APPENDIX - II

SELECT ARTICLES OF THE CONSTITUTION OF MONGOLIA

We, the people of Mongolia:

- Strengthening the independence and sovereignty of the nation,
- Cherishing human rights and freedoms, justice and national unity,
- Inheriting the traditions of national statehood, history and culture,
- Respecting the accomplishments of human civilization,
- And aspiring toward the supreme objective of building a humane, civil and democratic society in the country

Hereby proclaim the Constitution of Mongolia.

CHAPTER ONE

Sovereignty of the State

Article 1

1. Mongolia is an independent, sovereign republic.

2. The fundamental principles of the activities of the State shall be endurance of democracy, justice, freedom, equality and national unity and respect of law.

Article 2

1. By its state structure Mongolia is a unitary State.

2. The territory of Mongolia shall be divided into administrative units only.
Article 3

1. State power shall be vested in the people of Mongolia. The people shall exercise it through their direct participation in state affairs as well as through the representative bodies of State power elected by them.

2. Illegal seizure of State power or attempt to do so shall be prohibited.

Article 4

1. The territorial integrity and frontiers of Mongolia shall be inviolable.

2. The frontiers of Mongolia shall be safeguarded by law.

3. Stationing of foreign troops in the territory of Mongolia, allowing them to cross the state borders for the purpose of passing through the country's territory shall be prohibited unless an appropriate law is adopted.

Article 5

1. Mongolia shall have an economy based on different forms of property and answering both universal trends of world economic development and national specifics.

2. The state recognizes all forms of both public and private property, and shall protect the rights of the owner by law.

3. The owner's rights shall be restricted exclusively by due process of law.

4. The state shall regulate the economy of the country with a view to ensure the nation's economic security, the development of all modes of production and social development of the population.

5. The livestock of the country shall be national wealth and be subject to state protection.
Article 6

1. The land, its subsoil, forests, water, fauna and flora and other natural resources shall be subject to national sovereignty and state protection.

2. The land except that in citizen's private ownership, as well as the subsoil with its mineral wealth, forests water resources and game shall be the property of the state.

3. The State may give for private ownership plots of land except pastures and ares under public and special use, only to the citizens of Mongolia. This provision shall not apply to the ownership of the subsoil thereof.

   Citizens shall be prohibited to transfer the land in their possession to foreign national and stateless persons by way of selling, bartering, donating or pledging as well as transferring to others for exploitation without permission from competent state authorities.

4. The State shall have the right to hold responsible the landowners in connection with the manner the land is used, to ex-change or take it over with compensation on the grounds of special public need, or confiscate the land if it is used in a manner adverse to the health of the population, the interests of environmental protection and national security.

5. The State may allow foreign nationals, legal persons and stateless persons to lease land for a specified period of time under conditions and procedures as provided for by law.

Article 7

1. Historical, cultural, scientific and intellectual heritages of the Mongolian people shall be under state protection.
2. Intellectual values produced by the citizens are the property of their authors and the national wealth of Mongolia.

**Article 8**

1. The Mongolian language is the official language of the State.

2. Section 1 of this Article shall not affect the right of national minorities of other tongues to use their native languages in education and communication and in the pursuit of cultural, artistic and scientific activities.

**Article 9**

1. The State shall respect the Church and the Church shall honor the state.

2. State institutions shall not engage in religious activities and the Church shall not pursue political activities.

3. The relationship between the State and the Church shall be regulated by law.

**Article 10**

1. Mongolia shall adhere to the universally recognized norms and principles of international law and pursue a peaceful foreign policy.

2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a party.

3. The international treaties to which Mongolia is a party, shall become effective as domestic legislations upon the entry into force of the laws on their ratification or accession.
4. Mongolia shall not abide by any international treaty or other instruments incompatible with its Constitution.

**Article 11**

1. The duty of the State is to secure the country's independence, ensure national security and public order.

2. Mongolia shall have armed forces for self-defence. The structure and organization of the armed forces and rules of military service shall be determined by law.

**Article 12**

1. The symbols of the independence and sovereignty of Mongolia are the State Emblem, Banner, Flag Seal and the Anthem.

2. The State Emblem, Banner, Flag and the Anthem shall express the historical tradition, aspiration, unity, justice and the spirit of the people of Mongolia.

