CLIMATE CHANGE LEGISLATION IN

MONGOLIA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Mongolia

Legislative Process

Mongolia has a sole legislative body, the State Great Hural (the Parliament - "Hural" means "meeting" in Mongolian). The legislature is unicameral and consists of 76 members, 48 elected by a mixed member proportional system representing single member constituencies, and 28 elected by a proportional representation system. Members serve a four-year term, and the State Great Hural can override any presidential veto with a two-thirds majority vote.

The Parliament holds two sessions per year, one in the spring and one in the autumn. As the supreme governmental body, the 76 members are empowered to pass and amend laws, define domestic, foreign and financial policy, set economic and social development guidelines, ratify international agreements, and supervise the implementation of its laws and decisions.

The President, the government (usually the Prime Minister or a Deputy Prime Minister, or Ministers who are members of Parliament) and individual members can propose legislation. The Ministry of Justice and Home Affairs is responsible for drafting laws in collaboration with the relevant ministry for a specific proposal; a working group is formed to draft the law, which will be submitted to parliament. The working group may seek input from private and public organisations, NGOs, and community-based organisations. Draft laws come in three varieties: a new law, an amendment of an existing law, a rewriting of an existing law. The last elections for Parliament and President happened in 2012 and 2013, and the next elections will take place in 2016 and 2017, respectively. The President has prioritised climate change mitigation and environment protection and has contributed to a number of international climate forums. In June 2014, the Minister of Environment and Green Development was elected the first president of the United Nations Environment Assembly (UNEA).

Approach to Climate Change

In recent years Mongolia has joined 14 environment-related UN conventions and treaties, including the UNFCCC. Since 1992, the Parliament has passed several laws and regulations on environmental protection, such as the Law on Environmental Protection (1995, amended in 2007), the Water Law (2004), the Forest Law (2012, last amended in 2013), the Law on Air (1995, amended in 2012), the Energy Law (2001) and the Disaster Prevention Law (2003). The government has also introduced a number of action plans, including the Mongolian Environmental Action Plan, The Mongolian Action Programme for the 21st Century (MAP 21), the National Action Plan to Combat Desertification, the National Biodiversity Action Plan, the Action Programme to Protect Air Quality, and the National Action Programme to Protect the Ozone Layer. MAP 21 includes concrete considerations and recommendations related to adaptation to climate change and mitigation of GHGs emissions. The Law on Air Quality and

the Law on Environmental Protection are also central legal instruments for climate change related issues.

The National Action Programme on Climate Change (NAPCC) is the most relevant policy document addressing climate change. It was approved by Parliament in 2011 and intends to meet UNFCCC obligations and commitments, establishing national policy and strategy to tackle the adverse impacts of climate change and to mitigate GHG emissions. The NAPCC is to be implemented in two phases. The first phase (2011-2016) aims to strengthen national mitigation and adaptation capacity, setting up the legal environment, structure, institutional and management system, and improving community and public awareness and participation in climate change activities. The second phase (2017-2021) aims to implement climate change adaptation and mitigation measures.

Mongolia has also developed the Climate Change Co-ordination Office (CCCO) to carry out the activities necessary to implement the commitments and duties under the UNFCCC and the Kyoto Protocol, to manage nationwide activities, and to integrate climate change-related issues in various sectors. The inter-disciplinary and inter-sectoral National Climate Committee (NCC), now led by the Ministry of Environment and Green Development, co-ordinates and guides national activities and measures to adapt to climate change and mitigate GHG emissions. High level officials such as Deputy Ministers, State Secretaries and Director-Generals of the main Departments of all related ministries, agencies and other key officials are members of the NCC.

Other entities involved in climate change and energy policy include the CDM Bureau, the National Renewable Energy Centre, and the Clean Air Foundation. The National Agency for Meteorology, Hydrology and Environment Monitoring (NAMHEM) monitors the environment and climate, carrying out a range of climate change studies and research. In addition, the government is working to raise public awareness on climate change and its impacts.

