Housing, Land and Property Mapping Project

Mongolia

**Background**

The following fact sheet and research memo have been developed to provide quick and key information of the legal and procedural context relating to Housing, Land and Property (HLP) within the target country. They are intended to inform programming and emergency responses, especially those involving shelter interventions. A rapid understanding of the tenure landscape in each country context can assist in delivering stronger and more equitable responses, however these documents are not intended to be legal advice.

The HLP mapping project has been undertaken by Allens lawyers, using templates developed by the Australian Red Cross (ARC) and the International Federation of the Red Cross and Red Crescent Societies (IFRC). All of the research has gone through a verification process with in country lawyers and/or country experts.

**Document Change Management**

These documents are intended to be used and updated as necessary to ensure that they are always providing the most current and relevant information. We would appreciate ongoing feedback and updates from those working in country, in response or preparedness.

If you would like to make any changes to the document, please submit to the document manager Leeanne Marshall via the below table.

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Housing, Land and Property Law in Mongolia

**1 Key laws and actors**

|  |  |
| --- | --- |
| [Laws](#Laws) | The main laws governing land and housing are the [*Constitution*](https://www.constituteproject.org/constitution/Mongolia_2001.pdf?lang=en), the [*Law on Land 2002*](http://faolex.fao.org/docs/texts/mon62064.doc), the [*Law on Allocation of Land to Mongolian Citizens for Ownership 2002*](http://extwprlegs1.fao.org/docs/pdf/mon42187.pdf)and the [*Law on Registration of Immovable Property 1997*](https://www.ecolex.org/details/legislation/law-on-registration-of-immovable-property-1997-lex-faoc049841/). |
| [Key government actors](#Govt_actors) | The Property Rights Registration Office of the General Authority for Intellectual Property and State Registration is responsible for land administration. The Ministry of Construction and Urban Development determines starting prices for land licence auctions and reviews annual land management plans.  In the event of a disaster, the National Emergency Management Authority (NEMA) is responsible for coordinating the response. The NEMA is supported by the State Emergency Commission and provincial emergency commissions. |
| [Shelter cluster](#Shelter_Cluster) | IFRC is an active member of the Mongolian Humanitarian Country Team (HCT) and leads the shelter cluster. IFRC has been involved in an emergency response in Mongolia recently due to severe weather threatening livestock and therefore livelihoods in early 2017, but this did not involve activation of the Shelter Cluster. |

**2** [**Common types of tenure**](#Common_tenure_types)

|  |  |  |  |
| --- | --- | --- | --- |
| Almost all types of land tenure in Mongolia must be created or transferred through registration. Mongolian law treats land and buildings as separate property, accordingly Mongolians must also register their 'immovable property'. However, not all Mongolians register their land title. The table below summarises the most common types of tenure in Mongolia. | | | |
|  |  |  |  |
| **Tenure** | **Commonly Registered?** | **Key Features** | **Title document** |
| [Ownership](#Ownership) | Yes | Land owned by Mongolian citizens, companies and entities. Owned land can be purchased from the government on application or bought from another Mongolian citizen or entity. Ownership confers rights to sell, lease and bequeath land. | National Immovable Property Registration Certificate |
| [Possession](#Possession) | Yes | A contract for temporary control of land for a specific use. Often, the government is the licensor and Mongolian citizens who cannot afford the upfront fee for land ownership will be the possessors. Initial terms may be 15 to 60 years, and may be extended for up to 40 years at a time. | Land possession licence |
| [Use](#Use) | Yes | A contract to use the land between owners or possessors of land and users. Licences for use are the only avenue for foreigners and stateless persons to obtain tenure over land. | Land use licence |
| [Pastureland](#Pastureland) | No | Designated at Citizens' Representatives Meeting. Treated as a common resource and subject to government regulation overriding land contracts. | N/A |
| [Informal co-occupancy of land](#InformalTenure) | No | Verbal permission to use land and/or housing from the registered owner. Commonly granted to family. Impractical to enforce. | N/A |

**3** [**Security of tenure of vulnerable groups**](#Security_of_Tenure_of_Vulnerable_Group)

|  |  |
| --- | --- |
| [Women](#Women) | Woman can legally own, rent and inherit land and housing. There are a number of laws that protect these rights for women. However, in practice, male heads of household are often the sole person registered on tenure registration documents. |
| [Minority groups](#Minority_Groups) | With respect to land, foreigners, immigrants and stateless persons are only permitted to obtain licences to use land (i.e. they may not own or possess land). |
| [Informal settlements](#Informal_settlements) | Located on the outskirts of Mongolia's largest urban centres (particularly Ulaanbaatar, Erdenet and Darkhan). The housing in the ger districts ranges from traditional gers (tents) to permanent detached houses. Ger districts are able to apply for ownership of the land they occupy. Ownership is more common in longer established ger districts. As with other areas, land ownership accords rights only to the registered owner of the land, and not to relatives that commonly jointly occupy plots of land. |
| [Landless people](#Landless_People) | Unless 'specifically protected by erected fences or posted warning signs prohibiting entering and crossing' any person may enter or cross land in possession or use provided they do not cause damage to the land. Whilst squatting is permitted, such rights are not practically enforceable. |

**4** [**Eviction, expropriation and relocation**](#Eviction_expropriation_relocation)

|  |  |
| --- | --- |
| [Eviction](#Eviction) | A local Governor may order the eviction of persons from land (other than land owned by citizens) when the:   * land is used or possessed without authorisation; * user/possessor has caused significant degradation of the land; * possessor has failed to vacate within 90 days of licence expiration; or * possessor/user has failed to comply with a notice to vacate issued by a government authority or official for erecting buildings without permits or the expiry of licence.   Evictions are prohibited outside of the prescribed period of 15 May to 15 September each year, however this law is not always observed. |
| [Expropriation](#Expropriation) | The Government has a constitutional and legislative power to acquire land for special public need (compensation must be paid and replacement land provided). However, the lengthy expropriation process may be impractical in an emergency. In practice, the government must give 12 months' notice and landholders may appeal in Court.  In the case of environmental or public disasters, the government may expropriate land for the purpose of protecting and rescuing the population, livestock, animals and property and to eliminate the negative impact of the disaster. Damage suffered by citizens as a result of the expropriation must be fully compensated.  Possessors and users of land do not have express rights to compensation where their land is resumed during environmental or public disasters. Where such disasters render possessed land unusable, the possessor may terminate the licence, and the government will be responsible for land rehabilitation (but not the expenses of transferring constructions, buildings and other property).  A contract for the use of land, may, but is not required to make provision for the event the land is rendered unusable by a public or natural disaster. |
| [Relocation](#Relocations) | Under law, owners and possessors of land that has been expropriated are entitled to receive land that is of comparable location, size, status and quality of the land that is to be replaced. In practice, residents who are unaware of their legal entitlements are vulnerable to forced evictions by private developers without adequate compensation or replacement land. |

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| **Disaster Law Housing, Land and Property Mapping Project**  Mongolia |
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**Disclaimer**

This report is the result of a desktop review of publicly available information. This report is not legal advice.