3. The State Emblem shall be of circular shape with the white lotus serving as its base and the "never-ending Tumen Nasan" pattern forming its outer frame. The main background is of blue colour signifying the eternal blue sky, the Mongols traditional sanctity.

   In the centre of the Emblem a combination of the Precious Steed and the Golden Soyombo sign is depicted as an expression of the independence, sovereignty and spirit of Mongolia.

   In the upper part of the Emblem the Chandmani (Triple Gem) sign symbolizes the past, the present and the future.

   In the lower part of the Emblem the sign of the Wheel entwined with the silk
scared Hadag in an expression of reverence and respect, symbolizes continued prosperity. It is placed against the background of a "hill" pattern conveying the notion of "mother earth."

4. The traditional Great White Banner of the unified Mongolian State is a State ceremonial attribute.

5. The State Flag shall be a rectangle divided vertically into three equal parts coloured red, blue and red. The blue colour of the centre of the flag, symbolizes "the eternal blue sky" and the red colour on both sides symbolizes progress and prosperity. The Golden Soyombo sign shall be depicted on the red stripe nearest to the flag pole. The ratio of the width and length of the Flag shall be 1:2.

6. The State Seal having a lion-shaped handle, shall be of a square form with the state Emblem in the centre and the words "Mongols Uls" (Mongolia) inscribed on its both sides. The president shall be the holder of the State Seal.

7. The procedure for the ceremonial use of the State symbols and the text and melody of the State Anthem shall be prescribed by law.

Article 13

1. The capital of the State shall be the city in which the State Supreme permanently sit. The capital city of Mongolia is the city of Ulaan Baatar.

2. The legal status of the capital city shall be determined by law.

III. The Government

Article 38

1. The Government is the highest executive body of the State.
2. In discharging the duty of directing economic, social and cultural development of the country in observance of State laws, the Government shall exercise the following powers:

1) to organize and ensure nation-wide implementation of the Constitution and other laws;

2) to work out a comprehensive policy on science and technology, guidelines for economic and social development, the State budget, credit and fiscal plans to submit these to the Stat Great Hural and to execute decisions taken thereon;

3) to elaborate and implement comprehensive measures on sectoral, intersectoral, as well as regional development;

4) to undertake measures on the protection of the environment and on the rational use and restoration of natural resources.

5) to provide efficient leadership of central state administrative bodies and to direct the activities of local administrations;

6) to strengthen the country's defence capabilities and to ensure national security;

7) to take measures for the protection of human rights and freedoms, enforcement of public order and prevention of crime;

8) to realize the State foreign policy;

9) to conclude and implement international treaties with the consent of and subsequent ratification by the State Great Hural as well as to conclude and abrogate intergovernmental treaties.

3. The specific powers, structure and procedure of the Government shall be
determined by law.

**Article 39**

1. The Government shall comprise the Prime Minister and members.

2. The Prime Minister shall, in consultations with the President, submit his/her proposals on the structure and composition of the Government and on the changes in these to the State Great Hural.

3. The State Great Hural shall consider the candidatures proposed by the Prime Minister one by one and take decision on their appointment.

**Article 40**

1. The terms of the mandate of the Government shall be four years.

2. The Government shall be accountable for its work to the State Great Hural.

**Article 42**

1. Personal immunity of the Prime Minister and members of the Government shall be protected by law.

**Article 42**

1. Prime Minister may tender his resignation to the State Great Hural before the expiry of his terms of office if he considers that the Government is unable to exercise its powers.

2. The Government shall step down in its entirety upon the resignation of the Prime Minister or if half of the members of the Government resign at the same time.

3. The State Great Hural shall consider the matter and make a final decision
within 15 days after taking initiative a dissolve the Government or receiving the
President's proposal or the Prime Minister's statement on resignation.

4. The State Great Hural shall consider and take decision on the dissolution
of the Government if not less than one fourth of the members of the State Great Hural
formally propose the dissolution of the Government.

Article 44

If the Government submits a draft resolution requesting a vote of confidence,
the State Great Hural shall proceed with the matter in accordance with Section 3 of
Article 43.