In June 2014, the Parliament approved the Green Development Policy (GDP). The GDP was drafted by a working group within the Ministry of Environment and Green Development in response to the Rio +20 conference in 2012. Two high-level documents were prepared to formally establish the GDP: the Green Development Concept, and the Mid-term Programme on Green Development. The concept paper determines the goals and purposes for green development until 2030, whereas the Mid-term Programme designs policy and strategies to ensure these goals and purposes are implemented.

The GDP benefited from the "Strategies for Development of Green Energy Systems in Mongolia". The project involved the Global Green Growth Institute (GGGI), the Stockholm Environment Institute (SEI), and a governmental Advisory Committee comprised of officials from the Ministry of Energy, the Ministry of Environment and Green Development, the Ministry of Economic Development, the Renewable Energy Centre, and the Mongolian Energy Association. Using

information about energy needs, resources, and infrastructure, the project developed a quantitative computer model of current energy use and GHG emissions. The team then used the model to develop four scenarios for potential energy futures and GHG emissions through 2035.

Mongolia will become the first country to benefit from the new Partnership for Action on Green Economy (PAGE). PAGE is a response to the outcome document of the UN Conference on Sustainable Development (Rio+20), which recognises the green economy as a vehicle for sustainable development and poverty eradication. This partnership brings together the UNDP, GGGI and other global agencies to support Mongolia in refining and implementing its Green Development Strategy. An initial economic analysis of the country and a green jobs mapping study have been completed.

Energy supply

Despite the intensive use of coal, Mongolia has considerable renewable energy resources. The strategies for sustainable development and GHG reduction in the energy sector are focused on renewable and other clean energy use, clean coal, improving the efficiency of energy supply, and energy efficiency improvement in buildings and industry. Small-scale hydro-power plants produce less than 1% of the total energy generation but according to the "Master Plan Study for Rural Power Supply by Renewable Energy in Mongolia", by the end of 2020 up to 20% of the country's electricity will be supplied from renewable energy sources.

Mongolia's Second National Communication lists a number of strategies to reduce GHG emissions from the energy sector, including a National Renewable Energy Programme, the Renewable Energy Law, the 100,000 solar 'ger' (round shaped traditional Mongolian dwelling consisting of a wooden frame beneath several layers of wool felt) programme, energy supply by solar, wind and diesel hybrid systems, and the implementation of the National Programme of LPG use. Other strategies involve improving the efficiency of energy supply, promoting clean coal technology, and a study of nuclear power development.

The National Renewable Energy Programme (2005-2020) established a long-term goal of 20-25% total installed capacity generated from renewable sources by 2020. Phase one of the project (2005 to 2010) saw the construction of 12MW and 11MW hydropower plants in Durgun and Taishir. Additionally, 12 renewable energy systems with a capacity of 60-150kW were constructed. The target of 3-5% of renewables sourced capacity was achieved for phase one. The programme is currently in its second phase (2010 to 2020). The latest development is a 50MW wind power project, the first large-scale wind scheme in the country, that will reduce emissions by about 180,000 tons of CO_2 equivalent (tCO_2e) per year and cut coal consumption by 122,000 tons annually.

The Renewable Energy Law (2007), further regulates the renewable energy power generation. It provides a feed-in tariff for the grid and the independent power generation from renewable energy. Any price difference of electricity

generated by a renewable energy power source that is connected to a transmission network shall be absorbed into the selling price from other power plants on the grid. The Ministry of Energy is planning to change the structure of the sector and amend the Law to provide better conditions for private companies to import technology and invest in the sector.

Energy demand

Emissions intensity per unit of GDP is among the world's highest. Coal comprises about 98% of total solid fuel consumption. About 23% of the coal is used in electrical power stations and increased energy consumption is resulting in increased GHG emissions. The priority for the energy sector is to reduce fuel consumption. About 40% of heat generated by burning fuel is lost.

