

VI. The Constitution of Mongolia

A. The Constitution of Mongolia *January 1992*

We, the people of Mongolia:

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

Hereby proclaim the Constitution of Mongolia.

CHAPTER ONE

Sovereignty of the State

Article One

1. Mongolia is an independent, sovereign republic.
2. The fundamental principles of the activities of the State shall be democracy, justice, freedom, equality and national unity and respect for the law.

Article Two

1. By virtue of its state structure, Mongolia is a unitary State.
2. The territory of Mongolia shall be divided into administrative units only.

Article Three

1. State power shall be vested in the people of Mongolia. The people shall exercise it through their direct participation in State affairs as well as through the representative bodies of State power elected by them.
2. Illegal seizure of State power or any attempt to do so shall be prohibited.

Article Four

1. The territorial integrity and frontiers of Mongolia shall be inviolable.
2. The frontiers of Mongolia shall be fixed and safeguarded by law.

3. The stationing of foreign troops in the territory of Mongolia and their crossing of State borders for the purpose of passing through the country's territory shall be prohibited unless an appropriate law is adopted.

Article Five

1. Mongolia shall have an economy based on different forms of property and in accordance with both universal trends of world economic development and specific national characteristics.

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

3. The owner's rights shall be restricted exclusively by the law.

4. The State shall regulate the economy of the country with a view to ensuring the nation's economic security, the development of all sectors of the economy and the social development of the population.

5. Livestock is a national asset subject to State protection.

Article Six

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

2. The land, except that privately owned by citizens, as well as the subsoil with its mineral wealth, forests, water resources and game, shall be the property of the State.

3. Apart from grazing land and areas under public and special use, the State may give plots of land for private ownership only to citizens of Mongolia. This provision shall not apply to ownership of the subsoil.

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

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

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

Article Seven

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

Article Eight

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

Article Nine

1. The State shall respect the Church and the Church shall honour the State.
2. State institutions shall not engage in religious activities and religious institutions shall not pursue political activities.
3. The relationship between the State and religious institutions shall be regulated by law.

Article Ten

1. Mongolia shall adhere to the universally recognized norms and principles of international law and pursue a peaceful foreign policy.
2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a Party.
3. The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.
4. Mongolia shall not abide by any international treaty or other instrument incompatible with its Constitution.

Article Eleven

1. Securing the country's independence and ensuring national security and public order shall be the duty of the State.
2. Mongolia shall have armed forces for self-defence. The structure and organization of the armed forces and the rules of military service shall be determined by law.

Article Twelve

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

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

3. The State emblem shall be based on the white lotus of purity. The outer frame shall be the "Tumen Nasan" of eternity in the shape of a blue sphere symbolizing the eternal sky.

In the centre shall be a combination of the Golden Soyombo and the Treasured Steed, an expression of the independence, sovereignty and spirit of Mongolia.

In the upper part is the Chandmani which grants wishes and symbolizes the past, present and future.

In the lower part shall be a green background of mountains representing Mother Earth and the Wheel of Destiny. Mixed in with the Wheel of Destiny shall be a khadag - a scarf symbolizing welcome.

4. The traditional Great White Standard representing the unified Mongolia State is a State ceremonial attribute.

5. The State Flag shall be divided vertically into three equal parts coloured red, blue and red. The three stripes, of identical width, shall be blue for the eternal sky in the middle, and red, the symbol of progress and prosperity, for the two stripes on either side. The Golden Soyombo shall be depicted in the centre of the red stripe nearest to the flag pole. The ratio of the width to length of the Flag shall be 1:2.

6. The State Seal, having a lion-shaped handle, shall be square in form. It shall have the State Emblem in the centre and the words "Mongol Uls" (Mongolia) written on both sides. The holder of the State Seal shall be the President.

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

Article Thirteen

1. The capital of the State shall be the city in which the State Supreme bodies sit on a permanent basis. The capital city of Mongolia is the city of Ulan Bator.

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

CHAPTER TWO

Human Rights and Freedoms

Article Fourteen

1. All persons lawfully residing within Mongolia are equal before the law and the courts.

2. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion and education. Every person shall be a subject before the law.

Article Fifteen

1. The grounds and procedure for Mongolian nationality and the acquisition or loss of citizenship shall be defined only by law.

2. Deprivation of Mongolian citizenship, exile and extradition of citizens of Mongolia shall be prohibited.

Article Sixteen

The citizens of Mongolia shall enjoy the following fundamental rights and freedoms:

- (1) The right to life. Deprivation of human life shall be strictly prohibited unless capital punishment, constituted by Mongolian penal law for the most serious crimes, is imposed by a competent court as its final decision.
- (2) The right to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.
- (3) The right to fair acquisition, possession and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they shall make due compensation and payment.
- (4) The right to free choice of employment, suitable conditions of work, remuneration, rest and private enterprise. No one shall be unlawfully forced to work.
- (5) The right to material and financial assistance in old age, disability, childbirth and childcare and in other cases provided for by law.
- (6) The right to protection of health and medical care. The procedure and conditions of free medical aid shall be determined by law.
- (7) The right to education. The State shall provide universal general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.

