry 1. Enforcement Departments.*

Are the departments and agents responsible for enforcement of illegal wildlife trade issues clearly identified in legislation?

**Rated C1, Partial Expression** - Most laws related to wildlife trade in Mongolia delegate some level of enforcement authority to the agency responsible for the sector, e.g., rangers have enforcement authority within National Parks, Customs enforce trade restrictions at border points, etc.

The primary laws establishing enforcement authorities are the following:

The Law on Fauna authorizes judges and authorized state inspectors to impose administrative penalties on a person who violates the legislation on fauna, unless criminal penalties apply (Art. 39.1).

The Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) grants a variety of enforcement powers, including:

CITES Management Authority has:

the power to cancel licenses for the export and import of CITES- listed species (Art. 5(1)(4))

the obligation to deny applications whenever the requirements for securing a license have not been met, or false documents have been used. (Art 9(2)).

The Ministry of Environment is required to provide a monetary reward 'of up to 20 percent of the fines and damage restitution obtained from the guilty party,' to those reporting confirmed information of violations. (Art. 14)

And finally, judges, customs inspectors and state environmental inspectors are authorized to determine penalties for violations of this law, to the extent criminal penalties do not apply. (Art. 15(1))

The Animal and Plants Products Trade Law assigns enforcement authority to the Customs Authority (Art. 7) and to State Environmental Inspectors (Art. 8). Pursuant to these provisions, both Customs and State Inspectors have the power to conduct inspections within the limits of their jurisdiction.

There are several other laws that regulate some portion of the wildlife trade chain, but these laws either limit their enforcement authority to issues that do not include wildlife trade, refer to other laws for such authority, or are silent on the issue. Those that have limited their enforcement authority are of greatest concern, as they create a clear gap. These include:

The Environmental Protection Law, for example, authorizes judges and state inspectors to impose penalties for violations (Art. 38(2)). These are, however, restricted to a few violation types (e.g., discharging toxic substances), none of which relate to wildlife or wildlife trade.

The Law on Advertisements, which prohibits advertising the supply, trade and purchase of rare and endangered species, as well as those whose hunting and preparation has been temporarily banned (Art. 14), authorizes the inspector of the State Intellectual Property Inspection Agency to impose administrative penalties. However, this applies only to specific offenses, which do not include those related to wildlife.

Beyond the gaps in the enforcement authorities just mentioned, there remains the issue of coherence between the various laws. As each law governs separate sectors, they naturally authorize enforcement authority depending on the type of activity and sometimes forms of liability (i.e., administrative or criminal) that apply.

#### *Inquiry 2. Coordination Mechanism.*

Does the law include a coordination mechanism for overlapping jurisdiction and shared enforcement actions among the responsible agencies?

**Rated C1, Partial Expression** - There are a few general statements concerning coordination between enforcement agencies, but no express mechanism for coordinating enforcement actions.

The Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015), for example, instructs Mongolia's CITES Management Authority to cooperate with other organizations on issues related to the implementation of this Law. (Art. 5(1)(9)).

The Animal and Plants Products Trade Law requires the Customs Authority to provide State Environmental Inspectors with professional management and specialization (Art. 7.1.6).

The Environmental Protection Law requires the Aimag and Capital City governors to coordinate environmental protection activities of those responsible for environmental control and protection, and to provide State Chief Inspectors and State Inspectors with badges, defensive weapons, and means of transport. (Art. 16(2)(5)). Likewise, Soum and Duureg governors are authorized to coordinate the activities of rangers (Art. 17(2))

The combination of these mandates may be sufficient to support coordinated actions but falls short of creating a specific mechanism (e.g., a wildlife enforcement network) or establishing other tools for coordinating enforcement actions.

## BP22. Investigation Powers

This Best Practice intends to address the legal use of special investigation techniques (such as undercover investigations or controlled deliveries) and forensic technology for wildlife trade offenses.

### *Inquiry 1. Investigation Techniques.*

Does the law allow for the use of special investigation techniques such as undercover investigations or controlled deliveries?

Rated D1, Missing Expression - Mongolia's relevant legislation on wildlife trade does not reference any special investigation techniques.

### *Inquiry 2. Forensic Technology.*

Is the use of forensics technology for wildlife trade offences regulated?

**Rated C2, Partial Expression** - Mongolia has two (2) laws which regulate the use of forensic technology for specific wildlife trade acts:

Law on Prohibitions and inspection of animals, plants and their raw materials and products at the state border imposes laboratory tests at the state border for:

- detained animals, plants, raw materials and products found damaged during the quarantine inspection (Article 14.3)
- vehicles transporting animals, plants, raw materials and products cross the state border (Article 20.3)

Law on Infringements regulates the use of forensic technology for a specific wildlife trade offense:

- avoiding the costs of testing and certifying animals, plants and their raw materials and products in violation of wildlife trade regulations as stated in the law on Prohibitions and inspection of animals, plants and their raw materials and products at the state border (Article 11.22)

### *Inquiry 3. Financial Investigations.*

Does the law include financial investigations in specific cases of wildlife investigations?

**Rated C3, Partial Expression** - Mongolia's legislation overall does not expressly include financial investigations for specific cases of wildlife crimes. However, at least one law hints at their existence in its section on violations.

Administrative Penalties:

Law on Infringements imposes administrative penalties for:

a person or a legal entity which refuses to present documents or other materials required for a financial audit (Article 11.1.7)

financial activities carried out illegally or without a permit (Article 11.6.1)

Criminal Penalties:

Criminal Code imposes criminal penalties for:

Concealment, change, transfer of illegally obtained money, income, and property as a result of a crime (Money laundering, Article 18.6). The procedures for financial investigations in these cases are outlines on the Anti-Money Laundering and Terrorism Financing Law.

The Anti-Money Laundering and Terrorism Financing Law establishes the Financial Information Unit, which has the legal authority to submit a report on the suspicion that an asset, income or transaction is related to money laundering (Article 7.2) As a reporting mechanism, the Financial Information Unit provides the information on specific transactions and their

participants to competent law enforcement authorities (Article 7.4), and may suspend the suspicious transaction, and send the related documents for investigation (Article 11.1, Article 11.3.2).

## BP23. Enforcement Powers

This Best Practice intended to determine whether the enforcement powers of wildlife authority are clearly established and implemented by the legislation to the extent of an efficient protection of wildlife.

*Inquiry 1. Power Establishment for Wildlife Officers.*

Are the powers of wildlife enforcement officers clearly established by the legislation?

**Rated A1, Full Expression** - Mongolia does not have wildlife enforcement officers per se. It does, however, assign enforcement powers to several enforcement entities, including:

Ecological Police Unit

State Environmental Inspectors - (Environmental Protection Law, Art. 27, Art. 29)

Environmental Rangers - (Environmental Protection Law, Art. 28, Art. 29)

State Customs Inspectors (Animals and Plants Trade Law, Article 3.1.3, Article 8)

*Inquiry 2. Power Components for Wildlife Officers.*

Does the law clearly provide for the following powers for wildlife enforcement officers?

- Search persons
- Search premises
- Search vehicles
- Obtain a warrant
- Obtain records
- Inspect documents
- Take samples
- Seize
- Arrest
- Confiscate
- Use weapons
- Detain
- Impose penalties
- Order remediation

- Supervise

**Rated B1, Substantial Expression** - Mongolia has three (3) laws that enumerate which powers state Environmental Inspectors, State Customs Inspectors, and Rangers may exercise. Together, these laws include all fifteen (15) powers identified by this best practice, all of which are directly or indirectly applicable to wildlife trade crimes.