Resolution No. 72 (2000), established that by 2014 the energy sector should operate without incurring losses. The Building Law, Housing Law, and Urban Planning Law provide a legal basis for updating building code energy efficiency provisions systems. A Draft Energy Conservation Law is under discussion, and it is expected that it will be approved by the Parliament within the next months.

Between 2009 and 2013 the UNDP supported the Building Energy Efficiency Project (BEEP) to help cut GHG emissions by transforming the buildings market towards more energy-efficient building technologies and services, sustainable private house insulation and energy efficiency financing mechanisms. Another project, supported by GIZ, the German development agency, is helping the Energy Authority and the Ministry of Mineral Resources and Energy to improve energy efficiency in power stations and on the demand side.

REDD+ and LULUCF

Since 1990 the legal framework of forestry sector has changed several times. There are three primary forest laws: the Forest Law (2012, amended in 2013), the Law on Forest and Grassland Fire Protection (1996), and the Law on Fees for Harvest of Timber and Fuel Wood (1995). These laws are the basic framework for protection, use and generation of forests and forests resources. Animal husbandry is the main source of livelihoods and a major sector of the economy.

Mongolia became a partner country of the UN-REDD Programme in 2011. Since then, FAO and UNDP have assisted the government in developing the National REDD+ Readiness Roadmap. The Roadmap was prepared by a taskforce of 20 members and includes a broad range of representatives from different government sectors, the private sector and civil society. In July 2014 Mongolia's REDD+ Readiness Roadmap was completed and endorsed by the stakeholders. As a result, Mongolia has the first boreal forest National Programme to be funded by the UN-REDD Programme.

Transportation

The government has encouraged the use of fuel-efficient cars as well as hybrid fuel cars in order to reduce the negative impact of cars on environment and human health. The Excise Duty Tax Law (2006) cut import taxes on hybrid vehicles and increased taxes on used cars. From 2011, public transportation vehicles more than 12 years old and taxis more than 10 years old were banned. Parliament also approved the Law on Hazardous and Toxic Chemicals (2006), the Law on Technology Transfer (1998) and the Law on Science and Technology (2006) to improve legal conditions for the transfer of modern technology for development sectors including transportation.

Adaptation

Climate change will exacerbate existing natural resource concerns, such as a diminution of water resources and desertification. Desertification has become a national disaster, affecting more than 70% of grassland. According to a recent study by the Asian Development Bank on the economics of climate change in East Asia, under the business-as-usual (BAU) scenario, Mongolia will be the country most severely affected. A comprehensive assessment of the climatic situation, including future climate scenario and vulnerabilities, is found in the First and Second Assessment Report on Climate Change (MARCC, 2009 and 2014), published by the Ministry of Environment, Nature and Tourism.

The National Development Strategy of 2008 defines the country's policy up to the year 2021. The strategy calls for the promotion of Mongolia's "capacity to adapt to climate change and desertification, to reduce their negative impacts", with adaptation activities and measures identified.

The Second National Communication to the UNFCCC lists a number of priority adaptation options and measures in different sectors vulnerable to climate change: animal husbandry, arable farming, water resources, human health and forestry. Within these sectors, strategies and measures to combat land and pasture degradation and desertification are identified in the 2010 National Programme to Combat Desertification and in the National Programme for Climate Change.

The government also approved The Livestock Programme, which includes directives relevant for climate change adaptation in animal husbandry. A study for the National Climate Risk Management Strategy was prepared in 2009. The Plan seeks to build climate resilience at the community level through reducing risk, and facilitating adaptation.