- (8) The right to engage in creative work in cultural, artistic and scientific fields and to benefit therefrom. Copyrights and patents shall be protected by law.
- (9) The right to take part in the government of the country directly or through representative bodies. The right to vote and to stand for election to State bodies. The right to vote shall be enjoyed from the age of eighteen years and the minimum age for membership shall be determined by law according to the requirements in respect of the bodies or posts concerned.
- (10) The right to freedom of association in political parties or other voluntary organizations on the basis of social and personal interests and opinion. Political parties and other mass organizations shall uphold public order and State security, and abide by the law. Discrimination against or persecution of a person for joining a political party or other associations or for being a member thereof shall be prohibited. Party membership of some categories of State employees may be suspended.
- (11) Men and women shall enjoy equal rights in political, economic, social, cultural fields and in marriage. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child.
- (12) The right to submit a petition or a complaint to State bodies and officials. State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law.
- (13) The right to personal liberty and safety. No one shall be searched, arrested, detained, prosecuted or restricted of liberty save in accordance with procedures and grounds determined by law. No one shall be subjected to torture, inhuman, cruel or degrading treatment. When a person has been arrested he/she, his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and homes shall be protected by law.
- (14) The right to appeal to the court to protect his/her rights if he/she considers that the rights or freedoms as spelt out by Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by others; not to testify against himself/herself, his/her family, or parents and children; to defence; to receive legal assistance; to have evidence examined; to a fair trial; to be tried in his/her presence; to appeal against a court decision; to seek pardon. Compelling a person to testify against himself/herself shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. The penalties imposed on the convicted shall not be applicable to his/her family members and relatives.

- (15) Freedom of conscience and religious belief.
- (16) Freedom of thought, opinion and expression, speech, press, assembly and peaceful demonstration. Procedures for organizing demonstrations and other assemblies shall be determined by law.
- (17) The right to seek and receive information except that which the State and its bodies are legally bound to protect as secret. Information which is not subject to disclosure shall be classified and protected by law in order to protect human rights and the dignity and reputation of persons and to ensure national defence, security and public order.
- (18) The right to freedom of movement and residence within the country, to travel and reside abroad and to return to the home country. The right to travel and reside abroad may be limited exclusively by law for the purpose of ensuring the security of the country and population and protecting public order.

Article Seventeen

1. Citizens of Mongolia, while upholding justice and humanism, shall fulfill in good faith the following basic duties:

- (1) To respect and abide by the Constitution and other laws;
- (2) To respect the dignity, reputation, rights and legitimate interests of others;
- (3) To pay taxes levied by law;
- (4) To defend the motherland and serve in the army according to the law.

2. Working, protecting his/her health, bringing up and educating his/her children and protecting nature and the environment shall be a sacred duty for every citizen.

Article Eighteen

1. The rights and duties of aliens residing in Mongolia shall be regulated by Mongolian law and by the treaties concluded with the State of the person concerned.

2. Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign nationals when concluding international treaties.

3. The rights and duties of stateless persons within the territory of Mongolia shall be determined by Mongolian law.

4. Aliens or stateless persons persecuted for their convictions, political or other activities in pursuit of justice, may be granted asylum in Mongolia on the basis of their well-founded request.

5. In allowing the foreign nationals and stateless persons under the jurisdiction of Mongolia to exercise the basic rights and freedoms provided for in Article 16 of this Constitution, the State of Mongolia may establish necessary restrictions upon the rights other than the inalienable rights spelt out in the international instruments to which Mongolia is a party, out of a concern to ensure the security of the country and population, and public order.

Article Nineteen

1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees ensuring human rights and freedoms, for the prevention of violations of human rights and freedoms and the restoration of infringed rights.

2. In case of a state of emergency or martial law, the human rights and freedoms defined by the Constitution and other laws shall be subject to limitation only by a law. Such a law shall not affect the right to life, freedom of opinion, conscience and religion, as well as the right not to be subjected to torture, inhuman and cruel treatment.

3. In exercising his/her rights and freedoms, a person may not infringe national security or the rights and freedoms of others or violate public order.

CHAPTER THREE

Structure of the State

I. The State Great Hural

Article Twenty

The State Great Hural is the highest organ of State power, and legislative power shall be vested solely therein.

Article Twenty-one

1. The State Great Hural shall have one chamber and consist of 76 members.

2. The members of the State Great Hural shall be elected by citizens qualified to vote, on the basis of universal, free, direct suffrage by secret ballot for a term of four years.

3. Citizens of Mongolia who exercise their electoral rights and have reached the age of twenty-five shall be eligible for election to the State Great Hural.

4. The procedure for the election of members of the State Great Hural shall be determined by law.

Article Twenty-two

1. If extraordinary circumstances arising from sudden calamities in the whole or part of the country or imposition of martial law or outbreak of public disorder prevent the holding of regular general elections, the State Great Hural shall retain its mandate until the extraordinary circumstances cease to exist and the newly elected members of the State Great Hural have been sworn in.