Article 45

1. The Government shall, in conformity with law and regulations, issue
resolutions and ordinances which shall be signed by the Prime Minister and Minister
concerned.

2. If these resolutions and ordinances are incompatible with laws and
regulations, the Government itself or the State Great Hural shall invalidate them.

Article 46

1. Ministers and other government offices shall be constituted in accordance with
law.

2. State employees shall be Mongolian nationals. They shall strictly abide
by the Constitution and other laws and work for the benefit of the people and in the
interests of the State.

3. The working conditions and social guarantees of state employees shall be
determined by law.
IV. THE JUDICIARY

Article 47

1. The judicial power shall be vested exclusively in courts.

2. Unlawful institution of courts under and circumstances and exercise of judicial power by any other organization but courts shall be prohibited.

3. Courts shall be instituted solely under the Constitution and other laws.

Articles 48

1. The judicial system shall consist of the Supreme Court, Aimag and capital city courts, Soum, intersoum and district courts. Specialized courts such as criminal, civil and administrative courts may be formed. The activities and decisions of these specialized courts shall not be under the supervision of the Supreme Court.

2. The structure of courts and the legal basis of their activities shall be defined by law.

3. The courts shall be financed from the State budget. The State shall ensure economic guarantee of the courts activities.

Article 49

1. Judges shall be independent and subject only to law.

2. Neither a private person nor any civil officer be it the President, members of the State Great Hural or the Government, officials of political parties or other voluntary organizations shall not interfere with the exercise by the judges of their duties.

3. A General Council of Courts shall function for the purpose of ensuring
the independence of the judiciary.

4. The General Council of Courts, without interfering in the activities of courts and judges, shall deal exclusively with the selection of judges from among lawyers, protection of their rights and other matters pertaining to the ensurance of conditions guaranteeing the independence of the judiciary.

5. The structure and procedure of the General Council of Courts shall be defined by law.

**Article 50**

1. The Supreme Court shall be the highest judicial organ and shall exercise the following powers:

   1) to try at first instance criminal cases and legal disputes under its jurisdiction;

   2) to examine decisions of lower-instance courts through appeal and supervision;

   3) to examine and take decision on matters related to the protection of law and human rights and freedoms there in and transferred to it by the Constitutional Court and th Prosecutor General.

   4) to the provide official interpretations for correct application of all other laws except the Constitution;

   5) to make judgments on all other matters assigned to it by law.

2. The decision made by the Supreme Court shall be a final judiciary decision and shall be binding upon all courts and other persons. If a decision made by the Supreme Court is incompatible with law, the Supreme Court itself shall have to
repeat it. If an interpretation made by the Supreme Court is incompatible with a law, the latter shall have precedence.

3. The Supreme Court and other courts shall have no right to apply laws that are unconstitutional or have not been formulated.

**Article 51**

1. The Supreme Court shall comprise the Chief Justice and judges.

2. The President shall appoint the judges of the Supreme Court upon their presentation to the State Great Hural by the General Council of Courts, and appoint judges of other courts on the proposal of the General Council of Courts.

3. A Mongolian national of thirty five years of age with higher education in law and a professional career of not less than 10 years may be appointed a judge of the Supreme Court. A Mongolian national of twenty five years of age with higher education in law and a professional career of not less than 3 years may be appointed a judge of the other Courts.

4. Removal of a judge of a Court of any instance shall be prohibited except in cases he/she is relieved at his/her own request or removed on the grounds provided for in the Constitution and/or the law on the judiciary and by a valid Court decision.

**Article 52**

1. Courts of all instances shall consider and make judgment on cases and disputes on the basis of collective decision-making.

2. In passing a collective decision on cases and disputes, the Courts of first instance shall allow representatives of citizens to participate in the proceeding in accordance with the procedures prescribed by law.
3. A judge alone may take decision on some cases which are specifically singled out by law.

**Article 53**

1. Court trials shall be conducted in the Mongolian language.

2. A person who does not know Mongolian shall be acquainted with all the facts of the case through translation and shall have the right to use his/her native language at the trial.

**Article 54**

Court trials shall be open the public except in cases specifically singled out by law.

**Article 55**

1. The Prosecution shall exercise supervision over the inquiry into and investigation of cases and the execution of punishment, and participate in the Court proceedings on behalf of the State.