Powers directly applicable to wildlife trade:

In the specific context of import of animals, plants, their raw materials and products across the state border, Mongolia's Prohibitions and inspection of animals, plants and their raw materials and products at the state border gives the state customs inspector the following powers:

- Inspect documents (Article 8.1.1)
  - import/export/commodity certificates (Article 29.1.3)
  - trade agreements (Article 29.1.3)
  - documents of vehicles (Article 29.1.3)
- Inspect vehicles (Article 20)
- Detain temporarily animals, plants, raw materials (in case of signs of infectious diseases, pests, rodents, weeds, Article 8.1.5, Article 14.1)
- Take laboratory samples (Article 8.1.5)
  - from vehicles transporting animals, plants, raw materials and products cross the state border (Article 20.3)
- Search premises (workplaces, premises, warehouses, facilities equipped for quarantine) (Article 8.2)

Powers indirectly applicable to wildlife trade:

According to Mongolia's Environmental Protection Law, the state environmental inspectors and rangers may exercise the following enumerated powers to guarantee a safe environment:

- Inspect documents (Art. 27.1 6)
- Obtain records
  - information and data (Article 27.1 2)
- Impose penalties (not criminal penalties) (Art. 27.1 7)
- Confiscate
  - vehicles (Article 27.1 9)
- Order remediation (Article 27.1.3, Article 28.5)
- Suspend activities (Article 27.1.3)
- Supervise (Article 27.1.4)
- Take samples (Article 27.1.4)
- Use weapons (Article 29.1-2)

The Decree No. A/75 Procedure for Definition and Control of the Origin of Animals and their Raw Materials grant the state environmental inspectors, rangers and police officers the power to:

Monitor the validity of the certificates of origin of animals and their raw materials (Article 3.4)

Police Law

Powers to combat crime:

- Receive, register, capture, collect information on attempts to commit crime (10.1.2)
- Protect the crime scene (10.1.3)
- Inspect, detect, collect and reinforce the evidence (10.1.3)
- Identify, search, arrest the perpetrator (10.1.3)
- Search, arrest a suspect, accused, defendant, person implicated in crime who evaded from inquiry, investigation or court (10.1.7)
- Conduct inquiries (10.1.4)
- Investigate crimes in jurisdiction (10.1.4)
- Cooperate with authorized organizations (10.1.6)
- Protect witnesses, victims (10.1.8)
- Maintain an integrated database of crimes, violations, convicted felons; provide reports (10.1.10)
- Examine documents (25.1)
- Detain temporarily (26.1)
- Document verification of legal entity (27.1)
- Enter person's apartment/home, auto vehicle, workplace, warehouse/storage and land possession (28.1)
- Inspect bodies (29.1)
- Inspect vehicles (29.1)
- Confiscate mobile communication devices, other necessary items, vehicles, electronic devices and documents (30.1)
- Stop and search vehicles on reasonable ground of suspicion (31.1)
- Restrict movement of a vehicle
- Detain a vehicle on reasonable ground of suspicion that the vehicle was involved in a crime or contains evidence of a crime (33.1)
- Restrict movement of vehicles, people in certain areas (35.1)
- Conduct personal survey/investigation to gather information about a crime (37.1)
- Conduct search/investigation (38.1)
- Obtain information for a fee (39.1)

- May use physical force in accordance with the law (47.1)
- Use service dogs (56.1)
- Use of firearms in certain circumstances (47.1, 48.1)
- Maintain statistical records, create information systems and databases (61.1)
- Crime suspects
- Convicted felons
- Persons under surveillance

## BP24. Enforcement Data

This Best Practice intends to identify the presence in the law of systems and procedures to gather information on wildlife trade offenses, including a central registry and information exchange at both national and international level.

*Inquiry 1. Procedure to Gather Information.*

Does the law provide for systems and procedures to gather information on wildlife trade offences?

- Reports
- Photos
- DNA testing
- Data on criminal network
- Data on criminal patterns

**Rated C2, Partial Expression** - Mongolia has two (2) laws that include systems and procedures to gather information related to wildlife offenses, either as a function of duties or powers given to state inspectors.

Duty to gather information on wildlife trade offenses:

- Environmental Protection Law imposes as a duty of a state inspector:
  - to keep records of environmental breaches (Article 27.2)
  - to make inventories of confiscated items, weapons, temporarily confiscated documents (Article 27.5)

Power to gather information on wildlife trade offenses:

- Animal and Plant Product Trade Law gives the state customs inspector the power:
  - to keep records of all animals, plants, raw materials and products processed at customs (Article 8.1.9)

However, Mongolia's legislation does not expressly include procedures to gather information for:

- data on criminal patterns

- data on criminal networks
- photos
- DNA testing

The Police Law gives the police officers the following powers in order to combat crimes:

- Receive, register, capture, and collect information on attempts to commit crime (10.1.2)
- Maintain an integrated database of crimes, violations, and the convicted felons, and to provide reference reports; (10.1.10)

The police organization is authorized to:

- Have professional units that are specialized in developing intelligence and processing information. (Article 6.6)
- Maintain the following statistical records, create information system and databases: (Article 61.1)
  - crime suspects
  - convicted felons
  - persons under surveillance

#### *Inquiry 2. Central Registry.*

Does the law establish a central registry?

**Rated C3, Partial Expression** - Mongolia's Environmental Protection Law establishes a central registry as a duty of state inspectors applicable to a specific context related to wildlife offenses.

Duties of state inspectors:

- Make inventories of confiscated items, weapons, tools, temporarily confiscated documents (Article 27.5)

The Police Law gives the following power to the police officers in order to combat crime:

- Maintain an integrated database of crimes, violations, and the convicted felons, and to provide reference reports; (Article 10.1.10)

#### *Inquiry 3. Information Exchange.*

Does the law provide for a system of information exchange among competent agencies?

**Rated C3, Partial Expression** - Mongolia has two (2) laws which include information exchange among competent agencies in the following forms:

Power:

Law on Fauna gives the power to soum and district governors to:

- provide information on the hunting and wildlife database to aimag and capital city governors (Article 5.8.4)

Right:

Law on Advertising allows the cooperation of the State Intellectual Property Inspection Agency with professional inspection agencies in areas of environment, customs, trade (Article 24.6) to:

- exchange information (Article 26.1)

#### *Inquiry 4. International Information Exchange.*

Is there a legal mechanism to exchange information at international level?

**Rated C3, Partial Expression** - Mongolia's Animal and Trade Law includes a mechanism to exchange information on wildlife trade at international level only in specific cases of contagious animal diseases detected at Customs, which may not necessarily represent an offense (Article 12.4), while the Police Law gives the National Police Agency the functions to cooperate with foreign police organizations within the scope of combating crime in general (Article 14.2.5).

## BP25. Transnational Cooperation

This Best Practice intends to address the bilateral and multilateral international agreements as trans-national cooperation related to wildlife trade in the investigation of wildlife trade offenses.

#### *Inquiry 1. Existence of Provision.*

Does the law provide authority for transnational cooperation in the investigation and prosecution of wildlife trade offences?

**Rated C1, Partial Expression** - Mongolia has two (2) laws that provide for some degree of transnational cooperation in the investigation and prosecution of crimes, but these are only indirectly applicable to wildlife trade.

Explicit power to cooperate

- The Anti-Money Laundering and Anti-Terrorism Law (AML Law) allows the Financial Information Unit to cooperate with foreign and international organizations (AML Law Art. 21.1) including providing information at the request of the institutions. (Art. 21.2). This is however limited to certain crimes. The AML Law takes a threshold approach, applying to acts that involve 'proceeds of a crime' (AML Law Art. 3.1.1), as further defined by the Criminal Code. (AML Law, Art. 3.1.10), and limited to crimes punishable by a prison term of 1 to 5 years. The only wildlife crimes that meet this threshold are those involving Very Rare and Rare species. (Criminal Code, Art. 24.5)
- The Criminal Code does not mention cooperation per se but does allow for a foreign citizen who has committed a crime outside the territory of Mongolia to be extradited pursuant to international agreement (Art. 1.7(2)). Unlike many other countries, Mongolia does not have a more generally applicable mutual legal assistance provision (or separate law), and also does not permit the extradition of Mongolian citizens for investigation or conviction for a crime. (Criminal Code, Art. 1.7(1))

There are other laws that reference cooperation with other organizations, including foreign and international; however, there is no clear statement that these are intended to operate on a transnational basis, nor that such cooperation would include enforcement actions.

- Law on the Regulation of Foreign Trade of Endangered Species gives the Administrative Council of CITES the right and responsibility to cooperate with other organizations on issues related to the implementation of this Law (Article 5.1.2)
- Environmental Protection Law gives the central state administrative body the right to cooperate with foreign and international organizations on environmental protection (Art. 15(8)).

