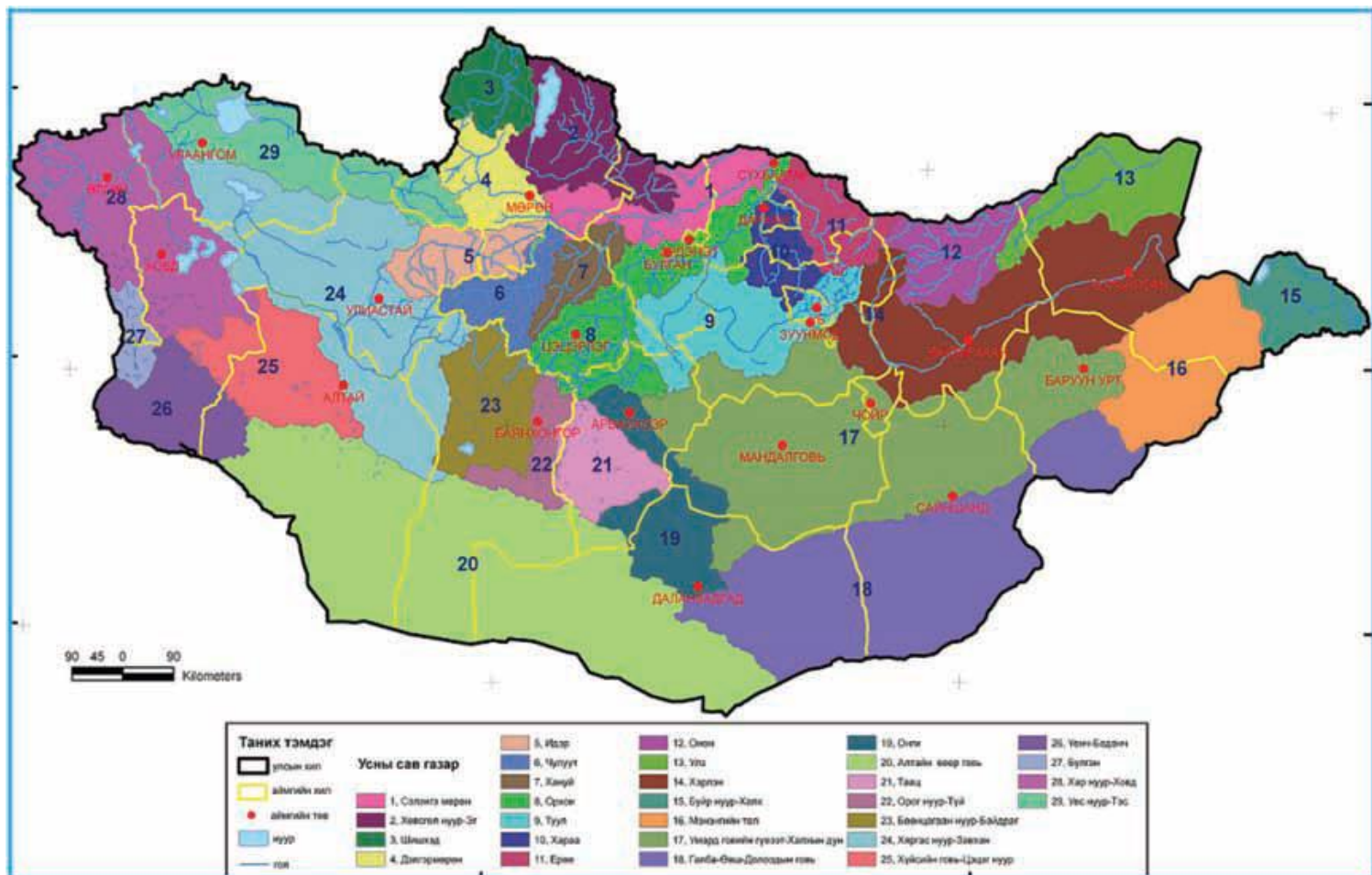




# **Water Governance in Mongolia**

Patrons of Lake Khuvsgul  
Environment and Health Center

# Mongolia's got 29 water basins



# Legal Framework

- Environmental Protection Law, 1995
- Law on Water, 2012
- Law on Land, 2002
- Law on Food, 1999
- Law on Meteorology and Environment Monitoring, 1997
- Law on Urban Water Supply, Sanitation Sewerage Use, 2011
- Law on Water Transportation, 2003
- Law on Prohibition of Mineral Prospecting in Water Basin Areas and Forest Areas, 2009
- Law on fees for Natural Resource use (renewed), 2012
- Law on Water Pollution Fee, 2012
- Law on Environmental Impact Assessment, 2012

# Water Law

- The **Law on Water (2012)**, promulgated by the Parliament of Mongolia in August 2012, serves as an umbrella law for water resources management and provides a legal basis for the existing institutional setting within the water sector. Other key legislations complementing this Law in defining the obligations of water management institutions in Mongolia are as follows:
  - Law on Use of Natural Resources (2012)
  - Law on Water Pollution Fees (2012)
  - Law on Use of Water Supply and Sewage System in Urban and Settlement Areas (2011)
  - Law on Prohibition of Mineral Exploration and Exploitation in Runoff Source Areas, Forest Areas and Protection Zone of Water Body (2009)

- These laws provide the legal basis for charging consumers for the use of water, discharge of wastewater and collecting penalties for exploitation and violation of rules. The following economic instruments have been introduced by the above cited laws, with varying degrees of implementation and enforcement:
  - Water service charges:
  - Usage charge for natural reserves:
  - Waste water charge:
  - Water pollution fee:
  - Impermeable surface charge fee:

# Institutional framework

- The concept of integrated water management (IWM) has been introduced in Mongolia in order to improve the planning and ensure a coordinated usage of water resources. The IWM approach shifts the focus from a primarily supply-oriented and engineering-based approach towards a focus on demand-oriented, multi-sectoral approach. Key principles of the IWM include a participatory approach, recognition of the economic value of water, and emphasising sustainability and the principle of subsidiarity, that is, delegating decisions to the lowest practical level.