2. The President shall appoint the Prosecutor General and his/her deputies in consultation with the State Great Hural for a terms of six years.

3. The system, structure and legal basis of the activities of the Prosecution shall be determined by law.
CHAPTER FOUR

Administrative and Territorial Units

and their Governing Bodies

Article 57

1. The territory of Mongolia shall be divided administratively into Aimags and a capital city; Aimags shall be subdivided into Soums; Soums into Baghs; the capital city shall be divided into districts and districts into Horoos.

2. Legal status of towns and villages located on the territories of administrative divisions shall be defined by law.

3. Revision of an administrative and territorial unit shall be considered and decided by the State Great Hural on the basis of a proposal by a respective local Hural and local population, and with account taken of the country's economic structure and the distribution of the population.

Article 58

1. Aliag, the capital city, Soum and district and administrative, territorial and socio-economic complexes with their functions and administrations provided for by law.

2. Border lines of Aimags, the capital city, Soum and districts shall be approved by the State Great Hural at the suggestion of the Government.

Article 59

1. Governance of administrative and territorial units of Mongolia shall be
organized on the basis of combination of the principles of both self-government and central government.

2. The self-governing bodies in Aimag, capital city, Soum and district shall be Hurls of Representatives of the citizens of respective territories; in bagh and Horoo-General Meetings of citizens. In between the session of the Hural and General Meetings their Presidiums shall assume administrative functions.

3. Hurs of Aimags and the capital city shall be elected for a term of four years. The memberships of these Hurs as well as those of soums and districts and the procedure of their election shall be determined by law.

**Article 60**

1. State power shall be exercised on the territories of Aimags, the capital city, Soums, districts, Baghs and Horoos by the Governors of these territories.

2. Candidates for Governors are nominated by the Hurs of respective Aimags, the capital city, Soums, districts, Baghs and Horoos. Governors of Aimags and the capital city are appointed by the Prime Minister; soum and district Governors by the Governors of Aimags and the Capital city; Governors of Baghs and Horoos by the Governors of Soums and districts respectively for a term of four years.

3. In case the Prime Minister and Governors of higher levels refuse to appoint the gubernatorial candidates, new nominations shall be held in the manner prescribed in Section 2 of this Article. Pending the appointment of a new Governor the previously appointed Governor shall exercise his/her mandate.
Article 61

1. While working for the implementation of the decisions of a respective Hural, a Governor, as a representative of State power, shall be responsible to the Government and the Governor of higher instance for proper observance of national laws and fulfillment of the decision of the Government and the respective superior body in his/her territory.

2. Governor shall have a right to veto decisions of respective Aimag, capital city, soum, district, Bagh and horoo Hurals.

3. If a Hural by a majority vote over rides the veto, the governor may tender his/her resignation to the Prime Minister or to the Governor of higher instance if he/she considers that he/she is not able to implement the decision concerned.

4. Governor of aimag, the capital city, Soum and district shall have secretariats/Offices of the Seal/. the Government shall determine the Structure and sizes of these offices individually or by a uniform standard.

Article 62

1. Local self-governing bodies besides making independent decisions on matters of socio-economic life of the respective aimag, the capital city, soum, district, Bagh and Horoo shall organize the participation of the population in solving problems of national scale and that of larger territorial divisions.

2. Authorities of higher instance shall not take decision on matters coming under the jurisdiction of local self-governing bodies. If law and decisions of respective superior state organs do not specifically deal with definite local matters, local self-
governing bodies can decide upon them independently in conformity with the Constitution.

3. If the State Great Hural and the Government deem it necessary they may delegate some matters within their competence to the aimag and capital city Hurals and Governors for their solution.

**Article 63**

1. Hurals of Aimag, the capital city, Soum, district bagh and Horoo shall adopt resolutions and Governors shall issue ordinances within their competence.

2. Resolutions of the Hurals and ordinances of the Governors shall be in conformity with law. Presidential decrees and decisions of the Government and other superior bodies, and shall be binding within their respective territories.

3. Administrative and territorial units, and the powers, structure and procedure of their governing bodies shall be determined by law.