#### *Inquiry 2. International Agreements.*

Does the law allow the relevant authority to enter into agreements with foreign enforcement agencies to facilitate cooperation in enforcement actions for wildlife trade offences?

**Rated C1, Partial Expression** - Other than the Constitution, Mongolia has only one (1) law that would allow the relevant authorities to enter into an agreement with foreign agencies to facilitate cooperation.

- Animal and Plant Trade Law gives the government the power to conclude agreements and negotiations on cooperation with foreign countries and international organizations on veterinary quarantine at border points (Article 5.1.2).

While the legislation does not mention wildlife trade, it is likely broad enough to cover such trade. What is not clear is whether these agreements would be allowed to address enforcement actions.

## Component F. Violations

The 'Violations' set of best practices focuses on the standards and procedures that hold any party to a wildlife trade crime responsible for their actions, including those standards and procedures found in related civil, administrative, and criminal legislation.

### BP26. Illegal Domestic Trade

Penalization of domestic wildlife trade represents the sum of penalties and sanctions applied to the illegal exchange of domestic wildlife goods within the borders of a country, whether this involves domestic or foreign species.

#### *Inquiry 1. Domestic Trade in Native Species.*

Does the law make domestic trade of native species in contravention of legislation an offense?

**Rated B1, Substantial Expression** - Mongolia has four (4) laws that make wildlife trade in contravention of the law an offense. All of these laws are primarily directed at species that naturally occur in Mongolia and that have been listed for protection (e.g., as Very Rare, Rare, or prohibited species) or would be subject to hunting management.

Offenses with administrative penalties:

The Law on Fauna contains the broadest set of offenses related to trade, including a fine for the illegal sale or purchase of wildlife (see Art. 11, Art. 12, and Art. 39.1.9).

The Law on Infringements makes the sale or purchase of wild animals and their raw materials without a license, certificate of origin, or accompanying certificate an offense (Article 7.6.5 and 7.6.8).

The Law on Advertising prohibits the advertisement for:

supply, trade and purchase of Rare and Very Rare species and their organs (Article 14.1)

sale and purchase of organs or raw materials of wild animals for which hunting is banned (Article 14.2)

Offenses with criminal penalties:

The Criminal Code partially overlaps with the Law on Fauna by penalizing trade (whether international or domestic) in Very Rare and Rare species, imposing a prison term of 2–8 years for the preparation, transportation, storage, sale, purchase, (Art. 24.5(2)) and export of very rare species; and 1–5 years for the unauthorized hunting, trapping, or unauthorized hunting, trapping, domestication, breeding, storage, sale, purchase, transportation, export of rare animals (Art. 24.5(1)).

Law on Fauna makes it grounds for criminal liability the repeated violations involving the sale, purchase or export of rare and endangered game animals (Article 39.2).

The approach to the definition of offenses, however, has not been fully harmonized, with some degree of overlap (e.g., between the Law on Fauna and the Law on Infringements) creating the potential for gaps and conflicts, and raising concerns about policy coherence. In addition, not all activities associated with domestic trade are identified in the laws (see Best Practice Component on Regulation of Trade).

#### *Inquiry 2. Domestic Trade in Foreign Species.*

Is the domestic trade of foreign species, including those in the CITES Appendices, an offense in the domestic legislation?

**Rated C2, Partial Expression** - There are four (4) laws that have the potential to penalize the illegal domestic trade of foreign species (those whose trade did not originate in Mongolia, whether they occur in Mongolia or not). Unlike the first inquiry, the Criminal Code is not one of these, as it applies only to those species listed as Very Rare and Rare. These are all species that occur in Mongolia.

Offenses with administrative penalties:

The Law on Fauna contains the broadest set of offenses related to trade, including a fine for the illegal sale or purchase of wildlife (see Art. 11, Art. 12, and Art. 39.1.9).

The Law on Fauna gives to the member of the government in charge of the environment the power to establish procedures for the use of foreign animals (the specific trade use inside Mongolia not mentioned) (Article 36.5).

The Law on Infringements makes the sale or purchase of wild animals and their raw materials without a license, certificate of origin, or accompanying certificate an offense (Article 7.6.5 and 7.6.8).

The Law on Advertising prohibits the advertisement for:

supply, trade and purchase of Rare and Very Rare species and their organs (Article 14.1)

sale and purchase of organs or raw materials of wild animals for which hunting is banned (Article 14.2)

Offenses with criminal penalties:

The Criminal Code partially overlaps with the Law on Fauna by penalizing trade (whether international or domestic) in Very Rare and Rare species, imposing a prison term of 2–8 years for the preparation, transportation, storage, sale, purchase, (Art. 24.5(2)) and export of very rare species; and 1–5 years for the unauthorized hunting, trapping, or unauthorized hunting, trapping, domestication, breeding, storage, sale, purchase, transportation, export of rare animals (Art. 24.5(1)).

Law on Fauna makes it grounds for criminal liability the repeated violations involving the sale, purchase, or export of rare and endangered game animals (Article 39.2).

*Inquiry 3. Penalties.*

Are penalties for illegal domestic trade comparable to the penalties associated with a serious crime?

**Rated C2, Partial Expression** - Mongolia segregates its penalty types into administrative and criminal penalties. Criminal penalties may be imposed only for trade in Very Rare and Rare species. Applicable prison terms for such trade exceed UNTOC's definition of serious crime, which requires at least a 4-year maximum sentence. For illicit trade in 'Very Rare' species, Mongolia imposes a prison term of 2–8 years (Criminal Code, Art. 24.5(2)); for 'Rare' species, a term of 1–5 years (Criminal Code, Art. 24.5(1)).

The Law on Advertising imposes administrative penalties (Article 29.1.2) for advertisement on:

- supply, trade and purchase of Rare and Very Rare species and their organs (Article 14.1)
- sale and purchase of organs or raw materials of wild animals for which hunting is banned (Article 14.2)

Notably, there is no similar sentence applied to foreign or domestic trade in CITES-listed species, or trade in species whose hunting or trade have been prohibited for other reasons (e.g., temporary hunting bans for conservation, trade bans for human and animal health).

## BP27. Illegal International Trade

Penalization of illegal international wildlife trade represents the sum of penalties and sanctions applied to the illegal purchase and sale of wildlife goods by individuals and companies across the boundaries of different countries.

*Inquiry 1. International trade offenses.*

Does the law prohibit and make it an offence to trade protected species in contravention of legislation?

**Rated B1, Substantial Expression** - Mongolia has four (4) laws relevant to international wildlife trade which make it an offense to trade wildlife internationally in contravention of legislation, subject to administrative or criminal penalties.

Offenses with administrative penalties:

The Law on the Regulation of Foreign Trade in Endangered Species imposes administrative penalties for foreign trade in CITES-listed species (Article 15. Liability for Breach of Legislation).

The Law on Fauna imposes administrative penalties for specific export and import violations:

Introduction from abroad or import without permission (Article 39.1.2)

attempt to export native species without a certificate of origin is treated as a hunting offense (Article 25.3, Article 37.3, Article 39.1.4)

The Animal and Plant Products Trade Law imposes administrative penalties for state customs inspectors who fail to:

notify the relevant veterinary and phytosanitary inspection authority of the receipt of the parcel containing raw materials and products of animal and plant origin (Article 32.1)

conduct an inspection of parcel containing raw materials and products of animal and plant origin (Article 32.1)

Offenses with criminal penalties:

The Criminal Code makes the sale, purchase, transportation, and export of Rare and Very Rare animals and their organs or raw materials from protected areas a criminal offense (Article 24.5. Illegal hunting).

The Law on Fauna makes repeat violations of export of rare and very rare animals grounds for criminal liability (Article 39.2).

Not covered by either of these laws is international trade in non-listed, but otherwise prohibited species, e.g., species whose hunting has been temporarily or permanently banned.

*Inquiry 2. Penalty Severity.*

Are penalties for illegal international trade comparable to the penalties associated with a serious crime?