Mongolia: Legislative portfolio

Name of law	The Forest Law
Date	17 May 2012. Revised 9 July 2013
Summary	The purpose of this Law is to regulate relations for the protection, restoration, forestation, tenure, use of forests and prevention from forest and steppe fires.
	The Law regulates the ownership of planted forests and tenure forests. It also classifies a Forest Fund based on two conservation and utilisation regimes: conservation forest zones and production forest zone.
	The amended Law foresees the use of forests for GHG sequestration and defines "forest inventory and forest taxation" as comprehensive measures to define forest protection, sustainable use and restoration activities by assessing the area, resources, distribution, composition, quality, conditions, changes of forest fund as well as estimation of GHG sequestration and study on forest biomass. The forest inventory is to be executed by a professional forest organisation authorised by the State Administrative Central Body, and implemented within five years. Forest taxation is to be implemented within 10 years. The government shall approve regulation on conducting forest inventory and forest taxation.

Name of law	Law on Soil Protection and Prevention of Desertification
Date	17 May 2012
Summary	The soil protection law includes measures to prevent desertification from the intensification of agriculture, mining, road construction, and urban land use as well as climate change.
	The law provides guidance to facilitate a safe and healthy environment for the population, and to prevent soil damage and lower soil fertility from overgrazing and desertification, and systems to prevent soil erosion.
	The law also contains measures to establish accountability in environmental protection along with more elaboration on soil degradation, desertification gradation criteria and soil assessment methodology.

Name of law	Law on Air Quality
Date	17 May 2012
Summary	The purpose of this law is to regulate actions related to the protection of ambient air, prevention of air pollution, and reduction and monitoring of emissions of air pollutants. If an international treaty to which Mongolia is a party is inconsistent with this law then the provisions of the international treaty shall prevail. It lists government powers with respect to air quality protection, including the approval and management of the implementation of the National Programme for Air Protection and Climate Change. It also establishes that the National Committee for Climate Change shall organise, manage, and provide guidance to the implementation of the UNFCCC, focusing on climate change adaptation and mitigation of ecological vulnerability and climate change impacts at the national level.
	Chapter 4 of the Law lists the actions and measures for air protection. Among these the State administrative central organisation is responsible for running the Task Force/Secretariat of Climate Change responsible for management of implementation of action plans of international conventions and respective national programmes and regulations, assessment, and reporting on the project activities implemented under the climate change adaptation fund and clean development mechanisms. The task force shall run inventories of GHG emissions and uptakes at the national level in accordance with the methodology approved by the UNFCCC. The State administration shall approve the maximum permissible amounts of GHG to be emitted by high emitters.
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Name of law	Renewable Energy Law
Date	11 January 2007. Revised 19 December 2008 and 10 February 2011
Summary	The Law allows private sector independent power producers to build and operate facilities using renewable energy sources and to deliver the electricity produced to distribution networks and offers incentives to encourage private sector investments in renewable energy, the main one being the establishment of thresholds for feed-in-tariffs.
	Under the Law, the Energy Regulatory Authority will set tariffs and prices for other renewable energy generation facilities such as geothermal and biomass. Project developers will be compensated from the Renewable Energy Fund for the price differential between actual cost and the end-user tariffs applied under the jurisdiction of the respective authority. Tariffs set under this Law will be consistently valid for a minimum of 10 years.
	The Ministry of Mineral Resources & Energy can use public funds to carry out feasibility studies for the sector; governors of various administrative units are required to make decisions allowing 'possession' of state lands for the purpose of establishing renewable energy facilities; governors are encouraged to lease independent renewable energy power sources to an entity or individuals.
	The Energy Law underpins the Renewable Energy Law so it should be referred to for the general rules and conditions relevant to power generation.