**CHAPTER FIVE**

**The Constitutional Court**

**Article 64**

1. The Constitutional Court shall be an organ exercising supreme supervision over the implementation of the Constitution, making judgment on the violation of its provisions and resolving Constitutional disputes. It shall be the guarantee for the strict observance of the Constitution.

2. The Constitutional Court and its members in the execution of their duties shall be subject to the Constitution only and shall be independent of any organizations.
officials or anybody else.

3. The independence of the members of the Constitutional Court shall be ensured by the guarantees set out in the Constitution and other laws.

Article 65

1. The Constitutional Court shall consist of 9 members. Members of the Constitutional Court shall be appointed by the state Great Hural for a term of six years upon the nomination of three of them by the State Great Hural, three by the President and the remaining three by the supreme Court.

2. A member of the Constitutional Court shall be a Mongolian national of forty years of age and experienced in politics and law.

3. The chairman of the constitutional Court shall be elected from among 9 members for a term of three years by a majority vote of the members of Constitution Court, He may be re-elected once.

4. If the chairman or a member of the Constitutional Court violates law, he/she may be withdrawn by the State Great Hural on the basis of the decision of the Constitutional Court and on the opinion of the institution which nominated him/her.

5. The President, members of the State Great Hural, the Prime Minister, members of the government and members of the Supreme Court shall not be nominated to sever on the Constitutional Court.

Article 66

1. The Constitutional Court shall examine and settle Constitutional disputes at the request of the State Great Hural, the President, the Prime Minister, the supreme Court and the Prosecutor General and/or on its own initiative on the basis of petitions and
information received from citizens.

2. The Constitutional Court in accordance with section 1 of this article shall make and submit judgment to the State Great Hural on:

1) the conformity of laws, decrees and other decisions by the State Great Hural and the president, as well as Government decisions and international treaties signed by Mongolia with the Constitution;

2) the conformity of national referendums and decisions of the Central election authority on the elections of the state Great Hural and its members as well as on Presidential elections with the Constitution;

3) the breach of law by the president, chairman and members of the state great Hural, the Prime minister, members of the Government, the Chief justice and the Prosecutor General;

4) the will-foundedness of the grounds for the removal of the president; chairman of the state great Hural and the Prime Minister and for the recall of members of the State great hural.

3. If a decision submitted in accordance with Clauses 1 and 2 of section 2 of this Article is not acceptable to the state Great Hural, the Constitutional Court shall re-examine it and make final judgment.

4. If the Constitutional Court decides that the laws, decrees and other decisions of the state great Hural and the president as well as Government decisions and international treaties concluded by Mongolia are incongruous with the Constitution, the laws, decrees, instruments of ratification and decisions in question shall be considered invalid.
Article 67
Decisions of the Constitutional Court shall immediately enter into force.

CHAPTER SIX
Amendment of the Constitution

Article 68
1. Amendments to the Constitution may be initiated by organization and officials enjoying the right to legislative initiative and/or proposed by the Constitutional Court to the State Great Hural.

2. A national referendum on constitutional amendment may be held on the concurrence of not less than two thirds of the members of the State great Hural. The referendum shall be held in accordance with accordance with the provision of Clause 16, Section 1, Article 25 of the Constitution.

Article 69
1. An amendment to the Constitution shall be adopted by not less than three fourths of votes of all members of the State Great Hural.

2. A draft amendment to the Constitution which has twice failed to win three fourths of votes of all members of the State Great Hural shall not be subject to consideration until the State Great Hural sits in a new composition following general elections.

3. The State Great Hural shall not undertake amendment of the Constitution within 6 months pending the next general elections.
4. Amendments which have been adopted shall be of the same force as the Constitution.

**Article 70**

1. Laws, decrees and other decisions of state bodies, and activities of all other organizations and citizens should be in full conformity with the Constitution.

2. This Constitution of Mongolia shall enter into force at 12.00 hours on the 12th of February of 1992, or at the hour of Horse on the young and strong, benevolent ninth day of yellow horse of the first spring month of Black Tiger of the year of water Monkey of the seventeenth 60 year cycle.

Learn and Abide

THE GREAT PEOPLE'S HURAL

OF THE

MONGOLIAN PEOPLE'S REPUBLIC

11.35 a.m.

13 January 1992

Ulaan Baatar