**Rated C1, Partial Expression** - Mongolia's Criminal Code penalizes illegal international trade in protected (i.e., Very Rare and Rare) wildlife species with prison terms 2 to 8 years, and 1 to 5 years respectively (Article 24.5. Illegal hunting). These penalties exceed the standard established by UNTOC, which calls for at least a 4-year maximum sentence. However, the Law on the Regulation of Foreign Trade in Endangered Species only applies administrative penalties for illegal trade in CITES-listed species (Article 15. Liability for breach of legislation).

The Law on Fauna makes only repeat violations of export of rare and very rare animals grounds for criminal liability, not harmonized with the Criminal Code which does penalize export of Rare and Very Rare animals in contravention of the law. The Criminal Code does not impose specific penalties for repeat offenses of illegal international trade of rare and very rare wildlife species.

## BP28. Wildlife Trade Chain Offenses

Penalization of all parts of the illicit wildlife trade chain represents the sum of penalties and sanctions applied to each and all parts of the trade chain: sale, offer for sale, display, purchase, solicitation, advertising (all forms), possession, storage, processing.

*Inquiry 1. Trade chain offenses.*

Does the offense for illegal domestic trade include the following acts?

Trade  
Sale  
Offer for sale  
Purchase  
Solicitation for purchase  
Possession  
Exchange  
Processing  
Transport  
Online trade  
Advertising  
Display  
Storage  
Capture  
Trapping  
Hunting  
Captive breeding  
Import  
Export  
Re-export

**Rated C1, Partial Expression-** Mongolia has at least eight (8) laws that impose penalties for acts associated with various parts of the wildlife trade chain. These are as follows:

Offenses with administrative penalties:

Law on Fauna provides penalties for illicit hunting (Article 39.1.4-39.1.9, 39.2-39.4), trapping (Article 39.1.11, Article 39.3-39.4), possession (Article 39.1.3), import of certain species (Article 39.1.2), and export (Article 39.1.11) of native species.

Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015) imposes penalties for illegal international trade of CITES-traded species (Article 15)

Law on Advertisement penalizes advertising the supply, trade, and purchase of Very Rare and Rare species, as well as species with temporary hunting and preparation bans (Article 29.1.2).

Law on Infringements imposes administrative penalties for:

- illegal trade of animals on appendixes of CITES not on the list of Rare and Very Rare animals (Article 7.3)

- illegal hunting (Article 7.6.1.2, Article 7.6.2, Article 7.6.3, Article 7.6.4)
- illegal trapping (Article 7.6.3)
- sale, purchase without a license, certificate of origin, accompanying certificate (Article 7.6.5, Article 7.6.8)
- breeding of foreign animals (aliens) (Article 7.6.7)
- violations of quarantine control and inspection regulations for import and export (Article 11.22)

Environmental Protection Law imposes general penalties for breach of the entire law, which includes:

- hunting and trapping of Very Rare animals (Article 38.1)

Animal and Plant Products Trade Law imposes liabilities for violations of quarantine control and inspection of import and export of animals at border points (Article 32).

Offenses with criminal penalties:

Criminal Code criminalizes the storage, sale, purchase, transportation, breeding and export of Very Rare and Rare species (Article 24.5).

Law on Fauna considers grounds for criminal liability the following repeated violations (Article 39.2):

- introduction of an animal without permission (Article 39.1.2)
- animal imported from abroad (Article 39.1.2)
- possession of an animal without contract or permission (Article 39.1.3)
- hunting with an expired permit or without a valid permit (Article 39.1.4)
- prohibited methods of hunting and weapons (Article 39.1.6)
- hunting and capture of migrating animals (Article 39.1.6)
- illegal hunting, capture, sale, purchase or export of rare and endangered game animals (Article 39.2)

Beyond the need to harmonize these approaches, there are several acts not mentioned and that may not be adequately covered by any of these laws, including:

- offers for sale
- solicitation for purchase
- display

## BP29. Online Wildlife Trade

Penalization of wildlife cybercrime in the context of wildlife trade represents the sum of sanctions and penalties aimed at the wildlife criminal activities carried out by virtual means (computer and the internet).

*Inquiry 1. Online Wildlife Trade Offenses.*

Does legislation contain any provisions specifically prohibiting the advertising or e-commerce for prohibited wildlife items?

**Rated B1, Substantial Expression** - Mongolia's Law on Advertisement has only a few provisions specifically directed at internet advertising (Art. 12) and does not specifically make it a crime to sell and purchase wildlife online in contravention of the law. It does, however, prohibit and penalize any advertising of the 'supply, trade, and purchase of rare and endangered species' as well as the sale and purchase of wild animals subject to hunting or processing bans without limitation to the form or forum (Art. 14). A reasonable interpretation of this clause would conclude that it applies to internet advertising as well, although the lack of connection to Art. 12 governing internet advertising raises some concerns.

*Inquiry 2. Penalties Severity.*

Are penalties for wildlife cybercrime comparable to penalties associated with a serious crime?

**Rated C1, Partial Expression** - The Law on Advertisement is the only law on point, and it does not impose criminal penalties. For violation of the prohibition on advertising wildlife, it imposes a fine of 10000-50000 MNT for citizens, 25000-60000 MNT for officials, and 50,000-250,000 MNT for legal entities (Art 29.1.2). None of these rises to the level of UNTOC's definition of a serious crime.

## BP30. Organized Crime related to Wildlife Trade

Penalization of organized crime related to wildlife trade implies the sum of penalties for highly centralized translational, national and local enterprises run by criminals to engage in illegal activities for profit related to wildlife trade. These penalties are regulated by international instruments, such as United Nations against Transnational Organized Crime, with the key factor of their implementation in national legislation.

*Inquiry 1. Organized crime offenses.*

Does legislation contain any specific provision on organized crime with explicit reference to wildlife crime as a predicate offense?

**Rated D1, Contrary Expression** - In Mongolia's Criminal Code, organized crime is a recognized crime by itself, independent of the actual criminal activity targeted by the group or whether such crime was completed (Art. 20.3). In relation to other crimes, organized crime constitutes an aggravating circumstance, with higher penalties applied when organized crime is part of the criminal act. However, organized crime is expressly recognized only for certain crimes. Some of these may be related to wildlife trade (e.g., Article 18.6. Money laundering and Article 17.3. Fraud, Article 22.4. Bribery), but organized crime is not included as an aggravating circumstance for the Code's wildlife trade crimes (Art. 24.5).

In this analysis, we assume that where a legislature includes particular language in one section but omits it in another section of the same act, it has acted intentionally. Omitting any reference to organized crime in the provision defining wildlife trade crimes would therefore mean that it has been intentionally excluded.

*Inquiry 2. Penalties Severity.*

Are penalties for organized crimes related to wildlife trade comparable to penalties associated with a serious crime?

**Rated D1, Missing Expression** - Mongolia's Criminal Code does not impose penalties for organized crime offenses in the specific context of wildlife trade.

## BP31. Corruption Offenses for Wildlife Crime

Penalization of corruption related to wildlife trade implies the sum of penalties applied to dishonest or fraudulent conduct by those in power, typically involving bribery, which facilitate illegal activities related to wildlife trade. These penalties are regulated by international instruments, such as United Nations Convention against Corruption (UNODC), with the key element of implementation in the national legislation.

*Inquiry 1. Corruption offenses.*

Does the law contain specific provisions on corruption with explicit reference to wildlife crime as a predicate offense?

**Rated B1, Substantial Expression** - Mongolia has at least two (2) laws that include corruption offenses applicable to wildlife crime:

Indirectly applicable offenses:

Criminal Code contains several provisions criminalizing specific corrupt acts by public officials:

by omission (for failure to act):

abuse of duties, power, or position to create an advantage by intentionally failing to act (Article 22.1 Abuse of power and position)

by commission (active conduct by the official):

abuse of power to gain an advantage to self or an affiliate (Article 22.2 Abuse of official authority)

receiving a bribe in return for performance of official duties (Article 22.4 Bribery)

removing resources (lent, pledged, donated, destroyed, sold or lost) from the state reserve in violation of law (Article 22.7). In this case, natural resources and more specifically wildlife resources are considered state resources (Constitution Art. X, Environmental Protection Law, Article 6). The term 'state reserve' is not defined or used in other provisions of the Criminal Code, but may include natural resources, including wildlife, as these are property of the state.