1. Introduction
   1. Overview

The Red Cross Red Crescent aims to respond to disasters as rapidly and effectively as possible, by mobilising its resources (people, money and other assets) and using its network in a coordinated manner so that the initial effects are countered and the needs of the affected communities are met.

The Australian Red Cross (***ARC***) is a key Partner National Society, supporting the International Federation of Red Cross and Red Crescent Societies' (**IFRC**) response to natural disasters in the Asia-Pacific.

The Red Cross Red Crescent has identified that better knowledge of local housing, land and property laws in the Asia-Pacific is vital to ensuring that emergency shelter is delivered efficiently and equitably in the aftermath of natural disasters.

ARC, with technical support and initial research from IFRC, has provided the research template to which this memorandum responds. This memorandum comprises three main sections.

* The first section, entitled ['common tenure types'](#Common_tenure_types), considers the basic principles of land rights under the Mongolian *Land Law*. It outlines the methods used to create and transfer tenure, and analyses the degree of security of tenure afforded by each form of tenure.
* The second section, entitled ['security of tenure of vulnerable groups'](#Security_of_Tenure_of_Vulnerable_Group), considers whether, and to what extent, certain groups face legal barriers to owning or accessing land and housing. This section focuses primarily on women,minority groups, indigenous groups and landless people, each of which face particular legal barriers.
* The third section, entitled ['eviction, expropriation and relocation'](#Eviction_expropriation_relocation), considers the powers of government agencies to impinge on tenure and the rights of occupiers in such circumstances. This section also considers whether compensation is available in these situations.
  1. Background information on Mongolia

Mongolia is a landlocked unitary state in East Asia with a population of approximately 3.1 million.[[1]](#footnote-1) Mongolia is a semi-presidential representative democratic republic where the president is directly elected. Mongolia is divided into 21 provinces (known as aimags) and one provincial municipality, Ulaanbaatar (sometimes Ulan Bator), which is the capital and largest city and has a population of approximately 1.4 million (45% of Mongolia's population).[[2]](#footnote-2) Secondary subdivisions outside Ulaanbaatar are called soums.

Herding and agriculture has been the traditional backbone of Mongolia's economy (about 15% of GDP).[[3]](#footnote-3) The vast majority of Mongolia's exports (up to 89%) go to China.[[4]](#footnote-4) However, as a resource-abundant nation, the mining and resources industry has developed to become the predominant driver of GDP growth (about 21% of GDP and over 90% of exports).[[5]](#footnote-5) The large extent to which Mongolia depends on mining investment has been identified as a risk by the International Monetary Fund, one which could be exposed in the event of a commodity bust.[[6]](#footnote-6)

Agriculture is an important part of Mongolian culture and economy, and employs one-third of the labour force.[[7]](#footnote-7) While Mongolia contains very little arable land for farming, breeding livestock remains a popular commercial alternative. Most herders follow a pattern of nomadic or semi-nomadic pastoralism.

The Mongolian population is relatively young and ethnically homogenous, primarily comprised of the Khalkha (which make up 82.4% of the total population) people.[[8]](#footnote-8)

Mongolia has a relatively developed land and housing system. However, Mongolia's rapid transition from a centrally planned, highly subsidised economy to a democracy with an increasingly free market has led to the emergence of a number of issues that in practice make administering land and housing difficult. Some of these issues include:

* ambiguous land rights;
* confusing, inefficient and at times, corrupt land administration; and
* increasing inequality between rural and urban populations.

Mongolia's land and housing system is unique in its different types of land tenure. These can be broadly categorised as land ownership, land possession and land usage.

1. Common tenure types
   1. General land tenure
      1. **What are the key pieces of legislation governing housing, land, building and planning?**

The key pieces of legislation (as amended from time to time) are:[[9]](#footnote-9)

* [*Constitution of Mongolia*](http://www.asianlii.org/mn/legis/const/1992/index.html) *1992* (the ***Constitution***);[[10]](#footnote-10)
* [*Civil Code 2002*](http://www.asianlii.org/mn/legis/laws/cc200273/)(the ***Civil Code***);[[11]](#footnote-11)
* [*Law on Registration of Immovable Property 1997*](http://www.asianlii.org/mn/legis/laws/loroip1997430/) (the ***Registration of Immovable Property Law***);[[12]](#footnote-12)
* [*Law on Land 2002*](http://www.asianlii.org/mn/legis/laws/lol200287/) (the ***Land Law***);[[13]](#footnote-13)
* [*Law on Allocation of Land to Mongolian Citizens for Ownership 2002*](http://www.asianlii.org/mn/legis/laws/loaoltmcfo2002573/) (the ***Ownership Law***);[[14]](#footnote-14)
* *Law of Mongolia on Movable and Intangible Property Pledges 2015* (the ***MIPP Law***)*[[15]](#footnote-15)* and
* [*Law on Land Fees 1997*](http://www.asianlii.org/mn/legis/laws/lolf1997118/) (the ***Land Fees Law***).[[16]](#footnote-16)
  + 1. **What types of tenure exist?**

The *Land Law* divides land rights into three distinct classes:

* + - 1. **Land ownership**
         1. **What is it?**

This is equivalent to freehold title with the right to sell, lease and pass the land to descendants.

* + - * 1. **Who can own land?**

Under the *Land Law*, only the Mongolian government and its citizens are able to own land.[[17]](#footnote-17)

* + - * 1. **How does it work?**

Control over owned land is subject to the duties of citizens owning land and certain prohibitions, including some restriction on dealing with interests in owned land.