- As part of this process, Water Basin organisations have been formally established in around 20 Water Basins, such as the Tuul, Orkhon, Khovd and Onon basins. Currently, two Water Basin organisations (**Water Basin council** and the **Water Basin administration**) are fully active for water resource management at the basin level.

# National Strategy Objectives

1. Providing sufficient water of adequate quality
2. Improving water use efficiency
3. Protecting the water resources
4. Improving the management of water
5. Preventing, and mitigating impacts of, water calamities

# Water use permission

<b>Water use per day</b>	<b>Authority for evaluation and issuance of report</b>	<b>Licencing authority for approval</b>
0 to 50 m <sup>3</sup>	Environmental authority of city and aimags	Governors of soums and districts
50 to 100 m <sup>3</sup>	Water Basin administration	Environment department in aimags and the capital
Above 100 m <sup>3</sup>	Ministry of Environment and Green Development	Water Basin administration

The water use licences are given for a period of 10 years which can be extended by another five years (Water Law 2012, article no. 28.8). In case of applications for the use of water quantity of more than 100m<sup>3</sup> per day, the applicant is required to enclose the environmental impact evaluation report with the application

<b>Wastewater discharge per day</b>	<b>Assessment authority</b>	<b>Licencing authority for approval</b>
0 to 50 m <sup>3</sup>	Water Basin administration	Aimag or the soum Governor
Above 50 m <sup>3</sup>	Ministry of Environment and Green Development	Water Basin administration



# Main challenges in relation to water management

**Provision of safe drinking water and optimal waste water treatment:** The infrastructure needed for sufficient and safe provision of water to the users is far from being adequate.

**Conservation of water resources:** Factors such as growing population, urbanisation and industrialisation, combined with an increase in mining activities and irrigated agriculture increase the demand on the water resources system.

**Pollution of water resources:** Locally, pollution of surface water, for example, from mining activities and inadequate wastewater treatment, is already a major issue.