These provisions do not explicitly reference corruption related to a wildlife trade, but may be associated with such activities.

Directly applicable offenses:

Law on Fauna does not address corruption as a general matter, but does impose administrative penalties for an official that issues a permit for hunting and trapping a wild animal in contravention of the relevant provisions (Article 39.1.11).

Note that this case, and any other corrupt act by an official related to wildlife trade, may fall under the Criminal Code's offenses for commission of a corrupt act (Article 22.2 Abuse of official authority) if there is proof of an advantage to the public official or their affiliates as a result of such act.

Note also that Mongolia does not permit compounding offenses where two or more offense types apply.

Further, Mongolia's Anti-Corruption Act does not set offenses, directing instead that these are to be determined by the Criminal Code (Anti-Corruption Act, Art. 33.1).

*Inquiry 2. Severity of penalties.*

Are penalties for corruption related to wildlife trade comparative to penalties applied to a serious crime (maximum deprivation of liberty of 4 years)?

**Rated C1, Partial Expression** - Mongolia's Criminal Code imposes the following penalties for corrupt acts by public official

Penalties that meet UNTOC's definition of a 'serious crime' (maximum prison term of at least 4 years):

Abuse of duties, power, or position to create an advantage by intentionally failing to act: imprisonment for a term of 1 to 5 years (Article 22.1. Abuse of power and position).

Removing resources (lent, pledged, donated, destroyed, sold or lost) from the state reserve in violation of law: imprisonment for a term of 1 to 5 years (Article 22.7).

Penalties that do not meet UNTOC's definition:

Abuse of power to give an advantage to self or affiliates: imprisonment for a term of 1 month to 3 years (Article 22.2 Abuse of official authority)

Receiving a bribe in return for performance of official duties: imprisonment for a period of 6 months to 3 years (Article 22.4 Bribery)

Law on Fauna imposes only administrative penalties for an official who engages in one type of wildlife crime:

Official who issues an illegal permit for hunting and trapping wild animals: ten (10) to fifteen (15) times the minimum monthly wage (Article 39.1.11).

Note that these administrative penalties may fall under the Criminal Code's offenses for a commission of a criminal act (Article 22.2 Abuse of official authority), and are subject to criminal penalties.

The alternative penalty structures raise concerns about policy coherence and the potential for conflict between these laws.

## BP32. Confiscation of Wildlife

Confiscation of wildlife specimens is the permanent deprivation of specimens obtained illegally by order of a court or administrative procedures, which transfers the ownership of specimens derived from criminal activity to the State.

*Inquiry 1. Power to confiscate.*

Does the law include the confiscation of illegally traded or possessed species as a form of penalty?

**Rated B3, Substantial Expression** - Mongolia has three (3) laws that allow the confiscation of illegally traded or possessed wildlife species, either as a general power that may be exercised by enforcement personnel, or as a form of penalty to be imposed by a judge.

NOTE: There may be a difference in what these different forms of confiscation mean, i.e., enforcement personnel have the power to seize, temporarily, whereas a judge may order the permanent confiscation. These differences are suggested by the subject and nature of the confiscated items, but not further elaborated and no special procedures defined in the laws delegating this authority.

General powers:

Law on Fauna gives the state environmental inspectors and rangers the power to confiscate animals, animal parts, their raw materials from persons who illegally hunted or captured wild animals (Article 39.3).

Environmental Protection Law gives the state inspectors the power to confiscate illegally hunted natural resources (Article 27.1)

Penalties:

Criminal Code specifies the confiscation of property in general as a coercive measure for criminal liability (Article 5.1. Purpose of criminal liability, Article 7.2. Types of coercive measures).

Law on Infringements includes the confiscation of illegally traded and possessed wildlife species as a form of the applied penalties for the specific offenses of sale or possession of wildlife (Article 7.6. Violation of the Law on Fauna), such as:

Hunting, capture, transportation to a place other than the hunting area (Article 7.6.4)

Hunting is prohibited, or at prohibited times or by prohibited means (Article 7.6.4)

Sale, purchase without a certificate of origin (Article 7.6.5, Article 7.6.8)

Sale, purchase without an accompanying certificate (Article 7.6.5, Article 7.6.8)

Introduction of an animal without a permit (Article 7.6.6)

## BP33. Confiscation of Assets

Confiscation of assets in the context of wildlife trade is the permanent deprivation of wildlife property obtained illegally by order of a court or administrative procedures, which transfers the possession of property derived from criminal activity to the State.

*Inquiry 1. Power to Confiscate.*

Does the law establish the seizure and confiscation of assets for offenses related to wildlife trade?

**Rated B3, Substantial Expression** - Mongolia has three (3) laws which allow the confiscation of assets for offenses related to wildlife trade, either as a permissive power, or as a form of penalty.

General powers:

Law on Fauna gives the state environmental inspectors and rangers the power to confiscate the earned income from persons who illegally hunted or captured wild animals (Article 39.3).

Penalties:

As a legal basis, the Criminal Code specifies the confiscation of assets as a type of coercive measure for criminal liability in case of an offense (Article 5.1. Purpose of criminal liability, Article 7.2. Types of coercive measures):

- property and income equal to the damage caused for the purpose of compensating those harmed (Article 7.5 1)
- confiscated property and income to compensate for damage caused to others and to cover the costs of the investigation. (Article 7.5 3)
- items and their value, vehicles used to commit the crime, vehicles, firearms, weapons, and specially prepared weapons in the possession of the offender confiscated, used to compensate for the damage (Article 7.5 4)
- confiscate property transferred to others with knowledge of a crime committed (Article 7.5 5)

Law on Infringements establishes the confiscation of assets:

In general, for any person who has committed a crime (Article 4.1. Confiscation and transfer of assets and income)

Confiscation of tools, weapons, vehicle(s) to commit a crime (Article 4.2 Confiscation of items and tools used in committing a crime)

Specifically for certain wildlife trade offenses (Article 7.6. Violation of the Law of Fauna):

Hunting, capture, transportation to a place other than the hunting area (Article 7.6.4)

Hunting is prohibited, or at prohibited times or by prohibited means (Article 7.6.4)

Sale, purchase without a certificate of origin (Article 7.6.5, Article 7.6.8)

Sale, purchase without an accompanying certificate (Article 7.6.5, Article 7.6.8)

Introduction of an animal without a permit (Article 7.6.6)

# ANNEX IV. Best Practices – Wildlife Disease

## Component A. General Authority

This component organizes those best practices that define the overarching authority of veterinary services to act whenever zoonotic disease affects wildlife.

### BP1. Inclusion of Wildlife in Animal Health Legislation

This Best Practice is a preliminary inquiry to assess only whether 'wildlife' or an equivalent term is mentioned by the primary Animal Health or Veterinary Services law. There are at least three (3) reasons for this inquiry as a separate best practice. First, it provides an initial indicator of the authority over wild animals by the agency responsible for implementation of the primary Animal Health or related legislation. Second, it supports regulatory development to further define agency authorities and actions. Third, it is an important trigger for the application of other tools and activities with respect to wildlife and not solely for disease response, e.g., surveillance activities.

*Inquiry 1. Is wildlife covered by the primary animal health law?*

**Rated C2, Partial Expression** - Mongolia's Animal and Plant Products Trade Law expressly includes wildlife but is limited in scope to wildlife at the point of import (Article 4. Related to quarantine control and inspection).

### BP2. Definition of Wildlife

This four-part inquiry identifies the existence and quality of any applicable definition of wildlife. This Best Practice is the follow-on to the Best Practice "Inclusion of Wildlife in Animal Health Legislation" but takes a closer look at whether there is a definition (not merely a mention) and how this is structured. This Best Practice tells us more than others which wildlife are included or excluded. It also illustrates the reliance on traditional approaches that raise questions (e.g., do birds live on the ground) and may limit the authority of veterinary services to address disease in wildlife.

*Inquiry 1. Existence of Definition*

Do the laws governing animal health, welfare, and disease provide an easily identifiable and defensible definition of the term 'wildlife'?