Article 27.2 of the *Ownership Law* sets out the duties of citizens owning land. The obligations include:

* to maintain signs and marks of the boundary and limits of the owned land;[[18]](#footnote-18)
* to refrain from conduct that would damage the rights and interests of other land owners, possessors or users, and to refrain from activities that would negatively affect the health of the population and the environment;[[19]](#footnote-19)
* to refrain from conduct causing a deterioration of the status and quality of the land;[[20]](#footnote-20) and
* to arrange an inspection and certification of the status and quality of the land by an authorised entity every five years.[[21]](#footnote-21)

Article 28 of the *Ownership Law* prohibits citizens owning land from:

* transferring the ownership of land to foreign citizens or stateless persons;
* allowing others (including other citizens) to possess or use the owned land except with approval obtained in accordance with the process prescribed in article 29.1 of the *Ownership Law*; and
* using the owned land in violation of interests and concerns of the population health, environment and national security.
  + - 1. **Land possession**
         1. **What is it?**

This is a temporary and licensed control of land in accordance with its purpose of use in accordance with contracts made between land owners and possessors.

* + - * 1. **Who can possess land?**

Under the *Land Law*, Mongolian citizens of 18 years and over, companies, organisations and entities without foreign investment may possess land.[[22]](#footnote-22)

* + - * 1. **How does it work?**

To possess land requires a land possession licence.[[23]](#footnote-23) To possess land otherwise is strictly prohibited under the *Land Law*.[[24]](#footnote-24) These licences can be bought if the applicable area of land is marked as available in the land management plan of the capital city or soum.[[25]](#footnote-25) Naturally, a second licence for an area of land already under a licence cannot be bought.

There are three types of land possession licences:[[26]](#footnote-26)

* Household needs licence;
* Government organisation licence; and
* Company or organisation licence.

Mongolian citizens are entitled to claim a plot of land up to 0.07 hectares for 'household needs' and up to 0.1 hectares for cultivating vegetables, fruits, berries and fodder plants at no cost.[[27]](#footnote-27)

The maximum size of land for possession by licence by companies, organisations and entities without foreign investment is determined by the Cabinet (also known as the Government of Mongolia).[[28]](#footnote-28) On 7 February 2003, the Cabinet adopted Annex No.8 of its Resolution No.28 establishing the maximum size of land to be granted for possession to legal entities for industrial and service purposes. The key terms of the resolution are summarised in the table below.[[29]](#footnote-29)

|  |  |  |
| --- | --- | --- |
| **Intended purpose of land possession** | **Region** | |
| In aimags | Ulaanbaatar region |
| **Planting grain or fodder plants** | Up to 20,000 hectares | Up to 200 hectares |
| **Planting potato, vegetable and other plants** | Up to 200 hectares | Up to 5 hectares |
| **Natural hay** | Up to 1,500 hectares | Up to 50 hectares |
| **Mining (outside of city and town’ boundaries)** | Up to 5,000 hectares | |
| **Mining (inside of city and town’ boundaries)** | Up to 25 hectares | |

Licences for the possession of land may be granted for terms of 15 to 60 years, and may be extended for up to 40 years at a time.[[30]](#footnote-30) A licence to possess land forms part of a deceased's estate and if inherited the expiry date will be unchanged.[[31]](#footnote-31)

Holders of land possession licences are also required to enter into land possession contracts,[[32]](#footnote-32) and are also afforded rights (such as using the land according to the purpose set forth in the contract) and subject to duties[[33]](#footnote-33) (such as to pay land fees). However, only Mongolian citizens and legal entities without foreign investment are able to transfer their licence or use it as collateral.[[34]](#footnote-34)

Governors of soums and districts may grant licences for the possession of land larger than the sizes specified for household needs and farming through a land auction process.[[35]](#footnote-35)

* + - 1. **Land use**
         1. **What is it?**

This is a right to use the land in accordance with contracts made between the owners or possessors of land and users of such land.

* + - * 1. **Who can use land?**

Mongolian citizens, companies, organisations and companies with foreign investment may use land in compliance with the *Land Law*.[[36]](#footnote-36)

Additionally, foreign countries, international organisations, foreign legal entities, foreign citizens and stateless persons may become users of land for a specific purpose for a specific time period subject to contractual conditions and compliance with the *Land Law*.[[37]](#footnote-37)

* + - * 1. **How does it work?**

For foreign countries, international organisations and foreign legal entities, the Mongolian parliament decides who can use land,[[38]](#footnote-38) while the Cabinet determines the boundaries of such land and the procedures for giving that land.[[39]](#footnote-39)

For foreign citizens and stateless persons permanently residing in Mongolia (i.e. for more than 183 days per calendar year), the governors of soums and districts make decisions on giving land for use.[[40]](#footnote-40) Except as provided under the *Investment Law*, land for use must not exceed 0.05 hectares for a residential lot (and not exceed 0.1 hectares for land being used for farming).[[41]](#footnote-41) Such contracts are for a term of five years (although can be extended in five year terms).[[42]](#footnote-42) Under the *Investment Law*, legal entities with foreign investment have the right to use land for up to 60 years with the option to extend once for up to 40 years.[[43]](#footnote-43)

* + - 1. **Pastureland**

Land can be designated as pastureland (defined under the *Land Law* as rural agricultural land covered with natural and cultivated vegetation for grazing of livestock and animals) at the relevant Citizens’ Representatives Meeting. If designated as pastureland, the land is treated as a common resource and attracts separate government regulation.[[44]](#footnote-44) This is despite any land contract to the contrary. While the *Land Law* does not provide for any specific rights (except as grazing their livestock freely on the permitted areas) that livestock farmers may have in relation to pasture land, we understand that anyone who resides in or around the pasture land can use such land for grazing their livestock without obtaining any formal land possession or use right from the land authorities.

* + - 1. **Property rights**

Under Mongolian law, real estate does not encompass both land and the buildings built on land; instead, buildings (including houses) are classified as 'immovable property'. Ownership of immovable property is classified as a property right, whereas ownership, possession or use of land is classified as a land right.

Land rights and property rights can both be registered under the Registration of Immovable Property Law, under which Mongolian citizens, foreigners and organisations are to be treated equally (i.e. there is no separate treatment as is the case under the Land Law).