2. The State Great Hural may decide on its dissolution if not less than two thirds of its members consider that it is unable to carry out its mandate, or if the President, in consultation with the Chairman of the State Great Hural, proposes to do so for the same reason. In the event of such a decision, the State Great Hural shall exercise its powers until its newly elected members have been sworn in.

Article Twenty-three

1. A member of the State Great Hural shall be an envoy of the people, and shall represent and uphold the interests of all the citizens and the State.

2. The mandate of a member of the State Great Hural shall begin with an oath taken before the State Emblem and shall expire when newly elected members of the State Great Hural are sworn in.

Article Twenty-four

1. The Chairman and Vice-Chairman of the State Great Hural shall be nominated and elected from among the members of that body by secret ballot.

2. The term of office of the Chairman and Vice-Chairman of the State Great Hural shall be four years. They can be relieved of or removed from their posts before the expiry of their terms for reasons defined by law.

Article Twenty-five

1. The State Great Hural may consider on its own initiative any issue pertaining to domestic and foreign policies of the country. It shall be the sole competent body for the following questions:

- (1) Adopting, supplementing and amending laws;
- (2) Determining the basis of the State's domestic and foreign policies;
- (3) Setting and announcing the dates of elections of President, the State Great Hural and its members;
- (4) Determining and changing the structure and composition of the Standing Committees of the State Great Hural, the Government and other bodies directly accountable to it under the law;

- (5) Passing a law validating the election of the President and recognizing his powers, releasing him from his duties or recalling him;
- (6) Appointing, replacing or removing the Prime Minister, members of the Government and other bodies responsible and accountable to the State Great Hural as provided for by law;
- (7) Defining the State's financial, credit, tax and monetary policies, laying down basic guidelines for the country's economic and social development, approving the Government's programme of action, the State budget and the report on its execution;
- (8) Supervising the implementation of laws and other decisions of the State Great Hural;
- (9) Defining the State's borders;
- (10) Determining the structure, composition and powers of the National Security Council of Mongolia;
- (11) Approving and changing the administrative and territorial division of the country at the suggestion of the Government;
- (12) Determining the legal basis of the system, structure and activities of local self-governing and administrative bodies;
- (13) Instituting titles, orders, medals and higher military ranks, determining the table of ranks in some special fields of State service;
- (14) Issuing acts of amnesty;
- (15) Ratifying and denouncing international agreements to which Mongolia is a party, establishing and severing diplomatic relations with foreign States at the suggestion of the Government;
- (16) Holding national referendums, verifying the validity of a referendum in which the majority of eligible citizens has taken part, and considering the question which has obtained a majority vote as decided;
- (17) Declaring a state of war in the event that the sovereignty and independence of the State are threatened by armed actions on the part of a foreign power, and ending it;
- (18) Declaring a state of emergency or martial law in the whole or some parts of the country in special circumstances described in Sections 2 and 3 of this Article, and approving or nullifying the President's decree to that effect.

2. Under the following extraordinary circumstances the State Great Hural may declare a state of emergency to eliminate the consequences thereof and to restore the life of the population and society to the norm:

- (1) Natural disasters or other unforeseen dangers which directly threaten or may threaten the life, health, well-being and security of the population in the whole or a part of the country's territory;
- (2) Public authorities are not able within legal limits to cope with public disorders caused by organized, violent, illegal actions of an organization or a group of people threatening the constitutional order and the existence of the legitimate social system;
3. The State Great Hural may declare martial law if public disorders in the whole or a part of the country's territory result in an armed conflict or create a real threat of an armed conflict, or if there is an armed aggression or a real threat of such an aggression by a foreign State.
4. The other powers, organization and the procedures of the State Great Hural shall be defined by law.

Article Twenty-six

1. The President, members of the State Great Hural and the Government shall have the right of legislative initiative.
2. Citizens and other organizations shall forward their suggestions on draft laws to those entitled to initiate a law.
3. National laws shall be subject to official promulgation through publication and, if the law does not provide otherwise, shall enter into force 10 days after the date of publication.

Article Twenty-seven

1. The State Great Hural shall exercise its powers through its sessions and other organizational forms.
2. Regular sessions of the State Great Hural shall be convened once every six months. Each session shall last not less than 75 working days.
3. Special sessions may be convened at the demand of more than one-third of the members of the State Great Hural, and/or on the initiative of the President and the Chairman of the State Great Hural.
4. The President shall convene constituent sessions of the State Great Hural within 30 days following the elections. Other sessions shall be convened by the Chairman of the State Great Hural.
5. Should the President proclaim a state of emergency or war, the State Great Hural shall be convened for a special session within 72 hours without prior announcement.

6. The presence of an overwhelming majority of members of the State Great Hural shall be required to consider a session valid, and decisions shall be taken by a majority of all members present if the Constitution and other laws do not provide otherwise.