Name of law	The Energy Law
Date	15 April 2001, revised in 2001, 2002, 2007, 2008, 2009 and 2012
Summary	The Energy Law regulates matters relating to energy generation, transmission distribution, dispatching and supply activities, construction of energy facilities are energy consumption. The law is based on economic principles, market mechanisms at the rights and obligations of both the industry and the consumers. The law changes to operations and regulations of the energy sector. On the structural side, the law creat generation, transmission, dispatch, distribution and supply entities for the energindustry. On the regulatory side, it provides that each of these new entities will have apply for licences for operation, and separately for electricity and district heating. The Law calls for the establishment of an Energy Regulatory Agency (ERA) that will be responsible for administering its provisions.
	The amendment to the Energy Law adds a new regulation that sets energy prices and tariffs which account for power production costs and profit margins. The price and tariffs for electricity and heating production, and the amount of fuel supplied (for generation of heat and electricity) will be regulated. The amendment aims to increase private sector participation, business development and investments in the energy sector. The increased business interest and participation of private sector will result in the increased development of the energy sector.

Name of law	Law on Disaster Protection
Date	20 June 2003
Summary	This law regulates matters relating to the principles and full powers of disaster protection organizations and agencies, their organization and activities, as well as the rights and duties of the State, local authorities, enterprises, entities and individuals in relation to disaster protection.
	The law defines "disaster protection" as the set of measures to prevent, protect and rescue people, livestock, properties and environment from the impact of disasters and to limit their consequences, to facilitate rapid recovery and to train the public for these
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activities. "Disaster" means loss of many human lives and livestock, immense damage to property and environment caused by hazardous phenomena, major technological accident, terrorist acts or explosion.

The structure of disaster protection organisations is composed on the territorial-industrial principle regardless of the ownership in the state, Aimag, capital city, Soum, district, bag, khoroo, entities and enterprises. The state administrative organization in charge of disaster protection and their units, teams, branches and staffs in Aimags, capital cities and districts are responsible for the nation-wide implementation of the disaster protection activities. The unofficial services and specialised units are in administrative and territorial units. The entities, enterprises, bags and khoroos are responsible for disaster protection at the grassroots level.

The state administrative organisation in charge of disaster protection is the organisation responsible for the implementation of the state disaster protection policy and the legislation on disaster protection and the organisation of nation-wide disaster protection activities and is provided with professional management. The state administrative organisation in charge of disaster protection is set up and dissolved by the Government on the basis of the scheme approved by the Parliament.

The government shall submit the draft of disaster protection programme of Mongolia for the consideration of the Parliament, to take the measures in order to implement it. The State shall also finance centralized disaster protection activities. Disaster protection activities of the Aimag, capital city, Soum, district, bag, and khoroo are financed by local budget. Entities and enterprises shall be liable for expenses by own fund.

Mongolia: Executive portfolio

Name of Policy	Green Development Policy (GDP)
Date	13 June 2014
Summary	This Policy defines Green Development as "a transition to a development model that results in sustaining well-being of people by ensuring environmentally friendly, inclusive economic growth or increasing efficient consumption of natural resources and sustainability of ecosystem services". Key indicators for measuring progress will include the savings of natural resources derived from production and services, level of recycling, green employment and green procurement growth, reduction of usage of energy, water, GHG emissions and ecological footprint per unit of production.
	The GDP establishes six strategic objectives to ensure green development: (i) promote resource efficient, low GHG emission and zero-waste production and services; (ii) preserve ecosystem balance; (ii) introduce financing, tax, lending and other incentives; (iv) promote green employment, poverty reduction and engraining/promoting green life style; (v) promote "Live in harmony with nature" living and cultural values; and (v) develop and implement population settlement plan in accordance with climate change, availability of natural and other resources in regions and restoration capacity. For each one of these strategic objectives, the GDP establishes a number of specific and measurable targets. For example:
	 Reducing GHG emission in the energy sector by: increasing energy efficiency by 20% by 2030; ensuring the share of renewable energy relative to total energy production of 20% by 2020 and 30% by 2030 and 2030; renewing energy and industrial sector technologies; reducing wasteful consumption and losses; and optimising pricing policies. Reducing building heat losses by 20% and 40% by 2020 and 2030, respectively, through the introduction of green solutions, energy efficient and advanced technologies and standards, including a green building rating system, energy

audits and the introduction of incentives to promote these initiatives.