Further to this, property interests under Mongolia laws can be divided into two distinct classes:

* + - * 1. **Immovable property**

*The Registration of Immovable Property Law* regulates the registration of immovable property (e.g. land, house, apartment). The owner of a property is able to register his or her interest with the Immovable Property Registration Office, which then grants a legal and registered interest.[[45]](#footnote-45) Upon obtaining the registered title, the owner immediately has the commercial rights to sell, lease, transfer to another party, inherit, pledge or issue guarantee.[[46]](#footnote-46) Provided however that where land is the relevant immovable property being registered, then the same restrictions and obligations that attach to land apply (e.g. a Mongolian citizen cannot transfer a his or her owned land to a foreigner).[[47]](#footnote-47) No other person is able to transact with respect to the registered property.[[48]](#footnote-48) The registration process typically takes seven days at which point the State Registrar and Assistant Registrar issue a certificate.[[49]](#footnote-49)

* + - * 1. **Movable property**

The *MIPP Law* regulates the protection of movable and intangible property rights (e.g. shares). This is by way of creation, perfection and enforcement of security over these interests. Pledges and mining and exploration licences do not fall under *MIPP Law*, but rather the [*Minerals Law 2006*](http://www.asianlii.org/mn/legis/laws/ml200698/).[[50]](#footnote-50)

* + 1. **Which, if any, of these types of tenure provide a high degree of security of tenure?**

A registered immovable property interest (e.g. land, house, apartment) provides the highest degree of security of tenure. Such an interest is protected under the Mongolian law. To register one's interest, it is necessary to register the transaction through the appropriate legal channel. If these transactions are not carried out properly, Mongolia’s legal institutions will not acknowledge ownership rights.[[51]](#footnote-51)

Registration of an immovable property interest with the Immovable Property Registration Office grants legal protection to the rightful owner.[[52]](#footnote-52) Upon obtaining the title to the property, the owner has the commercial rights to sell, lease, transfer to another party, inherit, pledge or issue a guarantee. As noted above, however, the same restrictions that attach to land apply (e.g. a Mongolian citizen cannot transfer his or her owned land to a foreign person or entity).

To register land ownership, a land possession contract (and licence) or a land use contract (and licence), the citizen, company or organisation must submit an application to the Immovable Property Registration Office. Upon verification, a National Immovable Property Registry Certificate is issued, certifying that the citizen in question has the relevant lawful rights to the land.[[53]](#footnote-53)

* + 1. **How does tenure differ between urban and rural areas?**

Mongolian citizens may acquire freehold title in both urban and rural areas. While there has been more active privatisation of land in urban areas,[[54]](#footnote-54) almost all of Mongolia's rural lands remain the property of the State. There are two reasons for this:

* + - 1. The government owns all agricultural land and pastureland, both which make up around 73.5% of Mongolian land;[[55]](#footnote-55) and
      2. There is little interest to privatise rural land, but this differs depending on the region.[[56]](#footnote-56)

In 2016 17.57% of Mongolians owned privatised land.[[57]](#footnote-57)

* + 1. **What are the main government and non-government bodies (e.g. representative bodies) that administer or deal with housing, land and property?[[58]](#footnote-58)**

The main authority dealing with housing, land and property is the Property Rights Registration Office of the General Authority for Intellectual Property and State Registration. The responsibilities of the Property Rights Registration Office are:

* + - 1. Organisation of state registration and implementation of policy on state registration, and arrange for implementation of projects;
      2. Preservation of the state register’s archive of physical documents and establishment of a digital archive;
      3. Review of state registration records to ensure accuracy; and
      4. Development of state registration methodology in conformity with international standards (subject to the approval of higher bodies).

Nevertheless, other government entities exert significant influence in relation to housing, land and property. These include:

* + - 1. The Parliament of Mongolia, which formulates government policy on land; determines applications for the use of land by foreign countries, international organisations and foreign legal entities under lease and concession agreements; and expropriates land for special needs and determines the size and boundaries of such lands.
      2. The Cabinet, which implements the general government policy on land ratified by the Parliament. The Cabinet has the authority to:
         1. expropriate land for special government needs;
         2. transfer such land to the control of relevant authorities and to approve regulations specifying its borders and use procedures; and
         3. approve the State's land management plan, certain regulations and guidelines.
      3. The Ministry of Construction and Urban Development which approves the methodology for determining starting prices for land licence auctions, reviews annual land management plans of aimags and Ulaanbaatar; monitors disbursements of funds for land management, land protection and rehabilitation, and grants licences to corporations to conduct land management and cadastral activities.
      4. The Ministry of Environment and Tourism which may make proposals to the Cabinet to expropriate land for the special needs of the State. The Ministry also evaluates, and establishes and implements guidelines and regulations concerning desertification and erosion.
      5. Citizens’ Representative Councils (local self-governing bodies) which have the right to approve annual land management plans of aimags or soums and to expropriate land for the aimag or soum’s special needs.
      6. Governors of aimags and soums which have the authority to implement the land management plans approved by the citizens’ representative council for the suitable usage of the land territories within its jurisdiction, and are authorised to take measures to grant land rights to individuals, legal entities and organisations.
      7. The Land Management, Geodesy and Cartography Department which implements the government's land and construction laws and regulations.
    1. **What statutory instruments or legal documents (e.g. title deeds or leases) are used to create or transfer tenure?**

The legal documents, referred to as licences, used to create or transfer land possession and use are regulated by the *Land Law*. The *Ownership Law* separately deals with the legal documents required to create or transfer land ownership, known as registry certificates. Fees for licences and certificates (***land fees***) are included in the contracts that must be made with soum and district governors.[[59]](#footnote-59) The land fees must be paid quarterly, unless otherwise stated in the contracts, by the 25th day of the first month of each quarter dividing the annual land fee into equal amounts.[[60]](#footnote-60)

* + - 1. **Certificates for ownership of land**

To create tenure in the form of land ownership, a Mongolian citizen must obtain a National Immovable Property Registry Certificate (also referred to in the legislation as a 'National Registry Certificate') certifying that the citizen in question is the lawful owner of the land.[[61]](#footnote-61) If the citizen (ie, the owner) transfers the land to others, or allows others possession or use, the contracts related to the transfer must be registered with the Immovable Property Registration Office.[[62]](#footnote-62) In order to allow others to possess or use the owned land for a certain period, the Governor of the soum or district must grant permission.[[63]](#footnote-63)

A National Registry Certificate can only be issued once the Governor of the relevant soum or district has decided if the land is to be allocated for ownership.[[64]](#footnote-64) The Governor must issue an order allocating the land for ownership before it can be registered.[[65]](#footnote-65)

Mongolian citizens owning land are prohibited from transferring the land to foreign citizens or stateless persons through sale, trade, gift or pledge.[[66]](#footnote-66) If a citizen owning land transfers the land to foreign citizens or stateless persons through sale, trade, gift or pledge, a court may terminate the ownership right and the land may be confiscated.[[67]](#footnote-67)

* + - 1. **Licences for possession and use of land**

*Land possession licences*

A licence is required to create and transfer possession of land. Fines apply for failure to register a land use or possession contract with the national registry or for possession or use of land after the contract has expired.[[68]](#footnote-68) There are licence fees associated with this system which require payment, otherwise the licence will not be granted.[[69]](#footnote-69) The payment amount and date of these licence fees is to be specified in the land possession contracts made with soum and district governors.[[70]](#footnote-70)