Article Twenty-eight

1. The State Great Hural shall establish the Standing Committees it needs to carry out its activities.

2. The State Great Hural shall determine the competence, organization, and procedures of the Standing Committees.

Article Twenty-nine

1. Members of the State Great Hural shall be remunerated from the State budget during their tenure. They shall not hold concurrently any posts and employment other than those assigned by law.

2. Immunity of members of the State Great Hural shall be protected by law.

3. The State Great Hural, meeting in plenary, shall debate questions concerning the involvement of one of its members in a crime to decide on the suspension of his/her mandate. If a court rules that the member is guilty, it shall end his/her term of office.

II. The President

Article Thirty

1. The President shall be the Head of State and embodiment of the unity of the Mongol people.

2. A citizen born a Mongol who has attained the age of forty-five years, and has permanently resided as a minimum for the last five years in Mongolia, shall be eligible for election to the post of President for a term of four years.

Article Thirty-one

1. Presidential elections shall be conducted in two stages.

2. Political parties which have obtained seats in the State Great Hural shall nominate individually or collectively presidential candidates, with one candidate per party or coalition of parties.

3. At the primary stage of the elections, citizens eligible to vote shall participate in electing the President on the basis of universal, free and direct suffrage by secret ballot.

4. The State Great Hural shall consider the candidate who has obtained a majority of all votes cast in the first voting as elected the President, and shall pass a law recognizing his/her powers;

5. If none of the candidates obtains a majority of votes in the first round, voting shall take place a second time involving the two candidates who have obtained the largest number of votes in the first round. The candidate who wins a majority of all votes cast in the second ballot shall be considered as elected, and the State Great Hural shall pass a law recognizing his/her powers.

6. If neither of the candidates wins in the second ballot, presidential elections shall be held anew.

7. The President shall only be eligible for re-election once.

8. The President shall not be Prime Minister, a member of the State Great Hural or a member of the Government. Nor shall he hold concurrently any other posts or pursue any occupation not relating to his duties assigned by law. If the President holds another office or a post, he/she shall be relieved of it from the date on which he/she is inaugurated.

Article Thirty-two

1. The mandate of the President shall become effective with an oath taken by him/her and shall expire with an oath taken by the newly elected President.

2. Within 30 days after the election the President shall take an oath before the State Great Hural: "I swear to guard and defend the independence and sovereignty of Mongolia, freedom of the people and national unity and to uphold and observe the Constitution and faithfully perform the duties of President".

Article Thirty-three

1. The President enjoys the following prerogatives:

- (1) To veto, wholly or partially, laws and other decisions adopted by the State Great Hural. The laws or decisions shall remain in force if two thirds of the members of the State Great Hural present do not accept the President's veto;
- (2) To propose to the State Great Hural the name of a candidate for appointment to the post of Prime Minister in consultation with the majority party or parties in the State Great Hural if none of them has obtained a majority, as well as to propose to the State Great Hural the dissolution of the Government;
- (3) To instruct the Government on issues within his competence. If the President issues a relevant decree it shall become effective upon signature by the Prime Minister;

- (4) To represent the Mongolian State in foreign relations and, in consultation with the State Great Hural, to conclude international treaties on behalf of Mongolia;
- (5) To appoint and recall heads of plenipotentiary missions to foreign countries in consultation with the State Great Hural;
- (6) To receive the letters of accreditation or recall of heads of diplomatic missions of foreign States;
- (7) To confer State titles and higher military ranks and award orders and medals;
- (8) To grant pardon;
- (9) To decide matters related to the granting and withdrawing of Mongolian citizenship and the granting of asylum;
- (10) To head the National Security Council of Mongolia;
- (11) To declare general or partial conscription;
- (12) To declare a state of emergency or martial law on the whole or a part of the national territory and to order the deployment of armed forces when extraordinary circumstances described in Sections 2 and 3 of Article 25 of this Constitution arise and the State Great Hural, in between two sessions, cannot be summoned at short notice. The State Great Hural shall consider within seven days the presidential decree declaring a state of emergency or martial law and shall approve or disapprove it. If the State Great Hural does not take a decision on the matter, the presidential decree shall become null and void.

2. The President shall be the Commander-in-Chief of the Armed Forces of Mongolia.

3. The President may address messages to the State Great Hural and/or to the people; he may at his own discretion attend sessions of the State Great Hural, report on and submit proposals concerning vital issues of domestic and foreign policies of the country.

4. Other specific powers may be vested in the President only by law.

Article Thirty-four

1. The President within his powers shall issue decrees in conformity with law.

2. If a presidential decree is incompatible with law, the President himself or the State Great Hural shall invalidate it.

Article Thirty-five

1. The President shall be responsible to the State Great Hural.
2. If the event of a violation of the Constitution and/or abuse of power in breach of his oath, the President may be removed from his post on the basis of the findings of the Constitutional Court by an overwhelming majority of members of the State Great Hural present and voting.

Article Thirty-six

1. The person, residence and transport of the President shall be inviolable.
2. The dignity and immunity of the President shall be protected by law.