Processing of agricultural raw materials, including animal skin, wool and

cashmere up to 60% and 80% by 2020 and by 2030, respectively, through the promotion of sustainable agriculture development and development of greentech, export-oriented manufacturing industry cluster.

- Protecting at least 60% of Mongolia's water flow and spring water area and the expansion of protected areas to 25% and 30% by 2020 and 2030, respectively, and creation of sustainable financing mechanisms.
- Enhancing forest absorption of carbon by intensifying reforestation efforts and expanding forest areas to 9% of the country's territory by 2030.
- Providing at least 90% of population with access to hygienic drinking water and improve sanitation facilities by increasing water supply and sewerage capacity and productivity.
- Promoting efforts aimed to reclaim at least 70% of degraded, polluted and abandoned land due to production activities.
- Promoting green investment equivalent to not less than 2% of Mongolia's GDP per year on green development, reducing GHG emissions, increasing productivity and energy efficiency.
- Providing that at least 20% of public procurement shall be the procurement of environmentally sound, effective and resource efficient goods, works and services
- Developing clean technologies and innovation by investing in science and technology research, experimentation/testing, and make these catalysts for green development.
- Increasing the green area share by 15% by 2020 and 30% by 2030 through replanning of urban settlement areas.
- Reducing solid waste for landfills by 20% by 2020 and 40% by 2030.

Name of Policy National Action Programme on Climate Change (NAPCC)

Date

6 February 2011

Summary

The National Action Programme on Climate Change (NAPCC) is implemented within the framework of the Millennium Development Goals and the Comprehensive National Development Strategy of Mongolia.

The NAPCC aims to create a sustainable environment for development by promoting capacities and measures on adaptation to climate change, halting imbalances in the country's ecosystems and protecting them. The implementation strategies in this NAPCC include institutional, legislative, financial, human, education and public awareness, and research programmes, as well as co-ordination with other national and sectoral development plans.

The goal is to ensure ecological balance, development of socio-economic sectors adapted to climate change, reducing vulnerabilities and risks, mitigating GHG emissions and promoting economic effectiveness and efficiencies and implementation of green development goals. The NAPCC also includes adaptation and mitigation strategies and measures for key socio-economic sectors of the country. It establishes a foundation for green economic growth and development.

In 2011, the NAPCC's implementation plan for the first phase was approved. In the first phase (2011-2016), national mitigation and adaptation capacities will be strengthened, and legal, structural and management systems will be set up and community and public participation will be improved. In the second phase (2017-2021), climate change adaptation measures will be implemented and GHG mitigation actions will be started.

Name of Policy	National Renewable Energy Programme (2005-2020)
Date	2005
Summary	The National Renewable Energy Programme was approved by the Parliament to increase the adoption of renewable energy in the energy system, improve the structure of power supplies, and promote renewable energy in off-grid settlements to ensure ecological balance and improve economic efficiency. The Programme is being implemented in two stages: the first stage from 2005-2010 and second stage from 2011-2020.
	It aims to promote reliable, independent and effective operation of centralised energy grids and regional power supply systems by increased use of renewable energy. Another objective of this Programme is to provide power to all distant settlements, which require a significant amount of resources to be connected to the centralised power grid system, by introducing renewable energy generating systems. The Programme is related to the Energy Law and the 100,000 Solar Houses (Gers), which aims to provide rural areas with electricity through the utilisation of solar energy. It also establishes a target to increase the share of renewable energy, relative to total electricity production, reaching 3-5% by 2010 and 20-25% by 2020.

Name of Policy	National Action Programme to Promote Quality and Environmental Management Systems
Date	2002
Summary	The National Programme to promote quality and environmental management systems calls for legislative and structural changes to support cleaner production and an ecolabelling scheme. The Programme is implemented in 3 stages: the first stage from 2002-2006, the second from 2007-2011, and the third between 2012 and 2016.

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