Different kinds of licences are issued for the following entities:

* Households (Mongolian citizens only);
* Government organisations; and
* Domestic companies and organisations.[[71]](#footnote-71)

The duration of the licences can range from 15 to 60 years and cannot be extended for more than a further 40 years at a time.[[72]](#footnote-72) There are certain restrictions on the maximum size and location of land which can be possessed by a licence.[[73]](#footnote-73)

Where land (other than land categories excluded by law) is not privately owned or already the subject of a licence for possession or use, an applicant may apply for a licence for possession to be issued in respect of the land. The *Land Law* outlines two basic requirements that must be met for a possession licence request to be considered:[[74]](#footnote-74)

* The applicant is a Mongolian citizen, company or organisation;
* The location of the land for possession must not overlap with any land right already granted to any individual, company or organisation; and
* The location of the land for possession was marked in the annual land management plan of the capital city or soum as available for giving into possession.

Applications are initiated by companies and organisations submitting a request to the governors of the appropriate soums and districts.[[75]](#footnote-75) In addition to the application itself, it is necessary to submit the following information:

* the name of the company or organisation;
* jurisdiction to which the company belongs;
* its address and location; and
* a copy of the state registration certificate.

In addition to these licences, a citizen, company or organisation must also make a contract with the land officials of the soum or district Land Departments for possession of the land, and this contract must be registered in the national registry.[[76]](#footnote-76) The *Land Law* details several requirements for these contracts.[[77]](#footnote-77) The licence will only be valid together with a contract.[[78]](#footnote-78)

Mongolian citizens possessing land are prohibited from transferring their possession licence to a foreign legal or natural person or a stateless person.[[79]](#footnote-79) A breach of this law is punishable by a fine and confiscation of illegally earned profits and the land.[[80]](#footnote-80)

*Land use licences*

Articles 32, 33, 34 and 35 of the *Land Law*,which deal with requests for land possession licences, provision of land possession licences, contracts and procedures for land possession and rights and duties of licence holders respectively, also apply to land users.

See section [2.1(b)(iii)(C)](#Sec_2_1_b_iii_c) for more details on the restrictions on size of land and term of use that applies to land users.

Foreign citizens and stateless persons must obtain a certification from the relevant authority in charge of foreign citizens' before submitting requests for land use.[[81]](#footnote-81)

* + - 1. **Licences for possession or use of other categories of land**
         1. Hayfields

Hayfields, designated as a 'land for special government needs',[[82]](#footnote-82) are regulated separately to other kinds of land under the *Land Law*. Governors of soums and districts can allocate territories to citizens, companies and organisations for use only.[[83]](#footnote-83) A particular season is enforced for use of hayfields.[[84]](#footnote-84)

* + - * 1. Crop lands

Licences are also required for possession or use of crop lands.[[85]](#footnote-85) The Cabinet makes decisions on creating new crop cultivation areas.[[86]](#footnote-86) Licence holders have an obligation to manage and care for the crop land to prevent decreases in its fertility and to protect the soil.[[87]](#footnote-87)

A citizen, company or organisation that obtains a licence for crop land must use the land for its intended purpose, otherwise they risk having their licence terminated or offered up at a closed auction after 3 years from the date of obtaining the licence.[[88]](#footnote-88)

* + - 1. **Transfer of land possession licences**

Transfer of licences may only occur between Mongolian citizens, companies and organisations and entities without foreign investment. It is an offence to transfer a land possession licence to a foreign legal or natural person or stateless person and fines apply.

Transfer of a land possession licence must be registered with the governor of the relevant soum or district to make it valid. Other transfer requirements include: a notarised version of the contract, proof of agreement of the future licence holder with rights and obligations arising from holding the licence, and documents proving payment of licence transfer fees.

* + 1. **What non-legal documents or actions (e.g. verbal agreements or handshakes) are used to create or transfer tenure?**

Verbal agreements or handshakes cannot be used to create or transfer tenure.

* 1. Customary ownership

While there are a number of customary norms (predominantly derived from Mongolia's nomadic history), there are very few laws that formally recognise customary forms of land use. In general, herders do not have formal exclusive rights of pasturage or other forms of land title. However, soums in rural areas often require that traditional, customary access to land and other resources by pastoralists are taken into account when designating other non-resident land use and possession rights.

Herders move between seasonal locations within the east and west taiga (northern snowy and forested region) according to their herds' grazing needs and comfort.

During winter and spring, a herding family is settled at an established site provided with shelters for animals and store-buildings and grazes its breeds on surrounding pastures. There are no legal regulations about customary grazing practices. A herder's rights over the land are not exclusive and are recognised by the community members on a 'basis of continuous use, family tradition, membership in the community, kin or friendship with already established user, or informal agreement with the latter'.[[89]](#footnote-89)

As discussed in section [2.1(b)(iii)(C)](#Sec_2_1_b_iii_c), land can be designated as pastureland at the relevant Citizens’ Representatives Meeting, which means the land is then treated as a common resource and attracts separate government regulation.[[90]](#footnote-90) While the *Land Law* does not provide for any specific rights (except as grazing their livestock freely on the permitted areas) that livestock farmers may have in relation to pasture land, we understand that anyone who resides in or around the pasture land can use such land for grazing their livestock without obtaining any formal land possession or use right from the land authorities.

* 1. Informal settlements
     1. **What are the locations and boundaries of informal settlements?**

The outskirts of Mongolia's largest urban centres (particularly Ulaanbaatar, Erdenet and Darkhan) are occupied by the so-called 'ger districts'. Ger is the Mongolian word for the traditional yurt style tent preferred by nomadic herders on the Mongolian steppes. The housing in the ger districts ranges from traditional gers to permanent detached houses constructed by long term residents.

The ger districts are predominantly located in the north and north-east of Ulanbataar, although there are also ger areas in the south-west of the city. The fringe ger areas are the most recently settled and tend to comprise predominantly of gers. The central ger areas were established earlier than the other districts and tent to comprise more permanent structures.

* + 1. **What kinds of tenure arrangements are in place in informal settlements?**

Land ownership is common in the long-established central and mid-tier ger districts, as residents are able to capitalise on their entitlement to a plot of land for household needs under the *Ownership Law* (see section [2.1(b)(i)](#Sec_2_1_b_i) above).[[91]](#footnote-91) However, their rights of tenure accrue only to the registered owner of land, and not to other occupiers of the plots.