Article Thirty-seven

1. In the temporary absence of the President, his powers shall be exercised by the Chairman of the State Great Hural.
2. In the event of the resignation, death or voluntary retirement of the President, his powers shall be exercised by the Chairman of the State Great Hural pending the inauguration of the newly elected President. In such a case, the State Great Hural shall announce and hold presidential elections within four months.
3. The procedure for the discharge of presidential duties by the Chairman of the State Great Hural shall be determined by law.

III. The Government

Article Thirty-eight

1. The Government is the highest executive body of the State.
2. Carrying out the State laws and directing the economic, social and cultural development of the country, the Government shall exercise the following powers:
 - (1) To organize and ensure nationwide implementation of the Constitution and other laws;
 - (2) To work out a comprehensive policy on science and technology, basic guidelines for economic and social development, the State budget, credit and fiscal plans and to submit these to the State Great Hural and to execute decisions taken thereon;
 - (3) To elaborate and implement comprehensive measures on sectoral, intersectoral, as well as regional development;
 - (4) To undertake measures on the protection of the environment and on the rational use and restoration of natural resources;

- (5) To head up central state administrative bodies and to direct the activities of local administrations;
- (6) To strengthen the country's defence capabilities and to ensure national security;
- (7) To take measures for the protection of human rights and freedoms, enforcement of public order and prevention of crime;
- (8) To implement the State's foreign policy;
- (9) To conclude and implement international treaties with the consent of and subsequent ratification by the State Great Hural as well as to conclude and abrogate intergovernmental treaties.

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

Article Thirty-nine

1. The Government shall comprise the Prime Minister and members.
2. The Prime Minister shall, in consultation with the President, submit his/her proposals on the structure and composition of the Government and on the changes in these to the State Great Hural.
3. The State Great Hural shall discuss individually each of the candidatures proposed by the Prime Minister and take decisions on their appointment.

Article Forty

1. The term of the mandate of the Government shall be four years.
2. The term of office of the Government shall start from the day of the appointment of the Prime Minister by the State Great Hural and terminate upon the appointment of a new Prime Minister.

Article Forty-one

1. The Prime Minister shall lead the Government and shall be responsible to the State Great Hural for the implementation of State laws.
2. The Government shall be accountable for its work to the State Great Hural.

Article Forty-two

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

Article Forty-three

1. The Prime Minister may tender his/her resignation to the State Great Hural before the expiry of his/her term of office if he/she considers that the Government is unable to exercise its powers.
2. The Government shall step down in its entirety upon the resignation of the Prime Minister or if half of the members of the Government resign at the same time.
3. The State Great Hural, after having taken the initiative to dissolve the Government, having received a proposal from the President of the Republic to this effect or having received a statement or notice of resignation from the Prime Minister, shall debate the matter and decide in favour thereof or against within 15 days.
4. The State Great Hural shall consider and take a decision on the dissolution of the Government if not less than one-fourth of the members of the State Great Hural officially propose the dissolution of the Government.

Article Forty-four

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

Article Forty-five

1. The Government shall, in conformity with legislation, issue decrees and ordinances which shall be signed by the Prime Minister and the Minister responsible for their application.
2. If these decrees and ordinances are incompatible with laws and regulations, the Government itself or the State Great Hural shall invalidate them.

Article Forty-six

1. Ministries and other government offices shall be constituted in accordance with law.
2. State employees shall be Mongolian nationals. They shall strictly abide by the Constitution and other laws and work for the benefit of the people and in the interests of the State.
3. The work conditions and social guarantees of State employees shall be determined by law.

IV. The judiciary

Article Forty-seven

1. In Mongolia, the judicial power shall be vested exclusively in courts.
2. Regardless of the circumstances, unlawful constitution of courts and exercise of judicial power by any other organization but courts shall be prohibited.
3. Courts shall be constituted solely under the Constitution and other laws.

Article Forty-eight

1. The judicial system shall consist of the Supreme Court, Aimag (province) and capital city courts, Soum (provincial district), intersoum and Diiireg (city district) courts. Specialized courts such as criminal, civil, and administrative courts may be formed. The activities and decisions of these specialized courts shall not be removed from the supervision of the Supreme Court.
2. The structure of courts and the legal basis of their activities shall be defined by law.
3. The courts shall be financed from the State budget. The State shall provide an economic guarantee of the courts' activities.

Article Forty-nine

1. Judges shall be independent and subject only to law.
2. Neither any private person nor the President, Prime Minister, members of the State Great Hural or the Government, officials of political parties or other voluntary organizations shall interfere with the way in which judges exercise their duties.
3. So as to ensure the independence of the judiciary, a General Council of Courts shall function.
4. The General Council of Courts, without interfering in the activities of courts and judges, shall deal exclusively with the selection of judges from among lawyers, protection of their rights and other matters pertaining to the ensurance of conditions guaranteeing the independence of the judiciary.
5. The organization and procedures of the General Council of Courts shall be defined by law.

