

RECENT AMENDMENTS TO THE LAND LAW OF MONGOLIA



Tsolmonchimeg Enkhbat
Partner
tsolmonchimeg.e@dblawn.mn



Ariunbayar Enkhbat
Senior associate
e.ariunbayar@dblawn.mn

Following the enactment of the Law on Reducing Traffic Congestion and Rehabilitating Ger District in Ulaanbaatar, the Capital City¹, the Parliament of Mongolia adopted the “Law on Amendment to the Land Law”² (the “**Land Law**”) on 7 December 2023 which came into effect from 15 December 2023. Some of the amendments to the Land Law will become effective from 15 March 2024³.

We briefly introduce below the notable amendments to the Land Law as follows:

A. The list of land for special needs is expanded

According to the Land Law, Mongolia's unified land fund is classified into several types, one of which is "land for special needs" as set forth under Article 16 of the law. Both the Parliament and the Government of Mongolia (or other governmental entities and officials authorized by the Government) have the power to take land for special needs and in addition to not being subject to any ownership rights, land owned and used by others can be taken by the governmental authority for special state needs at any time with compensation. Thus, to reduce traffic congestion and rehabilitate ger district under the Law on Reducing Traffic Congestion and Rehabilitating Ger District in Ulaanbaatar, the terms “public land” which is land owned by the state to be used by the public, and “special economic zone of the capital city”⁴ has been added to the Land Law⁵.

B. Determination of types and purposes of establishing limit (servitude) over the land possession, ownership, or use rights

While the Civil Code of Mongolia regulates relations concerning an establishment of limitations on immovable property rights, the amended Land Law introduced detailed regulations on limiting land possession, ownership, and use rights if it's necessary to exercise the right to own, possess or use land or to preserve the public interest of the population. Such limitations (or servitudes) are divided

¹ <https://legalinfo.mn/mn/detail?lawld=16960742235481>

² <https://legalinfo.mn/mn/detail?lawld=216>

³ Article 7 of the Law on Amendments to the Land Law. "Clause 1 of Article 10 of this Law, which are Articles 60¹, 60², 60³ and Article 4 of the Land Law shall become enforceable from 15 March 2024".

⁴ According to Article 38 of the Law on Legal Status of Ulaanbaatar, the Capital City of Mongolia, capital city may have not more than 5 special economic zones in the areas of information technology, tourism, greenhouses, food production and aircraft maintenance as decided by the Government.

⁵ Articles 16.1.17; 16.1.18 of the Land Law

into public and private in terms of types and land servitude can be established for the following purposes⁶:

- pass through;
- setting the permanent border, geodetic points, and markers;
- implementation of disaster search, removal of harmful effects, and preventive measures;
- establishment and utilization of engineering facilities and networks;
- research and other similar operations; or
- travel or use of natural reservoirs in the forest reserves and water basin.

Moreover, if there is an urgent need to satisfy the public interest, a public servitude can also be established for the construction of highways, railways, bridges, bridge constructions, pedestrian and bicycle paths, and public transportation facilities. If a public servitude is to be established, compensation issues will be resolved under the procedures approved by the Department of Land Management, Geodesy, and Cartography, and information about the establishment of servitude will become available to the public through the integrated national land management system.

Relations in connection with private servitude between persons who have the right to own, possess, or use land shall be governed by the Civil Code.

C. Integrated national land management system⁷ and transparency of decisions for land ownership, possession, and use

Any measures related to land management will now be implemented through the integrated electronic system of management of the unified land fund ("**e-system**"). The Government will adopt procedures regulating activities such as land planning and allocation, cadaster registration, monitoring, payment and taxation, and address allocation through the e-system and its management, configuration, development, security, user rights, duties, and control.

The amendment, in Article 33.8 of the Land Law, further provided that information on the address, location, and size of the land as well as the term and information of the land owner or user will be publicly disclosed.

D. Jurisdiction and land dispute resolution board to adjudicate land disputes in connection with land plots in the capital city

The Land Law amendment provides regulations for determining the jurisdiction of land-related disputes depending on the territory of the province or the capital⁸. For instance, disputes related to land in the territory of the capital city will be resolved by the arbitration, court, land dispute resolution board of the capital city, or land authorities of the capital city or the relevant district.

A new provision for settling disputes related to land within the territory of the capital city by the "Capital City Land Dispute Resolution Board" has been added to the Land Law. For example, disputes arise as a result of land acquisition for the clearance of land plots based on the essential needs of society for decentralization, housing, and construction of ger districts in the capital city as set forth under Chapter 3 of the Law on Reducing Traffic Congestion and Rehabilitating Ger District in Ulaanbaatar will be resolved by the Board. The Government will appoint the members of the Board and approve their operational procedures.

Amendments for resolving land-related disputes will become effective from 15 March 2024.

E. OTHERS

⁶ Article 48¹3 of the Land Law

⁷ <https://www.egazar.gov.mn/>

⁸ Article 60¹ of the Land Law

In addition to the amendments mentioned above, the Governor of the capital city or the Governor of the district as authorized by the Governor of the capital city is entitled to grant land ownership rights to citizens per the general development plan of the city, general or annual land management plan of the capital city and invalidate the land possession or use right of a legal entity and make changes to the size, intended use and location of land plots.

Please contact us for further information regarding the amendments to the Land Law.