Land ownership is also common in fringe ger areas, although a greater percentage of residents rent their housing and land. This may be because new arrivals in Ulaanbaatar are unable to afford the upfront registration fee to own land, or because new arrivals plan to spend only a short time in the less developed fringe areas.[[92]](#footnote-92)

1. Security of Tenure of Vulnerable Groups
   1. Women
      1. **Can women legally own, rent or inherit land and housing?**

Both genders have equal rights to accessland and property other than land.

Woman can legally own, rent and inherit land and housing. There are a number of laws that protect these rights for women.

Article 10.2 of the *Family Law 1999* provides that '[s]pouses exercise [the] same rights in planning family, residing, choosing a position and profession freely, having separate property, owning, occupying, employing and disposing common property, and being compensated for mental and material damages caused by the wrong doer.'[[93]](#footnote-93)

Further, the *Civil Code* provides:

* A legal person shall be an organised unit with concrete mission and engaged in regular activities, which is entitled to own, possess, use and dispose of its separate property, which can acquire rights and create liabilities in its own name, which bears responsibility for consequences arising from its own activities with its own assets, and which is capable of being a defendant or plaintiff;[[94]](#footnote-94)
* All properties accrued for the period of life together since the marriage, except for personal property of family members, shall be common property;[[95]](#footnote-95)
* Wife, husband, and other members of the family, who did not earn income since the marriage due to engagement in household works, child caring, sickness and other sound reasons, shall be entitled to ownership of family common property (meaning there is a valuation of non-monetary contributions during marriage);[[96]](#footnote-96)
* Family members shall equally exercise rights to own, use, and dispose of properties of family common ownership, as well as possess, use and dispose of them on the basis of mutual agreement;[[97]](#footnote-97) and
* Any member of a family can obtain written permission from a family adult member and have it certified by notary to dispose an immovable property of the family common ownership.[[98]](#footnote-98)

The *Law of Mongolia on Promotion of Gender Equality 2009* prohibits '[g]ender based restriction of the right of a family member to participate in the determination of his or her share in the family property, to manage and dispose that share and to engage in income generating and other activities to cater for the needs of the family.'[[99]](#footnote-99)

Article 7 of the *Law of Mongolia on Citizenship 1995* provides equal rights with regards to the transmission of citizenship to a child.[[100]](#footnote-100)

Inheritance rights to property are protected by the *Civil Code* in the following provisions:

* Sons and daughters have equal inheritance rights to property;[[101]](#footnote-101)
* Female and male surviving spouses have equal inheritance rights to property;[[102]](#footnote-102)
* Unmarried men and unmarried women have equal ownership rights to property;[[103]](#footnote-103) and
* Married men and married women have equal ownership rights to property.[[104]](#footnote-104)
  + 1. **In practice, do they? If not, why not?**

In practice, women rarely own or inherit housing, despite legislation providing women with ownership and access rights. In the Atlas of Gender and Development, the OECD highlights:[[105]](#footnote-105)

…recent analysis by the Asian Development Bank (ADB) and the World Bank (WB) shows that new government regulations do not proactively support gender equality in access to, or control over, newly allocated land. For example, when registering land, the names of all adult household members must appear on the title, but an individual can waive this right. This raises concerns that land allotment may follow the trend of previous phases of privatisation – in which 46% of the properties (mostly rural livestock and urban housing) were allocated solely to male heads of households. The ADB and WB analysis reports that only 30% of titles were registered jointly to husbands and wives, and only 16% to wives alone.

USAID corroborates the proposition that most land in Mongolia is held by men, despite the legal requirement for land to be jointly titled.[[106]](#footnote-106) Further, the absence of clear legislation around property rights in the context of divorce or inheritance compromises women's land tenure and property rights. USAID identifies the approximately 175,000 Mongolian women who are unmarried and living outside of a registered family as particularly vulnerable to exclusion from land ownership.[[107]](#footnote-107)

A bias towards male land ownership continues in recent property registration efforts, in which divestment of assets through vouchers and cash auctions has primarily benefited men.[[108]](#footnote-108)

Households that are headed by women with no permanent male partner and single women herders are also disadvantaged and vulnerable to tenure insecurity in the current property regime. USAID identified that:[[109]](#footnote-109)

Single women herders tend to receive less than their entitled distribution of assets, and the property and herds that they do receive are more likely to be small and of poor quality. As a result, women are often the poorest of the rural poor.

* 1. Indigenous groups
     1. **Is indigenous customary ownership (or custodianship) of land legally recognised?**

Historically, Mongolia was a country dominated by nomadic herders who inhabited the country's grasslands. As such, concepts of land use have embodied ideas of customary ownership or custodianship. However, the current land tenure and property rights framework, which has only been developing since 1990 when major political and economic changes occurred, does not recognise any concept of customary ownership or custodianship.

Further, there are no 'indigenous' groups in Mongolia. The majority of the population (about 94.9%) are ethnic Mongolians.[[110]](#footnote-110) The country was never colonised.

* + 1. **Does customary ownership provide indigenous people with a high degree of security of tenure?**
    2. **If not, what are the barriers to indigenous people owning and/or living on their land?**
    3. **Is there conflict between indigenous groups regarding land ownership?**
    4. **If so, to what degree? Are there mechanisms for resolving these conflicts?**

Not applicable – see section [3.2(a)](#Sec_3_2_a).

* 1. Minority groups
     1. **Can minority groups (i.e. ethnic minorities, immigrants, stateless persons) legally own and/or rent land and housing?**

**Ethnic minorities**

Mongolian citizens of ethnic minorities enjoy the same rights and benefits of other Mongolian citizens (i.e. the right to land ownership, possession and usage).[[111]](#footnote-111)

**Foreigners, immigrants and stateless persons**

With respect to land, foreigners, immigrants and stateless persons are only permitted to obtain licences to use land (i.e. the *Land Law* allows foreign countries, international organisations, foreign legal entities, foreign citizens and stateless persons to become users of land for a *specific purpose* and a *specific time period* subject to contract conditions and in compliance with the law).[[112]](#footnote-112) Such persons cannot enjoy the benefits of land ownership or possession.

As noted above, under Mongolian law, real estate does not encompass both land and the buildings built on land; instead, buildings (including houses) are classified as 'immovable property'. Ownership of immovable property is registrable separately from ownership, possession or use of land. Unlike land, foreigners, immigrants and stateless persons are able to own and enjoy unrestricted rights and benefits of house ownership.