Article Fifty

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

- (1) To try at first instance criminal cases and legal disputes under its jurisdiction;
- (2) To examine decisions of lower-instance courts through appeal and supervision;
- (3) To examine and take decision on matters related to the protection of law and human rights and freedoms therein and transferred to it by the Constitutional Court and the Prosecutor General;
- (4) To provide official interpretations for correct application of all other laws except the Constitution;
- (5) To make judgments on all other matters assigned to it by law.

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

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

Article Fifty-one

1. The Supreme Court shall comprise the Erönhii Shiüügch (Chief Justice) and judges.

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

3. A Mongolian national who has reached 35 years of age with a higher education in law and a professional career of not less than ten years may be appointed a judge of the Supreme Court. A Mongolian national of 25 years of age with a higher education in law and a professional career of not less than three years may be appointed a judge of the other courts.

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

Article Fifty-two

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

2. In passing a collective decision on cases and disputes, the courts of first instance shall allow representatives of citizens to participate in the proceedings in accordance with the procedures prescribed by law.

3. A judge alone may take a decision on certain cases which are specifically singled out by law.

Article Fifty-three

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

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

Article Fifty-four

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

Article Fifty-five

1. The accused shall have the right to defend himself.

2. The accused shall be accorded legal assistance according to law and at his/her request.

Article Fifty-six

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

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

3. The system, structure and legal basis of the activities of the Prosecutor's Office shall be determined by law.

CHAPTER FOUR

**Administrative and Territorial Units
and their Governing Bodies**

Article Fifty-seven

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

(provincial subdistrict); the capital city shall be divided into Diiiiregs and Diiiiregs into Horoos (city subdistrict).

2. The legal status of towns and other settlements located on the territories of administrative divisions shall be defined by law.

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

Article Fifty-eight

1. Aimags, the capital city, Soums and Diiiiregs are administrative, territorial and economic and social complexes with their functions and administrations provided for by law.

2. The borders of Aimags, the capital city, Soums and Diiiiregs shall be approved by the State Great Hural at the suggestion of the Government.

Article Fifty-nine

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

2. The self-governing bodies in Aimags, the capital city, Soums and Diiiiregs shall be Hurals (Assemblies) of representatives of the citizens of respective territories; in Baghs and Horoos - general meetings of citizens. In between the sessions of the Hurals and general meetings their Presidiums shall assume administrative functions.

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

Article Sixty

1. State power shall be exercised on the territories of Aimags, the capital city, Soums, Diiiiregs, Baghs and Horoos by the Zasag Darga (governor) of these territories.

2. Candidates for Zasag Darga are nominated by the Hurals of respective Aimags, the capital city, Soums, Diiiiregs, Baghs and Horoos. Zasag Darga of the respective Aimags and the capital city are appointed by the Prime Minister; Sum and Diiiireg Zasag Darga by the Zasag Darga of Aimags and the capital city; Zasag

Dargas of Baghs and Horoos by the Zasag Dargas of Soums and respectively for a term of four years.

3. If a gubernatorial nominee is not accepted by the Prime Minister or a Zasag Darga of a higher level, the previously appointed Zasag Darga shall exercise his/her mandate pending the appointment of a new Zasag Darga in the manner prescribed in Section 2 of this Article.

Article Sixty-one

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

2. Zasag Darga shall have a right to veto decisions of the respective Aimag, capital city, Soum, Diiüreg, Bagh or Horoo Hurals.

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

4. Zasag Dargas of Aimags, the capital city, Soums and Diiiiregs shall have secretariats/Offices of the Seal. The Government shall determine the structure and sizes of these offices individually or by a uniform standard.

Article Sixty-two

1. Local self-governing bodies, besides making independent decisions on matters concerning the economic and social life of the respective Aimag, the capital city, Soum, Diiiireg, Bagh and Horoo, shall organize the participation of the population in solving problems of larger territorial divisions and those of a national scale.

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

3. If the State Great Hural and the Government deem it necessary, they may refer some matters within their competence to the Aimag and capital city Hurals and Zasag Darga for them to solve.

Article Sixty-three

1. Hurals of Aimag, the capital city, Soums, Diiiiregs, Baghs and Horoos shall adopt resolutions and Governors shall issue ordinances within their competence.

2. Resolutions of the Hurals and ordinances of the Zasag Darga shall be in conformity with Presidential decrees and decisions of the Government and shall be binding within their respective territories.

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

CHAPTER FIVE

Ündsen Huuliin Tsets (The Constitutional Court).

Article Sixty-four

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

2. The Constitutional Court and its members in the execution of their duties shall be subject to the Constitution only and shall be independent of any organization, official or any other person.

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

Article Sixty-five

1. The Constitutional Court shall consist of nine members. Members of the Constitutional Court shall be appointed by the State Great Hural for a term of six years, with three of them to be nominated by the State Great Hural, three by the President and the remaining three by the Supreme Court.

2. A member of the Constitutional Court shall be a Mongolian national who has reached forty years of age and has high political and legal qualifications.