**Rated C1, Partial Expression** – Mongolia's Animal Health Law provides the term 'animal' or 'animals' with significant limitations for wildlife and relies on another law for clarification.

*Inquiry 2. Comprehensiveness*

Is the definition comprehensive, e.g., is it broad enough to encompass or does it explicitly reference all six classes of animals?

**Rated B1, Substantial Expression** - Mongolia's Environmental Protection Law (directly referenced in Animal Health Law) uses the term 'animal' with a definition broad enough to include 'wildlife' and most classes of animals, such as mammals, birds, reptiles, amphibians, fish, while the class of insects is not covered (Animal Health Law, Article 4. Terms of the law).

*Inquiry 3. Inclusion of Captive Bred Wild Animals*

Does the definition of wildlife include 'captive bred' wild animals?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law's definition of 'wildlife' or 'animal' excludes 'captive bred' wildlife.

*Inquiry 4. Inclusion of Domesticated Wild Animals*

**Rated D1, Missing Expression** - Mongolia's relevant animal health law's definition of 'wildlife' or 'animal' excludes 'domesticated' wildlife.

### BP3. Wildlife Disease Policy Statement

This best practice looks at the existence of a wildlife disease policy statement within the primary laws, including animal health and welfare, veterinary services, and animal disease laws. Policy statements in law have four interrelated functions – 1) to establish the purpose and intent of the legislation, 2) to direct legislative content, including implementing regulations, 3) to provide a basis for judicial interpretation, and 4) to support determination of intra- and ultra vires actions by a government agency.

This last function is especially important for actions taken that are not otherwise specifically regulated but that would potentially be supported by such a policy statement. In this instance, the inquiry is limited to whether there is such a statement and whether it is broad enough to include wild animals, further securing an agency's authority to develop appropriate regulations and act when wildlife is involved.

*Inquiry 1. Policy for Disease Prevention and Control*

Does the law provide a rationale (policy) for establishing a disease prevention and control program that includes both wild and domesticated animals?

**Rated C2, Partial Expression** - Mongolia's *Animal Health Law* contains a statement covering animal health and disease prevention but limits the inclusion of wild animals (Article 1. Purpose of the law).

### BP4. Express Delegation of Authority over Wildlife Disease

This two-part inquiry goes beyond the policy statement covered by BP 3 and looks at the existence of an express delegation of authority to the Veterinary Services, and then separately whether this same delegation also includes wildlife. While policy statements (as tested in BP 3) serve a purpose, they can be open to interpretation and challenge. Therefore, this best practice is intended to identify language that grants the veterinary service the authority to control animal disease and whether this grant includes, directly or indirectly, the application of such authority over wildlife disease.

*Inquiry 1. Express Delegation of Power*

Does the law contain an express delegation of power to the veterinary authority to control animal disease and zoonoses?

**Rated A1, Full Expression** - Mongolia's *Animal Health Law* contains an express mandate to the veterinary service to control animal diseases and zoonoses (Article 6. Prevention of communicable diseases, Article 7. Implementation of general preventive measures).

*Inquiry 2. Inclusion of Wildlife*

Does this authority to control animal diseases and zoonoses expressly include wildlife?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law provides no reference to wildlife in delegation of authority.

### BP5. Comprehensive List of Diseases

A common practice in animal health related legislation is the use of either a broad term that captures all possible diseases (e.g., New Zealand's 'unwanted organism' approach) or a list of diseases. This four-part inquiry is intended to identify whether and how such a list is used, and whether it can cover or expressly covers wildlife diseases, as listed by WOA. To test whether it applies to new and emerging diseases, the analysis also determines if the law considers 'unusual or exceptional' disease events.

*Inquiry 1. WOAH-listed Animal Diseases*

Does the law contain a list of animal diseases, or an equivalent reference, that covers WOAH-listed animal diseases?

**Rated C1, Partial Expression** - Mongolia's *Animal Health Law* provides general names for types of disease without specific listing and refers to outside sources beyond primary or other related legislation (Article 11. Approval of the list of animal infectious diseases).

*Inquiry 2. 'Unusual or exceptional' Events*

Does the law reference and clarify what 'unusual or exceptional' events are with reference to animal diseases?

**Rated A2, Full Expression** - the relevant animal health law uses equivalent language for 'unusual' or 'exceptional' within the context of the issue and defines what those terms mean (Article 4. Terms of the law).

*Inquiry 3. Reporting of 'Unusual or exceptional' Events*

Does the law require immediate reporting for 'unusual or exceptional' events?

**Rated B1, Substantial Expression** - Mongolia's *Animal Health Law* requires veterinary services to report at some time on disease events, with equivalent language for 'unusual' or 'exceptional' (i.e., exotic diseases) (Article 8. Conducting epidemiological research and compiling a database, Article 15. Diagnosis of contagious diseases and implementation of prompt response).

*Inquiry 4. WOAH Non-listed Wildlife Diseases*

Does the list or reference apply, at a minimum, to WOAH non-listed wildlife diseases?

**Rated D1, Missing Expression** - Mongolia's relevant animal health legislation provides no list of wildlife diseases to match WOAH non-listed wildlife diseases.

## Component B. Surveillance and Control

This component comprises those best practices that define whether and how veterinary services may engage in surveillance for zoonotic disease, and in particular whether such authority extends to wildlife.

### BP6. Surveillance and Control

This two-part inquiry considers the scope of laws in creating the authority and requirement to engage in the surveillance and control of disease. This includes identifying how inclusive the law is in implementing surveillance and control across all areas that have an increased risk of disease spread. In the first inquiry, the analysis determines if there is a surveillance and control system in place that has broad authority. The second inquiry looks at the places this authority may be exercised.

*Inquiry 1. Objectives and activities*

Does the law provide a list of surveillance and control objectives and activities?

**Rated B1, Substantial Expression** - Mongolia's *Animal Health Law* includes a surveillance and control scope and plan, but not a detailed list of activities (Article 3. Scope of the law, Article 4. Terms of the law, Article 6. Prevention of communicable diseases, Article 14. Surveillance of communicable diseases, ensuring painlessness and tranquility).

*Inquiry 2. Comprehensiveness*

Are these surveillance and control objectives and activities comprehensive?

- Animal Quarantine ✓
- Production and Processing ✓
- Storage facilities
- Transportation ✓
- Markets ✓

**Rated C1, Partial Expression** - Mongolia's Animal Health Law includes 4 out of 5 of the key objectives and activities for surveillance and control in sufficient detail.

*Animal Quarantine:* Article 7. Implementation of general preventive measures, Article 13. Implementation of the readiness plan, Article 16. Zoning of communicable disease control measures, Article 17. Establishment and lifting of quarantine regime.

*Processing and Production:* Article 27. Hygienic examination and certification of food and non-food raw materials and products of animal origin.

*Storage Facilities:* N/A

*Transportation:* Article 7. Implementation of general preventive measures

*Markets:* Article 31. Veterinary inspection

## BP7. Surveillance Coordination

This inquiry focuses on the requirement to coordinate surveillance and the right to share the information collected. While similar to BP6 (Surveillance and Control Best Practice), this particular practice focuses on interactions between agencies which can play a vital role in disease control and prevention.

*Inquiry 1. Requirement of coordination*

Does the law require coordination of surveillance, including the right to share information?

**Rated A2, Full Expression** - Mongolia's Animal Health Law contains provisions implying surveillance coordination and an express right to share epidemiological information (Article 8. Conducting epidemiological research and compiling a database, Article 9. Organizing Immunization Activities, Article 13. Implementation of the readiness plan, Article 28. Organization of veterinary sector)

## BP8. Wildlife Surveillance

This single inquiry determines whether a law requires veterinary services to engage in wildlife surveillance. Although a single inquiry, this question has three components: is wildlife surveillance required, are veterinary services required to conduct it, and does this specifically include 'wildlife'? Like the BPs 6 (Surveillance and Control) and 7 (Surveillance Coordination), surveillance is a tool used to prevent and control disease before it can spread domestically or internationally.

*Inquiry 1. Requirement for veterinary services*

Does the law require veterinary services to engage in wildlife surveillance?