* + 1. **If so, are they subject to special conditions or restrictions?**

With respect to land use, foreigners, immigrants and stateless persons are subject to special conditions and restrictions on land usage. These include:

* Foreign citizens and stateless persons must have resided in Mongolia for more than 183 days and can only be awarded land use licences through land auctions for household needs only.[[113]](#footnote-113)
* The term of contractual land use rights is limited to a period of five years, with a possible further extension of five years[[114]](#footnote-114) (except under the *Investment Law* wherelegal entities with foreign investment may have the right to use land for up to 60 years with the option to extend once for up to 40 years[[115]](#footnote-115)).
* Foreign citizens and stateless persons must obtain a certificate from the relevant authority in charge prior to submitting a request for land use.[[116]](#footnote-116)
  + 1. **In practice, do minority groups legally own and/or rent land and housing? If not, why not?**

**Ethnic minorities**

A United Nations report found that despite having the same rights and benefits other Mongolian citizens, Mongolia's socio-political and legal context did not effectively ensure the preservation of the culture and wellbeing of ethnic minorities.[[117]](#footnote-117) The report went further by adding that with respect to ethnic minority groups, there was 'a lack of acceptance within the broader society, a lack of recognition of rights and freedoms, ongoing systematic discrimination and human rights violations, a lack of institutional and/or legislative protections, a lack of political will to implement the existing legal protection framework, and a lack of redress mechanisms or a lack of access to redress mechanisms.'[[118]](#footnote-118)

**Foreigners, immigrants and stateless persons**

In practice, foreign citizens and immigrants do obtain land use rights and rights to housing, and there a number of facilitators/real estate proprietors that specifically cater to foreigners and immigrants looking to 'purchase' property in Mongolia for owner-occupied and/or investment purposes.

* 1. Landless people and squatters
     1. **Do landless people and squatters have rights to land and/or housing (e.g. adverse possession)? If so, are those rights respected?**

Article 48(1) of the *Land Law* establishes that unless 'specifically protected by erected fences or posted warning signs prohibiting entering and crossing' any person may enter or cross land in possession or use provided they do not cause damage to the land. This provision is understood to give rise to a right for squatters to occupy land, however such a right may not be practically enforceable.

* 1. General questions
     1. **Are there any other persons or groups that face difficulties in accessing or maintaining secure tenure (e.g. due to internal displacement)?**

No.

1. Eviction, expropriation and relocation
   1. Evictions
      1. **Are there laws or regulations prohibiting forced evictions?**

Article 16(3) of the *Constitution* establishes that '[i]llegal confiscation and requisitioning of the private property of citizens are prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they may only do so with due compensation and payment.' Article 6(4) of the *Constitution* grants the State the right to exchange or take over land with compensation on the grounds of special public need, and to confiscate land if it is used in a manner adverse to public health, the environment or national security.

Local Governors may order the eviction of persons from land (other than land owned by citizens) in the following circumstances:

* + - 1. the land is used or possessed without authorisation;[[119]](#footnote-119)
      2. the user/possessor has caused significant degradation of the land;[[120]](#footnote-120)
      3. citizens, companies or organisations possessing land fail to vacate the land within 90 days of the expiry of the licence;[[121]](#footnote-121) and
      4. a possessor/user has failed to comply with a notice to vacate issued by a government authority or official, for erecting buildings without permits or the expiry of a licence.[[122]](#footnote-122)

The police shall implement the Governor's decision on eviction if land possession or use rights have expired, or if land has been possessed or used without permit, or if the land fees have not been paid on time, in accordance with relevant procedures. The police are permitted to take due measures in accordance with relevant procedures if evictions are met with force, opposition or organised obstacles.[[123]](#footnote-123)

* + 1. **In practice, are those laws adhered to?**

Laws relating to forced evictions are not always adhered to in practice. For example, Amnesty International reports significant shortcomings in protections for residents in the ger districts of Ulaanbaatar.[[124]](#footnote-124) For example, the US Embassy in Mongolia's 2016 Human Rights Report notes that historically semi-nomadic herders were disadvantaged by a lack of documentation when seeking compensation for interference with access to their traditional pasturelands by private and government owned mining interests.[[125]](#footnote-125)

Amnesty International reports that contrary to the *Land Law*,[[126]](#footnote-126) evictions occur outside the prescribed period of 15 May to 15 September each year, including in early March when average temperatures are below zero degrees Celsius.[[127]](#footnote-127)

It is often the case that only one person will be named on the title to the land (for either ownership or possession), even where multiple families live on the plot.[[128]](#footnote-128) Only the named titleholder will be entitled to negotiate the compensation package where land is expropriated. If the named titleholder does not, or is unable to, negotiate compensation for all occupiers of the relevant land, the risk of eviction of other residents without compensation is high.

The risk of expropriation is currently exacerbated in Ulaanbaatar by the operation of the *Urban Development Law*, under which private developers are implementing a government plan to redevelop the ger (tent city) district of Ulaanbaatar (which presently lacks roads, water and other essential infrastructure). Amnesty International reports that residents are frequently unfamiliar with their rights when approached by developers for the acquisition of their land and enforcement mechanisms. It is reported that the *Urban Development Law* program frequently results in forced evictions and undercompensating or non-compensation for residents' land.[[129]](#footnote-129)

* 1. Expropriation of land
     1. **Are there laws or regulations permitting the government to expropriate land?**

Article 6(4) of the *Constitution* grants the State the right to exchange or take over land with compensation on the grounds of special public need.

Article 35 of the *Ownership Law* establishes that land owned by citizens may be taken back or replaced for the purposes of:

* + - 1. national defence;
      2. scientific experimentation or environmental observation; or
      3. to build roads, powerlines or other objects of national scale.

Article 35 of the *Ownership Law* also provides that one year prior to a decision by the Cabinet on the expropriation of land owned by a citizen, a government agency shall negotiate with the owner. The agreement shall cover:

* + - 1. land value;
      2. value of immovable property on land;
      3. investment made by owner on the land and the size of damages;
      4. location, size, status and quality of replacement land;
      5. conditions and terms of vacating the land, and rights and duties of the parties; and
      6. amount of compensation, procedures and term for payment.

In the event agreement cannot be reached, a court shall determine the terms.

In the case of land possession rights, Articles 42 to 43 of the *Land Law* establish that a government authority may negotiate an agreement to remove a possessor's land, with or without replacement, with compensation, for the special needs of government (such agreement to be approved by the Cabinet). Once approved by the Cabinet, the relevant Governor shall enter a contract with the possessor to give effect to the agreement. Payment of compensation (including the value of immovable constructions, and the cost of vacating) will normally occur 60 days after the contract, with the possessor to vacate the land within 90 days of the contract.