3. The Chairman of the Constitutional Court shall be elected from among nine members for a term of three years by a majority vote of the members of the Constitutional Court. He is eligible for re-election once.

4. If the Chairman or a member of the Constitutional Court violates the law, he/she may be withdrawn by the State Great Hural on the basis of the decision of

the Constitutional Court and on the opinion of the institution which nominated him/her.

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

Article Sixty-six

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

2. The Constitutional Court, in accordance with Section 1 of this Article, shall give its conclusions to the State Great Hural on:

- (1) The conformity of laws, decrees and other decisions by the State Great Hural and the President, as well as Government decisions and international treaties signed by Mongolia with the Constitution;
- (2) The constitutionality of decisions of the central election authorities on national referendums and the elections of the State Great Hural and its members as well as presidential elections;
- (3) Breaches of law by the President, Chairman and members of the State Great Hural, the Prime Minister, members of the Government, the Chief Justice and the Prosecutor General;
- (4) The well-foundedness of the grounds for the removal of the President, Chairman of the State Great Hural and the Prime Minister and for the recall of members of the State Great Hural.

3. If a conclusion submitted in accordance with Clauses 1 and 2 of Section 2 of this Article is not accepted by the State Great Hural, the Constitutional Court shall re-examine it and take a final decision.

4. If the Constitutional Court decides that the laws, decrees and other decisions of the State Great Hural and the President as well as Government decisions and international treaties concluded by Mongolia are incompatible with the Constitution, the laws, decrees, instruments of ratification and decisions in question shall be considered invalid.

Article Sixty-seven

Decisions of the Constitutional Court shall enter into force immediately.

CHAPTER SIX

Amendment of the Constitution

Article Sixty-eight

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

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

Article Sixty-nine

1. The Constitution and any amendments thereto shall be adopted by a vote of not less than three-fourths of all members of the State Great Hural.

2. A draft amendment to the Constitution which has twice failed to win three-fourths of the votes of all members of the State Great Hural may not be reconsidered until the State Great Hural has been reconvened with its new members following regular general elections.

3. The State Great Hural shall not undertake amendment of the Constitution within the six months prior to the next general elections.

4. Amendments which have been adopted shall have the same force as the Constitution.

Article Seventy

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

2. This Constitution of Mongolia shall enter into force at 12.00 hours on the 12th of February 1992, i.e. at the hour of the Horse on the prime and benevolent ninth day of the Yellow Horse of the first spring month of the Black Tiger, in the year of the Water Monkey of the Seventeenth 60-year Cycle.

Learn the Constitution and Abide by it

THE GREAT PEOPLE'S HURAL
OF THE
MONGOLIAN PEOPLE'S REPUBLIC

11.35 a.m
13 January 1992

Ulaanbaatar

B. Provisional Law annexed to the Constitution of Mongolia *January 1992*

On the transition from the Constitution of the MPR to the Constitution of Mongolia

Article One

Re-organization of Supreme Legislative and Executive Bodies in Accordance with the Constitution of Mongolia

1. Following the elections for the State Great Hural to be held in June 1992 in accordance with the provisions of the Constitution of Mongolia, the State Great Hural of Mongolia shall be established and shall form the Government of Mongolia.

2. The Great People's Hural and the State Baga Hural of the MPR shall retain their mandates until the State Great Hural and the Government of Mongolia are formed and they start to exercise their powers. During this period:

- (1) The Great People's Hural may on its own initiative consider and decide any matters pertaining to either domestic or foreign policy and may elect, relieve and/or remove the President and Vice President, introduce changes in the composition of the State Baga Hural and appoint, replace and/or remove the Prime Minister in accordance with Clauses 6, 7 of Section 1 of Article 25 of the Constitution of Mongolia, determine the basic guidelines of the economic and social development of the country, and also exercise the powers provided by Article 69 of the Constitution of Mongolia.
- (2) The State Baga Hural shall exercise full powers provided for by the Constitution of Mongolia in the capacity of the Supreme Legislature except in matters specifically assigned by this Annexed Law to the jurisdiction of the Great People's Hural. It shall further take decisions to appoint and/or relieve the Prime Minister in between sessions of the Great People's Hural, subject to subsequent confirmation by the latter.
- (3) The Government of the MPR shall retain its mandate until the State Great Hural forms a new Government, during which period it shall exercise its full powers provided for by the Constitution of Mongolia.

Article Two

Exercise of Power by the President

1. In accordance with the provisions of the Constitution of Mongolia, the first President of the MPR shall exercise the powers of the President of the Republic until a new President has been elected and sworn in. From the day the Constitution of Mongolia enters into force, the President shall be called the President of Mongolia.
2. The election of the President of Mongolia shall be held in June 1993.