**Rated C1, Partial Expression** - Mongolia's Animal Health Law provides authority to engage in surveillance for veterinary services for animal disease, but the definition of 'animal' may not include wildlife.

## Component C. Inspections

This component is used to aggregate all legal practices that authorize, require, and otherwise define the power to engage in inspections for purposes of controlling wildlife disease emergence.

### BP9. Registration and inspection of wildlife markets

This Best Practice is intended to identify the laws within the framework that regulate the inspection and registration of wildlife markets, as these specific areas often present an increased risk of disease. The second question more specifically asks whether veterinary services are named as having this authority. Establishing the legal authority to inspect animal and wildlife markets was highlighted in literature and interviews as a critical enforcement power. Markets are, by definition, sites where private individuals sell private property. Inspecting for disease necessarily requires invasive procedures that can impact private property rights, e.g., entering private property, taking physical samples, and temporarily or permanently removing property.

While inspections are a standard tool in both veterinary services and animal health legislation, the inspection of wildlife markets is often not specifically addressed. In some instances, this may reflect the fact that the sale of wildlife is generally prohibited. In these instances, enforcement personnel may be able to rely on enforcement, rather than inspection powers to control such trade. In those that have wildlife markets, there are several partial approaches, but only one jurisdiction satisfies both inquiries.

#### *Inquiry 1. Requirement of registration and inspection*

Does the law require the registration and inspection of wildlife markets?

**Rated B1, Substantial Expression** -Mongolia's Animal Health Law regulates wildlife markets, while providing only for 'inspection' component of the inquiry (Article 15. Diagnosis of infectious diseases and implementation of prompt response, Article 31. Veterinary inspection).

#### *Inquiry 2. Authority to conduct inspections*

Does the law give veterinary authority the power to conduct inspections of wildlife markets?

**Rated A2, Substantial Expression** - Mongolia's Animal Health Law gives power of authority to inspect animal markets to veterinary services.

### BP10. Capacity or Mandate to Conduct Testing at Border Points

This Best Practice is intended to identify the laws within the framework that regulate the inspection and registration of wildlife markets, as these specific areas often present an increased risk of disease. The second question more specifically asks whether veterinary services are named as having this authority. Establishing the legal authority to inspect animal and wildlife markets was highlighted in literature and interviews as a critical enforcement power. Markets are, by definition, sites where private individuals sell private property. Inspecting for disease necessarily requires invasive procedures that can impact private property rights, e.g., entering private property, taking physical samples, and temporarily or permanently removing property.

While inspections are a standard tool in both veterinary services and animal health legislation, the inspection of wildlife markets is often not specifically addressed. In some instances, this may reflect the fact that the sale of wildlife is generally prohibited. In these instances, enforcement personnel may be able to rely on enforcement, rather than inspection powers to control such trade. In those that have wildlife markets, there are several partial approaches, but only one jurisdiction satisfies both inquiries.

#### *Inquiry 1. Requirement of disease testing*

Does the law require disease testing at border points?

**Rated A1, Full Expression** - Mongolia's Animal Health Law requires animal disease testing in a border control context (Article 19. Activities of professional teams and units working under quarantine and restriction regimes).

*Inquiry 2. Involvement of veterinary services*

Are veterinary services involved in testing at border points?

**Rated C1, Partial Expression** - Mongolia's Animal Health Law provides department(s) other than veterinary services with disease testing authority at borders.

## BP11. Notification of Wildlife Disease Events

This single inquiry is intended to determine whether veterinary services are at least one of the named entities responsible for reporting wildlife disease events. For a country to satisfy this best practice, all three components of the inquiry must be present – veterinary services, notification, wildlife disease event.

Almost all countries reviewed have laws that include reporting of disease, the gap occurs specifically determining 'who' must do the reporting. The inquiry in this report recommends veterinary services, but many countries give this authority to agencies and do not clarify the role of veterinary services.

*Inquiry 1. Requirement of notification*

Does the law require the veterinary services to notify public authorities of wildlife disease events?

**Rated C2, Partial Expression** - Mongolia's Animal Health Law includes a reporting requirement for an agency other than veterinary services, limited to specific instances of animal diseases, while the definition of 'animal' does not include wildlife.

## BP12. Regular and Periodic Inspections

This two-part inquiry focuses on the ability to conduct inspections, a power to be distinguished from enforcement and investigations. Inspections are periodic or routine efforts conducted as a function of general oversight and do not require suspicion or knowledge of a violation. For this inquiry, the questions are whether the veterinary services have this authority and, more specifically, whether they may do so in relation to a disease concern. Inspections are a type of activity for which clear authority is essential and commonly regulated. Inspections often require the entry into, confiscation of, intrusive sampling and use of private property.

*Inquiry 1. Authority*

Does the law provide veterinary services with the authority to engage in regular and/or periodic inspections?

**Rated B1, Substantial Expression** - Mongolia's the relevant animal health law provides an implied requirement for veterinary services to engage in inspections but does not specify 'periodic' or 'regular'.

*Inquiry 2. Disease concern*

Does the law require veterinary services to conduct inspections when there is a disease concern?

**Rated C1, Partial Expression** - Mongolia's relevant animal health law allows, but it does not require, inspections for disease concern by any designated agency, and may provide limited instances where inspections can occur.

## Component D. Enforcement

The 'Enforcement' set of best practices focuses on enforcement agencies with either general or specific authority over wildlife (animal) disease and zoonoses, including their power to investigate, collaborate, collect, share information, as well as any crimes defined and penalties that apply for violations.

### BP13. Investigative Authority for Veterinary Services

This single inquiry focuses on whether veterinary services have the power to investigate and whether it includes wild animals. Providing veterinary services with investigative authority allows them to take a more active role in enforcement actions related to the prevention and control of disease. With respect to wildlife, this power perhaps even more important as wildlife and wildlife products are often traded in contravention of local and international law.

In addition to regular inspections of ostensibly legal activity, veterinary services therefore also need the authority to act when potentially illegal activity is involved. As with inspections, the actions taken in an investigatory context can be invasive. Among other things, investigations may require the seizure or confiscation of wildlife that, unless no legal possession exists, must be treated as private property until fully adjudicated. The power to seize such property and conduct all necessary testing ensures that veterinary services can act, that they will act, and that they are properly shielded from retaliatory litigation.

#### *Inquiry 1. Authority and powers*

Does the law provide investigative powers and authority for veterinary services?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law provides no animal disease investigative authority or powers for veterinary services.

### BP14. Non-compliance with Market Restrictions and Closures

This Best Practice reviews whether there are penalties for non-compliance with restrictions or closure requirements. Like other enforcement inquiries, determining compliance first requires determining whether the law also regulates markets; in particular whether it provides for restrictions and/or closures. This inquiry was selected because of the increased risk of disease spread posed by such markets. The environment, conditions, and permits are all control mechanisms that may have restrictions due to disease concern. However, like many aspects of the law, regulations of a particular subject are often only effective in practice if there is a legal deterrence for violation of requirement, e.g., criminal penalties.

#### *Inquiry 1. Existence of restrictions or closures*

Does the law provide for animal and wildlife market restrictions and/or closures?

**Rated B1, Substantial Expression** - Mongolia's Animal Health Law regulates animal markets, with limited definition of 'animal', while including regulations for restrictions and/or closures (Article 31. Veterinary inspection).

#### *Inquiry 2. Penalties for non-compliance*

Does the law provide penalties for non-compliance with market restrictions and/or closures?

**Rated B1, Substantial Expression** - Mongolia's Animal Health Law the relevant animal health law provides penalties that apply to the act as a whole (Article 36. Liability for violators of the law).

### BP15. Failure to Adhere to Disease Containment Protocol

This Best Practice is intended to determine whether the law has regulations on containing a disease outbreak to reduce increased risk and spread. It further determines whether penalties are provided. This inquiry was selected as disease containment is an important protocol that in the worst case can result in global disease spread when not followed. Therefore, in this

instance failure to adhere to these types of regulations is of particular importance. Penalties are a known form of legal deterrent used to reduce the likelihood of people engaging in certain behaviors.