A user of land is unlikely to be entitled to such compensation as article 44.7 of the *Land Law* specifically excludes the requirement that a contract for the use of land include 'terms and procedures for compensation in case the land is taken back or is replaced' (the other requirements for a contract on land possession under article 34.6 apply).

Similarly, the scope of articles 42 and 43 empowering the government to acquire or replace possessed land does not include land subject to a contract for use. Accordingly, the *Land Law* does not expressly provide for the resumption of used land by government. Nevertheless, article 16(3) of the *Constitution* guarantees private property may only be confiscated with due compensation and payment. In practice, when taking land for state special needs, the Government must provide at least one year notice to the land right holder, enter into an agreement and pay the price for the immovable property built on the land expropriated by the Government. The price of the immovable property is determined by the Government and the land right holder on the basis of the then current market price and, sometimes an independent property valuation. While the law in this area is not settled, some lawyers argue that the exclusionary provision only applies to land use agreements between private individuals or entities. In some instances, the uncertainty has been circumvented by Government resolutions authorising compensation to affected land use right holders.[[130]](#footnote-130)

* + 1. **If so, are those laws or regulations applicable in the context of a disaster?**

A different article of the *Ownership Law* applies to expropriation in case of environmental or public disasters.

Article 37 of the *Ownership Law* provides that:

* + - 1. During the occurrence of environmental or public disasters, land owned by citizens may be expropriated according to procedures provided by law and based on the decision of the authorised state entity for the purpose of protecting and rescuing the population, livestock, animals and property and to eliminate the negative impact of the disaster. Damage suffered by citizens of the expropriated land as a result of the expropriation will be fully compensated.
      2. If it becomes impossible to return the expropriated land, the owner shall be compensated for the value of the land and the damage suffered according to the market rate, or the owner shall be compensated for damage suffered by allocating other land not of lower status and quality.
      3. A dispute as to valuation is to be resolved by the court.

Possessors and users of land do not have a express rights to compensation where their land is expropriated during a natural disaster or public emergency. *Land Law* article 41.3 provides that where a natural disaster or emergency renders possessed land unusable, the possessor may request the termination of the land possession contract, and the government will become responsible for the costs of land rehabilitation (but not the expenses of transferring constructions, buildings and other property which remain the responsibility of the possessor).

Unlike a contract on land possession, a contract for the use of land is not required under the *Land Law* to make provision for 'terms and procedures for compensation in case land is taken back or is replaced'.[[131]](#footnote-131)

* 1. Relocations
     1. **Are there laws or regulations governing relocations?**

The law governing relocation is the same as the law governing expropriation. Article 35 of the *Ownership Law* mandates that the 'location, size, status and quality of replacement land' be within the scope of an agreement to expropriate land. Articles 42 and 43 of the *Land Law* establish that possessed land may be expropriated with or without replacement land. It is unclear on the face of the legislation whether the government authority or the possessor determines whether replacement land will be a component of the agreement. Users of land do not appear to be subject to any regime of relocation, suggesting their rights may simply be extinguished upon expropriation.

* + 1. **Are there any other laws or regulations (i.e. human rights instruments) that are applicable to relocations?**

'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.'[[132]](#footnote-132) The International Covenant on Civil and Political Rights (***ICCPR***),[[133]](#footnote-133) and International Covenant on Economic, Social and Cultural Rights (***ICESCR***)[[134]](#footnote-134) may confer some rights, but they do not appear to have had an impact in practice.

ICESCR article 11(1) establishes that a right to adequate housing. The UN Committee on Economic Social and Cultural Rights (***CESCR***) opines that this right includes protecting individuals from interference with their rights by state and non-state actors including private developers and genuine consultation with persons affected by evictions in face of redevelopment programs.[[135]](#footnote-135) Amnesty International notes that '[d]espite clear international legal obligations, Mongolian residents affected by redevelopment remain at risk of forced evictions. The national legal and policy framework does not provide the same level of protection as international human rights law and standards'.[[136]](#footnote-136) On 1 July 2010, Mongolia acceded to the Optional Protocol to the ICESCR which empowers CESCR to consider allegations of breaches of the ICESCR.[[137]](#footnote-137) Although CESCR has raised concerns regarding the redevelopment of Ulaanbaatar's ger districts,[[138]](#footnote-138) no individual communications seeking redress have been received by CESCR (as of December 2016).[[139]](#footnote-139)

* 1. Compensation for expropriation and relocation
     1. **Are there laws or regulations providing compensation for people who are relocated, forcibly evicted or whose land is expropriated?**

In relation to owned or possessed land, yes, see section [4.2](#Expropriation) above. However, there does not appear to be such a regime in the case of land occupied by way of a licence to use land.

* + 1. **In practice, are these laws or regulations adhered to?**

The Bureau of Economic and Business Affairs of the US State Department noted that application of dispute resolution procedures and the property law system generally in Mongolia is inconsistent.[[140]](#footnote-140)

The acquisition of land without compensation for residents is a particular problem at present in Ulaanbaatar due to the populace's low level of awareness about their rights under law in relation to the rights of private developers to purchase land in implementing the *Urban Development Law*.[[141]](#footnote-141)

* + 1. **Is there an active shelter cluster in the country? If not, has the shelter cluster been activated during any previous disaster?**

IFRC is an active member of the Mongolian Humanitarian Country Team (HCT) and leads the shelter cluster.

IFRC has been involved in emergency response in Mongolia recently due to severe weather threatening livestock and therefore livelihoods in early 2017.[[142]](#footnote-142) However, this response does not appear to have involved activation of the shelter cluster.

The 2013 Global Shelter Cluster Report notes four contingency/planning exercises were undertaken in Mongolia in 2013.[[143]](#footnote-143)

**Mongolian land category snapshot**

|  |  |  |
| --- | --- | --- |
| Land category | Sub-category | Legal regime |
| Agricultural and grazing lands | Cultivated | No legal restrictions on private ownership |
| Pasturelands | No private ownership |
| Hay-making lands | No private ownership |
| Lands occupied by cities, villages and other settlements | Lands under buildings and constructions | Owned by the state or leased to the owner of a building |
| Lands allocated for mining activities | Lease under a possession contract |
| Public common use lands | No private ownership or lease |
| Lands for roads and communication networks |  | Owned by the state |
| Lands covered by forest |  | Owned by the state |
| Reserved lands |  | No legal restrictions on private ownership |
| Lands for state special needs | Borderlands | May not be individually owned |
| Lands allocated for state security and defence | May not be individually owned |
| Other sub-categories | May not be individually owned |

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