Article Three

**Exercise of Judicial Power
(Re-organization of Courts and Prosecution)**

1. As provided for by the Constitution of Mongolia, judges of all instances and people's assessors shall exercise their full powers in conformity with the Constitution of Mongolia until the General Council of Courts has been formed and judges of appropriate instances have been appointed by the President of Mongolia.
2. The Prosecutor General appointed by the Great People's Hural and subordinate Prosecutors shall exercise their powers in conformity with the Constitution of Mongolia until a law on the Prosecution has been enacted and the President of Mongolia has appointed the Prosecutor General.
3. The reorganization of the system of courts and the Prosecution as provided for by the Constitution of Mongolia, shall be carried out by the end of 1993.
4. The Constitutional Court (Tsets) shall be formed within thirty days following the day on which an appropriate law comes into effect.

Article Four

**Implementation of Constitutional Provisions
on Administrative and Territorial Units of
Mongolia and Their Governing Bodies**

1. Until Hurals of representatives of citizens of Aimags, the capital city, Soms and districts have been formed and Zasag Darga (governors) have been appointed, the People's Hurals of all instances and their Presidium, executive authorities and their subordinate bodies shall exercise their full powers in accordance with the laws on People's Hurals and other relevant laws.

2. As provided for by the Constitution of Mongolia, the forming of local self-governing bodies, administrative integration of towns of local status situated in the territories of some Aimags, of Horoos and Dүүregs in the territories of other Soums into respective Aimags and Soums, the reorganization of existing districts in the capital city into new districts and Horoos as well as forming of Baghs in rural areas shall be carried out by 1993.

3. Until the legal status of towns and urban areas has been determined by law and their local governments have been set up accordingly, the towns of Darhan, Choyr and Erdenet shall have on their present territories administrative and territorial structures comparable to those of Aimags.

Article Five

Verification of the Constitutionality of Legislation

1. All laws in effect prior to the enactment of the Constitution of Mongolia shall be further observed as having force if they do not contradict this Constitution.

2. Relations to be regulated only by law as prescribed by the Constitution of Mongolia, shall be subject to regulation, until a new law has been enacted to that effect, by the provisions of laws and other legal instruments which have governed such relations before. Consequently, laws provided for by the Constitution shall be adopted in 1993 in accordance with the timetable worked out by the State Baga H'ural.

3. From the days the Constitution of Mongolia enters into force, the laws and other legal instruments and their provisions incompatible with this Constitution shall be regarded as void.

4. The alignment of legislation with the Constitution of Mongolia shall be completed by the end of 1996.

Article Six

**The Constitution of Mongolia and
International Treaties of Mongolia**

1. International treaties to which the MPR has been a Party prior to the entry into force of the Constitution of Mongolia, shall be further abided by if they do not contradict this Constitution.

2. If an international treaty of the MPR is not contrary to the Constitution of Mongolia but is in contradiction with the provisions of other laws of Mongolia, the provisions of the respective international treaty shall have precedence.

3. If international treaties of the MPR or their provisions are contrary to the Constitution of Mongolia, the question of their alignment with this Constitution shall be resolved in 1993 in accordance with the universally recognized principles of international law and the conditions and procedures set out by the respective treaties.

Article Seven

The Constitution of Mongolia and Human Rights

1. All persons who were nationals of the MPR on the day the Constitution of Mongolia entered into force shall remain citizens of Mongolia.

2. Until relevant laws have been enacted, issues relating to the withdrawal of the Mongolian citizenship and granting this citizenship to aliens and stateless persons shall be resolved in accordance with the "Law on the citizenship of the MPR", and the "Law on the rights and duties of aliens residing in the MPR", in conformity with the substance of the Constitution of Mongolia.

3. Application of laws and international treaties of the MPR and their provisions which degrade human rights spelt out in the Constitution of Mongolia shall be prohibited once the Constitution of Mongolia has come into effect. If the provisions of a law of Mongolia or of an international treaty which are not contrary to the Constitution of Mongolia contradict human rights, the latter shall have precedence.

Article Eight

Miscellaneous Provisions

1. The text and music of the State Anthem shall be approved by the State Baga Hural before the 10th July 1992. Pending this approval, the text and music of the current Anthem shall remain in use.

2. The State Emblem, Standard, Flag and Seal shall be used from the day the Constitution of Mongolia enters into force. The Government shall gradually and in due time replace the seals and stamps of central and local State bodies as the respective institutions are reorganized.

3. From the day the Constitution of Mongolia comes into effect, the words "Mongolian People's Republic" in the names of all State institutions shall be replaced with the words "Mongol Uls" (Mongolia).

Article Nine

Enforcement of the Law

1. This Annexed Law shall have the same force as the Constitution of Mongolia.

2. This Annexed Law of the Constitution of Mongolia shall become effective on the 12th of February 1992.

3. On the day the Constitution of Mongolia comes into effect (12th of February 1992) the Constitution of the MPR (1960) and its Annexed Law shall cease to serve as having completed their historic mission.

THE GREAT PEOPLE'S HURAL
OF THE
MONGOLIAN PEOPLE'S REPUBLIC

9.38 a.m.
January 19, 1992

Ulaanbaatar

ASSOCIATION OF SECRETARIES GENERAL

Of PARLIAMENTS

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