*Inquiry 1. Existence of protocols*

Does the law include disease containment protocols?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law does not provide disease containment protocols.

*Inquiry 2. Penalties for non-compliance*

Does the law provide penalties for failure to adhere to the disease containment protocol?

**Rated D1, Missing Expression** - Mongolia's animal health law provides no penalties attributed to violation of disease containment protocols.

## Component E. Violations

This set of best practices focuses on the standards and procedures that hold any party to a wildlife disease crime responsible for their actions, including those standards and procedures found in related civil, administrative, and criminal legislation.

### BP16. Violation of Disease Emergence Reporting

This best practice is a two-part analysis – 1) determining the existence of the obligation to report disease emergence, and 2) whether there are penalties for violations of such reporting requirements. While initial inquiry is generally worded, it was further rated depending on who had the requirement to report (i.e., was it required for veterinary services). Reporting requirements can be viewed through two lenses, domestic and international. Countries may require explicit legal permission to report on disease events internally between domestic agencies but also internationally. Disease risks can also be viewed as a national security issue instead of a matter of public health, creating unique barriers to sharing or reporting information with other countries and international organizations.

*Inquiry 1. Requirement*

Does the law require disease emergence reporting?

**Rated C1, Partial Expression** - Mongolia's Animal Health Law provides authority for disease emergence reporting but does not require it, with specific limitations (Article 8. Conducting epidemiological research and compiling a database, Article 11. Approval of the list of infectious animal diseases, Article 12. Measures to combat infectious diseases).

*Inquiry 2. Penalties*

Does the law provide penalties for failure to meet disease emergence reporting requirements?

**Rated C1, Partial Expression** - Mongolia's Animal Health Law provides some form of penalties, with reference to supporting laws (Article 36. Liability for violators of the law).

### BP17. Violation of Welfare Standards for Transportation

This best practice was created to identify whether penalties exist for violations of animal welfare standards within the transportation sector. Both the literature reviewed, and experts consulted identified the transport sector as key contributor to increased disease risk, and for which greater legislative responses are required. This BP first requires a determination of existing animal welfare standards for transportation, and then examines whether there are applicable penalty provisions. The penalties component considers whether penalties apply

regardless of: 1. the form of transportation, 2. the type of animal, 3. the form of welfare The FAO considers live animal transport a significant factor in spreading disease due to confined nature of transport conditions and mixing of multiple species. Many of the diseases listed by WOAHP are known to be transmitted during transport. This has been further proven to directly impact humans when the rift valley fever outbreak in 2000 occurred from transportation of animals from the Horn of Africa to the Arabian Peninsula.

*Inquiry 1. Existence of standards*

Does the law provide animal welfare standards for transportation?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law does not provide any restrictions or standards of animal welfare in transportation.

*Inquiry 2. Penalties for non-compliance*

Are there penalties for non-compliance with welfare standards for transportation?

**Rated D1, Missing Expression** - Mongolia's relevant animal health law does not provide penalties for violations of animal welfare in transportation.

## Annex V. LEGAL FRAMEWORK – Wildlife Disease

NO.	YEAR	LAW NAME	OVERVIEW
1	2017	Animal Health Law	Mongolia's Animal Health Law is designed to protect animal health, prevent the spread of animal diseases, and ensure the safety of animal products. The law was first introduced in 2003 and has since undergone several amendments to strengthen its provisions and align with international standards. Under the Animal Health Law, all animals in Mongolia are subject to health monitoring and control measures, including regular vaccinations and disease testing. The law also establishes a national animal health system, with the Ministry of Food, Agriculture, and Light Industry responsible for overseeing animal health policy and implementing disease prevention and control measures. In addition, the law sets out measures to prevent the spread of animal diseases, including quarantine measures and restrictions on the movement of animals between different regions. It also regulates the import and export of animals and animal products to ensure they meet health and safety standards. The Animal Health Law also sets out penalties for non-compliance, including fines and imprisonment for individuals and organizations found to be in violation of the law. The law is enforced by the Mongolian government, including the veterinary services and law enforcement agencies.
2	1996	Decree on Approval of Procedure - Infectious Disease in Protected Areas	Mongolia's Decree on Approval of Procedure - Infectious Disease sets out measures to prevent the spread of infectious diseases within the protected areas, which are critical for the conservation of the country's unique biodiversity. It establishes a clear procedure for identifying and managing infectious disease outbreaks, including requirements for monitoring, reporting, and implementing control measures. Under the Decree, all individuals and organizations that operate within protected areas must comply with the established disease prevention and control measures. This includes wildlife researchers, conservation organizations, and tourism operators. In addition, the Decree establishes a coordination mechanism between the Ministry of Environment and Tourism and the Ministry of Health to ensure effective management of disease outbreaks. This includes the establishment of a rapid response team to investigate and respond to suspected outbreaks. The Decree also outlines penalties for non-compliance, including fines and potential suspension or revocation of permits to operate within protected areas.
3	2002	Animal and Plant Products Trade Law (as amended 2021)	Mongolia's Animal and Plant Products Trade Law (as amended in 2021) is designed to regulate the trade of animal and plant products in Mongolia, with a focus on protecting animal health and preventing the spread of animal diseases. Under the law, all animal and plant products traded within Mongolia must meet established health and safety standards. This includes requirements for animal health certification, inspection, and quarantine measures to prevent the spread of infectious diseases. The law also sets out procedures for importing and exporting animal and plant products to ensure they meet health and safety standards. This includes requirements for pre-shipment inspections, import permits, and compliance with relevant international agreements and regulations. In addition, the law establishes penalties for non-compliance, including fines and potential suspension or revocation of licenses or permits. The law is enforced by the Mongolian government, including the veterinary services and customs authorities.

NO.	YEAR	LAW NAME	OVERVIEW
4	2012	Law on Fauna (revised 2012)	Mongolia's Law on Fauna is designed to protect the country's wildlife, including its native fauna. The law plays an important role in the context of animal health, as it establishes regulations for the management and protection of wildlife. Under the Law on Fauna, all hunting and fishing activities must be conducted in accordance with established regulations and procedures to ensure the sustainable management of wildlife populations. This includes requirements for permits, quotas, and monitoring of hunting and fishing activities to prevent overexploitation of species and ensure their long-term survival. The law also sets out provisions for the protection of Rare and Very Rare species, including restrictions on hunting, fishing, and trade of these species. In addition, the Law on Fauna establishes penalties for non-compliance with the established regulations, including fines and potential imprisonment. The law is enforced by the Mongolian government, including the Ministry of Environment and Tourism and the National Agency for Protected Areas.
5	2002	Law on the Regulation of Foreign Trade in Endangered Species (as amended 2015)	Mongolia's Law on the Regulation of Foreign Trade in Endangered Species (as amended in 2015) is designed to regulate the international trade of endangered species and their products. Under the law, all import, export, and re-export of endangered species and their products must comply with the established regulations and procedures. This includes obtaining permits and complying with international agreements and conventions such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The law also sets out provisions for the protection of CITES-listed within Mongolia, including restrictions on hunting, fishing, and trade of these species. In addition, the Law on the Regulation of Foreign Trade in Endangered Species establishes penalties for non-compliance with the established regulations, including fines and potential imprisonment. The law is enforced by the Mongolian government, including the Ministry of Environment and Tourism and the customs authorities.
6	1992	Constitution	Mongolia's constitution is the supreme law of the country, providing the legal framework for the governance of Mongolia. The Constitution establishes several provisions that have implications for the protection and welfare of animals. Article 16 of the constitution guarantees the right to a healthy and safe environment, which includes the protection of animal health and welfare as a component of overall environmental health. This provision empowers the government to take measures to protect the environment, including actions to prevent the spread of animal diseases and ensure the sustainable management of natural resources. In addition, Article 18 of the constitution recognizes the importance of preserving Mongolia's natural heritage, including its unique biodiversity. This provision underscores the importance of protecting wildlife and their habitats as part of Mongolia's national identity and cultural heritage. While Mongolia's constitution does not directly address animal health, its provisions related to environmental protection, natural heritage, and good governance provide a legal basis for the government to take action to protect animal health and welfare.





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