**Sufficient and clean water for the environment:** Increased demands on water resources resulting in changing flows, combined with increased water pollution is impacting aquatic and riparian ecosystems

**Restoration of water resources:** Improvement of water resources after damage caused by overuse or neglect

**Hazards due to floods, droughts, dzuds and other disasters:** Inadequate preventive means result in serious impacts for the population and livestock

# Challenges continued

**Capacity building for water management:** Capacity development is required for national and local governmental institutions

**Monitoring and research for water management:** Currently, water resources are insufficiently monitored and understood

**Data and information management:** Currently, data on water resources management is neither centrally available to the stakeholders nor the key decision-makers.

**Public awareness of water management and public participation:** There is lack of public awareness about the importance of water management and the role that various stakeholders are expected to play in it. Further, the current centralized and government dominated system of water management does not provide incentives for users to participate in these.

**Insufficient financing for infrastructure (capital and O&M costs) and recurrent costs for water management institutions:** The Water National Programme estimates the investments in the water sector until 2015 to exceed three trillion MNT (one- third of Mongolia's GDP in 2010), excluding O&M costs of existing infrastructure.

**Transition of institutions for water management to the new market economy:** Institutions and legislation are still immature and need to further develop their capabilities, especially in the field of IWRM.

# Summary of issues and measures for Water governance

## Enabling setting / water governance Legislation for water management

- Inconsistencies and ambiguity in water related laws;
  - Non-compliance with international treaties, conventions and agreements;
  - Omissions in existing legislation;
  - Enforcement is weak.
1. Coordinate, make consistent and update water related laws and combine them in a “Package Law on Water”
  2. Improve compliance with international treaties, conventions and trans-boundary agreements
  3. Update and improve rules, procedures, norms, normatives and standards
  4. Improve enforcement capacity and capabilities

# Enabling setting /water governance

## Challenges:

1. Legislation for water management
2. Institutional framework for water management
3. Financing water management
4. Capacity building for water management
5. Monitoring and research for water management
6. Data and information management
7. Public awareness of water management and public participation

# Citizens participation Water Governance

- Right to Information
- Right to Consultation
- Right to active engagement
- Right to demand accountability

# Right to Information

- Law on Water has no clear regulation for securing the right to information on water except for articles that obligates the MOEGD and Water basin administrations to provide water related information to people. Problems:
  - There is not clear assignment for who will be processing and publishing the data, no procedural provisions on who will be responsible in each level of government.
  - Water related data is only locatable on the internet and there is limited access to internet throughout country. Information center operated by the MoEGD is only limited to capital city residents.
  - Secrecy regulation fails to be enforced as the law prohibits the information about activities and operations that negatively affect environment and health to be kept as corporate secret

# Right to Consultation

- Law on water enables the Water Basin Councils that involves small number of citizens' representation are entitled to influence in decision making on protection of water reserves and proper consumption of water. However there is no procedural framework that describes how citizen will be engaged.
- There is no provision in law that allows community members' participation in decision making process.
- EIA reports are required to have a consultation with affected community members. However again, there is no specific rules for how this process will be counted as valid and how it will be evaluated.
- There is an important provision in the new Law on Environmental protection (article 17.1.8) that enables citizens forum to discuss the request for protection, proper exploitation, and possession of particular natural resources and convey the request to Sub-province and District Citizens' Representatives Meeting. As you can see there is no final decision making power.

# Enabling legal environment for active participation by citizens

- Tuul River Basin Administration has established an ex-officio Council that consists of 44 members and 11 of them are CSO. There is no community member
- No budget for Council operation as it had only 2 meetings since its establishment in 2014
- It is s



# Accountability

- There is citizens'/community monitoring and oversight obligation under key environmental legislations (forestry, water and biodiversity)
  - Eradication of existing violation
  - Restriction of activities
  - Taslan zogsooh
  - Stop issuance of licenses for the corporate activities that may negatively affect environment
  - Demand for remedy and accountability
  - Demand for taking measures by the respective authority
  - Litigte



# Litigation



# Conclusion